

(BOS)

From: Sandie Yu [Sandieyu87@yahoo.com]
Sent: Monday, January 05, 2015 10:01 PM
To: Board of Supervisors (BOS)
Cc: BOS Legislation (BOS)
Subject: Appeal of planning commission decision in case no:2014.0206C

Categories: 141291

Dear board of supervisors,

I would like to voice my support to appeal the planning commission decision to allow for vape shop/ hookah lounge at 1963 Ocean Ave.

I am a resident of this area, living half of a block from this location. I have two young children who go frequently walk through this area. I do not support a shop who is selling e-cigarettes and operating a hookah lounge in a close proximity to both Commodore Sloat Elementary School and Apto Middle School in my neighbor. I strongly urge you to overturn the planning commission's decision. We want ocean avenue to attract more family friendly businesses, and encourage more community building. This shop does not fit our neighborhood needs. It would be a huge step backward!

Thank you for your consideration!

Sandie Yu
415-706-9165
55 Keystone Way
SF, Ca 94127

Sent from my iPhone

(BOS)

From: Stacey Estes [stassilc@aol.com]
Sent: Monday, January 05, 2015 8:45 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS); Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Chiu, David (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Wiener, Scott
Subject: Please appeal the Vape Shop opening on Ocean Ave--Case No. 2014.0206C
Categories: 141291

Hello,
I am writing to urge you to support the appeal to the opening of Happy Vape, an e-cigarette store on 1963 Ocean Ave., @ Victoria. This is very close to Aptos Middle School and Commodore Sloat School, and two of my children are currently at Commodore Sloat. In addition, I believe there are already two or three marijuana dispensaries in the neighborhood. Please do your best to make Ocean Ave more child-friendly, as hundreds of children walk down Ocean Ave. every day. This would be a very unwelcome addition.

Thank you,
Stacey Estes
2 Winston Drive
SF, CA 94132

(BOS)

From: brenda brown [brenbrownnda@gmail.com]
Sent: Monday, January 05, 2015 6:23 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Fwd: Thanks for agreeing to write a letter opposing the e-cigarette shop

Categories: 141291

Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C

I support the appeal and oppose the opening of the vape shop at 1963 Ocean Avenue that would sell e-cigarettes, e-liquids (the flavored nicotine liquids used to create the "vapor"), and other tobacco paraphernalia. I'm requesting the Board of Supervisors to overturn the Planning Commission's approval of the Conditional Use Authorization for this vape shop.

A business requiring a Conditional Use Authorization (CUA) must prove that it is "necessary or desirable and compatible with the neighborhood" and that "it will not be detrimental to the health, safety, and welfare of the community." I believe that the Planning Commission did not appropriately apply these criteria. It was the first CUA for tobacco paraphernalia before the Planning Commission, a city agency accustomed to dealing with building height, building design, and other issues of construction.

Here are some reasons why I'm opposed to the 1963 Ocean Avenue store:

- a) I'm no expert but I'm against these cigarettes because they dispense **nicotine** and also the liquid contains unregulated and potentially harmful chemicals.
- b) Ocean Ave. already has many stores where cigarettes and e-cigarettes are sold.
- c) This store won't contribute to the improvement of this commercial street nor will it help to attract needed business to this commercial district.
- d) Ocean Ave., particularly the 1900 block, already has too many alternative businesses that make it less attractive to neighbors and to potential businesses that could serve our residential neighborhood (including families with children under 18).
- e) As an educator with 35 years of experience, I'm very familiar with the effects of addiction on youth. There are 14 schools in the vicinity from elementary to university. E-Cigarette makers are targeting youth with ads echoing those of Big Tobacco. [Check out http://www.tobaccofreekids.org/tobacco_unfiltered/post/2013_10_02_ecigarettes for some examples. Teens and youth (20s) attracted to the "cool" "hip" factor" of the e-cigarettes could be a new generation addicted to nicotine.

Thank you for your attention to this important matter. Sincerely, Brenda Brown

(BOS)

From: Rich Gonzales and/or Geraldine Azinheira [rich@aceweb.com]
Sent: Monday, January 05, 2015 5:29 PM
To: Board of Supervisors (BOS); BOS Legislation (BOS)
Subject: Case No. 2014.0206C

Categories: 141291

Dear sir or Madam,

I am a parent of a student attending the Aptos Middle school. I do not want a "e-vapor" lounge opening near the school. I would not want another bar or especially, a medical marijuana store opening near the school either. Please oppose the permit recently granted to the folks who want to open that shop/lounge.

Thank you,

Rich Gonzales

(BOS)

From: Francois Hechinger [FHECHINGER@bdo.com]
Sent: Monday, January 05, 2015 5:09 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: rckaris@gmail.com
Subject: Support of appeal of the Conditional Use Authorization for 1963 Ocean Ave; Case No. 2014.0206C

Categories: 141291

I SUPPORT the APPEAL of the Planning Commission's approval of the Conditional Use for 1963 Ocean Ave. I STRONGLY OPPOSE this project as it is not necessary or desirable for the neighborhood.

The City has invested in the restoration of Ocean Ave Corridor. Ocean Ave has started its renewal! The 1900 block of Ocean Ave now has several businesses popular with neighbors: Ocean Cyclery, Fog Lifter Café, Yoga Flow, Emmy's Chinese Restaurant, and Serge-a-Lot (sewing). A long waited hardware store, Whole Foods, Yogurt Land, and CVS Pharmacy opened in Ocean Ave. A furniture store will soon open. These are the type of businesses the neighborhood needs and desires!

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents of San Francisco.

Please support the appeal of the Planning Commission approval. Do not impose this negative business on Ocean Ave. The Vape Shop/Hookah Lounge will not benefit the neighborhood. The 1900 block of Ocean Ave has an MCD, two tattoo parlors, three massage parlors. The residents are tired of these businesses popping up that are detrimental to the health and welfare to minors, adjacent neighbors, workers, and San Francisco citizens!

Sincerely,

Francois Hechinger

Francois Hechinger
Partner - West Region Venture & Private Equity Tax Practice Leader
415-490-3219 (Direct) 317-3219 (Internal)
415-397-2161 (Fax)
FHECHINGER@bdo.com

BDO
One Bush Street, Suite 1800
San Francisco, CA 94104
UNITED STATES
415-397-7900
www.bdo.com



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(BOS)

From: Karen Gallagher [karen.gallagher@gmail.com] on behalf of Karen Gallagher [karen@gallagher.net]
Sent: Monday, January 05, 2015 5:03 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS); Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Chiu, David (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Wiener, Scott
Subject: Letter supporting the appeal of Planning Commission decision in Case No. 2014.0206C (Opposing the vape shop at 1963 Ocean Ave.)
Categories: 141291

Dear Board of Supervisors,

We have recently become aware that a new hookah lounge / Vape store has received city approval to open at 1963 Ocean Avenue. We're writing to urge you to join us in opposition to this permit.

As you are aware, Ocean Avenue is in the midst of a revival, with some recent additions of many family friendly businesses near the Whole Foods. These new businesses have significantly improved the image of Ingleside and nearby neighborhoods and have made great strides towards attracting families to the area as well as retaining those who have been here for years. We believe the opening of Happy Vape would be a step in the wrong direction. Particularly given the multiple marijuana dispensaries, massage parlors, etc. already operating on Ocean Avenue, the opening of this store risks establishing this area as a major destination for marijuana commerce.

Our kids attend Commodore Sloat Elementary school, we live in the neighborhood and walk to school. We walk right past this location as we try to frequent and support the businesses along the Ocean Avenue corridor on our way home. As a member of the Commodore Sloat PCO (Parent Committee), we do our best to promote walking to school and we strive to make it an enjoyable experience for our families - we don't want to avoid Ocean Ave. It concerns us that this would happen close to an elementary school - and even worse - only 3 blocks from our middle school and the public park - with a name like Happy Vape.

Thank you for your consideration and support.

Sincerely,
Karen Gallagher
900 Faxon Ave
San Francisco

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(BOS)

From: Caroline Leconte [caroline.leconte@gmail.com]
Sent: Monday, January 05, 2015 4:56 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS); Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Chiu, David (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Wiener, Scott
Subject: SUBJ: Please appeal the Vape Shop opening on Ocean Ave--Case No. 2014.0206C
Categories: 141291

Hello,

I am writing to urge to support the appeal to the opening of Happy Vape, an e-cigarette store on 1963 Ocean Ave., @ Victoria. This is very close to Aptos Middle School and Commodore Sloat School. In addition, I believe there are already two or three marijuana dispensaries in the neighborhood.

Please do your best to make Ocean Ave more child-friendly, as hundreds of children walk down Ocean Ave. every day. This would be a very unwelcome addition.

Thank you,

Caroline Munck

(1 (BOS)

From: Anita Theoharis [atheoharis@sbcglobal.net]
Sent: Monday, January 05, 2015 4:48 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS)
Subject: Appeal of Conditional Use Case No. 2014-0206C, 1963 Ocean Avenue Board of Supervisors file 141291, January 13, 2015
Attachments: Appeal of CU No. 2014.0206C 1963 Ocean Ave. WPA letter 1_4_15.pdf; Balboa_Park_Station_Area_Plan.pdf; Kjelstrom Economic Development Final Report 2014.10.31.pdf
Categories: 141291

Attention: Mr. John Carroll

Dear Mr. Carroll:

Thanks so much for your assistance today.

Attached are the following documents to be included in the file:

1. Letter from Westwood Park Association dated January 4, 2015
2. Balboa Park Station Area Plan (attachment to Westwood Park Association letter)
3. Kjelstrom Economic Study of Ocean Avenue Corridor (attachment to Westwood Park Association letter)

Again, thanks.

Kindest regards,

Anita Theoharis
Board Member
Planning and Zoning Chair
Westwood Park Association

WESTWOOD PARK



January 4, 2015

Via Electronic Mail and USPS

Ms. Angela Calvillo, Clerk of the Board of Supervisors
Honorable Supervisors John Avalos, London Breed, David Campos, Malia Cohen, Mark Farrell,
Jane Kim, Eric Mar, Katy Tang, Scott Wiener and Norman Yee

City and County of San Francisco
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

Re: Appeal of Conditional Use Authorization Case No. 2014.0206C
Proposed Vape Lounge 1963 Ocean Avenue, San Francisco CA
Hearing January 13, 2015

Dear Supervisors:

The Westwood Park Association ("WPA") a 685 home planned unit development that borders the Ocean Avenue commercial corridor respectfully requests that you grant the appeal in this case.

You have been provided with a wealth of information regarding the health issues surrounding this business. While we share those concerns, there is another significant reason to grant the appeal. We will concentrate on an important land use issue relating to this appeal; namely the execution of a plan to turn this area into a model transit village.

We respectfully disagree with the findings that support the proposed project is in compliance with the Balboa Station Area Plan, ("Balboa Plan"), copy attached.**

By way of background, the property is located within the Balboa Plan area.

The Balboa Plan was signed into legislation in 2009 and became an Area Plan within the General Plan. As an Area Plan, the Balboa Plan is to be used to guide the City's decision-making on land use issues on the Ocean Avenue commercial corridor, ("corridor.")

The Balboa Plan calls for increased housing on a transit rich corridor to enable residents to take public transportation to work and provide them access to businesses that provide needed goods and services in close proximity to the surrounding

The Westwood Park Association, P.O. Box 27901 #770, San Francisco, California 94127
(415) 333-1125 www.westwoodpark.com email: board@westwoodpark.com

neighborhoods. In essence, the Balboa Plan calls for a "transit village" allowing for more much needed housing while at the same time being pedestrian friendly. The corridor would provide needed goods and services for the neighborhood by allowing residents to walk or ride their bikes or would only be a short car ride to neighborhood serving commercial establishments.

Policy 1.2.3 of the Balboa Plan specifically states: Retain and improve the neighborhood's existing businesses while also attracting new businesses that address unmet retail and service needs of the diverse local neighborhoods. The primary customer base of the neighborhood commercial district consists of residents of the surrounding neighborhoods, although a few specialty retailers draw customers from a broader region. However, residents presently make a significant portion of their retail purchases at other shopping districts both within and outside of San Francisco."

In September 2014, the San Francisco Office of Economic and Workforce Development ("OEWD") funded a study by consultant, Keith Kjelstrom ("Kjelstrom Report") to evaluate and assist in business development on the corridor that is a part of the Balboa Plan (copy attached).**

Page 4 of the Kjelstrom Report states that "there is unmet trade area consumer demand that could be captured by expanding existing business or opening new ones. There is a total retail and restaurant demand of \$950.5 million dollars each year. Unmet consumer demands that may represent business development opportunities totaling nearly \$671 million annually, are indicated in many categories including furniture and home furnishings, clothing and accessories, garden supplies, general merchandise and specialty stores." Presently, many residents in the surrounding communities drive to West Portal or other shopping districts that provide a variety of neighborhood serving retail establishments.

There are already two vape lounges dedicated to e-cigarette sales and smoking on the premises located within one and one half miles from the proposed project. They are Juicebox Vapor located at 907 Taraval Street at 19th Avenue and Dream Cloud Vapor located at 4971 Mission Street near Geneva Avenue. In addition, e-cigarette and other tobacco products are also available for sale in six other establishments within the corridor. This is more than enough close by establishments for any residents that desire to purchase or smoke these products on site.

Residents of our diverse communities surrounding Ocean Avenue along with city agencies have been working for many years to revitalize Ocean Avenue and attract much needed neighborhood businesses and services to the corridor. During several community meetings residents were asked about what businesses and services were needed on Ocean Avenue. A vape lounge and store selling tobacco products was not on the list. The Kjelstrom Report agrees with residents that have stressed the need for a variety of restaurants, specialized grocery, hardware, gardening supplies, new and used books, clothing, galleries, music equipment, toys and the like.

When you take the overall goals of the Balboa Plan, the OWED and many other city agencies as well as the many residents who live in the surrounding community into

account, it becomes quite clear that the proposed project does not meet the required conditional use criteria of necessary, desirable or compatible. Simply put, the present and future residents of this area do not need more retail e-cigarette establishments or lounges that sell e-cigarettes and other tobacco products.

This project would have a negative impact on achieving the Balboa Plan's goal to build much needed housing that is supported by nearby businesses that residents could readily access.

The area within the Balboa Plan is meant to be a model for the future. But that requires both careful planning and then execution of that planning. At this point the planning has been done. All that remains is the proper execution of the plan elements.

Approval of the appeal and denial of the conditional use before you will be just the sort of execution needed to assist in realizing the vision of the Balboa Plan by encouraging much needed retail and small businesses that are necessary, desirable and compatible to come to the corridor.

Thank you for your kind consideration

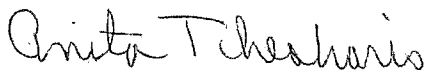
Sincerely,

WESTWOOD PARK ASSOCIATION

Board of Directors:

Kate Favetti, Kathy Beitiks, Anne Chen, Tim Emert, Caryl Ito and Ravi Krishnaswamy

By:



Anita Theoharis, Board Member
Planning and Zoning Chair

cc: Ms. Marcelle Boudreaux, Planner

Mr. Robert Karis, Appellant

Mr. Ken Rich, Mayor's Office of Economic and Workforce Development

Mr. Richard Kurylo, Mayor's Office of Economic and Workforce Development

**Attachments contained in copies that are mailed electronically



BALBOA PARK STATION



AN AREA PLAN OF THE GENERAL PLAN
OF THE CITY AND COUNTY OF SAN FRANCISCO

OCTOBER 2008 | DRAFT FOR ADOPTION

CONTENTS

Contents

I. Summary of Objectives & Policies	ii
II. Preface: About the Better Neighborhoods Program	01
III. Plan Introduction	02
IV. Plan Elements	05
1 LAND USE	06
2 TRANSPORTATION	12
3 PARKING	18
4 HOUSING	24
5 STREETS & OPEN SPACE	29
6 BUILT FORM	36
7 HISTORIC PRESERVATION	49
8 PUBLIC ART	53

Maps

MAP 1 Plan Area	02
MAP 2 Plan Subareas	03
MAP 3 Land Use Districts	11
MAP 4 Bicycle Improvements & Transit Preferential Streets	17
MAP 5 Open Space Improvements	31
MAP 6 Height Districts	48

I. SUMMARY OF OBJECTIVES & POLICIES

01 LAND USE

OBJECTIVE 1.1

INTEGRATE THE DIVERSE USES IN THE PLAN AREA AROUND THE COMMERCIAL SPINE AND TRANSIT NODE.

POLICY 1.1.1

Strengthen the link between transportation and land use.

OBJECTIVE 1.2

STRENGTHEN THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

POLICY 1.2.1

Improve access to and from the commercial district.

POLICY 1.2.2

Encourage mixed-use residential and commercial infill within the commercial district.

POLICY 1.2.3

Retain and improve the neighborhood's existing businesses while also attracting new businesses that address unmet retail and service needs of the diverse local neighborhoods.

OBJECTIVE 1.3

ESTABLISH AN ACTIVE, MIXED-USE NEIGHBORHOOD AROUND THE TRANSIT STATION.

POLICY 1.3.1

Mixed-use housing and retail should be the principal land use in the Transit Station Neighborhood.

POLICY 1.3.2

Encourage centers for cultural enrichment in the Transit Station Neighborhood.

OBJECTIVE 1.4

DEVELOP THE RESERVOIRS IN A MANNER THAT WILL BEST BENEFIT THE NEIGHBORHOOD, THE CITY, AND THE REGION AS A WHOLE.

POLICY 1.3.1

Develop the east basin of the reservoir to provide additional educational facilities while enhancing existing college and community services.

POLICY 1.3.2

Develop the west basin of the reservoir the greatest benefit of the city as a whole as well as for the surrounding neighborhoods.

OBJECTIVE 1.5

PLAN FOR PHYSICAL CHANGES AT THE CITY COLLEGE OF SAN FRANCISCO.

POLICY 1.4.1

The existing college campus, and future expansions, should be better integrated with the surrounding neighborhood and the transit station.

02 TRANSPORTATION

OBJECTIVE 2.1

EMPHASIZE TRANSIT IMPROVEMENTS THAT SUPPORT THE NEIGHBORHOOD.

POLICY 2.1.1

Redesign the Balboa Park BART Station as a regional transit hub that efficiently accommodates BART, light rail, buses, bicycles, pedestrians, taxis and automobile drop-off and pick-up.

POLICY 2.1.2

Reconfigure the Phelan Bus Loop to encourage public transit use and strengthen the connection between transit and land use.

OBJECTIVE 2.2

RECONSTRUCT AND RECONFIGURE MAJOR STREETS IN THE PLAN AREA TO ENCOURAGE TRAVEL BY NON-AUTO MODES.

POLICY 2.2.1

Re-design Geneva Avenue as a new front door to the BART station.

POLICY 2.2.2

Re-design San Jose Avenue between Ocean and Geneva Avenues to better accommodate public transit while maintaining its character as a residential street.

POLICY 2.2.3

Re-design Ocean Avenue as a transit and pedestrian boulevard.

POLICY 2.2.4

Re-design Phelan Avenue in a manner befitting a campus-oriented street.

OBJECTIVE 2.3

RECONNECT THE NEIGHBORHOODS BISECTED BY THE INTERSTATE 280.

POLICY 2.3.1

Minimize the prominent physical barrier of Interstate 280.

OBJECTIVE 2.4

ENCOURAGE WALKING, BIKING, PUBLIC TRANSIT AS THE PRIMARY MEANS OF TRANSPORTATION.

POLICY 2.4.1

Main streets in the plan area should be civic spaces as well as movement corridors.

POLICY 2.4.2

Improve and expand bicycle connections throughout the plan area.

POLICY 2.4.3

Improve travel time, transit reliability, and comfort level on all modes of public transportation.

03 PARKING

OBJECTIVE 3.1

ESTABLISH PARKING STANDARDS AND CONTROLS THAT PROMOTE QUALITY OF PLACE, AFFORDABLE HOUSING, AND TRANSIT-ORIENTED DEVELOPMENT.

POLICY 3.1.1

Provide flexibility for new residential development by eliminating minimum off-street parking requirements and establishing reasonable parking caps.

POLICY 3.1.2

Provide flexibility for non-residential development by eliminating minimum off-street parking requirements and establishing parking caps generally equal to the previous minimum requirements.

POLICY 3.1.3

Make parking costs visible to users by requiring parking to be rented, leased or sold separately from residential and commercial space for all new major development.

OBJECTIVE 3.2

ENSURE THAT NEW DEVELOPMENT DOES NOT ADVERSELY AFFECT PARKING AVAILABILITY FOR RESIDENTS.

POLICY 3.2.1

Consider revisions to the residential permit parking program (RPP) that make more efficient use of the on-street parking supply.

POLICY 3.2.2

Manage the existing supply of on-street parking in the plan area to prioritize spaces for residents, shoppers and non-commute transit trips.

POLICY 3.2.3

Promote car-sharing programs as an important way to reduce parking needs while still providing residents with access to an automobile when needed.

POLICY 3.2.4

Increase the effectiveness and scope of the city's parking enforcement program.

POLICY 3.2.5

Carefully managed parking in the Phelan Loop Area.

OBJECTIVE 3.3

ENSURE THAT NEW OFF-STREET PARKING DOES NOT ADVERSELY AFFECT NEIGHBORHOOD CHARACTER OR THE PEDESTRIAN FRIENDLINESS OF STREETS IN THE PLAN AREA.

POLICY 3.3.1

Prohibit garage doors and curb cuts on neighborhood commercial and transit preferential streets.

OBJECTIVE 3.4

ESTABLISH PARKING POLICIES TO SUPPORT REVITALIZATION OF THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

POLICY 3.4.1

Improve metered parking in the Ocean Avenue Neighborhood Commercial District.

POLICY 3.4.2

Maximize existing off-street parking facilities in the commercial district for business owners and employees as well as for customers.

POLICY 3.4.3

Explore the potential for merchants and their employees to park in the reservoir.

POLICY 3.4.4

Consider the long-term need for additional public off-street parking only after all existing on and off-street parking opportunities have been exhausted.

OBJECTIVE 3.5

ESTABLISH PARKING POLICIES TO SUPPORT THE NEW TRANSIT STATION NEIGHBORHOOD.

POLICY 3.5.1

Provide off-street parking to serve BART or Muni employees should not be provided.

POLICY 3.5.2

Prioritize on-street parking in the Transit Station Neighborhood for particular types of users.

POLICY 3.5.3

Explore the extension of the validity of the Fast Pass on BART to the Daly City station.

04 HOUSING

OBJECTIVE 4.1

MAXIMIZE OPPORTUNITIES FOR RESIDENTIAL INFILL THROUGHOUT THE PLAN AREA.

POLICY 4.1.1

Housing, supported by a modest amount of neighborhood-oriented commercial establishments, should form the backbone of all new development in the plan area.

POLICY 4.1.2

Eliminate dwelling unit density maximums.

OBJECTIVE 4.2

STRENGTHEN THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT BY PROVIDING AN APPROPRIATE MIX OF HOUSING.

POLICY 4.2.1

Encourage mixed-use commercial and residential infill within the commercial district while maintaining the district's existing fine-grained character.

POLICY 4.2.2

Redevelop the parcels in the Phelan Loop Area with new mixed-use development.

I. SUMMARY OF OBJECTIVES & POLICIES

OBJECTIVE 4.3

ESTABLISH AN ACTIVE, MIXED-USE NEIGHBORHOOD AROUND THE TRANSIT STATION THAT EMPHASIZES THE DEVELOPMENT OF HOUSING.

POLICY 4.3.1

Encourage mixed-use housing on the Upper Yard.

POLICY 4.3.2

Encourage mixed-use housing on the northeast corner of Geneva and San Jose Avenues.

POLICY 4.3.4

Housing should be developed above the Muni Green Yard.

OBJECTIVE 4.4

CONSIDER HOUSING AS A PRIMARY COMPONENT TO ANY DEVELOPMENT ON THE RESERVOIR.

POLICY 4.4.1

Develop housing on the West basin if it is not needed for water storage.

OBJECTIVE 4.5

PROVIDE INCREASED HOUSING OPPORTUNITIES AFFORDABLE TO A MIX OF HOUSEHOLDS AT VARYING INCOME LEVELS.

POLICY 4.5.1

Give first consideration to the development of affordable housing on publicly-owned sites.

POLICY 4.5.2

Establish programs to increase affordability of housing developed in the Plan Area.

OBJECTIVE 4.6

ENHANCE AND PRESERVE THE EXISTING HOUSING STOCK

POLICY 4.6.1

Maintain a presumption against the loss of existing housing units.

POLICY 4.6.2

Discourage dwelling unit mergers.

POLICY 4.6.3

Assist lower-income homeowners in making improvements to their houses.

OBJECTIVE 4.7

PROMOTE HEALTH THROUGH RESIDENTIAL DEVELOPMENT DESIGN AND LOCATION.

POLICY 4.7.1

New development should meet minimum levels of "green" construction.

05 STREETS AND OPEN SPACE

OBJECTIVE 5.1

CREATE A SYSTEM OF PUBLIC PARKS, PLAZAS AND OPEN SPACES IN THE PLAN AREA.

POLICY 5.1.1

Create a variety of new public open spaces.

POLICY 5.1.2

Safe and active open spaces should be designed, including a re-design of Balboa Park.

POLICY 5.1.3

Ensure that new open spaces are linked to and serve as an extension of the street system

POLICY 5.1.4

Pay attention to transit waiting areas.

POLICY 5.1.5

Use "found space" as public open space.

OBJECTIVE 5.2

CREATE OPEN SPACE WITHIN NEW DEVELOPMENT THAT CONTRIBUTES TO THE OPEN SPACE SYSTEM

POLICY 5.2.1

Require good quality public open space as part of major new developments

OBJECTIVE 5.3

PROMOTE AN URBAN FORM AND ARCHITECTURAL CHARACTER THAT SUPPORTS WALKING AND SUSTAINS A DIVERSE, ACTIVE AND SAFE PUBLIC REALM.

POLICY 5.3.1

Improve the visual and physical character of the Ocean Avenue Neighborhood Commercial District.

POLICY 5.3.2

Redesign the main streets -- Phelan, Ocean, Geneva, and San Jose Avenues -- to encourage walking and biking to and from the Transit Station Neighborhood, City College, and the Ocean Avenue Neighborhood Commercial District.

POLICY 5.3.3

Pedestrian routes, especially in commercial areas, should not be interrupted or disrupted by auto access and garage doors.

OBJECTIVE 5.4

CREATE AN OPEN SPACE SYSTEM THAT BOTH BEAUTIFIES THE NEIGHBORHOOD AND STRENGTHENS THE ENVIRONMENT.

POLICY 5.4.1

Make the open space system more environmentally sustainable by improving the ecological functioning of all open spaces in the plan area.

POLICY 5.4.2

Encourage efforts to uncover and restore Islais Creek to its natural state.

06 BUILT FORM**OBJECTIVE 6.1**

CREATE STRONG PHYSICAL AND VISUAL LINKS BETWEEN THE TRANSIT STATION NEIGHBORHOOD, CITY COLLEGE, AND THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

POLICY 6.1.1

Large parcels should emphasize the existing street pattern, by extending Harold, Brighton, and Lee avenues south across Ocean Avenue.

POLICY 6.1.2

Establish an east/west pedestrian pathway connection to link the BART Station to the Ocean Avenue Neighborhood Commercial District and City College.

OBJECTIVE 6.2

KNIT TOGETHER ISOLATED SECTIONS OF THE PLAN AREA WITH NEW MIXED-USE INFILL BUILDINGS.

OBJECTIVE 6.3

DEVELOP THE TRANSIT STATION NEIGHBORHOOD TO EMPHASIZE ITS IMPORTANCE AS A TRANSIT HUB AND LOCAL LANDMARK.

POLICY 6.3.1

Create a deck over the I-280 between Ocean and Geneva Avenues to integrate the Transit Station Neighborhood with City College and the Ocean Avenue Neighborhood Commercial District.

POLICY 6.3.2

The Balboa Park BART Station should be reconstructed to reinforce its role as a regional and local transit node and important neighborhood landmark.

POLICY 6.3.3

Any development on the Upper Yard site should be developed so that it contributes to the existing neighborhood and respects the character and scale of the Geneva Office building.

OBJECTIVE 6.4

RESPECT AND BUILD FROM THE SUCCESSFUL ESTABLISHED PATTERNS AND TRADITIONS OF BUILDING MASSING, ARTICULATION, AND ARCHITECTURAL CHARACTER OF THE AREA AND THE CITY.

POLICY 6.4.1

Urban design guidelines should ensure that new development contributes to and enhances the best characteristics of the plan area.

POLICY 6.4.2

New buildings should epitomize the best in contemporary architecture, but should do so with full awareness of the older buildings that surround them.

POLICY 6.4.3

Ground floor retail uses should be tall, roomy and as permeable as possible.

POLICY 6.4.4

Height and bulk controls should maximize opportunities for housing development while ensuring that new development is appropriately scaled for the neighborhood.

POLICY 6.4.5

Heights should reflect the importance of key streets in the city's overall urban pattern, while respecting the lower scale development that surrounds the plan area.

OBJECTIVE 6.5

PROMOTE THE ENVIRONMENTAL SUSTAINABILITY, ECOLOGICAL FUNCTION AND THE OVERALL QUALITY OF THE NATURAL ENVIRONMENT IN THE PLAN AREA.

POLICY 6.5.1

The connection between building form and ecological sustainability should be enhanced by promoting use of renewable energy, energy-efficient building envelopes, passive heating and cooling, and sustainable materials.

POLICY 6.5.2

New buildings should comply with strict environmental efficiency standards.

07 HISTORIC PRESERVATION**OBJECTIVE 7.1**

PROTECT, PRESERVE, AND REUSE HISTORIC RESOURCES WITHIN THE BALBOA PARK STATION PLAN AREA.

POLICY 7.1.1

The Secretary of the Interior's *Standards and Guidelines for the Treatment of Historic Properties* should be applied in conjunction with the overall neighborhood plan and objectives for all projects involving historic resources.

POLICY 7.1.2

The rehabilitation and adaptive reuse of historic buildings in the Balboa Park Station plan area should be promoted.

POLICY 7.1.3

Individually significant resources in the Balboa Park Station plan area should be protected from demolition or adverse alteration.

POLICY 7.1.4

Archeological resources found in the plan area should be preserved in-place or through appropriate treatment.

POLICY 7.1.5

Historic resources that are less than fifty years old should be protected.

OBJECTIVE 7.2

INTEGRATE HISTORIC PRESERVATION WITH THE LAND-USE PLANNING PROCESS FOR THE BALBOA PARK STATION PLAN AREA.

POLICY 7.2.1

Revised policies, guidelines, and standards should be adopted as needed to further preservation objectives.

Policy 7.2.2

All projects located within the Ocean Avenue Potential Historic District should follow the Balboa Park Design Guidelines for the Potential Ocean Avenue Historic District.

I. SUMMARY OF OBJECTIVES & POLICIES

POLICY 7.2.3
The destruction of historic resources from owner neglect or inappropriate actions should be prevented.

POLICY 7.2.4
An emergency preparedness and response plan should be developed that considers the Balboa Park Station plan area's historic resources.

OBJECTIVE 7.3
FOSTER PUBLIC AWARENESS AND APPRECIATION OF HISTORIC RESOURCES WITHIN THE BALBOA PARK STATION PLAN AREA.

POLICY 7.3.1
Formal designation of the Balboa Park Station's historic resources should be supported, as appropriate.

POLICY 7.3.2
Public participation in the identification of cultural and historic resources within the Balboa Park Station plan area should be encouraged.

POLICY 7.3.3
Education and appreciation of historic resources within the Balboa Park Station plan area should be fostered among business leaders, neighborhood groups, and the general public through outreach efforts.

OBJECTIVE 7.4
PROVIDE PRESERVATION INCENTIVES, GUIDANCE, AND LEADERSHIP WITHIN THE BALBOA PARK STATION PLAN AREA.

POLICY 7.4.1
The availability of financial incentives for qualifying historic preservation projects should be promoted.

POLICY 7.4.2
The use of the State Historic Building Code for qualifying historic preservation projects should be encouraged.

08 PUBLIC ART
OBJECTIVE 8.1
INTEGRATE ART INTO THE FABRIC OF THE NEIGHBORHOOD.

POLICY 8.1.1
The scope of the City's Art Enrichment Ordinance should be broadened in the plan area.

POLICY 8.1.2
Non-city public agencies and institutions should be encouraged to take part in the 2% for art program.

POLICY 8.1.3
The arts and artists should be integrated with the overall design of new buildings, facilities and public opens spaces.

II. PREFACE

About The Better Neighborhoods Program



The development boom of the late 1990s found San Franciscans at odds. Where some would push for development anywhere, others opposed it just as stridently. The city was nearly paralyzed, and seemed unable to make rational choices regarding change. In response, the Planning Department initiated the *Citywide Action Plan*, a rational framework for balancing job growth, housing needs, and quality of life.

The Better Neighborhoods Program is one pillar of the Citywide Action Plan. It has carried the discussion of change to three pilot neighborhoods, where development issues are perhaps felt most acutely but where it makes most sense to find acceptable ways to build much-needed housing. Discussions with these communities uncovered deep issues that need to be addressed if the city is to continue to thrive.

San Francisco has a heritage of building well. A look around at the beauty of this place and the way it is revered by residents and visitors alike shows this. But some of the evidence around us also suggests that we may have lost some of our will to build good neighborhoods, with a respect for sense of place. San Franciscans have become concerned, and their concerns seem justified.

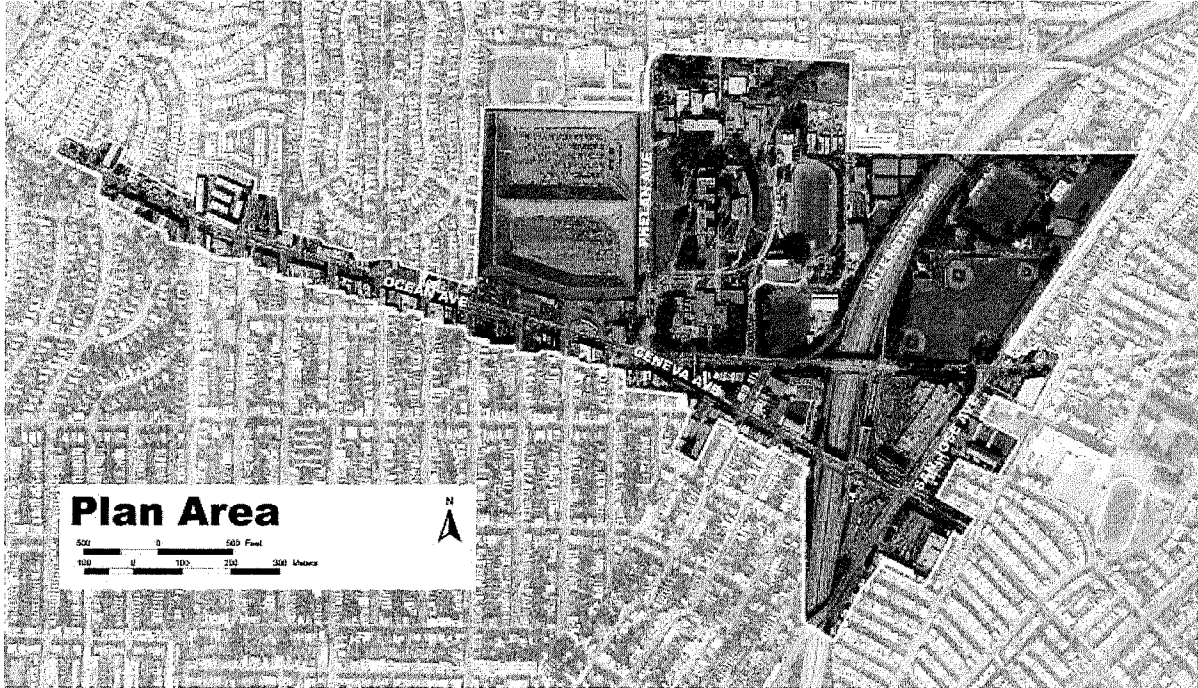
There are many factors that may contribute to a degradation of our public realm, and which can be addressed through planning. National financial markets may impose inappropriate “suburban” development models on cities, development projects may seek to express private values at the expense of public place-making (although these projects derive much of their value from the qualities of the place), construction economies and methods may work against San Francisco’s fine-grained scale and rhythm, street fronts—always places primarily for pedestrians—are often given over to parking or blank walls, planning controls can be at odds with good place-making, unnecessary oversight is imposed on projects that ought to be allowed as of right, materials and details are cheap and inappropriate.

And the public realm has suffered over time as a result of the accommodation of autos over other ways of moving about; this has not been successful even for those who drive. It has degraded our streets as places for pedestrians, as well as a system for moving about the city by foot, bike, transit, or auto.

Many San Franciscans know that something is wrong with our current development practices, and even the most civic-minded have begun to respond to change by opposing it. If they do not try to stop a project, people demand changes that sometimes seem to be more about unfocused frustration than about creating good new development that could benefit a neighborhood. They have little evidence that change could improve their neighborhood and help create and maintain if not strengthen its sense of place. It became clear through our community discussions that we need to resolve to build well if we are to retain our role as a vibrant, world-class city, and if we are to accommodate change gracefully. Meeting these challenges head on is the goal of the Better Neighborhoods Program.

The Better Neighborhoods Program is a tool kit for building well and with a sense of place. It calls for a few simple things that, together, are the keys to good San Francisco place-making. Recognizing that population growth is both inevitable and beneficial, it calls for building housing—as much as possible at an appropriate scale and as affordably as possible—in neighborhoods well-served by transit and other urban services and amenities. It calls for strong neighborhood commercial cores that allow people to satisfy their daily needs by walking and bicycling and without the need to rely on an auto. It calls for gracious streets and public spaces that serve everyone well and that are the life-blood of neighborhood life. And it asks that we design and build well and with care, at a human scale and with respect for the public realm. We know how to do all this. We need only to want to begin.

III. PLAN INTRODUCTION



Plan Area

The Plan

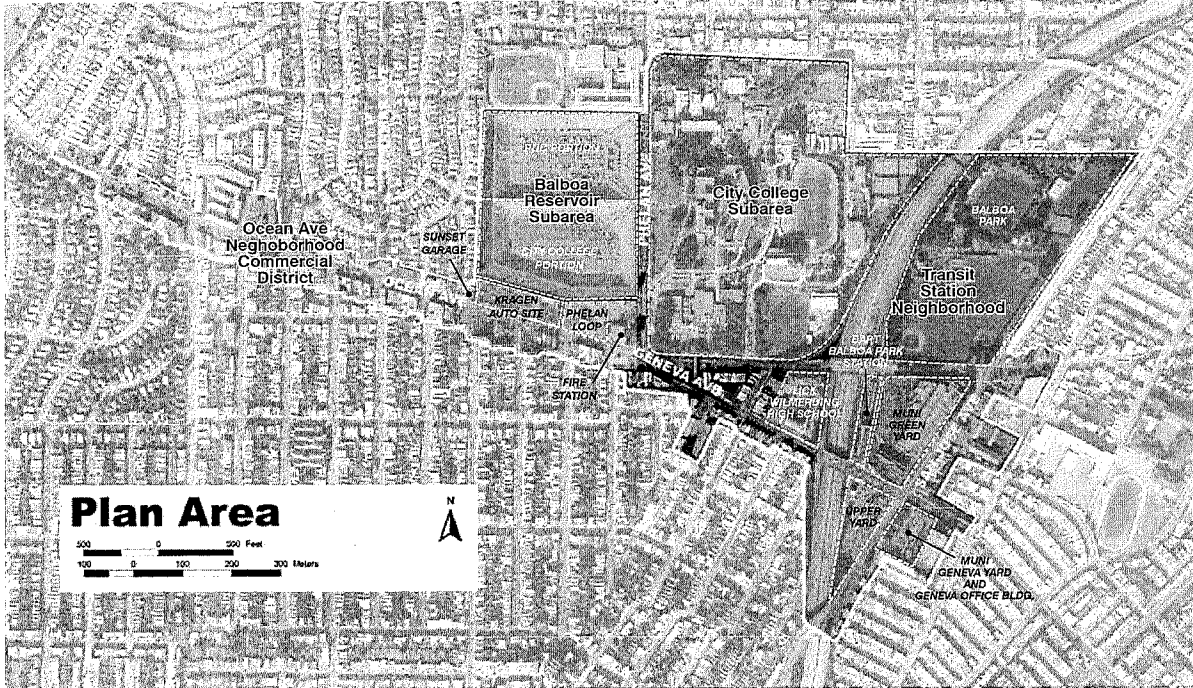
The community members have shown an incredible will for positive change. The tireless efforts of community members have catalyzed the various improvement efforts now underway in the plan area. It was at their request that the Balboa Park Station Area Plan was launched in 2000.

The Balboa Park Station Area has a good urban framework. The area is strongly served by public transportation and contains a diverse range of uses. Over the latter half of the 20th Century, we saw a decline in the vitality of this area and as result, in the quality of life for the people who live there. The Plan's objectives and policies are informed by three key principles;

1. Improve the area's public realm,
2. Make the transit experience safer and more enjoyable, and
3. Improve the economic vitality of the Ocean Avenue Neighborhood Commercial District.

The Plan is comprised of eight chapters. The Land Use chapter aims to improve upon the existing land use pattern. The Transportation chapter addresses the area's transit facilities and services. The Parking chapter establishes balanced parking policies and standards that promote quality of place. The Housing chapter encourages infill, transit-oriented development and family housing. The Street and Open Space chapter creates a system of parks, plazas, and open spaces. The Built Form chapter promotes an urban form and architectural character that sustains a diverse, active and safe public realm. The Historic Preservation chapter identifies and fosters appreciation of the historic resources in the plan area. The Public Art chapter integrates art into the fabric of the plan area.

The Balboa Park Station Area Plan includes the Ocean Avenue Neighborhood Commercial District and related zoning controls to ensure that new development meets the goals outlined in the Plan. The Area Plan also includes a Community Improvements Program. The Community Improvements Program identifies the projects described in the Area Plan and proposes a strategy to get them built.



Plan Subareas

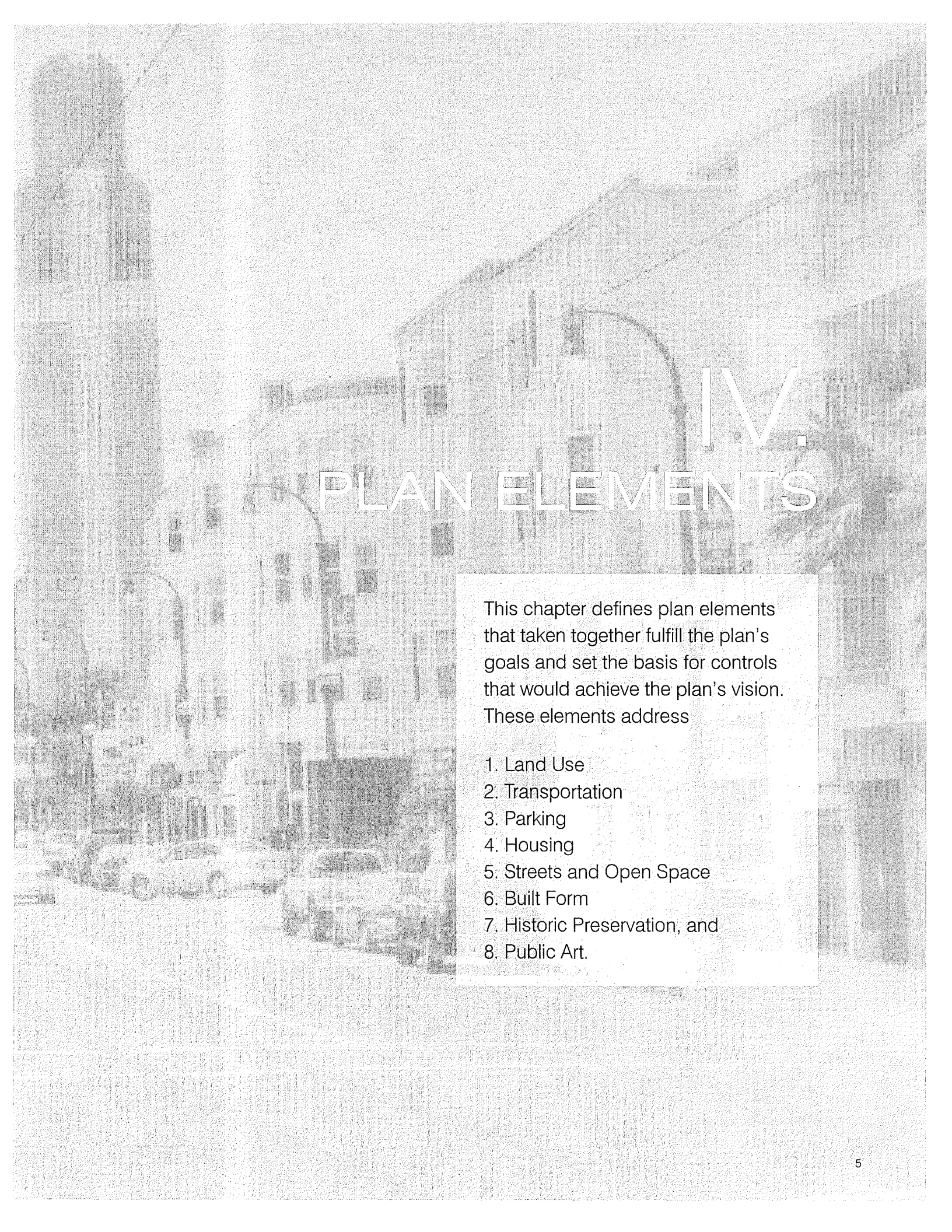
The Plan Area

The “plan area” for the Balboa Park Station Area Plan is in south central San Francisco. The area comprises approximately 210 acres and includes the Ocean Avenue Campus of City College of San Francisco (CCSF), the Ocean Avenue Neighborhood Commercial District, Balboa Park, and the Balboa Park BART station. More specifically, the plan area consists primarily of those parcels fronting on Ocean, Geneva and San Jose Avenues. The area provides a diverse range of uses including; institutional, recreational, retail, housing, and transportation. Seven neighborhoods surround the Plan Area: Westwood Park, Ingleside, Ingle-side Terraces, Miraloma Heights, Sunnyside, Oceanview, and Balboa Terraces.

The plan area is best characterized by four distinct areas; the Transit Station Neighborhood, City College of San Francisco, the Reservoir, and the Ocean Avenue Commercial District.

- The Transit Station Neighborhood refers to the area immediately surrounding the Balboa Park Station. It is bounded by Interstate 280 to the west and residential neighborhoods on all other sides.
- Ocean Avenue Campus of the City College of San Francisco is on the north side of Ocean Avenue, east of the Ocean Avenue Neighborhood Commercial District. CCSF is bounded by Ocean Avenue to the south, I-280 to the east, residential neighborhoods to the north, and the Balboa Reservoir to the west. The campus occupies 67.4 acres and includes academic and support buildings, commons, open spaces, walkways and roads, and parking facilities. The Ocean Avenue Campus is the historical heart of the CCSF system and continues to serve as its flagship campus, serving the majority of its students.
- Balboa Reservoir is located on the west side of Phelan Avenue. It is bounded by Riordan High School and the Westwood Park residential neighborhoods to the north, and the Ocean Avenue Neighborhood Commercial District to the south. The reservoir is divided into two basins. The San Francisco Public Utilities Commission (SFPUC) owns the north basin, while CCSF owns the south basin.
- The Ocean Avenue Neighborhood Commercial District extends east-west along Ocean Avenue from Phelan Avenue to Manor Drive.





IV. PLAN ELEMENTS

This chapter defines plan elements that taken together fulfill the plan's goals and set the basis for controls that would achieve the plan's vision. These elements address

1. Land Use
2. Transportation
3. Parking
4. Housing
5. Streets and Open Space
6. Built Form
7. Historic Preservation, and
8. Public Art.

01

LAND USE

This section is the land use plan for the Balboa Park Station Area Plan. Land use refers to the manner in which parcels of land or the structures on them are used. It establishes land use strategies to meet identified community needs. A core strength of the plan area is its diverse range of land uses, and the Balboa Park Station Area Plan land use goal is to strengthen the diverse land use, to build upon it, and to encourage the coordination of these uses.

The Ocean Avenue Neighborhood Commercial District houses the primary commercial and retail uses in the plan area. It includes mostly neighborhood-serving shops and services. The commercial district is not as economically successful today as it has been in the past; many local residents travel elsewhere to shop. In addition, few City College students shop in the district, even though it is directly adjacent to their school.

This plan aims to revitalize the commercial district. It does this by providing improvements to the way people access the area, by encouraging infill development and by creating a business improvement district.

The City College of San Francisco is the largest single land use in the plan area. It and provides an enormous institutional amenity to the area. The college offers a wide range of educational programs and services on its approximately 67 acre site. The City College campus however does not relate well with the surrounding neighborhood: the school's

physical barriers assist in the lack of patronage to the nearby commercial district and to public transit. The plan aims to integrate the college with the community, the neighborhood commercial district, and the transit station area.

The area is rich in open space and recreational facilities. Balboa Park is the largest public open space in the area, and is used by locals and visitors from throughout the city. The park provides four baseball fields, two large multi-use fields, tennis courts, a swimming pool, and other park amenities. However, the park needs to be renovated, and the physical and visual linkages to Balboa Park from the surrounding neighborhoods need to be improved. More discussion regarding Balboa Park is provided in the Streets and Open Space Chapter of the plan.

Few San Francisco locations outside of downtown approach the level of transportation services offered in Balboa Park. The Balboa Part BART station is the busiest in the system, after the four downtown San Francisco stations. BART provides high-speed, high-frequency service to downtown San Francisco, SFO, and the East Bay. In addition, the San Francisco Municipal Railway (MUNI) serves the area, with the 29-Sunset, 49-Van Ness-Mission, 43-Masonic, 15-Third Street, 54-Felton, 88-Bart Shuttle, 36-Teresita, 26-Valencia and the MUNI metro lines J-Church, K-Ingleside, M-Ocean View. The Balboa Park Station Area Plan strives to capitalize upon the high levels of service in the neighborhood.

This land use plan aims to encourage and support the growth, coordination, and accessibility of land uses in the plan area.

OBJECTIVE 1.1

INTEGRATE THE DIVERSE USES IN THE PLAN AREA AROUND THE COMMERCIAL SPINE AND TRANSIT NODE.

A principle objective of this plan is to increase accessibility to, from, and within the plan area. It does this through street and transportation enhancements that will help to revitalize the Ocean Avenue Neighborhood Commercial District with its surrounding neighborhoods and with transit. It also creates a new neighborhood around the Balboa Park Bart Station.

POLICY 1.1.1 Strengthen the link between transportation and land use.

The plan area already has excellent transit service, and transit services along Ocean Avenue serve the Neighborhood Commercial District well. However, the transit, pedestrian and biking experience needs to be improved to help enliven the street, create a more pleasurable shopping experience, and improve overall accessibility within the plan area.

OBJECTIVE 1.2

STRENGTHEN THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

A successful San Francisco neighborhood offers a full complement of retail stores, conveniently located so local residents can shop for everyday goods and services without relying on automobiles. The Ocean Avenue Neighborhood Commercial District serves some, but not all, of the local population's needs.

A comprehensive program is needed to revitalize the commercial district and should include improvements to the access in the district. It should also encourage infill development that brings more housing and activity to the

street and it should create a business revitalization partnership between the merchants, community members, and the city.

POLICY 1.2.1 Improve access to and from the commercial district.

Accessibility plays a key role in the success of a commercial district. The plan proposes to increase accessibility from public transit to the commercial district by redesigning the connection between Ocean Avenue and the Balboa Park Bart station. It aims to increase accessibility from City College by reconfiguring the Phelan Bus Loop. In addition, streetscape improvements along Ocean Avenue, street tree plantings, and traffic calming measures within the surrounding residential neighborhoods aim to make the pedestrian environment more amenable to those who would walk to nearby shopping.

POLICY 1.2.2 Encourage mixed-use residential and commercial infill within the commercial district.

The commercial district offers opportunities for parcels to be redeveloped over time. These small projects can add to the housing stock on upper floors and improve retail spaces on the ground floor while maintaining the district's fine-grained character. In addition, the larger parcels around the Phelan Loop area provide an opportunity for development of additional new housing and a few larger-scale retail uses, such as a food market.

POLICY 1.2.3 Retain and improve the neighborhood's existing businesses while also attracting new businesses that address unmet retail and service needs of the diverse local neighborhoods.

The primary customer base of the neighborhood commercial district consists of residents of the surrounding neighborhoods, although a few specialty retailers draw customers from a broader region. However, residents presently make a significant portion of their retail purchases at other shopping districts both within and outside of San Francisco. The Ocean Avenue Neighborhood Commercial District could increase its success by capturing a greater share of local residents' spending as well as catering better to transit patrons and City College students and faculty. The commercial district would benefit greatly from a coordinated program to improve the business environment.

OBJECTIVE 1.3

ESTABLISH AN ACTIVE, MIXED-USE NEIGHBORHOOD AROUND THE TRANSIT STATION.

Transit-oriented development has the added benefit of adding life and vitality to the area around a transit node, making walking and using the transit system more pleasant and safe. Regionally, creating a network of transit-oriented developments that concentrate housing density and other development activity around transit nodes has the potential to foster greater mobility, reduce auto dependence and pollution, and reduce pressures for urban sprawl.

The transformation of the Transit Station Neighborhood into a functional transit hub and mixed-use neighborhood is a central focus of this plan. The area around the Balboa Park Station should be reinvented as a vital urban transit village: a transit hub and a new neighborhood that support one another to create a truly unique place for daily commuters and neighborhood residents alike.

POLICY 1.3.1

Mixed-use housing and retail should be the principal land use in the Transit Station Neighborhood.

Housing and retail around the station will help to enliven the area while providing needed housing. Ground floor retail space should be focused on neighborhood-oriented shops and services. Individual retail uses should not be larger than 5,000 square feet to create a fine-grained, pedestrian-oriented character. Auto-oriented uses should be prohibited.

POLICY 1.3.2

Encourage centers for cultural enrichment in the Transit Station Neighborhood.

The plan aims to enhance the area's cultural diversity by providing opportunities for cultural centers and art enrichment programs. The Geneva Office Building, built in 1901 and used for almost a century as an office building for transit workers, is an important neighborhood landmark at the corner of Geneva and San Jose Avenues. Restored to its former state, this handsome building would serve as an anchor for the revitalization of the entire Transit Station Neighborhood.



Rendering of a restored Geneva Office Building.

OBJECTIVE 1.4**DEVELOP THE RESERVOIRS IN A MANNER THAT WILL BEST BENEFIT THE NEIGHBORHOOD, THE CITY, AND THE REGION AS A WHOLE.**

The Balboa Reservoir represents one of the largest remaining undeveloped sites in San Francisco. The reservoir, which has never contained water, is approximately 25 acres in size, and currently forms an unpleasant void in the neighborhood. This Plan encourages the owners of this site to develop the reservoir in a manner that will best benefit the neighborhood, the city, and even the region as a whole.

POLICY 1.3.1

Develop the east basin of the reservoir to provide additional educational facilities while enhancing existing college and community services.

In 1991, the San Francisco Public Utilities Commission (PUC) transferred the east basin to City College, while retaining ownership of the west basin. The college intends to develop the east basin for expanded campus facilities and underground parking. Development on the east basin should respect the existing north to south grid established in the neighborhood south of Ocean Avenue and the east-to-west axis established by the existing staircase leading to the main building on the City College campus east of Phelan Avenue. The physical and visual continuation of these existing patterns through new development on the east basin will help create appropriately sized blocks of a size similar to those in the surrounding neighborhoods, promoting walkability and strong physical and visual connection with the surrounding areas.

POLICY 1.3.2

Develop the west basin of the reservoir the greatest benefit of the city as a whole as well as for the surrounding neighborhoods.

If the PUC should decide that the west basin is not needed for water storage, it should consider facilitating the development of a mixed-use residential neighborhood on part of the site to address the city-wide demand for housing. The development on the site should recognize the opportunity to knit the surrounding neighborhoods together through the creation of a community open space and pedestrian connections.

If the PUC does move ahead to use the west basin for water storage, it should provide a roof structure on top of the new water tank, to allow the development of a community park or open space.

OBJECTIVE 1.5**PLAN FOR PHYSICAL CHANGES AT THE CITY COLLEGE OF SAN FRANCISCO.**

City College is the largest institution and use of land in the plan area; approximately 27,000 students attend CCSF daily. The college represents an important asset for the area. Few other neighborhoods in the city are able to enjoy such close proximity to the cultural, recreational, and educational offerings provided by the college.

The College's Master Plan was completed in 2004. The Master Plan provides a comprehensive strategy for the development of grounds and facilities to meet the College's needs through the year 2015. The Master Plan evaluates existing campus conditions relative to institutional needs, and recommends projects necessary to meet these needs.¹ The Master Plan incorporated community issues and concerns that are also addressed in this plan and include; improve campus image, support Ocean Avenue retail, encourage pedestrian connections to and from Ocean Avenue, resolve parking impacts, support improvements to transit facilities, mitigate neighborhood impacts from development and to involve the local community.² As the campus changes and grows, CCSF should seek to reach out and connect with the Transit Station Neighborhood and the Ocean Avenue Neighborhood Commercial District.

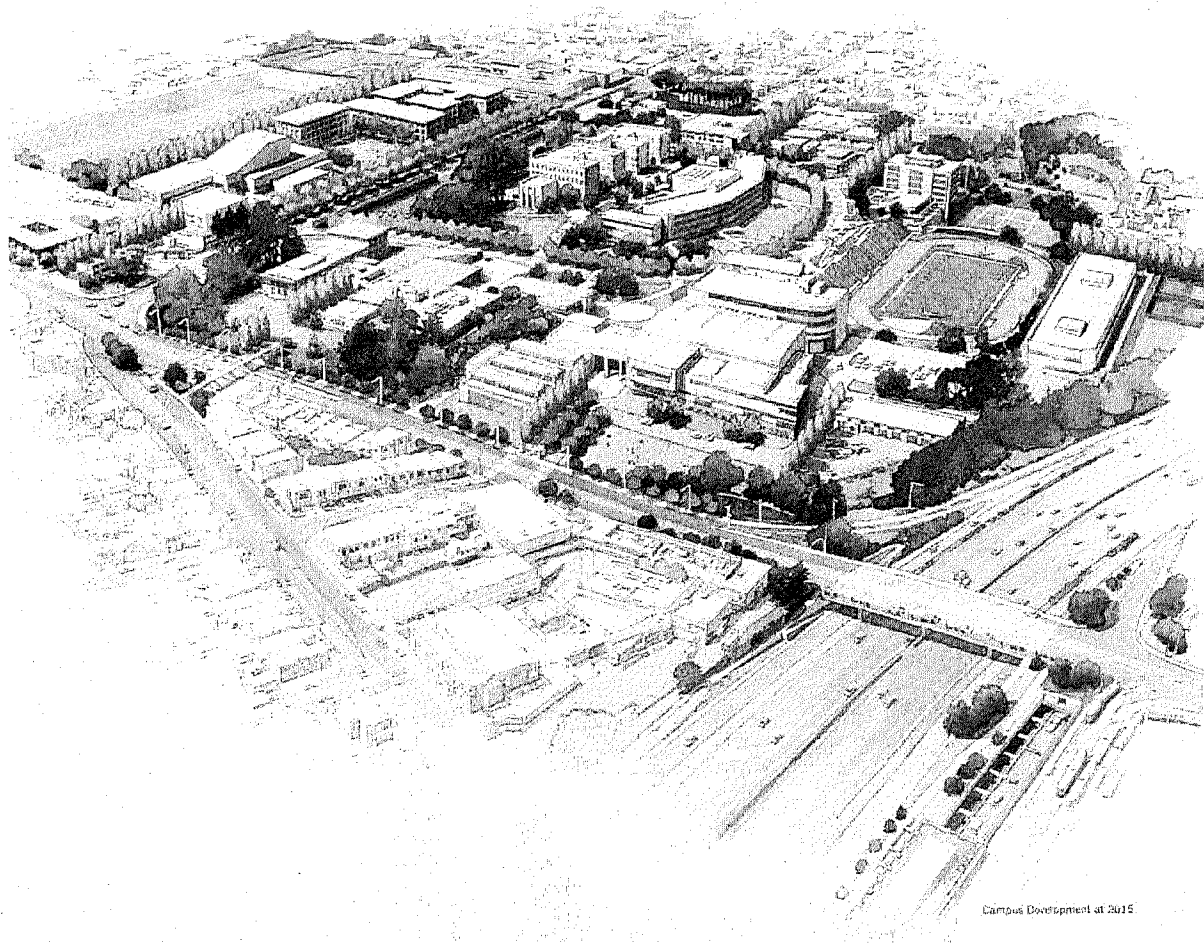
POLICY 1.4.1

The existing college campus, and future expansions, should be better integrated with the surrounding neighborhood and the transit station.

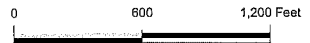
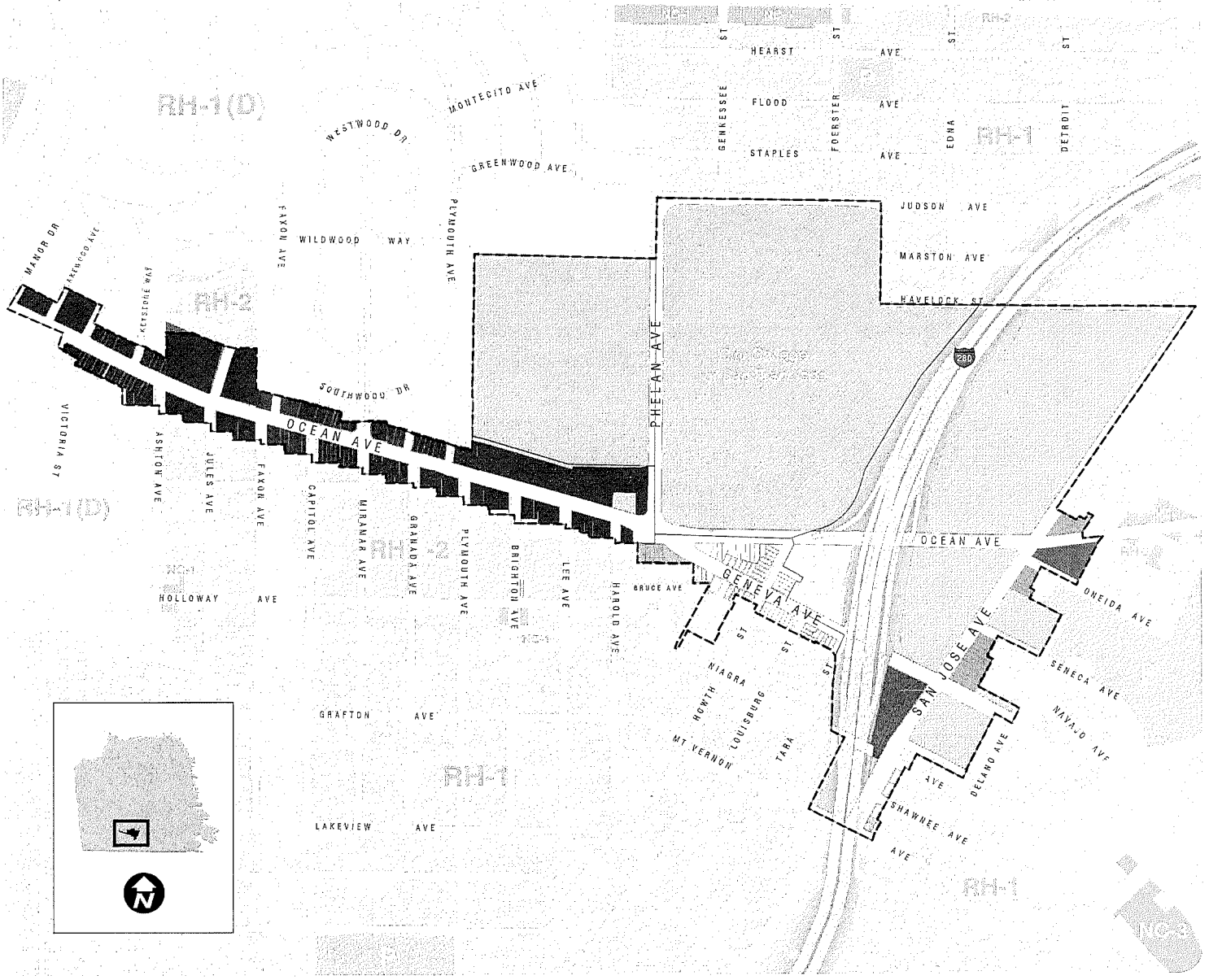
City College represents an important but underutilized asset for the area. Currently, the campus is disconnected from its commercial district. As the college grows in the future, it should reach out and connect to the Transit Station Neighborhood and to the Ocean Avenue Neighborhood Commercial District, helping to enliven the areas and provide customers for businesses.

¹ http://www.ccsf.edu/MP/PDF/0406/01_Introduction.pdf CCSF Master Plan, 2004, January 29, 2008










² http://www.ccsf.edu/MP/PDF/0406/03b_OACMP_CampusDevProg-Utilities.pdf CCSF Master Plan, B.Campus Development Program, p.60, January 29, 2008



Conceptual rendering of City Colledge of San Francisco (CCSF Ocean Avenue Campus Master Plan, 2004)



Land Use Districts

-  RH-1
-  RH-1(D)
-  RH-2
-  RM-1
-  NCT-1
-  NCT-2
-  Ocean Avenue NCT
-  P
-  Balboa Park Station Area Plan Boundary

02

TRANSPORTATION

The area's institutional, commercial, and residential uses and amenities provide a good opportunity to increase transit ridership and to promote walking and biking. Approximately 27,000 students attend CCSF daily, the surrounding residential communities provide family housing, and the neighborhood commercial district is characterized by close-knit shops located directly adjacent to light rail lines and bus services. Students, residents, and shoppers need to be encouraged to use the transit that so adequately services this district. Links need to be strengthened to existing land uses in the plan area through the re-design of streets and streetscape improvements, and improved transit access.

Adding housing above the shops along Ocean Avenue has the dual benefit of strengthening the commercial district and increasing transit use. The area around the Balboa Park BART Station needs to be developed with a broad mix of uses – providing transit riders with the services they need. Developing the large, unused parcels within the transit station neighborhood will reduce the area's large scale, enhance walkability, and create smoother connections with the surrounding residential communities and City College.

Successful transportation systems depend on connections between modes and ultimately, the ability to travel in the least amount of time, safely and comfortably. The different transportation services in the plan area are poorly connected. This lack of connectivity slows travel time, is inconvenient, and in some cases, unsafe. Reconfiguring and improving the transportation network will benefit the neighborhood and the citywide transportation network.

Good transportation policies play a strong role in the creation of a livable place. This chapter establishes policies to strengthen the connection between land use and transportation.

OBJECTIVE 2.1

EMPHASIZE TRANSIT IMPROVEMENTS THAT SUPPORT THE NEIGHBORHOOD.

The level of transportation service in the plan area provides a strong case for increasing the area's development potential. Existing transportation services and facilities should be redesigned and rehabilitated, and circulation networks

should be reconfigured to create stronger connections between land use and transit. BART recently completed the Balboa Park Comprehensive Station Plan (CSP), developed in tandem with the Balboa Park Station Area Plan and with support from partners including the City, MUNI, BART, Caltrans, City College, and neighborhood groups and residents. The overriding goal of the CSP was to create a consensus of public agencies for future development and included transit improvements in the Transit Station Neighborhood:

POLICY 2.1.1

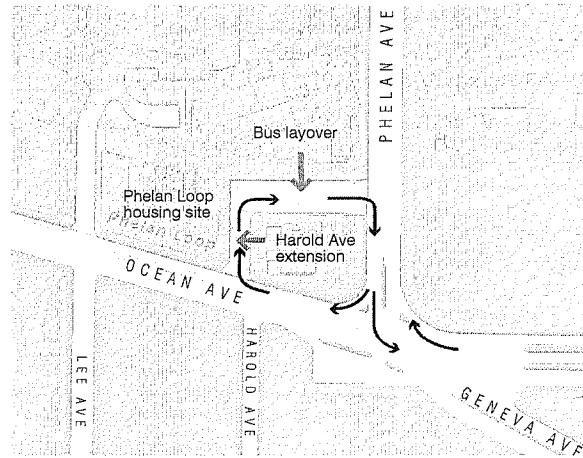
Redesign the Balboa Park BART Station as a regional transit hub that efficiently accommodates BART, light rail, buses, bicycles, pedestrians, taxis and automobile drop-off and pick-up.

The Balboa Park Station is the busiest BART station outside of downtown San Francisco. Eight Muni bus lines serve the area, as do three Muni Metro lines. In addition, the station is popular with drop off passengers because of the station's close proximity to Interstate 280. The station was opened in 1973 and is confined between the I-280 and the Muni light rail tracks. The station is poorly designed; accessibility is compromised and signage is lacking. Simply put, the current design does not realize the station's potential. Redesigning the station is a key transportation improvement in the plan area, it would highlight the station as an important neighborhood resource; a place for people to gather; and an efficient transit hub.

POLICY 2.1.2

Reconfigure the Phelan Bus Loop to encourage public transit use and strengthen the connection between transit and land use.

The Phelan Loop has the potential to link the Transit Station Neighborhood with the Ocean Avenue Neighborhood Commercial District and City College. The existing Phelan Bus Loop disrupts the urban fabric at the eastern edge of the Ocean Avenue Neighborhood Commercial District and breaks the connection between this transit node and its commercial corridor. The existing Phelan Loop parcels as currently configured provides little amenity for the transit rider and a poor connection to the adjacent City College. A redeveloped Phelan Loop would function simultaneously as a new front door on Ocean Avenue for City College and as a gateway to the commercial district.



Reconfigured Phelan Bus Loop

OBJECTIVE 2.2

RECONSTRUCT AND RECONFIGURE MAJOR STREETS IN THE PLAN AREA TO ENCOURAGE TRAVEL BY NON-AUTO MODES.

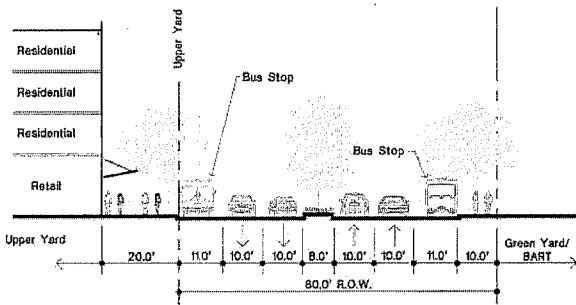
Streets constitute a large portion of the plan area's public space; their quality can affect the success or failure of a neighborhood as a livable place. The plan area's main streets of Geneva, Ocean, Phelan, and San Jose Avenues encourage the fast movement of cars, contain circuitous pedestrian routes, have misaligned intersections, and often have a generally cluttered street environment. Retrofitting these streets will improve the public realm and enhance neighborhood identity. Ensuring a balanced mix of travel modes with special attention to pedestrians and street life will help make the area more enjoyable.

POLICY 2.2.1

Re-design Geneva Avenue as a new front door to the BART station.

Geneva Avenue, between Ocean and San Jose Avenues, should be reconstructed to gracefully accommodate the large volume of pedestrians, bus loading, passenger drop-offs, and through automobile traffic. The street must accommodate all these activities while remaining an attractive and comfortable place for people to be.

SECTION EE GENEVA AVENUE (at the Station looking west)



POLICY 2.2.2
Re-design San Jose Avenue between Ocean and Geneva Avenues to better accommodate public transit while maintaining its character as a residential street.

San Jose Avenue between Ocean and Geneva Avenues is a residential street that accommodates streetcars as they approach the Balboa Park BART station. Design improvements should be made to this street, including reserving a lane for transit vehicles, adding transit boarding platforms, and improving the existing transit boarding platforms. Sidewalks should be improved, specifically on the western side just south of Geneva at the current bus stop, to create more pedestrian space for this high activity corner.

POLICY 2.2.3
Re-design Ocean Avenue as a transit and pedestrian boulevard.

Ocean Avenue should be redesigned as the key pedestrian connector in the plan area. This street should be a tree-lined boulevard that emphasizes pedestrian, transit and bicycle movement while still adequately accommodating auto traffic.

This street should be redesigned to improve pedestrian safety and include a modification of the Ocean, Phelan and Geneva Avenue intersection. An improved intersection would accommodate bike lanes, shorten crossing distances for pedestrians, and tighten turning radii for automobiles. New bicycle lanes should be provided to allow bikes to reach City College and the Ocean Avenue Neighborhood Commercial District from the BART station. A planted center median should be installed between Phelan Avenue and the entrance to the freeway deck. The existing Muni K-line platforms under the overpass should be removed and rebuilt.

Streetscape improvements should also be included in this redesign and include appropriate street lighting, street trees, and curb bulb-outs. These improvements should build on the work that has already been done on the western end of Ocean Avenue.



Rendering of a redesigned Geneva Avenue looking Southeast (towards Upper Yard development).

POLICY 2.2.4
Re-design Phelan Avenue in a manner befitting a campus-oriented street.

Phelan Avenue between Ocean and Judson Avenues is currently a main thoroughfare for City College students and the neighborhoods to the north. It is also an access point for college-related parking in the reservoir. As the campus expands onto the reservoir, Phelan Avenue will take on more of the character of an internal campus street. This street should be redesigned to be more pedestrian friendly and to accommodate bicycle lanes serving the neighborhoods to the north.

OBJECTIVE 2.3

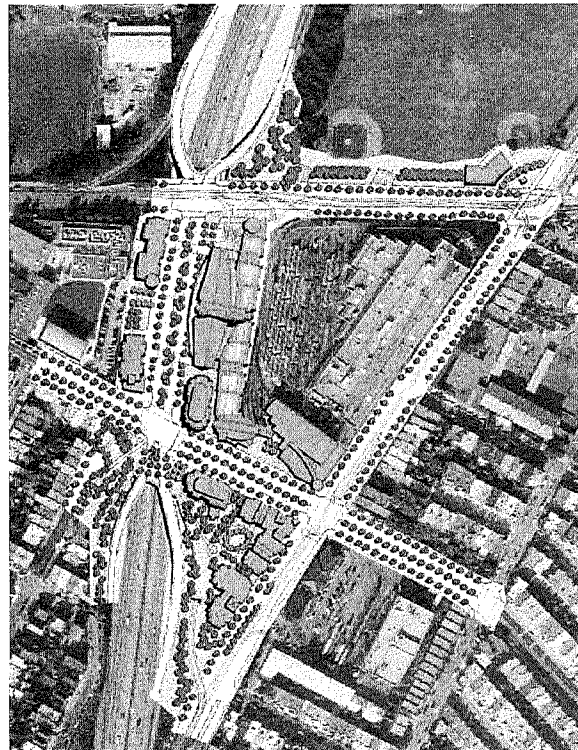
RECONNECT THE NEIGHBORHOODS BISECTED BY THE INTERSTATE 280.

Interstate 280 separates the area's neighborhoods and is a considerable source of noise. Ocean and Geneva Avenues cross the freeway by way of an overhead bridge. The ramps create an unpleasant condition where they meet the city streets; pedestrians walking between the transit station and surrounding areas are forced to cross multiple intersections.

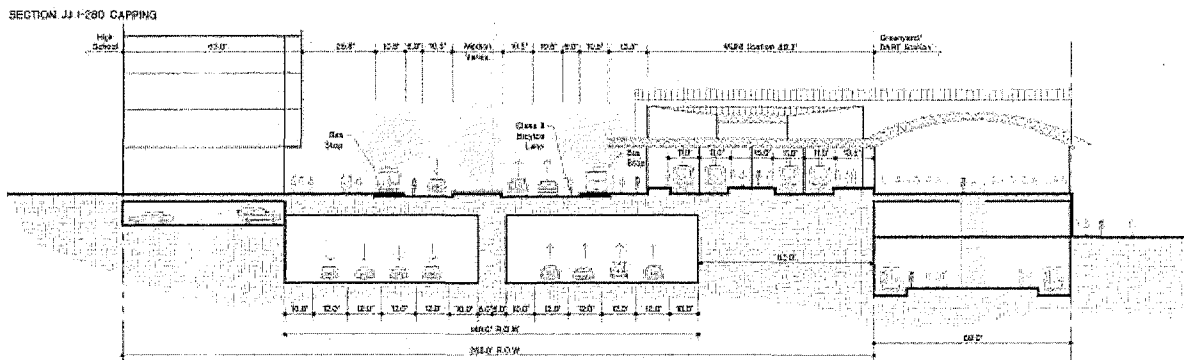
POLICY 2.3.1
Minimize the prominent physical barrier of Interstate 280.

This plan proposes two projects that would minimize the negative impacts of the I-280. The first shorter term project would reconfigure the freeway ramps to make them safer for pedestrians and to improve traffic congestion. The plan proposes the development of a single point urban

interchange (SPUI). The SPUI would bring together the ramps to a single point above the freeway and then connect them with a roadway between Geneva and Ocean Avenues. The second, longer term, project is the construction of a deck over the freeway. The deck would be constructed to support the SPUI and fill the freeway between Ocean and Geneva Avenues. A connecting roadway would run along the center of the deck, and would be lined by the new inter-modal terminal, new mixed-use buildings, and a public open space.



Freeway deck and Single Point Urban Interchange.



Section through the freeway deck and transit center.

The construction of the SPUI and deck would simplify the interchange between the freeway and city streets; reducing the number of pedestrian and auto conflict points and helping to reconnect the neighborhoods.

OBJECTIVE 2.4

ENCOURAGE WALKING, BIKING, PUBLIC TRANSIT AS THE PRIMARY MEANS OF TRANSPORTATION.

The plan area has a diverse array of land uses and an infrastructure rich in transportation services. Walking, biking, and public transit complement the area's urban character of small closely spaced houses, a fine-grained walkable shopping district, and the availability of transit. This plan encourages walking by proposing streetscape improvements and traffic calming measures. It encourages bike riding by proposing stronger bicycle connections. It also encourages the use of public transit by proposing to increase transit reliability and comfort.

POLICY 2.4.1

Main streets in the plan area should be civic spaces as well as movement corridors.

Streets that support and invite multiple uses, including safe and ample space for pedestrians, bicycles, and public transit, create a conducive setting for the public life of an urban neighborhood. Well-designed, multi-functional streets become important urban public spaces. Streets must be comfortable for pedestrians and functional for all types of travel. The main streets in the plan area – Geneva, Ocean, Phelan, and San Jose Avenues – should emphasize pedestrian, bicycle, and transit movement, while allowing for auto travel. On smaller streets the comfort of pedestrians is paramount.

POLICY 2.4.2

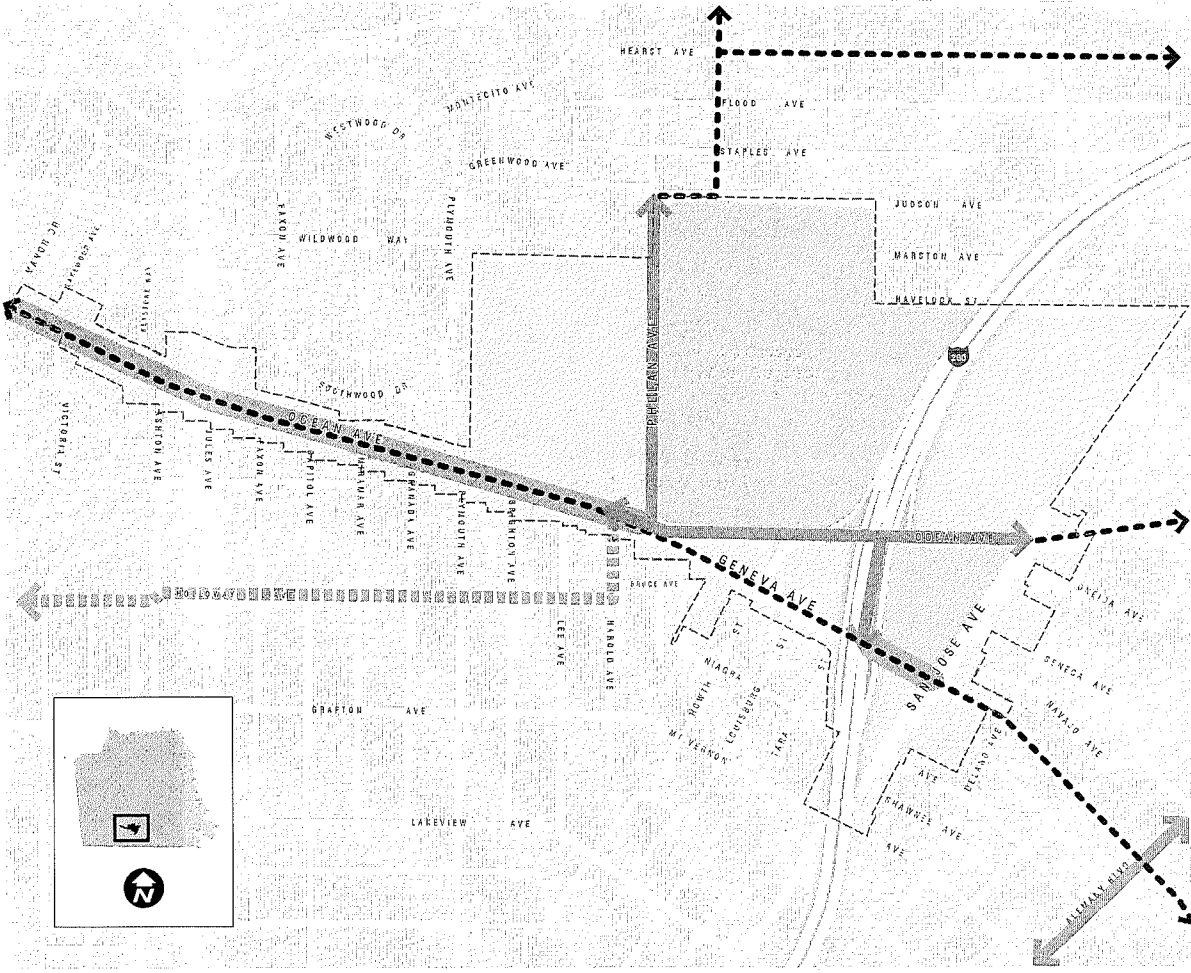
Improve and expand bicycle connections throughout the plan area.

There is a significant opportunity to boost cycling in the plan area; street grades are relatively flat for San Francisco, there are excellent regional transit connections, and a strong student population represents a potential pool of cyclists. Official city bike routes serve the plan area on Ocean, Geneva, Phelan, and Holloway Avenue. Currently, these bike routes do not have dedicated bicycle lanes. This plan improves access and road conditions for cycling by proposing bike lanes on Ocean and Phelan Avenues, and by providing bicycle improvements along Holloway Avenue, connecting City College with San Francisco State University. All bike improvements proposed in the Balboa Park Station Area Plan must comply with the City's Bike Plan.







POLICY 2.4.3

Improve travel time, transit reliability, and comfort level on all modes of public transportation.

To encourage more people to use transit, the travel experience must be pleasant. The quality of the transit experience should be improved through well-designed stops and stations. In addition, signal pre-emption for transit vehicles can help reduce the 'bunching' together of transit vehicles by allowing a bus or streetcar to pass through intersections with minimal delay. Stops signs slow transit service and should be minimized and replaced by signals with preemption on transit preferential streets.



Bicycle Improvements & Transit Preferential Streets

-  Proposed Bicycle Lanes
-  Proposed Bike Improvements
-  Existing City-Designated Bike Routes
-  Enhanced Bike Parking Stations
-  Transit Preferential Streets
-  Plan Area

03

PARKING

Despite the vast array of transportation services offered in the plan area, many people still drive to fulfill their daily needs. As a result, parking is a primary concern among the residents in the surrounding neighborhoods and with the merchants in the Neighborhood Commercial District.

The land uses in the area, namely the City College of San Francisco, the Ocean Avenue Neighborhood Commercial District, the Balboa Park BART station, and the Muni service yards, create a competitive parking situation for the residents in the surrounding neighborhoods. City College draws students and staff to its facility; many drive their cars, creating congestion in the areas surrounding the college. The merchants along Ocean Avenue recognize the importance of on-street parking availability to the success of their businesses and are discouraged by the current low turn-over rate. The BART station is the southernmost station; encouraging some to 'park and ride' or to be dropped off. Ironically, the transit services themselves generate traffic; the Muni offices and service yards bring employees who may drive to work.

Balanced parking policies are a critical component to creating a livable neighborhood. As a result, the Plan takes a comprehensive approach to address the negative impacts of

parking in and around the plan area. First, the Plan provides modal choice; it enhances transportation services, and encourages walking and biking through redesigned streets and improved streetscapes. Second, the Plan prioritizes parking for residents, shoppers, and visitors to the area by revising the residential permit parking system. Lastly, the Plan proposes parking management strategies to be implemented after a parking survey of the area is completed.

OBJECTIVE 3.1

ESTABLISH PARKING STANDARDS AND CONTROLS THAT PROMOTE QUALITY OF PLACE, AFFORDABLE HOUSING, AND TRANSIT-ORIENTED DEVELOPMENT.

The plan area cannot become a better place without a balanced series of parking policies. If more parking is provided, it will generate traffic. If parking policies are too strict, they may have the effect of making life difficult for residents. Balanced parking policies are critical to creating a livable neighborhood. Parking should be provided where needed, but care should be taken to avoid oversupply.

POLICY 3.1.1

Provide flexibility for new residential development by eliminating minimum off-street parking requirements and establishing reasonable parking caps.

Eliminating minimum parking requirements allows developers the flexibility to tailor parking to the constraints of a site and to the needs of expected residents. Maximum requirements, by limiting the amount of off-street parking that may be provided, help to protect the qualities of a place, promote higher densities, reduce housing costs, and encourage transit use.

POLICY 3.1.2

Provide flexibility for non-residential development by eliminating minimum off-street parking requirements and establishing parking caps generally equal to the previous minimum requirements.

Current minimum parking requirements for commercial and institutional uses of 10,000 square feet or less should be converted to maximums, with no required minimums. This will allow developers the flexibility to maximize retail and housing development in new mixed-use buildings near transit, while still permitting enough parking to serve appropriate uses.

POLICY 3.1.3

Make parking costs visible to users by requiring parking to be rented, leased or sold separately from residential and commercial space for all new major development.

Currently most new ownership housing and some new rental housing has parking included in the base price of a unit. This encourages auto ownership and use because the cost for storing a vehicle is an already “sunk” and invisible cost. Individuals or families who do not own or may not need a car must often pay for the space anyway, needlessly driving up the cost of their housing.

Where possible, parking spaces should be sold or rented to residents for a price separate from that of the unit itself. This will encourage only those who really need a car to pay for storing one and also serve to lower the cost of housing for those who do not need or want a car.

OBJECTIVE 3.2

ENSURE THAT NEW DEVELOPMENT DOES NOT ADVERSELY AFFECT PARKING AVAILABILITY FOR RESIDENTS.

Residents sometimes oppose new development because of worries that new residents will compete for scarce on-street parking spaces. Implementing parking management strategies, enhancing parking enforcement programs, and proposing alternatives to reduce the need for parking will help to ensure that new development does not adversely affect parking availability.

POLICY 3.2.1

Consider revisions to the residential permit parking program (RPP) that make more efficient use of the on-street parking supply.

The city’s existing residential permit parking (RPP) system is intended to mitigate the impacts of commuters and other long-term non-resident parkers on residential streets while also accommodating short-term parking for visitors. The program, as it is currently configured, is only partially successful in its purpose of ensuring that adequate on-street space is available for permit holders.

The city should engage in a study to identify revisions to the residential permit program so that it more effectively allocates parking as a scarce resource and helps residents to welcome appropriate new development. Directions for further study include:

1. Creating more of a true market for on-street parking. This would involve raising the price for a parking permit to a level where it would be more likely to trade off the costs of maintaining a car against the costs of other means of transportation;
2. Enacting regulations stipulating that residents of new development on transit preferential streets are not eligible for a permit;
3. Channeling extra revenue from higher parking fees back into neighborhood improvements.

These ideas, and others not yet identified, should be studied closely by the city's Department of Parking and Traffic to identify their costs and benefits before proceeding to modify the RPP program.

POLICY 3.2.2

Manage the existing supply of on-street parking in the plan area to prioritize spaces for residents, shoppers and non-commute transit trips.

The on-street parking supply in the plan area is put under pressure due to the proximity of transit and City College. Drivers from outside the neighborhood seek unregulated street parking in order to use BART or Muni. Likewise, students attending courses at City College often seek parking on neighborhood streets.

Highest priority for the limited supply of existing on-street parking should go to residents on neighborhood streets (via a residential permit parking system) and shoppers on commercial streets (via parking meters). Effective enforcement will be required to make this prioritization system effective. A lower priority for access to on-street parking should be assigned to non-commute users of the transit station and employees of local businesses. City College parking demand should be reduced via programs to encourage use of non-auto modes and then be accommodated on dedicated off-street facilities.

POLICY 3.2.3

Promote car-sharing programs as an important way to reduce parking needs while still providing residents with access to an automobile when needed.

Car-sharing programs have gained popularity in the last few years in many cities. Members of car-share organizations are able to quickly and easily access vehicles located in their neighborhoods for everyday trips without needing to own a car. These programs should be supported in the plan area to minimize the negative impacts of new development on parking availability.

POLICY 3.2.4

Increase the effectiveness and scope of the city's parking enforcement program.

Parking meters, residential permits, and other measures rely on enforcement if they are to work effectively to improve availability and prioritize spaces as intended. Regular, con-

sistent enforcement is needed in the area. An enforcement program is also important at bus stops to improve transit reliability, to allow Muni vehicles to pull to the curb, and to maintain dedicated curb space for delivery vehicles, taxis and 'kiss-and-ride' functions.

POLICY 3.2.5

Carefully managed parking in the Phelan Loop Area.

New residential and commercial uses in the Phelan Loop Area will generate demand for parking, though this demand can be expected to be lower than average due to the proximity of the Muni K-line and the Balboa Park BART station. There will be an opportunity to create new, metered, on-street parking spaces along the new street extensions in the Phelan Loop area. Off-street parking facilities can also be developed as part of new buildings on the various parcels.

The following guidelines should govern the provision of parking in the Phelan Loop Area.

Guidelines for Parking in the Phelan Loop Area

1. Curb parking is desirable in all cases, and its availability should be maximized along Ocean Avenue, as well as along side streets. Curb parking should be managed according to the Balboa Park Station Area Plan Urban Design Guidelines in the Urban Design and Built Form chapter of this Plan.
2. New metered curb parking spaces should be created in the Phelan Loop Area. These new spaces will be located along the extensions of Brighton and Harold Avenues. When a new building is developed on the Phelan Loop parcel, the street should be widened to allow the creation of metered curb parking along the north side of Ocean Avenue between Harold and Lee Avenues, where it has not existed in the past.
3. Off-street parking, in structures and underground, should be centrally planned and managed for the entire Phelan Loop area, to the greatest extent possible. Central planning and management of parking in this area offers the opportunity to make the most efficient use of the fewest number of spaces, as well as to minimize the number of unattractive driveways and entrances. Involvement of the San Francisco Parking Authority should be explored.

Spaces for car share and other innovative programs should be a part of the parking facilities in this area.

4. Entrances to off-street parking should not be placed on Ocean Avenue. All parking entrances should be via Harold, Lee and Brighton Avenues. Openings providing auto access into garages should be as narrow as possible.
5. Structured parking may be provided underground or within building podiums. In all cases parking should be screened from view from Ocean Avenue. Parking should also be screened from view, to the greatest extent practical, from the public spaces along the extensions of Harold and Brighton Avenues. Parking should be set back at least 25 feet from lot lines along Ocean, Harold and Brighton Avenues.
6. There should be no minimum parking requirements attached to any land use. Parking for residential uses should not be provided at greater than one space per unit. Parking for commercial uses should not be provided at greater than two spaces per 1,000 square feet of occupied building area. Parking for commercial uses must conform to all other design and setback requirements set forth in this Plan.

OBJECTIVE 3.3

ENSURE THAT NEW OFF-STREET PARKING DOES NOT ADVERSELY AFFECT NEIGHBORHOOD CHARACTER OR THE PEDESTRIAN FRIENDLINESS OF STREETS IN THE PLAN AREA.

Curb cuts, leading to garages or surface parking lots, adversely impact transit service and the quality of the pedestrian environment as well as remove on-street parking and trees. They also introduce auto traffic across busy pedestrian sidewalks.

POLICY 3.3.1

Prohibit garage doors and curb cuts on neighborhood commercial and transit preferential streets.

Curb cuts should be prohibited on transit preferential streets due to the delays they impose on buses and streetcars. This will have the effect of prohibiting off-street parking in new developments mid-block, but not in buildings developed on corners, where parking garages can be accessed from side streets.

OBJECTIVE 3.4

ESTABLISH PARKING POLICIES TO SUPPORT REVITALIZATION OF THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

Adequate short-term customer parking is one important element of a successful neighborhood commercial district. Currently, while parking along Ocean Avenue in the commercial district is easier than in most of the city's busiest districts, spaces can be hard to find at peak times. Parking in the commercial district needs to be carefully managed so that it doesn't detract from pedestrian, bicycle and transit access which is critical to a healthy district.

POLICY 3.4.1

Improve metered parking in the Ocean Avenue Neighborhood Commercial District.

The local nature of the Ocean Avenue Neighborhood Commercial District means that most shopping errands can be completed within an hour, and in many cases, significantly less time. To maximize business for local merchants, parking should be managed to give priority to short-stay customers.

POLICY 3.4.2

Maximize existing off-street parking facilities in the commercial district for business owners and employees as well as for customers.

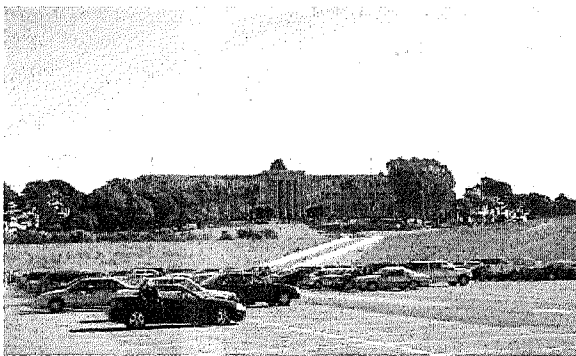
Often business owners and employees park along Ocean Avenue; occupying prime parking spots which should be available to customers. The merchants' association and other neighborhood groups should negotiate with owners of parking lots that have weekday surpluses to allow others to use their lots within agreed time frames. These negotiations would be likely to focus on parking for employees in the commercial district, allowing them to use the lots to

free up on-street parking spaces for customers. It may be possible to use the lots for customer parking as well. Possible locations include:

- Rite-Aid/24-Hour Nautilus (107 spaces)
- New Providence Baptist Church (30 spaces at Granada Avenue and Holloway Avenue)
- St. Emydius Church (50 spaces at De Montfort Avenue and Ashton Avenue)
- Voice of Pentecost Church (11 spaces at Ocean Avenue and Keystone Way)
- SF Church Assembly (17 spaces, also on Ocean Avenue)

POLICY 3.4.3
Explore the potential for merchants and their employees to park in the reservoir.

City College currently offers hundreds of parking spaces every day at the reservoir for \$1 a day. There is a large number of surplus spaces that could be used to accommodate longer-term parking by merchants and their employees; freeing up more curbside spaces for customers. Though both City College and the Public Utilities Commission (PUC) have plans for using the reservoir in the future, they are unlikely to move forward for several years. In the meantime, the merchants association should explore whether City College would offer a monthly permit to local merchants and their employees. In addition, City College and the PUC should explore creating a pedestrian pathway that would connect the reservoir parking directly to Ocean Avenue.



Balboa Reservoir

POLICY 3.4.4
Consider the long-term need for additional public off-street parking only after all existing on and off-street parking opportunities have been exhausted.

The use of scarce land in San Francisco for public parking lots or parking structures should be considered only as a last resort. First, all existing parking opportunities should be fully utilized. If parking demand warrants the construction of additional off-street parking it should only be developed as part of a new mixed-use development rather than as a standalone garage structure.

OBJECTIVE 3.5
ESTABLISH PARKING POLICIES TO SUPPORT THE NEW TRANSIT STATION NEIGHBORHOOD.

City policy strongly discourages the provision of all-day commuter parking at transit hubs and encourages access by public transit, walking, bicycling and passenger drop-off. One component to the development of this area is the management of on-street parking in a way that supports transit use and prioritizes curb space for support services and those who need it most.

POLICY 3.5.1
Provide off-street parking to serve BART or Muni employees should not be provided.

Currently, there are parking spaces along main streets reserved for Muni employees who work at the Muni facilities in the Transit Station Neighborhood. Muni should ensure that the existing off-street parking facilities in the area which it currently owns or rents are being used to their full capacity before the city reserves curb parking space for Muni employees. Should additional parking be needed beyond that provided in its own off-street facilities, only enough curb spaces should be reserved to cover the shortfall for those employees who work late night and early morning shifts when transit is not available. Curb-side parking space in the Transit Station Neighborhood is limited, particularly after satisfying the needs of transit services for curb space to pick up and drop off passengers. This means that remain-

ing curb-side parking spaces must be carefully prioritized for essential users, including local residents, who would be ensured parking availability through a revamped residential permit parking program.

POLICY 3.5.2
Prioritize on-street parking in the Transit Station Neighborhood for particular types of users.

The following priorities should be established for curb space in the Transit Station Neighborhood, on Ocean, Geneva and San Jose Avenues:

1. Public buses and shuttles
2. Private buses and shuttles
3. Taxis
4. Car-sharing services
5. Passenger drop-off and pickup
6. Muni and BART employees working late night and early morning shifts
7. Visitors to Balboa Park
8. Short-term (non-commute) parking for transit riders

After critical functions are provided for, the next priority should be given to users of Balboa Park and to those who wish to park near BART for short term (non-commute) trips. Four-hour meters, or a different technology, can be used to make sure that commuters do not use neighborhood curb-side parking space for all-day parking.

On the residential side streets around the station, parking should be prioritized for residents and their visitors, by means of the residential parking permit system and effective enforcement.

POLICY 3.5.3
Explore the extension of the validity of the Fast Pass on BART to the Daly City station.

Currently many BART riders from northern San Mateo County park on the streets around the Balboa Park Station in order to be able to use a Muni Fast Pass to ride BART into downtown San Francisco, rather than paying the much higher regular BART fare from the Daly City Station. BART and Muni, in consultation with SamTrans and Daly City, should investigate the costs and benefits of extending the validity of the Fast Pass to Daly City Station.

04

HOUSING

Housing above neighborhood-serving retail is one of the most important strategies for revitalizing the plan area. The development of new mixed-use buildings with housing above, carefully designed and affordable to a range of income levels, will enliven the streets, supply more customers for local businesses, and help address the city's housing needs. The proximity of the neighborhood's main streets to excellent transit service makes this an especially good place for housing.

There are a number of opportunities to provide housing in the plan area; through incremental infill and through the development of underutilized lots in the area. The Ocean Avenue Neighborhood Commercial District has many underdeveloped sites; additional housing in this area will increase the customer base and enliven the area. Toward the eastern end of the district, the larger parcels around the Phelan Loop also offer more opportunities for additional new housing.

The Transit Station Area is also surrounded by underutilized land. In fact, some parcels located directly adjacent to the Balboa Park BART station are currently zoned for single family housing. Transit station areas are ideal places to encourage new housing growth, as new residents and other activity can be accommodated without many of the negative impacts associated with growth, notably traffic. The transformation of this area into a functional transit hub depends on intensifying development in the area,

which includes adding a variety of housing types. Focusing compact growth and density around this transit oriented area capitalizes on major investments in transit and brings potential riders and destinations closer to transit facilities, thereby increasing ridership.

In addition to new housing in the plan area, the Plan aims to provide increased affordable housing opportunities and to preserve and enhance the area's existing housing stock, resulting in a diverse housing mix that complements the surrounding neighborhoods, while supporting the services offered in the area.

OBJECTIVE 4.1

MAXIMIZE OPPORTUNITIES FOR RESIDENTIAL INFILL THROUGHOUT THE PLAN AREA.

Successful San Francisco neighborhoods follow a consistent pattern. They generally include residential enclaves surrounding a vibrant, mixed-use commercial core. In most neighborhoods, the commercial core contains mixed-use buildings along main streets, with neighborhood-oriented stores and services on the ground floor and housing on upper floors. A critical mass of people living on or near main commercial streets is what gives urban neighborhoods their vitality, interest, safety, and convenience.

POLICY 4.1.1

Housing, supported by a modest amount of neighborhood-oriented commercial establishments, should form the backbone of all new development in the plan area.

Significant gaps in development and activity along streets caused by underutilized land or the intrusion of major infrastructure can make even very close areas seem distant, isolated and unconnected. Filling in these gaps with active mixed-use buildings will connect isolated sections of the plan area. Ocean Avenue and San Jose Avenue present opportunities for infill housing while the transit station area and the reservoir area provide opportunities for larger housing developments.

POLICY 4.1.2

Eliminate dwelling unit density maximums.

Dwelling unit density maximums unnecessarily constrain the number of dwelling units that can be built on a given lot. Eliminating density caps allows developers the flexibility to construct the type of unit that reflects market realities.

OBJECTIVE 4.2

STRENGTHEN THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT BY PROVIDING AN APPROPRIATE MIX OF HOUSING.

A comprehensive program is needed to revitalize the commercial district and should include infill development that brings more housing and activity to the street. The commercial district offers opportunities for parcels to be redeveloped over time, either through additions on upper floors, or on the potential development sites in the Phelan Loop Area.

POLICY 4.2.1

Encourage mixed-use commercial and residential infill within the commercial district while maintaining the district's existing fine-grained character.

Over time there will be opportunities to replace some existing structures in the commercial district. Infill on these parcels with mixed-use developments containing up

to three floors of housing, and retail space on the ground floor should be encouraged. To retain the district's fine-grained character, consolidation or mergers of more than one parcel should be prohibited. An exception to this rule should be made for mergers where a corner parcel would be consolidated with one adjacent parcel. These mergers would allow slightly larger structures to be developed on corners, which would allow more housing units to be developed with access to parking from the side street.

POLICY 4.2.2

Redevelop the parcels in the Phelan Loop Area with new mixed-use development.

Although the Phelan Loop Area is functionally a part of the Ocean Avenue Neighborhood Commercial District, it has a distinctly different character from the rest of the commercial district. This area breaks the traditional urban pattern of buildings built to the sidewalk. The reconfiguration of the existing Phelan Loop would encourage the development of housing sites.

The first site, currently known as the Kragen Site because it is occupied by a Kragen Auto Parts store, is the largest individual site in the Phelan Loop area. New development here would contribute substantially to the revitalization of this area by introducing new housing and commercial development and would add to the creation of a cohesive streetwall along Ocean Avenue.

The second site is the existing fire station/bookstore parcel. This parcel is currently occupied by a fire station and a small building housing a bookstore for City College. The relocation of the fire station is not necessary to realize the vision of this area however, if the station should relocate, a residential/commercial mixed-use buildings could be built in its place to strengthen the connection between City College and the neighborhood, and to help activate the Phelan Plaza.

The third parcel in the Phelan Loop Area would be created from the reconfiguration of the Loop itself. Reconfiguring the Phelan Loop would provide a parcel of land that aims to accommodate a 70 unit, 100% affordable housing project, bringing new residential opportunities for people with a variety of income levels to live in the neighborhood.

OBJECTIVE 4.3

ESTABLISH AN ACTIVE, MIXED-USE NEIGHBORHOOD AROUND THE TRANSIT STATION THAT EMPHASIZES THE DEVELOPMENT OF HOUSING.

Transit station areas are often ideal places to encourage new housing growth, as new residents and other activity can be accommodated without many of the negative impacts associated with growth, notably traffic. Focusing compact growth and density around transit stops capitalizes on major investments in transit and brings potential riders and destinations closer to transit facilities, thereby increasing ridership.

**POLICY 4.3.1
Encourage mixed-use housing on the Upper Yard.**

Development on the Upper Yard (the southwest corner of San Jose and Geneva Avenues) represents the best near-term opportunity for introducing mixed-use development into the station area. Development of this site would provide a stronger sense of neighborhood identity and bring much needed housing to the Transit Station Neighborhood.

Development on the Upper Yard should seek to maximize density in order to help create increased vitality around the station and provide as much housing as possible. The massing and character of new buildings must contribute to the existing neighborhood and respect the character and scale of the Geneva Office Building.

Development along Geneva Avenue should be primarily residential, with some transit and neighborhood-serving commercial uses at the street level. Development facing San Jose Avenue should be predominately residential.

**POLICY 4.3.2
Encourage mixed-use housing on the northeast corner of Geneva and San Jose Avenues.**

A parcel at the northeast corner of Geneva and San Jose Avenues currently contains a one-story retail building and some surface parking. Immediately to the east, the city Recreation and Parks Department owns a strip of land running along Geneva Avenue as far as Delano Street, which contains open planted areas surrounded by a fence. Both

of these parcels are significant in that they are underutilized pieces of land very close to the heart of the new Transit Station Neighborhood.

The retail building should be appropriately redeveloped with a mixed-use building, containing housing on the upper floors and either retail or institutional space on the ground floor. The Recreation and Parks Department parcel is part of the city's open space inventory. According to the City Charter the parcel cannot be changed to another use without voter approval unless a comparable parcel is substituted for it. If the charter requirements are satisfied, these two parcels could be combined to create the opportunity for a substantial new development. Appropriate uses would be some combination of housing, neighborhood-oriented retail, institutional space and a small amount of public open space.

**POLICY 4.3.4
Housing should be developed above the Muni Green Yard.**

Both locally and regionally, the Muni Green Yard rail facility is an ideal location to concentrate new housing, because of its exceptional access to transit, commercial services, and other institutional assets. Additionally, the site is large – an entire block – giving it the potential to house several hundred dwelling units, greatly enhancing the activity and life at the heart of the Transit Station Neighborhood. However, even with the completion of a new inter-modal transit terminal and freeway deck, this rail yard will remain vital to Muni's operations for many years.

While it would be very complex to build over the rail facility, the potential exists to build a mid-rise, mixed-use housing development in the "air rights" above the largely single-story rail facility. In general terms, this proposal would include building a deck for new development above Muni rail operations, storage and maintenance facilities. This scenario would be expensive and complex, yet it would radically change the character of the Green Yard and the neighborhoods that surround it. The project's greatest challenges include the creation of a viable and functional rail yard while carefully integrating new development in a manner that would contribute to the neighborhood.

It is likely that a complete yard redesign and reconstruction effort would be necessary in order to realize the air rights

development. A potential benefit to this reworking could be the creation of a more efficient and modern rail facility that better meets Muni's operational needs. The development pattern atop the deck should follow the neighborhood's traditional street grid pattern and alignments (perpendicular to San Jose Avenue), essentially creating a grouping of elevated city blocks, rather than a single, massive super-block. Efforts should be made to align egress points with existing streets and the traditional street grid pattern along San Jose Avenue. To the extent practical, enough space should be available between Muni operations and the sidewalk to build new housing units along the Green Yard's street-facing edges.

Attention should be focused on scale and the creation of an active and interesting street level presence. Low to mid-rise (up to five stories) residential units such as stacked flats and/or town homes should be built on the street level along Ocean and San Jose Avenues. These units would separate the otherwise blank walls associated with the rail yard and the street. The units built along San Jose Avenue should follow a 25-foot wide pattern of vertical modules to respect the scale and character of the homes across the street. In both cases, particular emphasis must be placed on creating buildings with human scale that do not appear monolithic or unusually wide and massive. The buildings should follow the urban design principles and guidelines set forth in this Plan. More intensive mid- to high-rise development should be built atop the deck, with density and height increasing in closer proximity to the multi-modal station. Any tall buildings built within the new blocks should be graceful and slender.

OBJECTIVE 4.4

CONSIDER HOUSING AS A PRIMARY COMPONENT TO ANY DEVELOPMENT ON THE RESERVOIR.

The Balboa Reservoir represents one of the largest remaining undeveloped sites in San Francisco and currently forms an unpleasant void in the neighborhood. Developing housing on this site would help fill this void in two ways. First, housing here would add more people to the area; enlivening the commercial district and increasing ridership levels on the nearby public transportation services. Second,

new housing development would fill the void between the commercial district and the surrounding neighborhoods, enticing residents to walk to the commercial district and use alternative modes of transportation.

POLICY 4.4.1 Develop housing on the West basin if it is not needed for water storage.

If the PUC should decide that the west basin is not needed for water storage, it should consider development of a mixed-use residential neighborhood on part of the site to address the city-wide demand for housing. Affordable housing should be considered a high priority per Policy 4.5.1.

OBJECTIVE 4.5

PROVIDE INCREASED HOUSING OPPORTUNITIES AFFORDABLE TO A MIX OF HOUSEHOLDS AT VARYING INCOME LEVELS.

In addition to preserving and increasing the supply of housing in the area, there is much that can be done to make housing more affordable in the area. Innovative means of increasing affordability have been explored as part of the community planning process. This plan supports the creative application of all means to enhance the amount and diversity of affordable housing in the area.

POLICY 4.5.1 Give first consideration to the development of affordable housing on publicly-owned sites.

Development of a wide variety of housing stock, containing units of various sizes, styles and prices, will help ensure that the plan area's current diversity in income, ethnicity, family size, and lifestyle can be maintained. Where publicly-owned parcels are being developed, the city should require that this diversity be included as part of new development. In addition, city policy directs that surplus public property be considered for development of affordable housing. Thus, when offering their land for development, first consideration should be given by these agencies to the development of housing affordable to individuals or families making less than 120 percent of the area median income.

POLICY 4.5.2
Establish programs to increase affordability of housing developed in the Plan Area.

The Bay Area is one of the pilot locations for the Location Efficient Mortgage Program. This program recognizes the lower costs of transportation for households living in neighborhoods near good transit service and allows these households to qualify for higher mortgage amounts based on these lower transportation costs. The plan area should be included in the eligibility zone for this new program.

OBJECTIVE 4.6

ENHANCE AND PRESERVE THE EXISTING HOUSING STOCK

The plan area has approximately 2,755 housing units, providing homes to more than 6,340 people. In contrast to new housing, existing housing tends to be more affordable. The area's existing housing stock should be preserved and remain available for occupancy by a wide range of residents.

POLICY 4.6.1
Maintain a presumption against the loss of existing housing units.

As housing demand increases, developers or property owners may seek to demolish or renovate housing that currently serves lower-income households in favor of housing for higher-income households. With the exception of substandard units, the existing housing stock should be protected, especially those units serving lower-income households. Development proposals that would result in a net decrease in the number of housing units should be rejected. Development proposals which would result in a net addition to the number of housing units in the area should be considered on a case-by-case basis.

POLICY 4.6.2
Discourage dwelling unit mergers.

Dwelling-unit mergers reduce the number of housing units available in an area. If widespread, over time, dwelling unit mergers can drastically reduce the available housing opportunities, especially for single and low-income residents.

This plan maintains a strong prejudice against dwelling unit mergers.

POLICY 4.6.3
Assist lower-income homeowners in making improvements to their houses.

The availability of low-interest loans can help homeowners with limited resources to make structural or aesthetic improvements to their properties. These funds allow lower-income households to improve their homes and remain in their community rather than live in unsatisfactory conditions or relocated to other communities where affordable and adequate housing can be found.

OBJECTIVE 4.7

PROMOTE HEALTH THROUGH RESIDENTIAL DEVELOPMENT DESIGN AND LOCATION.

Well planned neighborhoods – those with adequate and good quality housing; access to public transit, schools, and parks; safe routes for pedestrians and bicyclists; employment for residents; and unpolluted air, soil, and water – are healthy neighborhoods. Healthy neighborhoods provide quality living environments that have been demonstrated to have an impact on respiratory and cardiovascular health, reduce incidents of injuries, improve physical fitness, and improve social capital, by creating healthy social networks and support systems. Housing in the plan area should be designed to meet high standards for public health and the environment.

POLICY 4.7.1
New development should meet minimum levels of “green” construction.

The concept of Green Building “encompasses the ways of designing, constructing and maintaining buildings to decrease energy and water usage costs, improve the efficiency and longevity of building systems, and decrease the burdens that buildings impose on the environment and public health.¹ Green building can improve the health of our residents and our environment and is required by the Planning Code when constructing new housing in the plan area.

¹ The Benefits of Building Green; <http://www.unl.edu/centers/cfwe/buildinggreen.pdf>

05

STREETS AND OPEN SPACE

Public parks, plazas and open space areas are critical neighborhood-enhancing and -defining elements. In a successful urban neighborhood, these spaces will complement and enhance the open space provided by public streets. Well-located parks and plazas can knit together surrounding urban areas by providing a variety of active and passive recreational activities and informal gathering places.

A successful open space system enlivens and supports the neighborhood by including a variety of convenient, accessible and attractive public spaces serving different purposes and a mix of users. There are a handful of open spaces in the plan area. The largest and most notable of these is Balboa Park, a green that includes baseball diamonds, soccer fields, a swimming pool, and multi-purpose grass areas. Although San Jose and Ocean Avenues front this prominent park, it is largely screened from view by dense vegetation and fencing. Physical and visual linkages to Balboa Park from the surrounding neighborhoods should be improved. In addition, smaller neighborhood and transit-oriented parks and plazas should be introduced in the Transit Station Neighborhood and the Phelan Loop Area. This Plan aims to create a system of neighborhood open spaces, including active, passive, and informal gathering areas. These spaces

should be easily accessible and located throughout the plan area in order to best serve the surrounding neighborhoods and the transit users' needs.

The space between new and existing buildings and sidewalks in the Transit Station Neighborhood and the Phelan Loop Area will shape the character of formal urban open spaces. Balboa Park and a new open space developed over the western portion of the Balboa Reservoir will define the larger parks. The combination of landscaped streets, parks and public gathering areas would offer variety and form an interesting system of urban public spaces.

Streets provide important additions to the open space network and aesthetic quality of an area. The design and maintenance of all streets throughout the plan area should be guided by the Better Streets Plan, a policy document that will illustrate how planned improvements to the overall urban design quality, aesthetic character, and ecological function of the city's streets while maintaining safe and efficient use for all modes of transportation. The Better Streets Plan will provide guidance for both public and private improvements to the streetscape.

OBJECTIVE 5.1

CREATE A SYSTEM OF PUBLIC PARKS, PLAZAS AND OPEN SPACES IN THE PLAN AREA.

Parks, plazas, and open spaces should be conveniently located and easily accessed by the community they serve. Clearly defined entrances should not only provide access into the public space, but should act as a transition area between surrounding land uses and the open space. Benches and other amenities should be provided along the edges to encourage people to move between the open space and adjoining uses.

Ensuring visual penetration into parks and open space along all street-facing edges will allow people to see into these spaces from adjoining properties, increasing safety and encouraging use of the site. Fences should be transparent where they exist and are necessary for recreational purposes, such as around baseball or other sports fields, and removed wherever they are not necessary for these purposes.

POLICY 5.1.1
Create a variety of new public open spaces.

A variety of active and passive recreational opportunities should be provided throughout the plan area. It is important that these uses not be segmented into isolated spaces, but integrated within each defined open space and the public realm itself. The level of activity in an individual park or plaza is related to the variety of activities provided within

the public space, the surrounding mix of land uses, and its ability to attract different users throughout the day.

Larger, more formal parks and open space should provide activities for different age groups and levels of activity. Smaller open spaces and plazas may serve a particular function, such as a transit waiting area or sidewalk seating at a café. These smaller spaces may only provide for a single type of activity can be enlivened by the active land uses surrounding them. Benches and other seating areas should be provided within public spaces to encourage informal daily use by residents and visitors.

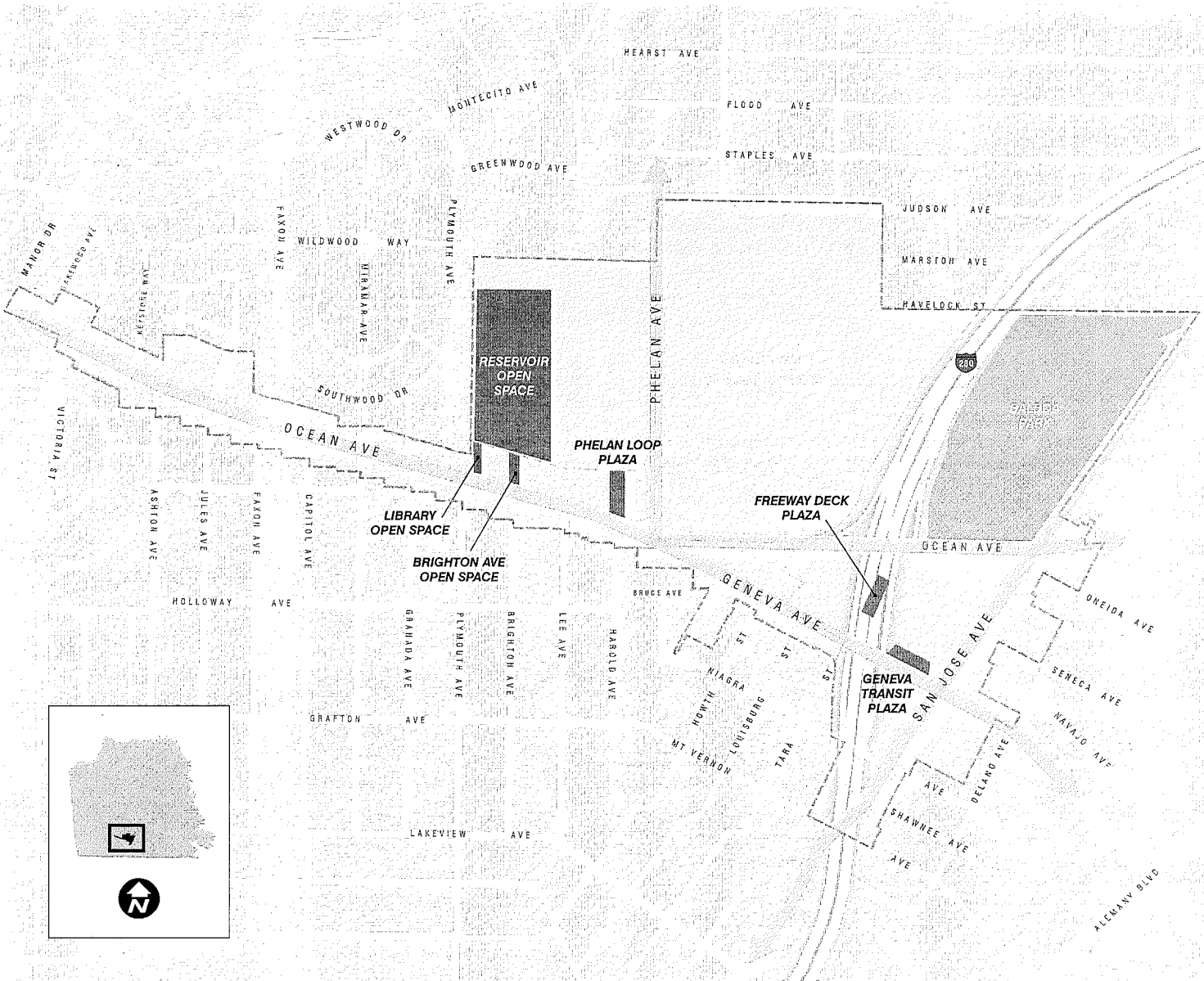
A number of open spaces are proposed in the plan area, including the Phelan Loop Plaza, the Geneva Plaza, open space associated with the proposed freeway deck, Brighton Avenue, the Library playground, and the proposed Balboa Reservoir open space. Design Guidelines for four key open spaces are articulated below.

Design Guidelines for Development of the Phelan Loop Plaza

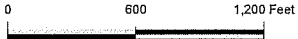
1. The open space should be at an elevation generally level with and directly accessible from Ocean Avenue. The space should be designed to address the formal street front of Ocean Avenue and frame views toward the entrance to a future expansion of the City College campus. At least twenty-five percent of the open space should include vegetation/permeable material that is flush with sidewalks and other hardscape treatments.

Rendering of Proposed Phelan Loop Plaza





Open Space Improvements



Proposed Corridors for Major Pedestrian Improvements



Existing Open Space



Proposed Open Space

2. The civic open space and associated sidewalks and streets should be designed to create a comfortable and inviting pedestrian environment, while also accommodating a redesigned Muni bus loop and layover, slow auto movement, and curb parking.
3. The street that lines the open space (not including Ocean Avenue) should be narrow, with special paving, capable of being closed by bollards for special events and during periods when there are many pedestrians. This would also work to calm traffic and reinforce the area as primarily a pedestrian zone.
4. Benches, seats, and other amenities should be provided to encourage informal daily use. The overall space should also be flexible enough to handle special events, festivals and markets, providing adequate space for vendors and concessionaires.
5. Since this plaza is intended for the use of passengers waiting to board transit, it should include a passenger information system, including Nextbus-style real-time arrival information.

Design Guidelines for Development of Geneva Plaza

1. The plaza should be at an elevation directly accessible from Geneva Avenue, and must provide smooth transitions and vertical access routes. While below-grade structures (Muni operations) may be permitted below the plaza, the design should allow for large specimen trees to be planted flush within the surface of the plaza, along the perimeter, and within the space itself. Other trees may be planted in boxes that form low seat walls.
2. The stairway and escalator entrance into the station should be redesigned, placing emphasis on good design, an inviting and well-defined street presence, and a stronger sense of civic identity. The existing enclosed BART entrance on the north side of Geneva Avenue should be replaced with an entrance that is open (similar to Market Street station entrances) with a cover overhead provided by a new glass canopy enclosure. Ultimately, this entrance should be incorporated into the design of the Geneva Avenue entrance to a new reconstructed inter-modal station as described above.
3. The plaza, and the sidewalks and streets that line the plaza, should be designed to accommodate the bus stops that line Geneva Avenue and the high

volume of pedestrians using the space, thereby creating a pleasant waiting area. New large shelters that integrate bus waiting areas with the BART station entries should be considered

4. A master signage program should be developed and implemented for the transit plaza and adjacent transit facilities, to provide visitors with a clear sense of location and provide direction to and between all modes of transit.

Guidelines for Development of Open Space Associated with the Freeway Deck

1. Two public open spaces are possible on the freeway deck. The primary space, on the east side of the deck road, would be adjacent to the station and serve as its front plaza and formal entry. To the greatest extent possible, it should be located in the central third of the deck, but the rail terminals and platforms might push it a bit south. This public open space would help to define a sense of arrival and give a strong civic presence to the station area.
2. A more park-like green space could be developed on the western side of the deck adjacent to Lick-Wilmerding High School and could be defined by new mixed-use buildings that harmoniously integrate the edge of the school with the new buildings so that the park's edges are not defined by tall, monotonous, and uninterrupted concrete retaining walls. The difference in elevation between the SPUI and the school site should also be addressed during the design process.

Design Guidelines for the Open Space on the Balboa Reservoir

1. Develop a combination of active and passive recreational facilities that would serve residents of the neighborhood as well as others.
2. Provide a well-defined eastern entrance to the open space to provide access from Phelan Avenue through the proposed new campus on the east basin of the reservoir. The entrance should provide a visual terminus for the east to west axis leading through the new development on the eastern half of the reservoir to City College's main building atop the hill. The entrance should have a special landscaping treatment.

3. Develop clearly marked access gates, pedestrian pathways, and visual site lines aligned with the streets of adjoining neighborhoods. Create trails, small open spaces or plazas to form useful transitions and opportunities for connection between destination points. Stairs and ramps should connect the open space atop the west basin to Ocean Avenue via an extension of Brighton Avenue. A proposed neighborhood green within the Brighton Avenue right-of-way would become the primary gateway into the park from Ocean Avenue and the neighborhoods to the south.
4. Provide a visual buffer between the park and the houses that abut the reservoir site to the west.
5. Pay careful attention to the design of edges between the open space and surrounding neighborhoods as well as Riordon High School. It is important to provide access into the park from the surrounding neighborhoods while respecting the privacy of adjacent homes. Trees and shrubs should be planted to provide a buffer between the houses that abut the reservoir site to the west. Entrances to the park should align with existing streets for direct pedestrian access and to extend clear views into the park from public streets.

POLICY 5.1.2

Safe and active open spaces should be designed, including a re-design of Balboa Park.

Balboa Park should feel open and inviting to the many people traveling to and from the transit station and surrounding neighborhoods. New clearly defined entrances and greater visual access into the park will encourage use of the park for more than just prescribed recreational activities. Vegetation along the park's street-facing edges should be trimmed and/or removed so as not to encroach upon the sidewalk or prohibit views into the park.

A formal gateway should be developed on the corner of Ocean and San Jose Avenues that serves as a neighborhood landmark and emphasizes the neighborhood's connection with the park. Art, special paving, and landscaping should be used to celebrate the entrance to the park. Benches and other seating should be provided at the entrance to allow people to enjoy watching the activities in the park as well as in the surrounding areas.

More specifically, Balboa Park should feel open and inviting to the neighborhood and to the many people traveling along its borders. The Department of Recreation and Parks should undertake a new Master Plan for the park. The plan should evaluate the possibility of designing an environmentally sustainable open space, it should encourage the use of the many recreational activities that the park currently provides, and it should consider a formal gateway into the park that would serve as a neighborhood landmark and emphasizes the neighborhood's connection with the park.

POLICY 5.1.3

Ensure that new open spaces are linked to and serve as an extension of the street system

The plan calls to extend streets in the plan area, enhancing the existing grid system. Extensions of the street grid for new development can serve as a means for linking open space to neighborhoods. The creation of a path to the open space parcel on the reservoir should be explored when extending Brighton Avenue. The Lee Avenue extension should link the street with the proposed Phelan Loop plaza.

POLICY 5.1.4

Pay attention to transit waiting areas.

Important transit nodes in the plan area should be celebrated and designed with a strong sense of civic identity. Waiting areas should offer protection from the elements and be large enough to accommodate the intended users. Transit waiting plazas, and the sidewalks and streets that line them, must be designed to accommodate a high volume of pedestrian movement.

POLICY 5.1.5

Use "found space" as public open space.

A number of opportunities exist in the plan area to create small but important public places out of unused space within the public realm. The land around irregular intersections, widened sidewalks, and utility easements can be transformed into valuable community space through the installation of benches and other amenities that will create inviting public places. Widened sidewalks can be used for café seating and other retail-oriented gathering spaces. Otherwise unused spaces could be redesigned as places for people.

The plan proposes to re-design the area's main streets with wider sidewalks, places to sit, landscaping and street trees. To foster a sense of place and to improve the pedestrian experience, significant public space improvements – such as bulb-outs and landscaping treatments – will be focused where side streets intersect with the main streets of Phelan, Ocean, Geneva, and San Jose Avenues.

OBJECTIVE 5.2

CREATE OPEN SPACE WITHIN NEW DEVELOPMENT THAT CONTRIBUTES TO THE OPEN SPACE SYSTEM

POLICY 5.2.1
Require good quality public open space as part of major new developments

As more people live in the neighborhood, greater pressure is placed on existing open spaces. Major new developments in the plan area should assist in meeting the demand that they create for open space. These developments should be required to provide publicly accessible open space in a quantity directly proportional to the size of the development or to the lot size, whichever is greater.

POLICY 5.2.2
Create wind-protected open spaces.

San Francisco's climate is such that sunny, wind-protected outdoor sites are the most usable on most days of the year. Outdoor spaces should be oriented in relation to adjacent development so that there will be direct sunlight during periods of high usage. Prevailing wind patterns and local wind currents created by adjacent development should also be considered. Barriers to deflect unpleasant winds should be used where appropriate.

OBJECTIVE 5.3

PROMOTE AN URBAN FORM AND ARCHITECTURAL CHARACTER THAT SUPPORTS WALKING AND SUSTAINS A DIVERSE, ACTIVE AND SAFE PUBLIC REALM.

Achieving an engaging public realm for the Balboa Park plan area is essential. Developing the transit station area will create identifiable landmarks in the urban landscape. Improving the appearance of building facades along the Ocean Avenue commercial district will make the area more inviting.

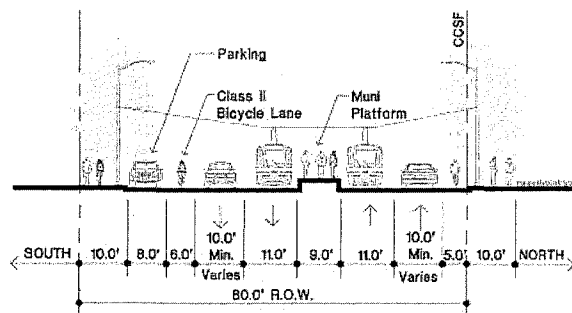
POLICY 5.3.1
Improve the visual and physical character of the Ocean Avenue Neighborhood Commercial District.

By improving the appearance of building facades and creating pedestrian-friendly sidewalks, the area will become a more inviting, desirable, and vital center of commercial activity. It will grow as a corridor that both reflects the culture of its residents and invites exploration by visitors.

POLICY 5.3.2
Redesign the main streets -- Phelan, Ocean, Geneva, and San Jose Avenues -- to encourage walking and biking to and from the Transit Station Neighborhood, City College, and the Ocean Avenue Neighborhood Commercial District.

The main streets in the plan area are poorly designed; they promote the fast movement of cars and contain circuitous pedestrian paths. These streets are generally cluttered; limiting mobility and creating an uninviting pedestrian experience. Improving the plan area's connectivity from its main streets, to its neighborhood streets, and to CCSF will encourage walking and biking in the area. The streets should be re-designed to emphasize pedestrian, transit and bike movement while still accommodating auto traffic.

SECTION BB OCEAN AVENUE (between I-280 and Geneva looking west)



POLICY 5.3.3

Pedestrian routes, especially in commercial areas, should not be interrupted or disrupted by auto access and garage doors.

The pedestrian interacts most with the ground story of buildings, and thus the greatest amount of attention must be paid to the articulation, transparency, and relation of building uses at this level. It is critical to ensure that pedestrian routes, especially in commercial areas, are not interrupted or disrupted by auto access and garage doors.

OBJECTIVE 5.4

CREATE AN SPACE SYSTEM THAT BOTH BEAUTIFIES THE NEIGHBORHOOD AND STRENGTHENS THE ENVIRONMENT.

Open space not only provides places to recreate and relax, but also helps improve the environmental quality of the neighborhood. Ecological sustainability is a key goal in the development of public spaces. New public open spaces should incorporate ecological sustainability elements, such as bioswales and natural areas. Urban areas such as San Francisco can improve existing water quality of our bay and ocean by encouraging more on-site infiltration. Pervious surfaces, such as parking lots, are one of the main causes of pollution flowing directly into these water resources, and one of the easiest sources to make more permeable. Permeability allows the water to be filtered through the soil before reaching the bay or the ocean. An ongoing master planning process being conducted by the San Francisco's Public Utility Commission (PUC) will provide guidance on how best to mitigate stormwater flow in the city's sewers, for example, by designing surface parking and loading areas to infiltrate rainwater onsite, rather than sending it into the drain.

POLICY 5.4.1

Make the open space system more environmentally sustainable by improving the ecological functioning of all open spaces in the plan area.

POLICY 5.4.2

Encourage efforts to uncover and restore Islais Creek to its natural state.

Water is ubiquitous yet invisible in the Balboa Park area. The south branch of Islais Creek runs through the area. And while culverted, Cayuga Avenue residents can still hear the creek water. In rainy seasons the creek floods. Where possible, this water source should be uncovered to expose another unique attribute of the area.

06

BUILT FORM

The Balboa Park Station Area Plan was in part chosen as a pilot project for the Better Neighborhoods program because the area contained the urban services and amenities that make a great neighborhood; it simply lacked a “sense of place.” Urban design is the process of giving physical design direction to urban growth, conservation, and change. Urban design draws together many strands of place-making into the creation of places of beauty and distinct identity. Urban design is about creating a vision for an area and then deploying the skills and resources to realize that vision.¹ The Balboa Park Station Area Plan has a vision to create a ‘sense of place.’ By focusing on connections (both physical and visual), the public realm, design, and the creation of a new neighborhood, this chapter focuses on how urban design can help achieve the plan’s vision.

A main goal for the plan is to provide connections between the Ocean Avenue Neighborhood Commercial District, City College, and the Transit Station Neighborhood. The street grid represents the basic unifying system for the neighborhood. The area has a good urban street pattern characterized by small, walkable blocks. The plan encourages this traditional street pattern as a way to improve connections within the plan area. The plan area contains isolated sections either caused by underutilized land or the intrusion of major infrastructure. This plan encourages infill development to connect these isolated sections.

The distinctive and attractive qualities of an area derive in great part from the design of individual buildings and the way in which these buildings come together to form the public realm. Achieving an engaging public realm for the Balboa Park plan area is essential. The combination of poorly designed streets and a lack of public and private investment in the area has contributed to the decline in the public realm. Re-designing the main streets and encouraging infill development will enhance the public realm by providing visual interest and adding activity to the street. Developing the transit station area, and improving the appearance of building facades along the Ocean Avenue commercial district will also help to improve the public realm. This section of the plan addresses the scale, character, and relationships that new buildings should embody in strengthening the public realm.

The transit station area is characterized by the Balboa Park Bart station, the Geneva Office building, surface parking lots, and the Muni rail facility. The area is not inviting, nor does it provide any services that complement the existing transportation services. This plan proposes the development of a transit village, and increases heights in this area to accommodate the goals of this development. It also proposes new height and bulk limits that allow for a greater variety in scale and character, while maximizing efficient building forms and enabling gracious ground floors. Developing

¹ http://www.cip-icu.ca/English/aboutplan/ud_what.htm

the Transit Station Neighborhood into a new transit village will create identifiable landmarks in the urban landscape through the siting and massing of significant buildings.

There are fundamental patterns of building composition that are essential to creating a pleasing public realm and establishing a human-scaled neighborhood character. Comprehensive urban design guidelines for the Balboa Park plan area will ensure that new development respects and builds upon the existing character while meeting these fundamental patterns.

OBJECTIVE 6.1

CREATE STRONG PHYSICAL AND VISUAL LINKS BETWEEN THE TRANSIT STATION NEIGHBORHOOD, CITY COLLEGE, AND THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

San Francisco has a history of creating visual corridors through the city, visually, and physically connecting its different areas together. One of the plan's main goals is to create strong physical and visual links by improving accessibility to the Transit Station Neighborhood, City College, and the Ocean Avenue Neighborhood Commercial District.

POLICY 6.1.1

Large parcels should emphasize the existing street pattern, by extending Harold, Brighton, and Lee avenues south across Ocean Avenue.

Extending and building upon the existing street pattern will help to connect the disparate sections of the area plan by breaking up large parcels of land into walkable blocks. In areas where the street cannot be extended due to topography or other factors, the "line of the grid" should continue in the form of a public pathway.

POLICY 6.1.2

Establish an east/west pedestrian pathway connection to link the BART Station to the Ocean Avenue Neighborhood Commercial District and City College.

New City College facilities should be designed on an extension of the existing street grid. New buildings should have a strong street presence and be built to the public right of way, creating a cohesive streetwall along Phelan Avenue,

internal roadways and pedestrian pathways. City College should include pedestrian improvements that help link the students with the retail services provided on Ocean Avenue and with the area's transit services.

OBJECTIVE 6.2

KNIT TOGETHER ISOLATED SECTIONS OF THE PLAN AREA WITH NEW MIXED-USE INFILL BUILDINGS.

Significant gaps in activity along streets are caused by underutilized land or the intrusion of major infrastructure that can make even very close areas seem distant, isolated, and unconnected. Filling in these gaps with active mixed-use buildings will make the transit station and the Ocean Avenue commercial district feel physically and psychologically connected. By knitting together these areas with infill development, residents and visitors alike will be encouraged to walk the area and take advantage of the shopping, cultural, and transportation resources that have seemed separated by voids.

OBJECTIVE 6.3

DEVELOP THE TRANSIT STATION NEIGHBORHOOD TO EMPHASIZE ITS IMPORTANCE AS A TRANSIT HUB AND LOCAL LANDMARK.

Developing the transit station area as a new mixed-use neighborhood will create a landmark in the urban landscape through the siting and massing of significant buildings. A new transit centre would include a freeway deck over the I-280 freeway between Ocean and Geneva Avenues. It would also include a new transit station, integrating the Balboa Park Bart station and the Muni facilities. Housing is proposed to surround the transit center, and building heights and development densities at the transit station should be increased to take advantage of the transit infrastructure. The Upper Yard, at the southwest corner of San Jose and Geneva Avenues, represents the best near-term opportunity for introducing mixed-use development into the station area. Development on this site would provide a stronger sense of neighborhood identity and bring much needed housing to the Transit Station Neighborhood.

POLICY 6.3.1

Create a deck over the I-280 between Ocean and Geneva Avenues to integrate the Transit Station Neighborhood with City College and the Ocean Avenue Neighborhood Commercial District.

The design of the proposed freeway deck should refer to the following guidelines.

Guidelines for Development of the Transit Center

A primary advantage of the freeway deck is that it would provide space to serve multiple modes of transportation, including buses, streetcars, pedestrians, bicycles, and automobiles, that need to access the station. The deck should be designed and organized in a manner that effectively accommodates each of these modes while remaining a friendly place for pedestrians. The road on the deck and the SPUI ramps should be as narrow as possible to keep traffic calm and allow for easy pedestrian crossings, while they provide for the safe movement of autos, bicycles and buses. Sidewalks should be wide enough to accommodate the thousands of transit users who will walk through the area daily. Bus stops and passenger drop-off areas should be clearly defined and designed to function within a busy environment, and should provide direct connections into the multi-modal station.

The area on the deck immediately adjacent to the station would likely incorporate new stub rail terminals for the K streetcar line and be incorporated into an expanded inter-modal station as described above. Additionally, there would be room on the deck to accommodate a stub terminal for a future light-rail line on Geneva Avenue.

Guidelines for Development on the Freeway Deck

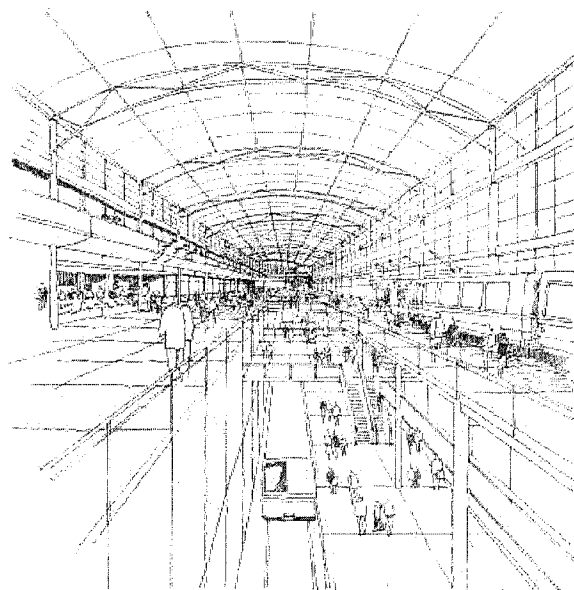
The deck would create a new “piece of land” over Interstate 280, available for development, open space, and community-supporting services. Development opportunities on top of the deck should be explored to the greatest extent practical: new buildings here would be essential in creating human-scaled development rather than a large, auto-dominated overpass. Two building opportunities would exist on

the deck: adjacent to Lick-Wilmerding High School on the west side of the deck, and adjacent to the BART station on the east side.

1. New development adjacent to Lick-Wilmerding High School should include mixed-use residential buildings. These uses will help activate the area, provide housing opportunities, and strengthen the area’s character. The buildings should be adjacent to Ocean and Geneva Avenues, and possibly separated by a central open space, sited so as to complement development at Lick-Wilmerding High School.
2. Streetcar tracks and passenger platforms would likely take up most of the ground floor of a transit center on the east side of the deck. Housing could be built above these facilities. Any buildings should be integrated with the station building to the greatest extent possible. Their placement and form should strengthen the character of the station and help to define pedestrian access routes and entries. There should be transit-oriented retail activities such as cafes, newsstands, personal services, and dry cleaners on the ground floors, and upper story offices and housing.

POLICY 6.3.2

The Balboa Park BART Station should be reconstructed to reinforce its role as a regional and local transit node and important neighborhood landmark.



Rendering of a Re-Designed BART Station

The Balboa Park Bart station should be reconstructed to improve internal circulation, incorporate terminals for Muni Metro streetcars within the facility, and to create a strong and inviting public presence and memorable identity. The reconstruction of the station should refer to the following guidelines.

Design Guidelines for Development of the Station Facility

The new station should contribute to the neighborhood by having a strong street presence. Particular emphasis should be placed upon creating distinctive pedestrian entrances on Ocean and Geneva Avenues. Entrances should be well-defined and inviting, and should establish a strong sense of civic identity. These primary entrances should be celebrated in different ways, with each reflecting its unique orientation and context, but designed to fit into the station context.

The station entrance facing Geneva Avenue should embody the characteristics of a traditional neighborhood train station, possibly including a grand entrance lobby defined by a strong central space of greater height, and special roof treatment. This, or similar architectural statements, should establish the station's role as a civic anchor, linking neighborhoods on both sides of Interstate 280. This role will be strengthened when new mixed-uses are built on the Upper Yard, the Geneva Office Building is revitalized, and improvements are made to the adjacent Geneva Plaza, making this entry a center of activity.

The context of the station entrance at Ocean Avenue is different from Geneva Avenue, but its role is quite important. It will continue to serve several thousand daily transit riders including City College students, residents of surrounding neighborhoods, and visitors to Balboa Park Station area. As such, it should serve as a landmark providing a visual beacon for pedestrians coming from either direction along Ocean Avenue.

The building's overall form should be distinctive and bold, clearly expressing its purpose and offering a strong sense of civic and neighborhood identity. It should demonstrate the highest quality architecture and use of building materials and technology. The building's perimeter should be largely

transparent, allowing the public clear views of the station and provide an additional measure of security for passengers and staff. Some portions of its external skin may be transparent, allowing natural light in by day and artificial out by night, further defining the building as a landmark and beacon.

The public area within the station should be defined by a feeling of space, light and a strong sense of identity. Public areas should include unimpeded site lines to entry and access points, ticketing areas, information centers, station agents, platform access areas, seating areas, and restrooms.

Transit riders should be provided with clear signage throughout the station area to ensure clarity of movement and a strong sense of orientation. Walking distances within the station should be kept to a minimum, allowing convenient access to and transfer between different transportation modes and areas outside the station. Potential conflicts between pedestrians and automobiles or rail should be clearly identified by signage, special walking surfaces consisting of textured or colored paving, special lighting, or other means.

POLICY 6.3.3

Any development on the Upper Yard site should be developed so that it contributes to the existing neighborhood and respects the character and scale of the Geneva Office building.

New mixed-use development is a critical part of creating a new neighborhood around the transit station. The Upper Yard, at the southwest corner of San Jose and Geneva Avenues, represents the best near-term opportunity for introducing mixed-use development into the station area. In addition to the general urban design and land use guidelines in this document, the following specific guidelines will apply to development on the Upper Yard:

Design Guidelines for the Upper Yard Site in the Transit Station Area

1. **Building Massing:** In general, building heights should be greatest close to the freeway, stepping down toward San Jose Avenue to respect the scale of the surrounding neighborhoods and the Geneva Office Building.

2. Development Pattern. A master development plan should be prepared that successfully integrates new buildings on this site with the existing entrance into the BART station and the BART mezzanine and that creates a generous sidewalk waiting area along Geneva Avenue. Buildings should be sited so as to define the block edges, address adjacent streets, and relate to the transit activities around them.

Facing Geneva Avenue, the ground floor should contain retail uses. To the extent possible, these buildings should provide a public glass atrium lobby along Geneva Avenue, containing entrances to shops, places for people to wait for the bus and sit and linger out of the weather, as well as a stairway or elevator to the transit station.

The street-wall along San Jose Avenue must be cohesive, while accommodating a mid-block portal for pedestrian and automobile access, as well as at least two mews-like pedestrian access points.

Building Setbacks

In general, buildings on the Upper Yard should be built up to the public right-of-way in order to create an inviting and active pedestrian environment, and to provide a sense of enclosure along the street. The following setbacks should be observed:

- Building(s) facing Geneva Avenue should set back to provide for a 20-footwide sidewalk, as measured from the face of curb, along the length of the block. This width is required to accommodate the many transit riders who use Geneva Avenue. A public glass atrium for shoppers and transit riders may be integrated into the design of the building.
- Buildings facing San Jose Avenue should be set back up to 5 feet from the sidewalk in order to allow projections such as stairs, or landscaping. The intent is to allow for frequent residential entries from the street, and to create a lively and interesting street-wall.

Building Massing

- The massing of buildings facing Geneva Avenue should be lowest adjacent to San Jose Avenue, with greater massing concentrated near the transit station entrance portal and Interstate 280. Along San Jose Avenue, the mixed-use buildings should include up to four floors of residential development over one floor of ground floor retail and parking (facing the Geneva Office Building), and increase to as high as seven stories over parking where development is closest to the freeway and the BART portal.

Because of the width of the Geneva Avenue frontage (approximately 180 feet) it is important that the street-facing mass be articulated in distinct masses with individual frontages no wider than 90-feet to break down the apparent size of the development.

Service areas for the mixed-use building should be consolidated and accessed from San Jose Avenue, and not visible from Geneva Avenue. Service bays should be an integral element of the building and must not be visually obtrusive.

- Development facing San Jose Avenue should be predominantly residential, taking the form of three- to four-story buildings (flats or townhouses), while taller and larger buildings may be built along the site's southern and western edges and adjacent to I-280. The overall form of buildings fronting San Jose Avenue should reflect either a series of tightly knit row houses, or traditional small apartment buildings. Either type should be massed with identifiable buildings with street frontages of no more than 100 feet in width, with 50-60 foot wide masses preferable. The urban design guidelines provided elsewhere in this document should also be followed.
- Frequent entrances to lower floor units facing San Jose Avenue are strongly encouraged to emphasize the residential use of the building, and to create an interesting and inviting street front. Ground floor residential entries may be handled several ways, including individual or shared stairs and porches or prominent entry lobbies. In any case, the location of entries should reflect a 25-foot-wide façade increment.

Parking Design

Structured parking should be completely screened from view from both Geneva and San Jose Avenues. Any auto entrances and exits should be located on San Jose Avenue. Openings for auto access should be as narrow as possible.

Any off-street parking built at or above grade on the site should obey a 25-foot setback from the property line on both the Geneva and San Jose Avenue sides, allowing for more active uses such as retail or residential entrances to front the street. Parking developed one-half level below grade and lower would not be subject to the setback, but should be treated as an integral component of the building's design. It should be articulated with entrances to lower floor residences and by other means so that it does not form a monotonous, uninteresting wall.

If parking is placed above grade (still within a building with units above), the San Jose Avenue facades should be lined with ground-floor residences and lobbies or building entrances. All openings for ventilation must be screened with architectural details and planting. In no case should full height blank parking level walls front onto San Jose or Geneva Avenues.

OBJECTIVE 6.4

RESPECT AND BUILD FROM THE SUCCESSFUL ESTABLISHED PATTERNS AND TRADITIONS OF BUILDING MASSING, ARTICULATION, AND ARCHITECTURAL CHARACTER OF THE AREA AND THE CITY.

There are fundamental patterns of building composition that are essential to creating a pleasing public realm and establishing a human-scaled neighborhood character. Common rhythms of building projections, window detail and proportions, exterior materials, and overall building siting are a few key ingredients that must be maintained regard-

less of the specific architectural fashion employed. This plan proposes new height and bulk limits that allow for a greater variety in scale and character, while maximizing efficient building forms, enabling gracious ground floors, and emphasizing key transit corridors. A comprehensive document of urban design guidelines for the Balboa Park plan area ensures that new development respects and builds upon the existing character for the area by meeting these fundamental patterns of building composition.

POLICY 6.4.1

Urban design guidelines should ensure that new development contributes to and enhances the best characteristics of the plan area.

New construction is likely to happen at different scales – modest structures will fill in gaps on small parcels along Ocean Avenue, some building owners will merely upgrade their facades, and other large underutilized parcels will see dramatic redevelopment. Regardless of scale, new development should add to the district's character, create a human scale public realm, and fit within the city's traditional fabric; regardless of architectural style. Larger-scale development efforts must take great care to not overwhelm the scale of the area and to positively establish a pedestrian-scale pattern. Urban design guidelines have been developed for the plan area and compliance with the guidelines is mandatory.

These urban design guidelines ensure that the fundamentals of good neighborhood design are followed while allowing for some freedom of architectural expression. A variety of architectural styles can achieve these important design performance standards. As such, architectural style is not regulated in this plan, but instead the Plan regulates the elements of building and site design that affect the scale, character, and pedestrian friendliness of the neighborhood. The intent is to encourage the design of buildings with a human scale that contributes to the establishment of an inviting and visually interesting neighborhood.

Balboa Park Station Area Plan Urban Design Principles

The Urban Design Principles apply to new development in the Balboa Plan Area and are intended to supplement existing design guidelines for the area and provide recommendations for good building design. The Balboa Park Station Area Plan Urban Design Principles address two main areas of concern: (1) massing and articulation and (2) treatment of the ground floor based on the type of street a building faces.

(1) Massing and Articulation

- Extend the city street network wherever possible and create human-scaled blocks. The city grid pattern provides an organized and measured relationship to give sense of place, orientation, scale, and comfort. Development patterns must be respectful of the existing street grid pattern and alignments to avoid the creation of “super blocks” that would be out of scale with the rest of the neighborhood and inhospitable to pedestrians. Development on large parcels should extend existing rights-of-way onto or through the parcel or create entirely new rights-of-way, such that the resulting development consists of definable blocks with a perimeter measuring no greater than 1400 feet bounded on all sides by public rights-of-way or other means of public access (e.g. open space, pedestrian passages). Blocks must be broken by, at the least, a public pedestrian passage every 450 linear feet.
- Significant parcel consolidation is prohibited on Ocean Avenue to preserve the fine-grained scale of the neighborhood. No parcel consolidation will be permitted that increases the frontage width on Ocean Avenue between Manor and Delano. The neighborhood is built on a traditional fabric of lots that are narrow and deep, which provides for an enriching block face, diversity of buildings, and stimulating pedestrian experience. Exceptions may be allowed where such merger would create corner parcels, such that off street parking can be accessed from a side street.
- All buildings of 85 feet in height or lower must have a maximum horizontal plan dimension of 110 feet, with a maximum diagonal of 125 feet.

The form of new buildings must consider the proportions and massing of other residential and street-front commercial buildings found throughout San Francisco, which are typically based on 25-foot wide building increments for row houses and neighborhood retail frontages, and that generally do not exceed 75 feet in width for larger apartment or office buildings. Efforts should be made to integrate the building into the overall scale of the streetwall. Many of the development parcels in the plan area are wider than the traditional 25-foot lot pattern, and care must be taken to create a fine-grained human scale. Individual buildings should maintain an expression of architectural unity, even for larger buildings, within the 110 foot maximum dimension. There must be a qualitatively different expression of buildings between adjacent structures.

These modulation and articulation increments are based on the walking speed of the average person and the need to experience diversity in the street-front every ten to twenty paces.

- Build to the edge of public rights-of-way. Buildings should embrace the public realm and the sidewalk, and set back only to accommodate elements that enhance this effect. Variations from this to accommodate wider sidewalks or front steps or stoops, create lively storefronts, or to mark entrances should be limited to the ground floor as defined elsewhere in these guidelines. Where sidewalks are less than 8 feet in width, new construction should set back to widen the sidewalk, especially along Ocean Avenue so that sidewalks are at least 8 feet in width. In the case of through-lots, concentrate massing along public rights of way and locate any open areas at the center of the lot.
- Parking shall be designed as an integral building element, set back at least 25 feet from street facing facades, located within or below development, completely screened from view, and wrapped by active uses on all major street frontages, notably along Ocean, San Jose and Geneva Avenues and the civic open space area on Harold Avenue. Parking should

create minimal physical and visual disruption to the pedestrian environment.

- Above the ground floor the minimum window reveal is 2 inches. Upper floors should include smaller, vertically proportioned windows punched into walls, projections such as bay windows, or small balconies. The typical window unit should be vertical. Sliding windows or applied mullions on windows facing the street are not permitted.

San Francisco's architectural tradition and fundamentals of good place-making suggest that buildings which contribute most to the public realm have a visually satisfying proportion between a façade's openings and its solid planes. In the best places around San Francisco, there is a balance between openings and solid planes, emphasizing pedestrian entries, windows and other points of interest, while de-emphasizing garages, storage, and mechanical areas.

- In addition to the larger building mass articulation based on the 25-50 foot module (outlined above), building facades which face the public realm (e.g. streets, parks, plazas) must be further articulated with a rhythm of finer incremental elements. Divisions and changes in building volumes, wall planes, and rooflines are encouraged. The use of bay windows or similar projections is encouraged, with vertical modules or breaks in façade plane from the ground floor ceiling height to the building cornice each 12-15 feet of frontage.

These guidelines do not imply a requirement for bay windows. However, bay windows serve a number of important functions in the articulation of buildings. They extend a building's private domain into the public realm, making for richer and more engaging interactions of buildings and streets and maximizing the opportunity for "eyes on the street." Other ways of achieving such building articulation and a flow between the interior of buildings and the public realm—outside of a strict requirement for bay windows—may also exist, but any alternative architectural solution must achieve these benefits to the public realm.

- Special building elements and architectural expressions such as towers, special entries, or cupolas should be used strategically at key locations, including street intersections and near important public spaces. They contribute to a building's distinction as a landmark, help to define a gateway, draw attention to an important activity, or help define public gathering places. These elements must be integrated into the design of the building. Special corner treatments are encouraged for buildings that front onto the intersections of Harold and Ocean Avenues, Phelan and Ocean Avenues, San Jose and Geneva Avenues, and at the primary entrances of the transit station facing Geneva and Ocean Avenues.
- Buildings must include a clearly defined base, middle, and roof or cornice termination. The middle of buildings should be clearly distinguished from the base and be articulated with windows, projections, porches, and balconies. Above five stories, the top floor(s) should be incorporated into an appropriately scaled expression of the building's top.

Cornices are not required. However, when designed well, cornices serve a number of important functions in relating a building to the public realm. They terminate the façade against the sky and create a definition that establishes the public street environment as an "urban room." They are an integral part of the façade composition, adding balance and helping tie the upper portions of a building to its base. Other ways of achieving these gestures to the public realm—other than strict inclusion of a cornice—are possible, but any alternative architectural expression of a façade must achieve these benefits to the public realm. The minimum recommended horizontal projection is 2 feet, with 3 feet preferable for buildings up to five stories. The roof, cornice, and/or parapet area should be well integrated with the building's overall composition, be visually distinctive, and should include elements that create skyline interest. Roof forms should be drawn from the best examples in the area.

Upper floor setbacks or other architectural techniques should be considered for structures taller than four stories in order to relate to the scale of nearby buildings and establish a sense of street enclosure that avoids abrupt changes in height.

- Building facades should include three-dimensional detailing such as bay windows (discussed above), cornices, belt courses, window moldings, and reveals to create shadows and add interest. Other elements that may contribute include awnings, canopies, projections, trellises, or detailed parapets. Windows and cornices are especially important elements contributing to the creation of a comfortable “urban room” and pedestrian environment.
- High quality building materials should be used on all visible facades and could include stone, masonry, ceramic tile, wood, pre-cast concrete, and high-grade traditional “hard coat” stucco (as opposed to “synthetic stucco” that uses foam). Rich detailing is encouraged to provide interest and create variation in wall planes. Materials and level of detail should be drawn from the best examples in the area. Base and cornice materials should be balanced in material and/or color.

(2) The Ground Floor

The design and use of a building’s ground floor has the most direct influence on the pedestrian experience along the street. Ground floor uses in the area are devoted to retail, service, and public uses and to residential units, lobbies and storage in apartment buildings. These uses provide an active and visually interesting edge to the public life of the street, which is especially critical on neighborhood commercial streets.

Ground floors should be visually distinguishable from upper floors, with generous ceiling heights. The base or ground floor of all buildings should contain active ground floor uses and avoid blank, unarticulated wall planes. The ground floor should be composed of a clearly legible framework of structural bays, flexible enough to offer the potential for varied and interesting street-front shops, restaurants, or lobbies for residences. Storefronts should include large windows, clearly defined entries, and attractive pedestrian-level detailing and ornamentation.

- Surface parking lots are prohibited between the sidewalk and the front of buildings.
- For parcels with greater than 25 feet of street frontage, parking is not permitted within 25 feet of the sidewalk. This space should be supportive

of residential or commercial uses. For corner lots, one street face, preferably that which is not on a commercial or transit street, is excluded from this requirement, provided that parking is fully screened and not visible from the sidewalk. For residential-only buildings, parking submerged at least 5 feet below grade need not be set back from the sidewalk, provided that the parking is fully screened and not visible from the sidewalk.

- No more than 30 percent of the width of the ground floor may be devoted to garage entries or blank walls (except where curb cuts are expressly prohibited by this plan, such as on Ocean Avenue). No façade may feature garage entries that together total greater than 16 feet in width. Large garage entries are extremely detrimental to the pedestrian character and safety of a street and vehicle traffic crossing the sidewalk should be contained to the absolute minimum necessary to facilitate access. Eight foot wide garage entries are preferable for narrower parcels (less than 50 feet wide). For larger parcels (greater than 50’ street frontage) a single 10’ garage entry and exit is preferable. Where separate paths for entrance and exit are deemed necessary for access, in no case should a combined ingress/egress opening exceed 16’ in width. At least 70 percent of the width of the ground floor must be devoted to windows, entrances to dwelling units, store windows and entrances, landscaping or planters, and other architectural features that provide visual relief and interest for the street frontage. Building entries and shop fronts should add to the character of the street by being clearly identifiable and inviting. Blank walls (absent windows, entries, or ornamentation). Display windows with unobstructed views into interior spaces and building entrances should line major streets. Service functions such as trash, utility or fire rooms, should not be placed at the streetfront if possible.
- Primary building entries are encouraged to be set back, though no more than 5 feet from the street-facing façade; and should be no wider than 15 feet at the facade per individual entry. A recessed entryway provides transition space between the public sidewalk and the private interior of the building and creates a welcoming portal to the public realm.

- Use changes in projections and recesses, along with materials and color to emphasize pedestrian entries and architectural features, and to de-emphasize garage doors and parking. These elements help to focus attention on the active spaces of a building and reinforce a human scale within the façade.
- First floor residential units are encouraged to be at least 3 feet above sidewalk level such that the window sill of these units is above pedestrian eye level in order to maintain the units' privacy.
- Lower level (1-3 story) residential units should be directly and independently accessible from the sidewalk, rather than from common lobbies.
- Horizontal articulation is required between the ground floor and second story. A minimum 6 inch projection is suggested. The human scale of the sidewalk is of paramount importance on neighborhood commercial streets. Architectural detailing, such as a belt course or cornice, at the ground floor ceiling height helps to frame the pedestrian space of the sidewalk.

On commercial streets (Ocean, San Jose, and Geneva Avenues):

- In all cases, ground floor uses should be directly accessible from the sidewalk at sidewalk grade with no steps up or down. To have a strong relationship with the pedestrian realm, storefronts and residential entries should be accessed directly from and related to the sidewalk.
- Ground floor frontages must be no less than 60% fenestrated and 75% transparent. For improved pedestrian experience, dark or mirrored glass should be discouraged. Treat solar consideration architecturally, through the use of recesses, eyebrows or awnings.
- Ground floors should have at least 12' clear ceiling heights. Successful retail spaces have an uncramped atmosphere with high ceilings. They often have clerestory windows.
- If provided, off-street parking must be accessed via side streets or alleys. No curb cuts are permitted on Ocean Avenue between San Jose Avenue and Manor Drive. It is critical to maintain continuous storefronts and an active pedestrian environment uninterrupted by cross-traffic accessing off-street parking or dead spaces created by garage doors.
- If provided, off-street parking must be setback at least 25' from street-facing property line, including parking above the ground floor. Parking is not permitted as a use along commercial streets, in favor of active uses that contribute to the life of the street.

POLICY 6.4.2

New buildings should epitomize the best in contemporary architecture, but should do so with full awareness of the older buildings that surround them.

Infill development should always strive to be the best design of the times, but should do so by acknowledging and respecting the positive attributes of the older buildings around it. The new should provide positive additions to the best of the old, and not merely replicate the older architecture styles.

POLICY 6.4.3

Ground floor retail uses should be tall, roomy and as permeable as possible.

Achieving an engaging public realm for the plan area is essential. While visual interest is key to a pedestrian friendly environment, current development practice does not always contribute positively to the pedestrian experience. Seeing through windows to the activities within imparts a sense of conviviality that blank walls or garage doors are unable to provide. Visually permeable street frontages offer an effective and engaging nexus between the public and private domains, enlivening the street, offering a sense of security and encouraging people to walk. Where there are residential uses, seeing the activities of living is key, represented by stoops, porches, entryways, planted areas, and windows that provide “eyes on the street.”

POLICY 6.4.4

Height and bulk controls should maximize opportunities for housing development while ensuring that new development is appropriately scaled for the neighborhood.

A primary intent of height districts is to provide greater variety in scale and character while maximizing efficient building forms and enabling gracious ground floors. In general, existing height limits throughout the surrounding neighborhoods and most of the Ocean Avenue commercial district remain unchanged, and heights increase toward the transit station area. Development immediately around the station, on San Jose, Geneva and Ocean Avenues, should be somewhat taller than the surrounding neighborhoods to mark the station's importance as a landmark, to provide opportunities for more housing in the most advantageous location in the plan area for housing, and to help bring

more activity and energy to the transit station neighborhood. Height limits step down in order to reflect adjacent contextual conditions.

POLICY 6.4.5

Heights should reflect the importance of key streets in the city's overall urban pattern, while respecting the lower scale development that surrounds the plan area.

Generally, the prevailing height of buildings is set to relate to street widths throughout the plan area. Height should emphasize key transit corridors and important activity centers.

OBJECTIVE 6.5

PROMOTE THE ENVIRONMENTAL SUSTAINABILITY, ECOLOGICAL FUNCTION AND THE OVERALL QUALITY OF THE NATURAL ENVIRONMENT IN THE PLAN AREA.

Given the reality of global climate change, it is essential that cities, and development within those cities, limit their individual and collective ecological footprints. Using sustainable building materials, minimizing energy consumption, decreasing storm water runoff, filtering air pollution and providing natural habitat are ways in which cities and buildings can better integrate themselves with the natural systems of the landscape.

These efforts have the immediate accessory benefits of improving the overall aesthetic character of neighborhoods by encouraging greening and usable public spaces and reducing exposure to environmental pollutants.

POLICY 6.5.1

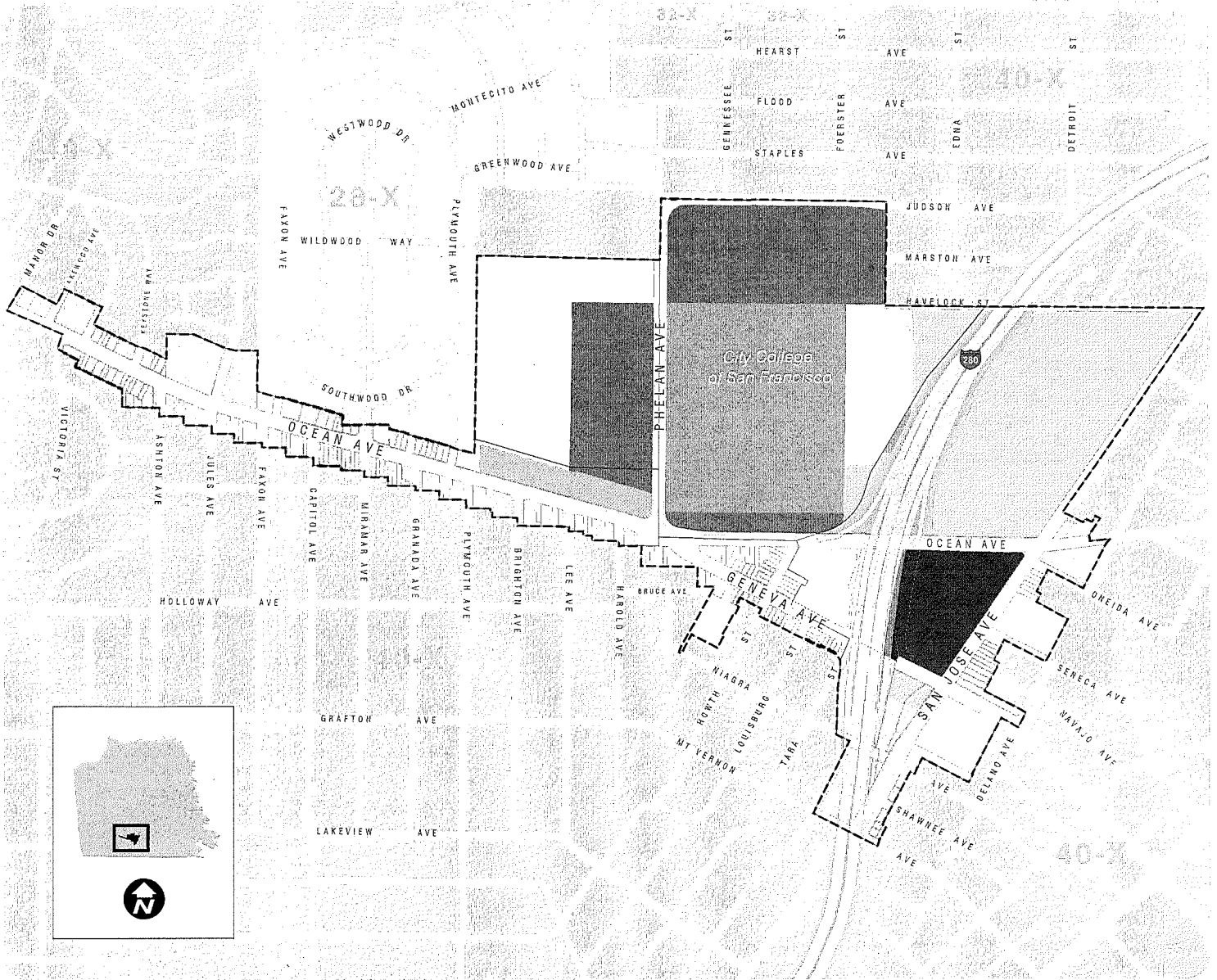
The connection between building form and ecological sustainability should be enhanced by promoting use of renewable energy, energy-efficient building envelopes, passive heating and cooling, and sustainable materials.

Sustainability addresses topics including energy, hazardous materials, water, human health, parks, open spaces, streetscapes, transportation and building methodologies and technologies. Promote resource conservation and rehabilitation of the built environment, using an environmentally sensitive “green building standards” approach to development.

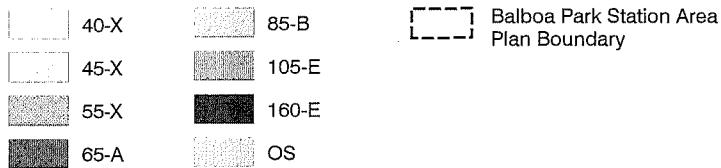
POLICY 6.5.2

New buildings should comply with strict environmental efficiency standards.

The positive relationship between building sustainability, urban form, and the public realm has become increasingly understood as these buildings become more commonplace in cities around the world. Instead of turning inwards and creating a distinct and disconnected internal environment, sustainable buildings look outward at their surrounds as they allow in natural light and air. In so doing, they relate to the public domain through architectural creativity and visual interest, as open, visible windows provide a communicative interchange between those inside and outside the building. In an area where creative solutions to open space, public amenity, and visual interest are of special need, sustainable building strategies that enhance the public realm and enhance ecological sustainability are to be encouraged.



Height Districts



07

HISTORIC PRESERVATION

The heritage of San Francisco is preserved in its historically significant buildings, sites, and districts. These historic resources are important to the quality of life in the city and attract residents, visitors, and businesses alike. Historic resources provide continuity to the events, places, people, and architectural style of the city's storied past and their protection, rehabilitation, and reuse ensure that they remain present for future generations.

The Balboa Park plan area contains an assortment of historic resources. The Ocean Avenue Neighborhood commercial district contains many commercial buildings dating roughly between the 1920's to the 1940's. This era coincides with increased development in the area brought about by public transportation corridors and the increasing population of San Francisco. Balboa Park itself is a landscaped parcel containing open space and properties constructed prior to 1955 such as the community swimming pool building. The historic preservation objectives and policies of the Plan provide for the retention and reuse of the area's historic properties. The Plan regulates sound treatment of historic resources according to established standards, it encourages the rehabilitation of resources for new compatible uses, and it allows for incentives for qualifying historic projects.

OBJECTIVE 7.1

PROTECT, PRESERVE, AND REUSE HISTORIC RESOURCES WITHIN THE BALBOA PARK STATION PLAN AREA.

Significant historic and cultural resources located in the plan area include individual properties that are listed on or eligible for the National or California Register, or that are designated as Landmarks under Article 10 of the Planning Code. These historic and cultural resources cannot be replaced if lost to demolition or altered in such manner their historic significance is diminished. To retain this significance, these resources should be protected, preserved, and reused.

POLICY 7.1.1

The Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties should be applied in conjunction with the overall neighborhood plan and objectives for all projects involving historic resources.

The Secretary of the Interior's *Standards and Guidelines for the Treatment of Historic Properties (Standards)* provide guidelines on how to manage any change to a historic resource and appropriately address historical materials, features, and character. In conjunction with the overall plan and objectives, the Standards shall be used to ensure that alterations to historic resources within the plan area are designed to minimize the removal of historic fabric and the overall impact upon the resource and enhance neighborhood character.

POLICY 7.1.2
The rehabilitation and adaptive reuse of historic buildings in the Balboa Park Station plan area should be promoted.

Many cultural and historic resources no longer retain their historic use. In such cases, it is desirable to adapt historic resources to suit compatible new uses while preserving character-defining features. The Planning Department shall support rehabilitation and the adaptive reuse of historic buildings within the Balboa Park Station plan area pursuant to the Secretary of the Interior's Standards.

POLICY 7.1.3
Individually significant resources in the Balboa Park Station plan area should be protected from demolition or adverse alteration.

Significant historic properties cannot be replaced if lost to demolition or altered in such manner that their historic significance is diminished. To protect the character and quality of historic resources, the Planning Department shall scrutinize all proposals to demolish or significantly alter any historic resource within the Balboa Park Station plan area.

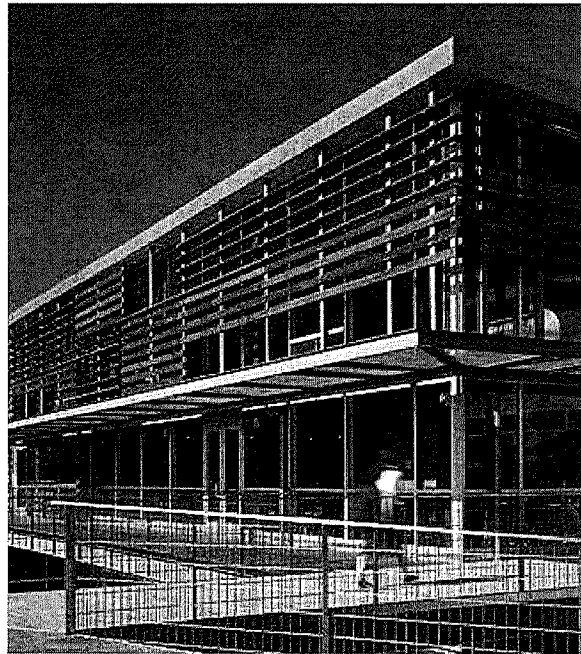
POLICY 7.1.4
Archeological resources found in the plan area should be preserved in-place or through appropriate treatment.

The Balboa Park Station Plan area is sensitive for several types of archeological resources: prehistoric occupation and small ephemeral activity sites; remains of the House of Refuge (San Francisco Industrial School, 1859-91); 19th century dairies and farms, including clusters of French Swiss dairy farms; remains of Ingleside Race Track and

Ingleside Coursing Park; and Ocean Avenue saloons, and clubrooms. Preservation of significant archeological sites requires sufficient identification and inventorying of documented and potential archeological resources. As a non-renewable resource, preservation in-place is the preferred treatment of an archeological site. Where preservation of an in-situ archeological resource is not possible, appropriate preservation treatment of the resource should be assured through data recovery, analysis, documentation, recordation, curation and public dissemination of the significance of the resource through interpretive products.

POLICY 7.1.5
Historic resources that are less than fifty years old should be protected.

A challenge of recognizing cultural and historic resources that are less than fifty years old is to understand what treatments are appropriate for those properties. Modern materials, styles, and property types are not as widely appreciated or studied as older materials and styles. Any building, object, or landscape less than fifty years of age within the Balboa Park Station Plan Area that displays exceptional significance for designation at a local, state, or national level shall be reviewed as historic resource.



Lick Wilmerding High School

OBJECTIVE 7.2**INTEGRATE HISTORIC PRESERVATION WITH THE LAND-USE PLANNING PROCESS FOR THE BALBOA PARK STATION PLAN AREA.**

It is important that throughout the planning process, the Planning Department work with various city agencies to ensure the protection and preservation of historic resources.

POLICY 7.2.1

Revised policies, guidelines, and standards should be adopted as needed to further preservation objectives.

New information regarding historic resources is discovered on a regular basis. As new information is compiled, it shall be utilized to update and revise the policies set for the Balboa Park Station plan area as needed to further preservation objectives of the plan.

POLICY 7.2.2

All projects located within the Ocean Avenue Potential Historic District should follow the Balboa Park Design Guidelines for the Potential Ocean Avenue Historic District.

POLICY 7.2.3

The destruction of historic resources from owner neglect or inappropriate actions should be prevented.

Owners of all properties have a responsibility to maintain their investment in good condition and to obtain City approval for alterations. The Planning Department shall seek remedies in cases of neglect or impairment through owner action/inaction within the Balboa Park Station plan area, particularly those that affect a cultural or historic resource.

POLICY 7.2.4

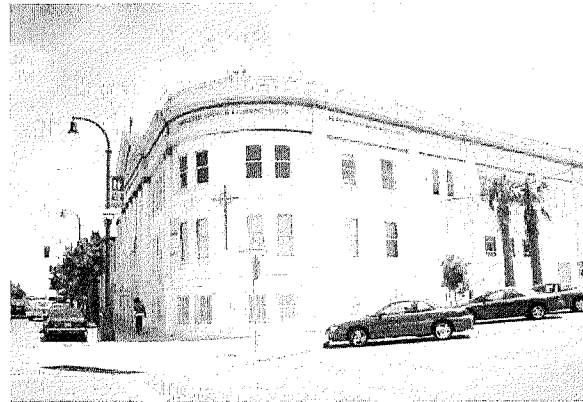
An emergency preparedness and response plan should be developed that considers the Balboa Park Station plan area's historic resources.

Older buildings are among those most vulnerable to destruction or heavy damage from events such as earthquake or fire, resulting in potential danger to life safety as well as an irreplaceable loss of the historic fabric of San Francisco. The Planning Department shall ensure the future welfare

of resources by developing plans and working with other agencies for preparation and response to earthquakes, fires, and other disasters.

OBJECTIVE 7.3**FOSTER PUBLIC AWARENESS AND APPRECIATION OF HISTORIC RESOURCES WITHIN THE BALBOA PARK STATION PLAN AREA.**

The public can play an important role in identifying historic resources by participating in surveys and context statement development or by submitting Potential San Francisco Landmark Evaluation forms to begin a formal designation process. Such participation can help to promote greater civic pride and awareness of the historic and cultural landscape of the plan area.



Inglise Presbyterian Church

POLICY 7.3.1

Formal designation of the Balboa Park Station's historic resources should be supported, as appropriate.

The Planning Department shall support official designation of resources at local, state, and national levels.

POLICY 7.3.2

Public participation in the identification of cultural and historic resources within the Balboa Park Station plan area should be encouraged.

San Francisco residents, merchants, and local historians may possess and have access to valuable historic information not widely known about buildings or other resources that would be useful in the evaluation process. The Planning Department, under the guidance of the Landmarks Preservation Advisory Board, shall seek the input and public participation in identifying historical contexts and properties in the Balboa Park Station plan area.

POLICY 7.3.3

Education and appreciation of historic resources within the Balboa Park Station plan area should be fostered among business leaders, neighborhood groups, and the general public through outreach efforts.

The Planning Department shall promote civic pride and awareness of the historic resources present in the Balboa Park Station plan area through the development of outreach programs, literature, signage, and internet tools.

OBJECTIVE 7.4

PROVIDE PRESERVATION INCENTIVES, GUIDANCE, AND LEADERSHIP WITHIN THE BALBOA PARK STATION PLAN AREA.

Preservation incentives are intended to offset the cost of preservation and encourage property owners to maintain, repair, restore, or rehabilitate historic and cultural resources.

POLICY 7.4.1

The availability of financial incentives for qualifying historic preservation projects should be promoted.

A number of financial incentives are available to owners of historic resources to assist in preservation. Preservation incentives are intended to off-set the cost of preservation and encourage property owners to maintain, repair, restore, or rehabilitate historic resources. The Planning Department shall promote and support the use of preservation incentives and shall provide information to the public on available preservation incentives to increase participation and awareness.

POLICY 7.4.2

The use of the State Historic Building Code for qualifying historic preservation projects should be encouraged.

The State Historic Building Code (SHBC) permits alternate design approaches to the regular Building Code that can minimize adverse impacts while still providing for health and safety. The Planning Department shall encourage and facilitate use of the SHBC for historic properties..

08

PUBLIC ART

Streets and open space are the shared public space of the city, the site of celebrations and demonstrations; they are the place where the stories and histories of many divergent communities coincide. Art can serve as a mirror and a conduit for these various meanings; it can take on numerous forms in the life of public space.

An Ocean Avenue/Balboa Park Area Arts Master Plan was created by artist Ann Chamberlain and the San Francisco Arts Commission's Public Art Program in response to a request from members of the community that the Arts Commission work with the Planning Department to develop an arts master plan in conjunction with the larger Balboa Park Station Area Plan.

The goals of this Arts Master Plan are;

- To identify the appropriate and predominant themes, shared histories and experiences within the community,
- To provide a blueprint of potential art project opportunities to enhance the Ocean Avenue corridor and surrounding neighborhoods,
- To recommend and rank prospective sites and types of projects relative to their value to the community, and
- To identify additional funding opportunities and strategies for implementation of these projects.

This plan incorporates some of the themes and proposals contained in the Arts Master Plan, which is published by the Arts Commission as a separate document.

San Francisco's Public Art Program, one of the first in the country, was established by city ordinance in 1969. The Art Enrichment Ordinance provides for 2% of the construction cost of civic buildings, transportation improvement projects, new parks, and other above-ground structures such as bridges, to be allocated for public art. It also provides an allowance for artwork conservation funds and allows for the pooling of art enrichment funds for interdepartmental projects. Circumstances that would allow construction projects to be exempt from public art allocations are also defined. The Public Art Program provides curatorial expertise and project management for the implementation of the city ordinance. It is administered through the San Francisco Arts Commission, and is overseen by the Visual Arts Committee (VAC) of the Commission.

The Public Art Program promotes a diverse and stimulating cultural environment to enrich the lives of the city's residents, visitors and employees. The Program encourages the creative interaction of artists, designers, city staff, officials and community members during the design of City projects, in order to develop public art that is specific and meaningful to the site and to the community. Public art is developed and implemented in conjunction with the overall design and construction of each project.

The Arts Master Plan deals as expansively as possible with the arts, not just as sculptural objects and physical enhancements commissioned through a public process, but as a living part of any community. Art can enhance the community's collective sense of identity, defining place and offering a site for the community's collective memories and stories. Art, art organizations and artists contribute to the economic and cultural vitality of an area, providing incentives for people to visit the area and indirectly encouraging other businesses. Art can offer a window to much of what has vanished or is invisible in the area by narrating the history of a space. This might include revealing or celebrating the ecology and typography of an area, as well as its people and cultural institutions.

It is also helpful to look at examples of successful projects in other public spaces, as well as to consider what specific sites and features of this neighborhood offer opportunities for art. One way of thinking about art and its role in the plan area is to consider its relation to various broad themes including Place, Community Identity, Geographic history and Economic Development.

Defining place

Defining place in a neighborhood includes identifying the boundaries and the central focus of a physical area, as well as exploring how art can announce a community's identity. This amplifies the experience of arrival or ceremony when visiting a particular neighborhood space. Large-scale sculptures, such as entry columns or sculptural light fixtures, can make a strong impression on visitors and can become symbols of a community that are deeply loved by its residents.

On Ocean Avenue artist-designed gates, sculptural columns or archways over Ocean Avenue could enhance the street as well as frame entrances to the commercial district. Benches, clocks, water fountains, and other types of functional furniture, when designed by artists, offer a sense of surprise and beauty to the street. Other place-defining artwork of a significant scale that can be viewed from the adjacent freeway, or experienced while in motion, can evoke curiosity about Ocean Avenue as a destination.

Community Identity

What makes the neighborhoods of the Balboa Park Station plan area unique? What things are common sources of pride for its residents? What aspects of the community evoke a different time or provide a distinct perspective on the world? There are numerous examples of these special places, reflecting its history both as a rural and urban site that residents are eager to share with visitors. The gymnasium in the First Presbyterian Church on Ocean Avenue, for example is a veritable Sistine Chapel of African American cultural and sports heroes. Cayuga Park is a pantheon of fantastic hand-carved sculptures and garden pathways created by city gardener Demi Braceros. These sites and others recall a particular moment in the history of the area, speaking to the diversity of the communities that surround the plan area. How can these secrets of the place, often known only locally or by just a few, be shared and acknowledged? How can art evoke memories and preserve the community's history?

On a street scale, embedding stories mosaics, medallions or historical signage on the street enables history to become accessible to everyone on a daily basis. Local heroes and narratives can be articulated through quotes, anecdotes, depictions and descriptions of historical events in various media. Projections of movies, photographic or moving images onto old movie houses like the El Rey Theater designed by Timothy Phluger (now a church), or on storefronts along the street, could enliven the street at night and offer history lessons to the community.

Study of historic maps can provide clues as to how and why a community evolved over time. Family photos and stories are valuable resources in developing a history of the area.

Geographic History

Land

The geography of the plan area has had much to do with shaping its current existence. To the south the hills slope off towards Daly City. The area is exposed to both the ocean (to the west) and the Bay (to the east) creating a

confluence of cool ocean air and warmer bay breezes which makes this a neighborhood that is frequently foggy, windy and cool. Ocean Avenue passes along a valley formed between outcroppings of rock. Merced Heights and Ocean View are to the south. Brooks Park, situated on one of these outcroppings, offers a view of Pt. Reyes to the north and the Farallons to the west. This southern point of the city is its narrowest point east to west, while Ocean Avenue and Geneva form a main east to west corridor extending from the ocean to the Bayshore. The wind and cool air inspire possible ideas for phenomena-based art works.

Water

"Water has a perfect memory forever finding its place"
-- Toni Morrison.

Water is essential to survival of humans and all forms of life. Historically communities grew up around streams and springs: water formed a central feature of their economy and was essential to their survival. Water in this area has a long history that refuses to go away. It emerges as water flooding up through the basements of homes and schools along Cayuga Ave. This water is traceable to Islais Creek, still visible above ground as it flows into the bay on the eastern edge of the city and to springs in the Excelsior Area to the east of Balboa Park. Its sound can be heard in the culverts and sump pumps of private residences.

In addition to the groundwater, there were flumes that traversed this area in the early 20th century bringing water to the city. Spring Valley Water Company owned large tracts of land in this area and ran water through the area. The Islais Creek bed which degenerated into an open sewer for the tanneries on its bank, was culverted in the early 20th century. The sound of water in the creek-bed was replaced first with the sound of rail transit with Southern Pacific Railway and then with cars after the construction of Interstate 280.

Artists working with the school district have used the hidden water of Islais Creek to irrigate a school garden at Denman Middle School. Additional projects could identify the water under the community, perhaps marking a segment of the creek. This could be extended to above ground structures and street furniture incorporating water

imagery. In Los Angeles, Blue Line Oasis, a mosaic and stone replica of an artesian well by artist Lynn Aldrich, enlivens the Artesia Metro Rail Station entrance and makes reference to a bygone era.

Art and Economic Development

The arts and artists often form a vanguard to economic development, appropriating and improving facilities that are undesirable with seat equity, subsequently attracting other businesses to the area. In San Francisco's SOMA and Mission neighborhoods, are areas that have been enhanced by the influx of and building upgrades initiated by arts organizations.

The high-ceilings of the Geneva Office Building suggests an opportunity for a nonprofit arts organization to take up residency. This kind of activity could establish a precedent for the ongoing usage of the building in support of the arts. It could also stimulate other ancillary business developments in the neighborhood.

OBJECTIVE 8.1

INTEGRATE ART INTO THE FABRIC OF THE NEIGHBORHOOD.

Many of the publicly-financed projects discussed in this plan will generate art enrichment funding to commission permanent, public artworks through the San Francisco Arts Commission. Other sources of local, municipal funding would be appropriate for smaller or temporary projects, while funding on a national level could provide the means to realize more ambitious, community-initiated projects.

POLICY 8.1.1

The scope of the City's Art Enrichment Ordinance should be broadened in the plan area.

Many of the new facilities and physical improvements suggested in this plan will be implemented under the auspices of the city and will thus be subject to the Art Enrichment Ordinance. In the plan area, the scope of the program should be broadened so that art is an integral component of all municipal construction projects and major urban design endeavors.

POLICY 8.1.2

Non-city public agencies and institutions should be encouraged to take part in the 2% for art program.

Several non-city public agencies and institutions (BART, City College, Caltrans, San Francisco Unified School District) will be involved in building new facilities in the plan area. These entities are not subject to San Francisco's Art Enrichment Ordinance (though some have programs of their own). These agencies should voluntarily take part in the city's program, or coordinate with it if they already have their own art enhancement programs in place.

POLICY 8.1.3

The arts and artists should be integrated with the overall design of new buildings, facilities and public opens spaces.

Often when artists are involved in the design of a new facility, they are brought in near the end of the process and are asked to design projects that are standalone or surface decoration. Though sometimes well-executed and compelling, these art projects miss the opportunity to allow artists to contribute from the beginning of a design project. Artists should be involved from the very beginning of design on the facilities and projects outlined in this plan. In general, a collaborative design team comprised of an architect or landscape architect and an artist can greatly add to the richness and originality of a new building, transit facility or public open space.

Art Enhancement Program Outline

1. "Research Projects"

There are a number of research-related art projects that could involve the local community in meaningful ways. These are relatively inexpensive projects for which sources of local money may be available. The importance of these projects should not be underestimated. They may be endeavors that precede and form the groundwork in terms of research and community building for larger permanent public art works. They can enhance the sense of shared history and community participation, and may be important precursors to more permanent undertakings.

Book Project

The residents of this area have a strong sense of their neighborhood, of its history, and of their own diverse origins, but these stories are scattered among personal archives and not universally accessible. A project that collates and records this history could build a sense of shared and renewed identity and offer a shared resource to the community as well as to those who might create public art works later. Such a book might chronicle the various neighborhoods, include illustrations and stories, reproduce collections of personal photographic archives and feature both historic maps as well as those created by the community.

Nighttime Street Projections

Film and historical images of the area could be projected onto various sites along Ocean Avenue. An important aspect of street safety has to do with keeping the area lively at night. Community members have archives of historic photographs in slide form. These could be rear projected in an empty storefront, or projected onto the side of a building at night. The snapshots of this area collected by the public library's history project could be used as well. Projections could rotate through the community or take place at fixed locations such as the exterior of the buildings that housed early cinema theaters on Ocean Avenue.

2. Transit platforms on Ocean Avenue

Ocean Avenue transports a large volume of commuters. The fog and wind of the area make this a cold and inhospitable place to wait for trains. The design of a transit structure would be a practical and aesthetic enhancement of the streetscape. These transit platforms, which will be the most visible element of Muni's K-Line improvements, could provide a defining characteristic for the street and neighborhood. The transit shelters along San Francisco's Embarcadero, designed by Anna Murch, or the shelters on 19th Avenue, designed by Leonard Hunter and Sheila Ghuildini, are local examples of such structures. An artist and architect team would be most appropriate for this project.

3. Sidewalk improvements and other enhancements as opportunities to embed history

As sidewalk improvements are implemented in the plan area there is an opportunity to embed ideas about history/culture into the sidewalk as art projects. The African Kente textile weaving patterns incorporated by artists Gary Moore, Gerald Marston, and WRT Inc. into the Ninth Street Pedestrian Mall, an extended walkway in an African American community in Miami, Florida, is one example of a creative paving treatment. Additional enhancement of the street might include interpretive signage that provides continuity throughout the streetscape. These could include vertical markers or uniquely designed narrative signage designed to convey local stories through text and images. The Historical and Interpretive Signage Project on The Embarcadero, by artist Michael Manwaring and historian Nancy Leigh Olmsted, which tells the story of San Francisco's waterfront, is a good example of this type of project.

4. Gateway project

The sense of entrance arrival or importance offered by a symbolic entranceway is an essential element in providing a unique identity to a place. The Balboa Park Station Area Plan acknowledges the significance of such a gateway in relation to the City College entrance as a focal point on Ocean Avenue. The plan calls for a pedestrian plaza or park at the site of the current bus turnaround on the Phelan Loop. This site will also function as a gateway into the City College campus, presenting an opportunity for an artist to design light fixtures or other features such as a gateway into the campus.

Alternatively a symbolic sculpture could be designed for this space. A work that is intriguing and perhaps changing, perhaps powered by wind, would be interesting for passersby to contemplate.

5. Other open spaces

Various open spaces have been proposed in the Phelan Loop Area as well as the Transit Station Neighborhood. Each suggests an opportunity for adding whimsical embellishments public open space environments. Sculptures of animals that children can climb on would be appropriate for a children's playground. Other artwork such as outdoor furniture or water fountains could enhance open spaces adjacent to residential neighborhoods or neighborhood parks.

6. Artistic enhancements to architecture

Ongoing development in the plan area will potentially provide opportunities for artistic enhancement. For example, the new Ingleside branch library on Ocean Avenue will generate art enrichment funds for new public art projects. As with the artwork by Colette Crutcher and Mark Roller, on the façade of the Ocean View Library, artwork could be incorporated into the exterior of the building, providing street appeal and neighborhood beautification.

7. Transit Hub Enhancements

This area, with its overlay of transportation interchange creates an opportunity to draw out the theme of transportation in the artwork. There are many possibilities: an artist project could integrate an icon or image similar to the Del Amo Wheel in Los Angeles, by artist Colin Gray, a decorative cast-stone cartwheel inscribed with transportation-themed visual and verbal riddles, or to develop a site using elements from old MUNI street cars for seating. This could also be a place to tell the layered history of the Southern Pacific Railway, the evolution of the region as a hub for transportation in the city's early days, and the introduction of the freeway through the landscape. The work might be iconic or intimate, functional or interactive.

8. Geneva Office Building

The rehabilitation of the historic Geneva Office Building -- which is likely to be the outstanding landmark and image-making building in the Transit Station Neighborhood -- offers extraordinary art-related opportunities.

This building and its history is tightly linked to the rich history of rail transportation in San Francisco. Artists can and should be involved in the planning and design of the building's renovation, in designing exhibits and elements of the building that illustrate this important and fascinating history. In addition, one of the most frequently-mentioned possible uses for the building is to house one or more arts-related organizations. Such an arts "hub" in the neighborhood, in combination with the many educational institutions in the vicinity, might begin to establish the arts as an overall theme for the new Transit Station Neighborhood.



Business Development Visit to Ocean Avenue, San Francisco

September 23-25, 2014

Findings and Recommendations



San Francisco's Office of Economic and Workforce Development (OEWD) contracted with Keith Kjelstrom, an independent consultant on traditional business district revitalization, to provide training and technical assistance services to the Ocean Avenue Association (OAA). (keithkjelstrom@gmail.com; 505.454.1187)

The OAA is developing an impressive track record of performance in revitalizing and managing the Ocean Avenue business district. The purpose of the visit was to help the Association's continued evolution by exploring ways to enhance its economic development activities and effectiveness in the coming months and years.

The three-day visit included a series of meetings and activities:

- Walking tour with OAA and OEWD staff to observe the district's image, features, anchors, and functionality, and the visible operating practices of the businesses
- Training session for OAA staff and contractors on neighborhood commercial district economic development tools
- Session to discuss strategies for using multiple revitalization programs of the City and others
- Meeting to discuss OAA's goals and strategies on market position and vision, business mix and clusters, target consumer markets, sales potential, and strategic locations for business enhancement and business recruitment
- Meeting with OEWD and OAA staff to review OAA's successful performance in establishing a comprehensive database of district properties and businesses
- An evening presentation to community members to profile the Main Street approach to commercial district management (pioneered by the National Trust for Historic Preservation's National Main Street

Center), explore "economic restructuring" tools and how they might apply to the district, and offer the consultant's recommendations to the OAA

- Meeting with OAA and OEWD staff to discuss ways that historic preservation plans, processes and tools might be used to help protect and capitalize on the district's historic resources
- Visits to two district businesses to assess their needs and business development opportunities

In addition to this summary report, the consultant also provided other products for the organization to use in its business development work:

- *Main Street and Economic Restructuring: Business Development Findings and Recommendations for the Ocean Avenue Community*, powerpoint presentation, September 24, 2014
- *Business Development Tools for the Ocean Avenue Association*, powerpoint presentation, September 23, 2014
- *Pop-Facts: Demographic Snapshot 2014 -- Ocean Avenue 2-, 4- and 8-minute drive times*, The Nielsen Company, September 2014
- *RMP Opportunity Gap -- Ocean Avenue 2-, 4- and 8-minute drive times*, The Nielsen Company, September 2014



- Neil Ballard, Economic Development Contractor, Ocean Avenue Association
- Mary Brown, San Francisco Planning Department (by phone)
- Richard Kurylo, Project Manager, San Francisco Office of Economic and Workforce Development
- Emily Lesk, Project Manager - Joint Development Unit, San Francisco Office of Economic and Workforce Development
- Luis Licea, Economic Development Contractor, Ocean Avenue Association
- Holly Lung, Program Manager, Neighborhood Economic Development, San Francisco Office of Economic and Workforce Development
- Jeff and Sabine Taliaferro, owners, Ocean Cyclery
- Crezia Tano, Senior Project Manager, San Francisco Office of Economic and Workforce Development
- Dan Weaver, Executive Director, Ocean Avenue Association
- Lucia Fuentes Zarate and Bomani, owners, The Avenue Bar
- Plus about twenty community residents who attended the evening presentation

Findings



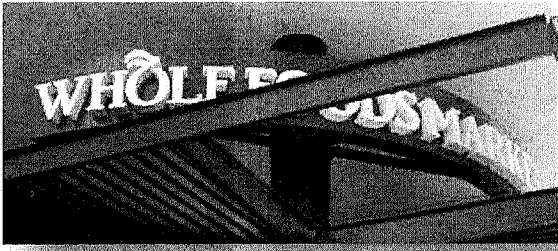
Using the four-point Main Street framework, the consultant and participants explored the comprehensiveness of the OAA's activities. The organization implements a well-rounded revitalization and management program for the district:

- **Organization:** OAA works closely with key partners like OEWD, Oceanview, Merced and Ingleside Cultural Participation Project, and Neighborhood Empowerment Network. OAA is structured as a Community Benefits District guided by a Management District Plan.
- **Design:** OAA's ambitious Street Life committee and staff deploy the City's SF Shines program, conduct graffiti removal initiatives, coordinate ADA assessments of businesses, and plant trees and sidewalk gardens.
- **Promotion:** OAA works with OMICPP to produce the Arts and Culture Festival and convenes community meetings on a variety of topics of concern to residents, business owners and property owners.
- **Economic Restructuring:** Supported by CDBG funds, economic development contractors and the OAA executive director maintain economic information systems and administer multiple financial and technical assistance programs for business and property owners.

Participants explored the district's primary economic characteristics and opportunities for enhancement.

- The Ocean Avenue business corridor serves as an important community hub to the residents of the area. With needed improvements to private buildings and businesses, the district is **well-positioned** to further attract and provide goods and services to residents and visitors.
- Several **vital businesses** and **business clusters** address consumers' needs. These include Whole Foods Market, The Avenue Bar, Champa Gardens and other restaurants, coffee cafes, personal services businesses, Ocean Cyclery, and the incoming hardware store and Target Express.
- The district enjoys ample proximity to **multiple target markets**. These include close-in residents, trade area residents, daytime workers, students and tourists and travelers. See the demographics data reports provided earlier.





■ Whole Foods Market locating in the district illustrates the street's ability to draw from a greater trade area than previously envisioned by city planners and others. The **trade area's consumer buying power** is impressive and there is **unmet trade area consumer demand** that could be captured by expanding existing businesses or opening new ones. The 55,682 residents who live within a 4-minute drive of the business district have a total retail and restaurant demand of \$950.5 million each year. Unmet consumer demands (or "market gaps" that may represent business development opportunities), totaling nearly \$671 million annually, are indicated in many categories including furniture and home furnishings, clothing and accessories, garden supplies, general merchandise, and specialty stores. (Source: Nielsen-Claritas, 2014) See the retail sales analysis data provided earlier.



■ The district possesses **strategic locations** that can be considered for rehabilitation, provided that property owners are receptive. These include larger buildings such as the El Rey Theatre and smaller locations like the former Ocean Taqueria building.

■ Ocean Avenue is strengthened over time by significant **public and private investment**. Important projects include investments in streetscape and landscaping, Champa Gardens restaurant and the trees and landscaping in front of it, the affordable multi-family housing development at 1100 Ocean Avenue, and the new hardware store opening soon.

■ Some businesses appear to be **struggling** with a lack of customers, insufficient sales, shallow merchandise, weak visual merchandising, and unattractive building interiors and exteriors.



■ Not all of the private sector has kept pace with the public, community and private investment into the corridor's attractiveness. There is a **critical need for improving the appearance of private businesses and buildings**. By presenting a neglected and uninviting face to their potential customers, several business and building owners are undermining their ability to achieve sales and rents. There appears to be disinvestment on the part of several property owners, or a conscious withholding on investment until more entrepreneurial owners perform all of the hard work necessary to improve the neighborhood.

Recommendations

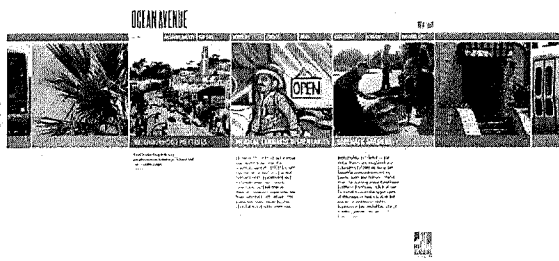
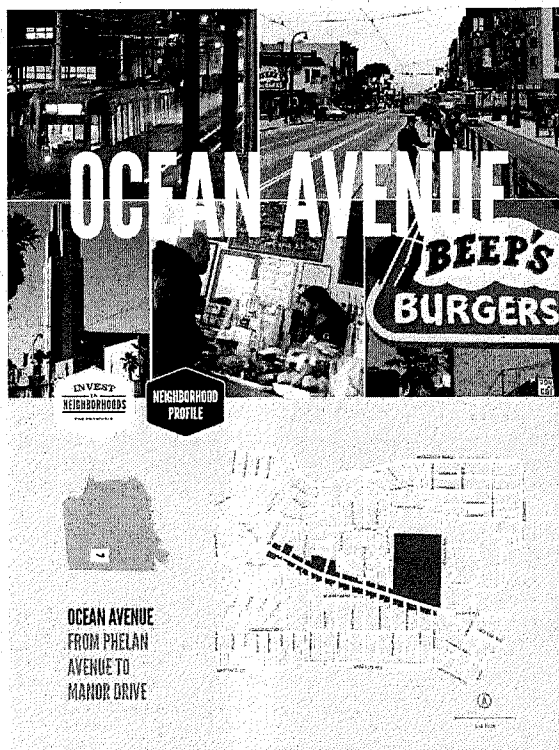


The OAA should continue to implement its important design and business development work as outlined in its action planning documents and in the CDBG agreement.

- Make sure to empower and activate a full-fledged **Business Committee**. While its work should be coordinated with the Street Life and other committees, this essential committee deserves its own separate chair and team of committee members to effectively carry out its many functions.
- Both committees should continue to implement a **campaign of clean up and pride-building** in the commercial district.

The OAA should boost its use of **business development tools**. Successful business development requires skilled circulating, networking, communicating, researching, matchmaking, troubleshooting and orchestrating – with diverse players like business owners, business prospects, property owners, financial institutions, local and state government representatives, and members of the core and extended business development teams. These activities can be very time consuming for the executive director, contractors and others. Foundational tools help to keep staff and volunteers intentional and effective.

- In addition to the demographic and sales performance data provided by the consultant, **gather key market information** from the Ocean Avenue Invest in Neighborhoods district profile and from other organizations. Help to keep your understanding of the market current by periodically acquiring free and low-cost market data from the internet. Partners like OEWD and the City Planning Department can help in this regard.
- Use the program's directory of businesses to analyze the district's **business mix and clusters**.
- Prepare a listing of the district's **priority vacancies** (business opportunity locations). Include property and contact information.
- Using a district base map from the City Planning Department, hang an enlarged version on the wall of the office. Use it as a district "leasing plan map" or "**business cluster map**" to strategize real estate and other program activities.
- **Add business development features to the OAA website** such as a list of the top three to five priority vacancies available for new business locations; profile of public and private investments; expression of your top business recruitment targets; demographic and market profile; business development services that you provide; and links to partners who can provide





financial and technical assistance.

- Assemble a hardcopy **business development packet** of the above materials plus the many OEWD program flyers and brochures to share with existing and prospective new business owners.
- Publish a **business development rack card**.
- Prepare **property profile sheets** to help with marketing business locations.

Help to retain, strengthen and expand existing businesses. In addition to addressing existing businesses' needs, closely working with existing businesses is one of the best ways to uncover business recruitment leads.

- Keep conducting an **ongoing business visitation program** to assess owners' needs, network on business development opportunities, and build a strong business-OAA program relationship.
- With trustful relationships in place, evolve business visits into **business coaching sessions** that use a team approach to troubleshooting problems and encouraging strategic growth.
- In collaboration with your economic development partner organizations, produce **business training and networking events**.
- For example, coordinate with partners to bring **customer service training** and technical assistance to district businesses.
- Convene **entrepreneur development roundtables** to facilitate strategy-building discussions among businesses seeking to expand exports.

Recruit new businesses.

- Complement your ongoing business visits program with an intentional schedule of **regular meetings with property owners** to learn their needs and stimulate improvements to, and rental or sale of, their buildings.
- Create a **vacancy treatment program** to market available business locations "through the windows."
- Consult the provided sales performance data to identify potential business development opportunities. **Sales leakages** from the trade area may indicate market gaps that could be filled by business expansions, pop-up businesses, or new bricks-and-mortar businesses. As mentioned above, there exists unmet local consumer demands in several business categories.
- Use **entrepreneur development system** tools to grow new business owners from within the community. (www.energizingentrepreneurs.org)



- Identify **business recruitment targets** by type. Assess target ideas by using the business recruitment matrix provided. State your targets on the organization's website. For example, meeting participants identified several targets: movie theater, bookstore, espresso bar, ice cream shop, stationery/card store, clothing stores (new and used), high-quality restaurants with great bars, garden shop/nursery, toy store, wine bar, musical instrument shop, and pet supplies/grooming.
- Develop leads to potential **new business recruits** from outside of the area by maintaining the various business development features on your website mentioned above; responding well to inquiries; conducting prospecting visits to districts and communities in the greater region; fielding business recruitment teams; and networking with business owners who have contacts in other "source" communities.

Support catalytic property rehabilitations. Historic buildings in the district may serve as potential locations for housing, live-work space, restaurants, entertainment venues, galleries, and mercantile, clothing, resale merchandise, gift and hobby stores.

- Assist property owners and the greater community to **recognize the value of the district's historic commercial building stock.** The corridor possesses many wonderful examples of historic commercial fabric that should be retained capitalized on to enhance the value of adaptive re-use projects. Genuine historic features, attractive to buyers and customers, can provide for more valuable development projects.
- Provide **guidance and support** to owners interested in developing their properties.
- Work with City departments like OEWD and Planning Department (historic preservation incentives) to use **incentives** that provide essential gap financing.

Maintain a strong Business Committee and extended business development team. The business development visit demonstrated that many individuals and organizations are keenly interested in helping Ocean Avenue to achieve its economic development goals. With continued strong support by the City and continued application and evolution of OAA's business development talents, the district's economic development efforts promise to be very effective.

(BOS)

From: suzanne mcdonnell [mcdonnell.suz@gmail.com]
Sent: Monday, January 05, 2015 4:47 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS)
Cc: Yee, Norman (BOS)
Subject: Case No. 2014.0206C, January 13, 2015, 1963 Ocean Avenue
Attachments: Letter to BOS.1.5.2015-signed.pdf

Categories: 141291

Please submit the attached letter to the Members of the Board of Supervisors. Thank you.

Suzanne McDonnell

--

Suzanne McDonnell
(415) 641-0700

Suzanne McDonnell

35 Alviso Street
San Francisco, CA 94127
415-333-2207

January 5, 2015

Members, San Francisco Board of Supervisors
City Hall
San Francisco, CA 94102

Via E-Mail Only

Re: Case No. 2014.0206C, January 13, 2015
1963 Ocean Avenue, "Happy Vape"

Dear Members of the Board of Supervisors:

I am a 20-year resident of the Ingleside Terraces neighborhood and I shop regularly along the nearby Ocean Avenue commercial corridor. I am writing to urge you to disapprove the decision of the San Francisco Planning Commission allowing conditional use authorization of the proposed "Happy Vape" store and hookah lounge at 1963 Ocean Avenue.

The Planning Commission decision should be disapproved and vacated because the Happy Vape store and lounge, a tobacco paraphernalia establishment, does not meet the criteria of Section 303 of the Planning Code for conditional use approval:

1. This tobacco and e-cigarette establishment is not

~ necessary or desired (there are already multiple stores along Ocean Avenue where e-cigarettes and related paraphernalia can be purchased) or

~ compatible for the neighborhoods adjacent to the Ocean Avenue Commercial District (the Board of Supervisors is on record with three recent ordinances restricting tobacco smoking and sales, including e-cigarettes. Approval of another tobacco-selling establishment is not compatible with the stated desire of the Board of Supervisors to protect the health of its citizens).

2. This tobacco and e-cigarette establishment promotes sale of tobacco and addictive nicotine products and use of these products in leisure activities. These activities are detrimental to the health, safety, convenience and general welfare of persons residing or working in the immediate neighborhood and to all citizens of San Francisco who would frequent the Ocean Avenue commercial corridor.

The Planning Commission decision completely ignores (a) the serious detrimental health factors involved in the sale and use of e-cigarettes and (b) the stated policy of the City and County of San Francisco to limit the known adverse health impacts and economic impacts of tobacco-related disease. Please disapprove the Planning Commission decision.

Sincerely,

Suzanne McDonnell

Suzanne McDonnell

(BOS)

From: Pam Ling [ling.pam@gmail.com]
Sent: Monday, January 05, 2015 4:45 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS); Wiener, Scott
Cc: Carolyn Karis; rckaris@gmail.com
Subject: Letter supporting the appeal of Planning Commission decision in Case No. 2014.0206C
(Letter opposing the vape shop/steam stone hookah lounge at 1963 Ocean Ave.)
Attachments: Ling TEROC Letter.pdf
Categories: 141291

Attached please find my letter representing the State Tobacco Education and Research Oversight Committee (TEROC).

Pamela Ling

TOBACCO EDUCATION AND RESEARCH OVERSIGHT COMMITTEE



Pamela Ling, MD MPH
530 Parnassus Avenue, Suite 366
San Francisco, CA 94143-1390

RE: Appeal of Planning Commission approval of Conditional Use in Case No. 2014.0206C.

January 5, 2015

Dear San Francisco Board of Supervisors

My name is Dr. Pamela Ling, and I am a resident of San Francisco, but am writing primarily as a member appointed by the California State Senate Rules Committee to California's state Tobacco Education and Research Oversight Committee, commonly known as TEROC. I thank the Board of Supervisors for the opportunity to comment on the issue at hand, and to share our recommendations on the matter.

The Committee oversees Proposition 99, which funds the California Tobacco Control Program at the California Department of Public Health, as well as the Tobacco Related Disease Research Program at the University of California, and tobacco education efforts administered by the California Department of Education. This Committee also produces a master plan for tobacco control and tobacco-related research, and makes recommendations to the State Legislature for improving tobacco control and tobacco-related research efforts in California.

Besides my role as a Member of TEROC, I am a Professor of Medicine at the University of California San Francisco, and a researcher with expertise in how tobacco marketing and promotion encourages young people to start and continue tobacco use. I have studied cigarette, smokeless tobacco, and e-cigarette marketing messages, and my research found that many of the old marketing tactics that are no longer allowed for cigarettes are commonly used to sell e-cigarettes. Many of these messages appeal to youth.

- TEROC supports the regulation of e-cigarette sales by requiring vendors to obtain a tobacco retailer's license and prohibiting the sale of the product where cigarettes cannot be sold. Currently 71 cities and counties in California require a retailer to obtain a license to sell e-cigarettes.
- TEROC supports e-cigarette regulation by prohibiting the use of e-cigarettes wherever tobacco products cannot presently be used. Currently 73 cities and counties in California have ordinances prohibiting the use of e-cigarettes in some outdoor areas, some indoor areas, or both.

TOBACCO EDUCATION AND RESEARCH OVERSIGHT COMMITTEE

- This position is consistent with TEROC's official position on e-cigarettes, adopted at the Committee's May 22, 2013 meeting, which simply states:

“TEROC opposes the use of e-cigarettes in all areas where other tobacco products are banned.”

- TEROC adopted this official position for several reasons:
 - Smoke-free policies protect nonsmokers from exposure to toxins and encourage smoking cessation.
 - Introducing electronic cigarettes into clean air environments created by smoke-free policies reinforces the act of smoking as socially acceptable, and makes enforcement of existing laws that protect the public from secondhand smoke difficult due to similarities with cigarettes.
 - Early data show that electronic cigarette emissions can contain carcinogens and toxic chemicals, which may result in additional harm to the public.
- TEROC is particularly concerned by recent reports by the Centers for Disease Control and Prevention (CDC) and the 2014 national Monitoring The Future study of teens.
 - The percentage of U.S. middle and high school students who have used e-cigarettes more than doubled from 2011 to 2012, from 4.7 percent to 10.0 percent.
 - In 2012, more than 1.78 million middle and high school students nationwide had tried e-cigarettes.
 - The CDC study also found that 76.3 percent of middle and high school students who used e-cigarettes in the last 30 days had also smoked cigarettes.
 - In 2014, more than twice as many 8th- and 10th-graders reported using e-cigarettes as reported using tobacco cigarettes
 - With emerging tobacco products like e-cigarettes on the rise, this vulnerable population needs protection from exposure to these products.
- For these reasons, TEROC supports efforts to prohibit the use of e-cigarettes anywhere smoking is currently prohibited and the regulation of electronic cigarette (e-cigarette) sales.
- TEROC regularly produces a Master Plan for tobacco control for the State of California. The TEROC Master Plan includes the recommendation to support and defend local communities' efforts to enact tobacco control policies, including policies to decrease youth access to and initiation of tobacco use.

I appreciate the opportunity to discuss the issue with you, and I am happy to answer any questions you might have.

Sincerely,



Pamela Ling, MD MPH
Member, Tobacco Research and Education Oversight Committee (TEROC)

(BOS)

From: Phil Vahey [pvahey@gmail.com]
Sent: Monday, January 05, 2015 4:43 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS); Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Chiu, David (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Wiener, Scott
Subject: Please appeal the Vape Shop opening on Ocean Ave--Case No. 2014.0206C
Categories: 141291

Hello,

I am writing to urge to support the appeal to the opening of Happy Vape, an e-cigarette store on 1963 Ocean Ave., @ Victoria. This is very close to Aptos Middle School and Commodore Sloat School, where there are obviously young students, many of whom walk on ocean avenue before and after school. In addition, I believe there are already two or three marijuana dispensaries in the neighborhood.

Please do your best to make Ocean Ave more child-friendly, as hundreds of children walk down Ocean Ave. every day. This would be a very unwelcome addition.

Thank you,
Geraldine Vahey
555 Flood Ave., SF 94112

(BOS)

From: Geri Vahey [geri.vahey@gmail.com]
Sent: Monday, January 05, 2015 4:37 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS); Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Chiu, David (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Wiener, Scott
Subject: Please appeal the Vape Shop opening on Ocean Ave--Case No. 2014.0206C
Categories: 141291

Hello,

I am writing to urge to to support the appeal to the opening of Happy Vape, an e-cigarette store on 1963 Ocean Ave., @ Victoria. This is very close to Aptos Middle School and Commodore Sloat School, where we have 7th and a 3rd grade students. In addition, I believe there are already two or three marijuana dispensaries in the neighborhood.

Please do your best to make Ocean Ave more child-friendly, as hundreds of children walk down Ocean Ave. every day. This would be a very unwelcome addition.

Thank you,
Geraldine Vahey
555 Flood Ave., SF 94112

From: Peter Vaernet [vaernetpeter@yahoo.com]
Sent: Monday, January 05, 2015 4:31 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: rckaris@gmail.com
Subject: Re Vape Shop appeal CASE NO. 2014.0206 C 1963 Ocean Avenue
Categories: 141291

Dear Supervisors:

RE: Vape Shop appeal of CASE NO. 2014.0206 C 1963 Ocean Avenue

The San Francisco Chronicle today, Monday, January 5 reported that the San Francisco Department of Public Health is starting a campaign against e-cigarettes calling "e-cigarettes harmful".

This Health Department pronouncement does not seem to agree with the Planning Commission's finding that:

Section 11.(page10): "The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City."

Can members of the Board of Supervisors or a member of the Planning Commission explain this incongruence at the appeal meeting on December 13th please?

Is it wise to approve a business that the Health Department, according to the SF Chronicle, is declaring harmful to San Franciscans and other people in general?

Thank you very much for giving this some thought.

Peter Vaernet
335 Shields Street
SF CA 94132
415 586-1451

(BOS)

From: Heuser Fred [hfh2@me.com]
Sent: Monday, January 05, 2015 4:29 PM
To: BOS Legislation (BOS)
Subject: Vape and Hooah - WE DON'T WANT IT!!!

Categories: 141291

Dear Supervisors:

I wish to encourage you to support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, a Vape Shop/Steam Stone Hookah Lounge. We live four houses from Ocean Avenue.

We find it ironic that the city government that wants to rid itself of Coke and tobacco products is encouraging electronic cigarettes and hookah smoking! How could either of these be good for people?

Ocean Avenue is finally reviving under the leadership of a merchants' association and the formation of a Community Benefits District, not a simple accomplishment.

Why this latest dagger through the heart of our area? We are already trying to cope with having three marijuana stores. These stores and the proposed vape shop ARE NOT patronized by people in our area, but from outside. We live in just the type of middle class housing that the City wants to encourage, but these policies are destructive. We need businesses that are patronized by our neighbors, not outsiders! We ask that you support the appeal of the Planning Commission approval. Do not impose this negative business on Ocean Avenue. The vape shop will not benefit the neighborhood.

Judith and Frederick Heuser

(BOS)

From: Margret O'Driscoll [mgtodriscoll@comcast.net]
Sent: Monday, January 05, 2015 4:03 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS); rckaris@gmail.com
Subject: Appeal Letter.
Categories: 141291

Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C. (Opposition to the vape shop.)

To:
bos.legislation@sfgov.org
Board.of.Supervisors@sfgov.org
Norman.Yee@sfgov.org

Dear Supervisors:

I support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, a Vape Shop/Steam Stone Hookah Lounge. This business is not necessary or desirable for the neighborhood.

Bringing in businesses that are desired and will be used by the people living in the neighborhood is important and will improve the area. This business will not provide needed products or services for people living in this area.

Ocean Avenue has started its revival. The 1900 block of Ocean Avenue now has several businesses popular with neighbors: Fog Lifter Café, Cut to Contrast barbershop, Ocean Cyclery, Serge-a-Lot (sewing), and Yoga Flow. Recently a hardware store opened on Ocean Avenue. A furniture store will soon open. These are the types of businesses the neighborhood needs and desires.

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents.

Please support the appeal of the Planning Commission approval. Do not impose this negative business on Ocean Avenue. The vape shop will not benefit the neighborhood.

Sincerely, Margaret O'Driscoll.

1 (BOS)

From: Gilby Francisco [gilbyfrancisco@gmail.com]
Sent: Monday, January 05, 2015 2:15 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS); rckaris@gmail.com
Subject: Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C. (Opposition to the vape shop.)
Categories: 141291

Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C. (Opposition to the vape shop.)

Dear Supervisors:

I support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, a Vape Shop/Steam Stone Hookah Lounge. This business is not necessary or desirable for the neighborhood.

Bringing in businesses that are desired and will be used by the people living in the neighborhood is important and will improve the area. This business will not provide needed products or services for people living in this area.

Ocean Avenue has started its revival. The 1900 block of Ocean Avenue now has several businesses popular with neighbors: Fog Lifter Café, Cut to Contrast barbershop, Ocean Cyclery, Serge-a-Lot (sewing), and Yoga Flow. Recently a hardware store opened on Ocean Avenue. A furniture store will soon open. These are the types of businesses the neighborhood needs and desires.

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents.

Please support the appeal of the Planning Commission approval. Do not impose this negative business on Ocean Avenue. The vape shop will not benefit the neighborhood.

Thank you.

Gilberto Francisco
Lunado Court
Ingleside Terraces
San Francisco, CA

1 (BOS)

From: Morgan Jones [morganjones25@gmail.com]
Sent: Monday, January 05, 2015 2:13 PM
To: Board of Supervisors (BOS); BOS Legislation (BOS)
Subject: Letter supporting the appeal of Planning Commission decision in Case No. 2014.0206C
Categories: 141291

I wanted to write a letter opposing the vape shop at 1963 Ocean Ave. My four year-old daughter could be attending Commodore Sloat next year (and Aptos after that), and this head shop seems way, way too close to a school to be considered a good idea.

Please reconsider this!

Best,

Morgan & Annie Jones

(BOS)

From: John Nay [heyday@gmail.com]
Sent: Monday, January 05, 2015 1:25 PM
To: BOS Legislation (BOS)
Subject: No to proposed vape shop at 1963 Ocean Ave

Categories: 141291

> Hello,
>
> I'd like to register my strong opposition to the proposed vape shop at 1963 Ocean Avenue. It is wrong for this neighborhood. This location is close to several schools (there's one diagonally across the street) and it is on the route we walk with our 8 year old son to and from elementary school.
>
> This will not improve the retail environment of this area of Ocean and it will be a detriment to the adjacent residential neighborhoods.
>
> Please turn-down this permit request.
>
> Thank you,
>
> John Nay
> 31 Fairfield Way
> San Francisco

(BOS)

From: Michael.Ramos@gsaig.gov
Sent: Monday, January 05, 2015 1:21 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Opposition to Hookah Lounge et al permit

Categories: 141291

I am emphatically against the issuance of a conditional use permit related to the aforementioned. The neighborhood has seen an increase in criminal incidents (e.g. recent shooting, multiple residential burglaries, robbery at 7-Eleven) and this type of establishment will continue to attract unscrupulous subjects. Additionally, there are apparent health concerns the medical community is just now beginning to study and research. The Planning Commission must await medical data to further understand the health risks that will likely prove detrimental to the local community. Furthermore, preliminary data suggests a disproportionate amount of minors are attracted to these establishments; yet another impediment that will certainly attract our youth. I respectfully request the Planning Commission reconsider their decision.

Michael Ramos

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(BOS)

From: Robert Karis [rckaris@gmail.com]
Sent: Monday, January 05, 2015 12:59 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Re: Case No. 2014.0206C, 1963 Ocean Avenue, letter of opposition
Attachments: appeal_letter_fc.pdf

Categories: 141291

Dear Clerk of the Board,

Please enter the attached letter, written and signed by a neighbor, in opposition to the proposed vape shop at 1963 Ocean Ave.

Thank you,
Robert Karis

January 3, 2015

San Francisco Board of Supervisors:

I'm a long time resident of the Ingleside District, has seen many changes some good some not so good.

Now there's two Cannabis clubs and a Billiards Hall on Ocean ave. within six blocks. Within the past two years my area has experienced a higher crime rate. Personally my car has been broken into twice, hit and ran three times.

I have witness people leaving their shops walking to their cars smoking Cannabis, leaving trash and urinating in the bushes.

There's two schools in my area, I watch these young people walk by and say "can't wait to get my weed card".

The Ingleside District do not need another pool hall, Cannabis club, L cigarette, ~~the~~ smoke or hookah lounge.

Our youth has enough negative behavior around them, lets not add to it.

Thank You

Jim Louell

BOS)

From: Carolyn Karis [carolynkaris@gmail.com]
Sent: Monday, January 05, 2015 12:58 PM
To: BOS Legislation (BOS)
Cc: Board of Supervisors (BOS); Yee, Norman (BOS); Robert Karis
Subject: Appeal of Conditional Use Authorization -- 1963 Ocean Avenue
Attachments: Appeal_Case_No_2014_0206C.pdf

Categories: 141291

Dear Angela Calvillo, Clerk of the Board:

Please enter the following document for the appeal of the decision of the Planning Commission by Motion No. 19271 (Case No. 2014.0206C), for property located at: 1963 Ocean Avenue, Assessor's Block No. 6915, Lot No. 020.

Sincerely,
Carolyn Karis
Victoria Street
Ingleside Terraces

Appeal of the decision of the Planning Commission Conditional Use Authorization by Motion No. 19271 (Case No. 2014.0206C), for property located at 1963 Ocean Avenue, Assessor's Block No 6915, Lot No. 020.

We disagree with the following "Findings" contained in the Final Motion ("FM") No. 19271 of the Planning Commission in approving, on November 6, 2014, the Conditional Use Authorization for the tobacco paraphernalia establishment at 1963 Ocean Avenue.

The appeal to disapprove the Planning Commission's authorization of the Conditional Use for the vape shop/steam stone hookah lounge (aka Happy Vape) at 1963 Ocean Avenue is based on the following:

1. The Planning Commission did not appropriately apply the criteria for a Conditional Use Authorization for a tobacco paraphernalia establishment selling electronic cigarettes. [Planning Code ("Code") 303 (n), Ordinance #030-14 & #224-08]
2. This was the **first required** Conditional Use Authorization hearing for a tobacco paraphernalia establishment including the sale of electronic cigarettes. [Planning Code 227(u); Ordinance #224-08 & #030-14]
3. The proposed business is not compatible with the character of the neighborhood, the community, or its demographics. [Planning Code 303(c)(1)]
4. Compliance with the General Plan [the objectives, policies, and guidelines found in the seven studies of Ocean Avenue] is not consistent. [Planning Code 101.1 Master Plan]
5. The proposed business will be detrimental with the health, safety, and welfare of the residents. [Planning Code 303 (c)(2)].
6. The ruling by the Planning Commissioners was not unanimous. (5 to 2)
7. 75% of the property owners/residents within the 300 foot area around 1963 Ocean Avenue signed to support the appeal of the Planning Commission's Authorization. 90% of the people in the neighborhood do not find the proposed business necessary or desirable. [Planning Code 303(c)(1)]
8. The concentration of tobacco paraphernalia in the Ocean Avenue NCT is sufficient. The neighbors have not expressed a need or desire for a store selling electronic cigarettes, vaporizers and related tobacco paraphernalia, nor for a steam stone hookah lounge.

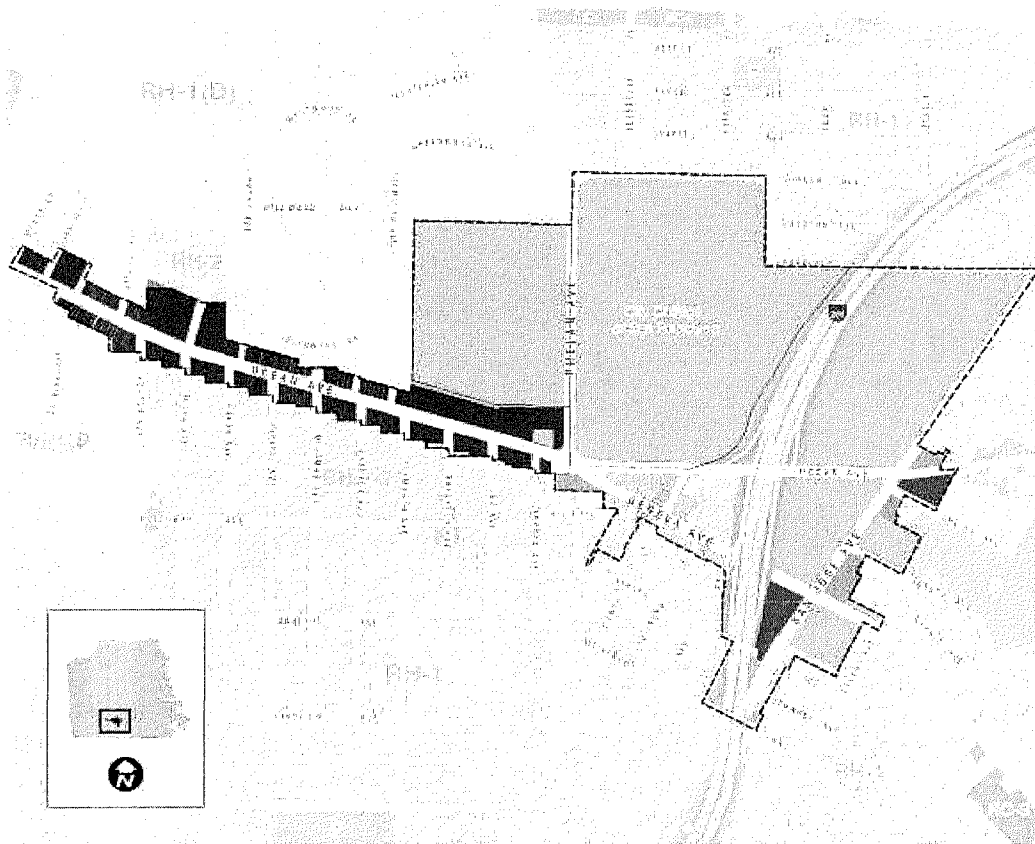
Background:

1963 Ocean Avenue is located at the western end of the Ocean Avenue NCT (Neighborhood Commercial Transit) District that extends from Phelan Avenue on the east to Manor Drive, a length of approximately $\frac{3}{4}$ mile. The site is within the **Balboa Park Station Plan Area. This plan states that the Ocean Avenue NCT is intended to provide convenience goods and services to the surrounding neighborhoods.**

1963 Ocean Avenue is located in District 7. The Ocean Avenue Area includes the residential neighborhoods of Ingleside Terraces, Balboa Terrace, Mount Davidson Manor, Westwood Park, Ingleside and Merced Heights in Districts 7 and 11.

[Note: some URLs may need to be copied and pasted into a web browser.]

Balboa Area Plan Generalized Land Use Map — (p. 18 of the Land Use Index of the General Plan of the City and County of San Francisco, 2011) http://www.sf-planning.org/ftp/general_plan/Land_Use_Index_August_2011.pdf
The San Francisco General Plan Master Plan [101.1] http://www.sf-planning.org/ftp/general_plan/ includes the Balboa Park Station Area Plan.

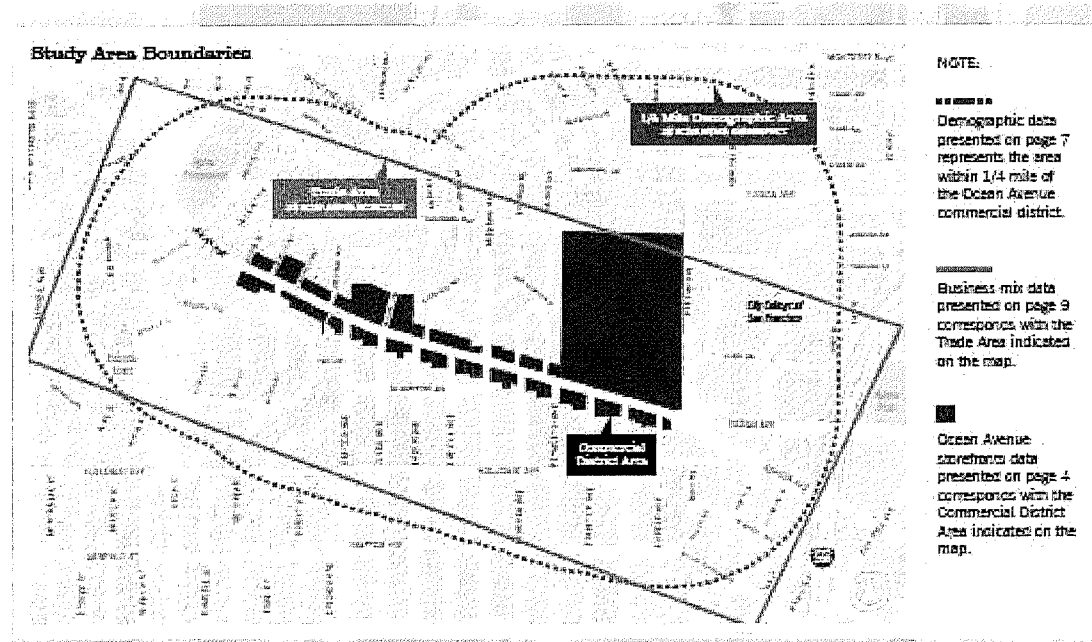


Land Use Districts

RH-1	NCT-1	Balboa Park Station Area Plan Boundary
RH-1(D)	NCT-2	
RH-2	Ocean Avenue NCT	
RM-1	P	

Map from the **OEWD Invest in Neighborhoods Study (2012)**

<http://investsf.org/neighborhoods/ocean-avenue/> Map found on page 6 of the
UPDATED_Neighborhood Profile OCEAN AVENUE.pdf



Ocean Avenue has undergone extensive study and review by various city agencies and consultant groups. The goals of these studies are strengthening what exists and attracting positive changes for the area. All of the studies, dating from 2008 through 2014, conducted of the Ocean Avenue Corridor, focus on **improving Ocean Avenue for the long-term**. The studies resulted in the following reports:

Reports on Ocean Avenue Corridor:

- **Historic Context Statement Balboa Park Area Plan & Historic Resource Survey 2008**
<http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=557>
- **Balboa Park Station Plan 2008** Balboa_Park_Station_Area_Plan_v2.pdf
http://www.sf-planning.org/ftp/general_plan/Balboa_Park_Station.htm
a pdf version of the study document is found at
<http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=1983>
- **Ocean Avenue Management Plan 2010**
<http://www.oewd.org/modules/showdocument.aspx?documentid=160>
OceanAvenueManagementPlan.pdf
- **SF General Land Use Plan** Land_Use_Index_August_2011.pdf – General introduction for entire city http://www.sf-planning.org/ftp/general_plan/index.htm and pdf version http://www.sf-planning.org/ftp/general_plan/Land_Use_Index_August_2011.pdf

- Balboa Park Station Area Plan
http://www.sf-planning.org/ftp/general_plan/Balboa_Park_Station.htm
- **OEWD Invest in Neighborhoods Study 2012**
http://investsf.org/neighborhoods/ocean-avenue/UPDATED_Neighborhood_Profile_OCEAN_AVENUE.pdf
 - **San Francisco Formula Retail Economic Analysis** prepared for the SF Planning Department by Strategic Economics June 2014 http://www.sf-planning.org/ftp/files/legislative_changes/form_retail/Final_Formula_Retail_Report_06-06-14.pdf
 - **Kjelstrom Economic Development Final report** Sept 2014 Kjelstrom Economic Development Final Report 2014.10.31.pdf
http://www.sfog.us/ocean_ave/kjelstrom_20141031.pdf

The studies point to the need for development of a vibrant commercial street that serves the surrounding neighborhoods. The reports encourage pedestrian traffic, use of public transit, and businesses that provide the goods and services needed by the residents in the neighborhood.

We disagree with the following “Findings” contained in the Final Motion No. 19271 of the Planning Commission in approving, on November 6, 20014, the Conditional Use Authorization for a tobacco paraphernalia establishment at 1963 Ocean Avenue.

Issue #1: Incorrect application of Planning Code 303(n) and 227 (u). The ruling of the Planning Commission on November 6, 2014, to approve the Conditional Use Application for the proposed business at 1963 Ocean Avenue, **did not properly apply the criteria for a Conditional Use Authorization (Code 303) of a tobacco paraphernalia establishment (Code 227(u))** [Note FM states 227(v); however the correct current Planning Code is 227(u).]

Rationale: The Planning Commission did not correctly apply Planning Code 303. During the hearing and in the decision, the Planning Commissioners did not consider fully whether this proposed business met the criteria of “necessary or desirable to the neighborhood,” whether it would potentially have a negative impact on the surrounding neighborhood, and whether the use complies with the San Francisco General Plan and more specifically, the Balboa Park Station Area Plan.

Commissioner Richards (who voted against approval) pointed out that the 1900 block of Ocean Avenue is not the appropriate context for the proposed business, a vape retail store with a steam stone hookah lounge in the basement. It is not a business that will attract neighborhood foot traffic. Commissioner Antonini (who voted against approval) questioned the need for a hookah lounge as a method to quit smoking. The project sponsor stresses that his business aims to help people stop smoking (tobacco

cigarettes). Commissioner Antonini questioned why the Commission had listened to neighborhood voices against a Starbucks but, in this matter, did not consider the many concerns of neighbors about this type of business on this block, about its potential effects on the character of the neighborhood, and about the health and safety of this community.

The other five commissioners focused mainly on issues involving filling a vacant storefront on this block. They discussed the number of entrances, attractive displays, visibility from the street, signage, elevator access, hours of operation, etc. – building design and construction issues, not the reasons that made a Conditional Use Authorization a requirement for an establishment planning to sell tobacco paraphernalia. The issue was not about the design or construction of the building but whether the products and goods to be sold by this business and used within the building were necessary or desirable or compatible with the neighborhood. The matter before the Commission was not a Discretionary Review but rather a Conditional Use Authorization – a matter of different standards and criteria.

Neighborhood voices oppose this particular type of business for its incompatibility with the neighborhood and for its detrimental effects on the character of the community and particularly for the 1900 block of Ocean Avenue. This business offering alternative tobacco paraphernalia products is not what the neighbors find necessary or desirable or compatible – the criteria for a Conditional Use Authorization.

Issue #2: 1963 Ocean Avenue was the **first required Conditional Use Authorization hearing** before the Planning Commission **for an electronic cigarette/vape store business**. The Planning Commissioners did not carefully nor explicitly consider whether this business, the selling of tobacco paraphernalia, was necessary or desirable for the neighborhood, whether it would be detrimental to the health, safety, and welfare of the community.

The proposed business at 1963 Ocean Avenue required a Conditional Use Authorization for a Tobacco Paraphernalia Establishment [Planning Code, Section 227(u)].

227(u) Tobacco Paraphernalia Establishments, defined as retail uses where more than 10% of the square footage of occupied floor area, as defined in Section 102.10, or more than 10 linear feet of display area projected to the floor, whichever is less, is dedicated to the sale, distribution, delivery, furnishing or marketing of Tobacco Paraphernalia from one person to another. "Tobacco Paraphernalia" does not include lighters, matches, cigarette holders, any device used to store or preserve tobacco, tobacco, cigarettes, cigarette papers, cigars, or any other preparation of tobacco that is permitted by existing law. Medical Cannabis Dispensaries, as defined in

Section 3301(f) of the San Francisco Health Code, are not Tobacco Paraphernalia Establishments.”

San Francisco Ordinance No. 030-14 of March 2014, extended tobacco paraphernalia to include the sale and use of electronic cigarettes.

<http://www.sfbos.org/index.aspx?page=15826>

131208	0030-14	04/26/2014	Health Code - Restrictions on Sale and Use of Electronic Cigarettes
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Rationale for disagreement with decision: The issues of the health, safety, and welfare of the neighbors are the ones that made this tobacco paraphernalia establishment a required conditional use and the ones that cause this business to be detrimental to the neighborhood. In the hearing, **Commissioners raised questions that implied confusion** about this **first conditional use for a vape store**. The matter before the Commission was not a Discretionary Review, but rather a Conditional Use Authorization, a matter that should be treated by the criteria of necessary or desirable and compatible with the neighborhood and of not being detrimental to the health, safety, and welfare of the community.

Health issues, concern about the content of nicotine, carcinogens, and toxic chemicals found in the electronic cigarettes plus inconsistent manufacturing and other environmental issues, are cited in Ordinance # 030-14. These are the reasons for the inclusion of electronic cigarettes as tobacco paraphernalia and for the requirement of a Conditional Use Authorization hearing before the Planning Commission. Harm to the health of the citizens of San Francisco prompted the Board of Supervisors to require a Conditional Use Authorization and CUA hearing for tobacco paraphernalia including electronic cigarettes.

In its Final Motion (FM), the Planning Commission in presenting its “Finding” concerning the criteria for Planning Code 303 (FM #7, p.4) stated the following on FM page 6 (E.i.) with respect to the **concentration** of Tobacco Paraphernalia Establishments as defined in Section 227(v) [actually 227(u)]:

there is “no other Tobacco Paraphernalia Establishments within the Ocean Avenue NCT that have received Conditional Use authorization.” [emphasis added]

This argument is misleading since this is **the first Conditional Use Authorization hearing citywide** for a tobacco paraphernalia establishment. This business at 1963 Ocean Avenue is the first application for a vape shop since the establishment of the CUA requirement by City Ordinance # 244-08, passed unanimously by the Board of Supervisors in October of 2008.

At the Planning Commission hearing on November 6th, Marcelle Boudreaux, the Planning Department representative, noted upon questioning by a

Commissioner that this project, 1963 Ocean Avenue, was the first business of this kind to require a CUA. She also noted that there were several other similar project applications in the pipeline. This case could and should be viewed as a test cast for this type of business establishment (vape shop and steam stone hookah lounge). Therefore, it is important to correctly apply the Conditional Use Authorization criteria to 1963 Ocean Avenue.

The health, safety, and welfare of the neighborhood should have received higher priority and evaluation by the Planning Commission. The health, safety, and welfare of the residents should have trumped filling a vacant storefront.

Issue #3: Incompatibility of the proposed Tobacco Paraphernalia Establishment [at 1963 Ocean Avenue] **with the neighborhood and its demographics.** {Planning Codes 737.1, 737.69 and 227(v)}; [FM E7, E.iii, p. 7]. Citing Planning Code Section 227(v) [actually 227(u)], the Finding states:

- iii. The proposed establishment is compatible with the existing character of the particular district for which it is proposed.

The proposal is a new commercial establishment, which proposes to utilize a vacant retail space for an electronic cigarette retail store and steam stone hookah lounge. The use will remain as retail establishment, and no changes are proposed to the fine-grained, pedestrian-oriented storefront. The establishment is compatible with the existing character of particular district for which it is proposed.

Rationale: The location of the proposed establishment is **not** “...compatible with the existing character of the particular district...” The Ocean Avenue NCT should serve the needs and character of the surrounding residential neighborhood.

According the demographics provided in the Invest in Neighborhoods, Ocean Avenue Neighborhood Profile, compiled in 2013 by the Office of Economic and Workforce Development, <http://investsf.org/wordpress/wp-content/uploads/2014/03/Neighborhood-Profile-OCEAN-AVENUE.pdf> [overview at <http://investsf.org/neighborhoods/ocean-avenue/>], the population of the Ocean Avenue neighborhood area is approximately 15,200. The over 5,000 households include a high percentage of Asians (47%), family households (66%) with children under 18, and people over 60. Please note: Each of these percentages is higher for the Ocean Avenue District than citywide.

Additionally, this Ocean Avenue district has higher percentages of single-family housing (RH-1 and RH-1(D) (84% v. 33% citywide), larger sized

family household averages (4.5 v. 3.1 citywide), and fewer renting households (27% v. 62% citywide).

There are 14 educational institutions, from elementary to college, in the vicinity. Many students from Aptos Middle School walk by the proposed business location on their way to and from school. The pedestrian traffic by these students plus by children living in the neighborhood is not compatible with the proposed establishment. Older students attending City College tend to ride the K Muni Metro to the eastern end of the Ocean Avenue NCT and patronize businesses at the eastern end of the commercial district. Other educational institutions in the vicinity include the Voice of Pentecost Academy (K-12, 130 feet from the proposed business), Commodore Sloat Elementary, Lick Wilmerding High School, Kumon Learning Center, the Stratford School, Archbishop Riordan High School, San Francisco State, and Mercy High School.

The San Francisco's General Plan includes the following goals and policies for Ocean Avenue in the Balboa Park Station Area Plan:

http://www.sf-planning.org/ftp/general_plan/index.htm

Goals:

- Improvement of the city as a place for living, by aiding in making it **more healthful, safe, pleasant, and satisfying**, with housing representing good standards **for all residents** and by providing adequate open spaces and appropriate community facilities.
- Coordination of the varied **pattern of land use** with public and semi-public service facilities required for efficient functioning of the city, and for the **convenience and well-being of its residents**, workers, and visitors.

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

Issue #4: Compliance with the General Plan [the objectives, policies, and guidelines found in the seven studies of Ocean Avenue] is **not consistent**.

[FM#8, p. 7] Neighborhood Commerce, Objectives and Policies: Objective 1, Policies 1.1 to 1.3:

The proposed development will provide specialty goods and services to the neighborhood and will provide employment opportunities to those in the community. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

Rationale: The proposed business does not provide specialty goods or services desired by the neighborhood. At least five official studies of the Ocean Avenue NCT include notations of requested and needed goods and services by neighbors and residents. None of these included a request for a vape shop, an

electronic cigarette retail store, or steam stone hookah lounge. The following desired businesses are excerpted from the studies and surveys:

- Balboa Park Station Plan, 2008 – every day goods and services without the need for the use of automobiles. The businesses should provide for a wide range of the goods needed by a large number of the residents rather than a product that appeals to a limited number of individuals.
- OEWD Invest in Neighborhoods, 2013 – need for home furnishings, general merchandise, clothing stores (everyday needs), books, used merchandise, full service restaurants, gift stores, lawn and garden supplies, shoes, jewelry, luggage and leather goods.
- Kjelstrom Economic Development Report, Sept 23-25, 2014 (p. 7). Meeting participants identified several targets: movie theater, bookstore, espresso bar, ice cream shop, stationery/card store, clothing stores (new and used), high-quality restaurants with great bars, garden shop/nursery, toy store, wine bar, musical instrument shop, and pet supplies/grooming.
- Residents have expressed desire for a greater diversity of restaurants (current ones are mainly Chinese/Asian), specialized grocery, gardening supplies, new and used book stores, clothing, galleries, music equipment, toys, bakery, and the like.
- Examples of retail that would be welcome on Ocean Avenue: Food products, appliances, electronics, furniture, sporting goods, lumber, clothing, fabrics, footwear, cosmetics, medicines, stationery, art, books, handicrafts, musical instruments, gifts, supplies for gifts, second hand goods

Issue #5: The Planning Commission did not properly apply Planning Code 303(c)(2).

(2) That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

Rationale: The proposed business is detrimental to the health, safety and welfare of the neighborhood. The Planning Commission did not place sufficient weight on the criteria of the required **Conditional Use Authorization for sale of tobacco paraphernalia**. The Planning Commission is well versed in matters of building design, building codes – matters of height, setback, materials, massing, etc. This Conditional Use for a tobacco paraphernalia establishment required the Commission to consider more particularly the health aspect of the items to be sold by this business within the building—an unusual consideration for the Commission, but essential for the determination of whether the proposed business use would be detrimental to the health, safety, and welfare of the residents.

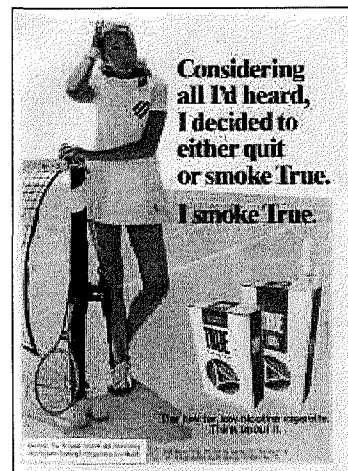
The project sponsor speaks many times about “harm reduction,” of providing a “safer” alternative to tobacco cigarettes, of offering products and goods to

help people stop smoking tobacco cigarettes. However, this business is not a smoking cessation clinic. It is a commercial establishment that aims to profit through the sale of vaporizers, e-liquids, and other tobacco paraphernalia. Quantity of sales will benefit this business.

Electronic cigarettes were developed in the last ten years. The healthfulness and safety of these devices has not been definitely proven. Many scientists, doctors, and public health organizations have questioned the long-term effects of these battery-powered devices sold with glamorous advertising and used with candy-flavored liquids.

Ads for electronic cigarettes use the “Don’t Quit. Switch” approach, an old tactic of Big Tobacco, visually shown by the Campaign for Tobacco-Free Kids.

7. Their ads say, “Switch, Don’t Quit.”



Tobacco companies have long tried to discourage smokers from quitting by marketing cigarette changes as reducing health risk. Some e-cigarette ads carry a similar message.

http://www.tobaccofreekids.org/tobacco_unfiltered/post/2013_10_02_ecigarettes

It took many years and many deaths before people heeded the warnings about the dangers of tobacco smoking and secondhand smoke. Last year (2014) the current Surgeon General issued the 50th Anniversary Report. Valuable health effects have resulted from actions taken because of the warnings in the 1964 Surgeon General report. The 50th Anniversary report: “The Health Consequences of Smoking – 50 Years of Progress: A Report of the Surgeon General, 2014” <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/> includes chapters with warnings about electronic cigarettes. The 50th Anniversary Consumer Guide “Let’s Make the Next Generation Tobacco-Free” stresses the dangers of nicotine addiction. <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/consumer-guide.pdf>

In its "E-cigarette Primer,"

<https://public.health.oregon.gov/PreventionWellness/TobaccoPrevention/SmokefreeWorkplaceLaw/Documents/E-cigFactSheet.pdf> , the Oregon Public Health Department stated: "Smokeless does not mean harmless." Nicotine, an ingredient of many electronic cigarettes, has been found to be more addictive than alcohol. According studies from the [University of Minnesota](http://www1.umn.edu/periodic/tobacco/nicaddct.html) <http://www1.umn.edu/periodic/tobacco/nicaddct.html>

- "Nicotine is:
 - 1000 X more potent than alcohol
 - 10-100 X more potent than barbiturates
 - 5-10 X more potent than cocaine or morphine"

The long-term dangers of electronic cigarettes (with or without nicotine) are unknown. Electronic cigarettes may be safer than tobacco cigarettes but they may addict those who have not previously smoked.

It is true that the FDA has not issued definitive results and rulings about electronic cigarettes. However, the FDA raised warnings as early as 2009 [<http://www.fda.gov/downloads/ForConsumers/ConsumerUpdates/UCM173430.pdf>] and has called for intensive studies. Nicotine liquids are toxic. The attractive candy-colored and flavored liquids have poisoned children. It only takes about 30 to 60 milligrams of nicotine to send a child to the emergency room. Ingesting or getting the liquid nicotine on the skin can send anyone, child or adult, to the emergency room.

Exploding batteries have harmed children and adults. The U.S. Fire Administration, in October 2014, published a 13-page document titled "Electronic Cigarette Fires and Explosions" [https://www.usfa.fema.gov/downloads/pdf/publications/electronic_cigarettes.pdf] that details the dangers of fires and explosions caused by electronic cigarettes. Appendix 1 of this document is an extensive list of specific incidents of reported fires and explosions that occurred from 2009 through March 2014 that were caused by electronic cigarettes.

Public health organizations that have questioned the health and safety of these devices and of vaping include:

- American Lung Association – letter from Kimberly Amazeen in BOS packet File 131208, p. 63. Also <http://www.lung.org/press-room/press-releases/advocacy/FDA-ECig-Deeming-Reg-Statement.html> ; <http://www.lung.org/stop-smoking/tobacco-control-advocacy/federal/e-cigarettes.html>
- TEROC (California Tobacco Education Research Oversight Committee) – <http://www.cdph.ca.gov/services/boards/teroc/pages/TEROCLandingPage%28default%29.aspx>
- World Health Organization – <http://www.who.int/nmh/events/2014/background-e-cigarettes/en/>

- American Cancer Society – “Restrict the Sale of Electronic Cigarettes”
<http://www.cancer.org/myacs/eastern/areahighlights/cancernynj-news-ny-ecig-health-vote>
- California Youth Advocacy Network – about e-cigarettes
<http://cyanonline.org/e-cig-reading/>; about Hookah including steam stone <http://cyanonline.org/hookah/>
- Centers for Disease Control and Prevention – Key findings
<http://www.cdc.gov/tobacco/youth/e-cigarettes/>; concern especially about youth <http://www.cdc.gov/media/releases/2014/p0825-e-cigarettes.html>
- Campaign for Tobacco Free Kids – concern about poisoning cases
http://www.tobaccofreekids.org/tobacco_unfiltered/tag/e-cigarettes and evidence of E-cigarette companies copying Big Tobacco’s advertising playbook “7 Ways E-Cigarette Companies Are Copying Big Tobacco’s Playbook (or 7 reasons FDA should quickly regulate e-cigarettes)”
http://www.tobaccofreekids.org/tobacco_unfiltered/post/2013_10_02_ecigarettes
- Americans for Nonsmokers’ Rights –
<http://no-smoke.org/learnmore.php?id=645>

Others who have stated concerns and positions about the health and safety of electronic cigarettes:

- Senators Diane Feinstein, Nancy Pelosi, Richard Blumenthal, Jay Rockefeller <http://time.com/2896962/electronic-cigarette-executives-get-schooled-in-senate-hearing/>
- Congresswoman Jackie Speier, June 2014, introduced legislation to regulate e-cigarette products
http://speier.house.gov/index.php?option=com_content&view=article&id=1460:congresswomen-speier-introduces-smoke-act-to-regulate-e-cigarette-products&catid=20&Itemid=14
- Richard A. Carranza, Superintendent of the San Francisco Unified School District. Letter in March 6, 2014, BOS packet File #131208, p. 70
- TECH Times warned about the danger of e-cigarettes infecting computers with malware through the USB port during the charging of a battery. <http://www.techtimes.com/articles/20814/20141124/e-cigarettes-can-be-dangerous-for-your-computers-health-what-you-should-know.htm>

Scientific research takes time. Acting now against potential dangers is the wise approach. The Planning Commission did not properly apply the appropriate criteria in approving the Conditional Use application for a business with great potential health and safety harm to the neighborhood and particularly to the young, impressionable people in the area.

Issue #6: The Planning Commission approval of the Conditional Use was not unanimous. The vote was 5-2 with many questions raised and issues left unanswered. The Planning Commission disapproved a Conditional Use for a Starbucks because of neighborhood opposition. Big tobacco has the patents for extracting nicotine from tobacco leaves. Big tobacco funds the advertising making electronic cigarettes and vaping “cool” and attractive. One teen when questioned if she smoked replied, “No, I vape.” The Planning Commissioners unfortunately did apply the pertinent criteria of Planning Code Section 303 when approving this conditional use. They did not follow the criteria for a Conditional Use Authorization for a tobacco paraphernalia establishment.

Issue #7: Support of the appeal by residents: Signatures obtained to file this appeal represent more than **75% of the residential property owners/residents within 300 feet of the proposed business that the appellant was able to contact.** The individuals signing stated opposition to this type of business. They wished the focus to be on the long-term development of Ocean Avenue, and particularly of the 1900 block. They believed that filling a vacant storefront with “any” business, especially one that represents another alternative lifestyle, does not work toward the goal of long-term improvement of Ocean Avenue, the goal of the many studies noted in the Background section of this document.

Neighbors continue to state and believe that the proposed business, the vape store selling devices (e-cigarettes/vaporizers), vaping liquids/e-juices and batteries and operating a steam stone hookah lounge in the basement) is neither necessary nor desirable nor compatible with the neighborhood.

They noted that a large number of students from Aptos Middle School walk by this building on their way to and from school. The neighborhood parents do not want their children exposed to these products. Although the proposed business states that they will sell only to persons over 18, middle school age and high school students may be tempted to get older people to purchase for them.

Other opponents of this business state that if this proposed business does open, they will avoid the 1900 block of Ocean Avenue; thus defeating the purpose of filling a storefront vacancy. The proposed business will not increase foot traffic on Ocean Avenue by neighboring residents, one of the goals of the various Ocean Avenue studies.

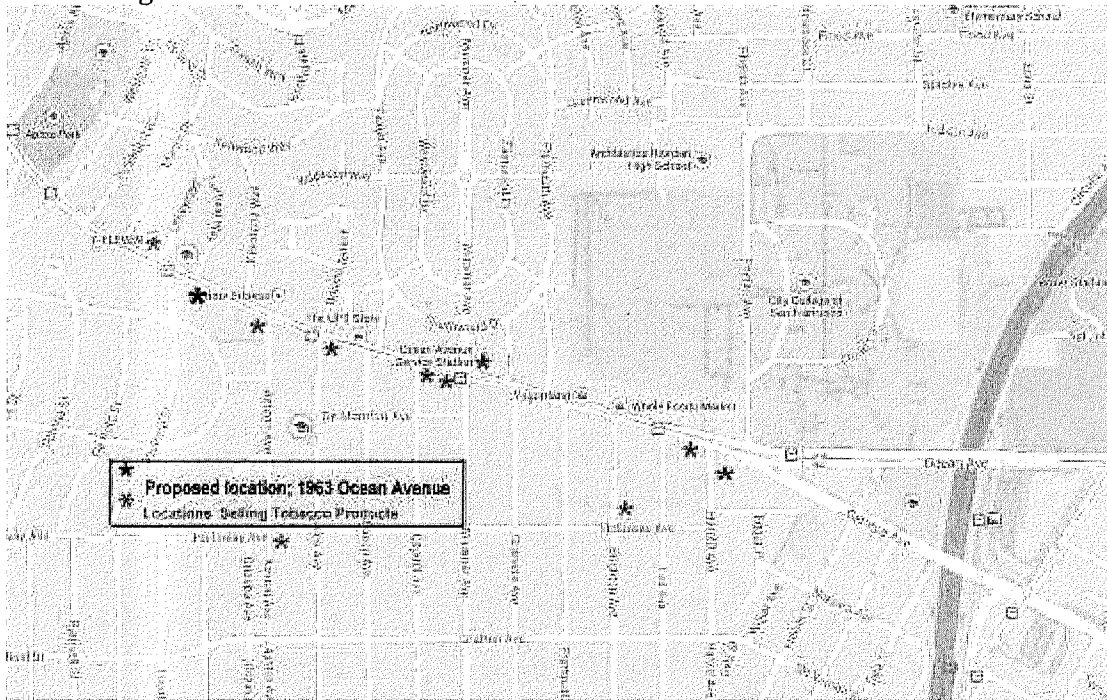
Several people noted that it is getting to the point where traditional businesses that have the option of locating elsewhere do not choose to open in the 1900 block of Ocean Avenue. They question how this block reached this situation, in which undesirable businesses came to predominate in the middle of very affluent neighborhoods.

The eastern end of Ocean Avenue has dramatically improved with the new Whole Foods. The western portion of the Ocean Avenue NCT needs improvement for the

long-term. Residents have expressed delight with the opening of the new hardware store on Ocean Avenue, the first to open anywhere in the city for many years. After twenty years, the residents are happy to finally have a bank (Chase) and a grocery store (Whole Foods) and a new branch of the San Francisco Public Library. Most residents are hopeful that the Target Express will open in the long vacant large store located on Ocean at Dorado/Jules. They enjoy and support the Fog Lifter Café, Sophia's Pizzeria, Cut to Contrast barber, Ocean Cyclery, Serge-a-Lot (sewing), Yoga Flow, all in the 1900 block of Ocean.

Issue #8: Concentration of tobacco paraphernalia businesses in Ocean Avenue NCT. [FM #7. E.i.ii, p. 6]. There is no need for this type of business on Ocean Avenue. In the various surveys conducted, no Ocean Avenue neighbor expressed a need for this type of business.

The concentration of tobacco paraphernalia is more than sufficient. The map shows the locations selling tobacco products on Ocean Avenue and in the vicinity. Six schools are found within this mapped area. The western end of Ocean Avenue, the section closest to 1963 Ocean Avenue, has six businesses selling e-cigarettes and/or tobacco cigarettes.



There are vape shops selling similar products at 19th and Taraval and at Mission near Geneva, 1.5 miles in either direction.

Magic Dragon Smoke Shop at 35 Cambon Drive in Park Merced shopping center, which according to its website opened in 2010, sells water pipes, vapor pens,

vaporizers, e-liquids, hookah and tobacco. Magic Dragon Smoke Shop is about 1 mile away (driving or walking) or .8 mile as the crow flies.

Conclusions:

We should value the health of the city and its residents and not allow this new business to open. Opposing the opening of the vape shop would support the long-term goals of the Board of Supervisors to reduce smoking in the City and to encourage healthy living. It would support the objectives, policies, and guidelines in the seven studies of Ocean Avenue.

The proposed vape shop/steam stone hookah lounge at 1963 Ocean Avenue might appeal to and attract a few youths to the business, but Ocean Avenue, the NCT and the neighborhood, should not be responsible for encouraging young adults to start a new addiction—to “candy flavored” e-Cigarettes, vaporizers, and steam stone hookah with unknown **long-term health risks**. And this business is not a stop smoking clinic.

In June 2014, at a Congressional hearing, Senator Blumenthal of Connecticut said:

“I think we have seen this movie before...It is called big nicotine comes to children near you and you are using the same kinds of tactics and promotions and ads that were used by big tobacco and proved so effective”

TIME “Electronic Cigarette Executives Get Schooled in Senate Hearing,” June 18, 2014: <http://time.com/2896962/electronic-cigarette-executives-get-schooled-in-senate-hearing/>

The TIME article ends with these quotes:

At the end of her time to question, Boxer said: “Mr. Healy and Mr. Weiss, you can con yourself. But we don’t know if this product gets people off cigarettes yet, so don’t think you are doing some great mission. Don’t say you care about kids... Don’t be a part of this, because you’ll regret it.”

But the harshest words came from Senator Jay Rockefeller (D- West Virginia), who said to the executives: “I’m ashamed of you. I don’t know how you go to sleep at night. I don’t know what gets you to work in the morning except the **color green of dollars**. You are what **is** wrong with this country.”

“7 Ways E-Cigarette Companies are Copying Big Tobacco’s Playbook” published on The Campaign for Tobacco-Free Kids website in October 2013 visually demonstrates the phenomenon of using the same playbook: http://www.tobaccofreekids.org/tobacco_unfiltered/post/2013_10_02_ecigarettes



The webpage concludes:

No wonder youth e-cigarette use is on the rise.
 These developments underscore the need for the FDA to quickly regulate e-cigarettes and take steps to prevent their marketing and sale to kids.

The Surgeon General's 50th Anniversary Report (2014) recounts 50 years of progress in combating the health hazards of smoking but warns of the attraction of teens to the electronic cigarettes, the new form of nicotine delivery. It took a long time to undo the influence of advertising promoting tobacco cigarettes. Many people died and continue to die from lung cancer and the effects of secondhand smoke.

We trust that the Board of Supervisors will move forward by not allowing the opening of this proposed business that would sell products that contain nicotine and produce harmful fumes with unknown long term health effects. We trust that the Board of Supervisor will act for the long-term benefit of the residents of Ocean Avenue and the citizens of San Francisco and overturn the Planning Commission's decision.

We ask the Board of Supervisors to disapprove the decision of the Planning Commission by its Motion No. 19271 approving a Conditional Use Authorization identified as Planning Case No. 2014.0206C on property located at 1963 Ocean Avenue. We ask that the tobacco paraphernalia establishment (dba Happy Vape) not be allowed to open business at this location.

(BOS)

From: Con & Danya Shegoleff [4shegs@sbcglobal.net]
Sent: Monday, January 05, 2015 12:12 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS)
Subject: Please no Vape shop on 1963 Ocean Avenue

Categories: 141291

Dear San Francisco Board of Supervisors,

I am writing today to support the appeal of Planning Commission decision in Case No. 2014.0206.

Residents of our communities surrounding Ocean Avenue along with city agencies have been working for many years to revitalize Ocean Avenue and attract much-needed neighborhood businesses and services to the corridor. Many of us feel strongly that adding this business would be a huge step backward.

This shop would be located across from the existing billiard lounge and in the former Aquatic Central spot - way too close to Commodore Sloat and even closer to Aptos Middle School.

In addition, it doesn't take much research to find that hookah bars attract more crime in areas where they are located.

Please support our the health of our neighborhoods by support the appeal of Planning Commission decision in Case No. 2014.0206

With Thanks,

Danya Shegoleff, MA Integrative Health Studies
111 Valdez Avenue
San Francisco, CA 94112

(BOS)

From: Jane Huey [jane.huey@yahoo.com]
Sent: Monday, January 05, 2015 12:03 PM
To: BOS Legislation (BOS)
Subject: VAP shop on Ocean Ave. SF

Categories: 141291

I am writing this letter to oppose the proposed vape shop selling e-cigarettes and operating a hookah lounge at 1963 Ocean Ave.

I cannot understand how the Board of Supervisors would approval such a use for this building. The vape shop would be located exactly across the street from the Voice of Pentecost Academy, a school housing students from k to 8th grade. I live in the Ingleside Terrace District and shop on Ocean Ave. I walk Ocean Ave. on a daily basis and see how much student cross traffic goes by. This is not the place for an e-cigarette and hookah lounge should be unless the City is now actively encouraging our young people to smoke. On a daily basis, there are hundreds of students that would walk by this e-cigarette shop. I see young children with their parents walking to Commodore Sloat School at Ocean and Sierra, I have seen countless middle schoolers walking by after being dismissed from Apotos Middle School and I see City College students walking by heading home or to the mall.

This shop would not "provide substantial net benefits and minimizes undesirable consequences". In fact, it would do the opposite to policy 1.1. I can see this shop encourage all those young people to consider smoking because it would be "cool". This shop would not improve the neighborhood, rather the opposite. You would be encouraging an unhealthy habit by locating it where so many young people would pass by and be influenced by the "coolness" of doing something contrary.

I understand the BOS recently passed a legislation that would limit the number of tobacco sales permits. There are already plenty of businesses that sell tobacco on Ocean Ave. and hope that you will not allow another shop to exist.

At present, there is a 7 Eleven store that sells cigarettes and e-cigarettes less than 400 feet from this new proposed shop. There is also another shop just around the corner on Ashton that sells cigarettes. The neighborhood does not need another cigarette shop. What we need are grocery or produce stores, small shops or restaurants.

I hope the Board of Supervisors will carefully reconsider approving an e-cigarette shop at 1963 Ocean Ave.

(BOS)

From: John Bankovitch [john@portsmouthfinancial.com]
Sent: Monday, January 05, 2015 11:58 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Ocean Avenue Hookah Lounge Appeal

Categories: 141291

Dear Supervisors:

I support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, a Vape Shop/Steam Stone Hookah Lounge. This business is not necessary or desirable for the neighborhood.

Bringing in businesses that are desired and will be used by the people living in the neighborhood is important and will improve the area. This business will not provide needed products or services for people living in this area.

Ocean Avenue has started its revival. The 1900 block of Ocean Avenue now has several businesses popular with neighbors: Fog Lifter Café, Cut to Contrast barbershop, Ocean Cyclery, Serge-a-Lot (sewing), and Yoga Flow. Recently a hardware store opened on Ocean Avenue. A furniture store will soon open. These are the types of businesses the neighborhood needs and desires.

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents.

Please support the appeal of the Planning Commission approval. Do not impose this negative business on Ocean Avenue. The vape shop will not benefit the neighborhood.

John P. Bankovitch
Account Executive
Portsmouth Financial Services

t ~ 415.543.8500 / f ~ 415.764.1064 / tf ~ 800.443.2227
john@portsmouthfinancial.com

1 (BOS)

From: Janet Coyne [janetcoyne@ymail.com]
Sent: Monday, January 05, 2015 11:58 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: rckaris@gmail.com
Subject: Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C. (Opposition to the vape shop.)

Categories: 141291

To:
bos.legislation@sfgov.org
Board.of.Supervisors@sfgov.org
Norman.Yee@sfgov.org

Dear Supervisors:

I support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, a Vape Shop/Steam Stone Hookah Lounge. This business is not necessary or desirable for the neighborhood.

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Ocean Avenue has started its revival. The 1900 block of Ocean Avenue now has several businesses popular with neighbors: Fog Lifter Café, Cut to Contrast barbershop, Ocean Cyclery, Serge-a-Lot (sewing), and Yoga Flow. Recently a hardware store opened on Ocean Avenue. A furniture store will soon open. These are the types of businesses the neighborhood needs and desires.

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents.

Please support the appeal of the Planning Commission approval. Do not impose this negative business on Ocean Avenue. The vape shop will not benefit the neighborhood.

Sent from my iPhone
Janet Coyne

((BOS)

From: Ellen Wall [ellen.hegman@gmail.com]
Sent: Monday, January 05, 2015 11:57 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Re: Thanks for agreeing to write a letters needed about e-cigarettes 1963 Ocean Ave.!

Categories: 141291

Support of appeal of the Conditional Use Authorization for Case No. 2014.0206C.
(Opposition to the "vape shop" at 1963 Ocean Ave.)

From: Ellen Wall
CCSF English Department, Emeritus
225 Edna Street
ewall@ccsf.edu

To
bos.legislation@sfgov.org
Board.of.Supervisors@sfgov.org
Norman.Yee@sfgov.org

I support the appeal and oppose the opening of the vape shop that would sell e-cigarettes, e-liquids (the flavored nicotine liquids used to create the "vapor"), and other tobacco paraphernalia.

I was horrified when a friend told me about this legislation. I want to tell you how I first learned about e-cigarettes. I was at a party chatting with friends when I started non-stop sneezing. Tears rolled down my cheeks and I gasped for breath. I quickly got a tissue and began blowing my nose and looking around for what could be causing the problem. I saw a man sucking on a small tube. Is that a cigarette I asked him. "No," he said quite defensively, "there's no tobacco in it." How about mint, vanilla and other flavors? "Probably," he said. I

responded with anger as I walked out of the party: burning herbs is enough to kill both of us and other sensitive people.

My reaction had not occurred for many years – then from someone standing behind me smoking a menthol cigarette. When I turned, sneezing, she apologized for smoking and threw away her cigarette.

I can't believe the people of San Francisco, who have worked so hard to create smoke-free areas, want to return to this horror. Please refer this matter to the Health Department. The health of San Franciscans is not the purview of the Planning Department.

Sincerely,

Ellen Wall

225 Edna Street

San Francisco, CA 94112

ewall@ccsf.edu

On Mon, Jan 5, 2015 at 11:08 AM, Carolyn Karis <carolynkaris@gmail.com> wrote:
Hi Ellen,

I made some changes in the letter. You can copy it and send to all three addresses in one email.
Thanks, Carolyn and

----- Forwarded message -----

From: **Ellen Wall** <ellen.hegman@gmail.com>

Date: Mon, Jan 5, 2015 at 10:44 AM

Subject: Re: Thanks for agreeing to write a letters needed about e-cigarettes 1963 Ocean Ave.!

To: Carolyn Karis <carolynkaris@gmail.com>

Carolyn, here is my letter. Call me with changes. Should I send it or will you? Ellen

Letter to be sent below....

Support of appeal of the Conditional Use Authorization for Case No. 2014.0206C.

(Opposition to the “vape shop” at 1963 Ocean Ave.)

From: Ellen Wall

CCSF English Department, Emeritus

225 Edna Street

ewall@ccsf.edu

To

bos.legislation@sfgov.org

Board.of.Supervisors@sfgov.org

Norman.Yee@sfgov.org

I support the appeal and oppose the opening of the vape shop that would sell e-cigarettes, e-liquids (the flavored nicotine liquids used to create the "vapor"), and other tobacco paraphernalia.

I was horrified when a friend told me about this legislation. I want to tell you how I first learned about e-cigarettes. I was at a party chatting with friends when I started non-stop sneezing. Tears rolled down my cheeks and I gasped for breath. I quickly got a tissue and began blowing my nose and looking around for what could be causing the problem. I saw a man sucking on a small tube. Is that a cigarette I asked him. “No,” he said quite defensively, “there’s no tobacco in it.” How about mint, vanilla and other flavors? “Probably,” he said. I responded with anger as I walked out of the party: burning herbs is enough to kill both of us and other sensitive people.

My reaction had not occurred for many years – then from someone standing behind me smoking a menthol cigarette. When I turned, sneezing, she apologized for smoking and threw away her cigarette.

I can't believe the people of San Francisco, who have worked so hard to create smoke-free areas, want to return to this horror. Please refer this matter to the Health Department. The health of San Franciscans is not the purview of the Planning Department.

Sincerely,

Ellen Wall

225 Edna Street

San Francisco, CA 94112

ewall@ccsf.edu

On Mon, Jan 5, 2015 at 9:42 AM, Carolyn Karis <carolynkaris@gmail.com> wrote:

----- Forwarded message -----

From: **Carolyn Karis** <carolynkaris@gmail.com>

Date: Sun, Jan 4, 2015 at 8:02 PM

Subject: Thanks for agreeing to write a letters needed about e-cigarettes 1963 Ocean Ave.!

To: ewall@ccsf.edu

Hi Ellen

It was great talking with you tonight. Thank you for agreeing to write a letter.

Heading for the letter is:

Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C

Points to make: you support the appeal and oppose the opening of the vape shop that would sell e-cigarettes, e-liquids (the flavored nicotine liquids used to create the "vapor"), and other tobacco paraphernalia.

Send the letter supporting the appeal of Planning Commission decision in Case No. 2014.0206C

(Letter opposing the vape shop at 1963 Ocean Ave.)

To:

bos.legislation@sfgov.org (this is the clerk of the Board of Supervisors)
Board.of.Supervisors@sfgov.org
Norman.Yee@sfgov.org (District 7 Supervisor)

Below is an email we have been sending out on this topic. To summarize, we are opposed because a) e-cigarettes are unhealthy (they may be safer than cigarettes, but the long-term effects are not yet known). b) Ocean Ave. already has many stores where cigarettes and e-cigarettes are sold. c) It is not the type of business the neighbors want on Ocean Ave. d) Ocean Ave., particularly the 1900 block, already has too many alternative businesses that make it less attractive to neighbors and to possible new traditional businesses. e) more traditional businesses are needed for Ocean Avenue.

A sample letter is attached that you could use but your sneezing story would be great, just be sure to make it clear that you oppose the vape shop selling e-cigarettes.

We **need** emails and letters sent to the Board of Supervisors to oppose a vape shop selling e-cigarettes and operating a hookah lounge at 1963 Ocean Avenue, near the corner of Victoria! We are currently up to 34 emails, another dozen or two would be great. The BOS hearing is scheduled for Tuesday, January 13, 2015 at 3 P.M. In order to be entered into the packet, emails should be sent before Monday, January 5, at 5 P.M.

Please send a copy to us rckaris@gmail.com

Mention your neighborhood. The number of emails is counted. The Board wants to know if the neighbors and citizens are opposed to this business.

Thanks!
Bob and Carolyn Karis
727 Victoria St.
San Francisco, CA 94127
[415-239-2938](tel:415-239-2938)

Ellen, you can ignore what is below, if you wish. I think your story is more important and demonstrates why e-cigarettes are a danger and are unhealthy to people other than the person using the e-cigarette.

This was the first Conditional Use hearing for a tobacco paraphernalia establishment and we do not think that the Planning Commission adequately applied the relevant sections of the Planning Code. Please discuss how you disagree with the decision of the Planning Commission.

Here is the link to the San Francisco Planning Code <http://www.amlegal.com/library/ca/sfrancisco.shtml>

SEC. 303. CONDITIONAL USES. (c)(2): That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity...

The Planning Commission Final Motion (attached) discussed a few examples in which they said that the proposed vape store was not detrimental to the health and welfare of the neighbors. They ignored the large number of statements from governmental and other health agencies regarding the unhealthy aspects of e-cigarettes and hookah. (This vape shop intends to use steam stone hookah, a non-tobacco variant, which has the unhealthy aspects of e-cigarettes + toxins (carbon monoxide) from the use of charcoal in the hookah.)

An SFDPH e-cigarette fact sheet is attached. The SFBOS accepted these facts in their legislation of March, 2014. We asked the Planning Commission to accept these facts from their own health dept. and Board of Supervisors, but they did not give them serious consideration.

SEC. 303. CONDITIONAL USES.(n) **Tobacco Paraphernalia Establishments** (1)(B) The concentration of such establishments in the particular zoning district for which they are proposed does not appear to adversely impact the health, safety, and welfare of residents of nearby areas.

There are already a large number of tobacco businesses (which includes e-cigarettes) on Ocean Ave., see the attached map. They are close to schools and to each other.

SEC. 303. CONDITIONAL USES.

(c)(1): That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community:

(c)(4): ... such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Neighborhood Commercial District;

SEC. 737.1. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT. The Ocean Avenue NCT District is intended to provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices.

Discuss how this business is not necessary or desirable!

--
Ellen Wall, English Department, Emeritus
City College of San Francisco

--
Ellen Wall, English Department, Emeritus
City College of San Francisco

(BOS)

From: Yee, Norman (BOS)
Sent: Monday, January 05, 2015 11:50 AM
To: Vuksich Alexandra; BOS Legislation (BOS); Board of Supervisors (BOS)
Cc: rckaris@gmail.com
Subject: RE: 1963 Ocean Ave. Proposed Vape Shop - Opposition

Categories: 141291

Alexandra, thank you for letting my office know of your concerns regarding potential Vape Shop on Ocean Avenue.

Supervisor Norman Yee
Board of Supervisors, District 7
1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102 P | 415.554.6516 F | 415.554.6546

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-----Original Message-----

From: Vuksich Alexandra [<mailto:alexandravuksich@sbcglobal.net>]
Sent: Sunday, December 28, 2014 5:05 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: rckaris@gmail.com
Subject: 1963 Ocean Ave. Proposed Vape Shop - Opposition

Dear Supervisors,

A "Vape" Shop has been proposed for 1963 Ocean Avenue – a business type to which I object as a resident of Balboa Terrace and the greater Ocean Avenue corridor. This portion of Ocean Avenue gradually becomes more residential and already has a 7-Eleven, Pool Hall, two Medical Marijuana Dispensaries (another has been proposed at the other end of Ocean Avenue nearer to the public library) and is really not reflective of the needs of this neighborhood which is predominantly comprised of single family residential houses with actual, factual families living in them. I grew up in the neighborhood and have seen this portion of the corridor turn from an integral part of family life with the El Rey Theatre, Zim's, toy and pet shops, dry cleaners and Mom & Pop markets to a street I avoid. Given that the Board has adopted a moratorium on new permits to sell "vape" and tobacco products in the city which does not take effect until late in January, I would hate to see this permit slip by simply due to luck in timing. I would also hope that Ocean Avenue's landlords and the Ocean Avenue Merchants Association can work together to attract the types of business that make other neighborhood corridors in the city so successful.

I urge you to oppose the Conditional Use Application for 1963 Ocean Avenue.

Thank you for your time and consideration,

Alexandra Vuksich
177 San Aleso Ave.

(BOS)

From: Tanya Miller [miller_tanya@me.com]
Sent: Monday, January 05, 2015 11:41 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: rckaris@gmail.com
Subject: Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C. (Opposition to the vape shop.)

Categories: 141291

Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C. (Opposition to the vape shop.)

To:
bos.legislation@sfgov.org
Board.of.Supervisors@sfgov.org
Norman.Yee@sfgov.org

Dear Supervisors:

I support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, a Vape Shop/Steam Stone Hookah Lounge. This business is not necessary or desirable for the neighborhood.

Bringing in businesses that are desired and will be used by the people living in the neighborhood is important and will improve the area. This business will not provide needed products or services for people living in this area.

Ocean Avenue has started its revival. The 1900 block of Ocean Avenue now has several businesses popular with neighbors: Fog Lifter Café, Cut to Contrast barbershop, Ocean Cyclery, Serge-a-Lot (sewing), and Yoga Flow. Recently a hardware store opened on Ocean Avenue. A furniture store will soon open. These are the types of businesses the neighborhood needs and desires.

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents.

Please support the appeal of the Planning Commission approval. Do not impose this negative business on Ocean Avenue. The vape shop will not benefit the neighborhood.

Tanya and Matt Miller
2980 22nd Ave
SF, CA 94132
415-564-9620

(BOS)

From: Jeffrey Harding [jd_harding@yahoo.com]
Sent: Monday, January 05, 2015 11:32 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: rckaris@gmail.com
Subject: Support of appeal of the Conditional Use Authorization for Case No. 2014.0206C.
Categories: 141291

To:
bos.legislation@sfgov.org
Board.of.Supervisors@sfgov.org
Norman.Yee@sfgov.org
Cc: rckaris@gmail.com

Dear Supervisors:

I am a long time resident of the Mount Davidson Manor neighborhood directly adjacent to proposed Vape Shop/Steam Stone Hookah Lounge proposed for 1963 Ocean Avenue. As such I would like to make you aware of my objections to this business and ask that you reverse the Planning Commission's decision to permit this business.

The revival of Ocean Avenue has been underway for some time. The projects at in around the Phelan Loop area have significantly changed the character of and commercial viability of that end of Ocean Avenue. Mid-district we have seen long term business thrive and a number of newer business open. Since moving to the neighborhood in 1996 I have consistently shopped and dined at many of the area establishments.

The 1900 block of Ocean Avenue now has several businesses popular with neighbors: Fog Lifter Café, Cut to Contrast barbershop, Ocean Cyclery, Serge-a-Lot (sewing), and Yoga Flow. These businesses serve both the local and non-local residents and are beneficial to the neighborhood as a whole.

The proposed Vape Shop/Steam Stone Hookah Lounge business is not necessary or desirable for the neighborhood. It will not service a sizeable percentage of area residents. There are real concerns about toxins contained in e-cigarettes and the charcoal to be used in the hookah lounge area. Although the exact affects are unknown at this time, I do not believe the neighborhood should be exposed to the risk. As you may be aware, there are numerous schools within a short distance of the proposed site.

Finally, the San Francisco Supervisors have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents.

Please support the appeal of the Planning Commission approval.

Sincerely,
Jeffrey Harding
26 Fairfield Way
(415) 337-5718

(BOS)

From: George Sundby [gsundby@gmail.com]
Sent: Monday, January 05, 2015 11:27 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: rckaris@gmail.com
Subject: Support of Appeal of Planning Commission Approval

Categories: 141291

Dear Supervisors:

I support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, a Vape Shop/Steam Stone Hookah Lounge. This business is not necessary or desirable for the neighborhood.

Bringing in businesses that are desired and will be used by the people living in the neighborhood is important and will improve the area. This business will not provide needed products or services for people living in this area.

Ocean Avenue has started its revival. The 1900 block of Ocean Avenue now has several businesses popular with neighbors: Fog Lifter Café, Cut to Contrast barbershop, Ocean Cyclery, Serge-a-Lot (sewing), and Yoga Flow. Recently a hardware store opened on Ocean Avenue. A furniture store will soon open. These are the types of businesses the neighborhood needs and desires.

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents.

Please support the appeal of the Planning Commission approval. Do not impose this negative business on Ocean Avenue. The vape shop will not benefit the neighborhood.

Sincerely,

George Sundby

90 Cedro Ave.

San Francisco, Ca. 94127.

(BOS)

From: SMGraz2001@aol.com
Sent: Monday, January 05, 2015 11:22 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: smgraz2001@aol.com; rckaris@gmail.com; hechingers@comcast.com
Subject: 1963 Happy Vape /Steam Stone Hookah Lounge

Categories: 141291

Support of Appeal of the Conditional Use Authorization for 1963 Ocean Avenue;
Case No. 2014.0206C. (OPPOSITION to the Vape Shop)

Dear Supervisors,

As a neighbor, I am in support of the Appeal of the Conditional Use Authorization for 1963 Ocean Ave Happy Vape/Steam Stone Hookah Lounge because this business is not necessary or desirable for the neighborhood.

This business does not improve the area. There are already several locations that e-cigarettes can be purchased on Ocean Avenue. As San Francisco supervisors, you recently have passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. Also, you passed legislation that requires a Conditional use to open a tobacco paraphernalia establishment. Happy Vape/Steam Hookah Lounge is a business that falls within the passed legislation that needs to be regulated.

In reviewing the Conditional Use of Happy Vape/Steam Stone Lounge, please support the neighbors plea for an appeal.

Sincerely,

Susan Grazioli
Balboa Terrace Director

(BOS)

From: Peter Su [psudds@yahoo.com]
Sent: Monday, January 05, 2015 10:58 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS); rckaris@gmail.com
Subject: Proposed vape shop at 1963 Ocean Avenue
Categories: 141291

To our trusted elected officials,

I am adamantly OPPOSED to the proposed opening of yet another drug related operation on Ocean Avenue. I have been in private practice dentistry on Ocean Avenue for more than ten years. What we do is promote health and wellness to our patients and clients. The proposed vapor shop will only encourage people, especially children, as there are numerous elementary and middle schools near by, to experiment with this "new" unhealthy fad and trend. I have seen what type of elements these kinds of "businesses" attract. I do not think anyone would like to have this environment near their homes or businesses, especially near their children.

Many years ago, I remember an incident where multiple federal agents including the DEA, raided a non-descript building across the street from my office. What they found was a huge illegal marijuana planting operation hidden in plain sight. There are "medical" marijuana dispensaries on Ocean Avenue. My patients and staff have told me that they are afraid to park near those streets because they don't feel safe. I see everyday, young people who are most likely healthy, go in and out of these so called "medical" marijuana shops to get a high. These vapor shops are just another gateway drug. There are absolutely no health benefits to these type addictions. The type of ware that the vape shop sells are unhealthy addictions.

Please do your civic duty and protect our homes and businesses. Do not approve this vape shop! This will not improve Ocean Avenue. In fact, it would turn our street into a place to go to get high. Yes, I would call inhaling nicotine via vapor and e-cigarettes getting a high. Why else would anyone do it?

If we want our neighborhoods to prosper, we must consider what type of businesses will attract further investment. These vapor shops will further deteriorate the status of Ocean Avenue. Do the right thing and stand for what is good and just.

Regards,

Dr. Peter T. Su, DDS
1914 Ocean Avenue
415-333-8200

(BOS)

From: Diana Victoria [dianavictoria@sbcglobal.net]
Sent: Monday, January 05, 2015 10:46 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS); rckaris@gmail.com
Subject: Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C.
Categories: 141291

Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C. (Opposition to the vape shop.)

Dear Supervisors:

I support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, a Vape Shop/Steam Stone Hookah Lounge. This business is not necessary or desirable for the neighborhood.

Bringing in businesses that are desired and will be used by the people living in the neighborhood is important and will improve the area. This business will not provide needed products or services for people living in this area.

Ocean Avenue has started its revival. The 1900 block of Ocean Avenue now has several businesses popular with neighbors: Fog Lifter Café, Cut to Contrast barbershop, Ocean Cyclery, Serge-a-Lot (sewing), and Yoga Flow. Recently a hardware store opened on Ocean Avenue. A furniture store will soon open. These are the types of businesses the neighborhood needs and desires.

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents.

Please support the appeal of the Planning Commission approval. Do not impose this negative business on Ocean Avenue. The vape shop will not benefit the neighborhood.

Thank you,
Diana Victoria

BOS)

From: Christine Nay [christine_nay@yahoo.com]
Sent: Monday, January 05, 2015 10:29 AM
To: BOS Legislation (BOS)
Cc: rckaris@gmail.com; John Nay
Subject: Re: No to proposed vape shop at 1963 Ocean Ave

Categories: 141291

I'd like to register my strong opposition to the proposed vape shop and hookah lounge at 1963 Ocean Avenue. There are several schools in the vicinity, and many young children pass by this location daily. We live nearby and already experience undesirable activities in the vicinity of the medical marijuana dispensary at 1944 Ocean, just across the street from the proposed vape shop location. People cannot seem to wait until they get home to smoke the marijuana, and instead smoke in their cars while parked on our street. They will then eat fast food and throw the litter through their car windows and onto our sidewalk. Our good neighbors at the Voice of Pentacost Church and School have their hands full dealing with broken bottles and litter, which their students must walk through to enter the school building each day. The city should be trying to clean up and revitalize this area to meet the needs of the many families with young children that live there, instead of adding yet another undesirable business to the mix.

Please turn-down this permit request.

Regards,
Christine Nay

(BOS)

From: Ann Mongan [cristae8@gmail.com]
Sent: Sunday, January 04, 2015 10:22 PM
To: BOS Legislation (BOS); Yee, Norman (BOS)
Cc: karen.gallagher@gmail.com
Subject: Letter supporting the appeal of Planning Commission decision in Case No. 2014.0206C (Opposing the vape shop at 1963 Ocean Ave.)

Categories: 141291

Dear Board of Supervisors,

We have recently become aware that a new hookah lounge has received city approval to open at 1963 Ocean Avenue. We're writing to urge you to join us in opposition to this permit.

As you are aware, Ocean Avenue is in the midst of a revival, with recent openings of many family friendly businesses, including the Whole Foods supermarket and Champa Garden restaurant. These new businesses have significantly improved the image of Ingleside and nearby neighborhoods. These changes have made great strides towards attracting families to the area as well as retaining those who lovingly call these neighborhoods home for themselves and their young children. We believe the opening of this new hookah store would be a major step in the wrong direction. Particularly given the multiple marijuana dispensaries already operating on Ocean Avenue, the opening of this store risks establishing this area as a major destination for marijuana commerce. As parents of a young toddler, it greatly concerns us that this would happen close to an elementary school, a middle school, and quiet surrounding residential neighborhoods. As a physician and a cancer scientist, we strive to keep our community free from businesses that are likely to make the neighborhood polluted, unsafe or expose our children to health hazards. As our neighbor and representative, we hope you feel the same and will join us in opposing the opening of this store.

Sincerely,
John and Mary-Ann Mongan
145 Northwood Dr
San Francisco CA 94112

(BOS)

From: Lee McGriff [leemcgriff33@gmail.com]
Sent: Sunday, January 04, 2015 9:54 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Vape Shop on Ocean Avenue
Categories: 141291

To whom it may concern,

I have been a resident of Ingleside Terraces since 1978 and am opposed to the vape shop opening on Ocean Avenue. The proposed location is across the street from a school and I believe our children already have too many negative tobacco influences surrounding them. 7-11 and two liquor stores, in close proximity to the school, sell tobacco products (including e-cigarettes).

I am disappointed in the Planning Commission's findings and I struggle to understand or agree.

Sections 7.A states this new business is necessary, desirable, and compatible with the neighborhood. Another tobacco selling business is not necessary considering there are several on Ocean Avenue. It is certainly not desirable by those of us who live here because smoke and vape shops do not enhance the beauty of our community, hence, is not compatible.

I am not in favor of the Vapor Shop/Hookah lounge on Ocean Avenue and hope that the residents of Ingleside Terraces, the children in our community, and the beauty of our neighborhood will be heavily considered during this approval process.

Thank you for your attention and time.

Sincerely,

Lee McGriff
19 Cedro Avenue

CC: Board of Supervisors
Norman Yee

BOS)

From: Inger Hultgren [ikhultgren@hotmail.com]
Sent: Sunday, January 04, 2015 9:39 PM
To: Board of Supervisors (BOS)
Cc: BOS Legislation (BOS); Yee, Norman (BOS)
Subject: Letter Opposing Happy Vape Shop at 1963 Ocean Avenue
Attachments: IHM Cover Letter to Board of Supervisors Re Happy Vape Jan 2015.doc
Categories: 141291

Dear Ms. Cavillo,

Attached please find my letter opposing the granting of a permit to Happy Vape at 1963 Ocean Avenue. Thank you for your consideration.

Best,
Inger Meyer

Inger Hultgren Meyer
cell: 415-939-4862
ikhultgren@hotmail.com

January 4, 2015

BY E-MAIL

San Francisco Board of Supervisors
Clerk of the Board, Angela Cavillo
Board.of.Supervisors@sfgov.org

Re: Appeal of Planning Commission Decision in Case #2014.0206C

Dear Ms. Cavillo,

I am writing to express my strong opposition to the planning department's decision approving the opening of the Happy Vape hookah lounge and vape shop at 1963 Ocean Avenue. As a homeowner in an adjacent neighborhood and parent of a first and third grader at Commodore Sloat School, I feel that the siting of such a business at this location would be completely inappropriate and profoundly harmful to the community in which it would be located. The neighborhoods adjacent to the Ocean Avenue business corridor are full of families and children who come to Ocean Avenue to grocery shop at the Whole Foods and mom and pop produce stores, check out books at the Ingleside Branch Library, buy bicycles at Ocean Cyclery, meet friends for coffee or frozen yogurt, or take yoga classes at Yoga Flow, among other activities. The area needs more businesses like these that can meet its residents' day-to-day needs and that foster a healthy and family-friendly environment.

Moreover, 1963 Ocean Avenue is located within a few blocks of three schools, including Commodore Sloat Elementary School, Aptos Middle School and the Voice of Pentecost Academy, and many students actually pass by 1963 Ocean on their way to and from these schools, as I have personally observed on numerous occasions. A business glorifying smoking, whether of traditional or "e" cigarettes, as a "happy" activity, is sending a very dangerous message to children. In addition, the sort of clientele that such a business is likely to attract would degrade not only the atmosphere but the health and safety of the community in which it is located, including the many children who live and attend school here.

At a time when many families are fleeing San Francisco for a myriad of quality of life issues, the last thing we need is to add yet one more reason for families to leave this city. Instead, the Board of Supervisors should do everything within its power to retain families and help this vibrant and wonderful community blossom into its full potential as one of the city's most welcoming and livable neighborhoods for families. Bringing the right kinds of businesses to the Ocean Avenue business corridor would surely be a big step in this direction.

For these reasons, I urge the Board of Supervisors to deny the permit requested by Happy Vape. The nature of this business and the sort of clientele it would attract is inappropriate to and incompatible with the existing residential community and would degrade the quality of life, safety and welfare of the people who live here. Thank you for your consideration.

Sincerely,
/s/
Inger Hultgren Meyer

From: Michelle Schulze [sfschulzes@comcast.net]
Sent: Sunday, January 04, 2015 8:57 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: FW: Appeal_support_letter
Attachments: Appeal_support_letter.pdf

Categories: 141291

From: Michelle Schulze [mailto:sfschulzes@comcast.net]
Sent: Sunday, January 04, 2015 8:52 PM
To: 'Michelle Schulze'
Subject: Appeal_support_letter

Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue;
Case No. 2014.0206C. (Opposition to the vape shop.)

To:

bos.legislation@sfgov.org

Board.of.Supervisors@sfgov.org

Norman.Yee@sfgov.org

Dear Supervisors:

I support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, a Vape Shop/Steam Stone Hookah Lounge. This business is not necessary or desirable for the neighborhood.

Bringing in businesses that are desired and will be used by the people living in the neighborhood is important and will improve the area. This business will not provide needed products or services for people living in this area.

Ocean Avenue has started its revival. The 1900 block of Ocean Avenue now has several businesses popular with neighbors: Fog Lifter Café, Cut to Contrast barbershop, Ocean Cyclery, Serge-a-Lot (sewing), and Yoga Flow. Recently a hardware store opened on Ocean Avenue. A furniture store will soon open. These are the types of businesses the neighborhood needs and desires. We need more family oriented businesses in the Ocean Avenue Corridor. A business such as VAPE is not it. It will only hamper the revival process that so many have worked so hard for.

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents.

Please support the appeal of the Planning Commission approval. Do not impose this negative business on Ocean Avenue. The vape shop will not benefit the neighborhood or the many families that live here in Ingleside and Ingleside Terraces.

Derek & Michelle Schulze
Ingleside Terrace

(BOS)

From: Board of Supervisors (BOS)
Sent: Monday, January 05, 2015 3:12 PM
To: BOS-Supervisors; Carroll, John (BOS); Lamug, Joy
Subject: File 141291 FW:
Attachments: SFDPH_FactSheetFeb2013.pdf; Map_Ocean_tobacco_schools.pdf

Categories: 141291

From: paulmerlyn@yahoo.com [mailto:paulmerlyn@yahoo.com]
Sent: Sunday, January 04, 2015 7:20 PM
To: Board of Supervisors (BOS)
Cc: Yee, Norman (BOS)
Subject:

Dear Board of Supervisors,

My wife and I are writing to express my concern at the proposed vape shop and Hookah lounge selling e-cigarettes on Ocean Avenue, near the corner of Victoria. In particular, we urge you to consider the upcoming appeal against permitting this business, which is unwanted, unnecessary, and contrary to the health and welfare of the community. The smoke industry has wreaked havoc on our nation's health, and e-cigarettes promise to do nothing but perpetuate the socioeconomic suffering caused by the smoke industry without any evidence of a reduction in tobacco products.

In considering the appeal, please give full consideration to:

SEC. 303. CONDITIONAL USES. (c)(2): That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity...

The Planning Commission's Final Motion clearly fails to adequately address this section. Moreover, the Commission has ignored the large number of statements from governmental and other health agencies regarding the unhealthy aspects of e-cigarettes and hookah. (This vape shop intends to use steam stone hookah, a non-tobacco variant, which has the unhealthy aspects of e-cigarettes + toxins (carbon monoxide) from the use of charcoal in the hookah.)

We have attached SFDPH e-cigarette fact sheet is attached. We ask you to accept these facts from our city's own health department.

Also, in considering Sec 30 (see below and attached map) please note that Ocean Avenue already has a large number of tobacco businesses (which includes e-cigarettes). The proposed business is in addition close to schools.

SEC. 303. CONDITIONAL USES.(n) Tobacco Paraphernalia Establishments (1)(B) The concentration of such establishments in the particular zoning district for which they are proposed does not appear to adversely impact the health, safety, and welfare of residents of nearby areas.

(c)(1): That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community:

(c)(4): ... such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Neighborhood Commercial District;

SEC. 737.1. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.
The Ocean Avenue NCT District is intended to provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices.

Thank you for your past enlightened and progressive work in protecting San Francisco from harmful products and services. We strongly urge that you do not allow this unwanted, unnecessary, and unhealthy business to further damage our community.

Sincerely,

Paul R. Merlyn & Sloan N. Norman
48 Keystone Way
San Francisco, CA 94127



City and County of San Francisco
Mayor Edwin Lee

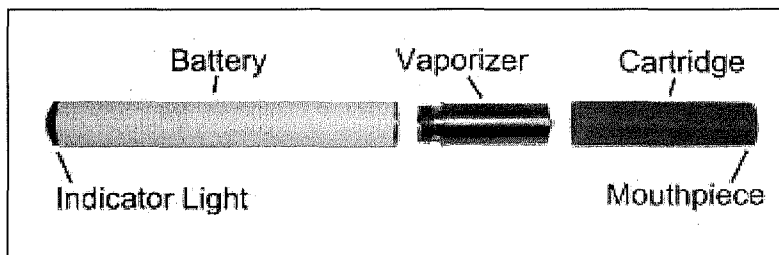
TOBACCO FREE PROJECT
Department of Public Health
Population Health and Prevention
Community Health Education Section
Community Health Promotion & Prevention Branch

E-Cigarette Fact Sheet

February 4, 2013

What Are E-Cigarettes?

E-cigarettes are electronic cigarettes that are battery-operated devices designed to look like and to be used like conventional cigarettes. The devices contain cartridges filled with nicotine, flavor and other chemicals. E-cigarettes turn nicotine and other chemicals into a vapor that is inhaled by the user. No smoke or combustion is involved. Rather the device emits a vapor. E-cigarettes are marketed as less expensive and safer than tobacco cigarettes, as a more socially acceptable way to smoke in smoke-free environments and as providing relief from the social stigma of being a smoker.



Health Risks Identified by the Food and Drug Administration (FDA)

The FDA and many public health experts are concerned about health risks posed by e-cigarettes. The FDA has conducted a preliminary analysis of 18 of the various types of cartridges from 2 leading brands of e-cigarettes, labeled as flavored, nicotine and no-nicotine. Following were findings of the samples tested:

- Diethylene glycol, an ingredient used in antifreeze that is toxic to humans, was found in one sample.
- Certain tobacco-specific nitrosamines that are carcinogens for humans were found in half of the samples.
- Tobacco-specific impurities suspected of being harmful to humans were found in most of the samples. These included anabasine, myosine, and β -nicotyrine.
- Cartridges labeled as “no nicotine” had low levels of nicotine, with the exception of one.
- The amount of nicotine emitted with each puff varied markedly among 3 cartridges that all had the same label.
- One high-nicotine cartridge delivered twice the amount of nicotine compared to an FDA approved nicotine inhalation product that was developed as a smoking cessation aid.

Additional Health Concerns

- The devices include no health warnings.
- E-cigarettes could increase nicotine addiction among young people and encourage them to try other tobacco products such as conventional cigarettes due to introduction to addictive nicotine.
- E-cigarettes available in chocolate, strawberry and mint flavors would appeal to children.

- Consumers have no information about the safety of these products, the types and concentrations of nicotine and other chemicals inhaled when using them.
- Research conducted at the Lawrence Berkeley National Laboratory found that nicotine in third hand smoke, the residue from tobacco smoke that clings to surfaces long after a cigarette has been extinguished, reacts with a common indoor air pollutant called nitrous acid and produces a hazardous carcinogen. This study demonstrates that nicotine, the addictive ingredient in tobacco smoke, is harmful. Research co-author James Pankow has stated that the results of this study should raise concerns about the safety of electronic cigarettes.
<http://www.sciencedaily.com/releases/2010/02/100208154651.htm>

Not a Smoking Cessation Device

- These products have not been tested for safety or efficacy in helping people quit smoking.
- The American Cancer Society, American Heart Association, and American Lung Association have developed statements expressing concern about the increase of e-cigarette marketing and use.

Undermine Progress in Changing Social Norms around Smoking

- A key benefit to smoke-free laws is to change social norms around smoking and to make smoking less socially acceptable. E-cigarette use, particularly in areas that are covered by the second hand smoke ordinance, would undermine the progress made in social norm change.
- Use of e-cigarettes in non-smoking areas would give the public the impression that smoking is permitted as these products closely resemble traditional cigarettes and one could easily assume that the vapor emitted is smoke. In addition, e-cigarette use in areas where smoking is prohibited misleads people into believing that smoking is permitted in these areas without any consequence.

Complicate Enforcement Efforts

- Allowing use of e-cigarettes would likely complicate efforts by the City as well and business owners to enforce Health Code Article 19F. Since enforcement is complaint driven, there will be no way to distinguish whether a complaint is based on e-cigarettes or smoking of traditional cigarettes. Business owners' attempts to comply with the law would also be complicated if use of e-cigarettes is not banned in the same areas.

E Cigarettes Already Regulated by San Francisco Government Entities

- San Francisco General Hospital (SFGH) adopted a smoke free campus policy in 2008. In 2011, the policy was amended to include a ban on e-cigarettes on campus.
- E-cigarette use at SF Airport: In response to concerns regarding use of e-cigarettes at the airport and impact on compliance with smoke-free legislation, the Executive Committee of the San Francisco Airport Commission approved a proposal on September 20, 2010 to adopt a policy to ban the use of e-cigarettes where conventional cigarette smoking is prohibited.
- Department of Transportation prohibits use of e-cigarettes on airline flights:

On June 17, 2010, at a Senate Committee on Commerce, Science and Transportation hearing, the Assistant Secretary for Aviation and International Affairs of the U.S. Department of Transportation stated that smoking of electronic cigarettes was already banned on U.S. air carrier and foreign air carrier flights in scheduled intrastate, interstate and foreign air transportation (49 USC §41706 and 14 CFR Part 252). Additionally, the Department of Transportation planned to issue a notice of proposed rulemaking that would amend the existing general regulatory language in Part 252 to explicitly ban smoking of electronic cigarette aboard aircraft.

FDA Legal Authority

- The FDA could issue regulations of e-cigarettes as a tobacco product under the 2009 the Family Smoking Prevention and Tobacco Control Act. However the FDA cannot regulate where e-cigarettes are used and it cannot prohibit their use in places where smoking traditional cigarettes is already prohibited. The FDA also provides state and local governments with the authority to regulate the sale or use of tobacco products, including e-cigarettes.
- In September 2008, the FDA moved to establish authority over e-cigarettes as drug delivery devices based on the Food, Drug and Cosmetic Act. Specifically, the FDA banned the import of new e-cigarette product shipments.
- E-cigarette manufacturers sued the FDA, claiming that their products should be regulated as tobacco products, not as drugs.
- In January 2010, a Washington DC district court ruled that the FDA could not regulate e-cigarettes as a drug or drug delivery device (because the nicotine was derived from tobacco) but that the FDA could regulate them as tobacco products.

Authority of State or Local Governments to Regulate E-cigarettes

1. Local smoke free laws can include e-cigarettes in their definition of smoking.
2. Local tobacco licensing laws can include a requirement to obtain a local tobacco permit to sell e-cigarettes. In San Francisco, no tobacco permits are allowed in business establishments with pharmacies or on city and county property.
3. New local legislation can be adopted with findings unique to e-cigarettes that apply local smoking restrictions to e-cigarettes.

Limits on E-cigarettes Adopted by State and Local Governments

As of September 2010, California law banned e-cigarette sales to minors, putting the product in the same category as traditional cigarettes. The table below provides a list of e-cigarette legislation adopted by various government entities, including the rationale cited for the policies.

E-cig Law Enacted	Sale of E-cigarettes	Use of E-cigarettes
Canada, Argentina, Singapore, Brazil, Israel, Hong Kong,	No e-cigarette sales, distribution or importation.	

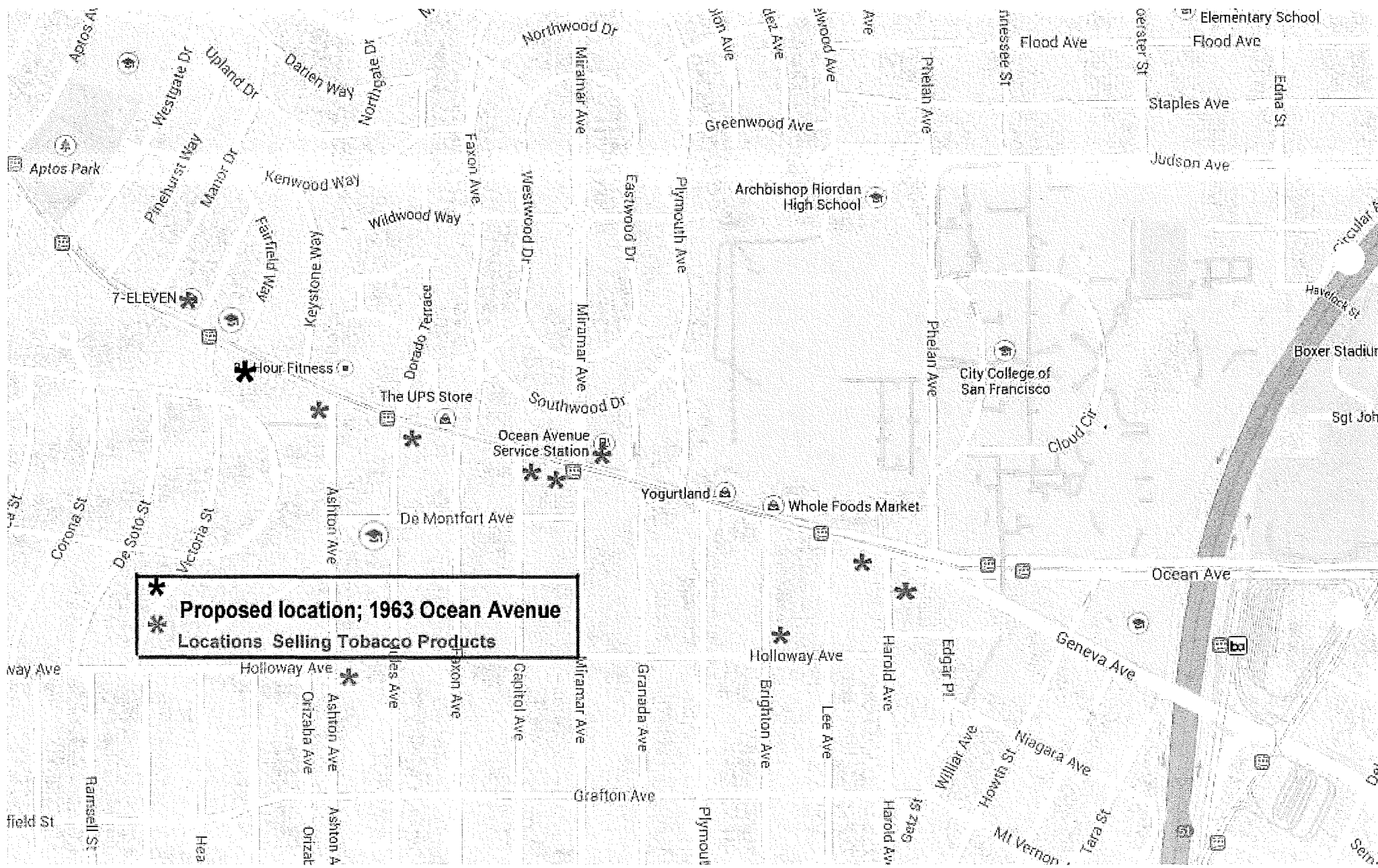
Jordan, Victoria (Australia), Turkey		
Malta		Bans use in public places where smoking is banned.
California	No sales to minors	
Savannah, Georgia		Bans use in public places and workplaces
Madison County, Kentucky		Bans use in public places and workplaces
New Jersey	No sales to minors	Bans use in enclosed indoor places of public access and workplaces
New Hampshire	No sales to minors or free sampling; Includes liquid nicotine	
Utah		Bans use in public places
Boston, Massachusetts	No sales of unregulated nicotine delivery products to minors	Bans use in workplaces
North Adams, Massachusetts	No sales to or use by minors	Bans use in public places and workplaces
Great Barrington, Massachusetts		Bans use where smoking is prohibited
Saugus, Massachusetts	No sales to minors	Bans use in public places.
Paramus, NJ		Bans use in indoor public places and workplaces
Cattaraugus County, NY	No sales to minors	Bans use in public places and workplaces
Suffolk County, NY	No sales to minors	Bans use in public places and workplaces
Bergen County, NJ		Bans use in county parks where children present, inside county buildings, and county vehicles
King County, WA (includes Seattle)	No sales to minors, or sampling, or coupons	Bans use in places where smoking is prohibited by law (workplaces, public places)
Tacoma- Pierce County, Washington	No sales to minors or free sampling.	Bans use in public places where minors are permitted (exempts places of employment that are not public places)

Ordinance Proposed would:

1. Prohibit use of and sale of e-cigarettes on City and County property.
2. Prohibit use of e-cigarettes in places where smoking is prohibited by law.
3. Require a tobacco permit for the sale or furnishing of e-cigarettes.

Rationale:

1. A ban on the use and sale of e-cigarettes on City and County property would be of particular priority, to be consistent with other policies adopted by the City to protect the public health. These include the bans on: tobacco advertising and tobacco sales on City and County property; smoking in City parks, gardens and squares, smoking within 20 feet of entrances to the airport, as well as the smoke-free campus policy adopted by San Francisco General Hospital in 2008. As an example, SFGH has conducted extensive education and training of staff and outreach to patients and visitors to gain compliance with the smoke-free campus policy. SFGH later amended the policy to ban e-cigarettes. Allowing e-cigarettes in locations where cigarette smoking is not allowed would act as a trigger for smokers and former smokers, and would also send a confusing message regarding the smoking policy.
2. Allowing use of e-cigarettes would likely complicate efforts to enforce Health Code Article 19F by the City as well as business owners. Since enforcement is complaint driven, there will be no way to distinguish whether a complaint is based on e-cigarettes or smoking of traditional cigarettes. A key benefit to smoke-free laws is to change social norms around smoking and to make smoking less socially acceptable. E-cigarette use, particularly in areas that are covered by the second hand smoke ordinance, would undermine the progress made in social norm change.
3. Requiring a tobacco permit for the sale or furnishing of e-cigarettes would provide another mechanism to regulate e-cigarettes. Police youth decoy operations conducted to enforce Penal Code 308, the ban on tobacco sales to minors, could be utilized to assure retailers are complying with the California ban on e-cigarette sales to minors. Permitting would additionally result in a ban on the sale of e-cigarettes in pharmacies, consistent with the fact that the FDA has not approved e-cigarettes as medical smoking cessation devices. The permit requirement would ensure establishments selling e-cigarettes be in a permanent location and would not permit temporary e-cigarette booths at shopping malls as have been seen in Westfield and Stonestown shopping centers.



*** Proposed location; 1963 Ocean Avenue**
*** Locations Selling Tobacco Products**

1 (BOS)

From: Board of Supervisors (BOS)
Sent: Monday, January 05, 2015 2:59 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Opposition to Happy Vape on 1961 Ocean Avenue, File No. 141291
Categories: 141291

From: Victor Hong [mailto:victorhong3@yahoo.com]
Sent: Sunday, January 04, 2015 7:42 PM
To: Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Opposition to Happy Vape on 1961 Ocean Avenue, File No. 141291

Dear Board Members,

I am writing to oppose the granting of a conditional use authorization for Happy Vape, which intends to open a business at 1963 Ocean Avenue. I understand that the hearing on this issue will be held on January 13, 2015.

It is not desirable and will not improve the 1900 block of Ocean Avenue, which is residential with nearby schools. The closest is the school at the Voice of Pentecost at 1970 Ocean Avenue (which teaches K-12 students), almost directly across the street from the proposed location. Aptos Middle School is less than four blocks away. City College is only a few blocks away in the other direction along Ocean Avenue.

And as you know, e-cigarettes are an unregulated commodity with no health regulations on ingredients in the flavorings and other substances nor how they are handled and introduced into the product. This is a serious concern for a product that is inhaled in the human body. The vape shop will encourage new users and others to use e-cigarettes that contain addictive nicotine and other harmful chemicals in their fumes.

The vape shop is also not necessary. There already are stores on Ocean Avenue that sell e-cigarettes and over 20 vape shops in the City.

Finally, while the other end of Ocean Avenue near City College is undergoing a healthy transformation, the 1900 block of Ocean has not. On the 1900 block, the former pet groomer has been replaced by a marijuana shop. The senior center next door is now a pool hall. Across the street, a tattoo shop moved in a few years ago. Now, the aquarium and fish store is going to be replaced by a vape shop? Can you honestly say that this block of Ocean Avenue is changing into a safer, family friendly area with shops that serve the neighborhood?

For all these reasons, allowing the vape shop to open is a terrible idea.

Thank you,

Victor Hong

(BOS)

From: Board of Supervisors (BOS)
Sent: Monday, January 05, 2015 2:59 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: file 141291FW: Appeal scheduled to be heard January 13, 2015 Case No. 2014.0206C -
Categories: 141291

From: Paul Conroy [<mailto:conroy@wans.net>]
Sent: Sunday, January 04, 2015 7:17 PM
To: Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Appeal scheduled to be heard January 13, 2015 Case No. 2014.0206C -

To the San Francisco Board of Supervisors:

Re: Appeal of Planning Commission granting of Conditional Use to E-Cigarette Establishment at 1963 Ocean Avenue; **Case No. 2014.0206C**

I am writing in support of the appeal referenced above.

I live in Ingleside Terraces, a neighborhood that adjoins the Ocean Avenue Commercial Use District where the proposed Vape Shop is located. I have been involved in efforts to improve the quality of life in the neighborhoods bordering Ocean Avenue for several years. I am a past president of the West of Twin Peaks Central Council and, in that capacity, was a co-founder of the Ocean Avenue Renaissance Committee, an ad-hoc group of neighborhood and community organizations that advocated for improvements along Ocean Avenue. This advocacy resulted in the streetscape improvements along Ocean Avenue, including the undergrounding of the utility wires, new ornamental street lights, pedestrian-friendly bulb-outs and tree plantings on the street. The neighbors continue to advocate for improvements along Ocean Avenue that will benefit the surrounding neighborhoods.

The proposed "Happy Vapes" shop will be detrimental to the retail environment on Ocean Avenue and will not serve the best interests of the

surrounding neighborhood. The product that will be sold by this establishment is, as the World Health Organization termed it in its 2014 report, "an electronic nicotine delivery system." It has been noted that there is increasing use of this product by teenagers, who are under the misimpression that the product is safe. Ocean Avenue is a retail district that should be dedicated to serving the needs of its neighbors. This establishment's provision of addictive nicotine and other harmful chemicals does not serve any legitimate need of the neighborhood or of Ocean Avenue's retail customers.

The following excerpts from the American Lung Association's August 25, 2014 Statement on E-Cigarettes demonstrate the hazards of this product:

"...The American Lung Association is very concerned about the potential health consequences of electronic cigarettes, as well as the unproven claims that they can be used to help smokers quit. There is presently no government oversight of these products and absent Food and Drug Administration (FDA) regulation, there is no way for the public health, medical community or consumers to know what chemicals are contained in e-cigarettes or what the short and long term health implications might be.

...A 2014 study showed wide ranging nicotine levels in e-cigarettes and substantial variability between listed and actual nicotine levels in products. In 2009, FDA conducted initial lab tests and found detectable levels of toxic cancer-causing chemicals, including an ingredient used in anti-freeze, in two leading brands of e-cigarettes and 18 various cartridges.

...Also unknown is what the potential harm may be to people exposed to secondhand emissions from e-cigarettes. Two initial studies have found formaldehyde, benzene and tobacco-specific nitrosamines (a carcinogen) coming from those secondhand emissions. Other studies have shown that chemicals exhaled by users also contain formaldehyde, acetaldehyde and other potential irritants. While there is a great deal more to learn about

these products, it is clear that there is much to be concerned about, especially in the absence of FDA oversight."

Given the above facts, there is no support for the Planning Commission's finding, as is required for the issuance of a Conditional Use Permit, that: "The proposed new uses and building ... will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community." (Section 7.A.); or "The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity." Section 7.B.)

The proximity of schools in the area, and the reported increasing use of e-cigarettes by youth, makes this establishment particularly incompatible with the neighborhood and community.

I ask that you grant the appeal, reverse the Planning Commission's decision, and deny issuance of the Conditional Use Permit to "Happy Vapes."

Sincerely,
Paul Conroy

(BOS)

From: Board of Supervisors (BOS)
Sent: Monday, January 05, 2015 2:58 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Conditional Use Permit for 1963 Ocean Avenue --Case No. 2014.0206C

Categories: 141291

From: Roger Ritter [mailto:roger.ritter@att.net]
Sent: Sunday, January 04, 2015 5:56 PM
To: Board of Supervisors (BOS)
Subject: Conditional Use Permit for 1963 Ocean Avenue --Case No. 2014.0206C

Dear Supervisors,

On January 13, 2015, the Board of Supervisors will hear the appeal of the issuance of a conditional use permit for a proposed e-cigarette outlet at 1963 Ocean Avenue (**Case No. 2014.0206C**). I support the appeal and oppose the issuance of the permit, for the following reasons:

- (1) The proposed outlet is located at the end of a commercial block that is directly adjacent to a residential neighborhood, with homes, schools and houses of worship. There is a pedestrian passageway that runs through the center of the block, connecting Ocean Avenue to Urbano Drive, facilitating easy access to Ingleside Terraces, the adjacent residential neighborhood. In fact, the 1900 block on the south side of Ocean Avenue is actually a thin commercial strip at the edge of a vibrant residential neighborhood. What is needed there are more small businesses offering goods and services that benefit the neighborhood, such as the coffee shop, bike shop, and restaurants on that block, rather than a business selling harmful products. There are already two massage parlors on that block, as well as a medical marijuana outlet and a pool hall across the street. An e-cigarette outlet would further degrade the character of the neighborhood.
- (2) Recent legislation passed unanimously by the board last month limits tobacco sales (which include e-cigarettes). This legislation shows the board is well aware of the health risks caused by tobacco products, including e-cigarettes. It would be inconsistent with the board's express policy to now approve an e-cigarette outlet, especially one that is located so close to a residential neighborhood; and
- (3) The following findings made by the Planning Commission are not well taken:
 - 7.A. (p.4): "The proposed new uses and building ... will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community."
 - 7.B. (p.5): "The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity."
 - 7.D. (p.6): "The proposal enhances the range of comparison goods and services offered by adding another specialty retail store to the District."
 - 7.E. (p.6): "The concentration of such establishments in the particular zoning district for which they are proposed does not appear to adversely impact the health, safety, and welfare of residents of the nearby area."

All of the above findings ignore the very real dangers that tobacco products pose to the health and safety of the neighborhood. The proposed shop is neither "necessary, desirable, nor compatible" with the neighborhood. It will be "detrimental to the health, safety, convenience or general welfare of persons

residing or working in the vicinity.” Finally, it will “adversely impact the health, safety, and welfare of residents of the nearby area.”

For all of the above reasons I respectfully urge you to overturn the decision of the Planning Commission and deny the conditional use permit.

Thank you,

Roger Ritter
Balboa Terrace

(BOS)

From: Ryan, Malena [Malena.Ryan@ucsf.edu]
Sent: Sunday, January 04, 2015 5:17 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: rckaris@gmail.com; Paty Hechinger (hechingers@comcast.net)
Subject: Support of appeal of the Conditional Use Authorization for 1963 Ocean Ave;

Categories: 141291

January 4, 2015

Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C. (Opposition to the vape shop.)

To:
bos.legislation@sfgov.org
Board.of.Supervisors@sfgov.org
Norman.Yee@sfgov.org

Dear Supervisors:

We support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, a Vape Shop/Steam Stone Hookah Lounge. This business is not necessary or desirable for the neighborhood.

Bringing in businesses that are desired and will be used by the people living in the neighborhood is important and will continue to improve the area. We enjoy shopping/eating out in this neighborhood and feel that a Vape shop will not provide needed products or services for people living in this area nor to those who travel, pass-by or frequent the current neighborhood establishments.

Ocean Avenue has started its revival. The 1900 block of Ocean Avenue now has several businesses popular with neighbors: Fog Lifter Café, Cut to Contrast barbershop, Ocean Cyclery, Serge-a-Lot (sewing), and Yoga Flow. Recently a hardware store opened on Ocean Avenue and a furniture store will soon open. These are the types of businesses that the neighborhood needs and desires.

As San Francisco Supervisors, you have already passed three times ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents.

Please support the appeal of the Planning Commission approval. Do not impose a negative business on Ocean Avenue. The vape shop will not benefit the neighborhood.

Sincerely,

Mike and Malena Ryan

(BOS)

From: Mike & Malena [mmryan@sbcglobal.net]
Sent: Sunday, January 04, 2015 5:10 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: rckaris@gmail.com; Paty Hechinger
Subject: Support of appeal of the Conditional Use Authorization for 1963 Ocean Ave;
Categories: 141291

January 4, 2015

Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C. (Opposition to the vape shop.)

To:
bos.legislation@sfgov.org
Board.of.Supervisors@sfgov.org
Norman.Yee@sfgov.org

Dear Supervisors:

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As San Francisco Supervisors, you have already passed three times ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents.

Please support the appeal of the Planning Commission approval. Do not impose a negative business on Ocean Avenue. The vape shop will not benefit the neighborhood.

Sincerely,

Mike and Malena Ryan

(BOS)

From: Jennifer Weed [jennifer_weed@yahoo.com]
Sent: Sunday, January 04, 2015 3:16 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Support of appeal of the Conditional Use Authroization for 1963 Ocean Ave. Case No. 2014.0206C

Categories: 141291

Dear Supervisors,

I support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, A Vape Shop/Steam Stone Hookah Lounge. This business is not necessary or a desirable addition for the neighborhood.

I have lived in this neighborhood for 7 years and have watched it change. I am grateful for the Whole Foods, CVS, Fog Lifter Cafe and hardware store. I use these places every day, often walking to them. They give the neighborhood a sense of community it was missing when I first moved here. The proposed Vape shop won't provide the products and/or services that this neighborhood needs, nor is it in the spirit of trying to build a sense of community in the neighborhood.

The City of San Francisco is known the world over, but the majority of visitors only see 25% of the City. The remaining 75% is where the majority of us live and work. It is important for the residents of the remaining 75% of the City to feel that there is just as much attention, concern and planning involved in creating a friendly, community based, attractive place for it's residents to live. This Vape shop does not send that message to the members of our neighborhood.

As Supervisors you have passed ordinances restricting tobacco smoking and sales, including e-cigarettes. You have enacted legislation requiring a Conditional Use permit to open tobacco paraphernalia stores. You have wisely realized that businesses like these should be considered carefully based on their potential contribution to the community and the health and welfare of San Francisco residents. Please use that same reasoning in supporting the appeal of the Planning Commission Approval.

Ocean Avenue has the potential to develop into a beautiful, central meeting place for members of our neighborhood. It has the potential to help the residents continue to build on the community spirit we have already started to give to one another. Please help us continue to work towards stores and businesses that support our sense of safety, pride and community in our neighborhood.

Thank you in advance for your consideration.

Regards,

Jennifer L. Weed

(BOS)

From: Dan Kleinman [dankleinman@sbcglobal.net]
Sent: Sunday, January 04, 2015 2:19 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C. (Opposition to the vape shop.)

Categories: 141291

Dear Supervisors:

I support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, a Vape Shop/Steam Stone Hookah Lounge. This business is not necessary or desirable for the neighborhood.

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents.

The 1900 block of Ocean Avenue now has several businesses popular with neighbors: Fog Lifter Café, Cut to Contrast barbershop, Ocean Cyclery, Serge-a-Lot (sewing), and Yoga Flow. Recently a hardware store opened on Ocean Avenue. A furniture store will soon open. These are the types of businesses the neighborhood needs and desires.

Please support the appeal of the Planning Commission approval. Do not impose this negative business in our district. The vape shop is not in keeping with our desired revival of a neighborhood friendly Ocean Avenue.

Sincerely,

Dan Kleinman
Miraloma Park resident
575 Myra Way

(BOS)

From: Judy Kleinman [judykleinman@msn.com]
Sent: Sunday, January 04, 2015 2:13 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C. (Opposition to the vape shop.)

Importance: High

Categories: 141291

Dear Supervisors:

I support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, a Vape Shop/Steam Stone Hookah Lounge. This business is not necessary or desirable for the neighborhood.

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents.

The 1900 block of Ocean Avenue now has several businesses popular with neighbors: Fog Lifter Café, Cut to Contrast barbershop, Ocean Cyclery, Serge-a-Lot (sewing), and Yoga Flow. Recently a hardware store opened on Ocean Avenue. A furniture store will soon open. These are the types of businesses the neighborhood needs and desires.

Please support the appeal of the Planning Commission approval. Do not impose this negative business in our district. The vape shop is not in keeping with our desired revival of a neighborhood friendly Ocean Avenue.

Sincerely,

Judy Kleinman
Miraloma Park resident
575 Myra Way

From: Kretzschmar [wimmort@sbcglobal.net]
Sent: Sunday, January 04, 2015 1:48 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS); Lee, Mayor (MYR)
Subject: Letter supporting the appeal of Planning Commission decision in Case No. 2014.0206C
(Letter opposing the vape shop at 1963 Ocean Ave.)

Categories: 141291

I support the appeal of the Planning Commission decision in Case No. 2014.0206C. I strongly oppose the decision of the Planning Commission to conditionally approve the vape shop at 1963 Ocean Ave. Such an establishment is quite out of keeping with the neighborhood. Furthermore, I do not think the Planning Commission adequately applied the relevant sections of the Planning Code.

Karl Merlin Kretzschmar

(BOS)

From: a infusino [infusino@gmail.com]
Sent: Sunday, January 04, 2015 1:47 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: Robert Karis
Subject: Re: 1963 Ocean Avenue

Categories: 141291

Dear Supervisors:

I would like to correct a statement in the letter I sent earlier today. We obtained documented signatures from 32% of all properties within a 300 foot radius of the business of interest. The appellant states that we have obtained signatures from the owners of 75% of the residential properties within 300 feet of 1963 Ocean Ave.

Sincerely,

Angela Infusino

On Sun, Jan 4, 2015 at 10:17 AM, a infusino <infusino@gmail.com> wrote:
Letter supporting the appeal of Planning Commission decision in Case No. 2014.0206c

Dear San Francisco Board of Supervisors:

I support the appeal of the Planning Commission's approval of the Conditional Use for Happy Vape at 1963 Ocean Avenue. Happy Vape is not necessary or desirable for the neighborhood.

My husband and I moved to this neighborhood because of the family friendly, suburban feel of the neighborhood. Since moving to this neighborhood, I have seen some great changes to the neighborhood and frequently patron many of the nearby businesses. I fully support the idea of revitalizing Ocean Avenue, as well as continuing to support businesses that are necessary or desirable for the neighborhood.

Section 7A of the Planning Commission's Final motion stated that this business "will provide a development that is necessary or desirable, and compatible with, the neighborhood or community." Prior to the hearing with the Planning Commission, residents of Ingleside Terraces, surrounding neighborhoods, and neighborhood groups, submitted 24 letters of opposition. Additionally, the community collected 120+ signatures of opposition, submitted at the November 6, 2014 Planning Commission Hearing (note: these were not accounted for on the Final Motion No. 19271). These letters and signatures were written and signed from people in the community stating their opposition of this business because it was not necessary or desirable for the neighborhood and surrounding communities. While the project sponsor did have some letters of support, 21 in fact, it is overwhelmingly clear that this business does not reflect the support of surrounding neighborhoods or residents. Moreover, during the appeal process, the neighborhood was able to gather signatures of 31% of residents within a 300 foot radius of the business of interest.

Section 7B of the Planning Commission's Final motion stated that this business "will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity." As the neighbor that lives directly behind this business, I can confidently state that this business will affect my families health and safety. As the business will be open until 10pm, there will be additional lighting, noise and disturbance to the adjacent neighbors. The project sponsor removed his request to build backyard smoking stations prior to the Planning Commission hearing, largely based on community opposition to the backyard space. If people cannot legally smoke e-cigarettes indoors and the project sponsor is stating that he will discourage loitering and e-cigarette smoking outside the storefront (7Ei: Planning Commission's Final motion), where will people smoke their e-cigarettes? Although, he removed his request to build a backyard space, my prediction is patrons will be in the backyard smoking, hence a huge inconvenience and detriment to the adjacent neighbors health and safety.

Bringing businesses that are desired and will be used by the people living in the neighborhood is important and will improve the area. A Vape shop and Hookah Lounge will not provide the needed products or services for people in this area. Although it is imperative to consider the desires of the neighbors, another important consideration is whether this business will bring in additional consumers who will shop the other businesses on the Ocean Avenue corridor. The project sponsor has marketed this business as a place where people can come together and socialize. The Hookah lounge will be set up as an inviting space, encouraging people to smoke Hookah and stay awhile. This business will be open long hours and will most likely see an increase in patronage in the evening hours when most other businesses in that immediate area are closed, thus it is highly unlikely that this business will bring any marked change in revenue or patronage to the Ocean Avenue corridor.

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes, you wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of

business is detrimental to the health and welfare of the residents of San Francisco. Please support the appeal of the Planning Commission approval. Do not impose this negative business on Ocean Avenue. The Vape and Hookah shop will not benefit the neighborhood.

Respectfully Submitted,

Angela Infusino

Urbano resident

From: Ann Kretzschmar [willith@sbcglobal.net]
Sent: Sunday, January 04, 2015 1:38 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS); Lee, Mayor (MYR)
Subject: Letter supporting the appeal of Planning Commission decision in Case No. 2014.0206C (Letter opposing the vape shop at 1963 Ocean Ave.)

Categories: 141291

Dear Interested Parties,

I support the appeal of the Planning Commission decision in Case No. 2014.0206C. I strongly oppose the decision of the Planning Commission to conditionally approve the vape shop at 1963 Ocean Ave. I do not think the Planning Commission adequately applied the relevant sections of the Planning Code.

This project is not necessary or desired by the neighborhood. This potential store poses a health risk to the residents and particularly the children in the area. Please support the health and future of our children and do not allow a store that sells e-cigarettes and hookah.

**Thank you for protecting our children from the risks of e-cigarettes!
Ann Kretzschmar**

BOS)

From: Michelle O'Driscoll [modriscoll5@yahoo.com]
Sent: Sunday, January 04, 2015 12:58 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: modriscoll@sheppardmullin.com; karen@gallagher.net
Subject: In Support of Appeal of Planning Commission decision in Case No. 2014.0206C (opposing the vape shop at 1963 Ocean Ave.)

Categories: 141291

Dear Supervisors,

I am writing to support the appeal of the Planning Commission's decision to allow a vape/hookah lounge in my neighborhood on Ocean Avenue in San Francisco.

As a resident of Westwood Park (the neighborhood immediately north of the area in question) for the last 20 years, I have seen much change, including improvements to the Ocean Avenue corridor with the addition of Whole Foods Market and upgraded apartments.

But during that same time, I've witnessed an increase in crime in our area, from cars being stolen, to break ins, to suspicious criminals trolling our neighborhood. I equate it with the abundance of cannabis dispensaries on Ocean Avenue. I've seen the "patients" coming and going from these pot clubs and none appear medically disabled, but all look like druggies and bums.

The block that the proposed hookah lounge is on already includes a billiard lounge and tattoo parlor and is attracting a bad element. The fact that it is so close to two elementary schools (Aptos Middle School and Commodore Sloat) is of concern, as many of these kids walk home along Ocean or take public transportation nearby. Also, the e-cigarette vapor is harmful to young children.

We need to see more family friendly stores such as the ones in West Portal, such as coffee shops, ice cream/yogurt parlors, bagel places, and burrito joints.

As a 5th generation San Franciscan with two sons in high school, I strongly urge you to deny their permit. Please contact me with any questions.

Michelle O'Driscoll
881 Faxon Avenue
San Francisco, CA 94112
415.672.1716
modriscoll5@yahoo.com

(BOS)

From: Carolyn Karis [carolynkaris@gmail.com]
Sent: Sunday, January 04, 2015 12:57 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Letter to support appeal of Conditional Use Authorization for 1963 Ocean Avenue
Attachments: Letter_to_BOS_Support_Appeal.doc
Categories: 141291

Dear Supervisors:

Attached is my letter to Support the Appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C

I oppose the opening of the vape shop/steam stone hookah lounge. I request that Board of Supervisor disapprove the Conditional Use for the tobacco paraphernalia establishment.

Thank you,
Carolyn Karis
Ingleside Terraces

(BOS)

From: Susan Percal [mambos2@sonic.net]
Sent: Sunday, January 04, 2015 10:42 AM
To: BOS Legislation (BOS)
Subject: re: Opposing the vape shop at 1963 Ocean Ave.

Categories: 141291

I am sending this letter to show my strong support of the appeal of the Planning Commission decision in Case No. 2014.0206C. I am a neighbor of Westwood Park and do not want a hookah lounge in my neighborhood.

Thank you,
Susan Percal

(BOS)

From: a infusino [infusino@gmail.com]
Sent: Sunday, January 04, 2015 10:17 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: Robert Karis
Subject: 1963 Ocean Avenue

Categories: 141291

Letter supporting the appeal of Planning Commission decision in Case No. 2014.0206c

Dear San Francisco Board of Supervisors:

I support the appeal of the Planning Commission's approval of the Conditional Use for Happy Vape at 1963 Ocean Avenue. Happy Vape is not necessary or desirable for the neighborhood.

My husband and I moved to this neighborhood because of the family friendly, suburban feel of the neighborhood. Since moving to this neighborhood, I have seen some great changes to the neighborhood and frequently patron many of the nearby businesses. I fully support the idea of revitalizing Ocean Avenue, as well as continuing to support businesses that are necessary or desirable for the neighborhood.

Section 7A of the Planning Commission's Final motion stated that this business "will provide a development that is necessary or desirable, and compatible with, the neighborhood or community." Prior to the hearing with the Planning Commission, residents of Ingleside Terraces, surrounding neighborhoods, and neighborhood groups, submitted 24 letters of opposition. Additionally, the community collected 120+ signatures of opposition, submitted at the November 6, 2014 Planning Commission Hearing (note: these were not accounted for on the Final Motion No. 19271). These letters and signatures were written and signed from people in the community stating their opposition of this business because it was not necessary or desirable for the neighborhood and surrounding communities. While the project sponsor did have some letters of support, 21 in fact, it is overwhelmingly clear that this business does not reflect the support of surrounding neighborhoods or residents. Moreover, during the appeal process, the neighborhood was able to gather signatures of 31% of residents within a 300 foot radius of the business of interest.

Section 7B of the Planning Commission's Final motion stated that this business "will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity." As the neighbor that lives directly behind this business, I can confidently state that this business will affect my families health and safety. As the business will be open until 10pm, there will be additional lighting, noise and disturbance to the adjacent neighbors. The project sponsor removed his request to build backyard smoking stations prior to the Planning Commission hearing, largely based on community opposition to the backyard space. If people cannot legally smoke e-cigarettes indoors and the project sponsor is stating that he will discourage loitering and e-cigarette smoking outside the storefront (7Ei: Planning Commission's Final motion), where will people smoke their e-cigarettes? Although, he removed his request to build a backyard space, my prediction is patrons will be in the backyard smoking, hence a huge inconvenience and detriment to the adjacent neighbors health and safety.

Bringing businesses that are desired and will be used by the people living in the neighborhood is important and will improve the area. A Vape shop and Hookah Lounge will not provide the needed products or services for people in this area. Although it is imperative to consider the desires of the neighbors, another important consideration is whether this business will bring in additional consumers who will shop the other businesses on the Ocean Avenue corridor. The project sponsor has marketed this business as a place where people can come together and socialize. The Hookah lounge will be set up as an inviting space, encouraging people to smoke Hookah and stay awhile. This business will be open long hours and will most likely see an increase in patronage in the evening hours when most other businesses in that immediate area are closed, thus it is highly unlikely that this business will bring any marked change in revenue or patronage to the Ocean Avenue corridor.

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes, you wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents of San Francisco. Please support the appeal of the Planning Commission approval. Do not impose this negative business on Ocean Avenue. The Vape and Hookah shop will not benefit the neighborhood.

Respectfully Submitted,

Angela Infusino

Urbano resident

(BOS)

From: David Hoiem [coffeemansf@comcast.net]
Sent: Sunday, January 04, 2015 9:15 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: Robert Karis
Subject: Appeal to Vape Shop at 1963 Ocean Ave
Categories: 141291

Ocean Ave has been a less than desirable neighborhood for decades. It has now in the process of a revival with the addition of Whole Foods Market, a new library and new mixed housing. Other businesses such as a yoga studio, bicycle shop, coffee shop, hardware, and furniture stores are within the same business district and almost adjacent to the Ingleside Terraces residential neighborhood. These are the types of businesses that serve to improve the quality of life for the citizens of San Francisco.

The proposed vape shop and hookah lounge is not appropriate for a neighborhood business district, especially so since it is within walking distance of Aptos Park and Aptos Middle School and located almost directly across the street from a marijuana dispensary. Hundreds of school age children pass this location daily during the school year.

Thank you for considering my voice.

David Hoiem
385 Urbano Dr
San Francisco 94127

coffeemansf@comcast.net

(BOS)

From: Reeva Safford [reevasafford@yahoo.com]
Sent: Saturday, January 03, 2015 5:13 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: supporting appeal of conditional use--1963 Ocean Avenue "Vape Shop/Steam Stone Hookah Lounge"

Categories: 141291

Dear Supervisors:

I am writing in **support of the appeal** of the Planning Commission's approval for condition use of **1963 Ocean Avenue, Vape Shop/Steam Stone Hookah Lounge**. This business is neither necessary nor desirable for the neighborhood, of which I am a resident.

Businesses that are desired by and useful for the people living in the neighborhood are important and will improve the area. This business will absolutely not provide needed products or services for me, my family or any of my neighbors. In fact, it is the opposite of they types of businesses that drew us to Ingleside Terraces.

Ocean Avenue has been undergoing a revival. The 1900 block of Ocean Avenue now has several successful and popular business such as Fog Lifter Cafe, Ocean Cyclery and Yoga Flow. These are the types of businesses that the neighborhood needs and desires.

As San Francisco supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents.

Please support the appeal of the Planning Commission approval. Do not impose this negative business on Ocean Avenue. The vape shop will not benefit the neighborhood.

Andrew & Reeva Safford
168 De Soto Street
SF 94127

(BOS)

From: George Wu [drgeorgewumd@aol.com]
Sent: Saturday, January 03, 2015 3:30 PM
To: BOS Legislation (BOS)
Subject: Case No. 2014.0206C

Categories: 141291

I strongly urge you to prevent another shop marketing products with potentially hazardous health consequences in this corridor. We have elementary schools, middle schools and colleges on this stretch of Ocean Avenue which are targeted by these shops to tempt children into lifelong addictive habits.

Please do not allow a Vape shop to pollute the neighborhood with its flavored tobaccos.

Sincerely,
George Wu, MD

***Case No. 2014.0206C (and opposing the vape shop at 1963 Ocean Ave)
Thank you!

(BOS)

From: Jurate Raulinaitis [jurater@yahoo.com]
Sent: Saturday, January 03, 2015 2:50 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: rckaris@gmail.com
Subject: Opposition to vape Shope 1963 Ocean Ave (Support of appeal of the Conditional Use Authorization Case No. 2014.0206C)

Categories: 141291

Dear Supervisors,

I support the appeal of the Planning Commission's approval of the Conditional Use for the Vape Shop at 1963 Ocean Avenue. This business is not necessary or desirable for the neighborhood.

Ocean Avenue has started its revival. We now have nice cafes, a barbershop, bike shop, sewing shop, a yoga studio, and just recently, a new hardware store. These businesses provide needed products and services for the community.

You have three times passes ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring Conditional Use to open a tobacco paraphernalia establishments. You agree that this type of business is detrimental to the health and welfare of the people.

Please support the appeal of the Planning Commission approval.

Sincerely,
Jurate Raulinaitis
San Francisco resident

(BOS)

From: Rose Ann Anderson [raander2000@yahoo.com]
Sent: Saturday, January 03, 2015 1:25 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Ocean Ave Vap Shop

Categories: 141291

Dear Supervisors:

Appeal Case No. 2014.0206C

I have lived in Ingleside Terraces for 35 years. I support the appeal for the Ocean Ave Vape Shop/Steam Stone Hooka Lounge. This is a business that is not necessary or desirable for our neighborhood.

Ocean Ave has recently sprouted several positive business that are visited by the neighborhood - Fog Lifter Cafe, Cut to Contrast barbershop, Ocean Cyclor, Serge-a-lot, Yoga Flow, a small Hardware store, Sherwin Williams Paints, and a furniture store. These are businesses that add positive business activity to the foot traffic and transit area of Ocean Ave. We would like to see more of them. A Target is rumored to be coming soon. --

In the past you have passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. In neighborhood with multiple schools, we already have businesses that are temptations to the health and welfare of children.

Please support the appeal of the Planning Commission approval. The cape shop will not benefit the neighborhood.

Sincerely,
Rose Ann Anderson
1 Urbano Drive
San Francisco 94127

(BOS)

From: Andrew Sparks [sparks.andrew.p@gmail.com]
Sent: Saturday, January 03, 2015 12:19 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: Lee, Mayor (MYR); rckaris@gmail.com
Subject: Letter supporting the appeal of Planning Commission decision in Case No. 2014.0206C (Happy Vape)

Categories: 141291

Dear Board of Supervisors,

I am a neighbor writing in support of the appeal of the Planning Commission's decision to approve the opening of Happy Vape at 1963 Ocean Avenue. The Planning Commission incorrectly applied the applicable sections of the Planning Code and disregarded the overwhelming majority of neighborhood opinion against the opening of this dangerous establishment.

Planning Code Section 303 provides in pertinent part that the use "will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity." The FDA, as well as nearly every medical study, has found that e-cigarettes pose a significant danger to the health of the populace. Moreover, e-cigarettes, with flavors such as "skittles," "gummi bears" and "bubblegum," are clearly targeting minors. The proposed Happy Vape store is in close proximity to a number of schools. The opening of Happy Vape poses a direct threat to the safety of these numerous children, as well as the rest of the adults residing in the neighborhood. Because e-cigarettes have been found to pose significant health dangers to the community, the Planning Commission's decision must be overturned.

Regarding tobacco establishments, Planning Code Section 303 provides that such establishments must not "adversely impact the health, safety, and welfare of residents of nearby areas." Having a new tobacco facility marketing products to children in such close proximity to schools will adversely impact the health and welfare of these children. Further, there are already an overabundance of stores selling tobacco and liquor in this area.

Ocean Avenue is a historically neglected and lower income part of the city in which I grew up. The Board of Supervisors and the Mayor have stated that they intend to assist the working class and middle class populace of San Francisco by making decisions that protect them from unfair treatment and unsafe conditions. Ocean Avenue is where the rubber is meeting the road: Ocean Ave is one of the few areas where middle class and working class people can still afford to live in the city, yet the Planning Commission, Board of Supervisors and the Mayor have permitted the opening of multiple marijuana dispensaries and other business deleterious to the health and safety of this population. The residents in this area should be supported by our elected officials, rather than neglected by them.

E-cigarette and tobacco companies have historically preyed upon lower income populations and minors. By approving the opening of Happy Vape, the Board of Supervisors and the Planning Commission will be perpetuating the exploitation of minors and lower income individuals by Big Tobacco and e-cigarette companies. Jurisdictions across the country and the world have moved to ban the sale of e-cigarettes. Here, the Planning Commission is furthering the aims of the tobacco industry against the clear desire of the neighborhood not to have this store and in clear contravention of the Planning Code.

Please overturn the Planning Commission's decision and do not allow the opening of Happy Vape on Ocean Avenue.

Thank you,
Andrew P. Sparks, J.D.

(BOS)

From: JB [jbernst10@yahoo.com]
Sent: Saturday, January 03, 2015 11:50 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Appeal of Planning Commission decision, Case No. 2014.0206C
Attachments: 1963ocean.docx

Categories: 141291

Please find the attached letter in support of the appeal (Case No. 2014.0206C).

January 2, 2014

Jon Bernstein
890 Urbano Dr.
San Francisco, CA 94127

Board of Supervisors
1 Doctor Carlton B Goodlett Place #244
San Francisco, CA 94102

RE: Appeal of Planning Commission decision, Case No. 2014.0206C

Dear Board,

This letter is sent in support of the Appeal of Planning Commission decision, Case No. 2014.0206C concerning a proposed "Vape" shop at 1963 Ocean Avenue.

I urge you overturn the Planning Commission's decision approving the proposed "Vape" shop on Ocean Avenue for the following three reasons:

1. The "vape" business is incompatible and out of step with long term plan for this block of Ocean Avenue, anchored by such businesses as 24-Hour Fitness at Ocean and Ashton, and the proposed Target store on Ocean and Jules.
2. Your body (the Board of Supervisors) passed a directive that specifically prohibits this kind of business on December 9, 2014 and December 16, 2014. This prohibition reflects the considered will of the Board in its representation of San Francisco residents and neighborhoods city-wide. The Planning Commission could not legally approve such a business today. Neither should the Board.
3. Over 75% of neighbors oppose this business.

I am a long standing member of the Ingleside community. As a child I passed the proposed "vape" shop site twice a day, for twelve years, during the school year; I walked to Commodore Sloat, then Aptos, then Lowell. I would like to think that children today would be able to make the same trip safely.

Very Sincerely Yours,

Jon Bernstein

(BOS)

From: Keesha Henry [keeshahenry@gmail.com]
Sent: Saturday, January 03, 2015 10:41 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: carolynkaris@gmail.com
Subject: SUPPORT OF APPEAL OF THE CONDITIONAL USE AUTHORIZATION FOR 1963 OCEAN AVE CASE 2014.0206C

Categories: 141291

(OPPOSITION TO THE VAPE SHOP)

Dear Supervisors:

I support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, a Vape Shop/Steam Stone Hookah Lounge. This business is not necessary or desirable for the neighborhood.

As I have two children 7 and 15, I do not support tobacco or paraphernalia in our immediate neighborhood.

Bringing in businesses that are desired and will be used by the people living in the neighborhood is important and will improve the area. This tobacco paraphernalia business, the vape shop with steam stone hookah lounge in the basement will not provide needed products or services for people living in this area. It will not offer a healthy business for the neighborhood.

Ocean Avenue has started its revival. The 1900 block of Ocean Avenue now has several businesses popular with neighbors: Fog Lifter Café, Cut to Contrast barbershop, Ocean Cyclery, Serge-a-Lot (sewing), and Yoga Flow. Recently a hardware store opened on Ocean Avenue. A furniture store will soon open. These are the types of businesses the neighborhood needs and desires.

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You have indicated that this type of business is detrimental to the health and welfare of the residents.

Please support the appeal of the Planning Commission approval. Do not impose this negative business on Ocean Avenue. The vape shop will not benefit the neighborhood.

Keesha Henry
101 Urbano Drive
San Francisco, CA 94127
415.926.0258

(BOS)

From: Yfa Sparks [yfa.kretschmar@gmail.com]
Sent: Saturday, January 03, 2015 9:47 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS); Lee, Mayor (MYR)
Cc: rckaris@gmail.com
Subject: Letter supporting the appeal of Planning Commission decision in Case No. 2014.0206C (Letter opposing the vape shop at 1963 Ocean Ave.)

Categories: 141291

Dear Interested Parties,

I am a homeowner in Mount Davidson Manor (I live 1 block away from 1963 Ocean Ave), mother of a young child and practicing doctor in San Francisco. **I support the appeal of the Planning Commission decision in Case No. 2014.0206C. I strongly oppose the decision of the Planning Commission to conditionally approve the vape shop at 1963 Ocean Ave. I do not think the Planning Commission adequately applied the relevant sections of the Planning Code.**

As an internal medicine doctor, my main concern is health and safety. I follow the latest literature and practice evidence based medicine. Given the data available, the current recommendation is to advise people against using e-cigarettes and to advise people against using e-cigarettes as a method for smoking cessation. San Francisco should not support businesses that worsen the health of its residents and put youth at risk for nicotine addiction. I have outlined below the available evidence from reputable medical journals.

Health and Safety Concerns(the vape shop will be detrimental to the health and safety of persons residing, working and going to school in the vicinity):

1. **E-cigarettes are a health hazard.** While they have not been around long enough to study their long-term affects, they are toxic and most likely a significant health concern. Until further studies are done, e-cigarettes should be treated as conventional cigarettes. The city should not be promoting cigarette use (and thus promoting increased rates of heart disease, cancer, stroke etc). The following quote from the medical journal *Circulation* poses this question of safety in regards to e-cigarettes.

“The particle size distribution from the few e-cigarette devices that have been tested has been reported to be similar to that of conventional cigarettes. Particles such as those generated by e-cigarettes can reach deep into the lungs and potentially cross into the systemic circulation. Carbonaceous particles present in cigarette smoke and ambient air have been demonstrated to have adverse cardiovascular and respiratory effects in both human and animal models. It is not known whether the type of particles generated by e-cigarettes have the same toxicity as particles present in ambient air or those generated by conventional cigarettes, but this is an important question for determining the long-term safety of e-cigarettes.” (Franck C, Budlovsky T, Windle SB, Filion KB, Eisenberg MJ. “Electronic cigarettes in North America: history, use, and implications for smoking cessation.” *Circulation*. 2014 May 13;129(19):1945-52.

2. **2. E-cigarettes are not a recommended method of smoking cessation.** This recommendation came from the New England Journal of Medicine.

“Some e-cigarette proponents have argued that strict regulation or withdrawal of the devices from the market would harm current users, forcing them to return to smoking tobacco. In reality, both smokers and e-cigarette users have many alternatives: multiple nicotine products, approved, regulated, and deemed to be safe and effective by the FDA, are already widely available (in addition to other effective cessation tools, such as varenicline, bupropion, telephone quit-lines, and Web-based services). Pending more aggressive regulation, clinicians should advise patients wishing to use nicotine to stick to the FDA-regulated forms, such as patches, gum, lozenges, nasal spray — or even, perhaps, the existing FDA-approved inhaler.” (Nathan K. Cobb, M.D., and David B. Abrams, Ph.D. “E-Cigarette or Drug-Delivery Device? Regulating Novel Nicotine Products” *N Engl J Med* 2011; 365:193-195)

3. **3. E-cigarettes are commonly used in conjunction with cigarettes often in places where cigarettes are not allowed or socially acceptable.** This actually increased the amount of nicotine consumed per person. So in many cases, e-cigarettes encourage continued use and promote further addiction. The following excerpt is from the medical journal circulation.

“Epidemiological studies and population surveys also indicate that although many e-cigarette users plan to use the devices to quit or reduce their smoking, they are usually using them in a dual-use capacity, especially in places where smoking is restricted.” (Franck C, Budlovsky T, Windle SB, Filion KB, Eisenberg MJ. “Electronic cigarettes in North America: history, use, and implications for smoking cessation.” *Circulation*. 2014 May 13;129(19):1945-52.)

4. **4. E-cigarettes target youth**, who can typically find an adult who is willing to buy them for children even if the vendor does not sell to them directly).

“More problematic, however, is that some marketing of e-cigarettes has been targeted at children according to the US Food and Drug Administration (FDA), which specifically cites the fact that candy and fruit flavors are “especially attractive to children and young adults.” A 2014 US Congressional investigation stated that: “The findings of this investigation reveal that e-cigarette companies may indeed be taking advantage of the regulatory vacuum that currently exists to market their products to youth.” (Colard S, O'Connell G, Verron T, Cahours X, Pritchard JD. “Electronic Cigarette Use and Exposure in the Pediatric Population.” *Int J Environ Res Public Health*. 2014 Dec 24;12(1):282-99.)

5. **5. E-cigarette use is on the rise in children, which is a very concerning health trend.**

“Data from the 2011 to 2012 National Youth Tobacco Survey showed that among students in grades 6 through 12, current e-cigarette use (≥ 1 day in the past 30 days) increased from 1.1% in 2011 to 2.1% in 2012 and any use of e-cigarettes (ever use) increased from 3.3% to 6.8% in the same corresponding years.” (Colard S, O'Connell G, Verron T, Cahours X, Pritchard JD. “Electronic Cigarette Use and Exposure in the Pediatric Population.” *Int J Environ Res Public Health*. 2014 Dec 24;12(1):282-99.)

6. **6. Given that children and adolescents see e-cigarettes as not harmful or less harmful, they likely promote nicotine addiction in the long term.** In other words non-smoker children and adolescents use e-cigarettes, which may lead to long term use or a gateway to conventional cigarettes or other tobacco products. Given that I have a child, and that there are many children that live in the surrounding neighborhoods and there is a school is very close proximity to the proposed vape shop, I see this location as a particularly high-risk location for promoting tobacco use by youth.

“Although 76.3% of adolescent e-cigarette users also smoke conventional cigarettes, 13,20 recent analyses of data from the National Youth Tobacco survey (adolescents in grades 6-12) revealed that the use of e-cigarettes increased from 79,000 to more than 263,000 (0.9% of the nonsmoking youth population who use e-cigarettes) from 2011 through 2013 among US youths who have never smoked cigarettes. This 3-fold increase in e-cigarette use among adolescents who have never smoked suggests increased acceptance of e-cigarettes in this population.” (Colard S, O’Connell G, Verron T, Cahours X, Pritchard JD. “Electronic Cigarette Use and Exposure in the Pediatric Population.” Int J Environ Res Public Health. 2014 Dec 24;12(1):282-99.)

7. Youth are not using e-cigarettes as a smoking cessation tool but rather for recreation alone or in conjunction with cigarettes.

“A recent survey of more than 15,000 US adolescents in grades 6 through 12 (of whom 3.2% of respondents reporting having used e-cigarettes) found that e-cigarette use was higher among conventional cigarette users (adjusted odds ratio, 58.44 [95% CI, 34.71-98.39]) but that e-cigarette use was not associated with a desire to quit using conventional cigarettes or with recent quit attempts.” (Colard S, O’Connell G, Verron T, Cahours X, Pritchard JD. “Electronic Cigarette Use and Exposure in the Pediatric Population.” Int J Environ Res Public Health. 2014 Dec 24;12(1):282-99.)

In addition to health and safety concerns, this establishment is not necessary, wanted or desired by the neighbors. We do not want an e-cigarette or hookah establishment in this location. While we do want growth and do anticipate attracting more businesses to the area, we would prefer to have an empty storefront rather than an establishment that endangers the lives and safety of our many neighborhood children.

Not only is this establishment not wanted by the residents of the surrounding neighborhoods but there are already numerous places in close proximity that sell tobacco products including e-cigarettes. The residents of the neighborhood believe these current establishments are highly problematic for health and safety. Furthermore, given the recent development of high density housing on Ocean Avenue, this is an opportunity for new businesses that do not pose health risks to move onto Ocean Avenue.

San Francisco should not allow stores that pose a health risk or potential health risk to children. And should definitely not allow for stores that target children and adolescents in such a specific manner (again I assume the owner will do everything in their power not to sell to those who are underage but we all know children will find a way to get them if the store is there and appealing.) **If this store is allowed, San Francisco is promoting tobacco use to its residents particularly underage residents. Most cigarette smokers start before the age of 18 and this store provides an attractive (e-cigarettes are favored by underage smokers) way to start smoking.** This unfortunately will affect these individuals for their lifetime. Approving this project means that you have destined more San Francisco residents to a life of tobacco addiction and higher risk of cancer, heart disease etc.

Sincerely,

Annabelle Sparks, M.D.

(BOS)

From: Margaret Bernstein [margaretpaints@yahoo.com]
Sent: Saturday, January 03, 2015 6:25 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: 1963 Ocean Avenue
Categories: 141291

To: San Francisco Supervisors:

Thinking calmly about the importance of an economical venture, one has to remember that for a business to be successful, a three-year-window is necessary. Starting a vape business at 1963 Ocean Avenue guarantees a model that is not sustainable, and more significantly will soon not be permitted.

On December 9 and December 16, 2014, our board of supervisors--all of you--unanimously voted to limit tobacco sales permits in San Francisco. Based on this forward-thinking health wise decision, the following Grounds for Denial (p.10-11) of the ordinance would apply to 1963 Ocean Avenue.

(3) No new permit shall be issued if the Applicant will be within 500 feet of the nearest point of the property line of a School.

(7) No new permit shall be issued to any Applicant for operation of a Tobacco Shop.

(8) No new permit shall be issued for a location not previously occupied by a permitted Establishment.

Additionally, a vape shop at 1963 Ocean Avenue DOES NOT IN ANY WAY comply with the objectives listed by the Planning Commission in its final motion for positive outcomes in either Neighborhood Commerce or with the RESIDENTIAL neighborhoods at the western end of The Balboa Park Station Area Plan, both cited below:

NEIGHBORHOOD COMMERCE

Policy 1.1:(p.7): Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated
Policy 6.1:(p.8): Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

BALBOA PARK STATION AREA PLAN

Policy 1.2.3: Retain and improve the neighborhood's existing businesses while also attracting new businesses that address unmet retail and service needs of the diverse local neighborhoods.

The availability of reasonably priced vape products on the internet is the model that addicted vape users will rely on, and such commerce is in compliance with the supervisors' unanimous vote against new tobacco sales within the city limits.

Because storefronts offer an incentive to introduce non-users to products, they encourage addiction patterns. They also cater to the novice, the curious, and those who do not want to become addicted but cannot help themselves. Surely, politicians and city paid decision makers do not want to be part of such a cycle.

Certainly, a neighborhood storefront vape shop is not necessary, definitely not an asset to the current residential business neighborhood, and a guaranteed model for failure.

Respectfully.

Margaret Bernstein
890 Urbano Drive
San Francisco, CA

1 (BOS)

From: Paty [HECHINGERS@comcast.net]
Sent: Friday, January 02, 2015 9:30 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: Robert Karis
Subject: Support of appeal of the Conditional Use Authorization for 1963 Ocean Ave; Case No. 2014.0206C (Opposition to the Happy Vape).

Categories: 141291

Support of appeal of the Conditional Use Authorization for 1963 Ocean Ave; Case No. 2014.0206C (Opposition to the Happy Vape).

To: bos.legislation@sfgov.org
Board.of.supervisors@sfgov.org
Norman.Yee@sfgov.org

I am an adjacent neighbor of the proposed Happy Vape- two story project that includes a Steam Stone Hookah Lounge, sales of E-Cigarettes and tobacco paraphernalia. I SUPPORT the APPEAL of the Planning Commission's approval of the Conditional Use for 1963 Ocean Ave. I STRONGLY OPPOSE this project as it is not necessary or desirable for the neighborhood.

I participated at the Planning Commission hearing for this project. Our opposition speeches brought attention to television news and SF Chronicle. I along with a group of concerned residents collected and introduced 120 plus opposition signatures and 30 plus signatures of residential property owners within 300 feet of the project in favor for the BOS appeal. Please note that these 120+ signatures submitted at the November 6th, 2014 Planning Commission hearing was not accounted for on the Final Motion No. 19271.

Bringing in businesses that are desired and will be used by the people living in the neighborhood is important and will improve the area. A vape shop and a Hookah Lounge will not provide needed products or services for people in this area.

The City has invested in the beatification of Ocean Ave Corridor. Ocean Ave has started its renewal! The 1900 block of Ocean Ave now has several businesses popular with neighbors: Ocean Cyclery, Fog Lifter Café, Yoga Flow, Emmy's Chinese Restaurant, and Serge-a-Lot (sewing). A long waited hardware store, Whole Foods, Yogurt Land, and CVS Pharmacy opened in Ocean Ave. A furniture store will soon open. These are the type of businesses the neighborhood needs and desires!

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents of San Francisco.

Please support the Appeal of the Planning Commission approval. Do not impose this negative business on Ocean Ave. The Vape Shop/Hookah Lounge will not benefit the neighborhood. The 1900 block of Ocean Ave has an MCD, two tattoo shops and three massage parlors. The residents are tired of these businesses popping up like Happy Vape that are detrimental to the health and welfare to minors, adjacent neighbors, workers, and San Francisco citizens!

Sincerely,

Paty H. Ryan
Member of Ingleside Terraces Homes Association, (ITHA)
Advocate for Children and Minors' Rights in San Francisco

(BOS)

From: Gail Dent [gaident@mac.com]
Sent: Friday, January 02, 2015 2:09 PM
To: BOS Legislation (BOS)
Subject: appeal of conditional use permit 1963 Ocean Ave.

Categories: 141291

We are writing to strongly support the appeal by Bob and Carolyn Karis of the conditional use permit granted to the vape shop and hookah lounge at 1963 Ocean Ave. by the planning commission. We do not think the planning commission took into account the negative health impact. Our S.F. Public Health Dept. opposes the use of e cigarette. Why does the planning commission think it is ok to add another outlet. We do not need and do not want another outlet to attract the school age children who walk by the storefront every school day. Please do not allow the planning commission's decision to stand. It would be better for this storefront to remain empty until a suitable tenant is found.

Sincerely,
Gail and David Dent
265 Corona ct.

(BOS)

From: Board of Supervisors (BOS)
Sent: Friday, January 02, 2015 3:44 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: appeal of conditional use permit for 1963 Ocean Ave

Categories: 141291

-----Original Message-----

From: Gail Dent [<mailto:gaildent@mac.com>]
Sent: Friday, January 02, 2015 2:07 PM
To: Board of Supervisors (BOS)
Subject: appeal of conditional use permit for 1963 Ocean Ave

Dear Supervisors:

We are writing to strongly support the appeal by Bob and Carolyn Karis of the conditional use permit granted to the vape shop and hookah lounge at 1963 Ocean Ave. by the planning commission. We do not think the planning commission took into account the negative health impact. Our S.F. Public Health Dept. opposes the use of e cigarette. Why does the planning commission think it is ok to add another outlet. We do not need and do not want another outlet to attract the school age children who walk by the storefront every school day. Please do not allow the planning commission's decision to stand. It would be better for this storefront to remain empty until a suitable tenant is found.

Sincerely,
Gail and David Dent
265 Corona ct.

(BOS)

From: Board of Supervisors (BOS)
Sent: Friday, January 02, 2015 3:41 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Hookah Lounge on Ocean Avenue

Categories: 141291

From: Nan Madden [mailto:nan_madden@yahoo.com]
Sent: Thursday, January 01, 2015 10:51 PM
To: Board.of.Supervisors@sfdph.org
Subject: Hookah Lounge on Ocean Avenue

Dear Supervisors,

As the former director of the Pediatric Asthma Clinic at San Francisco General Hospital and as a concerned citizen I am writing this letter to ask you to not allow the opening of the vape shop/steam stone hookah shop at 1963 Ocean Avenue. I understand that the shop would be a location where people could gather and smoke hookah pipes and electronic cigarettes.

It is a well-known fact that smoke is a common trigger for asthma attacks, and, according to the American Lung Association (ALA), evidence shows that hookah smoking carries many of the same health risks and has been linked to many of the same diseases caused by cigarette smoking. Hookah tobacco often is flavored to mask the harshness of smoking, which makes its use more attractive to young people. Although hookah smoking is most common in the United States among young adults ages 18 to 24 it is also used by middle and high school students. It is possible that hookah smoking may lead to other forms of tobacco use. With the very high prevalence of asthma among the youth in San Francisco we should be doing all we can to discourage the use of all forms of tobacco and tobacco mixtures.

According to the ALA there is no scientific evidence establishing the safety of e-cigarettes. In fact, the initial laboratory test performed by the U.S. Food and Drug Administration found that two leading brands of e-cigarettes contained detectable levels of toxic cancer-causing chemicals, including an ingredient used in anti-freeze. In addition there is no evidence that shows the vapors emitted by e-cigarettes are safe for non-users to inhale. As with hookah tobacco, e-cigarettes are available in flavors that appeal to children and teens such as bubble gum and chocolate.

I believe that the smoking of both hookah pipes and e-cigarettes should be discouraged as much as possible in all neighborhoods in San Francisco. However, the location of the proposed shop on Ocean Avenue is particularly undesirable because it is almost across the street from Aptos Middle School and is within walking distance from Balboa and Lowell High Schools, City College of San Francisco and San Francisco State University.

Please take a stand for the health and safety of the residents of San Francisco, particularly the youth, by voting against the opening of this shop. Thank you for your time and concern.

Nanette Madden, MS, PNP
Associate Clinical Professor
UCSF School of Nursing

From: Nan Madden [nan_madden@yahoo.com]
Sent: Thursday, January 01, 2015 10:46 PM
To: BOS Legislation (BOS)
Subject: Hookah Lounge on Ocean Avenue

Categories: 141291

To Whom It May Concern,

As the former director of the Pediatric Asthma Clinic at San Francisco General Hospital and as a concerned citizen I am writing this letter to ask you to not allow the opening of the vape shop/steam stone hookah shop at 1963 Ocean Avenue. I understand that the shop would be a location where people could gather and smoke hookah pipes and electronic cigarettes.

It is a well-known fact that smoke is a common trigger for asthma attacks, and, according to the American Lung Association (ALA), evidence shows that hookah smoking carries many of the same health risks and has been linked to many of the same diseases caused by cigarette smoking. Hookah tobacco often is flavored to mask the harshness of smoking, which makes its use more attractive to young people. Although hookah smoking is most common in the United States among young adults ages 18 to 24 it is also used by middle and high school students. It is possible that hookah smoking may lead to other forms of tobacco use. With the very high prevalence of asthma among the youth in San Francisco we should be doing all we can to discourage the use of all forms of tobacco and tobacco mixtures.

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Please take a stand for the health and safety of the residents of San Francisco, particularly the youth, by voting against the opening of this shop. Thank you for your time and concern.

Nanette Madden, MS, PNP
Associate Clinical Professor
UCSF School of Nursing

From: James H Spalding Jr. [cpaspalding@gmail.com]
Sent: Thursday, January 01, 2015 10:01 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: rckaris@gmail.com
Subject: No Vape Shop on Ocean Avenue

Categories: 141291

Planning Commission decision in Case No. 2014.0206C

(Letter opposing the vape shop at 1963 Ocean Ave.) Planning Commission

As a local resident – 180 De Soto Street – I strenuously oppose a vape or smokers shop on Ocean Avenue.

As an ex-smoker – three packs a day – any encouragement of smoking is medically and morally wrong. It is a filthy habit that the Surgeon General nixed over 50 years ago. If someone lights up on the street, I have to walk on the other side. I was having coffee yesterday and a guy lit up. On his first exhale I had to remind him you couldn't smoke in front of a store....

Please, this is not a not in my back yard letter. It not in any one's back yard.

(BOS)

From: Board of Supervisors (BOS)
Sent: Friday, January 02, 2015 3:39 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Vape Shop on Ocean Avenue

Categories: 141291

From: creps4@aol.com [<mailto:creps4@aol.com>]
Sent: Thursday, January 01, 2015 8:59 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Vape Shop on Ocean Avenue

Dear San Francisco leaders,

I am writing to support the appeal of the Planning Commission's authorization of the Conditional Use for the proposed vape shop at 1963 Ocean Avenue. Have you seen the 1900 block of Ocean and then looked at the surrounding neighborhoods? This block of Ocean is surrounded by lovely, expensive family homes. Why are you allowing "adult" massage parlors as well as tattoo parlors, a marijuana dispensary and an alcohol serving billiard hall on this block which also includes a Christian school? Our family goes to the Fog Lifter Cafe every week, has bought two bicycles at the Ocean Cyclery and had clothes altered at the sewing shop. We need businesses like these that serve the people of our neighborhood, not those that serve to drive away people who might be attracted to our family-friendly stores.

Vape shops will help to get our young people hooked on this nicotine laden product. Would you like a shop like this around the corner from your home tempting your adolescent children? Are you aware that Aptos Middle School, Lick Wilmerding and Riordan High Schools are also located along Ocean Avenue?

Sincerely,

Adrienne Sciutto

(BOS)

From: Board of Supervisors (BOS)
Sent: Friday, January 02, 2015 3:39 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Vape Shop on Ocean Avenue

Categories: 141291

From: creps4@aol.com [mailto:creps4@aol.com]
Sent: Thursday, January 01, 2015 8:29 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Vape Shop on Ocean Avenue

883 Urbano
San Francisco,
94127

Dear Supervisors:

This letter is written to support the appeal of the Conditional Use Authorization for the 1963 Ocean Ave. Case No. 2014.0206c, a Vape Shop/ Steam Stone Hookah Lounge. This E-cigarette business is not necessary or desirable in our Ingleside neighborhood. On the 1900 Ocean Ave. block we have some very successful businesses- a bike shop and the Fog Lifter Restaurant to name two. We need more like these.

Are e-cigarettes completely safe and therefore a desirable business for the 1900 Ocean Ave. block located near Aptos Middle School? There is not enough data to say that e-cigarettes are completely safe, and there is some data that says they are not.

The New York Times is having a series of articles on e-cigarettes. The Centers for Disease Control and Prevention issued results of its latest National Youth Tobacco Survey. E-cigarette smoking among high school students has tripled in 2013-2014 to 4.5%. The Campaign for Tobacco-Free Kids has called for regulating e-cigarettes. (1) NY Times, Nov.28,2014. The World Health Organization urges stronger Regulation of e-cigarettes. (2) NY Times, Aug. 26, 2014. A Clinical Cancer Research study finds that the vapor from e-cigarettes damages human cells in much the same way as the smoke from traditional cigarettes. (3) Consumer Affairs 4/11 2014. A UCSF study found adolescents who use e-cigarettes are more likely to smoke cigarettes and less likely to quit smoking tobacco cigarettes. (4) Consumer Affairs 3/06/2014. The latest article in the new York Times is titled , "Race to deliver Niotine's Punch,With Less Risk" , Christmas Day, Dec. 25, 2014. "Within seconds of taking a drag, a smoker feels the nicotine's soothing effects because compounds that are produced when tobacco burns are perfectly sized to carry nicotine deep into the lungs allowing the drug to quickly reach the brain. Those same compounds, which are collectively known as tars, also cause cancer and diseases. By comparison, the type of vapor generated by e-cigarettes, experts say, is a less efficient carrier of nicotine than smoke....As a result, e-cigarette users have frequently turned to larger devices known as vape pens that have bigger batteries that can produce more heat. But more heat to increase nicotine levels may also result in higher levels of toxins and carcinogens, experts say. Tobacco companies have rushed to increase nicotine levels in their vapor devices."

Thank you,
Irene Creps
Retired biology teacher
415 587-3313

1 (BOS)

From: creps4@aol.com
Sent: Thursday, January 01, 2015 8:29 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Vape Shop on Ocean Avenue

Categories: 141291

883 Urbano
San Francisco,
94127

Dear Supervisors:

This letter is written to support the appeal of the Conditional Use Authorization for the 1963 Ocean Ave. Case No. 2014.0206c, a Vape Shop/ Steam Stone Hookah Lounge. This E-cigarette business is not necessary or desirable in our Ingleside neighborhood. On the 1900 Ocean Ave. block we have some very successful businesses- a bike shop and the Fog Lifter Restaurant to name two. We need more like these.

Are e-cigarettes completely safe and therefore a desirable business for the 1900 Ocean Ave. block located near Aptos Middle School? There is not enough data to say that e-cigarettes are completely safe, and there is some data that says they are not.

The New York Times is having a series of articles on e-cigarettes. The Centers for Disease Control and Prevention issued results of its latest National Youth Tobacco Survey. E-cigarette smoking among high school students has tripled in 2013-2014 to

4.5%. The Campaign for Tobacco-Free Kids has called for regulating e-cigarettes. (1) NY Times, Nov.28,2014. The World Health Organization urges stronger Regulation of e-cigarettes. (2) NY Times, Aug. 26, 2014. A Clinical Cancer Research study finds that the vapor from e-cigarettes damages human cells in much the same way as the smoke from traditional cigarettes. (3) Consumer Affairs 4/11 2014. A UCSF study found adolescents who use e-cigarettes are more likely to smoke cigarettes and less likely to quit smoking tobacco cigarettes. (4) Consumer Affairs 3/06/2014. The latest article in the new York Times is titled , "Race to deliver Nicotine's Punch,With Less Risk" , Christmas Day, Dec. 25, 2014. "Within seconds of taking a drag, a smoker feels the nicotine's soothing effects because compounds that are produced when tobacco burns are perfectly sized to carry nicotine deep into the lungs allowing the drug to quickly reach the brain. Those same compounds, which are collectively known as tars, also cause cancer and diseases. By comparison, the type of vapor generated by e-cigarettes, experts say, is a less efficient carrier of nicotine than smoke....As a result, e-cigarette users have frequently turned to larger devices known as vape pens that have bigger batteries that can produce more heat. But more heat to increase nicotine levels may also result in higher levels of toxins and carcinogens, experts say. Tobacco companies have rushed to increase nicotine levels in their vapor devices."

Thank you,

Irene Creps

Retired biology teacher

415 587-3313

(BOS)

From: norma tannenbaum [n_tannenbaum@sbcglobal.net]
Sent: Thursday, January 01, 2015 11:57 AM
To: BOS Legislation (BOS)
Subject: Letter supporting the appeal of Planning Commission decision in Case No.

Categories: 141291

-----Original Message-----

From: MAILER-DAEMON@yahoo.com [mailto:MAILER-DAEMON@yahoo.com]
Sent: Thursday, January 01, 2015 11:53 AM
To: n_tannenbaum@sbcglobal.net
Subject: Failure Notice

Sorry, we were unable to deliver your message to the following address.

Letter supporting the appeal of Planning Commission decision in Case No.
2014.0206C
(Letter opposing the vape shop at 1963 Ocean Ave.)

Dear Board of Supervisors:

I have been a SF resident since 1969 and have lived in Ingleside Terraces for the last 15 years. Since the renovation of the Muni tracks, I have seen some positive changes taking place on Ocean Avenue and I have begun to patronize several of the businesses on a regular basis especially CVS, Fruit Barn, Fog Lifter cafe, Whole Foods etc. I am sending this email to oppose the vape shop which will sell e-cigarettes and will operate a hookah lounge at 1963 Ocean Avenue.

I will refer to some of the "Findings" in the Final Motion of the Planning Commission on 11/6/14. I am appealing to the Board of Supervisors and to Norman Yee for the following reasons:

Section 7.A. (page 4) states:

The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

I do not agree that the proposed development will be "necessary and desirable". The purpose of this business is to sell e-cigarettes. Ocean Avenue needs businesses that will serve the residents of surrounding areas. It's hard to support the idea that selling e-cigarettes is "necessary and desirable". For those who are trying to break the habit of smoking regular cigarettes, e-cigarettes might be 'desirable' but these cigarettes can be obtained at other places on Ocean Avenue such as the 7-Eleven at 2000 Ocean Avenue which sells both cigarettes and e-cigarettes. It is also true that these cigarettes can be smoked in privacy as opposed to establishing a public place for an activity with health effects that are not yet known.

Also, one of the important criteria for establishing a new business is whether or not it has the potential to bring customers from outside the immediate area in the hopes that they will patronize several of the establishments in a particular business corridor. It seems unlikely that people who come to the vape lounge will also be interested in other business

establishments, especially since they will be frequenting the vape shop after "regular" business hours.

Section 7.E. (page 6) of the Final Motion states:

The concentration of such establishments in the particular zoning district for which they are proposed does not appear to contribute directly to peace, health, safety, and general welfare problems

1963 Ocean Avenue is 130 feet from the Voice of Pentecost Academy.

Ocean Avenue has 8 businesses with tobacco sales permits in less than 3,600 feet, totaling one store selling tobacco products every 450 feet! All 8 sell cigarettes; five also sell e-cigarettes.

The proposed new establishment at 1963 Ocean Avenue is 350 feet from the 7-Eleven and less than 400 feet west of a small store on Ashton that sells cigarettes.

More tobacco outlets leads to more consumption of tobacco products, which is detrimental to the health and welfare of this area.

Thank you in advance for considering my comments and I hope that the Board of Supervisors will deny the Conditional Use Applications for 1963 Ocean Avenue.

Yours truly,
Norma Tannenbaum,
535 Urbano Drive
San Francisco, CA 94127

1 (BOS)

From: Nancy Katsuranis [njcatt47@yahoo.com]
Sent: Wednesday, December 31, 2014 3:25 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Appeal case number 2014.0206C, 1963 Ocean Avenue.

Categories: 141291

I am writing this letter to support the appeal of the Conditional Use Authorization for 1963 Ocean Avenue and to oppose the opening of the vape shop/steam stone hookah lounge at 1963 Ocean Avenue. The appeal case number is 2014.0206C, 1963 Ocean Avenue.

I strongly object to the establishment of a vape shop/steam stone hookah lounge at 1963 Ocean Avenue.

As an asthmatic and parent of an asthmatic this issue is very personal to me. There is a school very close to the proposed store and Aptos Middle School students will be passing it every day going to and from school. It cannot be good for these children to be exposed on a daily basis to e-cigarettes and vaping. The existence of the store suggests to these students that e-cigarettes and vaping are not harmful. If they were harmful the store would not be allowed.

In researching e-cigarettes and vaping I have only found one possibly positive use for them and that is in helping smokers to stop smoking. But, this is a commercial establishment to make money not a clinic to help smokers stop smoking. Therefore, I see no positive advantage to the community in having this store and many serious disadvantages. Why approve a store that will only serve a very small demographic that is already served by other nearby stores selling e-cigarettes? Especially when there is a very real possibility of harming a much larger group of children? It makes far more sense to have the space occupied by an enterprise such as a restaurant, bookstore, beauty salon or market that would not only be better for the local community, but, would also attract visitors and tourist dollars to Ocean Avenue.

Respectfully yours,

Nancy Katsuranis

(BOS)

From: Board of Supervisors (BOS)
Sent: Wednesday, December 31, 2014 11:34 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Deny the Appeal, Support the Planning Commission's decision to grant Happy Vape @1963 Ocean Avenue their Conditional Use Permit

Categories: 141291

From: Jules Haubenschmit [<mailto:julesh717@aol.com>]
Sent: Tuesday, December 30, 2014 1:21 AM
To: Board of Supervisors (BOS)
Subject: Deny the Appeal, Support the Planning Commission's decision to grant Happy Vape @1963 Ocean Avenue their Conditional Use Permit

Dear Board of Supervisors,

My name is Jules Haubenschmit and I was a student of CCSF for the last 4 years. I have spend a lot of my time on Ocean Avenue searching for a venue to frequent and keep myself entertained between activities. I have found that the block of Ocean Avenue seems to be really lacking in it's entertainment and activities sector. This are has plenty of conveniences and services but is still missing that consistent color. I support Happy Vape as it breathes culture into an area left complacent for too long. The city is going through many changes and I believe the Ocean Avenue area is being left behind based on the many different evolving views and cultures that make the current San Francisco so great. This area could use a fresh start to begin the transformation, I believe Happy Vape can open these doors. Many new dwellers of this city are looking for more sociable activities to peak their interest, for instance the current growth in the biking culture seen through "Critical Mass" events, and the rise in young adults moving to the area due to demand of tech companies across the Bay Area. Happy Vape provides a congregational area with many outlets in which to allow individuals to choose to spend their well-earned time and money. Please deny the appeal and uphold the Planning Commissions decision.

Thank you for your time and consideration,

Signed,

Jules Haubenschmit

(BOS)

From: Board of Supervisors (BOS)
Sent: Wednesday, December 31, 2014 11:35 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: FW: Opposition to vape shop at 1963 Ocean Ave.

Categories: 141291

From: Robert Karis [<mailto:rckaris@gmail.com>]
Sent: Tuesday, December 30, 2014 11:52 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Opposition to vape shop at 1963 Ocean Ave.

Letter in support of appeal of Planning Commission decision
Case No. 2014.0206C

----- Forwarded message -----

From: Shengyu <shenglovejanice@gmail.com>
Date: Mon, Dec 29, 2014 at 6:37 PM
Subject: It's about vape shop
To: "rckaris@gmail.com" <rckaris@gmail.com>

This type of business is unnecessary as there are already several stores on ocean ave that sell E-cigarettes, we live in a residential neighborhood with nearby school including middle school and high schools, and the city college San Francisco, a vape shop will encourage new young users and other to use E-cigarette that contain additive nicotine and other harmful chemicals in their fumes, we do not want ourselves, our neighbors, or our children to use or to be exposed to this type of product.

发自我的 iPad

(BOS)

From: Robert Karis [rckaris@gmail.com]
Sent: Tuesday, December 30, 2014 11:52 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Opposition to vape shop at 1963 Ocean Ave.
Categories: 141291

Letter in support of appeal of Planning Commission decision
Case No. 2014.0206C

----- Forwarded message -----

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Date: Mon, Dec 29, 2014 at 6:37 PM
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发自我的 iPad

.. (BOS)

From: Board of Supervisors (BOS)
Sent: Wednesday, December 31, 2014 11:33 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: It's about vape shop

Categories: 141291

-----Original Message-----

From: Shengyu [<mailto:shenglovejanice@gmail.com>]
Sent: Monday, December 29, 2014 6:36 PM
To: Board of Supervisors (BOS)
Subject: It's about vape shop

This type of business is unnecessary as there are already several stores on ocean ave that sell E-cigarettes, we live in a residential neighborhood with nearby school including middle school and high schools, and the city college San Francisco, a vape shop will encourage new young users and other to use E-cigarette that contain additive nicotine and other harmful chemicals in their fumes, we do not want ourselves, our neighbors, or our children to use or to be exposed to this type of product.

发自我的 iPad

From: George Cattermole [georgecattermole@earthlink.net]
Sent: Monday, December 29, 2014 12:52 PM
To: BOS Legislation (BOS)
Cc: Board of Supervisors (BOS); Yee, Norman (BOS); rckaris@gmail.com
Subject: The vape shop selling e-cigarettes and a hookah lounge at 1963 Ocean Avenue
Categories: 141291

To: Those with authority to stop the vape shop selling e-cigarettes and a hookah lounge at 1963 Ocean Avenue:

Given that:

Ocean Avenue has 8 businesses with tobacco sales permits in less than 3,600 feet, so one store selling tobacco products every 450 feet! All 8 sell cigarettes; five also sell e-cigarettes:
the liquor stores at 1015, 1521, and 1551 Ocean all sell cigarettes and e-cigarettes.
the service stations at 999, 1490, and 1799 Ocean Ave. 999 O.A. sells cigarettes and e-cigarettes, the other two sell cigarettes.
395 Ashton Ave. at Ocean Ave. sells cigarettes but not e-cigarettes.
The 7-Eleven at 2000 Ocean Avenue sells cigarettes and e-cigarettes.
Ocean Avenue is an exception in District 7. Ocean Avenue meets criteria on p.4 of the ordinance "Higher tobacco retail density encourages smoking" and p.5 "it is in the City's interest to reduce the disproportionate exposure to tobacco outlets that exists."]

It is clear that there exist more than enough shops selling tobacco products to meet the needs of those in the vicinity of Ocean Avenue. Given that it is recognized that higher tobacco retail density encourages smoking and that smoking is bad for one's health, it follows that this establishment should not be permitted.

Thanks for you attention to this matter,

George Cattermole, Ph.D.

From: Board of Supervisors (BOS)
Sent: Monday, December 29, 2014 11:48 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Deny the Appeal, Support the Planning Commission's decision to grant Happy Vape @1963 Ocean Avenue their Conditional Use Permit

Categories: 141291

From: Sean Scotts [<mailto:sfforever1219@gmail.com>]
Sent: Monday, December 29, 2014 2:28 AM
To: Board of Supervisors (BOS)
Subject: Deny the Appeal, Support the Planning Commission's decision to grant Happy Vape @1963 Ocean Avenue their Conditional Use Permit

Dear San Francisco Supervisors,

My name is Sean Scotts and I am a concerned citizen and have found that the Ocean avenue area seems to be taking a down turn. I request that the Board of Supervisors deny the appeal and support the Planning Commission's decision to grant Happy Vape at 1963 Ocean Avenue their conditional use permit. The area is looking grayer with each passing month. There needs to be more new stores opening, I think Happy Vape will shine some new color on Ocean Avenue. I support Happy Vape as it breathes culture into an area left complacent for too long. The city is going through many changes and I believe the Ocean Avenue area is being left behind based on the many different evolving views and cultures that make the current San Francisco so great. This area could use a fresh start to begin the transformation, I believe Happy Vape can open these doors. Many new dwellers of this city are looking for more sociable activities to peak their interest, for instance the current growth in the biking culture seen through "Critical Mass" events, and the rise in young adults moving to the area due to demand of tech companies across the Bay Area. Happy Vape provides a congregational area with many outlets in which to allow individuals to choose to spend their well-earned time and money.

Thank you for your time and consideration,

Signed,

Sean Scotts

From: Board of Supervisors (BOS)
Sent: Monday, December 29, 2014 11:47 AM
To: BOS-Supervisors; Carroll, John (BOS); Lamug, Joy
Subject: File 141291 FW: Deny the Appeal, Support the Planning Commission's decision to grant Happy Vape @1963 Ocean Avenue their Conditional Use Permit

Categories: 141291

From: Catherine Pinzon [<mailto:cpinzon901@yahoo.com>]
Sent: Monday, December 29, 2014 2:15 AM
To: Board of Supervisors (BOS)
Subject: Deny the Appeal, Support the Planning Commission's decision to grant Happy Vape @1963 Ocean Avenue their Conditional Use Permit

Dear SF Supervisors,

My name is Catherine Pinzon and I truly believe a human's choice of recreational activity should be regulated up to a certain extent and the allowed to thrive when possible. I request that the Board of Supervisors deny the appeal and support the Planning Commission's decision to grant Happy Vape at 1963 Ocean Avenue their conditional use permit. Litter in the city is a major problem, cigarettes and their butts are some of the leading causes. Happy Vape is a venue attempting to promote greener living and getting the cigarette butts off our streets. When choices such as where one retail establishment opens in comparison to another is determined by neighborhood demands and their wiliness to thwart the incoming new businesses owners plans, society is doomed to repeat a lot of mistakes, as we no longer listen to innovators. Some activities in life must have regulations, however there are many other consensual activities that are largely disturbing and/or confusing to many but accepted by some.

Thank you,
Catherine

From: Board of Supervisors (BOS)
Sent: Monday, December 29, 2014 11:47 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Deny the Appeal, Support the Planning Commission's decision to grant Happy Vape @1963 Ocean Avenue their Conditional Use Permit

Categories: 141291

From: argw aerw [<mailto:ajsk1006@yahoo.com>]
Sent: Monday, December 29, 2014 1:50 AM
To: Board of Supervisors (BOS)
Subject: Deny the Appeal, Support the Planning Commission's decision to grant Happy Vape @1963 Ocean Avenue their Conditional Use Permit

Dear SF Supervisors,

My name is A.J. Skimmer, I was a heavy smoker, and am currently vaping low nicotine content e-liquids to slowly ween myself off of nicotine. I request that the Board of Supervisors deny the appeal and support the Planning Commission's decision to grant Happy Vape at 1963 Ocean Avenue their conditional use permit. I have been to many corner and liquor stores that sell vape pens however, you never really know what your gonna get. Due to this, in the past I stayed away from this product, however, after my first experience in a vape shop, I could safely choose the right device and dose for my needs. These types of services are necessary and I believe extremely beneficial to fellow smokers such as myself. I support Happy Vape as a new vendor of these great products and possible help to stop cigarette smoking and addiction.

Thanks,
A.J.

From: Board of Supervisors (BOS)
Sent: Monday, December 29, 2014 11:40 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Deny the Appeal, Support the Planning Commission's decision to grant Happy Vape @1963 Ocean Avenue their Conditional Use Permit

Categories: 141291

From: Raymond Sinclair [<mailto:raymond.sinclair325@gmail.com>]
Sent: Monday, December 29, 2014 1:26 AM
To: Board of Supervisors (BOS)
Subject: Deny the Appeal, Support the Planning Commission's decision to grant Happy Vape @1963 Ocean Avenue their Conditional Use Permit

Dear Planner,

My name is Raymond Sinclair, I am an e-cigarette user, and have found that it has really helped me remove my desire to smoke cigarettes or chew tobacco. I request that the Board of Supervisors deny the appeal and support the Planning Commission's decision to grant Happy Vape at 1963 Ocean Avenue their conditional use permit. The Happy Vape project is a great way to offer this to more smokers and tobacco users. I support the Happy Vape project and I believe that e-cigarettes are a great alternative to smoking traditional cigarettes. I believe with the current regulations in place, e-cigarettes can really begin to take a chunk out of the cigarette smoking industry, while promoting a form of smoking cessation. There has been much controversy on the subject of e-cigarette use and its benefits and dangers, however much of this has been inconclusive. Since this seems to be an effective alternative for some people to smoking cigarettes, I can see a fitting place for this type of establishment in the area.

Thank you for your time and consideration,

Signed,

Raymond Sinclair

From: Board of Supervisors (BOS)
Sent: Monday, December 29, 2014 11:38 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Deny the Appeal, Support the Planning Commission's decision to grant Happy Vape @1963 Ocean Avenue their Conditional Use Permit

Categories: 141291

From: Cindy Hernandez [<mailto:c.hernandez101@yahoo.com>]
Sent: Monday, December 29, 2014 1:10 AM
To: Board of Supervisors (BOS)
Subject: Deny the Appeal, Support the Planning Commission's decision to grant Happy Vape @1963 Ocean Avenue their Conditional Use Permit

Dear San Francisco Supervisors,

My name is Cindy Hernandez, I have shopped on Ocean Avenue a long time. I request that the Board of Supervisors deny the appeal and support the Planning Commission's decision to grant Happy Vape at 1963 Ocean Avenue their conditional use permit. I used to frequent the Clean-X-Press and Java on Ocean. Lately the area seems to be dilapidated, so many stores have closed along Ocean and not many have replaced them. I long to see the Ocean Avenue I once knew many years ago, vibrant and thriving. I saw that there is a new store opening on Ocean Avenue and a notice of conditional use permit application, and I wanted to show my support for a new business. Please support new businesses that come to this area as they need some newer looking stores that will attract new people.

Thank you,

Cindy Hernandez

From: Board of Supervisors (BOS)
Sent: Monday, December 29, 2014 11:37 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: 1963 Ocean Ave. Proposed Vape Shop - Opposition

Categories: 141291

-----Original Message-----

From: Vuksich Alexandra [<mailto:alexandravuksich@sbcglobal.net>]
Sent: Sunday, December 28, 2014 5:05 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: rckaris@gmail.com
Subject: 1963 Ocean Ave. Proposed Vape Shop - Opposition

Dear Supervisors,

A "Vape" Shop has been proposed for 1963 Ocean Avenue – a business type to which I object as a resident of Balboa Terrace and the greater Ocean Avenue corridor. This portion of Ocean Avenue gradually becomes more residential and already has a 7-Eleven, Pool Hall, two Medical Marijuana Dispensaries (another has been proposed at the other end of Ocean Avenue nearer to the public library) and is really not reflective of the needs of this neighborhood which is predominantly comprised of single family residential houses with actual, factual families living in them. I grew up in the neighborhood and have seen this portion of the corridor turn from an integral part of family life with the El Rey Theatre, Zim's, toy and pet shops, dry cleaners and Mom & Pop markets to a street I avoid. Given that the Board has adopted a moratorium on new permits to sell "vape" and tobacco products in the city which does not take effect until late in January, I would hate to see this permit slip by simply due to luck in timing. I would also hope that Ocean Avenue's landlords and the Ocean Avenue Merchants Association can work together to attract the types of business that make other neighborhood corridors in the city so successful.

I urge you to oppose the Conditional Use Application for 1963 Ocean Avenue.

Thank you for your time and consideration,

Alexandra Vuksich
177 San Aleso Ave.

s)

From: Board of Supervisors (BOS)
Sent: Monday, December 29, 2014 11:36 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Cc: Calvillo, Angela (BOS)
Subject: File 141291 FW: Case No. 2014.0206C, 1963 Ocean Avenue, letter of opposition
Attachments: appeal_letter_si.pdf

Categories: 141291

From: Robert Karis [<mailto:rckaris@gmail.com>]
Sent: Sunday, December 28, 2014 11:01 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Case No. 2014.0206C, 1963 Ocean Avenue, letter of opposition

Dear Clerk of the Board,

Please enter the attached letter, written and signed by a neighbor, in opposition to the proposed vape shop at 1963 Ocean Ave.

Thank you,
Robert Karis

December 26, 2014

Case No. 2014.0206C, 1963 Ocean Avenue
Letter to support the appeal of Conditional Use Authorization for 1963
Ocean Avenue

Dear Board of Supervisors:

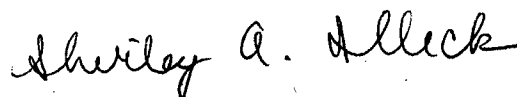
I am writing in regard to the proposed Tobacco Paraphernalia establishment at 1963 Ocean Avenue between the cross streets of Ashton and Victoria. This business intends to sell e-cigarette^s, e-liquids and operate a steam stone hookah lounge in the basement. Everyone in our neighborhood is furious about this; surely you won't give your approval.

Nationally, for the sake of everyone's health, we are attempting to stamp out smoking. Now this group is trying to encourage it, especially among young people - and this location is almost adjacent to a church-run school and is only a few blocks from Aptos Middle School. It is indefensible!

There are already eight other locations on Ocean Avenue that sell cigarettes and/or e-cigarettes - and the fumes can be harmful to anyone, even passersby.

Please realize that this Establishment is an affront to the neighborhood and our young people as this atmosphere can lead to substance abuse and addiction. Surely San Francisco city planners and supervisors should work to protect its citizens.

Sincerely,

A handwritten signature in black ink that reads "Shirley A. Alleck". The signature is written in a cursive style with a large initial 'S' and 'A'.

Ingleside Terraces resident

s)

From: Board of Supervisors (BOS)
Sent: Monday, December 29, 2014 11:34 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Opposition to 1963 Ocean Avenue business establishment

Categories: 141291

From: Dan Hambali [mailto:dahambali@gmail.com]
Sent: Sunday, December 28, 2014 8:52 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Opposition to 1963 Ocean Avenue business establishment

To whom it may concern,

My name is Daniel Hambali, and my family of five (which includes 3 children under 5) live at 715 Victoria St. in the Ingleside Terraces neighborhood. We moved here in 2005 as we intended to start a family because we found the homes large, the neighborhood safe, clean, and quiet, and Ocean Avenue offered nearby services that we found desirable. Due to the economic down turn, many businesses that we patronized ceased operation, and have since been replaced with less wholesome businesses. On the 1900 block of Ocean Avenue alone, we have now added two tattoo parlors (within 100 feet of each other), a pool hall, and a medical marijuana dispensary.

We have lost Franciscan Hobbies (a 68 year old SF institution when it came to models, model trains, and other similar hobbies), Aquatic Central (aquarium hobby store), and Ocean Taqueria. The tone of the immediate neighborhood businesses on Ocean Avenue has changed to suit unmarried young singles despite the immediate neighborhood being the contrary.

I oppose the addition of the new vape shop and hookah lounge at 1963 Ocean Ave for the following reasons.

- 1) The proposed establishment is within 500 feet from the Voice of Pentacost school at 1970 Ocean Avenue. Just looking at the street address will indicate that these two locations are very close in proximity.
- 2) E-cigarettes are sold elsewhere on Ocean Avenue near to the proposed location. This does not constitute a differentiation of goods and services for the neighborhood—it's more of the same.

The 7-11 at 2000 Ocean Avenue sells these. This is within 500 feet.

The following street addresses on Ocean Avenue also sell e-cigarettes: 999, 1015, 1490, 1521, 1551.

One hardly needs to leave their own block in order to purchase.

- 3) The proposed establishment isn't consistent with the Ingleside Terraces demographics. The neighborhood is comprised of households with children or senior citizens. See: http://www.realtor.com/local/Ingleside-Terrace-Sub_San-Francisco_CA/lifestyle The proposed establishment seems more consistent of a neighborhood with young singles.

Please consider these factors, and deny the proposed establishment at 1963 Ocean Avenue.

Best Regards,

Dan Hambali

From: Board of Supervisors (BOS)
Sent: Monday, December 29, 2014 11:33 AM
To: Carroll, John (BOS); Lamug, Joy
Subject: File 141291 FW: Support Letter for Happy Vape at 1963 Ocean Avenue

Categories: 141291

From: Sarah Lee [<mailto:lee.sarah055@yahoo.com>]
Sent: Sunday, December 28, 2014 1:55 AM
To: Yee, Norman (BOS); Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Wiener, Scott; Board of Supervisors (BOS)
Subject: Re: Support Letter for Happy Vape at 1963 Ocean Avenue

Dear Supervisors,

I have been updated about the appeal, and would like to pledge my support of the Planning Commission's decision to grant Happy Vape @ 1963 Ocean Avenue their conditional use permit. Please support the Commission's decision and deny the appeal.

Thank you,

Sarah Lee

On Wednesday, December 3, 2014 11:05 PM, Sarah Lee <lee.sarah055@yahoo.com> wrote:

Dear Supervisors of San Francisco,

My name is Sarah Lee, and I am a resident in the Richmond District. I was a smoker back when I was a teen, and I remember exactly how hard it was to quit. I remember the sweaty nights, the late night fiending, and the desire to find any excuse for a cigarette. I wish they had e-cigs back then as they would have made it 100 times easier to stop. I found that a lot of my co-workers are now using e-cigs as a way to stop smoking, and I can feel the air around work get little cleaner. I don't smell old stale cigarettes whenever I get in an elevator and there is less animosity towards vapors compared to smokers. I think Happy Vape has the right idea and that this is a positive trend that should be supported.

Thank you,

Sarah L.

From: Board of Supervisors (BOS)
Sent: Monday, December 29, 2014 11:33 AM
To: Carroll, John (BOS); Lamug, Joy
Subject: File 141291 FW: Letter of Support New Vape Shop on Ocean Avenue - Happy Vape
Categories: 141291

From: Yin Lam [<mailto:dongdongdong309@mail.com>]
Sent: Sunday, December 28, 2014 1:31 AM
To: Yee, Norman (BOS); Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Wiener, Scott; Board of Supervisors (BOS)
Subject: Fw: Letter of Support New Vape Shop on Ocean Avenue - Happy Vape

Dear Supervisors,

Please deny appeal for Happy Vape 1963 Ocean Avenue. Please support Planning.

Thank you
Yin

Sent: Monday, December 01, 2014 at 3:02 AM
From: "Yin Lam" <dongdongdong309@mail.com>
To: Katy.Tang@sfgov.org, Scott.Wiener@sfgov.org, Board.of.Supervisors@sfgov.org, Norman.Yee@sfgov.org, John.Avalos@sfgov.org, London.Breed@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org, Mark.Farrell@sfgov.org, Jane.Kim@sfgov.org, Eric.L.Mar@sfgov.org
Subject: Letter of Support New Vape Shop on Ocean Avenue - Happy Vape

Dear Supervisors of San Francisco,

I am Yin Lam, I am an immigrant here for the last 10 years. I work in the post office. I have walked on Ocean Avenue many times. There are only some good stores. I wish for more stores. My friend wants to open a store on Ocean and I support his project.

Thank you,
Yin Lam

From: Board of Supervisors (BOS)
Sent: Monday, December 29, 2014 11:32 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Dear SF Supervisor Nornam Yee, Support Happy Vape.
Categories: 141291

From: Jim simmons [mailto:radioactiveman444@gmail.com]
Sent: Sunday, December 28, 2014 1:09 AM
To: Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Fwd: Dear SF Supervisor Nornam Yee, Support Happy Vape.

Dear Supervisor Yee,

I have been updated regarding the appeal for 1963 Ocean Avenue, and would like to express my support for the Happy Vape project, and request that you deny the appeal and allow Happy Vape to open.

Thank You,

Jim Simmons

----- Forwarded message -----

From: **Jim simmons** <radioactiveman444@gmail.com>
Date: Sat, Nov 29, 2014 at 12:38 AM
Subject: Dear SF Supervisor Nornam Yee, Support Happy Vape.
To: Board.of.Supervisors@sfgov.org, Norman.Yee@sfgov.org

Dear District Supervisor Norman Yee,

My name is Jim Simmons, and I find E-Cigarettes useful. I have spent many days lighting away at my cigarettes in the rain and when there was a high wind and now with a E-Cig I can vape anytime at least outdoors. I have lived for some time on Ralston street, and I eagerly welcome a vapor lounge to open in the area as I would not have to travel as far to get my products. Happy Vape seems like great idea and it could use your support. Thank you for considering these thoughts.

From: Board of Supervisors (BOS)
Sent: Monday, December 29, 2014 11:31 AM
To: Carroll, John (BOS); Lamug, Joy
Subject: File 141291 FW: Deny Appeal and Support Conditional Use Permit Fw: Support Letter for Happy Vape at 1963 Ocean Avenue

Categories: 141291

From: Ellen Park [<mailto:ellenpark3333@yahoo.com>]
Sent: Sunday, December 28, 2014 12:47 AM
To: Yee, Norman (BOS); Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Wiener, Scott; Board of Supervisors (BOS)
Subject: Deny Appeal and Support Conditional Use Permit Fw: Support Letter for Happy Vape at 1963 Ocean Avenue

Dear Supervisors,

I have been updated regarding the appeal and would like to show my support for Happy Vape and their Conditional Use Permit. Please deny the appeal and support the Planning Commissions decision.

Thank you again,

Ellen

On Tuesday, December 2, 2014 11:30 PM, Ellen Park <ellenpark3333@yahoo.com> wrote:

Dear Supervisors of San Francisco,

My name is Ellen Park, and I support Happy Vape due to its promotion of a cigarette free environment. I believe that with less cigarette smokers we will find that our beaches, streets, and sidewalks will reduce cigarette butt waste tremendously. Studies show that cigarette butts contribute to at least a third of the current road waste on America's roadways. The emissions of the e-cigarette has been found to be 7 to 150 times less harmful than that of cigarettes. One drag from a vaporizer pen has also been found to be equivalent to a breath of air in a major metropolis. With these statistics I feel comfortable in support of e-cigarette use and Happy Vape as a responsible vendor.

Thank you for you time and consideration.

-Ellen

From: Board of Supervisors (BOS)
Sent: Wednesday, December 24, 2014 12:01 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: OBJECTION TO HOOKAH LOUNGE OCEAN ST, SF

Categories: 141291

From: RUSSIANFOK@aol.com [<mailto:RUSSIANFOK@aol.com>]
Sent: Tuesday, December 23, 2014 5:07 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: rckaris@gmail.com
Subject: OBJECTION TO HOOKAH LOUNGE OCEAN ST, SF

*PLEASE MAKE A NOTE THAT WE, RESIDENTS OF INGLESIDE TERRACES OBJECT AND STRONGLY REQUEST THAT THERE WOULD BE NO HOOKAH LOUNGE/STORE ON OCEAN STREET, IN SAN FRANCISCO!
THANK YOU.
HAPPY HOLIDAYS!
NIKOLAI, DOUCE ANN, MASSENKOFF
735 URBANO DRIVE
SAN FRANCISCO, CA 94127*

From: Board of Supervisors (BOS)
Sent: Wednesday, December 24, 2014 11:59 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: We support the business proposed at 1963 Ocean Avenue
Attachments: 2014.0206C_CU Final Motion.pdf; Leg Ver3_20141209.pdf

Categories: 141291

From: Patrick Otellini [mailto:patrickotellini@gmail.com]
Sent: Tuesday, December 23, 2014 3:45 PM
To: Boudreaux, Marcelle (CPC); Yee, Norman (BOS); Board of Supervisors (BOS); BOS Legislation (BOS); Scanlon, Olivia (BOS)
Subject: We support the business proposed at 1963 Ocean Avenue

To whom it may concern,

My wife and I received the notice below from our neighborhood association and I want to take this opportunity to say that **WE FULLY SUPPORT THIS BUSINESS** contrary to what the email below spells out. We are raising our children here and they both attend school in the neighborhood. We would much rather see the proposed business open and help our local economy instead of seeing yet another vacant storefront continue to fester on Ocean Ave.

Thank you,

Patrick and Marissa Otellini
225 Ashton Ave
San Francisco, CA 94112

----- Forwarded message -----

From: Robert Karis <rckaris@gmail.com>
Date: Friday, December 19, 2014
Subject: Letters needed to oppose the vape shop!!
To: Marissa Otellini <marissaotellini@gmail.com>, patrickottellini@yahoo.com

Dear Marissa and Patrick,

We **need** emails and letters sent to the Board of Supervisors to support our appeal and oppose the vape shop selling e-cigarettes and operating a hookah lounge at 1963 Ocean Avenue! The BOS hearing is scheduled for Tuesday, January 13, 2015 at 3 P.M. In order to be entered into the packet, emails should be sent before Monday, January 5, at 5 P.M.

Send your emails to the following:

bos.legislation@sfgov.org

Board.of.Supervisors@sfgov.org

Norman.Yee@sfgov.org

and please send a copy to me rekaris@gmail.com

In addition to your own emails, please ask/request your families, friends and schools to also send emails. Mention your neighborhood and school. The number of emails is counted. The Board wants to know if the neighbors are opposed to this business, and I am sure we are opposed to it.

Some of the "Findings" (pp.2-7) in the Final Motion of the Planning Commission on 11/6/14 (attached) are as follows:

Sections 7.A. (p.4): The proposed new uses and building ... will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

7.B. (p.5): The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity.

7.D. (p.6): *The proposal enhances the range of comparison goods and services offered by adding another specialty retail store to the District*

7.E.(p.6): The concentration of such establishments in the particular zoning district for which they are proposed does not appear to adversely impact the health, safety, and welfare of residents of nearby areas,

Please discuss how you disagree with the "Findings" and how they are mistaken.

You could also explain how this business does not meet the "Objectives" listed on pp.7-10:

NEIGHBORHOOD COMMERCE

Policy 1.1:(p.7): Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated

Policy 6.1:(p.8): Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

BALBOA PARK STATION AREA PLAN

Policy 1.2.3: Retain and improve the neighborhood's existing businesses while also attracting new businesses that address unmet retail and service needs of the diverse local neighborhoods.

11.(p.10): The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

Finally, I hope you are aware of the recent legislation (attached) passed unanimously by the Board of Supervisors on 12/9/14 and 12/16/14 to limit tobacco sales permits (which includes e-cigarettes). The following Grounds for Denial (p.10-11) would apply to this vape shop. [My comments are in brackets.]

(3) *No new permit shall be issued if the Applicant will be within 500 feet of the nearest point of the property line of a School.*

[1963 Ocean Ave. is 130 feet from the Voice of Pentecost Academy.][Measurements made using the Measure Distance tool in the San Francisco Property Information Map]

<http://ec2-50-17-237-182.compute-1.amazonaws.com/PIM/>

(4) No new permit shall be issued if the Applicant will be located within 500 feet of the nearest point of the property line of an existing Establishment as measured by a straight line from the nearest point of the property line on which the Applicant's Establishment will be located...

[1963 Ocean Ave. is 350 feet from a 7-Eleven which sells cigarettes and e-cigarettes, and less than 400 feet west of a small store on Ashton which sells cigarettes.]

(5) No new permit shall be issued in any supervisorial district that has 45 or more Establishments with Tobacco Sales permits.

[District 7 has "only" 37 establishments with tobacco sales permits, so it doesn't meet this criteria. However, Ocean Avenue has 8 businesses with tobacco sales permits in less than 3,600 feet, so one store selling tobacco products every 450 feet! All 8 sell cigarettes; five also sell e-cigarettes:

the liquor stores at 1015, 1521, and 1551 Ocean all sell cigarettes and e-cigarettes.

the service stations at 999, 1490, and 1799 Ocean Ave. 999 O.A. sells cigarettes and e-cigarettes, the other two sell cigarettes.

395 Ashton Ave. at Ocean Ave. sells cigarettes but not e-cigarettes.

The 7-Eleven at 2000 Ocean Avenue sells cigarettes and e-cigarettes.

Ocean Avenue is an exception in District 7. Ocean Avenue meets the criteria on p.4 of the ordinance "Higher tobacco retail density encourages smoking" and p.5 "it is in the City's interest to reduce the disproportionate exposure to tobacco outlets that exists."]

(7) No new permit shall be issued to any Applicant for operation of a Tobacco Shop.

(8) No new permit shall be issued for a location not previously occupied by a permitted Establishment.

Unfortunately, as this legislation does not take effect for 30 days, it probably does not legally apply to 1963 Ocean Ave. However, as the Supervisors unanimously voted for and agree with the Grounds for Denial, I think they should apply these criteria to the Conditional Use Application for 1963 Ocean Ave.

It would take another long email to begin to list all of the undesirable effects of e-cigarettes and hookah (even the non-tobacco steam variety of hookah that this store intends to use). Please send me any questions about this subject.

Please forward this email or suggest changes to me. I will continue sending it to everyone we know.

Thanks!

Bob and Carolyn Karis
727 Victoria St.
San Francisco, CA 94127
415-239-2938



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Final Motion No. 19271

HEARING DATE: NOVEMBER 6, 2014

Date: October 30, 2014
Case No.: 2014.0206C
Project Address: 1963 Ocean Avenue
Zoning: Ocean Avenue NCT (Neighborhood Commercial Transit)
 45-X Height and Bulk District
Block/Lot: 6915/020
Project Sponsor: Cong Phuong T Nguyen/Yong (Blake) He [agent]
 948 Moscow Street
 San Francisco, CA 94112
Staff Contact: Marcelle Boudreaux – (415) 575-9140
marcelle.boudreaux@sfgov.org
Recommendation: **Approval with Conditions**

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 737.69 OF THE PLANNING CODE TO ALLOW ESTABLISHMENT OF A TOBACCO PARAPHERNALIA ESTABLISHMENT (D.B.A. HAPPY VAPE) WITHIN THE OCEAN AVENUE NCT (NEIGHBORHOOD COMMERCIAL TRANSIT) DISTRICT AND A 45-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On February 7, 2014 Cong Phuong Nguyen (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section(s) 737.69 to allow establishment of a Tobacco Paraphernalia Establishment retail use (d.b.a. Happy Vape) within the Ocean Avenue NCT (Neighborhood Commercial Transit) District and a 45-X Height and Bulk District.

On November 6, 2014, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014.0206C.

The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 categorical exemption.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2014.0206C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the southern side of Ocean Avenue, between, Block 6915, Lot 020. The property is located within the Ocean Avenue NCT (Neighborhood Commercial Transit) District with 45-X height and bulk district. The property is developed with a one-story-over-partial-basement commercial building, with tenants including a travel agent, a massage/acupuncture establishment and the vacant retail space at 1963 Ocean Avenue. The street frontage of the proposed tenant space is 20 feet. The parcel is approximately 4,500 square feet. *The site is within the Balboa Park Station Plan Area.*
3. **Surrounding Properties and Neighborhood.** The length of the Ocean Avenue NCT District is approximately ¾ mile and the City College of San Francisco anchors the southern end of the district, with approximately 35,000 students. The area surrounding the project site on Ocean Avenue is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the Ocean Avenue NCT, including restaurants, cafes, professional services, convenience stores, liquor stores, auto service stations, and other types of retailers.

Buildings along Ocean Avenue typically range from one to five stories in height. Upper floors of buildings are generally occupied by residential units. The surrounding properties are located within the RH-1(D) (Residential House, One-Family Detached), RH-1 (Residential House, One-Family) and RH-2 (Residential House, Two-Family) Districts, with some NC-2 and NC-1 zoned districts interspersed. The area is transit-oriented with the MUNI K-Ingleside line on Ocean Avenue and several bus lines on and connecting to Ocean Avenue. The Ocean Avenue NCT District is intended to provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices.

4. **Project Description.** The project sponsor proposes to establish a Tobacco Paraphernalia Establishment retail use in a vacant retail space to be known as "Happy Vape", which will include e-cigarette sales at the ground floor and a steam stone hookah lounge at the basement

level. The existing tenant space measures approximately 1,334 square feet at ground floor and 1,054 square feet at basement level. The project also includes minor interior tenant improvements, new signage but otherwise proposed no storefront alterations.

The project sponsor proposes a business that will sell devices (e-cigarettes/vaporizers), vaping liquids/e-juices and batteries both in-store and some accessory sales on-line. In the basement level, the project sponsor proposes establishing a steam stone hookah lounge. Together, these activities have been determined as Tobacco Paraphernalia Establishment uses and account for more than 10% of the square footage of occupied floor area. The proposed hours of operation are from 11 a.m. to 12 a.m. daily. No ABC license is being sought in conjunction with this Conditional Use authorization.

E-cigarette smoking, or "vaping", is not allowed inside commercial establishments within San Francisco.

The proposed use is an independent use and locally owned, which has been encouraged throughout San Francisco. The proposed use is not a Formula Retail use. The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the Conditional Use Authorization process.

The proposed operation will employ between 2-4 employees. The subject site is well served by public transit so that potential customers should not adversely affect the traffic flow.

5. **Public Comment.** To date, the Department has received emails and letters in opposition to the proposal from 22 individuals, and 2 letters of opposition from neighborhood groups, including the Westwood Park Association and from the Ingleside Terraces Homes Association. These individuals and groups expressed concerns regarding the safety of e-cigarettes, the safety and welfare of children in relation to e-cigarettes, possibility of odor, crime in the area, and problems with the outdoor area (which the project sponsor has since removed from the project). The Department has also received a letter of support from the Ocean Avenue Association. The project sponsor has obtained 21 signed letters of support from neighboring business owners, including a petition with two signatures.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Use Size.** Planning Code Section 737.21 permits use sizes up to 3,999 square feet, with a Conditional Use Authorization required for use sizes of 4,000 square feet and above, as defined by Planning Code Section 790.130.

The proposed use size of the ground floor and basement level is approximately 2,423 square feet.

- B. **Outdoor Activity.** Planning Code Section 737.24 states that a Conditional Use Authorization is required for an Outdoor Activity Area, as defined by Planning Code Section 790.70.

The Project Sponsor does not intend to establish an outdoor activity area.

- C. **Hours of Operation.** Planning Code Section 737.27 permits operation by-right from 6 a.m. to 2 a.m. Operation between the hours of 2 a.m. to 6 a.m is allowed through conditional use authorization only.

The Sponsor does not seek to operate beyond the permitted hours of operation for the Zoning District. The proposed hours of operation for Happy Vape are 11 a.m. to 12 a.m. daily in the ground and basement levels.

- D. **Rear Yard Requirement in the Ocean Avenue NCT District.** Planning Code Section 737.12 and 134 states that the minimum rear yard depth shall be equal to 25 percent of the total depth of a lot in which it is situated, but in no case less than 15 feet.

The proposal does not include any structural expansion. The rear yard meets the Planning Code requirements.

- E. **Parking.** Planning Section 151 of the Planning Code requires off-street parking for every 200 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

The Subject Property contains approximately 2,423 square-feet of occupied floor area and thus does not require any off-street parking.

- F. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor. Frontages with active uses must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building.

The subject commercial space has approximately 20-feet of frontage on Ocean Avenue with approximately 20 feet devoted to either the retail entrance or window space. The windows are proposed as clear and unobstructed. There are no changes proposed to the commercial frontage.

- G. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department per Article 6 of the Planning Code.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The size of the proposed use is in keeping with other storefronts on the block face. The proposed Tobacco Paraphernalia Establishment will not impact traffic or parking in the District, as the use is not changing from retail. This will compliment the mix of goods and services currently available in the district by providing diverse commercial offerings and contribute to the economic vitality of the neighborhood by removing a vacant storefront.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The height and bulk of the existing building will remain the same and will not alter the existing appearance or character of the project vicinity. The proposed work will not affect the building envelope.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Planning Code does not require parking or loading for a 2,423 occupied square-foot retail use. The proposed use is designed to meet the needs of the immediate neighborhood as well as limited comparison shopping goods for a wider market. The site is easily accessible by transit for surrounding neighborhoods, and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The proposed use is subject to conditions of approval outlined in Exhibit A. Conditions 3 and 6 specifically obligates the project sponsor to mitigate odor generated by the Tobacco Paraphernalia Use.

- iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The proposed use does not require additional exterior improvements, nor does the project require parking or loading. The Department shall review all signs proposed for the new business in accordance with Article 6 of the Planning Code.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

The proposed project is consistent with the stated purposes of the Ocean Avenue NCT District in that the intended use is located at the ground floor and below, will provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The proposal enhances the range of comparison goods and services offered by adding another specialty retail store to the District. The project seeks to retain an existing storefront, which will preserve the fine grain character of the district. Further, a survey conducted by the Mayor's Office of Economic and Workforce Development Invest in Neighborhoods program (February 2013) determined that more diverse commercial offerings were desired by the neighborhood.

- E. With respect to a Tobacco Paraphernalia Establishment, as defined in Section 227(v) of the Planning Code, the Commission shall make the following findings:

- i. The concentration of such establishments in the particular zoning district for which they are proposed does not appear to contribute directly to peace, health, safety, and general welfare problems, including drug use, drug sales, drug trafficking, other crimes associated with drug use, loitering, and littering, as well as traffic circulation, parking, and noise problems on the district's public streets and lots;

The proposal is a new establishment, which proposes to utilize a vacant retail space for an electronic cigarette retail store and steam stone hookah lounge. There are no other Tobacco Paraphernalia Establishments within the Ocean Avenue NCT that have received Conditional Use authorization. The approximate concentration of establishments that sell e-cigarettes – including as peripheral goods and the proposed business - within the Ocean Avenue NCT is 6% of commercial frontage. The project sponsor will maintain current contact information for a Community Liaison per Condition 6 in Exhibit A, will endeavor to create a safe business environment, discourage loitering and e-cigarette smoking outside the storefront, and maintain the public space in front of the storefront free from litter per Condition 4 in Exhibit A. Street parking exists along Ocean Avenue and the area is well-served by MUNI K-Ingleside lightrail line and several bus lines on and connecting to Ocean Avenue.

- ii. The concentration of such establishments in the particular zoning district for which they are proposed does not appear to adversely impact the health, safety, and welfare of residents of nearby areas, including fear for the safety of children, elderly and disabled residents, and visitors to San Francisco;

The proposal is a new establishment, which proposes to utilize a vacant retail space for an electronic cigarette retail store and steam stone hookah lounge. There are no other Tobacco Paraphernalia Establishments within the Ocean Avenue NCT that have received Conditional Use authorization. The approximate concentration of establishments that sell e-cigarettes –

including as peripheral goods and the proposed business - within the Ocean Avenue NCT is 6% of commercial frontage. The project sponsor will maintain current contact information for a Community Liaison per Condition 6 in Exhibit A, will endeavor to create a safe business environment, discourage loitering and e-cigarette smoking outside the storefront, and maintain the public space in front of the storefront free from litter per Condition 4 in Exhibit A.

- iii. The proposed establishment is compatible with the existing character of the particular district for which it is proposed.

The proposal is a new commercial establishment, which proposes to utilize a vacant retail space for an electronic cigarette retail store and steam stone hookah lounge. The use will remain as retail establishment, and no changes are proposed to the fine-grained, pedestrian-oriented storefront. The establishment is compatible with the existing character of particular district for which it is proposed.

- 8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The proposed development will provide specialty goods and services to the neighborhood and will provide employment opportunities to those in the community. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The Project will introduce a new commercial retail use and will enhance the diverse economic base of the City.

OBJECTIVE 6:

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

No commercial tenant would be displaced and the project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood. The proposed business seeks to occupy a vacant retail storefront with a diverse commercial use.

Policy 6.2:

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to the economic and technological innovation in the marketplace and society.

An independent entrepreneur is sponsoring the proposal. This is not a Formula Retail use.

BALBOA PARK STATION AREA PLAN

Objectives and Policies

OBJECTIVE 1.2:

STRENGTHEN THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

Policy 1.2.3:

Retain and improve the neighborhood's existing businesses while also attracting new businesses that address unmet retail and service needs of the diverse local neighborhoods.

An independent entrepreneur is seeking to bring a new retail use to the District. No retail use is being displaced as the storefront space is currently vacant.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

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

The proposal would enhance the district by filling a vacant storefront and preserve a retail use. The business would be locally owned and it creates 2-4 employment opportunities for the community. The proposed alterations are within the existing building footprint.

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

The existing units in the surrounding neighborhood would not be adversely affected.

- C. That the City's supply of affordable housing be preserved and enhanced,

No housing is removed for this Project.

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The site is on Ocean Avenue and is well served by transit. Street parking lines both sides of Ocean Avenue. Ocean Avenue has one MUNI light-rail (K-Ingleside) and several bus lines on and connecting to Ocean Avenue.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2014.0206C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated October 30, 2014, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19271. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on November 6, 2014.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: November 6, 2014

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a Tobacco Paraphernalia Establishment (d.b.a. **Happy Vape**) located at 1963 Ocean Avenue, Block 6915, Lot 020, pursuant to Planning Code Section(s) 303, 737.69 within the **Ocean Avenue NCT** District and a **45-X** Height and Bulk District; in general conformance with plans, dated **October 30, 2014**, and stamped "EXHIBIT B" included in the docket for Case No. 2014.0206C and subject to conditions of approval reviewed and approved by the Commission on **November 6, 2014** under Motion No 19271. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **November 6, 2014** under Motion No 19271.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19271 shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

PERFORMANCE

Validity. The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Expiration and Renewal. Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Diligent pursuit. Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Extension. All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Conformity with Current Law. No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Conditions of Approval, Compliance, Monitoring, and Reporting

1. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code

Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN – COMPLIANCE AT PLAN STAGE

3. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
4. **ID Reader and Signage at Front.** In order to ensure that the business owner maintains restrictions on entry to ages 18 and older, the building permit application to implement the project shall include an Identification reader installed at the entry door and signage at the entry door(s) indicating entry by individuals ages 18 and older.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

OPERATION

5. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>
6. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. Further the Project Sponsor shall ensure that e-cigarette and other Tobacco Paraphernalia is not tasted on the

sidewalk outside the establishment and that there is no loitering outside the establishment in relation to the subject business.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

7. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

8. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Community Liaison is Yong (Blake) He, at a business address of 1963 Ocean Avenue, San Francisco, CA 94127, and phone number 415-513-2620. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

9. **Hours of Operation.** The subject establishment is limited to the following hours of operation: 11 a.m. – 10 p.m. daily.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

10. **ID Reader and Signage at Front.** Appropriate Identification scanning equipment should be installed and utilized at the entry for monitoring entry by individuals ages 18 and older. Appropriate code-complying signage shall be affixed to entry door(s) indicating entry by individuals ages 18 and older.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

11. **Six-Month Monitoring.** Planning Commission shall be provided an update on operations six months after approval.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

1 [Health, Business and Tax Regulations Codes - Tobacco Sales Permits and Associated Fees]

2
3 **Ordinance amending the Health Code by adding density, proximity, and sales**
4 **establishment limitations on the granting of new tobacco sales permits, and**
5 **renumbering all sections in Article 19H; amending the Business and Tax Regulations**
6 **Code by increasing the annual license and application fees; and making environmental**
7 **findings.**

8
9 **NOTE: Unchanged Code text and unmodified text** are in plain Arial font.
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
12 **Board amendment additions** are in double-underlined Arial font.
13 **Board amendment deletions** are in ~~Arial font~~.
14 **Asterisks (* * * *)** indicate the omission of unchanged Code
15 subsections or parts of tables.

16 Be it ordained by the People of the City and County of San Francisco:

17 Section 1. The Planning Department has determined that the actions contemplated in
18 this ordinance comply with the California Environmental Quality Act (California Public
19 Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the
20 Board of Supervisors in File No. 141098 and is incorporated herein by reference.

21 Section 2. Article 19H of the Health Code is hereby amended by revising and
22 renumbering (new section numbers in parentheses) Sections 1009.50 (19H.1), 1009.51
23 (19H.2), 1009.53 (19H.4), ~~1009.55 (19H.5)~~, 1009.56 (19H.9), 1009.57 (19H.10), 1009.58
24 (19H.11), 1009.59 (19H.12), 1009.60 (19H.13), 1009.61 (19H.14), 1009.62 (19H.15), 1009.63
25 (19H.16), 1009.64 (19H.17), 1009.66 (19H.19), 1009.68 (19H.21), and 1009.73 (19H.25);
renumbering (new section numbers in parentheses) Sections 1009.52 (19H.3), 1009.54

1 (19H.7), 1009.55 (19H.8), 1009.65 (19H.18), 1009.67 (19H.20), 1009.69 (19H.22), 1009.71
2 (19H.23), 1009.72 (19H.24), 1009.74 (19H.26), 1009.75 (19H.27), 1009.76 (19H.28), and
3 1009.77 (19H.29); and adding Sections 19H.5 and 19H.6, resulting in Sections 19H.1-19H.29,
4 to read as follows:

5 **SEC. ~~1009.50~~19H.1. FINDINGS.**

6 The Board of Supervisors of the City and County of San Francisco hereby finds and
7 declares as follows:

8 (a) Tobacco is the leading cause of preventable death in the United States and kills nearly 6
9 million people each year globally (World Health Organization 2013). According to the Centers for
10 Disease Control and Prevention (CDC), more than 400,000 deaths in the United States each year are
11 attributable to tobacco use, including one-third of all cancer deaths.

12 (b) In addition to the obvious adverse health impact, tobacco related death and disease have an
13 adverse economic impact. The CDC reports that tobacco use costs the United States billions of dollars
14 each year.

15 (c) A. State law prohibits the sale or furnishing of cigarettes, tobacco products and
16 smoking paraphernalia to minors, as well as the purchase, receipt, or possession of tobacco
17 products by minors. (California Penal Code section 308.) State law also prohibits public
18 school students from smoking or using tobacco products while on campus, attending school-
19 sponsored activities, or under the supervision or control of school district employees.
20 (California Education Code section 48901(a).) In addition, state law prohibits smoking in
21 enclosed places of employment. (California Labor Code section 6404.5.) Moreover, San
22 Francisco has adopted ordinances that ban cigarette vending machines in the City (~~San~~
23 Francisco Health Code Article 19Dsection 1009.1), prohibit pharmacy sales of Tobacco Products
24 (~~San Francisco Health Code Article 19J~~), prohibit the self-service merchandising of Tobacco
25 Pproducts, except in places to which access by minors is prohibited by law (~~San Francisco~~

1 Police Code section 4600.3), ~~and~~ prohibit smoking in enclosed areas and sports stadiums (~~San~~
2 ~~Francisco~~ Health Code Article 19Fsection 1009.22) and prohibit the use of electronic cigarettes
3 where smoking is not allowed (Health Code Article 19N).

4 (d) ~~B.~~ Despite these state and local restrictions, minors continue to obtain cigarettes
5 and other ~~T~~obacco ~~P~~roducts at alarming rates. 36.8% of California youth have smoked an entire
6 cigarette by age 14 according to a 2012 survey conducted by the California Department of Public
7 Health. The former United States Surgeon General Regina Benjamin at a February 2014 summit
8 emphasized that the key factor in the fight against tobacco is preventing minors from becoming
9 smokers. She noted, "for every smoker who dies, there are two so-called replacement smokers trying a
10 cigarette for the first time and getting hooked." ~~Children under the age of 18 consume 924 million~~
11 ~~packs of cigarettes annually in the United States. Over 29 million packs of cigarettes are sold to~~
12 ~~California children annually. More than 60 percent of all smokers begin smoking by the age of 14, and~~
13 ~~90 percent begin by age 19.~~

14 ~~C.~~ ~~In a 2002 California youth buying survey, 19.3 percent of retailers surveyed unlawfully~~
15 ~~sold tobacco products to minors compared to 17.1 percent in 2001.~~

16 ~~D.~~ ~~California's rate of illegal tobacco sales to minors is steadily increasing. In 2002 the rate~~
17 ~~was 19.3 percent, up from 17.1 percent in 2001, and 12.8 percent in 2000.~~

18 (e) Although it is unlawful to sell Tobacco Products and/or tobacco paraphernalia to minors,
19 in a 2013 California youth buying survey, 7.6% of retailers surveyed unlawfully sold Tobacco Products
20 to minors. These percentages are more concerning locally. San Francisco's Tobacco Sales to minors
21 were reported to be 13.4% of retailers in 2012. Notably, sales in the City to minors are well above the
22 2012 statewide sales rate of 8.7%. More aggressive policies are needed to keep San Francisco's youth
23 from gaining access to Tobacco Products.

24 (f) ~~E.~~ There are approximately 1,001 970 outlets in San Francisco that are licensed to sell
25 tobacco, that is about 1 retailer for every 111 youth kids in the community compared to California

1 generally where there are approximately 36,700 licensed tobacco retail stores in California – one for
2 every 254 youth children. The California Department of Health Services reports that 26.7 percent of
3 California adolescents believe it is easy to buy a pack of cigarettes.

4 ~~F. Despite active enforcement by the San Francisco Police Department, a significant number~~
5 ~~of retailers continue to sell tobacco illegally to minors. The rate of illegal tobacco sales documented by~~
6 ~~the Police Department during 2001 was 25.3 percent and 20.2 percent in 2002.~~

7 ~~G. In a youth decoy operation conducted by the Police Department, 50 percent of the 12 bars~~
8 ~~visited illegally sold tobacco to a minor.~~

9 (g) H. San Francisco has a substantial interest in promoting compliance with State
10 laws prohibiting sales of cigarettes and ~~†Tobacco~~ ~~‡Products~~ to minors, in promoting
11 compliance with laws intended to discourage the purchase of ~~†Tobacco~~ ~~‡Products~~ by minors,
12 and in protecting our children from illegally obtained tobacco.

13 (h) Social norms about smoking influence smoking rates, particularly among those not
14 addicted. Studies have found that strong governmental regulation of smoking corresponds with and
15 may contribute to anti-smoking norms. Social unacceptability has been repeatedly shown to be an
16 important influence on both smoking rates and anti-smoking norms. Children and young people are
17 particularly influenced by cues suggesting smoking is acceptable.

18 (i) Empirical research connects lower densities of retail outlets with lower consumption of
19 tobacco, particularly among youth. Higher tobacco retail density encourages smoking by making
20 cigarettes more accessible and available, by normalizing tobacco use, and through increasing
21 environmental cues to smoke. Research focused on California has found a higher prevalence of
22 current smoking and experimental smoking among students at schools in areas with a higher density of
23 tobacco outlets. Prevalence of smoking was higher among students at schools in neighborhoods with
24 five or more stores that sell tobacco than among students at schools in neighborhoods without any
25 stores that sell tobacco.

1 (j) California communities in lower socio-economic areas with a higher concentration of
2 convenience stores have significantly higher rates of smoking. Residents of these neighborhoods are
3 more at risk for tobacco related disease and death. Likewise, San Francisco's most disadvantaged
4 neighborhoods are disproportionately impacted by high tobacco retail density. The six supervisorial
5 districts with the highest proportions of tobacco retail sales by population (Districts 3, 5, 6, 9, 10, and
6 11) also have the lowest median household incomes in the City. District Six, with a median household
7 income of \$38,610, has 270 tobacco permits while District Two, with a median household income of
8 \$102,457, has only 51 tobacco permits. African American and Latino residents are more likely to live
9 in districts with the highest number of tobacco retail outlets.

10 (k) As the tobacco related public health crisis affects all supervisorial districts in San
11 Francisco, it is in the City's interest to reduce the disproportionate exposure to tobacco outlets that
12 exists among supervisorial districts and to minimize exposure in all supervisorial districts by limiting
13 the number of new tobacco permits issued. District Seven currently has the lowest number(37) (five) of
14 tobacco permitted retailers per 10,000 residents in San Francisco. Setting a cap slightly above the
15 District Seven density of permitted tobacco retailers as the maximum for each supervisorial district will
16 begin to address the disparity of exposure to tobacco outlets among supervisorial districts and reduce
17 the density of tobacco vendors overall.

18 (l) San Franciscans support limiting and reducing the number of permits for the sale of
19 tobacco. In a 2012 representative survey of over 220 San Francisco residents, 88.5% felt that too
20 many stores selling cigarettes is bad for community health; almost 74% would support a law that
21 very gradually reduces the number of stores selling cigarettes and Tobacco Products given that the
22 highest density of these is in low income neighborhoods; and 87% would support a policy that would
23 reduce the amount of Tobacco Products available.

24 (m) Restaurants, and other non-traditional tobacco retailers in California are more likely to
25 sell tobacco to minors than other retailers. 13.1% percent of restaurants and other

1 nontraditional retailers sold tobacco to minors compared to 8.7% of all other California
2 retailers. had the highest illegal sale rate to minors, 20.3% or higher on average and nearly
3 three times higher than traditional tobacco retailers.

4 (n) Young adult Bar patrons in one California study reported a current smoking rate of 47
5 percent, nearly four times the 2010 state rate of smoking prevalence for young adults.

6 (o) Social environments such as Bars and clubs are important venues for public health efforts
7 to address young adult smoking.

8 (p) This Article 19H is designed to promote the public interest in ensuring that San
9 Francisco businesses operate in compliance with applicable laws regulating tobacco,
10 including laws prohibiting the sale of tobacco to minors and laws regulating smoking.

11 ~~I. Requiring tobacco vendors to obtain a tobacco sales permit will not unduly burden~~
12 ~~legitimate business activities of retailers who sell or distribute cigarettes or other tobacco products to~~
13 ~~adults. It will, however, allow the City to regulate those establishments selling tobacco products to~~
14 ~~ensure that they comply with federal, state, and local tobacco laws.~~

15
16 **SEC. ~~1009.51~~ 19H.2. DEFINITIONS.**

17 The following words and phrases, whenever used in this Article, shall be construed as
18 defined in this section. Words in the singular include the plural and words in the plural include
19 the singular. Words in the present tense include the future.

20 "Application" means the application submitted under Section 19H.4 for a Tobacco Sales permit
21 allowing the person or business to engage in the sale of tobacco products at an Establishment.

22 "Bar" means an area, whether a separate, stand-alone business or part of a larger business
23 which is devoted to the serving of alcoholic beverages for consumption by patrons on the premises and
24 in which the serving of food is incidental to the consumption of such beverages.

1 "Cap" means the figure set forth in Section 19H.5 and represents the total number of permitted
2 Establishments that may operate in each supervisorial district.

3 "Change of Ownership" means a change of 50 percent or more of the ownership of the
4 business within a 12-month period; provided, however, that if the Permittee is a corporation, transfer
5 of 25 percent of the stock ownership of the permittee shall be deemed to be a Change of Ownership.

6 "Density Cap" has the same meaning as "Cap."

7 (a) "Department" means the Department of Public Health.

8 (b) "Director" means the Director of Health or his or her designee.

9 "District Population" means the population reported by the Department of Elections in each of
10 the 11 supervisorial districts as required by Charter Section 13.110.

11 (c) "Establishment" means any store, stand, booth, concession or any other enterprise
12 that engages in the retail sale of ~~†Tobacco p~~Products, and includes ing stores engaged ing in
13 the retail sale of food items.

14 (d) "Permittee" means a person who has obtained a ~~†Tobacco s~~Sales permit for a
15 specific location pursuant to this Article.

16 (e) "Person" means any individual, partnership, cooperative association, private
17 corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

18 "Restaurant" means a business retail food Establishment that primarily stores, packages,
19 serves, vends, or otherwise prepares food for human consumption on the premises. "Restaurant"
20 includes, but is not limited to businesses Establishments primarily engaged in providing (1) food
21 services to patrons who order and are served while seated on the premises, and pay after eating, and
22 (2) food services where patrons generally order and pay before eating on the premises, ~~or (3) take~~
23 out food services where patrons order ready to eat food generally intended for consumption
24 off the premises. "Restaurant" also includes separately owned food facilities that are located in a
25 grocery store but does not include the grocery store.

1 "School" means a public or private kindergarten, elementary, middle, junior high or high
2 school, or a school combining some or all of the above school grades.

3 ~~(f)~~ "Tobacco ~~P~~products" means tobacco and any substance containing tobacco leaf,
4 including but not limited to cigarettes, electronic cigarettes, cigars, pipe tobacco, snuff, chewing
5 tobacco, dipping tobacco, or any other preparation of tobacco, including the cigarettes
6 commonly known as bidis.

7 ~~(g)~~ "Tobacco ~~s~~Sales" means sales, or any offer to sell or exchange, for any form of
8 consideration, ~~t~~Tobacco ~~p~~Products to any person by any person who operates an
9 eEstablishment. "Tobacco ~~s~~Sales" includes any display of ~~t~~Tobacco ~~p~~Products.

10 "Tobacco Shop" means any tobacco retailer whose principal business is selling Tobacco
11 Products, tobacco paraphernalia, or both, as evidenced by any of the following: 50% or more of floor
12 area and display area is devoted to the sale or exchange of Tobacco Products, tobacco paraphernalia,
13 or both; 70% or more of gross sales receipts are derived from the sale or exchange of Tobacco
14 Products, tobacco paraphernalia, or both; or 50% or more of completed sales transactions include a
15 Tobacco Product or tobacco paraphernalia.

16 **SEC. ~~1009.5219H.3~~. REQUIREMENT FOR TOBACCO SALES PERMIT.**

17 * * * *

18 **SEC. 19H.41009.53. APPLICATION PROCEDURE: INSPECTION OF PREMISES;**
19 **ISSUANCE AND DISPLAY OF PERMIT.**

20 (a) **Application.** An ~~a~~A~~pplication~~ for a ~~t~~Tobacco ~~s~~Sales permit shall be
21 submitted in the name of the person(s) proposing to engage in the sale of ~~t~~Tobacco ~~p~~Products
22 and shall be signed by each person or an authorized agent thereof. The ~~a~~A~~pplication~~ shall be
23 accompanied by the appropriate fees as described in section 35 of the *San Francisco* Business
24 and Tax Regulations Code and such fees shall include any required inspections or other work
25 performed by the Planning Department as required by the referral of the application. A separate

1 ~~a~~Application is required for each location where ~~f~~Tobacco ~~s~~Sales are to be conducted. All
2 ~~a~~Applications shall be submitted on a form supplied by the Department and shall contain the
3 following information:

4 1. The name, address, email address, and telephone number of the
5 ~~a~~Applicant;

6 2. The ~~e~~ Establishment name, address, email address, and telephone
7 number for each location for which a ~~f~~Tobacco ~~s~~Sales permit is sought;

8 3. Such other information as the Director deems appropriate, including
9 the ~~A~~applicant's type of business, and whether the ~~a~~Applicant has previously been issued a
10 permit under this Article that is, or was at any time, suspended or revoked. No permit shall be
11 issued if the Application is incomplete or inaccurate.

12 (b) **Inspection by Director.** Upon receipt of a completed ~~a~~Application and
13 fees, the Director may inspect the location at which ~~f~~Tobacco ~~s~~Sales are to be permitted. The
14 Director may also ask the ~~a~~Applicant to provide additional information that is reasonably
15 related to the determination whether a permit may issue.

16 (c) **Referral to the Planning Department.** The Director will then refer the
17 Applications requiring inspection as to proximity to Schools and existing Establishments to the
18 Planning Department. The Planning Department upon referral shall analyze the Application against
19 the most recent data provided by the Department to determine whether the Applicant's location will
20 comply with subsections (f)(3) and (f)(4) and whether the location qualifies as a Tobacco Shop.

21 (d)(e) **Issuance of Permit.** If the Director is satisfied that the ~~a~~Applicant has
22 met the requirements of this Article and that issuance of the permit will not violate any law, the
23 Department shall issue the permit. An Establishment may not sell Tobacco Products until the permit
24 is issued. No permit shall issue if the Director finds that the Applicant is in violation of San Francisco
25 Health Code section 1009.1 (regulating cigarette vending machines), San Francisco Police Code

1 ~~section 4600.3 (regulating the self-service merchandising of tobacco products), if the Applicant is a~~
2 ~~pharmacy prohibited from selling tobacco products under Article 19J. No permit shall issue if the~~
3 ~~Application is incomplete or inaccurate.~~

4 ~~(e)-(d)~~ **Display of Permit.** Each permittee shall display the permit prominently at
5 each location where ~~†~~Tobacco ~~s~~Sales occur. No permit that has been suspended shall be
6 displayed during the period of suspension. A permit that is revoked is void and may not be
7 displayed.

8 **(f) Grounds for Denial.**

9 (1) No new permit shall be issued if the Director finds that the Applicant is in
10 violation of Health Code Article 19; Police Code Section 4600.3 (regulating the self-service
11 merchandising of tobacco products), or the California Labor Code.

12 (2) No new permit shall be issued if the Applicant does not have a valid current
13 Tobacco Retail Permit from the State Board of Equalization where the Applicant is required to have the
14 State Board of Equalization permit except for businesses selling only electronic cigarettes.

15 (3) No new permit shall be issued if the Applicant will be within 500 feet of the
16 nearest point of the property line of a ~~s~~School as measured by a straight line from the nearest point of
17 the property line on which a ~~s~~School is located to the nearest point of the property line on which the
18 Applicant's Establishment will be located.

19 (4) No new permit shall be issued if the Applicant will be located within 500 feet
20 of the nearest point of the property line of an existing Establishment as measured by a straight line
21 from the nearest point of the property line on which the Applicant's Establishment will be located to the
22 nearest point of the property line of the existing Establishment.

23 (5) No new permit shall be issued in any supervisorial district that has 45 or
24 more Establishments with Tobacco Sales permits.

1 (6) No new permit shall be issued to any Applicant whose main purpose is
2 offering food or alcoholic beverages for sale for consumption on the premises, including Bars and
3 Restaurants.

4 (7) No new permit shall be issued to any Applicant for operation of a Tobacco
5 Shop.

6 (8) No new permit shall be issued for a location not previously occupied by a
7 permitted Establishment.

8 (g) Pending Applications. Applications that have been submitted to the Director for
9 approval as of December 9, 2014 shall not be subject to the Section 19H.4(f)(2)-19H.4(f)(8)
10 and Section 19H.5.

11
12 **SEC. 19H.5 DENSITY CAP**

13 (a) The Density Cap shall be forty-five (45) permitted Tobacco Sales Establishments in a
14 supervisory district. The Department shall assess the Density Cap every two years to evaluate
15 whether to recommend to the Board of Supervisors an amendment to this Article to change the number
16 of permitted Establishments as reasonably necessary to advance the public health purposes this Article
17 seeks to achieve. The City may not issue a new permit in any supervisory district that is at or above
18 the Density Cap at the time of submission of the Application.

19 (b) Pursuant to its authority under Section 19H.26 to adopt rules, the Department may adopt
20 rules governing the approval process for application submitted in a supervisory district where the
21 number of permits has fallen below the cap, including rules on the timing for the approval process.

22 **SEC. 19H.6. EXCEPTIONS FOR CERTAIN NEW PERMITS. INTERIM EXCEPTION**
23 **FOR NEW PERMITS WHERE SALE OF THE ESTABLISHMENT IS PENDING.**

24 Notwithstanding Section 19H.5 and Sections 19H.4(f)(3),(4),(5) and (7):
25

1 (a) If an owner of a retail food store establishment as defined in the Planning Code or
2 Tobacco Shop who holds a Tobacco Sales permit and has been in business for five years as
3 of the effective date of this Section 19H.6, submits an affidavit to the Director that attests to
4 ownership of the business at the same location and under the same Tobacco Sales permit for
5 five consecutive years immediately preceding submission of the affidavit and that also states
6 that the owner is in negotiations with a specific buyer for the retail food store establishment or
7 Tobacco Shop at that location, then that buyer ("new buyer") may apply for, and the Director
8 may issue, a Tobacco Sales permit to the new buyer for the retail food store establishment or
9 Tobacco Shop at that location, on a one-time basis.

10 (b) If the new buyer submits an affidavit to the Director, stating that the new buyer has
11 been in business continuously as a retail food store establishment or Tobacco Shop at that
12 same location under the Tobacco Sales permit obtained in accordance with subsection (a)
13 and also states that the new buyer has held the permit for at least 10 years, then a
14 subsequent buyer of the retail food store establishment or Tobacco Shop at that location
15 ("subsequent buyer") may apply for, and the Director may issue, a Tobacco Sales permit to
16 the subsequent buyer for the retail food store establishment or Tobacco Shop on a one-time
17 basis.

18 (c) Where the owner of a retail food store establishment or Tobacco Shop that holds a
19 Tobacco Sales permit as of the effective date of this Section 19H.6, a child of the owner may
20 apply for, and the Director may issue, a Tobacco Sales permit to the child for that retail food
21 store establishment or Tobacco Shop at that location.

22 (d) An owner of a retail food store establishment or Tobacco Shop holding a Tobacco
23 Sales permit as of the effective date of this Section 19H.6, who must relocate under Chapter
24 34B of the Building Code may apply for, and the Director may issue, a new Tobacco Sales
25 permit for the location of the owner's retail food store establishment or Tobacco Shop.

1 (e) An owner of a Bar or Tavern (cigar or smoking bar) who qualified for an exemption
2 under Section 1009.23(d) of this Code who holds a Tobacco Sales permit and has been in
3 business for five years as of the effective date of this Section 19H.6, who submits an affidavit
4 to the Director that attests to ownership of the business at the same location and under the
5 same Tobacco Sales permit for five consecutive years immediately preceding submission of
6 the affidavit and that also states that the owner is in negotiations with a specific buyer for the
7 Cigar or Smoking Bar at that location, then that buyer ("new buyer") may apply for, and the
8 Director may issue, a Tobacco Sales permit to the new buyer for the Cigar or Smoking Bar at
9 that location, on a one-time basis.

10 (f) If the new buyer submits an affidavit to the Director, stating that the new buyer has
11 been in business continuously as a Cigar or Smoking Bar at that same location under the
12 Tobacco Sales permit obtained in accordance with subsection (a) and also states that the new
13 buyer has held the permit for at least 10 years, then a subsequent buyer of the Cigar or
14 Smoking Bar at that location ("subsequent buyer") may apply for, and the Director may issue,
15 a Tobacco Sales permit to the subsequent buyer for the Cigar or Smoking Bar on a one-time
16 basis.

17 (g) If a spouse or domestic partner acquires the ownership of an Establishment
18 through the death of, or divorce from the owner identified on the permit and submits an
19 affidavit to the Director attesting to the acquisition of the Establishment accompanied by any
20 documentation requested by the Director, the Director may issue a Tobacco Sales permit to
21 the Applicant spouse or domestic partner on a one-time basis.

22
23 ~~Applications submitted under Section 19H.4 on or before September 1, 2014 for a new permit~~
24 ~~subject to Section 19H.5 where an Establishment has held a permit to sell Tobacco Products~~
25 ~~for or more years at the location subject to the sale if the Establishment submits an affidavit to~~

1 accompany the Application stating that no change of ownership has occurred within the prior
2 seven years and that the current permit holder had been in contract with a buyer of the
3 Establishment as of September 1, 2014.
4
5

6 **SEC. ~~19H.71009.54~~. PERMIT AND ANNUAL LICENSE FEES.**

7 (a) The Department shall charge every applicant for a tobacco sales permit a non-
8 refundable application fee for the initial inspection and processing of the application and an
9 annual license fee sufficient to cover the costs of annual inspections, as determined by the
10 Director . The application and processing fee shall be \$53 and is covered by Section 35 of
11 the San Francisco Business and Tax Regulations Code. The annual fee is listed in Section
12 249.16 of the San Francisco Business and Tax Regulations Code. The Fee shall be due
13 annually on March 31 of each year, pursuant to Section 76.1, Article 2 of the San Francisco
14 Business and Tax Regulations Code.

15 * * * *

16 **SEC. ~~19H.81009.55~~. PERMIT MAY NOT BE TRANSFERRED TO NEW PERSONS OR**
17 **LOCATIONS.**

18 * * * *

19 **SEC. ~~19H.91009.56~~. ENFORCEMENT AND INSPECTION.**

20 The Director may enforce all provisions of this Article. Specific grounds for
21 enforcement are set forth in sections ~~19H.101009.57~~ through ~~19H.181009.65~~. Upon presentation
22 of proper credentials, the Director may enter and inspect at any time during regular business
23 hours any ~~e~~Establishment that is engaging in ~~#~~Tobacco ~~s~~Sales, or is suspected by the Director
24 of engaging in such sales.
25

1 **SEC. 19H.101009.57. CONDUCT VIOLATING ~~SAN FRANCISCO~~ HEALTH CODE**
2 **ARTICLE 19DSECTION 1009.1 (REGULATING CIGARETTE VENDING MACHINES).**

3 (a) Upon a decision by the Director that the ~~p~~Permittee or the ~~p~~Permittee's agent or
4 employee has engaged in any conduct that violates ~~San Francisco~~ Health Code Article
5 19Dsection 1009.1 (regulating cigarette vending machines), the Director may suspend a ~~t~~
6 Tobacco ~~s~~sales permit as set forth in section 19H.191009.66, impose administrative penalties
7 as set forth in section 19H.201009.67, or both suspend the permit and impose administrative
8 penalties.

9 (b) The Director shall commence enforcement of this section by serving either a
10 notice of correction under section 19H.211009.68 of this Article or a notice of initial
11 determination under section 19H.221009.69 of this Article.

12 **SEC. 19H.111009.58. CONDUCT VIOLATING ~~SAN FRANCISCO~~ POLICE CODE**
13 **SECTION 4600.3 (REGULATING THE SELF-SERVICE MERCHANDISING OF TOBACCO**
14 **PRODUCTS).**

15 (a) Upon a decision by the Director that the ~~p~~Permittee or the ~~p~~Permittee's agent or
16 employee has engaged in any conduct that violates ~~San Francisco~~ Police Code section 4600.3
17 (regulating the self-service merchandising of tobacco products), the Director may suspend a
18 ~~t~~Tobacco ~~s~~sales permit as set forth in section 19H.191009.66, impose administrative penalties
19 as set forth in section 19H.201009.67, or both suspend the permit and impose administrative
20 penalties.

21 (b) The Director shall commence enforcement of this section by serving either a
22 notice of correction under section 19H.211009.68 of this Article or a notice of initial
23 determination under section 19H.221009.69 of this Article.

1 **SEC. ~~19H.121009.59~~. CONDUCT VIOLATING ~~SAN FRANCISCO~~ HEALTH CODE**
2 **~~ARTICLE 19FSECTION 1009.22~~ (PROHIBITING SMOKING IN ENCLOSED AREAS AND**
3 **SPORTS STADIUMS).**

4 (a) Upon a decision by the Director that the ~~p~~Permittee or the ~~p~~Permittee's agent or
5 employee has engaged in any conduct that violates ~~San Francisco~~ Health Code Article
6 ~~19Fsection 1009.22~~ (prohibiting smoking in enclosed areas and sports stadiums), the Director
7 may suspend a ~~t~~Tobacco ~~s~~Sales permit as set forth in section ~~19H.191009.66~~, impose
8 administrative penalties as set forth in section ~~19H.201009.67~~, or both suspend the permit and
9 impose administrative penalties.

10 (b) The Director shall commence enforcement of this section by serving either a
11 notice of correction under section ~~19H.211009.68~~ of this Article or a notice of initial
12 determination under section ~~19H.221009.69~~ of this Article.

13 **SEC. ~~19H.131009.60~~. CONDUCT VIOLATING TOBACCO CONTROL LAWS.**

14 (a) If the Director decides that the ~~p~~Permittee or the ~~p~~Permittee's agent or employee
15 has engaged in any conduct that violates local, state, or federal law applicable to ~~t~~Tobacco
16 ~~p~~Products or ~~t~~Tobacco ~~s~~Sales, including Administrative Code Chapter 105 (imposing Cigarette
17 Litter Abatement Fee), the Director may suspend a ~~t~~Tobacco ~~s~~Sales permit as set forth in
18 section ~~19H.191009.66~~, impose administrative penalties as set forth in section ~~19H.201009.67~~,
19 or both suspend the permit and impose administrative penalties.

20 (b) The Director shall commence enforcement of this section by serving either a
21 notice of correction under section ~~19H.211009.68~~ of this Article or a notice of initial
22 determination under section ~~19H.221009.69~~ of this Article.

23 **SEC. ~~19H.141009.61~~. CONDUCT VIOLATING CALIFORNIA PENAL CODE SECTION**
24 **308 (PROHIBITING THE SALE OF TOBACCO TO MINORS).**

1 (a) Upon a decision by the Director that the ~~p~~Permittee or the ~~p~~Permittee's agent or
2 employee has engaged in any conduct that violates California Penal Code section 308
3 (prohibiting the sale of tobacco to minors), the Director may suspend a tobacco sales permit
4 as set forth in section 19H.191009.66.

5 (b) The Director shall commence enforcement of this section by serving a notice of
6 initial determination in accordance with section 19H.221009.69 of this Article.

7 **SEC. 19H.151009.62. CONDUCT VIOLATING CALIFORNIA LABOR CODE SECTION**
8 **6404.5 (PROHIBITING SMOKING IN ENCLOSED PLACES OF EMPLOYMENT).**

9 (a) Upon a decision by the Director that the ~~p~~Permittee or the ~~p~~Permittee's agent or
10 employee has engaged in any conduct that violates California Labor Code section 6404.5
11 (prohibiting smoking in enclosed places of employment), the Director may suspend a tobacco
12 sales permit as set forth in section 19H.191009.66.

13 (b) The Director shall commence enforcement of this section by serving a notice of
14 initial determination in accordance with section 19H.221009.69 of this Article.

15 **SEC. 19H.161009.63. FRAUDULENT PERMIT APPLICATIONS.**

16 (a) Upon a decision by the Director that the ~~p~~Permittee or the ~~p~~Permittee's agent or
17 employee has obtained tobacco ~~s~~ales permit from the Department by fraudulent or willful
18 misrepresentation, the Director may suspend a ~~#~~Tobacco ~~s~~Sales permit as set forth in section
19 19H.191009.66.

20 (b) Upon a final decision by the Director that the ~~p~~Permittee or the ~~p~~Permittee's
21 agent or employee has obtained a ~~#~~Tobacco ~~s~~Sales permit from the Department by fraudulent
22 or willful misrepresentation, the Director may impose administrative penalties as set forth in
23 section 19H.201009.67.

1 (c) Upon a final decision by the Director that the *p*Permittee or the *p*Permittee's
2 agent or employee has obtained a ~~*t*Tobacco~~ *s*Sales permit from the Department by fraudulent
3 or willful misrepresentation, the Director may revoke a ~~*t*Tobacco~~ *s*Sales permit.

4 (d) Upon a final decision by the Director that the *p*Permittee or the *p*Permittee's
5 agent or employee has obtained a ~~*t*Tobacco~~ *s*Sales permit from the Department by fraudulent
6 or willful misrepresentation, the Director may impose administrative penalties in addition to
7 either suspending or revoking the ~~*t*Tobacco~~ *s*Sales permit.

8 (e) The Director shall commence enforcement of this section by serving a notice of
9 initial determination in accordance with section ~~*19H.221009.69*~~ of this Article.

10 (f) Any person who obtained a permit by fraud or misrepresentation may be
11 prosecuted for either an infraction or a misdemeanor punishable by a fine not to exceed one
12 hundred dollars (\$100) for a first violation, two hundred dollars (\$200) for a second violation
13 within one year, and five hundred dollars (\$500) for a third and for each subsequent violation
14 within one year.

15 **SEC. ~~*19H.171009.64*~~ SELLING TOBACCO WITHOUT A PERMIT.**

16 (a) Upon a final decision by the Director that any person has engaged in the
17 sale of tobacco at any *Establishment* without a permit, the Director may impose administrative
18 penalties as set forth in section ~~*19H.201009.67*~~.

19 (b) The Director shall commence enforcement of this section by serving a notice
20 of initial determination in accordance with section ~~*19H.221009.69*~~ of this Article. This Notice of
21 Initial Determination may require that all tobacco sales cease and may impose an
22 administrative penalty.

23 (c) The City Attorney may maintain an action for injunction to restrain any
24 person from selling tobacco without a valid tobacco sales permit. In any such action, the City
25 Attorney may seek civil penalties and may seek a judicial determination that a person must

1 pay any administrative penalties. The person against whom an injunction issues also shall be
2 liable for the costs and attorney's fees incurred by the City and County of San Francisco in
3 bringing a civil action to enforce the provisions of the section.

4 (d) Any person who engages in tobacco sales without the required permit may
5 be prosecuted for either an infraction or a misdemeanor punishable by a fine not to exceed
6 one hundred dollars (\$100) for a first violation, two hundred dollars (\$200) for a second
7 violation within one year, and five hundred dollars (\$500) for a third and for each subsequent
8 violation within one year.

9
10 **SEC. 19H.181009.65. OTHER ENFORCEMENT.**

11 * * * *

12 **SEC. 19H.191009.66 TIME PERIOD OF SUSPENSION OF PERMIT.**

13 When this Article allows the Director to suspend a permit, the following sanctions may
14 be imposed:

15 (a) The Director may suspend the permit for a maximum of 90 days for the first
16 violation.

17 (b) If a second violation occurs within twelve months of the first violation, the
18 Director may suspend the permit for a maximum of six months.

19 (c) Upon the third violation, ~~and each subsequent violation~~, if within twelve months
20 of the prior violation, the Director may suspend the permit for a maximum of one year.

21 (d) Each suspension is an independent sanction and is served consecutively.

22 **SEC. 19H. 201009.67. ADMINISTRATIVE PENALTY.**

23 * * * *

24 **SEC. 19H.211009.68. NOTICE OF CORRECTION.**

1 When the Director commences an enforcement action with a notice of correction, the
2 Director shall serve the notice on the pPermittee or the pPermittee's agent. The notice shall
3 state that the Department has determined that a violation may have occurred and that
4 reasonable grounds exist to support this determination. The notice may require corrective
5 action immediately or upon a schedule required by the Director. The Director may require the
6 pPermittee to post the notice of correction at the location where the Department alleges that
7 violations have occurred. If the pPermittee fails to obey a notice of correction, the Director may
8 serve a notice of initial determination in accordance with section 19H.221009.69 of this Article.

9
10
11 **SEC. 19H.221009.69. NOTICE OF INITIAL DETERMINATION.**

12 * * * *

13 **SEC. 19H.231009.71. PAYMENT OF ADMINISTRATIVE PENALTIES.**

14 * * * *

15 **SEC. 19H.241009.72. APPEALS TO BOARD OF APPEALS.**

16 * * * *

17 **SEC. 19H.251009.73. OTHER REMEDIES.**

18 Nothing in this Article shall affect any other remedies which are available to the City
19 and County under any law, including (1) *San Francisco* Health Code Article 19Dsection 1009.1
20 (regulating cigarette vending machines); (2) *San Francisco* Police Code section 4600.3
21 (regulating the self-service merchandising of tobacco products); (3) *San Francisco* Health Code
22 Article 19Fsection 1009.22 (prohibiting smoking in enclosed areas and sports stadiums); (4)
23 California Penal Code section 308 (regulating sales of tobacco products to minors); and (5)
24 California Labor Code section 6404.5 (prohibiting smoking in enclosed places of
25 employment).

1 **SEC. 19H.261009.74. AUTHORITY TO ADOPT RULES AND REGULATIONS.**

2 * * * *

3 **SEC. 19H.271009.75. CITY UNDERTAKING LIMITED TO PROMOTION OF THE**
4 **GENERAL WELFARE.**

5 * * * *

6 **SEC. 19H.281009.76. PREEMPTION.**

7 * * * *

8 **SEC. 19H.291009.77. SEVERABILITY.**

9 * * * *

10 Section 3. The Business and Tax Regulations Code is hereby amended by revising
11 Section 249.16, to read as follows:

12
13 **SEC. 249.16. TOBACCO LICENSE PERMIT FEE.**

14 Every person, firm or corporation engaged in tobacco sales shall pay an annual license
15 fee of ~~\$188~~ \$200 to the Tax Collector. The amount of the fee shall be determined and
16 published annually by the Department of Health based on the initial amount of \$188 set in
17 Ordinance 149-08 and adjusted thereafter under Section 76.1(c) of the Business and Tax
18 Regulations Code. The license fee set forth in this Section shall be paid annually on or before
19 March 31, in accordance with the provisions of Section 76.1 of the Business and Tax
20 Regulations Code.

21 Section 4. Effective Date. This ordinance shall become effective 30 days after
22 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
23 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
24 of Supervisors overrides the Mayor's veto of the ordinance.

1 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
5 additions, and Board amendment deletions in accordance with the "Note" that appears under
6 the official title of the ordinance.

7 Section 6. No Conflict with Federal or State Law. Nothing in this ordinance shall be
8 interpreted or applied so as to create any requirement, power, or duty in conflict with any
9 federal or state law.

10
11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13 By: _____
14 ALEETA M. VAN RUNKLE
15 Deputy City Attorney

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25
n:\egana\as2014\1300508\00965737.doc

From: RUSSIANFOK@aol.com
Sent: Tuesday, December 23, 2014 5:07 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: rckaris@gmail.com
Subject: OBJECTION TO HOOKAH LOUNGE OCEAN ST, SF

Categories: 141291

*PLEASE MAKE A NOTE THAT WE, RESIDENTS OF INGLESIDE TERRACES OBJECT AND STRONGLY REQUEST THAT THERE WOULD BE NO HOOKAH LOUNGE/STORE ON OCEAN STREET, IN SAN FRANCISCO!
THANK YOU.
HAPPY HOLIDAYS!
NIKOLAI, DOUCE ANN, MASSENKOFF
735 URBANO DRIVE
SAN FRANCISCO, CA 94127*

From: Board of Supervisors (BOS)
Sent: Tuesday, December 23, 2014 3:02 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Opposition to vape shop on Ocean Avenue

Categories: 141291

From: Linda McGilvray [<mailto:linda.mcgilvray@gmail.com>]
Sent: Tuesday, December 23, 2014 2:03 PM
To: Board of Supervisors (BOS); Yee, Norman (BOS); BOS Legislation (BOS)
Cc: Robert Karis
Subject: Opposition to vape shop on Ocean Avenue

Dear Board of Supervisors,

The neighbors in Ingleside Terraces are very concerned about the final motion of the Planning Commission regarding the proposed vape shop at 1963 Ocean Avenue. Many feel that this business does not meet the objectives listed within the final motion. Even though some studies say the vapors are not harmful, others disagree. There's even the real chance that these e-cigarettes could lead to a smoking addiction. The neighbors with adjoining properties are certainly opposed to such activities that would pollute the air right outside the back of their homes. There also are a couple of private schools and Aptos school students in the area that might be influenced by the wares. They walk home down Ocean Ave. Trying to improve the quality of retail establishments on Ocean Avenue has been the focus, even though a few questionable shops have opened. It's one thing to have diversity in the shops but another to have unsuitable ones for youth and the neighborhood welfare. There are other stores selling e-cigarettes in the immediate vicinity within the 500 feet limit of the proposed vape shop, making neighbors wonder why another one is needed. Please consider the plight of the neighbors and welfare of the neighborhood in considering licensing this shop.

Thanks for your consideration.

Linda McGilvray
Ingleside Terraces resident

From: Linda McGilvray [linda.mcgilvray@gmail.com]
Sent: Tuesday, December 23, 2014 2:03 PM
To: Board of Supervisors (BOS); Yee, Norman (BOS); BOS Legislation (BOS)
Cc: Robert Karis
Subject: Opposition to vape shop on Ocean Avenue

Categories: 141291

Dear Board of Supervisors,

The neighbors in Ingleside Terraces are very concerned about the final motion of the Planning Commission regarding the proposed vape shop at 1963 Ocean Avenue. Many feel that this business does not meet the objectives listed within the final motion. Even though some studies say the vapors are not harmful, others disagree. There's even the real chance that these e-cigarettes could lead to a smoking addiction. The neighbors with adjoining properties are certainly opposed to such activities that would pollute the air right outside the back of their homes. There also are a couple of private schools and Aptos school students in the area that might be influenced by the wares. They walk home down Ocean Ave. Trying to improve the quality of retail establishments on Ocean Avenue has been the focus, even though a few questionable shops have opened. It's one thing to have diversity in the shops but another to have unsuitable ones for youth and the neighborhood welfare. There are other stores selling e-cigarettes in the immediate vicinity within the 500 feet limit of the proposed vape shop, making neighbors wonder why another one is needed. Please consider the plight of the neighbors and welfare of the neighborhood in considering licensing this shop.

Thanks for your consideration.

Linda McGilvray
Ingleside Terraces resident

From: Board of Supervisors (BOS)
Sent: Monday, December 22, 2014 3:53 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: 1963 Ocean Ave San Francisco

Categories: 141291

From: Nancy Lewellen [<mailto:NYL@PalladianLawGroup.com>]
Sent: Monday, December 22, 2014 12:40 PM
To: Board of Supervisors (BOS)
Subject: 1963 Ocean Ave San Francisco

I would like to go on record as opposing the proposed e-cigarette and vapor shop at the above address. I have lived in Ingleside Terraces for 40 years and have watched this block of Ocean Ave go to the dogs with a massage parlor, tattoo parlor, billiards hall and now this. This is a wealthy neighborhood, NOT THE TENDERLOIN, that needs regular merchants.

It is close to 2 schools, and I understand a new ordinance would make the vicinity of this cigarette shop illegal. There are more vacancies going up on this block with the closing of In Style and Kimura Gallery. Surely other businesses would be a better fit for this family neighborhood. What were you thinking?

Sincerely,

Nancy Lewellen, Esq.
Palladian Law Group
605 Market Street Suite 505
San Francisco, CA 94105
Tel: (415) 399-0993 Fax: (415) 202-6474

<http://www.palladianlawgroup.com>

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From: Susanne DeRisi [sderisi@gmail.com]
Sent: Saturday, December 20, 2014 4:56 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS); Boudreaux, Marcelle (CPC)
Cc: rckaris@gmail.com
Subject: Re: Case No. 2014.0206C; 1963 Ocean Avenue; 'Happy Vape'

Categories: 141291

Dear Board of Supervisors:

I am writing to oppose establishment of a tobacco retailer and hookah lounge, 'Happy Vape', at 1963 Ocean Avenue. I understand that you have a hearing scheduled for Tuesday, January 13, 2015 at 3 P.M.

As a parent of school age children, I am opposed to establishment of this tobacco/e-cigarette retailer and hookah lounge at a location near to so many schools. The Voice of Pentecost Academy (PreK-12th grade) at 1970 Ocean Avenue is only 130 feet from 1936 Ocean Avenue. There are altogether 14 educational institutions along the Ocean Avenue corridor, including Commodore Sloat elementary, Aptos Middle School, Stratford School, City College of San Francisco, and San Francisco State University. The Board of Supervisors very recently (12/9/2014 and 12/16/2014) voted unanimously to limit tobacco sales permits "if the Applicant will be within 500 feet of the nearest point of the property line of a School". Although this legislation does not take effect for 30 days and may not legally apply to this case, it seems to me that the Board of Supervisors should apply these same criteria in evaluating the appeals opposing establishment of the tobacco retailer at 1963 Ocean Avenue.

I disagree with the following "Findings" in the Planning Commission Final Motion No. 19271:

"Sections 7.A. (p.4): The proposed new uses and building ... will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community."

"7.B. (p.5): The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity."

“7.D. (p.6): The proposal enhances the range of comparison goods and services offered by adding another specialty retail store to the District”

“7.E. (p.6): The concentration of such establishments in the particular zoning district for which they are proposed does not appear to adversely impact the health, safety, and welfare of residents of nearby areas,”

The proposed e-cigarette/vaporizer retailer and steam stone hookah lounge is not desirable and is not compatible with this community. Smoking e-cigarettes and using vaporizers and being exposed to carcinogens in the second hand smoke from e-cigarettes and vaporizers will be detrimental to the health of the persons living in, working in, and attending school in the community. Furthermore, the retail sale of e-cigarettes does not enhance the range of comparison goods and services offered because there are already two tobacco retailers within 400 feet: a 7-Eleven at 2000 Ocean Avenue that sells e-cigarettes and cigarettes and a store on Ashton Avenue that sells cigarettes.

Thank you for your consideration of this matter. I hope you will side with those of us who oppose establishment of a tobacco retailer and hookah lounge, ‘Happy Vape’, at 1963 Ocean Avenue

Regards,

Susanne DeRisi

415 Chenery St

San Francisco, CA 94131

From: Linda Chan-Lau [linda138@yahoo.com]
Sent: Friday, December 19, 2014 1:35 PM
To: BOS Legislation (BOS); Board.of.Spervisor@sfgov.org; Yee, Norman (BOS)
Cc: rckaris@gmail.com
Subject: RE:Proposal Vape and hookah lounge business

Categories: 141291

I DO NOT WISH AND ALLOWED THIS TO APPEAR AT MY NEIGHBORHOOD NOR NEAR BY APTOS MIDDLE SCHOOL. I WIL FIGHT TILL THE END TO NOT LET THIS HAPPEN. I AM CONCERN WITH THE SAFETY OF OUR STUDENTS AND THE SURROUNDINGS. IT SHOULD NOT BE ALLOWED SO CLOSED TO DISTANCE OF OUR SCHOOL. WE ALREADY HAVE SO MUCH PROBLEMS IN THE EVENING, WE DO NOT WANT MORE ACTIVITY GOING ON IN OUR NEIGHBORHOOD.

SINCERELY,
NEIGHBOR AND PARENT APTOS MIDDLE SCHOOL

From: Board of Supervisors (BOS)
Sent: Friday, December 19, 2014 12:54 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Writing to strongly object to vape/hookah business at 1963 Ocean Ave

Categories: 141291

From: Sarah Wentker [<mailto:sarah.wentker@gmail.com>]
Sent: Friday, December 19, 2014 11:09 AM
To: Yee, Norman (BOS); BOS Legislation (BOS); Board of Supervisors (BOS)
Cc: rckaris@gmail.com
Subject: Writing to strongly object to vape/hookah business at 1963 Ocean Ave

I am writing to urge you to please block the opening of a vape & hookah business at 1963 Ocean Avenue. I live in this neighborhood, and my daughter attends Aptos Middle School. We DO NOT need this kind of business in our neighborhood. There are tons of children walking up and down the Ocean Ave corridor, all the way from Commodore Sloat Elementary, to Aptos Middle School, and down to Denman Middle School & Balboa High School at the other end of Ocean. Our kids do NOT need to walk past this business, and they do not need to be exposed to this kind of culture. Plenty of kids end up smoking (legal substances and otherwise) at a young age. We do not need further encouragement. The whole vape culture is being portrayed as safe and cool, but it is not proven safe. Please please please keep businesses like this out of our neighborhood, and away from schools!!!!

Thanks for your consideration.

Sarah Wentker
307 Santa Ana Ave.
415-623-4375

From: Board of Supervisors (BOS)
Sent: Friday, December 19, 2014 12:53 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Proposed Vape Hookah Lounge at 1963 Ocean - Opposition

Categories: 141291

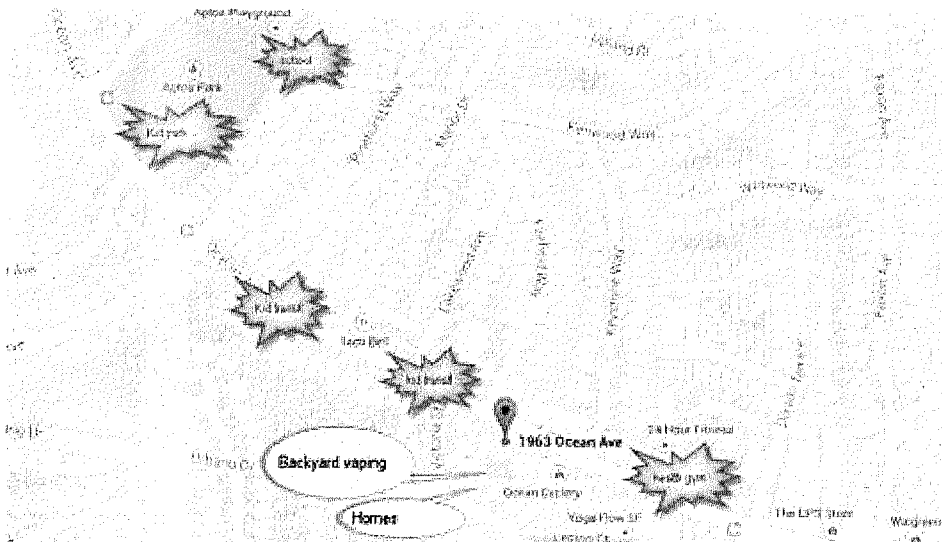
From: deltabear [mailto:deltabear88@gmail.com]
Sent: Friday, December 19, 2014 10:47 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: Robert Karis
Subject: Proposed Vape Hookah Lounge at 1963 Ocean - Opposition

I continue to be opposed to this project, and I am shocked that the Planning Commission thinks that it's OK. I am hoping that the Board will be more rationale.

The owner has emailed me, trying to allay our concerns. But I am now even more concerned. Excerpt below:

"Our diversity of products and services will stimulate pedestrian traffic. **The Vaping will be designated to our outdoor backyard area enclosed by a tent...**"

Does the Planning Commission/Board realize that the owner plans to BUILD A TENT in the backyard area for vaping activity?



Planning Commission was incorrect in their finding that this development is " necessary or desirable, and compatible with, the neighborhood or the community."

The Commission issued a ruling that "approval of the Conditional Use authorization would promote the health, safety and welfare of the City." Given proximity to kids, park, school, how is this conclusion possible?

Adrienne Go

From: Board of Supervisors (BOS)
Sent: Friday, December 19, 2014 9:40 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: re Conditional Use Application for 1963 Ocean Ave.

Categories: 141291

From: Mary Sherwood [mailto:mshersf@gmail.com]
Sent: Thursday, December 18, 2014 2:10 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: re Conditional Use Application for 1963 Ocean Ave.

Hello,

As a long time resident of the Ingleside Terraces I am writing to you to voice my opposition to the opening of a e-cigarette shop at 1963 ocean ave. Many children (including my own) walk down ocean avenue on their way to and from the many schools located along this corridor . Recent research has shown that while there is a decline in the use of tobacco cigarettes among young people, there is an increase in e-cigarette use and that those that try it are more inclined to continue to smoke.

<http://www.cdc.gov/media/releases/2014/p0825-e-cigarettes.html>

http://www.nytimes.com/2014/12/17/science/national-institute-on-drug-abuse-e-cigarette-study.html?_r=0

This addiction as well as the known negative affects of nicotine on developing brains makes me opposed to allowing this e-cigarette establishment in this location. My hopes are that you will please take into consideration the many children that travel this corridor each day and make a decision to provide them with the best possible opportunities to be healthy and successful individuals.

Thank you,

Mary Sherwood
874 Urbano Drive
SF

From: Board of Supervisors (BOS)
Sent: Friday, December 19, 2014 9:36 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Does SF Need Any More "Vape shops?"

Categories: 141291

From: Serena Chen [<mailto:Serena.Chen@lung.org>]
Sent: Thursday, December 18, 2014 12:56 PM
To: Board of Supervisors (BOS)
Subject: Does SF Need Any More "Vape shops?"

Board President Tang and Members of the Board,

We received a request from a San Francisco resident today asking us to assist her in stopping a business selling electronic smoking devices and paraphernalia from locating on Ocean Ave. While we are not familiar with the particulars of this specific case, we are concerned in general as to the proliferation of "vape" shops all over the country and in our communities as they encourage use of a product that is completely unregulated. Electronic cigarette use by youth has now surpassed the use of conventional cigarettes by minors as covered in this [New York Times](#) article.

Earlier this year, the American Lung Association spoke in favor of Supervisor Mar's legislation to restrict the use and sale of these devices. In [19N](#), free sampling of tobacco products including electronic cigarettes is clearly prohibited and we hope that the City will affirm this provision since these shops often provide free samples to customers.

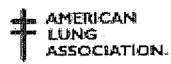
In the past year, we are aware of three East Bay cities that moved to stop any additional "vape" shops from locating in their cities by passing urgency moratoriums to give the cities the time to develop zoning laws that would limit where they could be located. In the case of one of the cities -- Union City which had no such shops -- the city council voted to add vapor shops and hookah bars to their list of uses not allowed within city limits. Hayward, which saw the number of "vape" shops triple in a few months, put a halt to any additional ones, and then adopted strong restrictions on where such shops could be located. The third city, Fremont, is in the process of developing a strong tobacco retailer licensing ordinance which would include where such businesses could be located.

Please let us now if you have any questions.

Serena

Serena Chen | Regional Advocacy Director
American Lung Association in California
333 Hegenberger Rd, Suite 450
Oakland, CA 94621
Phone: 510.982.3191
Fax: 510.638.8984
Serena.Chen@lung.org | <http://www.lung.org/california>

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From: Board of Supervisors (BOS)
Sent: Thursday, December 18, 2014 9:43 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Deny the Appeal of 1963 Ocean ave. Uphold the permit
Attachments: Clerk of the Board of Supervisors.docx

Categories: 141291

From: chris@gonewiththesmoke.com [<mailto:chris@gonewiththesmoke.com>]

Sent: Wednesday, December 17, 2014 3:10 PM

To: Board of Supervisors (BOS)

Subject: Deny the Appeal of 1963 Ocean ave. Uphold the permit

Hello,

Please read my letter of support for the permit and denial of the 1963 Appeal

Thank you!

Christopher Chin

Clerk of the Board of Supervisors: Angela Callvillo

Re: Please deny the appeal for 193 Ocean avenue and uphold the permit

Dear supervisors

I am the owner/operator of Gone with the Smoke shop, and I have been in business for over 1 year.

I would like to share with you the sentiment of many of our patrons who have successfully stopped smoking, started to vape and have had many health benefits from this switch.

A few of these patrons have actually stopped smoking AND vaping all together. This would not have been possible without the advent of vaping technology.

Since there's not a vapor shop on Ocean avenue, smokers in that region are being deprived of the opportunity to quit smoking. Please deny the appeal and uphold the permit. I am available for any questions or comments you may have regarding the vaping industry

Christopher Chin

Gone With The Smoke

569 Geary Street

SF, CA 94102

415-938-7508