

FILE NO. 150014

Petitions and Communications received from December 30, 2014, through January 5, 2015, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on January 13, 2015.

Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information will not be redacted.

From concerned citizens, regarding Happy Vape. 50 letters. File No. 141291. Copy: Each Supervisor. (1)

From concerned citizens, regarding appointment of Wendy Paskin-Jordan to the Retirement Board. 2 letters. File No. 141279. Copy: Each Supervisor. (2)

From Mayor, regarding Notice of Appointment to the Residential Rent Stabilization & Arbitration Board: (3)

Polly Marshall - term ending September 1, 2018

From Verizon Wireless, submitting notification letter for Mission & 8th project. Copy: Each Supervisor. (4)

From Scott Douglas, regarding parking accessibility. Copy: Each Supervisor. (5)

From University of California Medical Center, regarding relocation of the medical center services. Copy: Each Supervisor. (6)

From Ivan E. Pratt, regarding Shigella infection. Copy: Each Supervisor. (7)

From John Peters, regarding smoke alarms in San Francisco. Copy: Each Supervisor. (8)

From District Attorney, regarding the San Francisco Sentencing Commission 2014 annual report. (9)

From State Superior Court, regarding Notice of Commencement of Action. File No. 141060. Copy: Each Supervisor. (10)

From Film Commission, regarding 2014 annual report. (11)

From Recreation and Park, regarding 2014 Community Report. (12)

From Roland Lebrun, regarding Transbay Shared Platforms. File No. 141114. Copy: Each Supervisor. (13)

From Dennis Mackenzie, regarding the Warriors' Arena. Copy: Each Supervisor. (14)

From Joshua Reyes, regarding various concerns in District 11. Copy: Each Supervisor. (15)

From Fish and Game, regarding notice of proposed regulatory action relating to mammal hunting regulations. Copy: Each Supervisor. (16)

From Fish and Game, regarding notice of proposed regulatory action relating to the proposed changes in Central Valley salmon sport fishing regulations. (17)

From Controller, regarding the Academy of Sciences financial statements audit for FY2014. (18)

From Controller, regarding FYs2012-2013 and 2013-2014 Biennial Development Impact Fee report. (19)

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: file 141291 FW: Ocean Avenue Hookah Lounge Appeal

From: John Bankovitch [<mailto: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

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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Carroll, John (BOS); Lamug, Joy
Subject: file 141291 FW: Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C. (Opposition to the vape shop.)

From: Janet Coyne [<mailto: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.)

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.

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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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C. (Opposition to the vape shop.)

From: Tanya Miller [mailto: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.)

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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Carroll, John (BOS); Lamug, Joy
Subject: File 141291 FW: Support of appeal of the Conditional Use Authorization for Case No. 2014.0206C.

-----Original Message-----

From: Jeffrey Harding [mailto: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.

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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: file 141291 FW: Support of Appeal of Planning Commission Approval

From: George Sundby [<mailto: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

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.

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: 1963 Happy Vape /Steam Stone Hookah Lounge

From: SMGraz2001@aol.com [<mailto: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

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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: file 141291 FW: Proposed vape shop at 1963 Ocean Avenue

From: Peter Su [<mailto: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

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 unhealthful 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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291FW: Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C.

From: Diana Victoria [<mailto: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.

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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Carroll, John (BOS); Lamug, Joy
Subject: File 141291 FW: No to proposed vape shop at 1963 Ocean Ave

From: BOS Legislation (BOS)
Sent: Monday, January 05, 2015 10:46 AM
To: Board of Supervisors (BOS)
Subject: FW: No to proposed vape shop at 1963 Ocean Ave

From: Christine Nay [mailto: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

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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: file 141291 FW: In opposition to the "vape" shop at 1963 Ocean Ave

From: BOS Legislation (BOS)
Sent: Monday, January 05, 2015 9:26 AM
To: Board of Supervisors (BOS)
Subject: FW: In opposition to the "vape" shop at 1963 Ocean Ave

From: MICHAEL MCNULTY [<mailto:mtmcnulty@icloud.com>]
Sent: Monday, January 05, 2015 9:17 AM
To: BOS Legislation (BOS)
Subject: In opposition to the "vape" shop at 1963 Ocean Ave

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.

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 antifreeze.

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.

The location of the proposed shop on Ocean Avenue is particularly pernicious 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 young people of our community.

Thank you for your consideration.

Michael McNulty
115 De Soto Street
San Francisco, CA 94127

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: file 141291 FW: In opposition to the "vape" shop at 1963 Ocean Ave

From: BOS Legislation (BOS)
Sent: Monday, January 05, 2015 9:26 AM
To: Board of Supervisors (BOS)
Subject: FW: In opposition to the "vape" shop at 1963 Ocean Ave

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Sent: Monday, January 05, 2015 9:17 AM
To: BOS Legislation (BOS)
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Please take a stand for the health and safety of the residents of San Francisco, particularly the young people of our community.

Thank you for your consideration.

Michael McNulty
115 De Soto Street
San Francisco, CA 94127

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291FW: Opposing the vape shop at 1963 Ocean Ave.

-----Original Message-----

From: BOS Legislation (BOS)
Sent: Monday, January 05, 2015 8:10 AM
To: Board of Supervisors (BOS)
Subject: FW: Opposing the vape shop at 1963 Ocean Ave.

-----Original Message-----

From: Susan Percal [<mailto: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.

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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Case No. 2014.0206C

From: BOS Legislation (BOS)
Sent: Monday, January 05, 2015 8:09 AM
To: Board of Supervisors (BOS)
Subject: FW: Case No. 2014.0206C

From: George Wu [<mailto:drgeorgewumd@aol.com>]
Sent: Saturday, January 03, 2015 3:30 PM
To: BOS Legislation (BOS)
Subject: Case No. 2014.0206C

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!

From: Board of Supervisors (BOS)
To: BOS-Supervisors
Subject: File 141291 FW: Appeal case number 2014.0206C, 1963 Ocean Avenue.

From: Nancy Katsuranis [<mailto: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.

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

From: Board of Supervisors (BOS)
To: BOS-Supervisors
Subject: File 141291 FW: Letter supporting the appeal of Planning Commission decision in Case No. 2014.0206C

-----Original Message-----

From: norma tannenbaum [mailto:n_tannenbaum@sbcglobal.net]
Sent: Thursday, January 01, 2015 11:55 AM
To: Board of Supervisors (BOS)
Subject: Letter supporting the appeal of Planning Commission decision in Case No. 2014.0206C

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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Letter supporting the appeal of Planning Commission decision in Case No. 2014.0206C (Happy Vape)

From: Andrew Sparks [<mailto: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)

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.

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Carroll, John (BOS); Lamug, Joy
Subject: File 141291 FW: Appeal of Planning Commission decision, Case No. 2014.0206C
Attachments: 1963ocean.docx

From: JB [<mailto: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

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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Carroll, John (BOS); Lamug, Joy
Subject: File 141291 FW: SUPPORT OF APPEAL OF THE CONDITIONAL USE AUTHORIZATION FOR 1963 OCEAN AVE CASE 2014.0206C

From: Keesha Henry [mailto: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

(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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Letter supporting the appeal of Planning Commission decision in Case No. 2014.0206C (Letter opposing the vape shop at 1963 Ocean Ave.)

From: Yfa Sparks [mailto:yfa.kretzschmar@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.)

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. **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. **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. **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. **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. **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.

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Carroll, John (BOS); Lamug, Joy
Subject: File 141291 FW: 1963 Ocean Avenue

From: Margaret Bernstein [<mailto: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

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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: FILE: 141291 FW: Support of appeal of the Conditional Use Authorization for 1963 Ocean Ave; Case No. 2014.0206C (Opposition to the Happy Vape).

From: Paty [<mailto: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).

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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Vape Shop on Ocean Avenue

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

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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Vape Shop on Ocean Avenue

From: Lee McGriff [<mailto: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

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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: file 141291 FW: Letter Opposing Happy Vape Shop at 1963 Ocean Avenue
Attachments: IHM Cover Letter to Board of Supervisors Re Happy Vape Jan 2015.doc

From: Inger Hultgren [<mailto: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

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: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Hookah Lounge on Ocean Avenue

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: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: FW: appeal of conditional use permit for1963 Ocean Ave

-----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 for1963 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.

From: Board of Supervisors (BOS)
To: BOS-Supervisors
Subject: File 141291 FW: No Vape Shop on Ocean Avenue

From: James H Spalding Jr. [<mailto: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

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.

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Carroll, John (BOS); Lamug, Joy
Subject: File 141291 FW: supporting appeal of conditional use--1963 Ocean Avenue "Vape Shop/Steam Stone Hookah Lounge"

From: Reeva Safford [<mailto: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"

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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291FW: Case No. 2014.0206C

From: George Wu [<mailto:drgeorgewumd@aol.com>]
Sent: Saturday, January 03, 2015 3:34 PM
To: Board of Supervisors (BOS)
Subject: Fwd: Case No. 2014.0206C

Begin forwarded message:

From: George Wu <drgeorgewumd@aol.com>
Date: January 3, 2015 at 3:30:07 PM PST
To: "bos.legislation@sfgov.org" <bos.legislation@sfgov.org>
Subject: Case No. 2014.0206C

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!

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Opposition to vape shope 1963 Ocean Ave (Support of appeal of the Conditional Use Authorization Case No. 2014.0206C)

From: Jurate Raulinaitis [<mailto: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)

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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Ocean Ave Vap Shop

From: Rose Ann Anderson [<mailto: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

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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Carroll, John (BOS); Lamug, Joy
Subject: File 141291 FW: Appeal to Vape Shop at 1963 Ocean Ave

-----Original Message-----

From: David Hoiem [<mailto: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

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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: 1963 Ocean Avenue

From: a infusino [<mailto: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

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: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: file 141291 FW: Letter opposing the vape shop at 1963 Ocean Ave.

-----Original Message-----

From: Susan Percal [<mailto:mambos2@sonic.net>]
Sent: Sunday, January 04, 2015 10:42 AM
To: Board of Supervisors (BOS)
Subject: Letter opposing the vape shop at 1963 Ocean Ave.

Dear SF Supervisors:

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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291FW: Letter to support appeal of Conditional Use Authorization for 1963 Ocean Avenue
Attachments: Letter_to_BOS_Support_Appeal.doc

From: Carolyn Karis [<mailto: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

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

use the Cut to Contrast barber and the Yoga Flow studio. However, the 1900 block of Ocean Avenue does have a high number of "alternative" offerings: an MCD (1944), billiards parlor (1948) open to 2 A.M. and currently seeking to serve alcohol, three massage parlors, foot and otherwise (which advertise in adult pages and online websites; a fourth parlor was closed because of proven illegal activities), two tattoo parlors (1907 and 391 Ashton). We do appreciate and frequent the positive businesses on this block and on the rest of Ocean Avenue. We do not need another alternative life-style business like the vape shop/steam stone hookah lounge. It is not necessary or desirable nor compatible with the neighborhood.

To reinforce my support for the positive businesses and services on Ocean Avenue, I frequently shop at Fruit Barn, Whole Foods, CVS, Walgreens, Ocean Cyclery, and the new Ace Hardware. I'm a frequent user of the Ocean Avenue Public Library and the bank. For all of these purchases, I walk. I would like to make more purchases on Ocean Avenue. I would support businesses such as a bakery, a butcher, a bookstore (I have purchased at the Comix store farther west on Ocean), or general clothing store.

We do not understand how a Starbucks can be blocked from some areas because of neighborhood opposition, but the introduction of a potential health threat to the neighbors and the youths attending the 14 educational establishments within the Ocean Avenue vicinity could be allowed, despite strong opposition by residents.

Marcelle Boudreaux, the Planning Department representative for this matter, stated when questioned in the hearing, that although 1963 Ocean Avenue was the first Conditional Use for tobacco paraphernalia to come before the Planning Commission, she had several other similar applications in the works.

The statement in the Planning Commission Final Motion No. 19271, Page 6, Section E, i, and repeated in Section E, ii, that "There are no other Tobacco Paraphernalia Establishments within the Ocean Avenue NCT that have received Conditional Use authorization." is misleading since 1963 Ocean Avenue is the FIRST business to apply for Conditional Use Authorization after the Board of Supervisors extended Conditional Use to electronic cigarettes on March 25, 2014.

Contrary to the Final Motion statement, p. 5, that "The proposed use is designed to meet the needs of the immediate neighborhood as well as limited comparison shopping goods for a wider market": Almost no one in our neighborhood has expressed a desire for this type of business.

Additionally, this business will not help improve the 1900 block of Ocean Avenue. We do not seek this type of diversity of goods, another alternative offering with significant health issues.

California state senators, U.S. Senators, Congresswoman Jackie Speier, the American Lung Association, the CDC, and NIH have all stated opposition to e-cigarettes. College and university campus-free policies, including those of San Francisco State and City College, have recently added warnings and restrictions for electronic cigarettes and vaporizers. They warn of the power of the candy-coated, glamorized advertising associated with these devices. The ads make these devices seem “Cool” and “Hip.” However, they aim to addict a new generation to nicotine. Cigarette smoking in the United States has declined since the Surgeon General issued a warning in 1964. E-Cigarette and vaporizer manufacturers are using the same tactics used by Big Tobacco to sell tobacco cigarettes.

Happy Vape might appeal to a few youths but should Ocean Avenue be responsible for encouraging young adults to start a new addiction—“candy flavored” e-Cigarettes, vaping, and steam stone hookah with unknown **long-term health risks**. It took a long time and many deaths before the Surgeon General of the United States issued the Report on Smoking and Health.

A repeat of this pattern is unneeded. The long-term effects of electronic cigarettes and vaping are not known. Disapproving the Planning Commission decision is the wise action.

Thank you,

Carolyn Karis
Victoria Street
Ingleside Terraces

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: file 141291 FW: In Support of Appeal of Planning Commission decision in Case No. 2014.0206C (opposing the vape shop at 1963 Ocean Ave.)

-----Original Message-----

From: Michelle O'Driscoll [<mailto:modriscoll15@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.)

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
modriscoll15@yahoo.com

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Carroll, John (BOS); Lamug, Joy
Subject: File 141291 FW: Letter supporting the appeal of Planning Commission decision in Case No. 2014.0206C (Letter opposing the vape shop at 1963 Ocean Ave.)

From: Ann Kretzschmar [<mailto: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.)

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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: 1963 Ocean Avenue

From: a infusino [mailto: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

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: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Letter supporting the appeal of Planning Commission decision in Case No. 2014.0206C (Letter opposing the vape shop at 1963 Ocean Ave.)

-----Original Message-----

From: Kretzschmar [<mailto: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.)

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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C. (Opposition to the vape shop.)

Importance: High

From: Judy Kleinman [<mailto: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

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: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Support of appeal of the Conditional Use Authroization for 1963 Ocean Ave. Case No. 2014.0206C

-----Original Message-----

From: Jennifer Weed [mailto: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

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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C. (Opposition to the vape shop.)

From: Dan Kleinman [<mailto: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.)

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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Carroll, John (BOS); Carroll, John (BOS)
Subject: File 141291 FW: Support of appeal of the Conditional Use Authorization for 1963 Ocean Ave;

From: Mike & Malena [<mailto: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;

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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: file 141291 FW: Support of appeal of the Conditional Use Authorization for 1963 Ocean Ave;

From: Ryan, Malena [<mailto: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;

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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Conditional Use Permit for 1963 Ocean Avenue --Case No. 2014.0206C

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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: file 141291FW: Appeal scheduled to be heard January 13, 2015 Case No. 2014.0206C -

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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Opposition to Happy Vape on 1961 Ocean Avenue, File No. 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

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Carroll, John (BOS); Lamug, Joy
Subject: File 141291 FW:
Attachments: SFDPH_FactSheetFeb2013.pdf; Map_Ocean_tobacco_schools.pdf

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

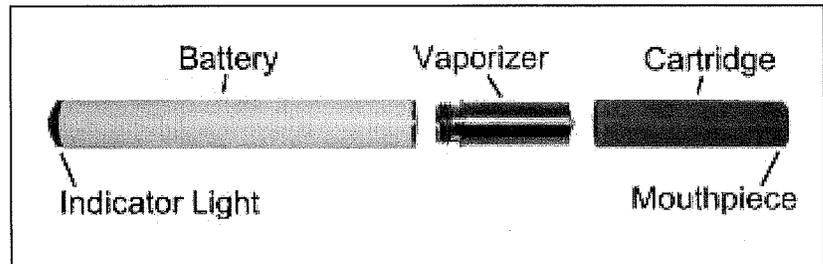
E-Cigarette Fact Sheet

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.

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: file 141291 FW: Conditional Use Appeal - 1963 Ocean Avenue
Attachments: Appeal_Ltr_010515.pdf; Exhibit_A_2014.0206C_CU Final Motion.pdf;
Exhibit_B_SFDPH_FactSheetFeb2013.pdf; Exhibit_C_SFBOS_e-cigarettes_20140327.pdf;
Exhibit_D_Fig_1_cigs_per_capita.jpg; Exhibit_E_Map_OceanAve_tobacco_schools.pdf

From: Robert Karis [<mailto:rckaris2@gmail.com>]
Sent: Monday, January 05, 2015 11:14 AM
To: BOS Legislation (BOS)
Cc: Board of Supervisors (BOS); Yee, Norman (BOS); Robert Karis
Subject: Conditional Use Appeal - 1963 Ocean Avenue

Dear Angela Calvillo, Clerk of the Board:

Please enter the following documents for my 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.

Appeal_Ltr_010515.pdf
Exhibit_A_2014.0206C_CU Final Motion.pdf
Exhibit_B_SFDPH_FactSheetFeb2013.pdf
Exhibit_C_SBOS_e-cigarettes_20140327.pdf
Exhibit_D_Fig_1_cigs_per_capita.jpg
Exhibit_E_Map_OceanAve_tobacco_schools.pdf

Thank you.

Sincerely,

Robert Karis, M.D.
Appellant

We are appealing 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, to allow establishment of a tobacco paraphernalia establishment within the Ocean Avenue Neighborhood Commercial Transit District and located at Assessor's Block No. 6915, Lot No. 020

The Planning Commission did not properly apply the following sections of the Planning Code¹:

1. 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): With respect to applications filed pursuant to Article 7 of this Code, that 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.

1.1 The 1900 block of Ocean Ave. is located between two RH-(1)D neighborhoods, Ingleside Terraces and Mt. Davidson Manor. These neighborhoods are family oriented with many children and seniors.

1.2 In the past few years, there have been several studies of the Ocean Avenue Neighborhood Commercial District. A smoke shop, vape shop, tobacco outlet, or any type of hookah lounge has never been requested in any of these documents.^{2,3, 4,5}

1.3 A high percentage of neighbors are opposed to a vape shop/hookah lounge in this location. As a required part of the appeal process, the appellant collected signatures from owners of property located within 300 feet of the proposed tobacco paraphernalia establishment. 33 signatures were obtained from owners of residential properties and only three declined.⁶ This is consistent with our experience in gathering more than 100 signatures on a petition opposing the vape shop for the Planning Commission hearing.

1.4 The 1900 block of Ocean Ave. has many businesses that are used by the neighbors; for example, two barbers, beauty and nail salons, a bicycle shop, a coffee shop, a dentist's office, a dry cleaner, a pizzeria, a sewing shop, three restaurants, and a yoga studio. A furniture store and a waffle shop are opening soon in the 1900 block. There is a 24 Hour Fitness at Ashton at the beginning of the 1900 block of Ocean Ave.

1.5 The 1900 block of Ocean Avenue also has several "alternative" businesses that are not neighborhood serving, for example two tattoo parlors and a medical marijuana dispensary. The 1900 block of Ocean Ave. has three massage parlors that are listed in the San Francisco Board of Supervisors File No. 130789, Ordinance No. 266-13 introduced by President Tang and approved 11/27/13, Health Code - Licensing and Regulation of Massage Establishments and Practitioners, pp.39-44, rubmaps San Francisco erotic massage parlors.⁷

1.6 The 1900 block of Ocean Avenue also has a few vacant storefronts. This is not surprising as the 1900 block of Ocean Avenue has 40 storefronts (this includes a few

storefronts around the corner on Ashton Avenue, which are in the same building as 1901 Ocean Avenue, the former Masonic Lodge).

1.7 Ocean Avenue went 20 years without a bank, grocery store, or hardware store. In the past few years a Chase Bank, a Whole Foods, and this year a hardware store, have moved into the 1100 to 1600 blocks of Ocean Ave. These are a few of the types of businesses that residents would like to have in the 1900 block in our neighborhood. A Target Express is applying for a Conditional Use permit to open in the 1800 block of Ocean Ave.

1.8 The neighbors do not want vacant storefronts in the 1900 block of Ocean Ave. to be filled with unnecessary, undesirable, non-neighborhood serving, or unhealthy businesses, that will make this block less attractive to the residents and to possible new traditional businesses.

1.9 **In summary**, the appellant holds that the statement in the Final Motion of the Planning Commission (Exhibit_A⁸) page 4, 7.A.) that “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.” is incorrect. This statement is not based on any valid measure of the needs or desires of the neighborhood.

The Planning Commission also did not properly apply the following sections of the Planning Code:

2. 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**, or injurious to property, improvements or potential development in the vicinity, **with respect to aspects including but not limited to the following:** (A) The nature of the proposed site, including its size and shape...(B) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic... (C) The safeguards afforded to prevent noxious or offensive emissions... (D) Treatment given, as appropriate, to such aspects as landscaping, screening...

2.1 The Planning Commission Final Motion (Exhibit_A⁸) page 5, 7.B.i-iv. quotes the Planning Code Sec. 303 (c)(2) with a few changes in wording and leaves out the crucial phrase **“with respect to aspects including but not limited to the following:”** The Final Motion then discusses how the proposed project is consistent with subsections (A) to (D) of 303 (c)(2). (7.B.i.to iv. in the numbering system used in the Final Motion.)

The appellant believes that the proposed use is **“detrimental to the health and general welfare of persons residing or working in the vicinity”**. This tobacco paraphernalia establishment intends to sell electronic cigarettes (e-cigarettes), vaporizers, e-liquids containing nicotine, and to operate a steam stone hookah lounge in the basement. In support of our position that e-cigarette use is detrimental to the health and general welfare of persons residing or working in this vicinity, we reference the following documents from the City and County of San Francisco:

2.1.1 E-Cigarette Fact Sheet, Feb. 4, 2013, **TOBACCO FREE PROJECT, San Francisco Department of Public Health, Population Health and Prevention.(Exhibit_B⁹)**
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.

2.1.2. These health concerns provided the basis for the following legislation which was passed unanimously by the San Francisco Board of Supervisors in March, 2014.

File No. 131208, Ordinance No. 030-14 (Exhibit C¹⁰)

Ordinance amending the Health Code to prohibit the use of electronic cigarettes where smoking is otherwise prohibited; require a tobacco permit for the sale of electronic cigarettes; prohibit the sale of electronic cigarettes where the sale of tobacco products is otherwise prohibited; and making environmental findings.

Sponsored by Supervisors Mar, Avalos, Chiu, Yee, and Cohen. Passed unanimously by the Board of Supervisors on March 18 and March 25, 2014, and signed by Mayor Ed Lee on 3/27/14.

p.2 of the Ordinance:

6 *The FDA's Center (or Drug Evaluation and Research, Division of*
7 *Pharmaceutical Analysis (DPA) analyzed the cartridges from these electronic cigarettes (or nicotine*
8 *content and for the presence of other tobacco constituents, some of which are known to be harmful to*
9 *humans, including those that are potentially carcinogenic or mutagenic. The DPA's analysis of the*
10 *electronic cigarette samples showed:*

11 *(1) The products contained detectable levels of known carcinogens and toxic chemicals to*
12 *which users could be exposed.*

13 *(2) Quality control processes used to manufacture these products are inconsistent or non-*
14 *existent.*

15 *(3) Tobacco-specific impurities suspected of being harmful to humans-anabasine, myosmine,*
16 *and 8-nicotyrine-were detected in a majority of the samples tested.*

17 *(4) Three different electronic cigarette cartridges with the same label were tested and each*

18 cartridge emitted a markedly different amount of nicotine with each puff. The nicotine levels per puff
19 ranged from 26.8 to 43.2 mcg nicotine/100 mLpuff
20 (d) The Surgeon General has found that the chemical nicotine is a powerful pharmacologic
21 agent that acts in the brain and throughout the body and is highly addictive. The United States
22 Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or
23 heroin and is a highly toxic substance. Use of nicotine in any form may cause or contribute to
24 cardiovascular disease, complications of hypertension, reproductive disorders, cancers of many types.
25 and gastrointestinal disorders, including peptic ulcer disease and gastro esophageal reflux.

p.3:

1 (e) The FDA has raised concerns that electronic cigarettes, including but not limited to
2 flavored electronic cigarettes, can increase nicotine addiction among young people and may lead youth
3 to try conventional tobacco products. A CDC study showed that in 2011 4. 7% of all high schoolers had
4 tried e-cigarettes and that in 2012 that number increased to 10.0% of all high schoolers. Electronic
5 cigarettes may not be legally sold to minors in California. Electronic smoking devices and other
6 unapproved nicotine delivery products have a high appeal to youth due to their high tech design and
7 availability in child-friendly flavors like cotton candy, bubble gum, chocolate chip cookie dough and
8 cookies and cream milkshake. [Also, E-cigarette ads are directed towards young people.]
9 (f) Health authorities have also expressed concerns that the vapors released into the air
10 through the use of an electronic cigarette present a danger to others who breathe them.

A further explanation of the health problems regarding e-cigarettes is as follows:

2.1.3 The e-liquids used in e-cigarettes are mixtures of nicotine, solvents (glycerol and/or propylene glycol) and flavorings. Chronic inhalation of these chemicals may have unhealthy effects.¹¹

2.1.4 E-cigarettes use a metal coil heated up to 600 degrees Fahrenheit to vaporize the e-liquids.¹² Temperatures that high result in chemical breakdown of the ingredients and the production of harmful fumes that are then inhaled.¹³ The coils themselves produce nanoparticles of metals that lodge in the lungs.¹⁴

2.1.5 One e-cigarette can be the equivalent of a pack or more of conventional cigarettes, increasing the likelihood of prolonged exposure to these fumes.¹⁵ The larger, 2nd and 3rd generation e-cigarette devices or vaporizers, which are favored by "vape shops" allow longer duration of vaping and higher voltages and temperatures, which increase the exposure to these harmful fumes.^{16,17}

2.1.6 It is the opinion of the appellant that due to the above facts, e-cigarettes are, and will continue to be, detrimental to the health of the users.

2.2 The proposed business at 1963 Ocean Avenue intends to operate a steam stone hookah lounge.

2.2.1 In this type of hookah, burning charcoal is used to vaporize flavored liquids and the fumes are then inhaled. Typically, tobacco is not used. Charcoal burns at high temperatures, resulting in chemical breakdown of the ingredients and harmful fumes that are then inhaled. Inhaling fumes from the burning charcoal itself can result in carbon monoxide poisoning.^{18,19}

2.2.2 It is the opinion of the appellant that due to the above facts, hookah usage, steam stone or other varieties, is and will continue to be, detrimental to the health of the users.

2.3 The proposed tobacco paraphernalia establishment claims that it is in the business of "harm reduction". That claim is disingenuous.

2.3.1 E-cigarettes are not more effective for smoking cessation than approved stop smoking programs, which do not use e-cigarettes.^{20,21} E-cigarettes are not approved by the FDA as a stop smoking product.²² E-cigarettes are not proven to be safer than cigarettes for long term use.²³

2.3.2 Cigarette consumption has been decreasing dramatically for fifty years since the Surgeon General's report of 1964 (Exhibit_D, Figure 1).^{24,25} This decline is due to extensive public health measures including restrictions on advertising and sales, not to E-cigarettes. E-cigarettes and the newer variants may be a way for tobacco companies to reverse their declining sales.²² The nicotine in e-cigarettes is extracted from tobacco leaves and is a tobacco product.

2.3.3 E-cigarettes are currently a multi-billion dollar business backed by millions of dollars of advertising. If e-cigarette manufacturers were sincere about being considered as stop smoking products, they would apply for FDA approval, similar to other nicotine replacement products that are approved by the FDA for smoking cessation. However, due to the characteristics of e-cigarettes discussed in 1.1 above, existing e-cigarettes may not meet FDA criteria for approval.²²

2.3.4 The proposed business is not a stop smoking clinic. A primary goal of this business is to increase the sale and use of e-cigarettes, which will result in more people becoming addicted to nicotine and being exposed to these harmful fumes.²⁶ The proposed business also intends to operate a steam stone hookah lounge, which is not part of a stop smoking program. As discussed in 1.2 above, hookah, steam-stone or otherwise, has adverse health effects.

2.3.5 It is the opinion of the appellant that due to the above facts, the claim of "harm reduction" as a primary goal of this business is not credible.

2.4 **In summary**, the appellant maintains that the statement in the Final Motion of the Planning Commission (p.5, 7.B.) that "The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity." is incorrect and is not supported by recognized health agencies.

The Planning Commission also did not properly apply the following sections of the Planning Code:

3. 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.

3.1 As seen on the map (Exhibit_E, Figure 2), there are eight businesses that sell cigarettes on this section of Ocean Avenue; five of these sell e-cigarettes. (In addition, there are two businesses that sell cigarettes and/or e-cigarettes on the adjacent blocks of Holloway Ave.) The western half of the Ocean Avenue Neighborhood Commercial District is particularly impacted, as it has six businesses that sell cigarettes (four of which sell e-cigarettes): 1490, 1521, 1551, 1799, and 2000 Ocean Avenue, and 395 Ashton Avenue, which is in the same building as 1901 Ocean Avenue. These six stores are located in a five block distance, a little over 2,000 feet distance, which means that there is already one tobacco establishment every 335 feet on average.

3.2 1963 Ocean Ave. is 350 feet from the 7-Eleven at 2000 Ocean Avenue which sells cigarettes and e-cigarettes, and less than 400 feet west of the E-C Mart on Ashton which sells cigarettes.

3.3 The proposed tobacco paraphernalia establishment is across Ocean Avenue, 130 feet, from the Voice of Pentecost Academy, an accredited K-12 school. It is 900 feet from the K-8

Stratford School. It is less than 1,200 feet from the Aptos Playground and Middle School, which has 1,000 students. A large number of Aptos students walk past 1963 Ocean Avenue twice a day.

3.4 The principal business of this vape shop will be selling tobacco products and paraphernalia, which will increase usage of these potentially harmful products in the Ocean Avenue neighborhood.

3.5 The appellant realizes that the proposed tobacco paraphernalia establishment will not sell its products to underage students. However, despite state and local restrictions, minors continue to obtain cigarettes and other tobacco products. It has been stated that “*Higher tobacco retail density encourages smoking by making cigarettes more accessible and available, by normalizing tobacco use, and through increasing environmental cues to smoke.*” and “*it is in the City's interest to reduce the disproportionate exposure to tobacco outlets that exists.*”²⁷

3.6 Teen use of e-cigarettes has been increasing at an alarming rate.²⁸ Communities across the country are trying to limit this growth.

3.7 **In summary**, the appellant holds that the statement in the Final Motion of the Planning Commission (p. 6, E.ii.) that “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” is incorrect and is inconsistent with the data.

Conclusion: The proposed tobacco paraphernalia establishment does not meet the Conditional Use criteria of being necessary or desirable to our neighborhood. This business would adversely impact the health, safety, and welfare of residents of nearby areas, as has been stated by the San Francisco Department of Public Health and accepted by the San Francisco Board of Supervisors in unanimous votes on prior legislation. Ocean Avenue already has too high a concentration of tobacco paraphernalia establishments. San Francisco has always been in the forefront of efforts to protect the health of its citizens, and we ask that the Board of Supervisors continue this admirable tradition.

We ask that the Board of Supervisors fully and correctly apply the relevant sections of the San Francisco Planning Code as documented in this Appeal; deny the Conditional Use Authorization; and disapprove the proposed tobacco paraphernalia establishment at 1963 Ocean Avenue.

The appellant wishes to thank the members of the Board for giving us the opportunity to make these presentations to the San Francisco Board of Supervisors.

Robert Karis, M.D.

Annotated References:

(Some of these URL's may need to be copied and pasted into your web browser.)

¹ San Francisco Planning Code. American Legal Publishing Company. Current through Ordinance 228-14, File No. 120814, effective Dec. 13, 2014. <http://www.amlegal.com/library/ca/sfrancisco.shtml>

² Balboa Park Station Area Plan. San Francisco General Plan

www.sf-planning.org/Modules/ShowDocument.aspx?documentid=1983

³ Ocean Avenue Neighborhood Profile. San Francisco Invest in Neighborhoods 2013
<http://investsf.org/wordpress/wp-content/uploads/2014/03/Neighborhood-Profile-OCEAN-AVENUE.pdf>

⁴ San Francisco Formula Retail Economic Analysis June, 2014 http://www.sf-planning.org/ftp/files/legislative_changes/form_retail/Final_Formula_Retail_Report_06-06-14.pdf

⁵ Kjelstrom Economic Development Final Report
http://www.sfog.us/ocean_ave/kjelstrom_20141031.pdf

⁶ Appeal Ltr 120814 pdf pp.19-25.
<https://sfgov.legistar.com/View.ashx?M=F&ID=3417053&GUID=CB4A6F8A-BCD2-4C22-B3AE-7B77B498C61F>

⁷ San Francisco Board of Supervisors: Licensing and Regulation of Massage Establishments and Practitioners, File No. 130789 Board Pkt 111913
<https://sfgov.legistar.com/View.ashx?M=F&ID=2729803&GUID=7C730750-B402-42E5-A679-91963AE186F4>

⁸ Planning Commission Final Motion No. 19271, Hearing Date: November 6, 2014. San Francisco Planning Department. Online in Appeal Ltr 120814 pdf pp.3-18.
<https://sfgov.legistar.com/View.ashx?M=F&ID=3417053&GUID=CB4A6F8A-BCD2-4C22-B3AE-7B77B498C61F>

⁹ E-Cigarette Fact Sheet, Tobacco Free Project, San Francisco Department of Public Health, Feb. 2013.
<https://www.sfdph.org/dph/files/hc/HCCCommPubHlth/Agendas/2014/April%2015/FactSheetLongFeb2013%20Final.pdf>

¹⁰ San Francisco Board of Supervisors: Restrictions on Sale and Use of Electronic Cigarettes. File No. 131208, Ordinance No. 030-14, approved 3/27/14. Leg Final
<https://sfgov.legistar.com/View.ashx?M=F&ID=2952910&GUID=50D33A11-51BA-4BD9-B040-A155302C0464>

¹¹ Hazardous Substance Fact Sheet, Propylene Glycol. New Jersey Department of Health, Sept, 2009.
<http://nj.gov/health/eoh/rtkweb/documents/fs/3595.pdf>

¹² Schripp T, Markewitz D et al. Does e-cigarette consumption cause passive vaping? *Indoor Air* 23:25-31, Feb. 2013. <http://onlinelibrary.wiley.com/doi/10.1111/j.1600-0668.2012.00792.x/full>

¹³ Kosmider L, Sobczak A, et al. Carbonyl Compounds in Electronic Cigarette Vapors—Effects of Nicotine Solvent and Battery Output Voltage. *Nicotine Tob Res* 16 (10):1319-1326, Oct. 2014.
<http://ntr.oxfordjournals.org/content/16/10/1319.full>

¹⁴ Williams M, Villareal A et al. Metal and Silicate Particles Including Nanoparticles Are Present in Electronic Cigarette Cartomizer Fluid and Aerosol *PLoS One*. 2013;8:e57987
<http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0057987>

¹⁵ One cartridge of e-liquid equals approximately one pack of cigarettes.
<http://store.blucigs.com/flavor-cartridges>

¹⁶ http://en.wikipedia.org/wiki/Electronic_cigarette

¹⁷ Meier B: <http://www.nytimes.com/2014/12/25/business/race-to-deliver-nicotines-punch-with-less-risk.html>

¹⁸ Shihadeh A, Salman R, et al. Does switching to a tobacco-free waterpipe product reduce toxicant intake? A crossover study comparing CO, NO, PAH, volatile aldehydes, tar and nicotine yields. *Food Chem Toxicol*. May 2012; 50(5): 1494–1498.
<http://www.sciencedirect.com/science/article/pii/S0278691512001251>

¹⁹ Youn OL, Mukherjea, Grana R: Hookah steam stones: smoking vapour expands from electronic cigarettes to waterpipes. *Tob Control*. Mar 2013; 22(2): 136–137.

<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3529746/>

²⁰ Franck C, Budlovsky BA et al. Electronic Cigarettes in North America: History, Use, and Implications for Smoking Cessation. *Circulation*. 2014; 129: 1945-1952

<http://circ.ahajournals.org/content/129/19/1945.full> Review. E-cigarettes can help reduce the number of cigarettes smoked and may be as effective for smoking cessation as the nicotine patch. Conclusion— Given the limited available evidence on the risks and benefits of e-cigarette use, large, randomized, controlled trials are urgently needed to definitively establish their potential for smoking cessation.

²¹ Nowak D, Jorres RA, R  ther T: E-cigarettes--prevention, pulmonary health, and addiction. *Dtsch Arztebl Int*. 2014 May 16;111(20):349-55

<http://www.ncbi.nlm.nih.gov/pubmed/?term=nowak+d++e-cigarettes> In contrast to the demonstrated efficacy of multimodal smoking-cessation programs with pharmacological and psychotherapeutic support, the efficacy of e-cigarettes in smoking cessation has not yet been satisfactorily shown.

²² American Lung Association Statement on E-Cigarettes. 2014 <http://www.lung.org/stop-smoking/tobacco-control-advocacy/federal/e-cigarettes.html>

²³ Meier B: <http://www.nytimes.com/2014/12/25/business/race-to-deliver-nicotines-punch-with-less-risk.html>

²⁴ Warner KE, Pollack HA: The Nicotine Fix. *The Atlantic*, Nov. 13, 2014, Per Capita Cigarette Consumption (figure) <http://www.theatlantic.com/features/archive/2014/11/the-nicotine-fix/382666/>

²⁵ 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/>

²⁶ Bunnell RE, Agaku IT: Intentions to Smoke Cigarettes Among Never-Smoking U.S. Middle and High School Electronic Cigarette Users, National Youth Tobacco Survey, 2011-2013. *Nicotine Tob Res* 2014 Aug 20. <http://www.ncbi.nlm.nih.gov/pubmed/25143298> In 2013, over a quarter million never-smoking youth had used e-cigarettes. E-cigarette use was associated with increased intentions to smoke cigarettes. Enhanced prevention efforts for youth are important for all forms of tobacco, including e-cigarettes.

²⁷ San Francisco Board of Supervisors: Tobacco Sales Permits and Associated Fees. File No. 141098, Ordinance No. 259-14 . Leg Final
<https://sfgov.legistar.com/View.ashx?M=F&ID=3423953&GUID=42A94485-60D5-4D03-AF83-DC49520B69DD>

²⁸ University of Michigan Monitoring the Future: E-cigarettes surpass tobacco cigarettes among teens. www.monitoringthefuture.org//pressreleases/14cigpr_complete.pdf Among 12th-graders, 17 percent reported e-cigarette use and 14 percent reported use of a tobacco cigarette in the last 30 days.



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

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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 $\frac{3}{4}$ 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 light rail 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



City and County of San Francisco
Mayor Edwin Lee

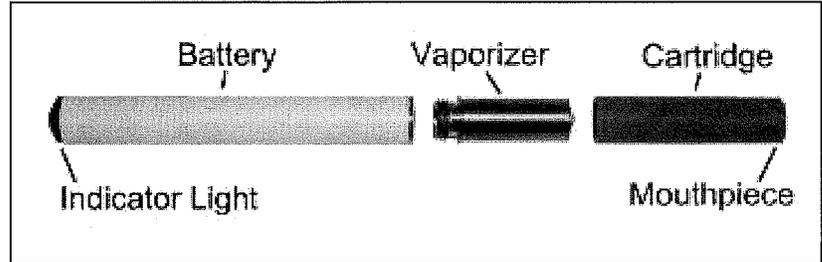
TOBACCO FREE PROJECT
Department of Public Health
Population Health and Prevention
Community Health Education Section
Community Health Promotion & Prevention Branch

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.

1 [Health Code - Restrictions on Sale and Use of Electronic Cigarettes]

2
3 **Ordinance amending the Health Code to prohibit the use of electronic cigarettes where**
4 **smoking is otherwise prohibited; require a tobacco permit for the sale of electronic**
5 **cigarettes; prohibit the sale of electronic cigarettes where the sale of tobacco products**
6 **is otherwise prohibited; and making environmental findings.**

7
8 NOTE: Additions are *single-underline italics Times New Roman*;
9 deletions are *strike-through italics Times New Roman*.
10 Board amendment additions are double-underlined;
11 Board amendment deletions are ~~strikethrough normal~~.

12
13 Be it ordained by the People of the City and County of San Francisco:

14 Section 1. The Planning Department has determined that the actions contemplated in
15 this ordinance comply with the California Environmental Quality Act (California Public
16 Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the
17 Board of Supervisors in File No. 131208 and is incorporated herein by reference.

18 Section 2. The San Francisco Health Code is hereby amended by adding Article 19N,
19 Sections 19N.1 – 19N.9, to read as follows:

20 **SEC. 19N.1 FINDINGS AND STATEMENT OF PURPOSE.**

21 (a) Electronic smoking devices, commonly referred to as electronic cigarettes or e-cigarettes,
22 are battery-operated devices that may resemble cigarettes, although they do not contain tobacco leaf.
23 People who use electronic smoking devices inhale vaporized liquid nicotine extracted from tobacco, or
24 inhale other vaporized liquids, created by heat through an electronic ignition system, and exhale the
25 vapor in a way that mimics smoking.

1 (b) Electronic cigarettes are presently available for purchase and use in San Francisco.

2 (c) The FDA's Center for Drug Evaluation and Research, Office of Compliance purchased two
3 samples of electronic cigarettes and components from two leading brands. These samples included 18
4 of the various flavored, nicotine, and no-nicotine cartridges offered for use with these products. These
5 cartridges were obtained to test some of the ingredients contained in them and inhaled by users of
6 electronic cigarettes. The FDA's Center for Drug Evaluation and Research, Division of
7 Pharmaceutical Analysis (DPA) analyzed the cartridges from these electronic cigarettes for nicotine
8 content and for the presence of other tobacco constituents, some of which are known to be harmful to
9 humans, including those that are potentially carcinogenic or mutagenic. The DPA's analysis of the
10 electronic cigarette samples showed:

11 (1) The products contained detectable levels of known carcinogens and toxic chemicals to
12 which users could be exposed.

13 (2) Quality control processes used to manufacture these products are inconsistent or non-
14 existent.

15 (3) Tobacco-specific impurities suspected of being harmful to humans—*anabasine, myosmine,*
16 and *β-nicotyrine*—were detected in a majority of the samples tested.

17 (4) Three different electronic cigarette cartridges with the same label were tested and each
18 cartridge emitted a markedly different amount of nicotine with each puff. The nicotine levels per puff
19 ranged from 26.8 to 43.2 mcg nicotine/100 mL puff.

20 (d) The Surgeon General has found that the chemical nicotine is a powerful pharmacologic
21 agent that acts in the brain and throughout the body and is highly addictive. The United States
22 Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or
23 heroin and is a highly toxic substance. Use of nicotine in any form may cause or contribute to
24 cardiovascular disease, complications of hypertension, reproductive disorders, cancers of many types,
25 and gastrointestinal disorders, including peptic ulcer disease and gastro esophageal reflux.

1 (e) The FDA has raised concerns that electronic cigarettes, including but not limited to
2 flavored electronic cigarettes, can increase nicotine addiction among young people and may lead youth
3 to try conventional tobacco products. A CDC study showed that in 2011 4.7% of all high schoolers had
4 tried e-cigarettes and that in 2012 that number increased to 10.0% of all high schoolers. Electronic
5 cigarettes may not be legally sold to minors in California. Electronic smoking devices and other
6 unapproved nicotine delivery products have a high appeal to youth due to their high tech design and
7 availability in child-friendly flavors like cotton candy, bubble gum, chocolate chip cookie dough and
8 cookies and cream milkshake.

9 (f) Health authorities have also expressed concerns that the vapors released into the air
10 through the use of an electronic cigarette present a danger to others who breathe them.

11 (g) The use of an electronic cigarette in public is often indistinguishable from the use of
12 traditional tobacco products, prompting confusion among members of the public wherever smoking is
13 prohibited. Consequently, persons who smoke traditional tobacco products may be induced to do so in
14 areas where smoking is illegal under the mistaken belief that smoking is legal in such areas, or that the
15 ban on smoking in such areas is not being enforced.

16 (h) Owners of establishments such as office buildings and restaurants encounter similar
17 obstacles seeking to comply with the laws prohibiting smoking in certain locations. An owner may
18 request that a patron stop smoking cigarettes in a restaurant only to have the patron demonstrate that it
19 is an electronic cigarette. The Owner may also be placed in the position of having to confront and
20 examine the cigarettes of any number of customers absent a prohibition on the use of electronic
21 cigarettes where traditional cigarettes are banned.

22 (i) The agencies charged with enforcing compliance in enclosed and unenclosed spaces will
23 similarly have to devote considerable time and resources determining the individuals smoking
24 electronic cigarettes versus traditional cigarettes.

1 (f) Some agencies in San Francisco have already adopted restrictions on e-cigarette usage
2 including San Francisco General Hospital, Laguna Honda Hospital, AT&T Ballpark, University of
3 California-San Francisco, San Francisco Department of Public Health and the San Francisco
4 International Airport.

5 **SEC. 19N. 2 DEFINITIONS.**

6 (a) "Director" means the Director of Public Health or his or her designee.

7 (b) "Electronic Cigarette" or "E-cigarette" means any device with a heating element, a
8 battery, or an electronic circuit that provides nicotine or other vaporized liquids to the user in a
9 manner that simulates smoking tobacco.

10 (c) "Establishment" means any store, stand, booth, concession or other enterprise that engages
11 in the retail sales of tobacco products and/or electronic cigarettes.

12 **SEC. 19N.3 TOBACCO SALES PERMIT REQUIRED.**

13 (a) An establishment must have a valid tobacco sales permit obtained pursuant to Health Code
14 Section 1009.52 to sell electronic cigarettes.

15 (b) The Director may enforce this section pursuant to Articles 19 et seq. of the Health Code
16 including but not limited to Article 19H.

17 **SEC. 19N.4 PROHIBITING THE USE OF ELECTRONIC CIGARETTES WHEREVER**
18 **SMOKING OF TOBACCO PRODUCTS IS BANNED.**

19 (a) The use of electronic cigarettes is prohibited wherever smoking of tobacco products is
20 prohibited by law including Articles 19 et seq. of the Health Code.

21 (b) The Director may enforce this section pursuant to Articles 19 et seq. of the Health Code
22 including but not limited to the Articles prohibiting smoking in certain spaces or areas.

23 **SEC. 19N.5 PROHIBITING THE SALE OF ELECTRONIC CIGARETTES WHEREVER**
24 **THE SALE OF TOBACCO PRODUCTS IS PROHIBITED.**

1 a) The sale of electronic cigarettes is prohibited wherever the sale of tobacco products is
2 prohibited by law, including as prohibited in Articles 19 et seq. of the Health Code.

3 b) The Director may enforce this section pursuant to Articles 19 et seq. of the Health Code
4 including but not limited to Article 19J.

5 **SEC. 19N.6 CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL**
6 **WELFARE.**

7 In enacting and implementing this ordinance, the City is assuming an undertaking only to
8 promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an
9 obligation for breach of which it is liable in money damages to any person who claims that such breach
10 proximately caused injury.

11 **SEC. 19N.7 RULES AND REGULATIONS.**

12 The Director, after a noticed public hearing, may adopt rules and regulations to carry out the
13 provisions of this Article. Such rules and regulations shall take effect 15 days after the public hearing.
14 Violation of any such rule or regulation may be grounds for administrative or civil action against the
15 permittee pursuant to this Article.

16 **SEC. 19N.8 PREEMPTION.**

17 (a) Nothing in this Article shall be interpreted or applied so as to create any power, duty or
18 obligation in conflict with, or preempted by, any Federal or State law. Even if not preempted by
19 Federal or State law, the provisions of this Article shall not apply if the Federal or State law is more
20 restrictive.

21 //

22 //

23 //

24 //

25 //

1 **(b) This Article shall not apply to any FDA-approved product marketed for therapeutic**
2 **purposes.**

3 **(c) This Article shall not affect any laws or regulations regarding medical cannabis.**

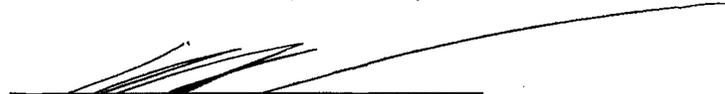
4 **SEC. 19N.9 SEVERABILITY.**

5 **If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Article or**
6 **any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of**
7 **competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining**
8 **portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would**
9 **have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof**
10 **irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses,**
11 **or phrases be declared unconstitutional, or invalid, or ineffective.**

12
13 Section 3. Effective Date. This ordinance shall become effective 30 days after
14 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
15 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
16 of Supervisors overrides the Mayor's veto of the ordinance.

17
18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20 By:


21 Ateeta M. Van Runkle
22 Deputy City Attorney

23
24
25 SUPERVISOR MAR
BOARD OF SUPERVISORS



City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 131208

Date Passed: March 25, 2014

Ordinance amending the Health Code to prohibit the use of electronic cigarettes where smoking is otherwise prohibited; require a tobacco permit for the sale of electronic cigarettes; prohibit the sale of electronic cigarettes where the sale of tobacco products is otherwise prohibited; and making environmental findings.

March 06, 2014 Rules Committee - RECOMMENDED

March 18, 2014 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

March 25, 2014 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

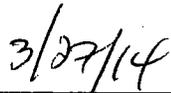
File No. 131208

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/25/2014 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board



Mayor



Date Approved

The Atlantic, Nov. 13, 2014

First Surgeon General's Report

TV- and Radio-Ad Ban

Major Settlement Between 46 State Attorneys General and Big Tobacco

Large Federal Tax Increases

Federal Tax Doubles

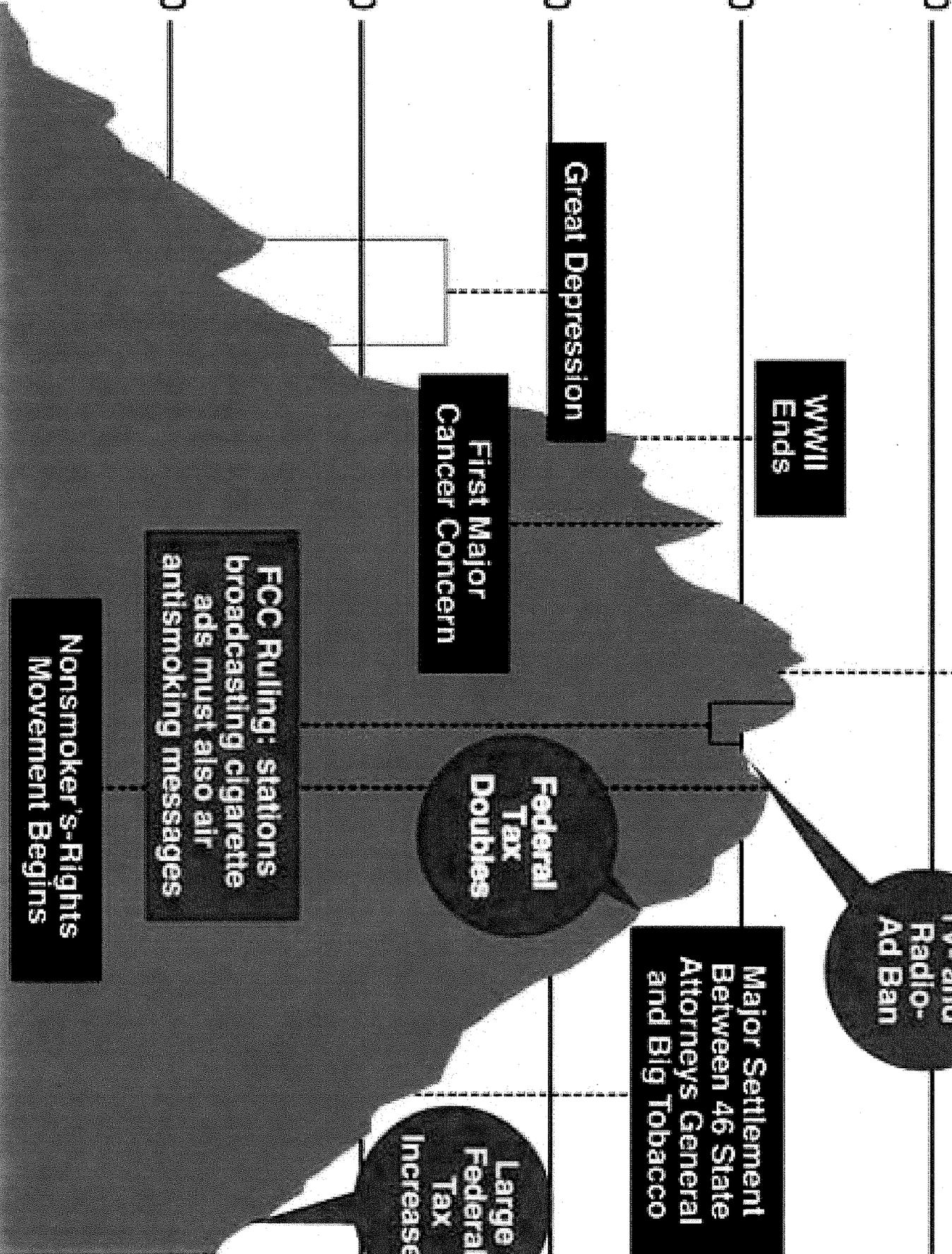
FCC Ruling: stations broadcasting cigarette ads must also air antismoking messages

Nonsmoker's-Rights Movement Begins

First Major Cancer Concern

WWII Ends

Great Depression



From: Board of Supervisors (BOS)
To: BOS-Supervisors
Cc: Carroll, John (BOS); Lamug, Joy
Subject: FW: Board packet request for 1/7 Special Meeting of the Board

File # 141279

From: Jed Holtzman [mailto:jed.holtzman@gmail.com]
Sent: Friday, January 02, 2015 3:49 PM
To: Board of Supervisors (BOS)
Cc: me
Subject: Board packet request for 1/7 Special Meeting of the Board

Dear Ms. Calvillo or Board of Supervisors staff:

I sent the below letter on behalf of 350 San Francisco regarding the reappointment of Ms. Wendy Paskin-Jordan to the full Board on 12/12/14.

I am re-sending to you now with the request that it be added to the Board packet for the hearing on this item (Wed, January 7 Special Meeting: Item 1. 141279 [Reappointment, Retirement Board - Wendy Paskin-Jordan]).

Thank you very much for your time and your service.

Best,
Jed Holtzman
Co-Coordinator, 350 San Francisco

----- Forwarded message -----

From: **Jed Holtzman** <jed.holtzman@gmail.com>
Date: Fri, Dec 12, 2014 at 6:48 PM
Subject: Support a New Perspective at SFERS -- Reject Wendy Paskin-Jordan!
To: Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, Katy.Tang@sfgov.org, London.Breed@sfgov.org, Jane.Kim@sfgov.org, Norman.Yee@sfgov.org, Scott.Wiener@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org, John.Avalos@sfgov.org



Hello Supervisors. I'm writing as the Co-Coordinator of the local climate advocacy group 350 San Francisco and as one of the core members of Fossil Free San Francisco, which has been working on divesting the City and County of its coal, oil, and gas holdings for almost two years.

You passed a unanimous divestment resolution back in April 2013 calling on the Retirement Board to divest the pension fund from fossil fuels. And then what happened?

Nothing at all, not even recognition. For months.

Why? Because the President of the Retirement Board at that time was a Ms. Wendy Paskin-Jordan.

Since you passed your unanimous resolution, Fossil Free SF has been working hard for action -- both to safeguard retirees' pensions from dangerously overvalued carbon assets and to conserve a stable and healthy climate future for the retirees of today and tomorrow.

Under Ms. Paskin-Jordan, we had absolutely no engagement at all. Fortunately, she was replaced as President by a more responsive public official. But even still, it has been surprisingly difficult to convince the Retirement Board to do their fiduciary duty and divest.

On December 4th, Mayor Lee swore in 20 appointments and re-appointments to various boards within the city government, including re-appointing Ms. Paskin-Jordan to the Retirement Board many months after her appointment had expired. Ms. Paskin-Jordan is not right for the Retirement Board for a number of reasons, and I urge you to reject this appointment at your next meeting! (Your January meeting will apparently come too late for you to take action.)

Ms. Paskin-Jordan not only ignored your resolution for the entirety of her tenure, she is also the only member of the Board who has refused to meet with advocates in the 18 months they have been working with the Retirement Board on the divestment issue. That is not the kind of responsiveness and accountability we expect from our civil servants -- certainly none of you would ever behave in such a fashion.

This summer, the Retirement Board came together for a "Special Informational Session" on carbon risk and fossil fuel divestment. The board heard from Bloomberg, Morgan-Stanley, a former SEC commissioner, and other financial professionals on why these issues are so critical to the health of the pension fund. Wendy Paskin-Jordan did not even show up for the meeting! She has been dismissive of the issue and of the pensioners who have presented concerns.

Paskin-Jordan has made it clear that she favors a business-as-usual approach and has not supported the Retirement Board even examining the portfolio's carbon risk. She is ignoring an issue that is not only morally important to the people of the city but also a material risk for the pension fund. She thus seems to be acting in breach of her fiduciary duty.

Ultimately, Wendy Paskin-Jordan is a barrier to protecting the long-term health of our pension fund. We need a new Retirement Board Commissioner who is more in tune with the values of the City and County -- as well as with the reality of the climate crisis and the trend lines of energy transformation.

I urge you to reject Wendy Paskin-Jordan's re-appointment to the Retirement Board on Tuesday.

Thank you very much for your consideration, and for receiving a bunch of emails on this.

Best,
Jed Holtzman
Fossil Free SF / 350 SF

From: Board of Supervisors (BOS)
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File: 141279 FW: Help stop the re-appointment of SFERS Board member Wendy Paskin-Jordan; Two Ethics Commission Whistleblower Complaints Against Her; 12/13/14 David Sirota Article "Investment By San Francisco Pension Official Raises Questions About Favors"
Attachments: Flier Opposing Paskin-Jordan Re-Appointment to SFERS.pdf

From: pmonette-shaw [mailto:Pmonette-shaw@earthlink.net]
Sent: Saturday, January 03, 2015 6:05 PM
Subject: Urgent: Help stop the re-appointment of SFERS Board member Wendy Paskin-Jordan; Two Ethics Commission Whistleblower Complaints Against Her; 12/13/14 David Sirota Article "Investment By San Francisco Pension Official Raises Questions About Favors"

On December 13, I forwarded you the e-mail below soliciting testimony to the Board of Supervisors objecting to the Mayor's re-appointment of Wendy Paskin-Jordan to the SFERS Board.

The e-mail I sent on December 13 and the attached flier are prominently featured in the Board of Supervisors agenda packet for its January 7 Special Meeting at 2:00 p.m. in Board Chambers, at which the Supervisors will again consider whether to approve her re-appointment to the SFERS Board. My e-mail is featured starting on page 3 of the Board's background file for this Wednesday, and the flier is included on page 7.

The purpose of today's e-mail to you is two-fold:

1. Please Continue Submitting Testimony to the Board of Supervisors Before January 7 Opposing Paskin-Jordan's Re-appointment to SFERS

Please again consider submitting testimony to the full Board of Supervisors opposing Paskin-Jordan's re-appointment to the SFERS Board. When the Board considered on December 16 whether to approve the Mayor's nomination of Wendy, she was a no-show and the Board felt obliged to continue the item to a special meeting to afford her an opportunity to present her side of the story. Many observers doubt that she will bother to show up on January 7 at all. Regardless of whether she

shows up this time, testimony still needs to be submitted to the Board opposing her appointment.

2. Please Attend a Rally Outside of Paskin-Jordan's San Francisco Office on Monday, January 5

The United Public Workers for Action is holding a press conference and rally on Monday 1/5. Their e-mail announcements have included, in part:

Press Conference

1/5/15 Rally Speak Out At Wendy Paskin-Jordan's Office

No More Crooks And Thieves In San Francisco Employees Retirement System (SFERS)

Monday January 5, 2014 at 4:00 PM

Paskin Capital Advisors, LLC

655 Montgomery Street Suite 1410

San Francisco, CA 94111

Wendy Paskin-Jordan is an executive and is the majority owner of Paskin Capital Advisors, LLC, a \$627M RIA based in San Francisco, CA. She is also has been using her position on the board of the City and County of San Francisco Employees Retirement System SFERS with \$20 billion to push for investments in deals that she has an interest in. Now her crony and pal SF Mayor Ed Lee has appointed her to another 5 year term knowing that she has financial conflicts of interest in her self dealing using her position.

While she has been on the board, she has used her position to get special favors from hedge fund speculators and also used fund money to travel on business for her multi-billion dollar hedge business. She also lied about her conflicts of interest when voting on decisions affecting pension investments of tens of thousands of pension plan members.

December 13 e-mail:

Enclosed is a new flier describing why urgent e-mail testimony is needed at the Board of Supervisors to stop the re-appointment of SFERS Board member Wendy Paskin-Jordan. Please circulate this flier as widely as possible, and encourage your constituents to submit opposition to Paskin-Jordan's reappointment to the Board of Supervisors quickly.

The text of the flier reads:

Wanted — Urgent Need: E-mails to Board of Supervisors

Hedge Fund Advocate Wendy Paskin-Jordan: SF Employees' Retirement System Board Member's Conflict of Interests

SFERS Commissioner Paskin-Jordan was a managing partner/owner of Paskin & Kahr Capital Management, LLC when appointed to SFERS in 2010. By 2012, she became the Chief Executive Officer/Owner of Paskin Capital Advisors, LLC. As a known supporter of hedge fund investing, there are reports she may either sell hedge fund investments, or may advise her clients to invest in hedge funds other so-called "alternative investments". As such, she has no business encouraging SFERS to invest in risky hedging.

On Monday, December 8, 2014, **Mayor Ed Lee** forwarded his nomination to re-appoint Paskin-Jordan to the San Francisco Employees' Retirement System (SFERS). On Tuesday, December 9, Supervisor John Avalos introduced a motion to have the full San Francisco Board of Supervisors sit as a "Committee of the Whole" on Tuesday, December 16 to consider whether the City Supervisors should approve of the Mayor's re-appointment of Paskin-Jordan to the SFERS Board, or to reject her re-nomination.

Paskin-Jordan's Link to BlackRock ... and Failure to Recuse Herself From a Key SFERS Vote

Paskin-Jordan most likely should have recused herself from a key SFERS vote involving BlackRock Investments, but didn't, during a full SFERS Board meeting on May 8, 2013, when the Board entertained a motion to terminate BlackRock Investments from a currency overlay program that may, or may not, have involved hedge funds.

As the illustration above shows, Mayor Lee claimed on behalf of Paskin-Jordan in her biography attached to his re-appointment letter that she served on Barclays Global Investors' board of directors until it was acquired by BlackRock. The Mayor claims she serves as a Trustee of

various funds of BlackRock Funds. Although she cast a vote to terminate BlackRock, she shouldn't have voted at all, given her probable conflict of interest. *Why is a millionaire capitalist on a Board for civil service employee pensions?*

Troubling Form 700's (Statements of Economic Interest)

Paskin-Jordan's Form 700's reveal two gifts totaling \$31,599.95 for foreign travel. Paskin-Jordan's "assuming office" Form 700 filed in September 2010 listed a November 21, 2009 trip paid for by the City's **San Francisco–Bangalore Sister City Initiative**. The "gift" included hotel, meals, and *airfare for two* at a cost of \$16,500 on a trip admittedly performed before she took office.

Also on her "assuming office" Form 700, she listed a second trip on June 16, 2010 paid for by the City's **San Francisco–Shanghai Sister City** project dubbed as the "San Francisco Week World Expo in Shanghai," another "gift" worth \$15,099.95 that again included hotel and *airfare for two*. It's unclear whether Paskin-Jordan was invited along on both Sister City trips to solicit investments in SFERS' portfolio, investments in the City, or her business investments.

Two Ethics Commission Whistleblower Complaints Involving Form 700's

Two formal whistleblower complaints about Paskin-Jordan's Form 700's were filed. One complaint dated September 2, 2014 alleging a violation of an applicable *Statement of Incompatible Activities* over **Paskin-Jordan's investments in GMO's Quality Fund** was forwarded by SFERS Executive Director Jay Huish to San Francisco Ethics Commission Executive Director, John St. Croix also on December 8. An April 2014 complaint alleges Paskin-Jordan made a business trip to New York City in 2013 to further her private business; SFERS reportedly paid for her NYC trip. The Board of Supervisors received copies of both Ethics complaints. E-mail the Supervisors today opposing Paskin-Jordan's re-appointment!

**Your Pension Funds Are at Stake! Attend the Board of Supervisors Meeting
Tuesday December 16 at 3:30 p.m. to Testify Against Paskin-Jordan's
Re-Appointment During This "Committee of the Whole" Agenda Item!**

Please see an article by *International Business Times* reporter David Sirota published today,
Saturday, December 13, 2014:

<http://www.ibtimes.com/investment-san-francisco-pension-official-raises-questions-about-favors-1752550>

Patrick Monette-Shaw

To unsubscribe, send me an e-mail

Enclosed is a new flier describing why urgent e-mail testimony is needed at the Board of Supervisors to stop the re-appointment of SFERS Board member Wendy Paskin-Jordan. Please circulate this flier as widely as possible, and encourage your constituents to submit opposition to Paskin-Jordan's reappointment to the Board of Supervisors quickly.

The text of the flier reads:

**Wanted — Urgent Need: E-mails to Board of
Supervisors**

**Hedge Fund Advocate Wendy Paskin-Jordan:
SF Employees' Retirement System Board Member's Conflict of Interests**

SFERS Commissioner Paskin-Jordan was a managing partner/owner of Paskin & Kahr Capital Management, LLC when appointed to SFERS in 2010. By 2012, she became the Chief Executive Officer/Owner of Paskin Capital Advisors, LLC. As a known supporter of hedge fund investing, there are reports she may either sell hedge fund investments, or may advise her clients to invest in hedge funds other so-called "alternative investments". As such, she has no business encouraging SFERS to invest in risky hedging.

On Monday, December 8, 2014, **Mayor Ed Lee** forwarded his nomination to re-appoint Paskin-Jordan to the San Francisco Employees' Retirement System (SFERS). On Tuesday, December 9, Supervisor John Avalos introduced a motion to have the full San Francisco Board of Supervisors sit as a "Committee of the Whole" on Tuesday, December 16 to consider whether the City Supervisors should approve of the Mayor's re-appointment of Paskin-Jordan to the SFERS Board, or to reject her re-nomination.

Paskin-Jordan's Link to BlackRock ... and Failure to Recuse Herself From a Key

SFERS Vote

Paskin-Jordan most likely should have recused herself from a key SFERS vote involving BlackRock Investments, but didn't, during a full SFERS Board meeting on May 8, 2013, when the Board entertained a motion to terminate BlackRock Investments from a currency overlay program that may, or may not, have involved hedge funds.

As the illustration above shows, Mayor Lee claimed on behalf of Paskin-Jordan in her biography attached to his re-appointment letter that she served on Barclays Global Investors' board of directors until it was acquired by BlackRock. The Mayor claims she serves as a Trustee of various funds of BlackRock Funds. Although she cast a vote to terminate BlackRock, she shouldn't have voted at all, given her probable conflict of interest. *Why is a millionaire capitalist on a Board for civil service employee pensions?*

Troubling Form 700's (Statements of Economic Interest)

Paskin-Jordan's Form 700's reveal two gifts totaling \$31,599.95 for foreign travel. Paskin-Jordan's "assuming office" Form 700 filed in September 2010 listed a November 21, 2009 trip paid for by the City's **San Francisco–Bangalore Sister City** Initiative. The "gift" included hotel, meals, and *airfare for two* at a cost of \$16,500 on a trip admittedly performed before she took office.

Also on her "assuming office" Form 700, she listed a second trip on June 16, 2010 paid for by the City's **San Francisco–Shanghai Sister City** project dubbed as the "San Francisco Week World Expo in Shanghai," another "gift" worth \$15,099.95 that again included hotel and *airfare for two*. It's unclear whether Paskin-Jordan was invited along on both Sister City trips to solicit investments in SFERS' portfolio, investments in the City, or her business investments.

Two Ethics Commission Whistleblower Complaints Involving Form 700's

Two formal whistleblower complaints about Paskin-Jordan's Form 700's were filed. One complaint dated September 2, 2014 alleging a violation of an applicable *Statement of Incompatible Activities* over **Paskin-Jordan's investments in GMO's Quality Fund** was forwarded by SFERS Executive Director Jay Huish to San Francisco Ethics Commission Executive Director, John St. Croix also on December 8. An April 2014 complaint alleges Paskin-Jordan made a business trip to New York City in 2013 to further her private business; SFERS reportedly paid for her NYC trip. The Board of Supervisors received copies of both Ethics complaints. E-mail the Supervisors today opposing Paskin-Jordan's re-appointment!

Your Pension Funds Are at Stake! Attend the Board of Supervisors Meeting Tuesday December 16 at 3:30 p.m. to Testify Against Paskin-Jordan's Re-Appointment During This "Committee of the Whole" Agenda Item!

Please see an article by *International Business Times* reporter David Sirota published today, Saturday, December 13, 2014:

<http://www.ibtimes.com/investment-san-francisco-pension-official-raises-questions-about-favors-1752550>

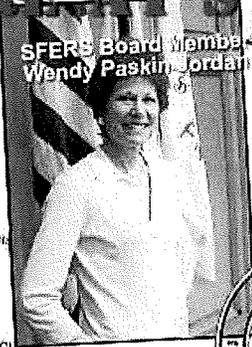
Patrick Monette-Shaw

To unsubscribe, send me an e-mail

SFERS PENSION FUNDS ARE AT STAKE



November 16, 2010. She serves as an independent trustee of the Mayor's Pension Fund - Institutional Shares and BGI Treasury Money Market Fund - Institutional Investment Fund - Institutional Shares and BGI Treasury Money Market Fund (includes Master Investment serves as a Trustee of various funds of BlackRock Funds (includes December 1998 and Portfolios). She served as a Director of Valley Media, Inc. since December 1998 and Digital Ventures, Inc. Ms. Paskin-Jordan served on the Board of Barclays Global Investors until it was acquired by BlackRock in late 2013. She served on the Board at Source



EDWIN M. LEE
MAYOR
Leg. Dir. City Atty
Rules Clerk, C. Page
AC FILE

WANTED

URGENT NEED:

E-MAILS TO BOARD OF SUPERVISORS

Hedge Fund Advocate Wendy Paskin-Jordan:

SF Employees' Retirement System Board Member's Conflict of Interests

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E-Mail City Supervisors Before Tuesday, December 15, Opposing Paskin-Jordan's SFERS Re-Appointment!

- John.Avalos@sfgov.org
- Malia.Cohen@sfgov.org
- Eric.L.Mar@sfgov.org
- Mark.Farrell@sfgov.org
- David.Chiu@sfgov.org
- Katy.Tang@sfgov.org
- London.Breed@sfgov.org
- Jane.Kim@sfgov.org
- Norman.Yee@sfgov.org
- Scott.Wiener@sfgov.org
- David.Campos@sfgov.org

And contact Avalos' aide, Jeremy Pollock, at either jeremy.pollock@sfgov.org or 554-7910 to oppose Paskin-Jordan's re-appointment.



Your Pension Funds Are at Stake! Attend the Board of Supervisors Meeting Tuesday December 16 at 3:30 p.m. to Testify Against Paskin-Jordan's Re-Appointment During This "Committee of the Whole" Agenda Item!

<http://www.ibtimes.com/investment-san-francisco-pension-official-raises-questions-about-favors-1752550>

TRANSPARENCY = FULL DISCLOSURE, NOT CONFLICTS OF INTEREST

OFFICE OF THE MAYOR
SAN FRANCISCO



Leg Clerks, Rules Clerk,
COB, Leg Dep, City Atty,
EDWIN M. LEE CPAG
MAYOR acFile

Notice of Appointment

January 5, 2015

San Francisco Board of Supervisors
City Hall, Room 244
1 Carlton B. Goodlett Place
San Francisco, California 94102

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2015 JAN -5 PM 4:27
AK

Honorable Board of Supervisors:

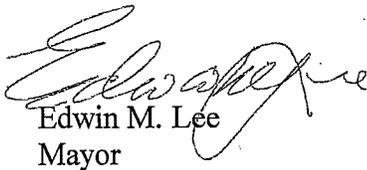
Pursuant to Section 3.100(18) of the Charter of the City and County of San Francisco, I hereby make the following appointment:

Polly Marshall, to the Residential Rent Stabilization & Arbitration Board, for a term ending September 1, 2018.

I am confident that Ms. Marshall, an elector of the City and County, will serve our community well. Attached herein for your reference are his qualifications to serve.

Should you have any questions related to this appointment, please contact my Director of Appointments, Nicole Wheaton, at (415) 554-7940.

Sincerely,


Edwin M. Lee
Mayor

OFFICE OF THE MAYOR
SAN FRANCISCO



EDWIN M. LEE
MAYOR

January 5, 2015

Angela Calvillo
Clerk of the Board, Board of Supervisors
San Francisco City Hall
1 Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Ms. Calvillo,

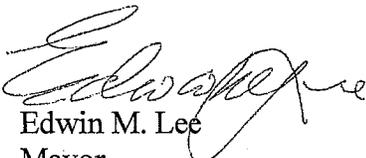
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Sincerely,


Edwin M. Lee
Mayor

POLLY VERENA MARSHALL
71 Norwich Street
San Francisco, CA 94110
415.608.8845

EDUCATION

Boalt Hall School of Law
University of California, Berkeley
J.D., 1983

University of California, Santa Cruz
B.A., 1978 with Highest Honors in the Major of Politics
B.A., 1977 with Honors in the Major of Biology

EMPLOYMENT

9/83 to Present, *Attorney*, Goldfarb & Lipman LLP, Oakland

Partner since 1989. Provide legal services in all areas of housing development, redevelopment and affordable housing finance. Specialize in housing programs for low and moderate income persons, multifamily and single family housing finance, housing cooperatives, and nonprofit corporations.

Retired January 2014. Continued relationship on contract basis.

8/81 to 5/83, *Law Clerk*, San Francisco Lawyers' Committee for Urban Affairs.

Research and writing of legal memoranda, legislative drafting, legislative analysis, housing policy analysis, legal counseling of non-profit community organizations.

Fall, 1982, *Intern*, Department of Fair Employment and Housing, San Francisco

Prosecution of housing and employment discrimination cases, including Department representation at administrative hearings and brief writing.

Summer, 1982, *Grantee*, Hastings Public Interest Law Foundation, San Francisco

Research and writing on local ordinances and practices that influence eviction defense.

Summer, 1981, *Law Clerk*, San Francisco Rent Arbitration and Stabilization Board

Landlord/Tenant counseling, legal research, administrative work.

POLLY VERENA MARSHALL
71 Norwich Street
San Francisco, CA 94110
415.608.8845

BOARDS & COMMISSIONS

5/84 to Present, *Commissioner*, San Francisco Rent Stabilization and Arbitration Board,
President of Board, 1987. Current Vice President.

PUBLICATIONS

Co-Author, Between the Lines: A Question and Answer Guide on Legal Issues in Supportive Housing (2003, 2010). Published by Corporation for Supportive Housing.

Co-Author, A Legal Guide to California Redevelopment (1991, 1994, 2007). A comprehensive 300 page book covering varied topics in redevelopment law, including redevelopment agency formation, plan adoption, property disposition, relocation, and affordable housing development requirements.

Author, Eviction Defense in San Francisco: A Guide to Local Ordinances, Policies, and Practices (1983). A comprehensive 200 page manual for pro bono attorneys serving low income clients in San Francisco. Published by the San Francisco Lawyers' Committee for Urban Affairs and the Hasting Public Interest Law Foundation.

Editor, Introduction to Case Reporters and Introduction to State Codes (1981). A series of legal research training manuals prepared for the Advocacy Training and Development Unit of the Legal Services Corporation.

PROFESSIONAL CERTIFICATES

Member of California and Federal Bars

From: Board of Supervisors (BOS)
To: BOS-Supervisors
Subject: FW: CPUC Notification - Verizon Wireless - Mission & 8th
Attachments: CPUC Filing - Verizon - Mission & 8th.pdf

From: Salem, Melinda [<mailto:Melinda.Salem@VerizonWireless.com>]
Sent: Wednesday, December 31, 2014 1:25 PM
To: Rahaim, John (CPC); Administrator, City (ADM); Board of Supervisors (BOS)
Cc: West Area CPUC
Subject: CPUC Notification - Verizon Wireless - Mission & 8th

This is to provide your agency with notice according to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California ("CPUC"). This notice is being provided pursuant to Section IV.C.2.

If you prefer to receive these notices by US Mail, please reply to this email stating your jurisdiction's preference.

Thank You



December 31, 2014

Ms. Anna Hom
Consumer Protection and Safety Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
alh@cpuc.ca.gov

RE: Notification Letter for Mission & 8th
San Francisco-Oakland, CA / GTE Mobilnet of California Limited Partnership / U-3002-C

This is to provide the Commission with notice according to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California ("CPUC") for the project described in Attachment A.

A copy of this notification letter is also being provided to the appropriate local government agency for its information. Should there be any questions regarding this project, or if you disagree with any of the information contained herein, please contact the representative below.

Sincerely,

Molly Kales
2795 Mitchell Drive, Walnut Creek, CA 94598
(925) 279-6762



CPUC Attachment A

Site Name	Mission & 8th
Legal Entity	GTE Mobilnet California LP
Choose Type of Project	Note: Select <input type="checkbox"/> IB Initial Build (New Verizon Wireless Presence) or <input type="checkbox"/> AM Modification to existing Verizon site
Street Address of Site	50 8th Street
Site Location City	San Francisco
Site Location Zip Code	94103
Site Location County	San Francisco
Site Location APN Number	3701-060

	Degrees	Minutes	Seconds
COORDINATES			
Site Location Latitude	37	46	39.51
Site Location Longitude	122	24	51.08
NAD_27_or_83	27	83	

Brief Description of Project Installation of (12) panel antennas and (2) GPS antennas and associated radio equipment in and on the elevator/stairwell penthouse on the rooftop of a hotel building. There will also be equipment within a 270.4 sq. ft. interior room in the penthouse.

Number and type of Antennas/Dishes	12 panel antennas, 2 GPS antennas
Tower Design	N/A
Tower Appearance	N/A
Tower Height (in feet)	140.9'
Size of Building or NA	Existing hotel building

Planning Director (or equivalent)	Planning Director
Contact 1 Agency Name	City of San Francisco
Contact 1 Street Address	1660 Mission Street, #400
Contact 1 City	San Francisco
Contact 1 State & ZIP	CA 94103
Contact 1 Email	John.Rahaim@sfgov.org

City Manager (or equivalent)	City Administrator
Contact 2 Agency Name	City of San Francisco
Contact 2 Street Address	1 Dr. Carlton B. Goodlett Place
Contact 2 City	San Francisco
Contact 2 State & ZIP	CA 94102
Contact 2 Email	city.administrator@sfgov.org

City Clerk (or equivalent)	Clerk of the Board
Contact 3 Agency Name	City of San Francisco
Contact 3 Street Address	1 Dr. Carlton B. Goodlett Place
Contact 3 City	San Francisco
Contact 3 State & ZIP	CA 94102
Contact 3 Email	Board.of.Supervisors@sfgov.org

Director of School Board (or equivalent)	N/A
Contact 4 Agency Name	
Contact 4 Street Address	
Contact 4 City	
Contact 4 State	
Contact 4 Zip Code	

LAND USE OR BUILDING APPROVALS

Type of Approval Issued	Planning Approval
Issue Date of Approval	7/3/2014
Effective Date of Approval	7/3/2014
Agency Name	SF Planning Department
Approval Permit Number	NA
Resolution Number (if applicable)	
Type of Approval Issued (2)	
Issue Date of Approval (2)	
Effective Date of Approval (2)	
Agency Name (2)	
Approval (2) Permit Number	
Resolution Number (2) (if applicable)	

From: Board of Supervisors (BOS)
To: BOS-Supervisors
Subject: FW: Parking Accessibility needs rational consideration: Reply to Jessie Lorenz op/ed

From: First Last [mailto:scott_douglas_415@att.net]
Sent: Wednesday, December 31, 2014 5:18 PM
To: accessibleparking@sfmta.com; jessie@ilrcsf.org
Cc: Board of Supervisors (BOS)
Subject: Parking Accessibility needs rational consideration: Reply to Jessie Lorenz op/ed

I understand that you are a good fundraiser and advocate for the disabled. However, I have issues with the facts alleged in your recent op/ed appearing in the San Francisco Examiner. Further, I do appreciate the difficult challenges presented to the governing bodies of City and State. Since you are in the paid position of Advocacy for the disabled I have trouble with your proposal to initiate further fees/taxes on that population which is already economically strained. The result of the recent action taken in Philadelphia, home of the \$46 Million Dollar Comcast CEO, has resulted in more available parking. I think you really need to ask "At what cost to the disabled." More parking for Mr. Roberts but less for the disabled? Where is the equity in that argument? The Philadelphia elite seek to control the public broadcast by conversion to a pay system through extensive lobbying of government employees. In my humble opinion, the regulators need to stand up and say NO that's not going to happen.

In previous proposals, the San Francisco Mayors Office, discovered very quickly that when proposing San Francisco should do like New York and "Stop and Frisk" (later held unconstitutional) that would be politically unpopular in this City and that proposal was shelved in San Francisco. The Mayor's office also got up to speed on the fact that Voters did not like losing Free Sunday Parking and that plan was reversed. Prior to those unpopular city proposals was the 8 Washington Street when city mayor and state Lt. Gov. proposed to undermine the Waterfront building height limit in favor of open space, which the Voters soundly rejected. Did Ed R not get the memo?

I am proud and blessed to be a third generation San Franciscan and I like to view San Francisco as a very independent thinking City and therefore do not like hearing Politicians say because they did it in New York or Philadelphia we should adopt here. Thank GOD we are Not New York (population 8.4 Mil) or Philadelphia (population double of SF). I expect our politicians to be LEADERS and independent thinkers not followers of others questionable oppressive policies. Prior to that unpopular city proposal was the 8 Washington Street when city and state Lt. Gov. proposed to undermine the Waterfront building height limit in favor of open space, which the Voters soundly rejected.

The City states it adopts a Transit First Policy so I have to ask what do you do in your position as Appointed State Executive Director that furthers that directive? Your office is located Near Powell Street Bart and is served by Muni. Research has indicated that the Accessible Parking Advisory Committee, the board on which you sit with SFMTA CEO retains paid consultant NelsonWygaard. What does that consultant have to say to ensure adequate parking? Does the consultant suggest that odd license plates must take public transportation to work on odd calendar days and all even license plates holders must take public transportation on even calendar days? Do they make any suggestion as to effort or plan to encourage our existing commuters to increase their use of public transportation or are they more focused on raising revenue? Does the consultant propose that the city should undermine State Law and enact an ordinance forcing the disabled to pay or do they suggest to let them eat cake on Friday's.

It's has been my observation the placard counters consistently overstate the use of and abuse of placards. Conservatives in general don't like what they view as government give away and often argue "abuse" or "misuse" to restrict what they view as liberal policies, albeit they may well be rational and reasonable policies. In my daily observation both use and abuse are negligible when compared to the daily occupation of pay spaces by government exempt vehicles, Counsel plates and general lack of management of existing parking by while simultaneously expanding Red, White, Green, Blue restricted spaces. Drivers throughout the city get annoyed daily by the current excessive in number unused unoccupied blue spaces in blocking access to the business they wish to patronize, so in my humble opinion your proposal to increase blue by 470 would increase the tension between blue space users

and non blue space users regardless of who pays or who may be exempt, economically injure the disabled as well as reduce existing revenue generating parking. The City has enforcement of placard misuse which again the results of which are easy to see by the average driver (misuse has declined substantially), so are u suggesting more paid DPT vehicles, pollution, pay, wages, benefits to wage additional assault on placard users? Do the math, more enforcement is more expense i.e., money out of the SFMTA budget.

Please consider a solution that maintains the status quo existing law but does further the need for accessibility parking without further fee/taxation. I admit it is a complex dilemma which deserves very thoughtful consideration that will not alienate the public. There is never Economic Justice in Taxing the poor.

Scott
District 6

UCSF Medical Center

UCSF Benioff Children's Hospital

Department of Regulatory Affairs

Mailing Address:
505 Parnassus Avenue, Box 0208
San Francisco, CA 94143-0208

Physical Address:
3330 Geary Boulevard, Suite 100
San Francisco, CA 94143-1818

Tel: 415.353.8497
Fax: 415.353.8645

University of California
San Francisco

December 30, 2014

Angela Calvillo
Clerk of the SF Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 DEC 31 PM 2:46

RE: Relocation of the UCSF Medical Center Services

Dear Ms. Calvillo,

UCSF Medical Center is providing notification to the San Francisco Board of Supervisors that the Ambulatory Surgery Center located at 400 Parnassus Avenue is closing effective 2/1/15. A new Ambulatory Surgery Center is opening at the UCSF Mount Zion Campus effective 2/1/15 and will be located at 1600 Divisadero Street.

At your convenience, we would like to request that this notification be distributed to each of the Board of Supervisors.

If you have any questions or need further information, please contact me at (415) 353-1967.

Sincerely,



Catherine Dietzen
Director, Regulatory Affairs
UCSF Medical Center

Cc: Diana Marana, District Administrator, SF CDPH District Office

From: Board of Supervisors (BOS)
To: BOS-Supervisors
Subject: FW: Shigella Infection Plague Alert

From: Ivan E Pratt [<mailto:prattbuddhahood@gmail.com>]

Sent: Saturday, January 03, 2015 3:06 PM

To: president@messages.whitehouse.gov; pelosi; jstenwall1; Kim, Jane (BOS); Nick Caskey; sf_district6; pchen@tndc.org; stevenandrew; goldoor5; Gold's Gym; rfreeman; Montantes, Richard (DPH); Robert Shiller; Rabbi Dr Katherine Hans Von Rotes Schild Zitler; Zubin, Naomi (DPH); lisa.dazols@ucsfmedctr.org; Ledbetter, Shirley (DSS); shin mochizuki; Edward Evans; ecomerritt; tony; christopher.nguyen; yourtakemytake@gmail.com; feedback@rttv.ru; fraas@rff.org; bcoa; Board of Supervisors (BOS); bill; Paul Klees

Subject: Shigella Infection Plague Alert

Permaculture & Disease epidemiological etiology of 'Shigella' infection. Shigella infection is a disease that is infectious in San Francisco's Tenderloin Area as of 2015 formal notice. 'Shigella' infection is a feces oriented infection, hence, keeping your hands clean during this plague is vital, and not sharing drinks, pipes, cigarettes, glasses & drinking utensils, and consenting sexual activity is vital in the spread of 'Shigella' seems to be a hygiene oriented disease in its social community etiology. In San Francisco's Tenderloin area, there is a very high demographics of homeless people, and I.V. Drug users, and people who are mentally challenged who may have controversial hygiene habits due to mental disabilities. 'Shigella' may be of plague proportions due to the homelessness of people not having clean residences and living on the side walks and residing in tents, without places to practice toiletries in hygiene – 'shigella' infection therefore may be a reflection of disenfranchised people due to homelessness and the practice of landlords in San Francisco practicing evictions to invest in speculative realty expensive apartments & condominiums. And any kind of disease infection eventually lead to the etiology of poor nutritional habits due to economic disenfranchisement & homelessness due to unlawful evictions: (SEE; Clinical Ecology, wikipedia).

'Shigella' is a 'Permaculture: Sustainable System Environmental Ecology: ecomerritt.org question in the community: 'Shigella': en.wikipedia.org/wiki/Shigella

From: Board of Supervisors (BOS)
To: BOS-Supervisors
Subject: FW: Missing and or dead smoke alarms in San Francisco
Attachments: Old Smoke Alarms are Radioactiv1.docx

From: john Peters [<mailto:japeters@pacbell.net>]
Sent: Saturday, January 03, 2015 8:51 PM
To: john.avalod@sfgov.org; Permits, Fire (FIR); FireAdministration (FIR); SFFD Nert
Cc: Board of Supervisors (BOS)
Subject: Missing and or dead smoke alarms in San Francisco

To Whom it May Concern,

Cc Fire Department,

Cc John Alvalos,

Cc Office of the Chief of the Fire Department

Cc NERT,

Cc Board of Supervisors

Fire Life Safety is important:

As a Licensed Electrical Contractor I do over 500 small service calls per year in SF,

I go into 3-5 homes here in the City every day.

More than half the time (65%) I find the smoke detectors are either totally missing, have dead batteries or have the batteries removed or placed backwards etc. After I explain the costs and benefits the residents almost always have me install new photoelectric smoke alarms with 10 year batteries in each sleeping room along with combination smoke alarm and carbon monoxide (CO) alarm in the hallways. I'm not looking for more work in fact at my age of 75 had too many service calls already. I am interested in saving lives.

Life safety is the basic feature of smoke detectors although they also protect property and prevent some callouts to the fire department.

I would like the Board of Directors to somehow require every resident person living in the city to **Self Certify** that they have working smoke detectors. This will at least put them on notice.

How can we accomplish this?

If you're interested I can go on with some other ideas of how to do this.

Perhaps insurance companies could require self certification as part of the renewal process for fire insurance policies. Of course smoke alarms reduce the risk to insurance companies

I can go on about the difference between the newer photoelectric smoke alarms with the 10 year battery that is required by the coded in the City, County, State and Nation.

I would like you to help me prepare to present my idea to you and the Board of Supervisors in person if you like.

John,

John A Peters Lic.#273651

Brookline Electric Co.

121 Santa Rosa Ave

San Francisco, CA 94112

415-239-5393 Text/Cell

John@BrooklineElectric.com

Here is a white paper on Smoke Alarms

<<...>>



This email has been checked for viruses by Avast antivirus software.

www.avast.com

Eliminate False Alarms, Increase Life Safety

New smoke detector units do not false alarm from shower steam, cooking odors, or tobacco smoke. I like the advanced features of the new alarms. One version comes with a 10 year lithium-ion battery. How does this work? Photoelectric detectors use a LED light sensor instead of a radioactive ionization chamber. They have a hush button that will silence it for 15 minutes and then automatically go back in service.

60% of Smoke Alarms are Out of Service.

Disabled Alarms - More than half of the alarms I test don't do anything when I push the test button. Tenants disable the old first generation radioactive ionization smoke heads after several false alarms. They typically have no battery, a dead battery or they have brand new batteries that are not plugged in, reversed or the unit is old and yellowed and long dead.

Where Required - Life Safety Smoke alarms are required in the hallway outside the bedrooms on each floor, as well as in each sleeping room. Exception - A bedroom that has been converted into a home office or a room where no one sleeps is not a sleeping room. However a living room with a bed or day bed where someone sleeps is a sleeping room. Smoke alarms are not required in kitchens or bathrooms etc. We are protecting sleeping people. It's assumed that if you're up and about, then you will be able to take care of any small problems since you are awake. An exception might be if you have someone with Alzheimer's and in that case we could put one in the kitchen.

Carbon monoxide alarms - CO alarms are required in the hallway outside of the bedrooms on each floor. They can be placed on any level and are not required to be up on the ceiling.

Warning: If you look hard you will find this in very small type: "Contains **Radioactive** Material Americium 241 a maximum of 1.0 Microcurie." San Francisco still allows the ionization units and they do a fairly good job in the bedrooms, but the units in the hallway near the kitchen have many false alarms. The city of Piedmont California no longer allows the old out of date ionization smoke detectors.

An article in the San Francisco Chronicle in July, 2013, states that the Superior Court let a landowner plead no contest to three counts of involuntary manslaughter for failing to maintain a working smoke alarm in the rental home where his tenants were killed. See the URL link here <http://sfgate.com/default/article/New-science-frees-Modesto-man-in-arson-murder-case-4643974.php> Or search for

New science frees Modesto man in arson murder case

(C) John A Peters 2014

415-239-5393 for an update of your alarms



George Gascón
District Attorney

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[Handwritten signature]

December 29, 2014

Angela Calvillo
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: The San Francisco Sentencing Commission Annual Report

Dear Mrs. Calvillo,

I am honored to present the third annual report of the San Francisco Sentencing Commission in accordance with County Ordinance 10-12. The purpose of the Sentencing Commission is to encourage the development of criminal sentencing strategies that reduce recidivism, prioritize public safety and victim protection, emphasize fairness, employ evidence-based best practices and efficiently utilize San Francisco's criminal justice resources.

In 2014, the San Francisco Sentencing Commission successfully completed the second full year of hearings covering Data Collection and Analysis, Diversion Programing, Penal Code Reform, Federal/National Sentencing Commissions, Appropriate Sentencing for Violent Offenders, State Sentencing Legislation, and Recidivism Reduction. The Sentencing Commission utilized the expert testimony and research presented at the 2014 meetings to develop the following five recommendations;

1. Create a state level Sentencing Commission.
2. Reauthorize the San Francisco Sentencing Commission.
3. Create a specialty youth court for young adults 18-25 years old.
4. Continue to invest in the improvements of criminal justice data collection, data sharing, and data analysis.
5. Invest in research to determine whether criminal sentences hold defendants accountable while effectively reducing recidivism.

The San Francisco Sentencing Commission strongly urges the Mayor and the Board of Supervisors to consider these recommendations when approving the annual budget and developing legislation directed toward a safer San Francisco. Should you have any questions about the Commission's activities, progress and recommendations please do not hesitate to contact me.

Sincerely,

[Handwritten signature]
George Gascón
District Attorney

City and County of San Francisco



The City and County of San Francisco
The San Francisco Sentencing Commission

2014 Annual Report San Francisco Sentencing Commission

The first of it's kind local Sentencing Commission

December 29, 2014



**San Francisco Sentencing Commission
2014 Annual Report**

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The activities of the 2014 calendar year of the San Francisco Sentencing Commission are summarized in this annual report as required by County Ordinance 10-12. This is the third of four reports that will be released from the San Francisco Sentencing Commission.

I. EXECUTIVE SUMMARY

The City and County of San Francisco strives to administer criminal justice strategies that lead to a reduction in incarceration, lower recidivism rates, safer communities and ensure that victims are made whole. In 2014 the San Francisco Sentencing Commission held four hearings covering Data Collection and Analysis, Diversion Programing, Penal Code Reform, Federal National Sentencing Commission, Appropriate Sentencing for Violent Offenders, State Sentencing Legislation, and Recidivism Reduction. The Sentencing Commission utilized the expert testimony and research presented at the 2014 meetings to develop the following five recommendations.

CALL FOR STATE LEVEL SENTENCING REFORM

Create a state level Sentencing Commission.

A comprehensive state level review of sentencing practices and outcomes is essential to addressing the California prison crisis, reducing recidivism, honoring victims and ensuring our communities are safe.

Reauthorize San Francisco Sentencing Commission.

As set forth in County Ordinance 10-12 which amended the San Francisco Administrative Code by adding Article 25, Sections 5.250 through 5.250-3, the San Francisco Sentencing Commission is currently set to sunset on June 1, 2015. In the absence of a state level sentencing Commission, the San Francisco Sentencing Commission recommends to the Mayor and Board of Supervisors extending the Commission's purpose and authority until December 31, 2017.

EFFECTIVE SENTENCING FOR YOUNG ADULT OFFENDERS

Create a specialty youth court for young adults 18-25 years old.

The San Francisco Sentencing Commission recognizes the need to address the specific criminal justice needs of the 18-25 year old population. To this end, the Sentencing Commission recommends the creation of a young adult court that will solely handle young adult defendant cases, with the goal of providing sentences and services in line with the specific needs of this population.

BOLSTER SAN FRANCISCO CRIMINAL JUSTICE DATA SHARING AND RESEARCH

Continue to invest in the improvements of criminal justice data collection, data sharing, and data analysis. Accurate data collection, data sharing, and subsequent analysis is vital to ensure equitable and efficient administration of justice. The San Francisco Sentencing Commission recommends continued investment in improvements to criminal justice department data collection tools, and database systems. This includes but is not limited to increased staffing and resources for criminal justice departments and the Justice Tracking Information System (JUS.T.I.S.) program. The sentencing Commission further recommends prioritizing the continuation of the program beyond replacement of the existing mainframe. Responsible data sharing is easily facilitated through JUS.T.I.S. These increased resources will provide tremendous potential to evaluate common criminal justice benchmarks including jail detention trends, sentencing outcomes, and recidivism.

Invest in research to determine whether criminal sentences hold defendants accountable while effectively reducing recidivism and predicting public safety risk.

The San Francisco Sentencing Commission recommends taking an in-depth look at sentencing, particularly surrounding whether sentencing guidelines hold persons with convictions accountable while effectively reducing recidivism. Researchers focused on length of stay for adults in jail and prison have not made any significant findings as to whether the length of a sentence operates as a deterrent mechanism to prevent future crime. However, researches do know that those involved with criminal activity tend to "age-out" of crime. To better understand these differences as it relates to recidivism, the Sentencing Commission recommends additional data collection and analysis to determine appropriate sentence structure.

II. BACKGROUND

The San Francisco Sentencing Commission, an initiative of the District Attorney's Office, was created through local legislation to analyze sentencing patterns and outcomes, to advise the Mayor, Board of Supervisors, and other City departments on the best approaches to improve public safety, reduce recidivism, and to make recommendations for sentencing reforms that utilize best practices in criminal justice. Ultimately through this work the commission will make recommendations that establish a sentencing system that retains meaningful judicial discretion, avoids unwarranted disparity, recognizes the most efficient and effective use of correctional resources, and provides a meaningful array of sentencing options. Over the course of the two year mandate the Sentencing Commission will:

- Evaluate effective and appropriate sentences for the most violent offenders.
- Explore opportunities for drug law reform.
- Examine inconsistencies in the penal code related to realignment sentencing.
- Identify and define the most important factors that reduce recidivism.

The Sentencing Commission was created by County Ordinance 10-12 which amended the San Francisco Administrative Code by adding Article 25, Sections 5.250 through 5.250-3. The purpose of the Sentencing Commission is to encourage the development of criminal sentencing strategies that reduce recidivism, prioritize public safety and victim protection, emphasize fairness, employ evidence-based best practices and efficiently utilize San Francisco's criminal justice resources. The Sentencing Commission is an advisory body to the Mayor and the Board of Supervisors.

Commission Membership

The membership of the Sentencing Commission was developed to ensure representation from City and County partners directly involved in the criminal justice system, and those who come in contact with it. Each seat represents a valuable perspective on criminal justice proceedings; from time of arrest to post release and the critical access points for support services provided to victims and survivors of crime. In addition to this practical and service experience, the commission includes experts in sentencing and statistical analysis. These are essential components to the commission membership and will contribute to the development of data-informed, sustainable improvements to our sentencing practices. While this membership will serve as a core of the Sentencing Commission's work, they will invite broader participation from practitioners, researchers, and community to inform the proceedings of the Commission.

List of member seats:

District Attorney's Office (Chair), Public Defender's Office, Adult Probation Department, Juvenile Probation Department, Sheriff's Department, Police Department, Department of Public Health, Reentry Council, Superior Court, Member of a nonprofit organization serving victims chosen by the Family Violence Council, Member of non-profit organization working with ex-offenders chosen by the Reentry Council, Sentencing Expert chosen by the Board of Supervisors, and an Academic Researcher with expertise in data analysis appointed by the Mayor.

The San Francisco Sentencing Commission membership was fully formed in July 2012. A current list of commission members and qualifications is found in Appendix A.

III. 2013 RECOMMENDATIONS IN REVIEW

Change the penalty for drug possession for personal use to a misdemeanor.

In 2013 The San Francisco Sentencing Commission recommended penal code reform legislation to change the penalty for drug possession for personal use from a felony to a misdemeanor. This reform would help reduce spending on prisons and jails and invest additional resources in drug treatment, mental health, and other community-based services. It would also facilitate reentry and reduce recidivism by removing consequences that result from a felony conviction, including barriers to employment, housing, financial aid and public benefits. During the 2014 California general elections, the California citizenry voted to require misdemeanor sentences instead of felony sentences for certain types of drug and property offenses.

This reform, the Safe Neighborhoods and Schools Act, provided for a reduction in jail time is slated to save the state and county criminal justice systems millions of dollars annually; the state budget savings will be used to support school truancy and dropout prevention, victims services, mental health and drug treatment and other programs designed to reduce recidivism and reduce crime. It will be up to each county to reallocate the anticipated cost savings from reductions in the pre and post-trial jail populations. California has now joined the 13 states, the District of Columbia, and the federal government that have reduced certain drug possessions from a felony to a misdemeanor.

Invest in pre-booking and pre-charging diversion programs for drug offenses.

In 2013, the Sentencing Commission recommended investment in pre-booking and pre-charging diversion programs for drug offenses. San Francisco currently operates several innovative practices directed to address substance dependent individuals who come into contact with the criminal justice system. Drug diversion has been a collective priority of the Department of Public Health, Police Department, District Attorney's Office, Public Defender, Courts and the community. This value investment has led to criminal justice options for the substance dependent community. San Francisco operates a Drug Court, the district attorney offers Back On Track a job development program for first time drug offenders and lastly individuals may be referred to Behavioral Health Court if they have both substance use dependency and/or serious mental health diagnosis. Even with these exemplary programs the San Francisco Sentencing Commission continues to be educated about promising and evidence informed practices that best meet public safety needs and contribute toward making communities whole.

In 2013 Seattle's Law Enforcement Assisted Diversion Program (LEAD) representatives presented their program to the Sentencing Commission as an example of a jurisdiction taking a mindful approach to ensure that communities are safe and that those struggling with addiction and poverty are directed toward alternatives to the traditional criminal justice system. The LEAD Program is a pre-booking diversion program that identifies low-level drug offenders for whom probable cause exists for an arrest, and redirects them from jail and prosecution by providing linkages to community-based treatment and support services. Pre-booking diversion programs consist of both a law enforcement and social services component.

The San Francisco Sentencing Commission has since heard testimony and reviewed the evaluation conducted by Goldman School of Public Policy graduate research team. The purpose of the evaluation was to look at the feasibility, benefits, and cost of replicating the LEAD program in San Francisco. The researchers concluded that if implemented appropriately, a pre-booking diversion program would be more efficient and more effective than its pre-charging counterpart. Further stating, "San Francisco has the necessary tools and systems to meet the challenge of successfully implementing such a program."

Ultimately the research team recommended that the San Francisco Sentencing Commission pursue the adoption of a pre-booking diversion program.

In addition to the evaluation, on June 3, 2014 San Francisco Sentencing Commission sent a six-member delegation to conduct a site visit of the LEAD program. The intent of the site visit was to learn and report on the challenges and lessons learned that could be taken into account if the program was implemented locally. The report from the site visit was favorable, however, due to uncertainties in implementation the Sentencing Commission agreed to convene a subgroup, consisting of representatives from law enforcement, the District Attorney's office, and public health to continue looking into the feasibility of a successful local implementation of this programming.

The LEAD working group is tasked to understand the potential cost and challenges of implementing this programming as either pre-booking or pre-charging, and include the voices of the previously incarcerated in the decision making process. Local county resources will be needed to explore feasibility and implementation. The San Francisco Sentencing Commission urges the Mayor and San Francisco Board of Supervisors to strongly consider budget and resource requests that support continued evaluation of the feasibility and benefit of implementing a pre-booking and pre-charging diversion program in San Francisco.

Develop an evidence-based Probation Supervision Terms pilot project.

Recognizing that a generic probation sentence length is not evidence based and uses valuable limited public resources. One of the justice reinvestment (JRI) strategies is to create a spectrum of probation lengths based on individual risk level and needs. The Sentencing Commission fully supports the development of a probation system where determining probation sentence lengths are based on evidence-based practice.

The San Francisco Sentencing Commission works collaboratively with the Reentry Council and the Community Corrections Partnership in the City and County of San Francisco. Each of these public safety advisory bodies serves a distinct role within the criminal justice system, however there are some issues that overlap and require coordinated analysis and review. During the 2013 proceedings of the San Francisco Sentencing Commission members received presentations on Earned Compliance Credit programs for community supervision terms initiated in several states. The Reentry Council, the collaborative group facilitating the Justice Reinvestment Initiative, received expert review of San Francisco probation sentencing and completion rates. The analysis found that while 63.5 percent of probationers successfully complete their probation terms, those that fail on probation do so in an average of 1.4 years, with 75 percent of those failing doing so within two years.

In 2014, separate from the Sentencing Commission and Reentry Council advisory bodies, but informed by the aforementioned research and analysis, the San Francisco District Attorney and the San Francisco Adult Probation Department developed a Probation Supervision Terms pilot project. These departments agreed to embark on this pilot project to reduce the standard length of felony probation sentences in San Francisco based on risk and needs assessments. In response to the passage of Prop 47, the Safe Neighborhoods and Schools Act, the District Attorney's Office is working with the Adult Probation Department, Superior Court and Defense Counsel to conduct a review of the nearly 600 individuals currently on probation and to determine appropriate outcomes on those matters. Once this review is completed, the pilot project workgroup will review risk and needs for those who remain on probation to determine appropriate probation sentence length. The San Francisco Sentencing Commission will continue to work with complementary public safety advisory bodies on this project in 2015.

IV. 2014 MEETING TOPICS & PRESENTERS

The Sentencing Commission held four meetings in 2014. Full agendas, meeting minutes and materials are available on <http://www.sfdistrictattorney.org/>. Meeting dates and selected subject matter presenters are provided below.

March 26, 2014

Mental Health Services Act Annual Report

Presenter: Marlo Simmons, Director of the Department of Public Health's MHSA

San Francisco Superior Courts Data on Felony Sentencing Outcomes and Juvenile Probation Departments Data on Juvenile Sentencing Outcomes

Presenter: Michael A. Corriere Principal Management Analyst, Superior Court of California, County of San Francisco

Realignment Sentencing Trends

Presenter: Leah Rothstein, Adult Probation Department

San Francisco Criminal Justice Demographics

Presenters: Antoinette Davis, National Council on Crime and Delinquency

Presentation on "Public Safety Realignment and Crime Rates in California"

Presenter: Steven Raphael, Goldman School of Public Policy, University of California Berkeley

Presentation on "California's Urban Violence Crime Rates Fall in First Half of 2013"

Presenter: Brian Goldstein, Center on Juvenile and Criminal Justice

June 11, 2014

Penal Code Reform

Presenter: Bob Weisburg, Stanford Criminal Justice Center

Feasibility Analysis of Pre-Booking and Pre-Charging Alternatives

Presenter: Ann Hollingshead and Mario Lievano, graduate students, Goldman School of Public Policy, University of California Berkeley

Collateral Consequences of Incarceration

Presenter: Meredith Desautels, Lawyers Committee for Civil Rights of the San Francisco Bay Area

Project WHAT! Youth Participant on the Experience of Having an Incarcerated Parent

Presenters: Ameerah Tubby and Mailee Wang, Project WHAT!

Project WHAT! Formally Incarcerated Person on the Collateral Consequences of Felony Conviction

Presenters: April Tubby, Project WHAT

August 6, 2014

Federal Sentencing Commission

Presenter: Judge Charles R. Breyer, Senior United States District Judge, Federal Sentencing Commission Vice Chair

Reset Foundation Model

Presenter: Jane Mitchell and Khalid Elahi, Reset Foundation

Youth Diversion and Support Programming

Presenters: Denise Colman and Stacey Sciortino, Huckleberry Community Assessment & Resource Center

Better Sentencing for Violent Youthful Offenders

Presenters: David Muhammad, National Council on Crime and Delinquency

December 18, 2014

Anti- Recidivism Coalition's efforts to improve outcomes for formally incarcerated young adults

Presenters: Scott Budnick, Founder, Anti-Recidivism Coalition

Improving Recidivism as a Performance Measure

Presenters: Ryan King, Urban Institute

Reducing Recidivism through Employment Services

Presenters: Monique Perkins, Alameda County Director, Center for Employment Opportunities

V. RECOMMENDATIONS

The Sentencing Commission utilized the expert testimony and research presented at the 2014 meetings to make five recommendations. One of these recommendations requires state level legislative change and four are directed toward local strategies within the latitude of the current law. Summaries of these recommendations are provided below. The detailed meeting minutes and publications presented to the San Francisco Sentencing Commission are available at <http://www.sfdistrictattorney.org/>.

CALL FOR STATE LEVEL SENTENCING REFORM

Recommendation 1. Create a State Level Sentencing Commission.

A comprehensive state level review of sentencing practices and outcomes is essential to addressing the California prison crisis, reducing recidivism, honoring victims and ensuring our communities are safe. The San Francisco Sentencing Commission was created in the absence of a state level public safety body mandated to provide expert research and analysis to inform and reform sentencing practices. While previous attempts to establish a state public safety body addressing sentencing practices have been unsuccessful, the San Francisco Sentencing Commission in its first full year of implementation has benefited from a localized review of sentencing practices, expert presentations on best practices from other states, and data analysis providing a baseline understanding of current justice system conditions. The local success of the San Francisco Sentencing Commission demonstrates the value of thoughtful expert dialogue that supports well-informed decisions that preserve public safety, hold offenders accountable, support victims and ultimately create safe and livable communities. California's growing public safety, prosecutorial and correctional needs require that the state again explore the development of a California Sentencing Commission.

This recommendation is supported by over twenty years of research and findings from various commissions, panels, elected officials and advocacy groups. The Blue Ribbon Commission on Population Management, the Corrections Independent Review Panel, and the Little Hoover Commission have all recognized the need for independent review of sentencing law and practice. Approximately 20 states have sentencing commissions or public safety bodies addressing penal code reform. These bodies vary in membership, functions and authority; however one key variable that has led to successful legislative outcomes is the investment in independent review of sentencing practices and structure of the penal code. The San Francisco Sentencing Commission urges the governor and the legislature to create a California Sentencing Commission to support and inform structured decision-making in sentencing.

Recommendation 2. Reauthorize the San Francisco Sentencing Commission.

As set forth in County Ordinance 10-12 which amended the San Francisco Administrative Code by adding Article 25, Sections 5.250 through 5.250-3, the San Francisco Sentencing Commission is currently set to sunset on June 1, 2015. In the absence of a state level sentencing Commission, the San Francisco Sentencing Commission recommends to the Mayor and Board of Supervisors extending the Commission's purpose and authority until December 31, 2017.

In accordance with Section. 5.250-4. Sunset Clause, The Commission submits this report to the Mayor and Board of Supervisors recommending that the Commission should continue to operate. At the time of this report there are no local legislative changes that would enhance the capacity of the Commission to achieve the goals underlying this ordinance.

EFFECTIVE SENTENCING FOR YOUNG ADULT OFFENDERS

Recommendation 3. Create a specialty court for young adult offenders ages 18 -25 years old.

The San Francisco Sentencing Commission recommends the creation of a specialty court for young adults 18 -25 years of age. Expert testimony on sentencing for violent young adult offenders detailed findings from a report released by the United States Department of Justice, which discussed adolescent brain development. The research indicates that adolescence, which is loosely defined as the period of time between puberty and maturity may last from age 10 to age 25. The decision-making skills of young offenders are greatly affected during this period of adolescent growth. Some jurisdictions, within the United States and Europe, have utilized this brain science, to create justice systems that are tailored toward offending behavior of youth; therefore holding young adult offenders accountable in completely different proceedings than adults. Specialty courts allow judges to create tailored sentences and consequences to meet the needs of youth and young adults. As noted during testimony, Germany has a juvenile justice system that processes all youth and young adults up until age 24, Sweden does not issue mandatory minimums for youthful offenders under the age of 25. Lastly, states like Florida have a youthful offender law, where the court may impose a combination of confinement and supervision penalties with greater flexibility than those imposed in the criminal adult code.

The Commission thus believes that a specialty court would help provide appropriate sentencing for this population. The Sentencing Commission further recommends the creation of alternatives to incarceration that consider address the practical and developmental needs of the young person. To this end, the Commission has formed the Young Adult Court Work Group which is tasked to determine program eligibility and review research on alternatives to incarceration.

BOLSTER SAN FRANCISCO CRIMINAL JUSTICE DATA SHARING AND RESEARCH

Recommendation 4. Invest in the improvement of criminal justice data collection, data sharing, and data analysis.

It is important as San Francisco continues to move toward a more equitable justice system, where accurate data is available to assess and determine the needs and trends of the system. Regular and coordinated review of local crime and sentencing trends including the analysis of crime, arrest, sentencing, jail population, jail and prison demographics and supervision trends is an essential tool for the deployment of public safety resources. To this end the San Francisco Sentencing Commission urges the formation of a collective budget to provide additional funding to expand improvements to the overall justice computer data base system.

The Court Case Management (CMS) system has become increasingly difficult to modify to best meet case tracking needs related to sentencing and probation. The antiquated nature of the data collection system has also prohibited the collection of accurate data on race and ethnicity. This is particularly concerning, as research has indicated the disproportionality of African Americans and Latinos in the justice system. Although some agencies do have efficient data collection instruments, currently, a well-integrated and centralized system does not exist, thus the inability to collect and analyze important information across agencies.

The Justice Tracking Information System (JUS.T.I.S.) program is primarily tasked with replacement of the existing criminal justice mainframe, however as described above the needs of criminal justice departments extend beyond the original scope of the project. Continuation of JUS.T.I.S beyond the replacement project should be prioritized by the Mayor and Board of Supervisors including but not limited to increased staffing and resources. These increased resources will provide tremendous potential to evaluate common criminal justice benchmarks including jail detention trends, sentencing outcomes, and recidivism.

Recommendation 5. Invest in research to determine whether criminal sentences hold defendants accountable, while effectively reducing recidivism.

The San Francisco Sentencing Commission recommends taking a more in-depth look into understanding sentencing, particularly surrounding whether sentencing guidelines hold persons with convictions accountable while effectively reducing recidivism and protecting public safety. During the 2014 Sentencing Commission schedule members heard expert testimony on the question of the length of sentence as a deterrent for future criminal activity. Research focused on sentencing, specifically addressing the death penalty and mandatory minimums has shown that people are not deterred by the differences in a 10-year versus 15-year sentence. Additionally, data indicates that the criminally active age out of crime, thus making it difficult to determine whether the length of a sentence was a catalyst for behavior change, or was it a function of getting older. To further understand the relationship between criminal sentences, behavior change, and protecting the public the Sentencing Commission recommends research on sentence composition, and potential links to recidivism reduction. This includes an in-depth look into the length of sentences, and a cross agency analysis of rehabilitative programing. At a minimum the analysis should focus on individual post-conviction outcomes at one, two, and three years.

As a part of 2015 San Francisco Sentencing Commission objectives, members will recommend a comprehensive definition for recidivism. The definition will account for both the various roles and responsibilities of criminal justice departments and pre-existing mandating reporting requirements. Once established this definition will be used to examine which approaches most effectively hold individuals accountable while reducing recidivism.

VI. MEMBERSHIP UPDATES

Membership Transitions

In the 2014 calendar year the San Francisco Sentencing Commission experienced one- member seat transitions. Commission member Catherine McCracken, appointee from the Re-entry Council, accepted a position with the City of San Francisco's Mayors office in the Summer of 2014. The Re-entry Council will appoint another individual to the Sentencing Commission before the start of the 2015 calendar year.

Position of Superior Court

The San Francisco Superior Court is an invited member of the San Francisco Sentencing Commission. After repeated invitations to join the proceedings of the Sentencing Commission the San Francisco Superior Court Presiding Judge the Honorable Cynthia Ming-mei Lee released the following statement: *The Court will not participate in the Commission because it will present several serious breaches of judicial ethics. In addition there are concerns about the issue of separation of power.*

During the August 2014 meeting of the Sentencing Commission, Senior United States District Judge Charles R. Breyer provided testimony on the Federal Sentencing Commission, where the courts have an active seat. Judge Breyer further recommended that the San Francisco Sentencing Commission solicit representation from the courts stating that judges need to be involved to make meaningful practice changes. The Sentencing Commission will continue to work to inform the Superior Court of the Commission's research and recommendations and explore the potential for revisiting the San Francisco Superior Court's role on the Commission.

VII. FUTURE ACTIVITIES

The San Francisco Sentencing Commission is currently scheduled to conduct two sessions in 2015. The tentative 2015 Session topics are identified below.

- Annual Review of San Francisco Sentencing Trends
- Recidivism Reduction
- San Francisco Criminal Justice Data Sharing and Analysis
- Community Driven and Problem Solving Courts
- Proposition 47, “The Safe Neighborhoods and Schools Act,” Implementation
- Essential Components for a State Level Sentencing Commission

VIII. CONCLUSION

In 2014, the San Francisco Sentencing Commission successfully completed the second full year of hearings covering Data Collection and Analysis, Diversion Programing, Penal Code Reform, Federal/National Sentencing Commissions, Appropriate Sentencing for Violent Offenders, State Sentencing Legislation, and Recidivism Reduction.

The Sentencing Commission utilized the expert testimony and research presented at the 2014 meetings to develop the following five recommendations;

1. Create a state level Sentencing Commission.
2. Reauthorize the San Francisco Sentencing Commission
3. Create a specialty youth court for young adults 18-25 years old.
4. Continue to invest in the improvements of criminal justice data collection, data sharing, and data analysis.
5. Invest in research to determine whether criminal sentences hold defendants accountable while effectively reducing recidivism.

While this policy body is locally mandated, members are confident that the findings and recommendations that will come from the remaining proceedings, will support not only San Franciscans, but all Californians.

Appendix A: San Francisco Sentencing Commission Members

As of December 9, 2014

Agencies & Bodies	Member
District Attorneys' Office	George Gascón, District Attorney
Public Defender	Jeff Adachi, Public Defender
Adult Probation	Wendy Still, Adult Probation Chief
Juvenile Probation	Allen Nance, Juvenile Probation Chief
Sheriff	Ross Mirkarimi, Sheriff
Police	Greg Suhr, Police Chief
Department of Public Health	Barbara Garcia, Director
Reentry Council	Karen Roye, Director Child Support Services
Superior Court*	Honorable Cynthia Ming-mei Lee, Presiding Judge
<i>Member of a nonprofit org serving victims chosen by the</i> Family Violence Council	Jerel McCrary Managaing Attorney San Francisco Bay Area Legal Aid
<i>Member of non-profit org working with ex-offenders chosen by the</i> Reentry Council	Joanna Hernandez Re-Entry Pod Program Monitor Five Keys Charter Schools
Sentencing Expert chosen by the Board of Supervisors	Theshia Naidoo Senior Staff Attorney Drug Policy Alliance
Academic Researcher with expertise in data analysis appointed by the Mayor	Steven Raphael PhD Professor Goldman School of Public Policy University of California Berkeley

*Invited

1 Susan Brandt-Hawley/SBN 75907
2 BRANDT-HAWLEY LAW GROUP
3 P.O. Box 1659
4 Glen Ellen, CA 95442
5 707.938.3900, fax 707.938.3200
6 susanbh@preservationlawyers.com

7 Attorneys for Petitioner
8 Protect Telegraph Hill

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SAN FRANCISCO**

11
12 **Protect Telegraph Hill,**
13 an unincorporated association;

14 Petitioner,

15 v.

16 **City and County of San Francisco;**
17 **Board of Supervisors of the City**
18 **and County of San Francisco,**
19 and Does 1 to 5;

20 Respondents.
21 _____/

22 **Jeremy Ricks, Tracy Kirkham,**
23 **and Joe Cooper,** and Does 6 to 10;

24 Real Parties in Interest.
25 _____/

Case No.

**Notice of
Commencement of Action**

California Environmental Quality Act
[CEQA]

Leg. Clerk / Leg. Dep
c: BOS-10, COB,
Dep. City Atty,
Case
File No. 141060

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TO: The City and County of San Francisco and its Board of Supervisors:

Notice is hereby given that an action has been commenced against you by the filing of a Petition for Writ of Mandamus in the above-entitled court this date.

December 26, 2014

BRANDT-HAWLEY LAW GROUP

By:  _____
Susan Brandt-Hawley
Attorney for Petitioner

Protect Telegraph Hill v. City of San Francisco, et al.

PROOF OF SERVICE

I am a citizen of the United States and a resident of the County of Sonoma. I am over the age of eighteen years and not a party to this action. My business address is P.O. Box 1659, Glen Ellen, California 95442.

On December 26, 2014, I served one true copy of:

Notice of Commencement of Action

By placing a true copy enclosed in a sealed envelope with prepaid postage in the United States mail in Glen Ellen, California, addressed to the persons listed below.

By emailing a copy as noted below.

City and County of San Francisco
Board of Supervisors of the City and County of San Francisco
1 Dr. Carlton B. Goodlett Place
San Francisco CA 94102

I declare under penalty of perjury that the foregoing is true and correct and is executed on December 26, 2014, at Glen Ellen, California.



Susan Brandt-Hawley

1 Susan Brandt-Hawley/SBN 75907
2 BRANDT-HAWLEY LAW GROUP
3 P.O. Box 1659
4 Glen Ellen, CA 95442
5 707.938.3900, fax 707.938.3200
6 susanbh@preservationlawyers.com

7 Attorneys for Petitioner
8 Protect Telegraph Hill

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SAN FRANCISCO**

11
12 **Protect Telegraph Hill,**
13 an unincorporated association;

14 Petitioner,

15 v.

16 **City and County of San Francisco;**
17 **Board of Supervisors of the City**
18 **and County of San Francisco,**
19 and Does 1 to 5;

20 Respondents.
_____ /

21 **Jeremy Ricks, Tracy Kirkham,**
22 **and Joe Cooper, and Does 6 to 10;**

23 Real Parties in Interest.
_____ /

Case No.

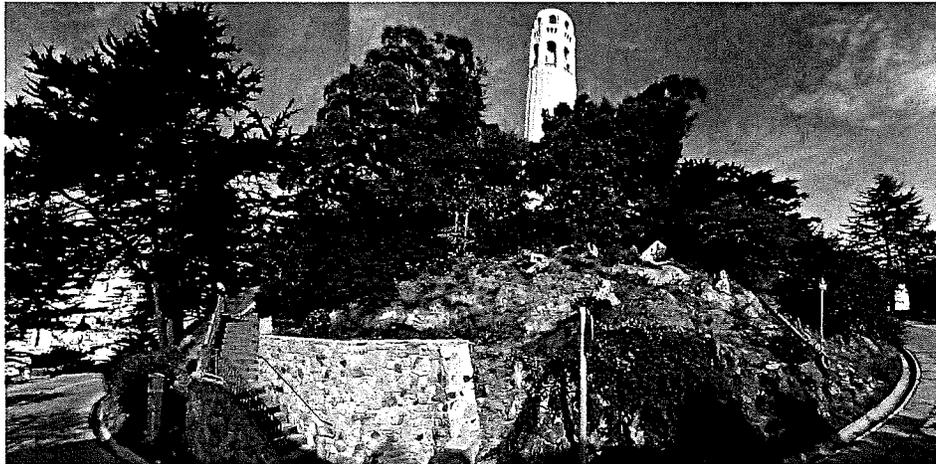
Petition for
Writ of Mandamus

California Environmental Quality Act
[CEQA]

1 Petitioner Protect Telegraph Hill alleges:
2
3

4 Introduction

5 1. Protect Telegraph Hill, an unincorporated association, brings this action in
6 the public interest. The City of San Francisco failed to comply with state and local
7 environmental laws in its approval of a multi-unit project and underground garage at
8 115 Telegraph Hill Boulevard. The site is adjacent to the narrow Filbert Street steps and
9 is across from the Pioneer Park stairway leading up to Coit Tower. Sweeping views of
10 San Francisco are enjoyed from the stairway by thousands of residents and visitors.
11



21 2. The City approved the project's Conditional Use Authorization without any
22 environmental review, claiming categorical exemption from the California
23 Environmental Quality Act (CEQA). CEQA disallows exemption from environmental
24 review when, as here, mitigation measures are imposed due to significant impacts,
25 because such mitigation can fail. The project is also inconsistent with City plans
26 protecting public views from Pioneer Park. The record discloses abundant evidence of
27
28

1 potentially significant effects relating to deep excavation required for the underground
2 garage, dangerous ingress and egress affecting traffic and pedestrian safety at the site
3 and at Garfield Elementary School, and significantly blocked public vistas.
4

5 3. This Court's peremptory writ is necessary to secure the City's compliance
6 with CEQA and local ordinances and plans protecting Pioneer Park and Telegraph Hill.
7

8 **Jurisdiction**

9 4. This Court has jurisdiction under Public Resources Code sections 21168
10 and Code of Civil Procedure section 1094.5. The parties are located in San Francisco.
11

12 **Parties**

13 5. Protect Telegraph Hill is an unincorporated association formed in
14 December 2014 after the approval of the 115 Telegraph Hill Boulevard project. The
15 association's purposes are to protect and maintain the outstanding and unique quality
16 of San Francisco's internationally-renowned Telegraph Hill that contributes in an
17 extraordinary degree to San Francisco's visual form and character, and to preserve
18 public enjoyment of its parks and open spaces, stairs and walkways, dramatic views,
19 and the intimate pedestrian scale and texture of its streets and housing. Members of
20 Protect Telegraph Hill include community groups and concerned residents and citizens
21 who enjoy and appreciate the environmental qualities of Telegraph Hill. Protect
22 Telegraph Hill brings this petition on behalf of all others similarly situated that are too
23 numerous to be named and brought before this Court as petitioners. Members of
24 Protect Telegraph Hill, among whom are Gerry Crowley and the Telegraph Hill
25
26
27
28

1 every month who enjoy spectacular panoramic views of the City and the San Francisco
2 Bay. As explained on the City’s Recreation and Parks website, Telegraph Hill includes
3 Pioneer Park, “the site of world-famous landmark Coit Tower. At 4.89 acres, Pioneer
4 Park offers wide, breathtaking views of the city and the bay. The park space was built in
5 1876 to commemorate the country’s centennial anniversary.”
6

7 12. Telegraph Hill Boulevard narrowly winds up Telegraph Hill to Pioneer
8 Park and Coit Tower. A bus stop is located at the project driveway. The site is also
9 accessed by the Filbert Steps, the narrow pedestrian steps comprising most of the
10 project site’s northern boundary, across the street from the Pioneer Park stairway by
11 which pedestrians climb to Coit Tower. Park visitors routinely pause on the stairway
12 and look south over the project site to enjoy views of the City and Bay spread out below.
13
14

15 13. Garfield Elementary School, on Filbert Street downhill from the project
16 site, is self-described as “a public elementary school located at the base of Coit Tower, in
17 one of the most picturesque spots in the City ... As one of the first public elementary
18 schools in the city, Garfield has been providing a rich academic environment for local
19 children for more than 100 years. Garfield is a small, tight-knit community serving 240
20 children of diverse cultural and economic backgrounds in grades K-5.”
21
22

23 ***Project Approval Process***

24 14. The project proposes to construct a three-unit residential building on a
25 blind curve at 115 Telegraph Hill Boulevard and to demolish and renovate the exterior
26 of an existing 1,000-square-foot (sf), two-story cottage constructed in 1906. Access to
27
28

1 the cottage would be provided via a pedestrian walkway from the Filbert Steps. The
2 three new residential units would be located in the front of the lot in a three-story-over-
3 basement building with unit sizes of about 4,000 sf. A new curb cut along Telegraph
4 Hill Boulevard would allow access to a 3,700 sf underground garage providing three
5 off-street parking spaces. The project would require replacement of a portion of the
6 concrete sidewalk, steps, and retaining walls of Filbert Street and the Filbert Steps.
7



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20 15. In August 2013, attorney Daniel Frattin, on behalf of project sponsors and
21 real parties in interest Tracy Kirkham and Joe Cooper and in care of Jeremy Ricks,
22 applied for a CEQA determination from the City Planning Department. In September
23 2014 the Department issued a categorical exemption under Class 1 Existing Facilities
24 (CEQA Guidelines Section 15301(d)) and Class 3 New Construction and Conversion of
25 Small Structures (Section 15303(b)). Also in September 2014, the Planning Commission
26 approved a Conditional Use Authorization for the project on a split vote, adding
27
28

1 mitigation measures. Commissioner Kathrin Moore detailed the project's traffic and
2 pedestrian safety impacts and loss of public views as a preface to voting 'no' along with
3 Planning Commission President Cindy Wu.
4

5 16. The Telegraph Hill Dwellers filed timely administrative appeals of the
6 CEQA categorical exemption and Conditional Use Authorization approvals, supported
7 by extensive documentation and letters and petitions from City residents. The Board of
8 Supervisors disapproved the Planning Commission's actions, added additional
9 mitigation measures, and denied the appeals on a split vote in November 2014.
10

11 17. The City filed a project Notice of Exemption (NOE) on November 21, 2014.
12 This action is timely-filed within 35 days of the posting of the NOE.
13

14 18. Protect Telegraph Hill has no plain, speedy, and adequate remedy in the
15 ordinary course of law. Issuance of a peremptory writ is imperative to prevent the
16 project's irreparable harm to 115 Telegraph Hill Boulevard site and its environs. The
17 City has the capacity to correct its violations of law but refuses to do so.
18

19 **Violations of the California Environmental Quality Act**

20

21 19. Protect Telegraph Hill incorporates previous paragraphs as if set forth.
22

23 20. The City abused its discretion and failed to act in the manner required by
24 law in approving the 115 Telegraph Hill project on the basis of a categorical exemption
25 instead of requiring environmental review. The City's findings are not supported by
26 substantial evidence in the record. No substantial evidence supports a determination
27 that the project is categorically exempt from CEQA.
28

1 21. Environmental review is required because the administrative record
2 contains substantial evidence that the 115 Telegraph Hill project may result in
3 significant site-specific, direct, indirect, and cumulative environmental impacts as
4 explained in the Telegraph Hill Dwellers' CEQA appeal letter of October 2014, the
5 supplemental brief of November 2014, and all supporting documentation, expert
6 reports, and testimony in the administrative record including statements of public
7 officials and City staff. The sensitive site and unusual circumstances of the project
8 create a reasonable possibility of significant environmental effects relating to, *inter alia*,
9 excavation of steep hillsides and unstable soils, inconsistencies with City land use plans
10 and policies adopted for environmental protection, aesthetic impacts on imposing
11 public vistas, and temporary and permanent traffic and pedestrian safety impacts on
12 Telegraph Hill Boulevard, the Filbert Steps, and Garfield Elementary School.
13

14
15
16 22. The City failed to proceed in the manner required by law when it failed to
17 evaluate the entire project and provide an adequate project description, including but
18 not limited to improvements to the Filbert Steps to meet Department of Public Works
19 requirements, a General Plan referral and major encroachment permit for replacement
20 or relocation of the Filbert Steps, and creation of a construction staging area.
21

22
23 23. Categorical exemption from CEQA is disallowed because the City adopted
24 mitigation measures that acknowledge potentially significant impacts, and the City
25 unlawfully deferred discretionary environmental analysis and full mitigation of project
26 impacts to future study.
27
28

1 **Violations of the San Francisco Planning Code**

2 24. Protect Telegraph Hill incorporates all previous paragraphs as if set forth.

3
4 25. The City failed to proceed in the manner required by law and its findings in
5 support of the project Conditional Use Authorization are not supported by substantial
6 evidence in the record, in violation of the San Francisco Planning Code and General
7 Plan, as explained in the Telegraph Hill Dwellers' conditional use appeal letter of
8 October 2014 and brief filed in November 2014 and supported by documentation,
9 expert reports, and testimony in the administrative record.
10

11
12 **Wherefore, Protect Telegraph Hill prays:**

13 1. That the Court issue a peremptory writ of mandate ordering the respondents
14 to set aside the adoption of a categorical exemption and all approvals for the
15 115 Telegraph Hill Boulevard project and to refrain from further consideration of
16 project approval pending full compliance with CEQA and the San Francisco Planning
17 Code and General Plan;
18

19 2. For a stay of any and all physical actions relating to new construction, pre-
20 demolition or demolition in furtherance of the project while the petition is pending;
21

22 3. For costs and attorney fees pursuant to CCP section 1021.5; and
23

24 4. For such other and further relief as the Court finds proper.

25 December 26, 2014

BRANDT-HAWLEY LAW GROUP

26
27 By 
28 Susan Brandt-Hawley
Attorney for Protect Telegraph Hill

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Verification

I, Susan Brandt-Hawley, am an attorney for the petitioner Protect Telegraph Hill whose members are located outside of Sonoma County where I have my law offices, and so I verify this petition on its behalf. I have read this petition and know its contents. The matters stated are true and correct based on my knowledge, except matters stated on information and belief that I believe to be true.

I declare under penalty of perjury that the above is true and correct to the best of my knowledge and that this declaration is executed on December 26, 2014, at Glen Ellen, California.



Susan Brandt-Hawley

To: BOS-Supervisors
Subject: FW: SF Film Commission Annual Report 2014
Attachments: sf-film-annualreport-2013-2014v3.pdf

Supervisors:

Attached please find the San Francisco Film Commission's Annual Report 2014 for the Board of Supervisors.

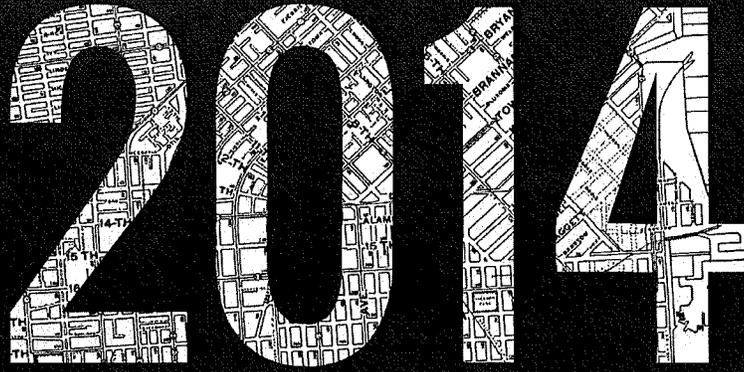
Happy New Year!

Susannah Greason Robbins
Executive Director
San Francisco Film Commission
City Hall, Room 473
San Francisco, CA 94102
415-554-6642 (direct line)
415-554-6241 (office)
415-554-6503 (fax)



http://twitter.com/film_sf

<http://facebook.com/filmSF>



FILMSF

ANNUAL REPORT FY 13/14

FilmSF works to develop and promote film activities in San Francisco. We proactively market San Francisco as a filming destination for the motion picture, television, advertising and other related industries, for the purpose of stimulating economic development and creating jobs within the City and County of San Francisco, while also working with the local film community to support local projects with significant ties to San Francisco.

FilmSF also issues permits to productions shooting in San Francisco, working closely with other city agencies such as SFPD, Department of Parking & Traffic, MUNI, the Port of San Francisco, and the Department of Public Works to coordinate and facilitate both the needs of the productions, the City and its residents.

FUNDING

Funding for FilmSF comes from the collection of permit fees and the Hotel Tax funds from Grants for the Arts.

\$400,000

GRANTS FOR THE ARTS PROVIDED

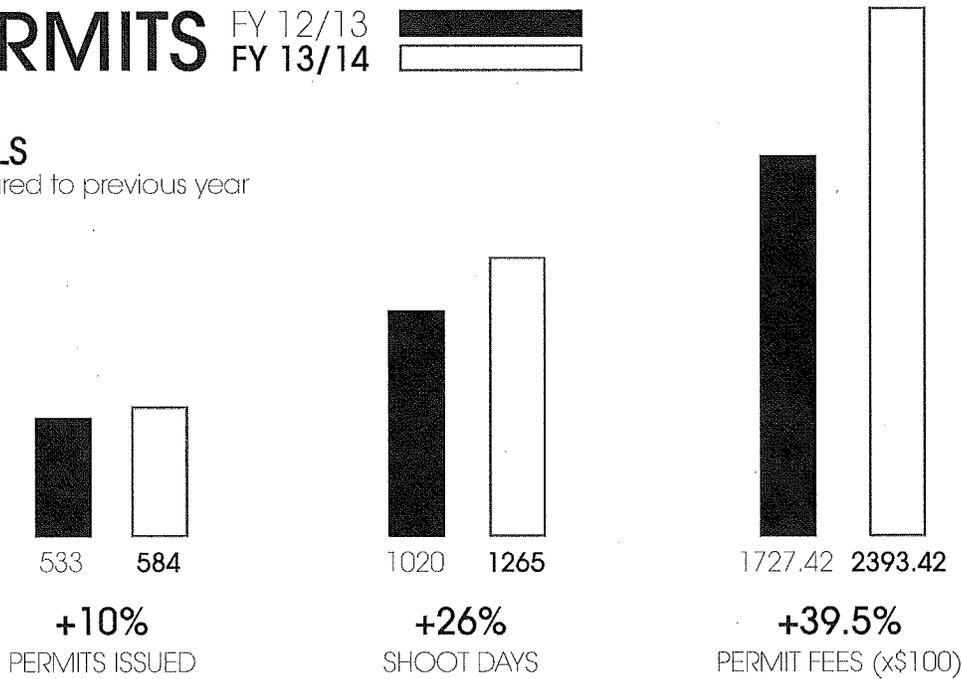
\$239,342

COLLECTED BY THE FILM OFFICE

FILMING STATISTICS

PERMITS FY 12/13 FY 13/14

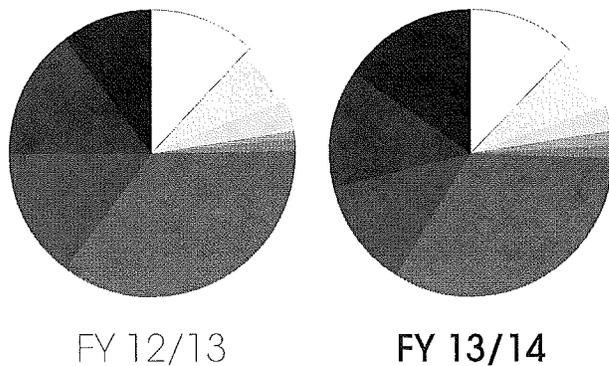
TOTALS
compared to previous year



COMPARISON OF PERMITS ISSUED

FY 12/13 FY 13/14

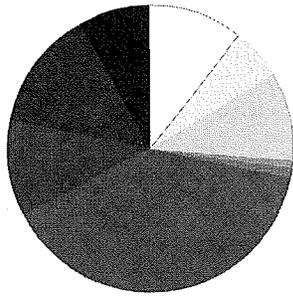
PERMITS ISSUED



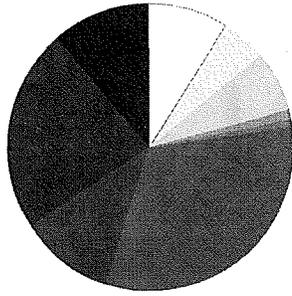
FILM TYPE

- 67 72 CORP/INDUSTRIAL
- 38 44 DOCUMENTARY
- 20 15 FEATURE
- 5 10 MUSIC VIDEO
- 7 8 SHORTS/PSA
- 164 161 STILL PHOTOGRAPHY
- 32 33 STUDENT FILM
- 81 71 TV COMMERCIAL
- 82 78 TV SERIES
- 56 90 WEB
- 533 584 **TOTALS**

OF SHOOT DAYS



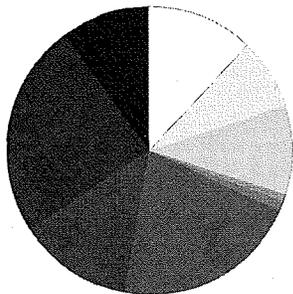
FY 12/13



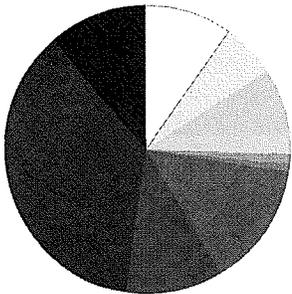
FY 13/14

108	113	□	CORP/INDUSTRIAL
62	64	▨	DOCUMENTARY
100	83	▩	FEATURE
7	14	▧	MUSIC VIDEO
9	12	▦	SHORTS/PSA
346	327	▤	STILL PHOTOGRAPHY
58	80	▣	STUDENT FILM
119	135	▢	TV COMMERCIAL
144	290	□	TV SERIES
87	145	■	WEB
1020	1265		TOTALS

PERMITS FEES (x \$100)



FY 12/13



FY 13/14

212	228	□	CORP/INDUSTRIAL
138	138	▨	DOCUMENTARY
178	240.64	▩	FEATURE
14	28	▧	MUSIC VIDEO
12	24	▦	SHORTS/PSA
364.5	330	▤	STILL PHOTOGRAPHY
-	-	▣	STUDENT FILM
221.92	262	▢	TV COMMERCIAL
417	875.77	□	TV SERIES
170	263	■	WEB
1727.42	2393.42		TOTALS

\$172,742

PERMIT FEES FROM FY 12/13

\$239,342

PERMIT FEES FROM FY 13/14

NOTABLE PRODUCTIONS FILMED IN S.F.

FEATURE FILMS

Dawn of the Planet of the Apes
20th Century Fox

Big Eyes
The Weinstein Company

Godzilla
Warner Bros.

Diary of a Teenage Girl
Caviar Content

TELEVISION

Looking, Season 1
HBO

Real World, Season 29
MTV

Murder in the First
TNT

Parks & Recreation
NBC

WEB SERIES

Betas
Amazon

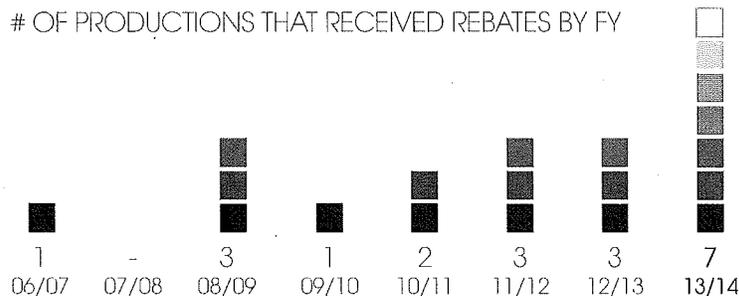
Sense8
Netflix

SCENE IN S.F. REBATE PROGRAM

The purpose of the Scene in San Francisco Rebate Program is threefold: 1, increase the number of qualified film productions being made in San Francisco; 2, increase the number of City residents employed in the film making industry; and 3, encourage the resulting economic benefits.

The program was created in 2006, with \$1.8 million appropriated for 3 years. Initially, the program gave productions a dollar for dollar refund of: (a) fees or taxes paid into the City's general fund; (b) monies paid to the City for use of City property, equipment, or employees, including additional police services; and (c) use fees for film production in the City. In 2009, the program was extended three years, but legislation was passed to exchange the original program per production cap of taxes paid to the City to a maximum of \$600,000 of fees paid to the City.

In June 2012, the program was extended again for two more years, with an allocation of up to \$2 million. The program sunsets June 30, 2014, but FilmSF plans to work towards an extension.



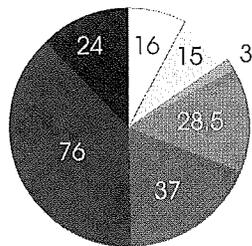
These seven productions received rebates totaling \$831,504 but the production companies spent a total of \$4,936,561 locally. This number includes salaries to local residents/crew and as well as expenditures on items such as gas, hotels, car rentals, location fees, office supplies, lumber, security, equipment rentals, catering, etc. For every dollar rebated to these productions, \$5.90 was spent locally.

The Scene In San Francisco Rebate Program was a main attraction for two high-profile TV series which based their whole seasons here: HBO's *Looking* Season 1 and MTV's *Real World*, Season 29. Four independent films also received rebates, along with one episode of an unscripted TV series.

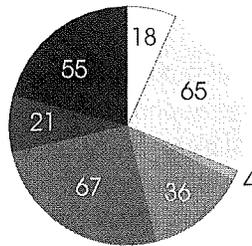
The rebate program's ability to draw such high quality productions to base in San Francisco provides longer term employment for local crew and actors, a larger amount of money injected into the local economy and helps to keep the City front and center in the eyes of the world, making it an important asset for attracting tourism.

SCENE IN SAN FRANCISCO REBATE PROGRAM FY 13/14

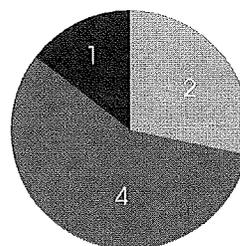
- The Other Barrio
- ⊛ Saltwater
- ▒ The Great Food Truck Race, Season 4
- Quitters
- Mission Street Productions "Looking" HBO
- Bunim-Murray Productions
- Real World Season 29 (MTV)
- Diary of a Teenage Girl



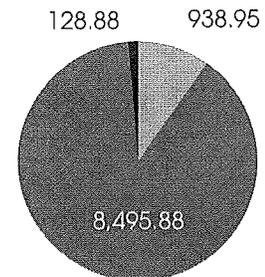
199.5
SHOOTING
DAYS



266
OF S.F.
EMPLOYEES



7
OF FIRST
SOURCE HIRES



\$9,563.71
FIRST SOURCE
WAGES/COMP



\$993,130.56
TOTAL
WAGES/COMP



\$831,504.99
AMOUNT OF
REBATE



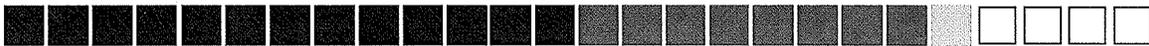
\$3,933,867.32
DIRECT SPEND

FILM OFFICE PROGRAMS

VENDOR DISCOUNT PROGRAM

The Vendor Discount Program was established in January 2010 to attract more productions by offering additional financial incentives when shooting in San Francisco. This program provides an opportunity for production companies and their crew members to receive discounts while using the services of participating businesses and local merchants, all of which have seen an increase in their business during filming – a win-win program.

■ > 100 local businesses ■ 28 hotels ■ 2 major airlines □ 13 restaurants and a number of car rental agencies, entertainment venues, and gift shops.



S.F. FILM COLLECTIVE

The San Francisco Film Commission FilmSpace (SFFCFS) grant is designed to provide financial assistance to nonprofit organizations that assist locally based independent filmmakers by providing low-cost office and film production space in San Francisco in order to facilitate film production activities in San Francisco. In FY 13/14, the grant was expanded to a 2 year program.

ELIGIBILITY REQUIREMENTS:

- Applicant's mission focuses on the development and production of film in San Francisco through support and education of individual filmmakers.
- Tax-exempt organization. All applicants must be tax exempt charitable organizations under Section 501(c)(3) of the internal revenue code.
- The organization's headquarters and primary operations must be in San Francisco or the San Francisco Bay Area.
- The filmmakers supported by the organization must be actively engaged in a film, video, television or other moving image project in any genre and in any stage of production – from screenwriting to strategizing the project's exhibition, distribution and outreach plan.
- Continuing and stable presence in the community. The organization has a continuing existence and ongoing operations.
- Applicants must demonstrate that they own or are leasing a facility suitable for ongoing use by two or more filmmakers (the "subgrantee filmmakers") for film office and film production activities and that such ownership or lease will continue for at least one year.

The FilmSpace Grant was awarded to Ninth Street Independent Film Center's **Media Arts Incubator Program** which offers access to workspace, knowledge sharing, outreach opportunities, networking events, meeting and exhibition space on an annual basis. Ninth Street makes workspaces and shared resources available to individual filmmakers through the Media Arts Incubator Program to nurture groundbreaking independent media projects.

A total of five filmmaker projects are selected each year for the Incubator, with each resident filmmaker provided 100 sq. ft. of individual workspace, access to all shared spaces and 5 hours of free meeting or exhibition per month in the well-appointed Ninth Street screening room (particularly of value to filmmakers, in production and post-production).

TENANTS AT NINTH STREET

Jack Walsh
FEELINGS ARE FACTS
Feature Documentary

Mary Guzman
LOST DOG
Narrative

David Santamaria
HARRIET
Feature Documentary

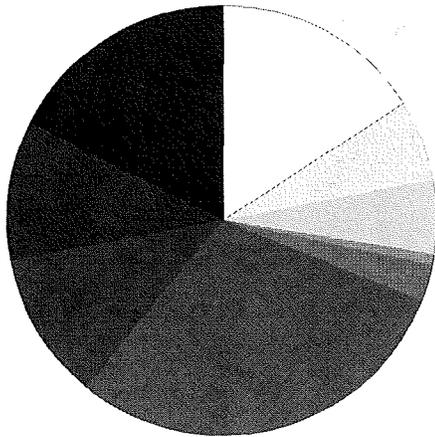
Lise Swenson
SALTWATER
Feature Narrative

PROJECTIONS FOR FY 14/15

FROM 7/1/2014 - 12/15/2014.

With a robust first half of FY14/15 we anticipate a strong outcome for the entire fiscal year.

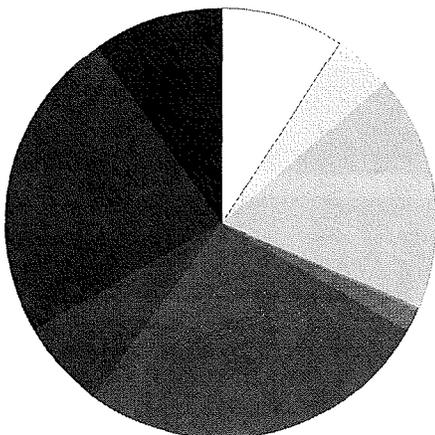
PERMITS ISSUED



FILM TYPE

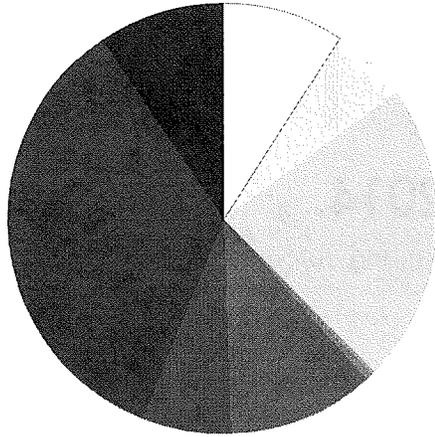
43	□	CORP/INDUSTRIAL
17	▨	DOCUMENTARY
15	▩	FEATURE
2	■	MUSIC VIDEO
8	■	SHORTS/PSA
69	■	STILL PHOTOGRAPHY
11	■	STUDENT FILM
30	■	TV COMMERCIAL
29	■	TV SERIES
47	■	WEB
271		TOTALS

OF SHOOT DAYS



67	□	CORP/INDUSTRIAL
32	▨	DOCUMENTARY
128	▩	FEATURE
2	■	MUSIC VIDEO
11	■	SHORTS/PSA
163	■	STILL PHOTOGRAPHY
29	■	STUDENT FILM
47	■	TV COMMERCIAL
171	■	TV SERIES
68	■	WEB
718*		TOTALS

PERMIT FEES (x \$100)



FILM TYPE

134	□	CORP/INDUSTRIAL
87	▨	DOCUMENTARY
326.5	▩	FEATURE
4	▧	MUSIC VIDEO
8	▦	SHORTS/PSA
163	▤	STILL PHOTOGRAPHY
-	▣	STUDENT FILM
94	▢	TV COMMERCIAL
503.5	□	TV SERIES
134	■	WEB
1454*		TOTALS

*This is a 12% increase in the number of shoot days and a 5.6% increase in permit fees since the same period last year.

SUMMARY FY 13/14

+26%
SHOOT DAYS*

+10%
PERMITS ISSUED*

+\$66,600
PERMIT FEES*

+133%
SCENE IN SF
REBATE PROGRAM

FilmSpace grant to the Ninth Street Independent Film Center

Active participation by Film Commissioners

6th consecutive year of increased production

*over FY 12/13

ARTICLES ABOUT FILMING IN S.F.

- SF film rebate program has given out \$2.5 million to productions that spent \$44.2 million locally
- Kristen Wiig, Alexander Skarsgard on 'Diary of a Teenage Girl'
- HBO's Looking shops local and spotlights the Mission
- On Location, Oscar Edition: seeing the Heart of San Francisco in Blue Jasmine
- Mapping HBO's Looking Locations Across San Francisco
- San Francisco working to be Hollywood North
- The Diary of a Teenage Girl Director Marielle Heller Talks Filming in SF
- TV Drama "Murder in the First" Shooting in SF
- From the new film Godzilla to X-men: which Hollywood films wrecked the Golden Gate bridge real good?
- Danny Glover Heads San Francisco Rally for Sweetened State Film-TV Credits
- San Francisco's movie landmarks
- Matrix Creators Begin Filming Netflix Series in SF
- "Planet of the Apes" Stars Talk About Filming in SF
- "Dawn of the Planet of Apes": 10 more films where SF takes it on the chin
- Hollywood in SF: The Rock films "San Andreas" at AT&T Park
- Film crews take over Russian Hill to shoot "San Andreas"
- MapHook-SF Filming Locations
- S.F. "Terminator" movie filming: lights, camera and lots of action
- Production Begins on Marvel's "Ant-Man"
- "Big Eyes" trailer: Tim Burton makes a movie about normal people
- Gov. Brown signs bill to curb runaway production
- Golden Gate Bridge connects with filmmakers, fans
- "Your FilmSF Has Gone Mad!"



thank you

~~Phil Ginsburg, General Manager (DOC)~~

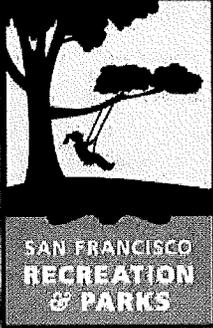
From: Ginsburg, Phil (REC) [phil.ginsburg@sfgov.org]
Sent: Wednesday, December 31, 2014 4:58 PM
Subject: Happy New Year from SF Rec and Park!

Dear Fellow San Francisco Park Champion:

With gratitude for all the work we've done together in support of San Francisco's treasured parks and with great anticipation for what's to come in 2015, the San Francisco Recreation and Park Department wishes you an inspiring and active new year. [View our 2014 Community Report here.](#)

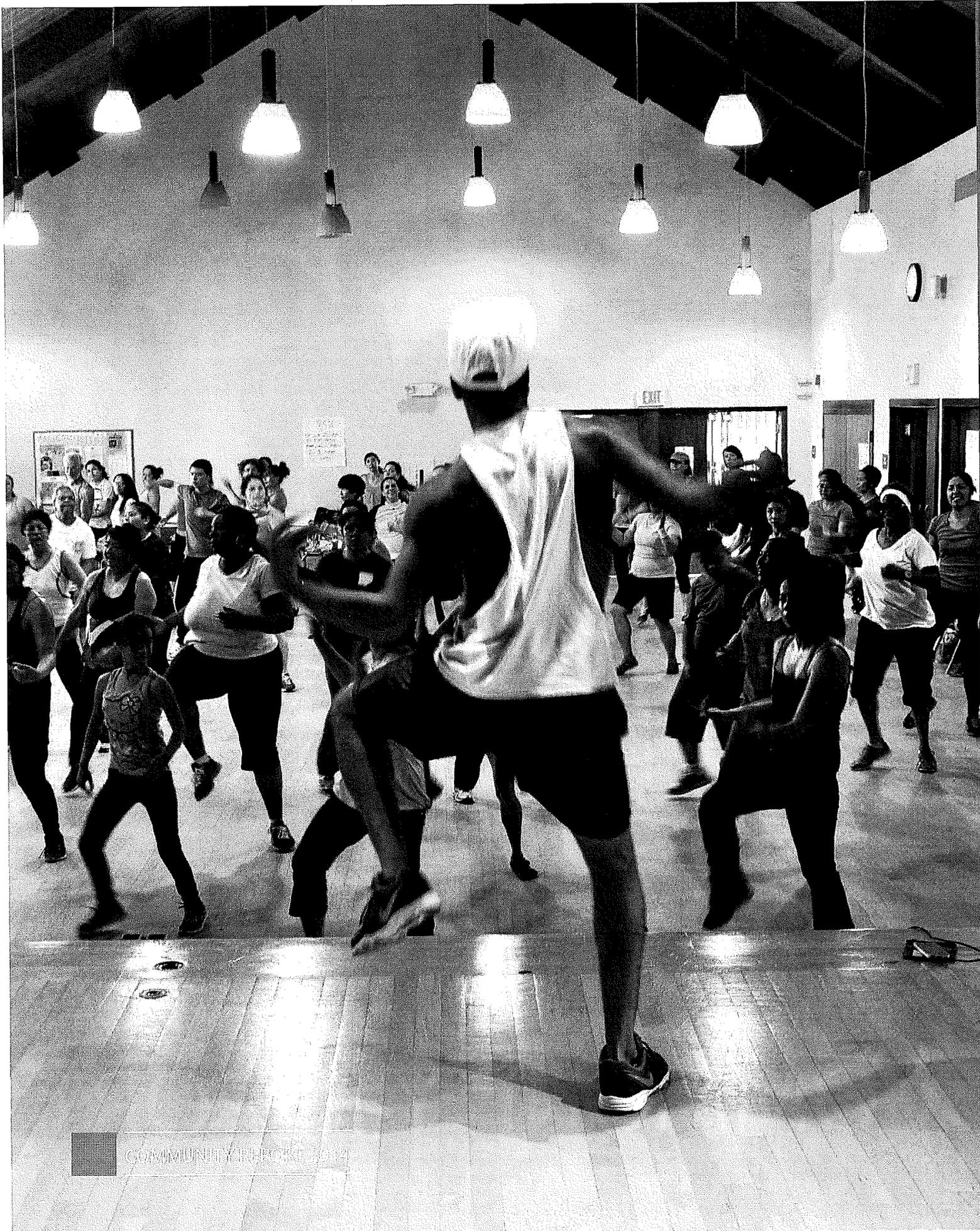
Get out and play!

Phil Ginsburg
General Manager

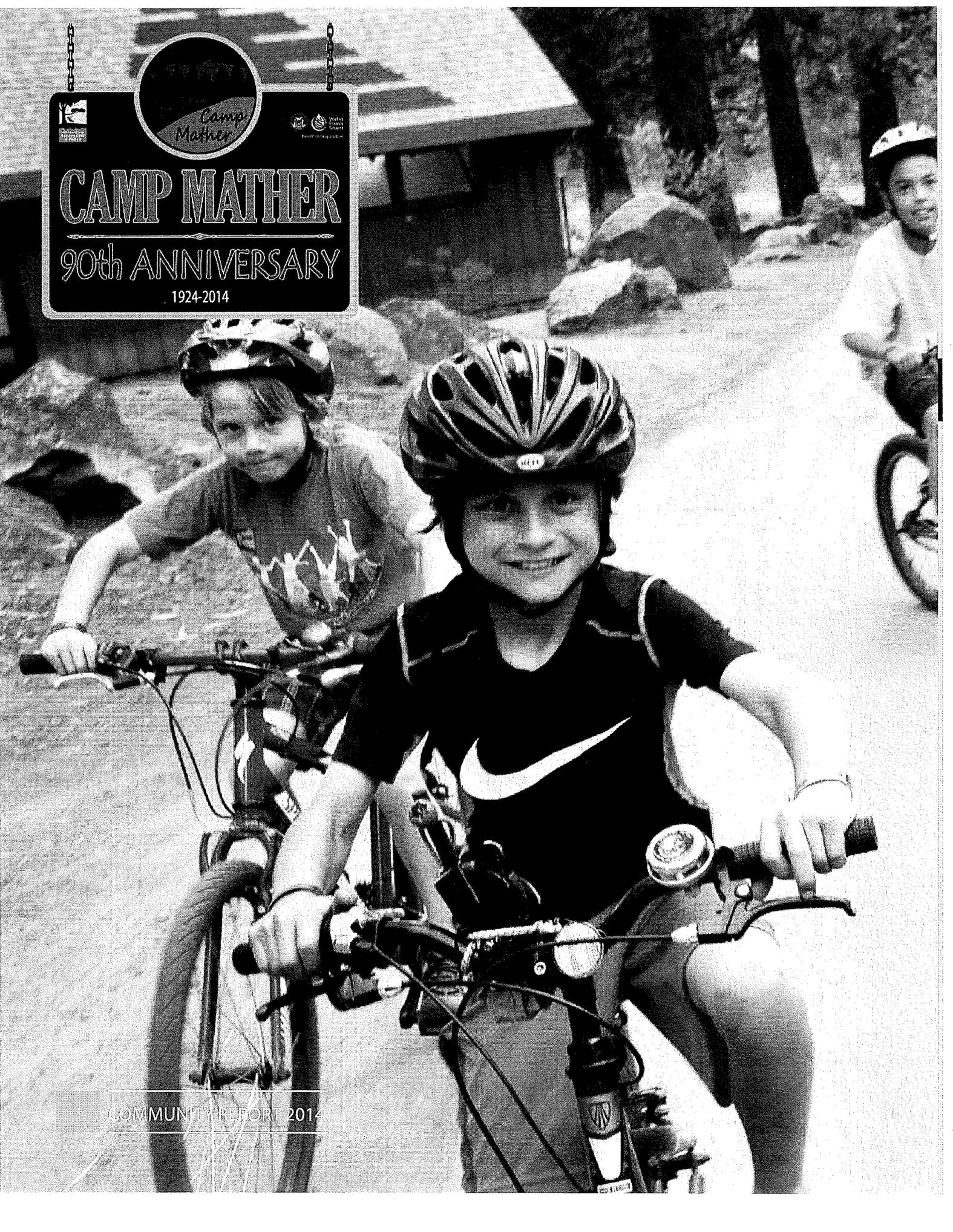


COMMUNITY REPORT

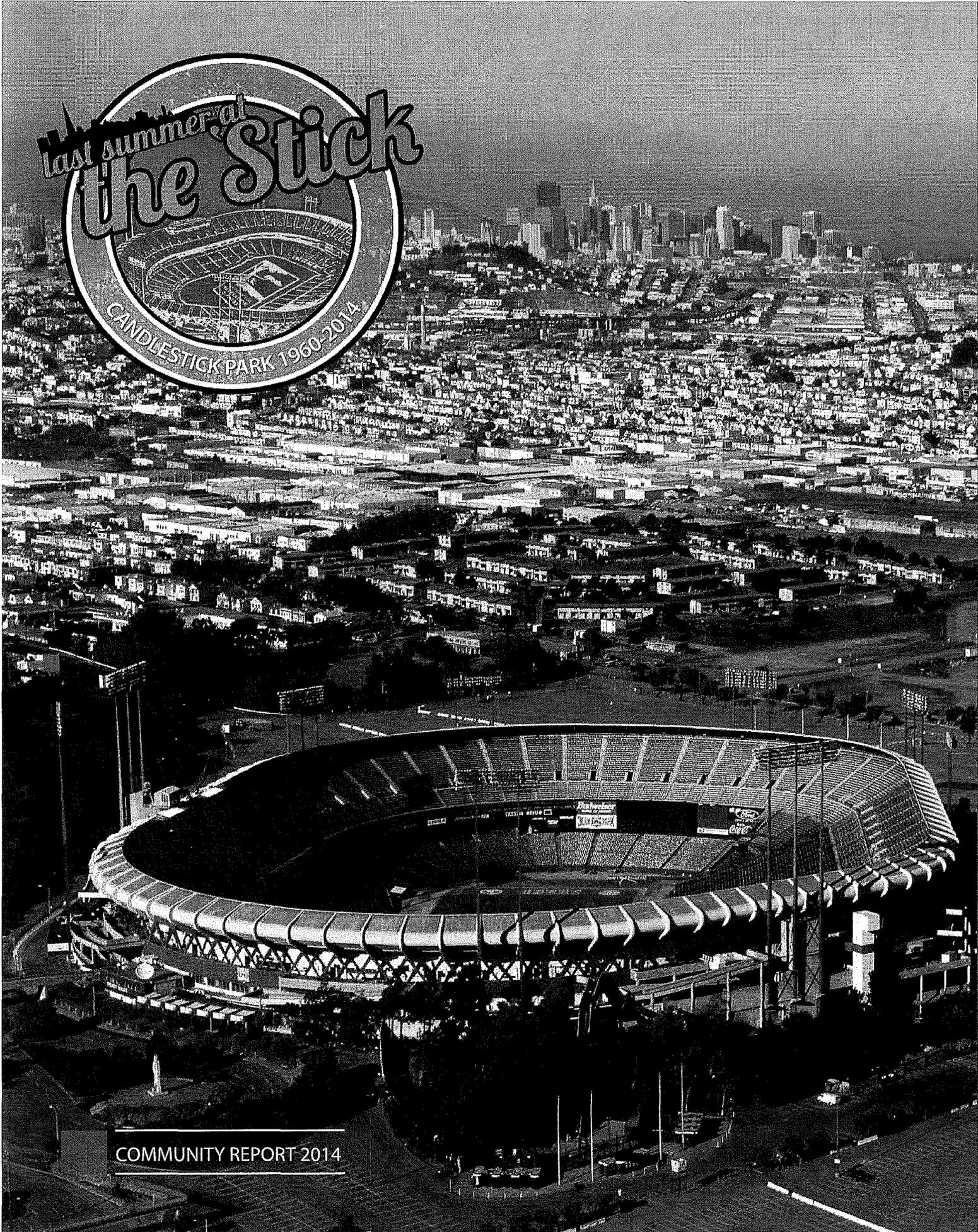
2014



Camp Mather
CAMP MATHER
90th ANNIVERSARY
1924-2014



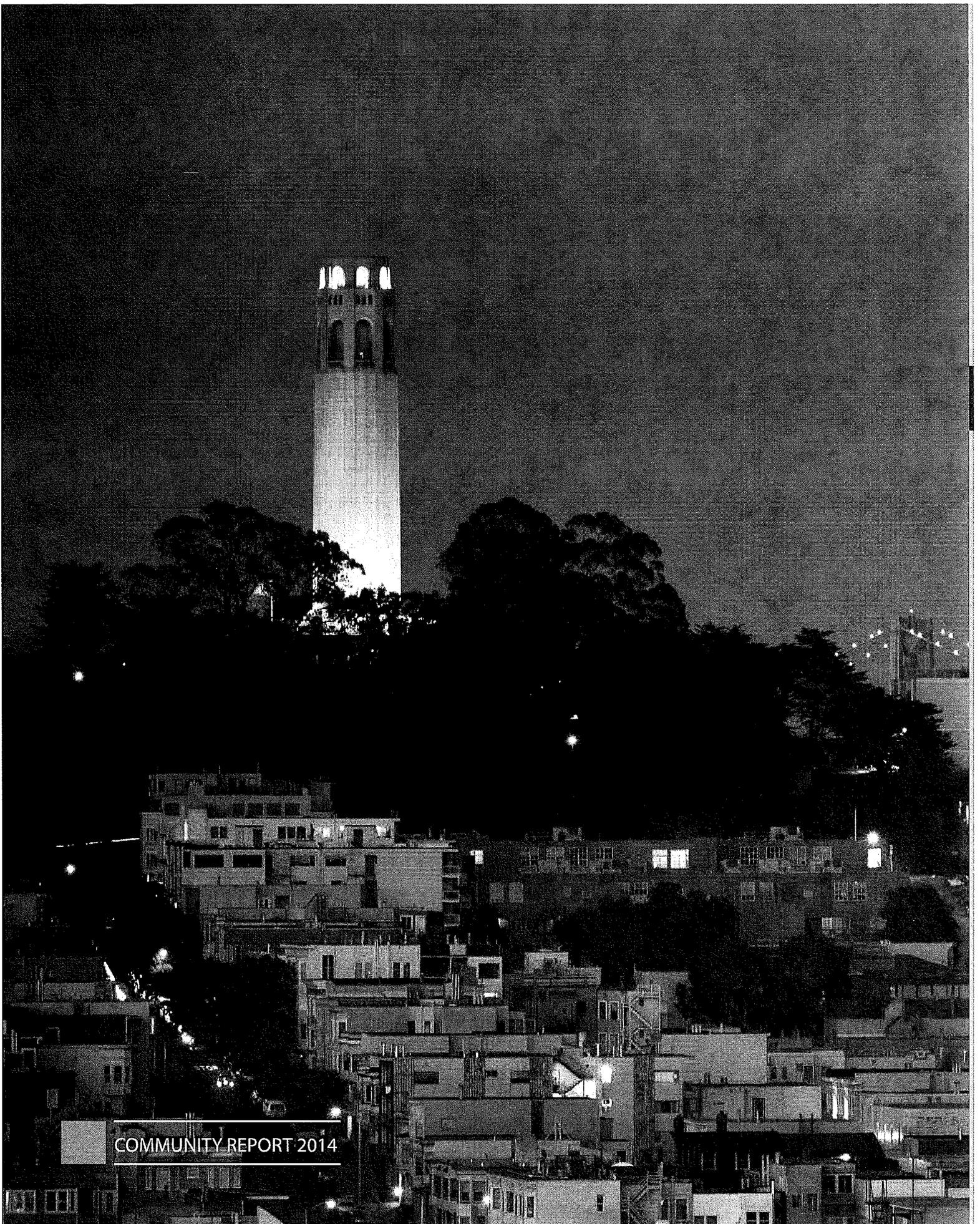
COMMUNITY REPORT 2014



COMMUNITY REPORT 2014







COMMUNITY REPORT 2014



COMMUNITY REPORT 2014



Other Highlights in 2014

- Volunteers spent a total of 184,000 hours in our parks and programs.
- Continued to expand and improve recreation programs, reflected in 80% of our programs filled to capacity and a total of nearly 59,000 registrants in our programs.
- Provided more than 7,000 program scholarships valued at over \$1 million to San Franciscans, ensuring that everyone has a chance to get out and play.
- Provided free and low-cost recreation programs for all ages, including Mobile Rec; Zumba in the Parks; Healthy Parks, Healthy People nature walks; after school programs; wellness programs; senior programs; and swim lessons.
- Hosted World Cup soccer viewing parties at Civic Center over eight days, with more than 40,000 people in attendance.
- Maintained Park Maintenance Standards scores at 90.7% (combined score RPD + Office of the Controller).
- Maintained 95% diversion rate for green waste and planted 573 new trees
- Implemented water conservation measures that resulted in 20.8% in water consumption savings in response to drought.
- In partnership with the City Fields Foundation, completed field renovations at Minnie & Lovie Ward Playground and re-opened them to the public in September 2014. Field renovations were begun at the Beach Chalet Soccer Fields in Golden Gate Park after voters approved the project in November 2014.
- Completed capital projects, including those from FY 2013-14 include Cabrillo Playground, Cayuga Playground, Palega Recreation Center, Glen Canyon, Douglass Park and Sue Bierman Playground.
- Stewarded the renovation of Kezar Triangle in April 2014, and the renovation of Mountain Lake Park Playground (to begin).
- Implemented McLaren Park Trail Connector Project for improved access to trail heads.
- Received approval on park acquisitions, including 900 Innes, Francisco Street Reservoir and Schlage Lock Park sites.
- Facilitated Playground Task Force with the goal of eliminating most poorly conditioned playgrounds in San Francisco.
- Finalized plans for upcoming PGA TOUR golf events at TPC Harding Park, including the WGC-Cadillac Match Play event in 2015, the PGA Championship in 2020 and the 2025 President's Cup.
- Upcoming 2014-15 budget includes \$1.6 million in salaries and project funding for urban forestry; \$900,000 in funding for park patrol staff; \$425,000 in funding for programming in recreation and aquatics; and \$28.2 million in capital and maintenance project funding, an \$8 million increase over the prior fiscal year.
- In collaboration with fellow Bay Area park agencies, continued to plan for the 2015 City Parks Alliance Greater and Greener conference here in San Francisco.

From: Board of Supervisors (BOS)
To: BOS-Supervisors
Subject: FW: File 141114 Transbay Shared Platform hearing
Attachments: Transbay Shared Platforms (File #141114).pdf

From: Roland Lebrun [<mailto:ccss@msn.com>]
Sent: Monday, January 05, 2015 3:14 AM
To: Kim, Jane (BOS); Wiener, Scott; Cohen, Malia (BOS)
Cc: Erika Cheng; Nila Gonzales; Caltrain Board; VTA Board Secretary; Board of Supervisors (BOS)
Subject: File 141114 Transbay Shared Platform hearing

Dear Supervisors Kim, Wiener and Cohen,

Thank you for scheduling a hearing on Caltrain/HSR platform compatibility issues.
Please find my comments attached.

Sincerely,

Roland Lebrun

Roland Lebrun
 ccss@msn.com
 1/2/2015

Land Use Committee
 File #141114: Version: 1
Hearing - Transbay Transit Center and Downtown Extension Platform Compatibility

Dear Supervisors Kim, Wiener and Cohen

Thank you for scheduling a hearing on Caltrain/HSR platform compatibility issues.

The intent of this letter is to:

- Provide additional background information to the Land Use Committee.
- Introduce a shared platform solution based on the European approach to blending Very High Speed (VHS) trains with existing infrastructure (UIC 505-1 & 550mm platforms).
- Introduce a hybrid (bi-mode) solution to enable the vacation of the 4th & King railyard.
- Recommend consideration of CPUC Section 180532(b).

Background:

- In 2010, the California High Speed Authority (CHSRA) released a Technical Memorandum (TM 2.2.4 High-Speed Train Station Platform Geometric Design) which includes a table of platform dimensions for Caltrain, MetroLink and HST in Europe and Asia (Table 3.2-1 on page 12) http://www.hsr.ca.gov/docs/programs/eir_memos/Proj_Guidelines_TM2_2_4R01.pdf

California High-Speed Train Project

HST Station Platform Geometric Design, R1

Table 3.2-1: Summary Comparison of Platform Infrastructure Design Criteria

	CALTRAIN		METROLINK		FRANCE / EUROPEAN HST		JAPAN HST		TAWAN HST		CHINA HST(4)	
	Metric	Imperial	Metric	Imperial	Metric	Imperial	Metric	Imperial	Metric	Imperial	Metric	Imperial
Elevation above rail	0.20 m	7.9'	0.20 m	7.9'	0.55 m 0.76 m (1)	21.7' 29.9'	1.25 m	49.2'	1.25 m	49.2'	1.25 m	49.2'
Distance / track center line	1.72 m	5.6'	1.62 m	5.3'	1.655 m	5.4'	1.75 m	5.7'	1.75m 1.79m (3)	5.7' 5.9' (3)	1.75 m	5.7'
LENGTH												
Normal	213.4 m	700.0'	207.3 m	680.0'	400 m	1312.0'			420 m	1378.0'		
Extended plate	304.8 m	1,000.0'	259.0 m	850.0'	490 m	1608.0'						
Terminal stat	609.6 m	2,000.0'										
WIDTH												
• OUTBOARD					5.5 m	18.0'	5 m	16.4'	7 m	23.0'	7-9 m	23'-29.5'
Mini	4.88 m	16.0'	4.88 m	16.0'								
Preferred	6.10 m	20.0'										
• CENTRAL					7.5 m	25.0'	9 m	29.5'	9 m	29.5'	10-12.5 m	32.0'-41'
Mini	7.92 m	26.0'	7.87 m	25.0'								
Preferred	9.75 m	32.0'										
CROSS SLOPE												
Slope direction	Away from rail		Away from rail		Away from rail				Toward Rail			
Gradient	1% ≤G< 2%		1% ≤G< 2%		2%				1%			

1. 91.5 cm height is only used in England and Northern Ireland
2. Neither European standards nor French standards have preferred or min/max width as the width is based on ridership forecast. Dimension given here are those of French eastern high-speed line opened in June 2007 for information.
3. 1.75 m distance is for stations where all trains stop. 1.79 m is for stations where there are through trains on a stopping track.
4. Chinese standards indicate that platform length is to be determined according to factors such as station character, platform type, passenger flow density, safety distance, and vertical circulation width. Platform width varies within the prescribed range based on the station size.

- In 2012, the CHSRA adopted a new business plan which lowered construction costs by blending HSR with existing rail infrastructure in Northern and Southern California.

- In 2014, the CHSRA issued an RFQ for Very High Speed (VHS) trains similar to those used on dedicated high speed lines in Asia which are not compatible with Caltrain, MetroLink, ACE, Amtrak, Capitol Corridor, UPRR & BNSF freight or the vast majority of European EMUs available off the shelf.

- Caltrain and CHSRA's efforts to resolve this conflict have so far focused on modifying the Caltrain infrastructure to the CHSRA's rolling stock specifications, including designing a new bi-level train with multiple doors at different heights and a profile incompatible with Caltrain, MetroLink, Amtrak, Capitol Corridor and ACE's existing platforms, tracks and tunnels.

This approach conflicts with the business plan approved by the legislature in 2012 and the recently released 2014 business plan.

Analysis:

1) Caltrain

Caltrain capacity issues have reached crisis levels with many trains already at over 130% capacity during peak. This problem needs to be addressed urgently through an EMU procurement focused on maximizing capacity within the existing 700-foot-long platforms while maintaining compatibility with existing Caltrain and tenant rolling stock. This requirement mandates low-floor (22 inch) bi-level trains capable of loading and unloading large numbers of passengers and bicycles within short (sub-30-second) dwell times while providing a migration path towards level-boarding. France (SNCF) addressed a similar capacity issue by placing an order for 870 Bombardier low-floor Omneo trainsets compatible with European low-level (550mm) platforms. These trains have the same UIC 505-1 profile as the existing Caltrain Bombardier fleet and were designed to accommodate up to 5 seats (2+3) per row resulting in a seated capacity in excess of 6 passengers/meter.

OMNEO train for France Technical characteristics	Short	Medium	Long	Extra Long	V200 Intercity
Multiple Unit Operation	UM3	UM3	UM3	UM3	UM3
Gauge	UIC 505-1	UIC 505-1	UIC 505-1	UIC 505-1	UIC 505-1
Length between couplers (m)	80.9 to 84.5*	93.2 to 95*	108.2 to 109.9*	133.6 to 135.4*	109.9
Height (m)	4.32	4.32	4.32	4.32	4.32
Width of single deck vehicles (m)	3.05	3.05	3.05	3.05	3.05
Width of double-deck vehicles (m)	2.99	2.99	2.99	2.99	2.99
Power at rail (MW)	2.4	2.4	2.4 or 3.2	2.4 or 3.2	2.55
Top speed (km/h)	160	160	160	160	200
Level entrance from platform height of (mm)	550 / 760 / 920	550 / 760 / 920	550 / 760 / 920	550 / 760 / 920	550 / 760 / 920
Number of doors/side	6	6	8	10	8
Door width (m)	1.6	1.6	1.6	1.6	1.6
Seated capacity incl. tip-up 2+2 / 2+3 seating	360 to 390* / 410 to 450*	435 to 450* / 500 to 520*	515 to 530* / 595 to 615*	650 to 670* / 760 to 780*	485 / -
Total capacity (4 pass/m*) 2+2 / 2+3	680 to 730* / 720 to 775*	800 to 825* / 850 to 880*	955 to 980* / 1,020 to 1,050*	1,210 to 1,230* / 1,290 to 1,320*	- / -
Number of toilets (incl. 1 for wheelchair user)	3	3	4	5	7
Axle load GN0 / CN4 / CE (t)	17.5 / 19 / 20	17.5 / 19 / 20	17.5 / 19 / 20	17.5 / 19 / 20	17.5 / 19 / 20

* Depending on intermediate double-deck coach length (13,695 mm or 15,445 mm)

2) HSR

Following the successful introduction of VHS trains in Asia, manufacturers started looking at ways to integrate the technology with European high speed and blended networks. As an example, Bombardier adapted its Zefiro380 wide body trains to fit the UIC 505-1 profile and developed the interface between its high floor and 550 & 760mm European platforms.

Zefiro – General technical parameters (1)

Wide speed range	From 300 km/h to 360 km/h
Multi-voltage	25 kV AC; 15 kV AC; 3 kV DC; 1.5 kV DC
Wide seating capacity range	From 450 up to 600 seats + 2 wheelchair seats including a snack bar coach inside the train
Seats	Customized according client needs and brand image
Interiors	Colours and patterns customized according client needs and brand image
Number of toilets	Provision for 2 toilet per car for a total of 15 per train (1 toilet PRM)
Number of external doors	Provision for two doors per car and per side
Train accessibility	Optimized for platform of 550 and 760 mm
Driver's desk	European drivers desk or customized according client needs
Car body	Open tube concept for easy configuration of layout
Style	Shapes and colour schemes in accordance to client needs and brand image

Zefiro – General technical parameters (2)

Number of Cars	8 (motorized 4)
Train Length	201.5 m
TSI Compliance	Yes
Multiple Operation	Yes (two train sets)
Track gauge	1,435 mm
Vehicle Profile	UIC 505-1
Ambient temperature	-25°C to +45°C
Maximum rail power	8,800 kW (250V AC, according status rail)
Start Acceleration	0.50 m/s ²
Retardation	0.35 m/s ² at 300-230 km/h 0.60 m/s ² at 230-0 km/h
Driven axles	16/32

Frecciarossa 1000 (Bombardier V300 Zefiro)

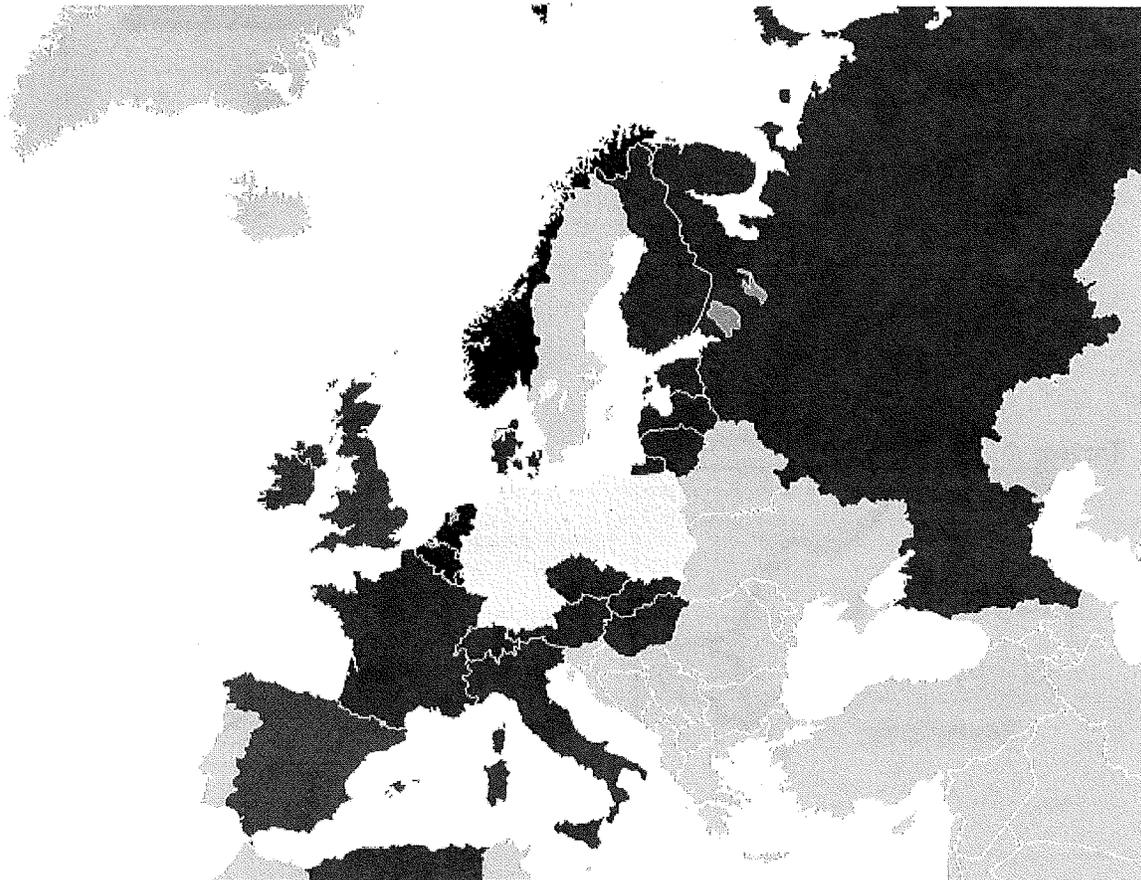


European platform height standards for new construction:

Purple: 760mm

Yellow: 550 and/or 760mm (mixture)

Green: 550mm



(Source: http://en.wikipedia.org/wiki/Railway_platform_height#mediaviewer/File:Map_Europe_railway_platform_height.svg)

3) Caltrain mixed fleet

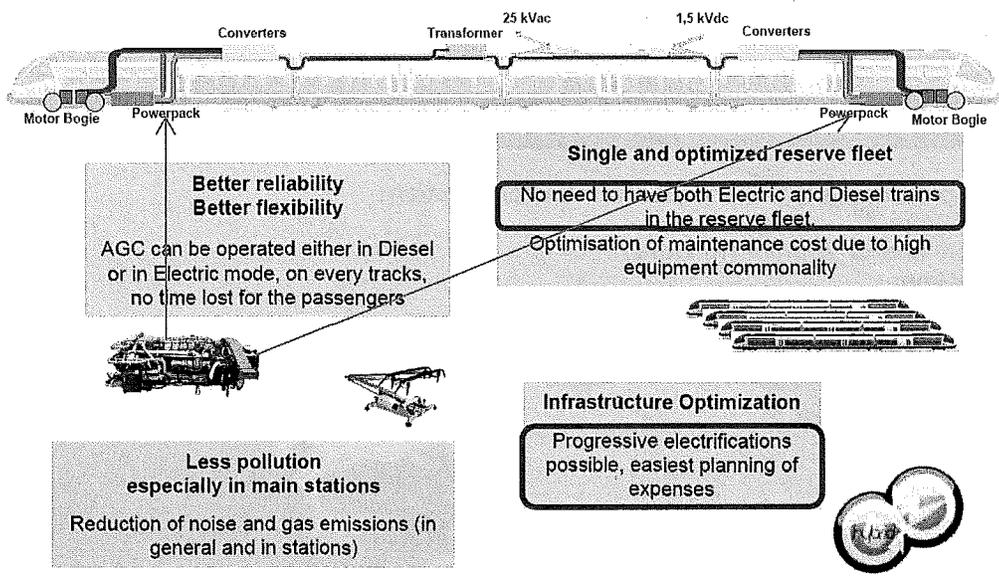
Caltrain's plan to operate a mixed EMU and diesel fleet "running under the wire" results in the following issues:

- Diesels cannot possibly continue to the Transbay Transit Center and would make it impossible to vacate the 4th & King railyard.
- Terminating Gilroy diesels at Tamien (or Diridon) would make it impossible to have a single-seat ride between San Francisco and stations south of Diridon (1/2 of San Jose).
- Caltrain would have to maintain two separate fleets, potentially at 2 separate yards.

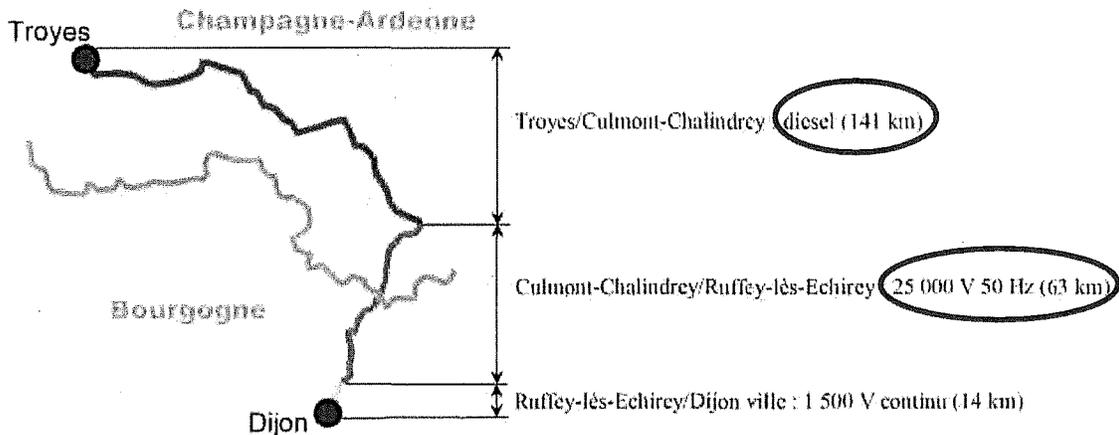
These issues were resolved in France by the introduction of Hybrid trains in 2001.

AGC Hybrid version

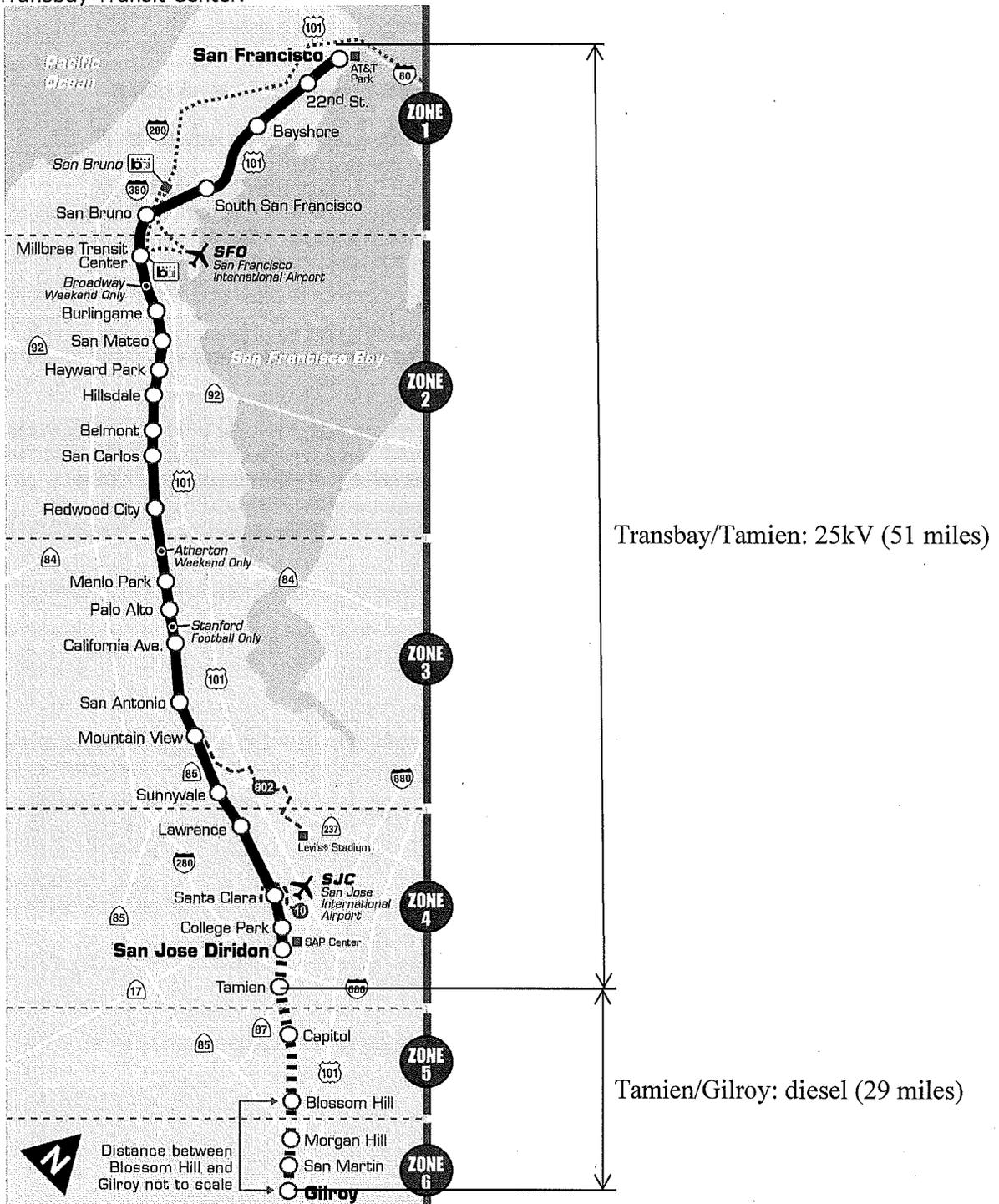
1,5 kVdc – 25 kVac – Diesel power supply all in one



BOMBARDIER



Using the Troyes to Dijon example, a Caltrain analogy would be running hybrid bi-level trains in diesel mode between Gilroy and Tamien and in electric mode between Tamien and the Transbay Transit Center.



Conclusion:

The European approach to blending enables:

- Caltrain and CHSRA platform compatibility
- Phased electrification
- A smooth transition to level boarding

Recommendations:

- **Caltrain capital expenditure plans should prioritize complete rolling stock replacement over electrification**

- Electrification should start at the Transbay Transit Center and work its way south
- Diridon electrification should be delayed until after reconstruction
- There is no need to electrify the 4th & King yard or the San Jose maintenance facility
- CHSRA and Caltrain should both procure train sets compatible with 550mm platforms
- Caltrain should start by raising platforms to 550mm at Transbay, Millbrae and Diridon
- Caltrain should continue to raise platforms as and when resources become available

Next steps:

The Land use Committee should consider inviting manufacturers to present their solutions for level-boarding platform access by low-floor bi-level and high-floor VHS trains.

Contingency: CPUC Section 180532(b)

Should the CHSRA elect to continue on a path that conflicts with the best interests of local rail agencies, the San Francisco Board of Supervisors should consider encouraging its JPB partners to exercise Caltrain's right to plan, construct, and operate a high-speed passenger train service at speeds not exceeding 125 miles per hour between San Jose and San Francisco
http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PUC§ionNum=185032

Sincerely,

Roland Lebrun

cc

SFCTA Plans & Programs Committee
Transbay Joint Powers Authority Board of Directors
Caltrain Board of Directors
VTA Board of Directors

From: dennismackenzie@roundthediamond.com
Sent: Monday, January 05, 2015 12:02 AM
To: Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Campos, David (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS)
Cc: Board of Supervisors (BOS); Wiener, Scott; Yee, Norman (BOS); Avalos, John (BOS); Breed, London (BOS)
Subject: OCII Public Hearing/Warriors Arena/1.6.2015

January 4, 2015

Commission on Community Investment and Infrastructure
Successor Agency Commission

Honorable Edwin M. Lee, Mayor

Honorable Mara Rosales, Chair
Honorable Miguel Bustos, Commissioner
Honorable Marily Mondejar, Commissioner
Honorable Darshan Singh, Commissioner

Ms. Tiffany Bohee, Executive Director

C/o Ms. Claudia Guerra, Commission Secretary
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Commission on Community Investment and Infrastructure
Successor Agency Commission
Public Hearing / Tuesday, January 6, 2015 - 1:00pm
Agenda Item, 5b: Workshop on the Major Phase for the Golden State Warriors Event Center And Mixed-Use
Development on Blocks 29-32 in the Mission Bay South Redevelopment Project Area.

San Francisco – Warriors Arena & Event Center / Round The Diamond Proposals©
Warriors Arena High School-College Career Pathway & Field Study Classroom©
Arena Astronomy & Education Roof-Top Observatory Deck©

Dear Chair Rosales and Commissioners,

I am respectfully requesting that the Commission on Community Investment and Infrastructure consider this proposed Warriors Multi-Purpose Arena as an opportunity to invest in our entire City and County of San Francisco Community; including schools, students, families, and local businesses now - and for future generations to come.

I am asking that the OCII work together with all other San Francisco public service and Government agencies and officials, the Golden State Warriors and local private sector business and non-profit organizations and leaders in order to initiate and establish a “Public-Private Non-Profit Foundation” specifically dedicated to raise funds to support the successful design, construction, implementation and long-term operations of a professional sports, business and educational public-private partnership that has ‘never been done before’. That is to say, to create and build a Model Warriors Arena High School Classroom will be well worth the investment necessary to provide interdependent and mutually beneficial, Year-Round education and jobs/career development Programs strategically located inside this visionary, state-of-the-art Warriors Arena and Event Center. This facility can inspire and attract a wide variety of newly evolving businesses through cooperative sports and education ventures and events within the Warrior’s Arena and Site location in Mission Bay.

Please review my enclosed letter I presented to the SF Planning Commission on 12/18/14 and others I've shared with you, the OEWD and other SF Agencies. The letter I gave to the Mission Bay CAC on 9/17/14 outlines some of the local, national and international goals, objectives and benefits - including how the evolution of an Arena Classroom can serve as a magnet to attract and meet schools from other districts, colleges and universities, teachers, business and government leaders in order to mutually share, learn and connect with our Community, all year-round. At the same time, San Francisco can enhance and expand our capacity to creatively assist in developing new business opportunities and healthy cultural Sister-City relationships through creation of cross-cultural sports and education, jobs, and career development and business exchange programs from around the state, country and throughout the Americas. Some of these updates can be reviewed on my Website: RoundTheDiamond.com.

I look forward to working with the Golden State Warriors and San Francisco's public agencies, private sector business and community leaders in the most beneficial capacity possible.

Thank you once again for your time, consideration, and support.

Sincerely,
Dennis MacKenzie

CC:
Golden State Warriors;
Mr. Joseph Lacob, CEO and Governor, Co-Executive Chairman
Mr. Peter Guber, Co-Executive Chairman
C/o Mr. Rick Welts, President and Chief Operating Officer

San Francisco Office of Economic & Workforce Development
Warriors San Francisco Sports & Entertainment Center Project Team;
C/o Mr. John Gavin, Mr. Adam Van Der Water, Ms. Anne Taupin

San Francisco Planning Commission and Director of Planning;
C/o Mr. Jonas P. Ionin, Commission Secretary

San Francisco Board of Supervisors;
C/o Ms. Angela Calvillo, Clerk of the Board

San Francisco Unified School District; Teachers, Coaches, A.D's, Principals and Administrators
Mr. Richard A. Carranza, Superintendent, SFUSD
San Francisco Board of Education; C/o Ms. Esther V. Casco, Executive Assistant
United Educators of San Francisco; C/o Mr. Dennis Kelly President

Mr. Andres Roemer, Consul General of Mexico, San Francisco

December 17, 2014

San Francisco Planning Commission

Ms. Cindy Wu, President

Mr. Rodney Fong, Vice President

Mr. Michael Antonini, Commissioner

Mr. Rich Hillis, Commissioner

Ms. Christine D. Johnson, Commissioner

Ms. Kathrin Moore, Commissioner

Mr. Dennis Richards, Commissioner

Mr. John Rahaim, Director of Planning

C/o Mr. Jonas P. Ionin, Commission Secretary

Commission Chambers, Room 400

City Hall, 1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

Re: SAN FRANCISCO PLANNING COMMISSION / HEARING & AGENDA

Thursday, December 18, 2014 / 12 pm / Regular Meeting

Agenda Item: F.8 REGULAR CALENDAR 2014.1441OFA (D. WINSLOW: (415) 575-9159)

EVENT CENTER AND MIXED-USE DEVELOPMENT AT MISSION BAY SOUTH BLOCKS

29, 30, 31, & 32: LOT 001 IN ASSESSORS BLOCK 8722 - Informational Presentation, GSW Arena LLC (GSW) proposes to construct a multi-purpose event center, two 11-story office buildings containing 503,900 leasable s.f. office space, public open space, a parking facility and visitor-serving retail uses on an approximately 11-acre site in Mission Bay Redevelopment Plan Area (MBS blocks 29, 30, 31 and 32). The event center would host the Golden State Warriors NBA basketball team during the NBA season, as well as provide a year-round venue for a variety of other uses, including concerts, cultural events, family shows, conferences and conventions. The site is located in the Mission Bay South Plan Area's Commercial-Industrial District and HZ-5 Height District. The office buildings will be brought to a subsequent Planning Commission hearing for and Design Review approval in accord with Resolution 14702. Office allocation pursuant to Planning Code Sections 321 and 322 (the Annual Office Development Limitation program) has already been allocated to the site.

Preliminary Recommendation: None – Informational

San Francisco - Warriors Arena & Event Center / Round The Diamond Proposal©

Arena High School-College Career Pathway & Field Study Classroom©

Arena Roof-Top Astronomy & Education Observatory Deck©

Dear President Wu and Commissioners,

Please review the long-time proposal materials and communications I've provided to you and all San Francisco public officials and agencies over the past 5 years, requesting that the Golden State Warriors and City and County of San Francisco leaders collaborate in partnership to include the construction of my Arena High School-College Career Pathway & Field Study Classroom© proposal as a model facility inside the Warrior Arena and Event Center and Mixed-Use Development project in San Francisco's Mission Bay neighborhood.

I am writing to ask that you consider the long-term comprehensive benefits that a model education and career development Classroom integrated within the original design and construction of this proposed Warriors professional Basketball Arena and Event Center can have for all our students, schools, families and non-profit organizations - all Year-Round; as well as for the future health and well-being of all our diverse and cross-cultural socio-economic communities and business sectors. I trust the implementation of this Classroom can provide wide-spread, comprehensive incentives and numerous positive influences, opportunities and benefits for San Francisco, Oakland and our entire Bay Area Community - all Year-Round.

As you consider the potential benefits and challenges in building this Warrior's new Arena and Events Center, I respectfully ask that you offer your support for the inclusion of this Arena High School Classroom, and ask your staff to study the numerous potential opportunities available in order to enhance and expand San Francisco's capacity to initiate, create and develop new and innovative public-private partnerships that can benefit the Golden State Warriors professional basketball team and organization – as well as all of San Francisco as a whole.

I've also shared with you in the past the idea and possibility that this Warriors Arena offers the potential opportunity to create entertaining, inspiring and educational career guidance and development programs through the construction of a Roof-Top Astronomy Education & Observatory Deck© within this new Mission Bay site. If the Arena roof-top deck location is not feasible, maybe the Warriors along with local business leaders and officials could consider a more effective and productive location for an Astronomy program on a roof-top of an office building or other location within the Warriors Mission Bay site.

As you move forward in this early phase of your discussions and consider different ideas and concepts, I respectfully ask the Warriors and all city and business leaders consider the potential positive benefits that may be available and worthy of your efforts to consider. For example, as I've stated in my earlier proposal updates there could be local, state, national and international, Cross-Cultural Sports & Education Exchange Programs© developed utilizing this Warriors Arena Classroom as a model - and magnet - facility. If the comprehensive socio-economic, education, jobs and business growth possible through creation of a sports, education and business exchange program associated with this Arena were studied and explored, I believe this could provide numerous valuable, comprehensive and long range benefits utilized through the successful inclusion and evolution of this model Classroom within the new Warriors Arena.

I want to take this opportunity to thank the Golden State Warriors, the Planning Commission and all the San Francisco public-service government Agencies and officials working in effective collaboration on this effort to build a state-of-the-art, visionary and model San Francisco Home for the Warriors Arena and Event Center in Mission Bay.

I look forward to working with the Warriors and all City and County of San Francisco officials in order to build a truly model Sports & Education Facility worthy of local, state and international respect and emulation – for

generations to come.

Thank you once again for your time, consideration, and support.

Sincerely,

Dennis G. MacKenzie

From: Board of Supervisors (BOS)
To: BOS-Supervisors
Subject: FW: Help, OUR neighborhood is at a state of unrest.

From: Joshua Reyes [<mailto:jcrawfordreyes@yahoo.com>]
Sent: Sunday, January 04, 2015 11:07 PM
To: Avalos, John (BOS); Board of Supervisors (BOS); SFPDCCommunityRelations (POL); McFadden, Joseph (POL)
Subject: Help, OUR neighborhood is at a state of unrest.

To our honored leaders and fellow community members,

The new year should be accompanied with voices of joy and excitement, not whispers of fear and worry. And yet this is the overwhelming state that we at District 11 find ourselves in. A recent act of vandalism that has left some scratching their heads and others apprehensive. The intersection of Bright and Garfield (Ingleside) has seen several parked cars (including mine) vandalized, left with many prominent scratches permanently damaging the paint. The intent and timeframe of the crime is relatively unknown, though we can deduce it to have occurred sometime between midnight of the 31st and sunrise of the 1st. I have personally spoken to a few of the residents and nobody seems to have any information about the crime.

However I do not intend this email to merely report a crime. I want to raise awareness of what's really going on. When I moved into my house on Bright St. (almost exactly a year ago to the day), I had the impression that Ingleside is a relatively safe area with its many families, local "mom and pop" shops, and lively student culture. At the very least I assumed that it was in a more tranquil state than 15-20 years ago. However, this perception has been turned completely around. I have heard several outrageous stories of crime near my home, and it is rattling. A friend of mine owns a local clothing shop on Lakeview that recently celebrated its anniversary. The party was cut abruptly when a group of assailants opened fire using assault rifles in what was a drive-by style shooting. Moreover, I have heard of bus riders mugged on Randall St., and more recently a student fatally assaulted right by the campus of SF State, where I attend. I also work at Stonestown Galleria and am a few months removed from being a victim of a vehicle break-in and theft at the Nordstrom parking lot (incident case number 146069289). There have been a few more crimes of this nature in the same parking lot since, I am aware of at least three. It is also not uncommon for my roommates and I to wake up to gunshots in the middle of the night. If you have not heard of any of these atrocities, then it is a great shame. And in case you have heard of them, then it is an even greater shame that the neighborhood remains in this helpless state.

It goes without say that this area is vital to the city. Along with a plethora of diverse small businesses we have a large commercial mall that generates revenue and traffic to the area. Moreover we have one of our largest educational institutions and its students planted here. It is also a suburban area; therefore many families are affected when incidents like these take place. I am discouraged from running at night, and my neighbor's grade-school children are now weary of playing outside during the day. We cannot flourish as a community if our most basic need for safety and security is not met. These crimes have to stop. We need to find a way to engage the community to take part in prevention, to keep a sense of solidarity. You, as our leaders, need to address these issues and act accordingly. It would be ideal to create a detailed plan devising preventative measures, or, at the very least, increase police vigilance. I believe that the system can effectively alleviate this turmoil. As a citizen I am honored to offer my help, whatever that may be. I, along with my neighbors, want to

break free from this state of duress and proceed to enjoy the beauty our neighborhood has to offer. Thank you for taking the time and I hope that my plea has resonated with you.

Sincerely,

Joshua Reyes

B0510 - CPG

Commissioners
Michael Sutton, President
Monterey
Richard Rogers, Vice President
Santa Barbara
Jim Kellogg, Member
Discovery Bay
Jack Baylis, Member
Los Angeles
Jacque Hostler-Carmesin, Member
McKinleyville

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
(916) 653-5040 Fax
www.fgc.ca.gov

Fish and Game Commission



RECEIVED
BOARD OF SUPERVISORS
SANTA BARBARA COUNTY

2015 JAN -5 PM 2:33
2

January 2, 2015

This is to provide you with a copy of the notice of proposed regulatory action relative to Amending Sections 360, 361, 362, 363, 364, 702, 708.5, 708.11 and 713 Title 14, California Code of Regulations, relating to Mammal Hunting Regulations for the 2015-2016 season, which are published in the California Regulatory Notice Register on January 2, 2015.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Additional information and all associated documents may be found on the Fish and Game Commission website at www.fgc.ca.gov.

Mr. Craig Stowers, Department of Fish and Wildlife, phone (916) 445-3553, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Jon D. Snellstrom
Associate Governmental Program Analyst

Attachment

**TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203, 215, 219, 220, 331, 332, 460, 713, 1050, 1055, 1055.1, 1572, 3452, 3453, 4302, 4304, 4331, 4334, 4336, 4340, 4657, 4753, 4902 and 10502; reference sections 200, 202, 203, 203.1, 207, 210, 215, 219, 220, 331, 332, 458, 459, 460, 713, 1050, 1055, 1055.1, 1570, 1571, 1572, 1573, 1575, 2005, 3452, 3453, 3950, 3951, 4302, 4304, 4330, 4331, 4332, 4333, 4334, 4336, 4340, 4341, 4652, 4653, 4654, 4655, 4657, 4750, 4751, 4752, 4753, 4754, 4755, 4902, 10500 and 10502, Fish and Game Code; proposes to Amend sections 360, 361, 362, 363, 364, 702, 708.5, 708.11 and 713; and Add Section 364.1, Title 14, California Code of Regulations (CCR), relating to Mammal Hunting Regulations for the 2015-2016 season.

Informative Digest/Policy Statement Overview

**Subsection 360(a)
Deer A, B, C and D Zone Hunts**

Existing regulations provide for the number of license tags available for the A, B, C, and D Zones. This regulatory proposal changes the number of tags for all existing zones to a series of ranges presented in the table below. These ranges are necessary because the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and over-winter adult survival, final tag quotas may fall below the proposed range into the "Low Kill" alternative identified in the most recent Environmental Document Regarding Deer Hunting.

Deer: § 360(a) A, B, C and D Zone Hunts			
Tag Allocations			
§	Zone	Current 2014	Proposed 2015 [Range]
(1)	A	65,000	30,000-65,000
(2)	B	35,000	35,000-65,000
(3)	C	8,150	5,000-15,000
(4)	D3-5	33,000	30,000-40,000
(5)	D-6	6,000	6,000-16,000
(6)	D-7	9,000	4,000-10,000
(7)	D-8	8,000	5,000-10,000
(8)	D-9	2,000	1,000-2,500
(9)	D-10	700	400-800
(10)	D-11	5,500	2,500-6,000
(11)	D-12	950	100-1,500
(12)	D-13	4,000	2,000-5,000
(13)	D-14	3,000	2,000-3,500
(14)	D-15	1,500	500-2,000
(15)	D-16	3,000	1,000-3,500
(16)	D-17	500	100-800

Deer: § 360(a) A, B, C and D Zone Hunts			
Tag Allocations			
§	Zone	Current 2014	Proposed 2015 [Range]
(17)	D-19	1,500	500-2,000

**Subsection 360(b)
Deer X-Zone Hunts**

Existing regulations provide for the number of deer hunting tags for the X zones. The proposal changes the number of tags for all existing zones to a series of ranges presented in the table below. These ranges are necessary at this time because the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and over-winter adult survival, final tag quotas may fall below the proposed range into the "Low Kill" alternative identified in the most recent Environmental Document Regarding Deer Hunting.

Deer: § 360(b) X-Zone Hunts			
Tag Allocations			
§	Zone	Current 2014	Proposed 2015 [Range]
(1)	X-1	770	1,000-6,000
(2)	X-2	150	50-500
(3)	X-3a	275	100-1,200
(4)	X-3b	795	200-3,000
(5)	X-4	385	100-1,200
(6)	X-5a	65	25-200
(7)	X-5b	50	50-500
(8)	X-6a	320	100-1,200
(9)	X-6b	305	100-1,200
(10)	X-7a	225	50-500
(11)	X-7b	135	25-200
(12)	X-8	210	100-750
(13)	X-9a	650	100-1,200
(14)	X-9b	325	100-600
(15)	X-9c	325	100-600
(16)	X-10	400	100-600
(17)	X-12	680	100-1,200

**Subsection 360(c)
Additional Deer Hunts**

Existing regulations provide for the number of deer hunting tags in the Additional Hunts. The proposal provides a range of tag numbers for each hunt from which a final number will be determined, based on the post-winter status of each deer herd. These ranges are necessary at this time because the final number of tags cannot be determined until spring herd data are collected in March/April. If severe winter conditions adversely affect herd recruitment and over-winter adult survival, the final recommended quotas may fall below the current proposed range into the "Low Kill" alternative identified in the most recent Environmental Document Regarding Deer Hunting.

Existing regulations for Additional Hunts G-8 (Fort Hunter Liggett Antlerless Deer Hunt) and J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt) provide for hunting to begin on October 4 and continue for two (2) consecutive days and reopen on October 11 and continue for three (3) consecutive days in order to accommodate for Base operations and other hunt opportunities. The proposal would modify the season to account for the annual calendar shift by changing the season opening dates to October 3 and October 10 for 2 and 3 consecutive days respectively, in order to accommodate for Base operations. In addition, Fort Hunter Liggett has requested the mandatory hunter orientation meeting required for Hunt J-10 be deleted from the Special Conditions due to insufficient staffing levels.

Minor editorial changes are necessary to provide consistency in subsection numbering, spelling, grammar, and clarification.

The proposal changes the number of tags for all existing hunts to a series of ranges as indicated in the table below.

Deer: § 360(c) Additional Hunts Tag Allocations			
§	Hunt Number (and Title)	Current 2014	Proposed 2015 [Range]
(1)	G-1 (Late Season Buck Hunt for Zone C-4)	2,710	500-5,000
(2)	G-3 (Goodale Buck Hunt)	35	5-50
(3)	G-6 (Kern River Deer Herd Buck Hunt)	50	25-100
(4)	G-7 (Beale Either-Sex Deer Hunt)	20 Military*	20 Military*
(5)	G-8 (Fort Hunter Liggett Antlerless Deer Hunt)	20 Tags Total* (10 Military & 10 Public)	20 Tags Total* (10 Military and 10 Public)
(6)	G-9 (Camp Roberts Antlerless Deer Hunt)	0	30 Tags Total* (Military and Public splits TBD)
(7)	G-10 (Camp Pendleton Either-Sex Deer Hunt)	400 Military*	400 Military*
(8)	G-11 (Vandenberg Either-Sex Deer Hunt)	250 Military*, DOD and as Authorized by the Installation Commander**	250 Military*, DOD and as Authorized by the Installation Commander**
(9)	G-12 (Gray Lodge Shotgun Either-Sex Deer Hunt)	30	10-50
(10)	G-13 (San Diego Antlerless Deer Hunt)	300	50-300
(11)	G-19 (Sutter-Yuba Wildlife Areas Either-Sex Deer Hunt)	25	10-50

Deer: § 360(c) Additional Hunts			
Tag Allocations			
§	Hunt Number (and Title)	Current 2014	Proposed 2015 [Range]
(12)	G-21 (Ventana Wilderness Buck Hunt)	25	25-100
(13)	G-37 (Anderson Flat Buck Hunt)	25	25-50
(14)	G-38 (X-10 Late Season Buck Hunt)	300	50-300
(15)	G-39 (Round Valley Late Season Buck Hunt)	5	5-150
(16)	M-3 (Doyle Muzzleloading Rifle Buck Hunt)	20	10-75
(17)	M-4 (Horse Lake Muzzleloading Rifle Buck Hunt)	10	5-50
(18)	M-5 (East Lassen Muzzleloading Rifle Buck Hunt)	5	5-50
(19)	M-6 (San Diego Muzzleloading Rifle Either-Sex Deer Hunt)	80	25-100
(20)	M-7 (Ventura Muzzleloading Rifle Either-Sex Deer Hunt)	150	50-150
(21)	M-8 (Bass Hill Muzzleloading Rifle Buck Hunt)	20	5-50
(22)	M-9 (Devil's Garden Muzzleloading Rifle Buck Hunt)	15	5-100
(23)	M-11 (Northwestern California Muzzleloading Rifle Buck Hunt)	20	20-200
(24)	MA-1 (San Luis Obispo Muzzleloading Rifle/Archery Either-Sex Deer Hunt)	150	20-150
(25)	MA-3 (Santa Barbara Muzzleloading Rifle/Archery Buck Hunt)	150	20-150
(26)	J-1 Lake Sonoma Apprentice Either-Sex Deer Hunt)	25	10-25
(27)	J-3 (Tehama Wildlife Area Apprentice Buck Hunt)	15	15-30
(28)	J-4 Shasta-Trinity Apprentice Buck Hunt)	15	15-50
(29)	J-7 (Carson River Apprentice Either-Sex Deer Hunt)	15	10-50
(30)	J-8 (Daugherty Hill Wildlife Area Apprentice Either-Sex Deer Hunt)	15	10-20
(31)	J-9 (Little Dry Creek Apprentice Shotgun Either-Sex Deer Hunt)	5	5-10
(32)	J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt)	85 Tags Total* (20 Military & 65 Public)	75 Tags Total* (15 Military & 60 Public)
(33)	J-11 (San Bernardino Apprentice Either-Sex Deer Hunt)	40	10-50
(34)	J-12 (Round Valley Apprentice Buck Hunt)	10	10-20
(35)	J-13 (Los Angeles Apprentice Either-Sex Deer Hunt)	40	25-100
(36)	J-14 (Riverside Apprentice Either-Sex Deer Hunt)	30	15-75
(37)	J-15 (Anderson Flat Apprentice Buck Hunt)	10	5-30
(38)	J-16 (Bucks Mountain-Nevada City Apprentice Either-Sex Deer Hunt)	75	10-75
(39)	J-17 (Blue Canyon Apprentice Either-Sex Deer Hunt)	25	5-25

Deer: § 360(c) Additional Hunts			
Tag Allocations			
§	Hunt Number (and Title)	Current 2014	Proposed 2015 [Range]
(40)	J-18 (Pacific-Grizzly Flat Apprentice Either-Sex Deer Hunt)	75	10-75
(41)	J-19 (Zone X-7a Apprentice Either-Sex Deer Hunt)	25	10-40
(42)	J-20 (Zone X-7b Apprentice Either-Sex Deer Hunt)	20	5-20
(43)	J-21 (East Tehama Apprentice Either-Sex Deer Hunt)	50	20-80

**Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.*

***DOD = Department of Defense and eligible personnel as authorized by the Installation Commander.*

Section 361 Archery Deer

Existing regulations provide for the number of deer hunting tags for existing area-specific archery hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the table below. These ranges are necessary at this time because the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and over-winter adult survival, final tag quotas may fall below the proposed range into the "Low Kill" alternative identified in the most recent Environmental Document Regarding Deer Hunting.

Archery Deer Hunting: § 361(b)			
Tag Allocations			
§	Hunt Number (and Title)	Current 2014	Proposed 2015 [Range]
(1)	A-1 (C Zones Archery Only Hunt)	1,945	150-3,000
(2)	A-3 (Zone X-1 Archery Hunt)	130	50-1,000
(3)	A-4 (Zone X-2 Archery Hunt)	10	5-100
(4)	A-5 (Zone X-3a Archery Hunt)	30	10-300
(5)	A-6 (Zone X-3b Archery Hunt)	70	25-400
(6)	A-7 (Zone X-4 Archery Hunt)	110	25-400
(7)	A-8 (Zone X-5a Archery Hunt)	10	15-100
(8)	A-9 (Zone X-5b Archery Hunt)	5	5-100
(9)	A-11 (Zone X-6a Archery Hunt)	50	10-200
(10)	A-12 (Zone X-6b Archery Hunt)	90	10-200
(11)	A-13 (Zone X-7a Archery Hunt)	45	10-200
(12)	A-14 (Zone X-7b Archery Hunt)	25	5-100
(13)	A-15 (Zone X-8 Archery Hunt)	40	5-100

Archery Deer Hunting: § 361(b)			
Tag Allocations			
§	Hunt Number (and Title)	Current 2014	Proposed 2015 [Range]
(14)	A-16 (Zone X-9a Archery Hunt)	140	50-500
(15)	A-17 (Zone X-9b Archery Hunt)	300	50-500
(16)	A-18 (Zone X-9c Archery Hunt)	350	50-500
(17)	A-19 (Zone X-10 Archery Hunt)	100	25-200
(18)	A-20 (Zone X-12 Archery Hunt)	100	50-500
(19)	A-21 (Anderson Flat Archery Buck Hunt)	25	25-100
(20)	A-22 (San Diego Archery Either-Sex Deer Hunt)	1,000	200-1,500
(21)	A-24 (Monterey Archery Either-Sex Deer Hunt)	100	25-200
(22)	A-25 (Lake Sonoma Archery Either-Sex Deer Hunt)	35	20-75
(23)	A-26 (Bass Hill Archery Buck Hunt)	30	10-100
(24)	A-27 (Devil's Garden Archery Buck Hunt)	5	5-75
(25)	A-30 (Covelo Archery Buck Hunt)	40	20-100
(26)	A-31 (Los Angeles Archery Either-Sex Deer Hunt)	1,000	200-1,500
(27)	A-32 (Ventura/Los Angeles Archery Late Season Either-Sex Deer Hunt)	250	50-300
(28)	A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt)	50 Tags Total* (25 Military & 25 Public)	50 Tags Total* (25 Military & 25 Public)

* *Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.*

**Subsection 362
Nelson Bighorn Sheep**

The existing regulation in subsection 362(d), Title 14, CCR, provides for limited hunting of 14 Nelson bighorn rams in specified areas of the State. The proposed change is intended to adjust the number of tags based on Department's annual population estimates in the management units. The number of tags allocated for each of the nine hunt zones is based on the results of the Department's estimate of the bighorn sheep population in each zone. Tag allocations are proposed to ensure the take of no more than 15 percent of the mature rams estimated in each zone. Final tag quota determinations will be completed by April of 2015 pending completion of population surveys and associated analyses.

The following proposed number of tags was determined using the procedure described in Fish and Game Code Section 4902:

§ 362(d) HUNT ZONE	Current 2014 Tag Allocation	Proposed 2015 Tag Allocation [Range]
Zone 1 - Marble/Clipper Mountains	4	0-4
Zone 2 - Kelso Peak/Old Dad Mountains	0	0-4
Zone 3 - Clark/Kingston Mountain Ranges	1	0-2

Zone 4 - Orocopia Mountains	2	0-2
Zone 5 - San Gorgonio Wilderness	2	0-3
Zone 6 - Sheep Hole Mountains	0	0-2
Zone 7 - White Mountains	1	0-5
Zone 8 - South Bristol Mountains	1	0-3
Zone 9 - Cady Mountains	2	0-4
Open Zone Fund-raising Tag	1	0-1
Marble/Clipper/South Bristol Mountains Fund-raising Tag	0	0-1
Kelso Peak/Old Dad Mountains Fund-raising Tag	0	0-1
TOTAL	14	0-32

**Subsection 363
Pronghorn Antelope**

Existing regulations provide for the number of pronghorn antelope hunting tags for each hunt zone. This proposed regulatory action would provide for tag allocation ranges for most hunt zones pending final tag quota determinations based on winter survey results that should be completed by March of 2015. The final tag quotas will provide for adequate hunting opportunities while allowing for a biologically appropriate harvest of bucks and does in specific populations.

The proposed 2015 tag allocation ranges for the hunt zones are as set forth below.

<i>2015 Pronghorn Antelope Tag Allocations [Ranges]</i>						
<i>Hunt Area</i>	<i>Archery-Only Season</i>		<i>General Season</i>			
			<i>Period 1</i>		<i>Period 2</i>	
	<i>Buck</i>	<i>Doe</i>	<i>Buck</i>	<i>Doe</i>	<i>Buck</i>	<i>Doe</i>
Zone 1 – Mount Dome	0-10	0-3	0-60	0-20	0	0
Zone 2 – Clear Lake	0-10	0-3	0-80	0-25	0	0
Zone 3 – Likely Tables	0-20	0-7	0-150	0-50	0-130	0-50
Zone 4 – Lassen	0-20	0-7	0-150	0-50	0-150	0-50
Zone 5 – Big Valley	0-15	0-5	0-150	0-50	0	0
Zone 6 – Surprise Valley	0-10	0	0-25	0-7	0	0
Big Valley Apprentice Hunt	N/A		0-15 Either-Sex		0	
Lassen Apprentice Hunt	N/A		0-15 Either-Sex		0	
Surprise Valley Apprentice Hunt	N/A		0-4 Either-Sex		0	
Likely Tables Apprentice Hunt	N/A		0-5 Either-Sex		0	
Fund-Raising Hunt	N/A		0-10 Buck			

**Section 364
Elk**

Existing regulations specify elk license tag quotas for each hunt. In order to achieve elk herd management goals and objectives and to maintain hunting quality, it is periodically necessary to adjust quotas in response to dynamic environmental and biological conditions. The proposed amendments to Section 364 will establish final tag quotas within each hunt adjusting for annual fluctuations in population number; adjust season dates/tag distribution for hunts on Fort Hunter Liggett and in the Northwestern Roosevelt Hunt area; as well as make minor editorial changes.

Preliminary tag quota ranges [shown in brackets] are indicated pending final 2015 tag allocations in accordance with elk management goals and objectives based on the results of survey data collected in January – March 2015. The proposed elk tag quota ranges for 2015 are as follows:

2015 Proposed Elk Tag Allocation [shown in ranges]					
§	Section 364 Elk	Bull	Antlerless	Either-Sex	Spike
a	General Roosevelt Elk Hunts				
1	Siskiyou	0-30	0-30		
2	Big Lagoon	0-10	0-10		
3	Northwestern California	0-10	0-35	0-45	
4	Klamath	0-20	0-20		
5	Del Norte	0-15	0-20		
6	Marble Mountains	0-70	0-30		
b	General Rocky Mountain Elk Hunts				
1	Northeastern California	0-30	0-10		
c	General Roosevelt/Tule Elk Hunts				
1	Mendocino	0-4	0-4		
d	General Tule Elk Hunts				
1	Cache Creek	0-4	0-4		
2	La Panza Period 1	0-12	0-10		
	La Panza Period 2	0-12	0-12		
3	Bishop Period 3	0-10	0-30		
	Bishop Period 4	0-10	0-30		
	Bishop Period 5	0-10	0-30		
4	Independence Period 2	0-10	0-30		
	Independence Period 3	0-10	0-30		
	Independence Period 4	0-10	0-30		
	Independence Period 5	0-10	0-30		
5	Lone Pine Period 2	0-10	0-30		
	Lone Pine Period 3	0-10	0-30		
	Lone Pine Period 4	0-10	0-30		
	Lone Pine Period 5	0-10	0-30		
6	Tinemaha Period 2	0-10	0-30		
	Tinemaha Period 3	0-10	0-30		
	Tinemaha Period 4	0-10	0-30		
	Tinemaha Period 5	0-10	0-30		
7	West Tinemaha Period 1	0-10	0-30		
	West Tinemaha Period 2	0-10	0-30		
	West Tinemaha Period 3	0-10	0-30		
	West Tinemaha Period 4	0-10	0-30		
	West Tinemaha Period 5	0-10	0-30		
8	Tinemaha Mountain Period 1	0-8			
	Tinemaha Mountain Period 2	0-8			
	Tinemaha Mountain Period 3	0-8			
	Tinemaha Mountain Period 4	0-8			
	Tinemaha Mountain Period 5	0-8			
9	Whitney Period 2	0-4	0-10		
	Whitney Period 3	0-4	0-10		
	Whitney Period 4	0-4	0-10		
	Whitney Period 5	0-4	0-10		
10	Grizzly Island Period 1	0-3	0-12		0-6
	Grizzly Island Period 2	0-3	0-12		0-6
	Grizzly Island Period 3	0-3	0-12		0-6
	Grizzly Island Period 4	0-2	0-12		0-6
	Grizzly Island Period 5	0-2	0-12		0-6
11	Fort Hunter Liggett Period 1		0-16		
	Fort Hunter Liggett Period 2		0-14		
	Fort Hunter Liggett Period 3	0-14			
12	East Park Reservoir	0-4	0-8		
13	San Luis Reservoir	0-10	0-10	0-10	
14	Bear Valley	0-4	0-2		

2015 Proposed Elk Tag Allocation [shown in ranges]					
§	Section 364 Elk	Bull	Antlerless	Either-Sex	Spike
15	Lake Pillsbury	0-4	0-4		
16	Santa Clara	0-4			
17	Alameda	0-4			
e	Apprentice Hunts				
1	Marble Mountains			0-4	
2	Northeastern CA			0-4	
3	Cache Creek	0-2			
4	La Panza Period 1	0-2	0-2		
5	Bishop Period 2	0-10	0-30		
6	Grizzly Island Period 1		0-4		0-4
	Grizzly Island Period 2				0-4
7	Fort Hunter Liggett	0-2	0-8		
f	Archery Only Hunts				
1	Northeastern California Archery Only			0-20	
2	Owens Valley Multiple Zone Archery Only	0-10	0-10		
3	Lone Pine Archery Only Period 1	0-10	0-30		
4	Tinemaha Archery Only Period 1	0-10	0-30		
5	Whitney Archery Only Period 1	0-10	0-30		
6	Fort Hunter Liggett Archery Only		0-10	0-6	
g	Muzzleloader Only Hunts				
1	Bishop Muzzleloader Only Period 1	0-10	0-30		
2	Independence Muzzleloader Only Period 1	0-10	0-10		
3	Fort Hunter Liggett Muzzleloader Only	0-6			
h	Muzzleloader/Archery Only Hunts				
1	Marble Mountains Muzzleloader/Archery Only			0-10	
i	Fund Raising Tags				
1	Multi-zone	1			
2	Grizzly Island	1			
3	Owens Valley	1			
j	Military Only Elk Tags				
1	Fort Hunter Liggett Military Early Season	0-2	0-2		
	Fort Hunter Liggett Military Period 1		0-16		
	Fort Hunter Liggett Military Period 2		0-14		
	Fort Hunter Liggett Military Period 3	0-14			
2	Fort Hunter Liggett Military Apprentice	0-2	0-8		
3	Fort Hunter Liggett Military Archery Only		0-10	0-6	
4	Fort Hunter Liggett Military Muzzleloader Only	0-6			

**Add Section 364.1
SHARE Elk Hunts**

The Shared Habitat Alliance for Recreational Enhancement (SHARE) program was established in the Fish and Game Code (§§1570-1574) to encourage private landowners to voluntarily make their land available to the public for wildlife-dependent recreational activities. Due to the prevalence of private land in many of the elk zones, managing population numbers with regulated hunting is becoming more challenging. Under the SHARE program, participating landowners receive compensation and liability protection in exchange for allowing access to or through their land for public recreational use and enjoyment of wildlife. SHARE is funded with application fees for access permits. These regulations will establish SHARE elk hunts with separate seasons and tag quotas under the provisions of the 2010 Final Environmental Document Regarding Elk Hunting. Tag issuance will be through the SHARE program utilizing the programs existing tag distribution procedures.

364.1(c)	2015 SHARE Elk Tag Allocation [Proposed Ranges]
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§	Hunt Name and Type	Bull	Antlerless	Either-sex	Spike
(1)	Siskiyou	[0-30]	[0-30]		
(2)	Big Lagoon	[0-10]	[0-10]		
(3)	Northwestern California	[0-10]	[0-35]	[0-45]	
(4)	Klamath	[0-20]	[0-20]		
(5)	Del Norte	[0-15]	[0-20]		
(6)	Marble Mountains	[0-70]	[0-30]		
(7)	Northeastern California	[0-30]	[0-10]		
(8)	Mendocino	[0-4]	[0-4]		
(9)	Cache Creek	[0-4]	[0-4]		
(10)	La Panza	[0-24]	[0-24]		
(11)	Bishop	[0-50]	[0-150]		
(12)	Independence	[0-50]	[0-150]		
(13)	Lone Pine	[0-50]	[0-150]		
(14)	Tinemaha	[0-50]	[0-150]		
(15)	West Tinemaha	[0-50]	[0-150]		
(16)	Tinemaha Mountain	[0-40]	-		
(17)	Whitney	[0-26]	[0-50]		
(18)	Grizzly Island	[0-13]	[0-66]		[0-38]
(19)	Fort Hunter Liggett	[0-22]	[0-48]	[0-6]	
(20)	East Park Reservoir	[0-4]	[0-8]		
(21)	San Luis Reservoir	[0-10]	[0-10]	[0-10]	
(22)	Bear Valley	[0-4]	[0-2]		
(23)	Lake Pillsbury	[0-4]	[0-4]		
(24)	Santa Clara	[0-4]	-		
(25)	Alameda	[0-4]	-		

**Section 702
Fees**

The proposed amendment establishes in subsection 702(c)(1)(W) a new \$20.00 Deer Harvest Non-reporting Fee, to be collected at the time the subsequent year's deer tag or deer tag drawing application is purchased, for all deer hunters who fail to report their hunting results by the established deadline as required in amended Section 708.5.

Cost Estimate for Non-Reporting of Deer Harvest per Year										
Estimated Average 168 hour per month			Benefit Rate = 46.79%		28,000		Average # tags sold			
Task	Hourly Rate	# of Hours	Salaries Cost	Benefits 46.79%	Total Salaries + Benefits	STD OE&E	Unit Cost	Units*	Postage	Total
Meat Locker Booklets							\$5.00	250	\$0	\$1,250
Meat Locker Data Entry (1 Scientific Aid for 2 months)	\$13	336	\$4,368	\$2,044	\$6,412	\$4,667			\$0	\$11,078
Meat Locker Data Validation (1 Environmental Scientist for 1 month)	\$26	168	\$4,368	\$2,044	\$6,412	\$2,333			\$0	\$8,745

Cost Estimate for Non-Reporting of Deer Harvest per Year										
Estimated Average 168 hour per month				Benefit Rate = 46.79%		28,000		Average # tags sold		
Task	Hourly Rate	# of Hours	Salaries Cost	Benefits 46.79%	Total Salaries + Benefits	STD OE&E	Unit Cost	Units*	Postage	Total
Report Preparation (1 Environmental Scientist for 1 month)	\$26	168	\$4,368	\$2,044	\$6,412	\$2,333			\$0	\$8,745
Data Entry for mailed in report cards (3 Sci. Aides, 2 months each)	\$13	1008	\$13,104	\$6,131		\$14,000			\$0	\$33,235
LRB costs to implement and manage non-return fee (1 AGPA for 2 months; postage for non-report mailing notifications)	\$30	336	\$10,080	\$4,716	\$14,796	\$4,667	\$0.42	183,997	\$81,945	\$96,742
		2016								\$159,796
					5% Est of Non-reporting Tag Holders:				9200	\$17.37
					Based on the Proposed Rate of \$20.00 for the non-reporting fee, it covers the projected costs and a small buffer for misc. and unanticipated costs.					\$20.00
										\$184,000

Section 708.5 Deer Tagging and Reporting Requirements

According to the current regulations in Section 708.5, deer tag holders are required to fill out harvest report cards and return them to the Department within 30 days of harvesting a deer. Hunters unsuccessful in taking a deer are not required to report.

Report cards are an important tool to collect deer harvest information and provide an enforcement mechanism for limiting deer harvest to within acceptable levels established by population surveys and analyses. However, harvest report cards for deer currently have very poor return rates, historically less than 25% overall (although they are variable depending upon zone). Such low return rates may potentially lead to proposed management actions without adequate data to justify them. In addition, existing regulations do not incorporate new procedures for electronic reporting via the Department's website and utilizing the Department's Automated License Data System (ALDS) in the collection of this important harvest data.

The low rate of return for report cards results in increased effort by the Department for managing the hunting programs through additional data collection and analysis to fill data gaps, outreach to remind hunters to return report cards, and other enforcement activities. The cost of this additional effort will be offset by the proposed Deer Harvest Non-reporting Fee.

Proposed Regulations

The proposed amendments will require deer tag holders to report the harvest result, whether successful or unsuccessful, either through ALDS or by mail, or be subject to a fee applied at the time of later purchases of licenses or tags. The objectives of the proposed regulations are to:

- ensure continued hunting opportunities for hunters in California by providing the Department with more accurate and comprehensive data on deer hunter success and harvest levels by zone;
- establish a process and specify a date by which all harvest reports, including those where no deer was taken, must be made; and
- recover the increased cost of management of deer due to the non-reporting of harvest data regardless of success.

These objectives are proposed to be achieved through the following amendments:

- Amend Section 708.5 to require all deer tag holders to report within 30 days of harvest or by January 31, whichever date is first, either through ALDS or by mail to the address specified on the harvest report card.
- Amend Section 708.5 to require all deer tag holders that are unsuccessful, whether they hunted or not, to report their 'no harvest' results by January 31, either through ALDS or by mail to the address specified on the harvest report card.
- Amend Section 708.5 to establish a Deer Harvest Non-reporting Fee (set at \$20.00 in Section 702(c)(1)(W)) to be collected at the time the subsequent year's deer tag or deer tag drawing application is purchased, for all deer hunters who failed to report their hunting results by the established deadline.

Section 708.11 Elk License Tags, Applications, Distribution and Reporting Procedures

Existing regulations specify license tags shall be attached to the antler of an antlered elk, or to the ear of an antlerless elk immediately after killing. However, it can be difficult to transport the elk carcass from the harvest location when the head, with ear, is required to be attached along with the useable parts of the kill. Many hunters bone out the meat or quarter the animal to reduce the amount of weight that must be transported from the harvest location. Allowing a new option for the tag to be attached to the leg, or remain with the largest portion of meat provides flexibility during transport while still implementing tagging requirements.

The current regulations do not specify evidence of sex for antlerless elk, only that the tag be attached to the ear (and therefore the head). Modifying the regulation to allow a new option to maintain evidence of sex attached to the kill will result in a reliable means to identify sex of the animal.

Additionally, the regulations for elk do not currently specify the length of time an elk tag must be retained. Antelope, Bear, and Deer all specify the tag must be retained for 15 days after the close of the season. In order to clarify regulations and maintain consistency among species, the proposed regulation implements a tag retention requirement of 15 days after the close of the season.

Hunting is no longer permitted on Santa Rosa Island. The property is now a National Monument administered by the National Park Service.

Proposed Regulations

- Amend subsection 708.11(c) to optionally allow elk tags to be attached to the leg, or largest portion of meat; and, provide evidence of the sex of the animal when the head of an antlerless elk is not retained.
- Amend subsection 708.11(c) to require that elk tags be kept for 15 days after the close of the season.

- Delete subsection 708.11(d) removing the reference to Santa Rosa Island.

Section 713 Tag Replacement for Carcass Condemnation

Existing regulations identify a process by which a hunter can have a diseased, injured, or chemically immobilized big-game carcass condemned. Following the condemnation by a department employee, the hunter currently has the following options under subsection 713(c):

- (1) Purchase and use a duplicate tag subject to the fees established in Section 702 for the remainder of the current season under which the animal was taken;
- (2) Upon payment of duplicate tag fee, receive the same tag for the next approved hunting season;
- (3) Participate in the next big-game drawing for that species with one additional point added to the number of preference points the hunter had when they obtained the original tag, or;
- (4) Receive a refund for the tag and have their preference point total for that species restored to the amount they had when the tag was awarded.

Under the department's Automated License Data System (ALDS), big-game tags are issued annually using "quota splits", with a portion of the available tags issued based on the applicant's point total and the remainder issued on a random basis. Unfortunately, the ALDS system is unable to reserve a tag for the next year as provided in option (2); and option (4) does not create an advantage in the drawing system that would assure receiving a tag in the following hunting season. Eliminating options #2 and #4 will streamline the programming process for ALDS and the remaining options (1) and (3) will assure a simple process to provide a hunter who has had a big-game carcass condemned in one year a tag in the same zone/hunt in the following year.

Proposed Regulations

Delete from subsection 713(c) subparagraphs (2) and (4).

Benefits of the regulations

The big game herd management plans specify objective levels for the proportion of Deer (sections 360 and 361), Nelson Big Horn Sheep (Section 362), Pronghorn Antelope (Section 363), and Elk (Section 364). These ratios are maintained and managed in part by annually modifying the number of tags. The final values for the license tag numbers will be based upon findings from the annual harvest and herd composition counts. The addition of private lands in the SHARE program, to be implemented in new Section 364.1 within the Elk hunt areas, benefits both the landowner and the state through better herd management and cooperation.

Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

Consistency with State or Federal Regulations

The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate deer hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to deer tag allocations are consistent with Sections 361, 701, 702, 708.5 and 708.6 of Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California, on Thursday, February 12, 2015, at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be at the Flamingo Conference Resort & Spa 2777 Fourth Street, Santa Rosa, California, on Thursday, April 9, 2015, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 2, 2014 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 2, 2015. All comments must be received no later than April 9, 2015 at the hearing in Santa Rosa. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Jon Snellstrom at the preceding address or phone number. **Craig Stowers, Wildlife Branch, phone (916) 445-3553, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Analysis

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and following initial determinations relative to the required statutory categories have been made.

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed action adjusts tag quotas for existing deer hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission anticipates benefits to the health and welfare of California residents and to the state's environment. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources. These proposals also contribute to the sustainable management of natural resources and benefits to the State's environment because the proposed regulations will assist the Department in the sustainable management of California's big game populations.

Sections 360, 361, 362, 363 and 364: The proposed action will not have significant impacts on jobs or business within California. The proposed action adjusts tag quotas for existing hunts based on herd performance criteria and merely establish mandatory reporting requirements for all deer hunters and an administrative fee for non-reporting. Given the number of tags historically available, the minimal adjustments in tag numbers that are anticipated for the 2015-2016 hunting season, and the area over which they are distributed

- (c) Cost Impacts on Representative Private Persons/Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None

- (e) Other Nondiscretionary Costs/Savings to Local Agencies:

None

- (f) Programs Mandated on Local Agencies or School Districts:

None

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4:

None

- (h) Effect on Housing Costs:

None

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: December 23, 2014

Sonke Mastrup
Executive Director

BOS 10 - Copy

Commissioners
Michael Sutton, President
Monterey

Jack Baylis, Vice President
Los Angeles

Jim Kellogg, Member
Discovery Bay

Richard Rogers, Member
Santa Barbara

Jacque Hostler-Carmesin, Member
McKinleyville

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Fish and Game Commission



Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
(916) 653-5040 Fax
www.fgc.ca.gov

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January 2, 2015

This is to provide you with a copy of the notice of proposed regulatory action relative to amending Section 7.50, Title 14, California Code of Regulations, relating to the proposed changes in Central Valley Salmon Sport Fishing regulations, which are published in the California Regulatory Notice Register on January 2, 2015.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Additional information and all associated documents may be found on the Fish and Game Commission website at www.fgc.ca.gov.

Karen Mitchell, Senior Environmental Scientist, Fisheries Branch, phone (916) 445-0826, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Jon D. Snellstrom
Associate Governmental Program Analyst

Attachment

**TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 215, 220, 240, 315 and 316.5; reference sections 200, 202, 205, 206, 215 and 316.5, Fish and Game Code; proposes to Amend subsections (b)(5), (b)(68), and (b)(156.5) of Section 7.50, Title 14, California Code of Regulations (CCR), relating to Central Valley Salmon Sport Fishing.

Informative Digest/Policy Statement Overview

The current sport fishing regulations allow for salmon fishing in the American, Feather and Sacramento rivers. The Department of Fish and Wildlife (Department) is proposing new Chinook salmon bag and possession limits in the American, Feather, and Sacramento rivers.

The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations for the management of recreational and commercial ocean salmon fisheries in the Exclusive Economic Zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. When approved by the Secretary of Commerce, these recommendations are implemented as ocean salmon fishing regulations by the National Marine Fisheries Service (NMFS).

The PFMC will develop the annual Pacific coast ocean salmon fisheries regulatory options for public review at their March 2015 meeting and develop the final PFMC regulatory recommendations for adoption by the NMFS at their April 2015 meeting. Based on the action taken by the NMFS, the Department will propose specific bag and possession limits for the American, Feather, and Sacramento rivers which will:

- (1) align the inland salmon sport fishing possession limit with the ocean salmon sport fishing possession limit;
- (2) allow for additional harvest of salmon if low instream flow conditions persist due to the existing drought to reduce impacts to spawning habitat; and
- (3) increase or decrease the current salmon bag and possession limits based on the PFMC salmon abundance estimates and recommendations for ocean harvest for the coming season.

Proposed Regulations

At this time, a range [shown in brackets] of bag and possession limits are proposed to continue salmon fishing in the American, Feather and Sacramento rivers. The proposed range of bag and possession limits for Central Valley fall-run Chinook salmon stocks are as follows:

In the American River subsections 7.50(b)(5):

- (A) and (D) a season of July 16 through December 31 with a bag limit of [0-4] Chinook salmon and a possession limit of [0-8] Chinook salmon.
- (B) a season of July 16 through August 15 with a bag limit of [0-4] Chinook salmon and a possession limit of [0-8] Chinook salmon.
- (C) a season of July 16 through October 31 with a bag limit of [0-4] Chinook salmon and a possession limit of [0-8] Chinook salmon.
- (E) a season of July 16 through December 16 with a bag limit of [0-4] Chinook salmon and a possession limit of [0-8] Chinook salmon.

Feather River, subsections 7.50(b)(68)

- (D) a season of July 16 through October 15 with a bag limit of [0-4] Chinook salmon and a possession limit of [0-8] Chinook salmon.
- (E) a season of July 16 through December 16 with a bag limit of [0-4] Chinook salmon and a possession limit of [0-8] Chinook salmon.

Sacramento River below Keswick Dam, subsection 7.50(b)(156.5)

- (C) a season of August 6 through December 16 with a bag limit of [0-4] Chinook salmon and a possession limit of [0-8] Chinook salmon.
- (E) a season of July 16 through December 16 with a bag limit of [0-4] Chinook salmon and a possession limit of [0-8] Chinook salmon.
- (F) a season of July 16 through December 16 with a bag limit of [0-4] Chinook salmon and a possession limit of [0-8] Chinook salmon.

Benefits of the regulations

As set forth in Fish and Game Code section 1700 it is “the policy of the state to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the state for the benefit of all the citizens of the state and to promote the development of local fisheries and distant-water fisheries based in California in harmony with international law respecting fishing and the conservation of the living resources of the oceans and other waters under the jurisdiction and influence of the state. This policy shall include [as applicable to inland fisheries] all of the following objectives:

- (a) The maintenance of sufficient populations of all species of aquatic organisms to insure their continued existence.

- (b) The maintenance of a sufficient resource to support a reasonable sport use, where a species is the object of sport fishing, taking into consideration the necessity of regulating individual sport fishery bag limits to the quantity that is sufficient to provide a satisfying sport.
- (c) The management, on a basis of adequate scientific information promptly promulgated for public scrutiny, of the fisheries under the state's jurisdiction, and the participation in the management of other fisheries in which California fishermen are engaged, with the objective of maximizing the sustained harvest."

Adoption of scientifically-based Central Valley salmon seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of salmon to ensure their continued existence. The benefits of the proposed regulations are concurrence with Federal law, sustainable management of the Central Valley salmon resources, and promotion of businesses that rely on Central Valley salmon sport fishing.

Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

Consistency with State or Federal Regulations

Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate recreational fishing in waters of the state (Fish & Game Code, §§ 200, 202, 205). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to recreational fishing seasons, bag and possession limits. Further, the Commission has determined that the proposed regulations are neither incompatible nor inconsistent with existing federal regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California, on Thursday, February 12, 2015, at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be at the Flamingo Conference Resort & Spa

2777 Fourth Street, Santa Rosa, California, on Wednesday, April 8, 2015, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 2, 2014 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 2, 2015. All comments must be received no later than April 9, 2015 at the hearing in Santa Rosa. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Jon Snellstrom at the preceding address or phone number. **Karen Mitchell, Fisheries Branch, phone 916-445-0826, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The minor variations in the bag and possession limits as may be established in the regulations are, by themselves, unlikely to impact business.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a salmon sport fishery encourages consumption of a nutritious food. The Commission anticipates benefits to the environment by the sustainable management of California's salmon resources.

The Commission does not anticipate any non-monetary benefits to worker safety.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

(e) Nondiscretionary Costs/Savings to Local Agencies:

None.

(f) Programs Mandated on Local Agencies or School Districts:

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

(h) Effect on Housing Costs:

None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Sonke Mastrup
Executive Director

Dated: December 9, 2014

To: BOS-Supervisors
Subject: FW: Audited FS
Attachments: California Academy of Sciences FY 14 final fs 12 22 14.pdf

From: Klingvall, Kristin [<mailto:KKlingvall@calacademy.org>]
Sent: Tuesday, December 30, 2014 8:55 AM
To: Board of Supervisors (BOS)
Subject: Audited FS

Attached please find our audited financial statements. As always, do not hesitate to contact me should you have any questions.

Have a Happy New Year!

Best,

Kristin Klingvall
Controller
California Academy of Sciences
p. 415.379.5141
f. 415.379.5723
kklingvall@calacademy.org
www.calacademy.org

55 Music Concourse Drive
Golden Gate Park
San Francisco, CA 94118

Celebrate the holidays with live reindeer, indoor snow flurries, and more at *'Tis the Season for Science*.

California Academy of Sciences

**Financial Statements
June 30, 2014 and 2013**

California Academy of Sciences
Index
June 30, 2014 and 2013

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Independent Auditor's Report

To the Board of Trustees
California Academy of Sciences

We have audited the accompanying financial statements of the California Academy of Sciences ("the Academy"), which comprise the statements of financial position as of June 30, 2014 and 2013, and the related statements of activities and cash flows for the years then ended.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on the financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on our judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, we consider internal control relevant to the Academy's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Academy's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Academy at June 30, 2014 and 2013, and the changes in its net assets and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Princetonhouse Coopers LLP

December 22, 2014

California Academy of Sciences
Statements of Financial Position
June 30, 2014 and 2013

	2014				2013			
	Operating	Plant	Endowment	Total	Operating	Plant	Endowment	Total
Assets								
Cash and cash equivalents	\$ 966,878	\$ -	\$ -	\$ 966,878	\$ 1,264,867	\$ -	\$ -	\$ 1,264,867
Investments	4,211,380	258,341,311	170,902,382	433,455,073	4,211,380	254,256,063	158,364,204	416,831,647
Receivables, net								
Research grants	551,836	-	-	551,836	441,158	-	-	441,158
Accrued interest and dividends	-	611,846	21,763	633,609	-	794,789	20,356	815,145
Other receivables, net	909,701	-	-	909,701	667,561	-	-	667,561
Contributions, net	17,544,595	4,655,832	5,247,540	27,447,967	21,933,230	5,431,925	4,928,130	32,293,285
Due (to) from other funds	7,608,197	(2,662,372)	(4,945,825)	-	6,596,247	1,321,003	(7,917,250)	-
Inventory	45,417	-	-	45,417	49,249	-	-	49,249
Prepaid expenses	1,165,162	199,498	-	1,364,660	1,025,590	15,000	-	1,040,590
Notes receivable, net	-	-	1,651,857	1,651,857	-	-	1,494,156	1,494,156
Investments held in trusts	-	-	4,812,566	4,812,566	-	-	4,376,679	4,376,679
Deferred bond financing costs, net	-	2,556,203	-	2,556,203	-	2,661,977	-	2,661,977
Property and equipment, less accumulated depreciation	-	380,427,626	-	380,427,626	-	389,073,152	-	389,073,152
Total assets	<u>\$ 33,003,166</u>	<u>\$ 644,129,944</u>	<u>\$ 177,690,283</u>	<u>\$ 854,823,393</u>	<u>\$ 36,189,282</u>	<u>\$ 653,553,909</u>	<u>\$ 161,266,275</u>	<u>\$ 851,009,466</u>
Liabilities and Net Assets								
Liabilities								
Accounts payable	\$ 2,607,168	\$ -	\$ -	\$ 2,607,168	\$ 1,808,393	\$ 393,367	\$ -	\$ 2,201,760
Accrued expenses and other liabilities	2,900,423	-	726,307	3,626,730	2,849,452	41,526	681,205	3,572,183
Deferred income	4,268,903	-	1,000,000	5,268,903	4,537,125	-	-	4,537,125
Annuities payable	-	-	1,281,757	1,281,757	-	-	1,211,242	1,211,242
Bonds payable	-	281,450,000	-	281,450,000	-	281,450,000	-	281,450,000
Other long-term liabilities	222,207	35,000	-	257,207	218,320	35,000	-	253,320
Total liabilities	<u>9,998,701</u>	<u>281,485,000</u>	<u>3,008,064</u>	<u>294,491,765</u>	<u>9,413,290</u>	<u>281,919,893</u>	<u>1,892,447</u>	<u>293,225,630</u>
Commitments and contingencies (Note 11)								
Net assets								
Unrestricted								
Available for operations	1,630,857	253,768,409	9,996,133	265,395,399	2,197,422	253,226,845	9,550,447	264,974,714
Designated for property and equipment	-	101,726,679	-	101,726,679	-	110,479,806	-	110,479,806
Designated for endowment	-	-	59,840,426	59,840,426	-	-	54,403,449	54,403,449
Total unrestricted net assets	<u>1,630,857</u>	<u>355,495,088</u>	<u>69,836,559</u>	<u>426,962,504</u>	<u>2,197,422</u>	<u>363,706,651</u>	<u>63,953,896</u>	<u>429,857,969</u>
Temporarily restricted	21,373,608	7,149,856	40,949,027	69,472,491	24,578,570	7,927,365	36,439,723	68,945,658
Permanently restricted	-	-	63,896,633	63,896,633	-	-	58,980,209	58,980,209
Total net assets	<u>23,004,465</u>	<u>362,644,944</u>	<u>174,682,219</u>	<u>560,331,628</u>	<u>26,775,992</u>	<u>371,634,016</u>	<u>159,373,828</u>	<u>557,783,836</u>
Total liabilities and net assets	<u>\$ 33,003,166</u>	<u>\$ 644,129,944</u>	<u>\$ 177,690,283</u>	<u>\$ 854,823,393</u>	<u>\$ 36,189,282</u>	<u>\$ 653,553,909</u>	<u>\$ 161,266,275</u>	<u>\$ 851,009,466</u>

The accompanying notes are an integral part of these financial statements.

California Academy of Sciences
Statements of Activities
Years Ended June 30, 2014 and 2013

	2014				2013			
	Operating	Plant	Endowment	Total	Operating	Plant	Endowment	Total
Change in unrestricted net assets								
Revenue and gains (losses)								
Admissions	\$ 15,548,809	\$ -	\$ -	\$ 15,548,809	\$ 16,840,298	\$ -	\$ -	\$ 16,840,298
Contributions	11,245,910	286,307	1,284,615	12,816,832	8,292,548	1,336,747	505,579	10,134,874
Memberships	8,268,494	-	-	8,268,494	8,317,900	-	-	8,317,900
Tuition and program fees	2,107,944	-	-	2,107,944	2,854,484	-	-	2,854,484
Auxiliary activities	3,698,970	-	77,599	3,776,569	3,641,727	-	138,436	3,780,163
Government grant revenue	1,827,396	-	-	1,827,396	2,698,665	-	-	2,698,665
City and County of San Francisco	4,617,442	-	-	4,617,442	4,008,020	-	-	4,008,020
Net investment income	704,059	6,357,007	552,703	7,613,769	565,353	6,555,131	609,112	7,729,596
Net realized and unrealized gains (losses) on investments	4,687	(997,559)	11,420,990	10,428,118	(4,717)	(3,546,393)	8,210,069	4,658,959
Loss on sale of property and equipment	-	-	-	-	-	(277,974)	-	(277,974)
Total unrestricted revenue and gains	48,023,711	5,645,755	13,335,907	67,005,373	47,214,278	4,067,511	9,463,196	60,744,985
Net assets released from restrictions	5,715,010	837,610	8,182,680	14,735,300	5,896,165	4,055,602	5,022,225	14,973,992
Total unrestricted revenue, gains, and other support	53,738,721	6,483,365	21,518,587	81,740,673	53,110,443	8,123,113	14,485,421	75,718,977
Expenses								
Biodiversity Science	11,952,665	4,853,647	-	16,806,312	11,247,817	5,261,574	-	16,509,391
Exhibits & Public Engagement	21,931,670	7,235,679	-	29,167,349	21,516,574	7,843,806	-	29,360,380
Education & Outreach	11,786,749	247,571	-	12,034,320	12,521,005	268,379	-	12,789,384
Aquarium	8,826,076	4,162,107	-	12,988,183	8,413,106	4,511,914	-	12,925,020
Development	5,245,190	113,494	-	5,358,684	4,966,660	128,772	-	5,095,432
Management & General	7,770,907	510,380	-	8,281,287	5,370,780	553,275	-	5,924,055
Total operating expenses	67,513,257	17,122,878	-	84,636,135	64,035,942	18,567,720	-	82,603,662
Transfers between funds								
Capital expenditures	(2,427,950)	2,427,950	-	-	(1,485,782)	1,485,782	-	-
Other transfers	14,235,923	-	(14,235,923)	-	10,977,054	-	(10,977,054)	-
Contributed investment fund transfer	1,400,000	-	(1,400,000)	-	1,000,000	-	(1,000,000)	-
Change in unrestricted net assets	\$ (566,563)	\$ (8,211,563)	\$ 5,882,664	\$ (2,895,462)	\$ (434,227)	\$ (8,958,825)	\$ 2,508,367	\$ (6,884,685)

The accompanying notes are an integral part of these financial statements.

California Academy of Sciences
Statements of Activities
Years Ended June 30, 2014 and 2013

	2014				2013			
	Operating	Plant	Endowment	Total	Operating	Plant	Endowment	Total
Change in unrestricted net assets	\$ (566,563)	\$ (8,211,563)	\$ 5,882,664	\$ (2,895,462)	\$ (434,227)	\$ (8,958,825)	\$ 2,508,367	\$ (6,884,685)
Change in temporarily restricted net assets								
Contributions and fund transfers	2,510,046	60,101	-	2,570,147	24,815,636	118,812	3,030,000	27,964,448
Net investment income	-	-	1,298,349	1,298,349	-	-	1,154,256	1,154,256
Net realized and unrealized gains (losses) on investments	-	-	11,228,961	11,228,961	-	-	8,169,182	8,169,182
Change in value of investments held in trust	-	-	164,673	164,673	-	-	152,355	152,355
Net assets released from restrictions	(5,715,010)	(837,610)	(8,182,680)	(14,735,300)	(5,896,164)	(4,055,602)	(5,022,225)	(14,973,991)
Change in temporarily restricted net assets	(3,204,964)	(777,509)	4,509,303	526,830	18,919,472	(3,936,790)	7,483,568	22,466,250
Change in permanently restricted net assets								
Contributions	-	-	4,760,113	4,760,113	-	-	3,180,773	3,180,773
Net investment income	-	-	712	712	-	-	721	721
Change in value of investments held in trust	-	-	155,599	155,599	-	-	42,555	42,555
Change in permanently restricted net assets	-	-	4,916,424	4,916,424	-	-	3,224,049	3,224,049
Total change in net assets	(3,771,527)	(8,989,072)	15,308,391	2,547,792	18,485,245	(12,895,615)	13,215,984	18,805,614
Net assets								
Beginning of year	26,775,992	371,634,016	159,373,828	557,783,836	8,290,747	384,529,631	146,157,844	538,978,222
End of year	\$ 23,004,465	\$ 362,644,944	\$ 174,682,219	\$ 560,331,628	\$ 26,775,992	\$ 371,634,016	\$ 159,373,828	\$ 557,783,836

The accompanying notes are an integral part of these financial statements.

California Academy of Sciences
Statements of Cash Flows
Years Ended June 30, 2014 and 2013

	2014	2013
Cash flows from operating activities		
Change in net assets	\$ 2,547,792	\$ 18,805,614
Adjustments to reconcile change in net assets to net cash provided by operating activities		
Depreciation	15,470,501	15,758,888
Amortization of deferred bond financing costs	105,774	105,774
Loss on sale of property and equipment	-	277,974
Net realized and unrealized losses (gains) on investments	(21,657,079)	(12,828,141)
Donated mineral rights	-	(625,000)
Changes in investments held in trust	(457,538)	(355,776)
Contributions restricted for endowment	(4,760,113)	(3,180,773)
Contributions restricted for capital improvements	(892,730)	(1,735,250)
Donated securities	(2,207,111)	(896,879)
Proceeds from sale of donated securities	2,207,111	896,879
Donated property and equipment	(1,172,445)	-
Changes in assets and liabilities		
Receivables, net	5,574,087	(18,104,866)
Inventory	3,832	12,237
Prepaid expenses	(324,070)	54,819
Accounts payable, accrued expenses and other liabilities	720,097	1,331,239
Deferred income	731,778	582,906
Other long-term liabilities	3,887	(76,263)
Net cash provided by (used in) operating activities	<u>(4,106,227)</u>	<u>23,382</u>
Cash flows from investing activities		
Purchase of investments	(1,460,716,150)	(908,588,493)
Proceeds from sale of investments	1,465,647,935	908,730,018
Purchase of property and equipment	(5,694,056)	(1,689,767)
Loans made	(150,000)	(383,000)
Net cash used in investing activities	<u>(912,271)</u>	<u>(1,931,242)</u>
Cash flows from financing activities		
Cash contributions restricted for endowment	3,852,361	1,225,974
Contributions restricted for capital improvements	892,730	1,735,250
Investment return on annuity trusts	123,519	157,083
Annuity trust payments to beneficiaries	(148,101)	(150,961)
Net cash provided by financing activities	<u>4,720,509</u>	<u>2,967,346</u>
Net increase (decrease) in cash and cash equivalents	(297,989)	1,059,486
Cash and cash equivalents		
Beginning of year	<u>1,264,867</u>	<u>205,381</u>
End of year	<u>\$ 966,878</u>	<u>\$ 1,264,867</u>
Supplemental information		
Interest paid	\$ 2,419,079	\$ 2,571,874
Noncash transactions		
Accrued purchases of property and equipment	-	41,526
Donated securities	2,207,111	896,879
Donated mineral rights	-	625,000

The accompanying notes are an integral part of these financial statements.

California Academy of Sciences

Notes to Financial Statements

June 30, 2014 and 2013

1. Organization

The California Academy of Sciences (the "Academy") is a not-for-profit organization founded in 1853, with the mission to explore, explain and sustain the natural world using the resources of the natural history museum, aquarium and planetarium. Through original research in systematic biology – the study of the diversity of living things, their relationships to each other and their classification – and a broad array of science education activities, the Academy has informed the understanding of both the scientific community and the general public.

2. Summary of Significant Accounting Policies

The significant accounting policies followed by the Academy are described below:

Basis of Accounting

The accompanying financial statements have been prepared on the accrual basis of accounting in accordance with accounting principles generally accepted in the United States of America.

Net assets and revenues, gains and losses are classified based on the existence or absence of donor-imposed restrictions. Accordingly, the net assets of the Academy and the changes therein are classified and reported as follows:

Unrestricted Net Assets

Unrestricted net assets are net assets that are not subject to donor-imposed restrictions. These may be designated for specific purposes by action of the Board of Trustees for special programs, plant and/or general operating support.

Temporarily Restricted Net Assets

Temporarily restricted net assets are net assets that are subject to donor-imposed restrictions which can be fulfilled either by actions of the Academy pursuant to those restrictions and/or expire with the passage of time. Temporarily restricted net assets consist of grants, pledges, and contributions restricted for science and education.

Permanently Restricted Net Assets

Permanently restricted net assets are net assets that are subject to donor-imposed restrictions that they be maintained permanently by the Academy. Permanently restricted net assets consist of endowment funds.

Revenues are reported as increases in unrestricted net assets unless use of the related assets is limited by donor-imposed restrictions. Expenses are reported as decreases in unrestricted net assets. Investment income and gains or losses on investments and other assets or liabilities are reported as increases or decreases in unrestricted net assets, unless restricted by the donor or by law. Expirations of temporary restrictions on net assets (i.e., the donor-restricted purposes have been fulfilled and/or the stipulated time period has elapsed) are reported as net assets released from restriction.

California Academy of Sciences
Notes to Financial Statements
June 30, 2014 and 2013

Use of Estimates

In preparing these financial statements in conformity with accounting principles generally accepted in the United States of America, management of the Academy has made certain estimates and assumptions relating to the reporting of assets and liabilities and the disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

Description of Funds

The Academy's endowment fund includes permanently restricted contributions, unrestricted and purpose-restricted contributions which have been internally designated as endowment funds by the Board of Trustees and the realized and unrealized gains and losses associated with these funds. The plant fund includes the Academy's fixed assets, net of related debt and depreciation expenses, as well as unspent debt proceeds and restricted and board designated resources contributed specifically for construction projects, exhibit fabrication, plant additions, and the general capital improvement of the Academy's facilities. The operating fund captures all other activity.

Revenue Recognition

Memberships and program fees which are paid in advance are deferred and subsequently recognized as revenue during the duration of the membership and in the period in which they are earned, respectively.

Contributions

Contributed materials and equipment are reflected as contributions in the accompanying statements at their estimated values at date of receipt. Contributions received which relate to the Academy's core activities are classified as unrestricted.

Contributions received with donor-imposed restrictions that are met in the same year as received are reported as revenues of the temporarily restricted net asset class and net assets released from restriction to reflect the expiration of such restrictions. Contributions received for specific events are recognized upon the date of the event. Contributions for capital improvements are released when the capital asset is placed in service.

Contributions are reviewed for collectability and reserves for uncollectible amounts are established when needed.

At June 30, 2014 and 2013, 36% and 42% of contributions receivable were due from three donors, respectively. During fiscal years 2014 and 2013, 18% and 32% of contribution revenue was received from three donors, respectively.

Grants

Grants that are considered exchange transactions are recorded as revenue when earned, which is generally when the related expenditures are incurred. Grants that are considered nonexchange transactions and are unconditional are recorded when the Academy receives notification of the grant award. Grants receivable are reviewed by management for collectability and reserves for uncollectible amounts are established when needed. There was no allowance against grants receivable at June 30, 2014 and 2013.

California Academy of Sciences

Notes to Financial Statements

June 30, 2014 and 2013

Contributed Assets and Services

The Academy receives contributed services, principally in respect of advertising, in addition to gifts in-kind such as equipment and supplies. The Academy records revenue and a corresponding expense for these contributed assets and services based on market rates for equivalent assets or services. In fiscal years 2014 and 2013, contributed assets and services totaled \$1,342,267 and \$173,013, respectively.

Fundraising Expenses

Fundraising expenses incurred by the Academy were \$5,358,684 and \$5,095,432 for the years ended June 30, 2014 and 2013, respectively. These are reflected as development expenses in the statements of activities.

Functional Allocation of Expenses

Significant expenses which relate to two or more programs or support activities are allocated to the respective programs and activities. These costs principally relate to occupancy and support costs and are allocated based on the square footage used by the departments and by direct or estimated usage. Support costs include: Web Services department, which drives attendance and donations via the Website; Information Technology, while supporting all areas, focuses most of its time on interactive educational efforts; Marketing and Communications efforts benefit Education and Public Engagement Programs, the Aquarium, Development and Biodiversity Science; the Security staff is located mostly in public areas and allocated accordingly; Purchasing provides support primarily to Public Programs and the Aquarium as these are areas of unique needs, such as food for the animals.

Description of Major Programs

The Academy's primary programs as reflected in the statements of activities are described as follows:

Biodiversity Science and Sustainability: Includes scientific research expeditions to biodiversity hotspots around the globe to discover, document, and sustain species and environments before they vanish; maintains a library of nearly 46 million specimens; addresses the changing climate and other sustainability challenges.

Education and Outreach: Provides opportunities for middle and/or high school students to become involved in science, including Science Action Clubs, Teen Advocates for Science Communication, Digital Learning programs, Careers in Science internships, and Student Science Fellows. Hosts free field trips for San Francisco school groups and conducts student lab sessions. Produces classroom kits and lesson plans to help teachers conduct science activities in the classroom. Hosts teacher workshops as well as the Teacher Institute on Science and Sustainability, an intensive two-year professional development opportunity for 3rd- to 5th-grade teachers to help them incorporate sustainability themes into their science curricula.

Exhibits and Public Engagement: Steinhart Aquarium is home to 38,000 live animals from around the world; The four-story Rainforest has free-flying birds and butterflies and exotic reptiles and amphibians. African Hall has chameleons, cichlids, a monitor lizard and a colony of 16 African penguins. The Planetarium relies on scientific data to depict current discoveries. It also has the flexibility to present a wide variety of programming that is both educational and entertaining. The *Earthquake* exhibit delves into the science of the dynamic planet and how to prepare for the next big one.

California Academy of Sciences

Notes to Financial Statements

June 30, 2014 and 2013

Cash and Cash Equivalents

Cash and cash equivalents include all cash balances and short-term, highly liquid investments with a remaining maturity of three months or less from the date acquired, that are not held for long-term investment. Cash is held on deposit at various institutions. At times, cash deposits may exceed federally insured limits.

Investments

Investments are stated at fair value and purchases and sales are recorded on a trade date basis. The fair value of all debt and equity securities with a readily determinable fair value are based on quotations obtained from national securities exchanges. The fair value of investments in real estate is based on an appraisal from a qualified real estate appraiser using values for comparable properties in the area. The alternative investments, which are not readily marketable, are carried at estimated fair values based on the net asset value of the fund as provided by the general partner of each investment fund. The Academy reviews and evaluates the values provided by the investment managers and agrees with the valuation methods and assumptions used in determining the fair value of the alternative investments. Those estimated fair values may differ significantly from the values that would have been used had a ready market for these securities existed. Unrealized gains or losses are the difference between the cost and the fair market value of investments at June 30, 2014 and 2013. Realized gains and losses are recorded at time of disposition during the year and are determined on a first-in, first-out basis. The net effect of unrealized and realized gains and losses are included in the statement of activities. The Academy's endowment fund investments are primarily held by one financial institution and are managed by multiple professional investment managers.

Investment securities are exposed to various risks such as interest rate, market and credit. Due to the level of risk associated with certain investment securities and the level of uncertainty related to changes in the value of investment securities, it is at least reasonably possible that changes in risks in the near term could materially affect the Academy's investments and total net asset balances.

Investments Held in Trusts

Pooled income funds and charitable remainder trusts represent gifts for which the Academy is the remainderman and the trustee; donors retain a lifetime interest in a portion of fund and trust income. Pooled income fund and charitable remainder trust investments are carried at fair value based upon quoted market prices and are held with two commercial institutions. Annuities payable are calculated at fair market value based upon the estimated life of each participant using discount rates ranging from 5.40% to 6.60%. The classification of the change in value of the pooled income funds and the investments held in trusts is recorded on the statement of activities based on donor restrictions.

California Academy of Sciences

Notes to Financial Statements

June 30, 2014 and 2013

Endowment Management

The Academy follows a total return approach to managing its endowment funds. Each year the Board of Trustees approves an amount to be allocated to support operations. For fiscal years 2014 and 2013, the allocation from the endowment funds for operating support amounted to \$15,635,923 and \$11,997,054, respectively. (See Note 4.)

Property and Equipment

Building and related building improvements under construction by the Academy in Golden Gate Park are valued at cost and are reflected in the accompanying statements of financial position because a substantial portion of the costs are being funded through support from the Academy's donors, the assets are integral to operations and the Academy has free use of the facilities for its charitable purposes. Under the terms of the Charter of the City and County of San Francisco ("the City"), no one other than the City may hold title to buildings on City property. These assets cannot be converted or sold for the benefit of the Academy.

Property and equipment acquired through the use of operating funds are accounted for as transfers to the plant fund. Maintenance, repairs and improvements which neither materially add to the value of the property nor appreciably prolong its life are charged to expense as incurred.

Depreciation of buildings, exhibits, software and equipment is provided over the estimated useful lives of the respective assets ranging from 3 to 40 years on a straight-line basis.

The library collection is valued at historical cost. Management of the Academy believes that the collection consists of rare books with a perpetual value and therefore the library collection is not depreciated.

Contributions of living and other collections held as part of a collection – for education, science or public exhibition rather than for sale – are not recognized or capitalized. Such items which have been acquired through purchase have similarly not been capitalized.

Impairment of Long-Lived Assets

The Academy reviews long-lived assets for impairment whenever events or changes in circumstances indicate that the carrying amount of an asset may not be recoverable. Recoverability of assets to be held and used is measured by a comparison of the carrying amount of the asset to future net cash flows expected to be generated by the asset. If such assets are considered to be impaired, the impairment recognized is measured by the amount by which the carrying amount of the assets exceeds the fair value of the assets. Assets to be disposed of are reported at the lower of the carrying amount or fair value less cost to sell. For fiscal years 2014 and 2013, there was no impairment of long-lived assets.

Deferred Bond Financing Costs

Deferred bond financing costs, which include bond issuance fees, are amortized over the life of the bonds.

Fair Value of Financial Instruments

The carrying amounts of cash and cash equivalents and receivables approximate fair value due to the short-term maturities of these instruments. Contributions receivable recognized in fiscal years 2009 and later are discounted at a risk-adjusted rate commensurate with the duration of the donor's payment plan. Contributions receivable recognized in fiscal years prior to 2009 were recorded at a discount based on a risk-free rate.

California Academy of Sciences
Notes to Financial Statements
June 30, 2014 and 2013

Income Taxes

The Academy is qualified as a tax-exempt organization under Section 501(c) (3) of the Internal Revenue Code and is not a private foundation. The Academy is also a public-benefit, tax-exempt corporation under the laws of the State of California. Accordingly, the operations of the Academy are currently considered exempt from federal income and state franchise taxes.

Subsequent Events

The Academy has evaluated the financial statements for subsequent events through December 22, 2014, the date of the issuance of this report.

3. Investments

At June 30, 2014 and 2013, the fair value of investments is as follows:

	2014			2013		
	Plant	Endowment and Operating	Total	Plant	Endowment and Operating	Total
Cash and cash equivalents	\$ 6,032,228	\$ 3,585,649	\$ 9,617,877	\$ 2,184,556	\$ 1,755,772	\$ 3,940,328
Government agency and foreign government obligations	22,979,454	-	22,979,454	49,725,176	-	49,725,176
Corporate bonds	229,153,624	1,850	229,155,474	166,164,043	20,502,109	186,666,152
Domestic and foreign equity securities and mutual funds	117,001	109,829,338	109,946,339	35,793,948	79,517,699	115,311,647
Global allocation absolute return funds	-	44,938,326	44,938,326	-	45,870,507	45,870,507
Venture capital funds	-	5,073,494	5,073,494	-	4,178,786	4,178,786
Equity hedge funds	-	11,049,969	11,049,969	-	10,115,167	10,115,167
Other	59,004	635,136	694,140	388,340	635,544	1,023,884
Total investments	\$ 258,341,311	\$ 175,113,762	\$ 433,455,073	\$ 254,256,063	\$ 162,575,584	\$ 416,831,647

The following schedule summarizes the Academy's investment return for the years ended June 30, 2014 and 2013:

	2014			
	Operating	Plant	Endowment	Total
Net investment income	\$ 704,059	\$ 6,357,007	\$ 1,851,764	\$ 8,912,830
Net realized and unrealized gains (losses) on investment	4,687	(997,559)	22,649,951	21,657,079
	<u>\$ 708,746</u>	<u>\$ 5,359,448</u>	<u>\$ 24,501,715</u>	<u>\$ 30,569,909</u>
	2013			
	Operating	Plant	Endowment	Total
Net investment income	\$ 565,353	\$ 6,555,131	\$ 1,764,089	\$ 8,884,573
Net realized and unrealized gains (losses) on investment	(4,717)	(3,546,393)	16,379,251	12,828,141
	<u>\$ 560,636</u>	<u>\$ 3,008,738</u>	<u>\$ 18,143,340</u>	<u>\$ 21,712,714</u>

Fair Value of Financial Instruments

Accounting Standards Codification ("ASC") 820, *Fair Value Measurements*, defines fair value, establishes a framework for measuring fair value under generally accepted accounting principles and enhances disclosures about fair value measurements. Fair value is defined as the exchange price that would be received for an asset or paid to transfer a liability (an exit price) in the principal

California Academy of Sciences

Notes to Financial Statements

June 30, 2014 and 2013

or most advantageous market for the asset or liability in an orderly transaction between market participants on the measurement data.

ASC 820 established a hierarchy of valuation inputs based on the extent to which the inputs are observable in the marketplace. Observable inputs reflect market data obtained from sources independent of the reporting entity and unobservable inputs reflect the entity's own assumptions about how market participants would value an asset or liability based on the best information available. Valuation techniques used to measure fair value under ASC 820 must maximize the use of observable inputs and minimize the use of unobservable inputs. The standard describes a fair value hierarchy based on three levels of inputs, of which the first two are considered observable and the last unobservable, that may be used to measure fair value.

The following describes the hierarchy of inputs used to measure fair value and the primary valuation methodologies used by the Academy for financial instruments measured at fair value on a recurring basis. The three levels of inputs are as follows:

Fair value for Level 1 is based upon quoted prices in active markets that the Academy has the ability to access for identical assets and liabilities. Market price data is generally obtained from exchange or dealer markets. The Academy does not adjust the quoted price for such assets and liabilities.

Fair value for Level 2 is based on quoted prices for similar instruments in active markets, quoted prices for identical or similar instruments in markets that are not active, and model-based valuation techniques for which all significant assumptions are observable in the market or can be corroborated by observable market data for substantially the full term of the assets. Inputs are obtained from various sources including market participants, dealers, and brokers.

Fair value for Level 3, is based on valuation techniques that use significant inputs that are unobservable as they trade infrequently or not at all.

A financial instrument's categorization within the valuation hierarchy is based upon the lowest level of input that is significant to the fair value measurement.

Investments included in Level 3 primarily consist of the Academy's ownership in alternative investments (principally limited partnership interests in hedge, private equity, real estate, and other similar funds). The value of certain alternative investments represents the ownership interest in the net asset value (NAV) of the respective partnership. The fair values (NAV) of the securities held by limited partnerships that do not have readily determinable fair values are determined by the general partner and are based on appraisals, or other estimates that require varying degrees of judgment. If no public market exists for the investment securities, the fair value is determined by the general partner taking into consideration, among other things, the cost of the securities, prices of recent significant placements of securities of the same issuer, and subsequent developments concerning the companies to which the securities relate. The Academy has performed due diligence around these investments to ensure NAV is an appropriate measure of fair value as of June 30.

The methods described above may produce a fair value calculation that may not be indicative of net realizable value or reflective of future fair values. Furthermore, while the Academy believes its valuation methods are appropriate and consistent with other market participants, the use of different methodologies or assumptions to determine the fair value of certain financial instruments could result in a different estimate of fair value at the reporting date.

California Academy of Sciences
Notes to Financial Statements
June 30, 2014 and 2013

The following table presents the investments and investments held in trusts carried at fair value on the statement of financial position as of June 30, 2014 by the ASC 820 valuation hierarchy defined above:

	Level 1	Level 2	Level 3	Total
Cash and cash equivalents	\$ 9,617,877	\$ -	\$ -	\$ 9,617,877
Government agency and foreign government obligations	-	22,979,454	-	22,979,454
Corporate bonds	-	229,155,474	-	229,155,474
Domestic and foreign equity securities and mutual funds	109,946,339	-	-	109,946,339
Global allocation absolute return funds	3,847,494	16,936,637	24,154,195	44,938,326
Venture capital funds	-	-	5,073,494	5,073,494
Equity hedge funds	-	-	11,049,969	11,049,969
Other	-	59,004	635,136	694,140
Total investments	<u>123,411,710</u>	<u>269,130,569</u>	<u>40,912,794</u>	<u>433,455,073</u>
Investments held in trusts	<u>4,812,566</u>	<u>-</u>	<u>-</u>	<u>4,812,566</u>
Total	<u>\$ 128,224,276</u>	<u>\$ 269,130,569</u>	<u>\$ 40,912,794</u>	<u>\$ 438,267,639</u>

The following table presents the investments and investments held in trust carried at fair value on the statement of financial position as of June 30, 2013 by the ASC 820 valuation hierarchy defined above:

	Level 1	Level 2	Level 3	Total
Cash and cash equivalents	\$ 3,940,328	\$ -	\$ -	\$ 3,940,328
Government agency and foreign government obligations	-	49,725,176	-	49,725,176
Corporate bonds	-	186,666,152	-	186,666,152
Domestic and foreign equity securities and mutual funds	79,517,699	35,793,948	-	115,311,647
Global allocation absolute return funds	3,543,734	20,885,840	21,440,933	45,870,507
Venture capital funds	-	-	4,178,786	4,178,786
Equity hedge funds	-	-	10,115,167	10,115,167
Other	-	388,340	635,544	1,023,884
Total investments	<u>87,001,761</u>	<u>293,459,456</u>	<u>36,370,430</u>	<u>416,831,647</u>
Investments held in trusts	<u>4,376,679</u>	<u>-</u>	<u>-</u>	<u>4,376,679</u>
Total	<u>\$ 91,378,440</u>	<u>\$ 293,459,456</u>	<u>\$ 36,370,430</u>	<u>\$ 421,208,326</u>

California Academy of Sciences
Notes to Financial Statements
June 30, 2014 and 2013

The following table is a rollforward of the statement of financial position amounts for the year ended June 30, 2014 for financial instruments classified by the Academy within Level 3 of the fair value hierarchy defined above:

	Global Allocation Absolute Return Funds	Venture Capital Funds	Equity Hedge Funds	Other	Total
Beginning balances at July 1, 2013	\$ 21,440,933	\$ 4,178,786	\$ 10,115,167	\$ 635,544	\$ 36,370,430
Transfers in	-	-	-	-	-
Transfers out	-	-	-	-	-
Realized gains	-	514,906	288,062	-	802,968
Change in unrealized gains (losses)	2,463,262	586,721	646,740	-	3,696,723
Purchases and contributed mineral rights	250,000	753,743	-	-	1,003,743
Sales and settlements	-	(960,662)	-	(408)	(961,070)
Ending balances at June 30, 2014	<u>\$ 24,154,195</u>	<u>\$ 5,073,494</u>	<u>\$ 11,049,969</u>	<u>\$ 635,136</u>	<u>\$ 40,912,794</u>
Change in unrealized gains (losses) for open positions held at June 30, 2014	<u>\$ 2,463,262</u>	<u>\$ 586,721</u>	<u>\$ 646,740</u>	<u>\$ -</u>	<u>\$ 3,696,723</u>

All net realized and change in unrealized gains (losses) in the table above are reflected in the accompanying statement of activities.

The following table is a rollforward of the statement of financial position amounts for the year ended June 30, 2013 for financial instruments classified by the Academy within Level 3 of the fair value hierarchy defined above:

	Global Allocation Absolute Return Funds	Venture Capital Funds	Equity Hedge Funds	Other	Total
Beginning balances at July 1, 2012	\$ 19,426,784	\$ 4,257,495	\$ 8,850,150	\$ 10,136	\$ 32,544,565
Transfers in	-	-	-	-	-
Transfers out	-	-	-	-	-
Realized gains	-	795,740	137,414	-	933,154
Change in unrealized gains (losses)	2,014,149	(420,532)	1,127,603	-	2,721,220
Purchases and contributed mineral rights	-	638,568	-	625,000	1,263,568
Sales and settlements	-	(1,092,485)	-	408	(1,092,077)
Ending balances at June 30, 2013	<u>\$ 21,440,933</u>	<u>\$ 4,178,786</u>	<u>\$ 10,115,167</u>	<u>\$ 635,544</u>	<u>\$ 36,370,430</u>
Change in unrealized gains (losses) for open positions held at June 30, 2013	<u>\$ 2,014,149</u>	<u>\$ (420,532)</u>	<u>\$ 1,127,603</u>	<u>\$ -</u>	<u>\$ 2,721,220</u>

All net realized and unrealized gains (losses) in the table above are reflected in the accompanying statement of activities.

California Academy of Sciences
Notes to Financial Statements
June 30, 2014 and 2013

The following table lists the investments by major category for which the Academy uses NAV to determine fair value at June 30, 2014.

	Number of Funds	Fair Value	Unfunded Commitments	Redemption Terms	Redemption Restrictions in Place at Year End
(a) Equity hedge funds - diversified - Domestic equities	1	\$ 11,049,969	\$ -	Quarterly with 60 days notice	None
(b) Global allocation absolute return funds	3	24,154,195	4,750,000	New money must be held for minimum of 2 years. One year's notice is required in order to withdraw funds.	None
(c) Global allocation absolute return funds	1	16,936,637	-	Monthly with 14 days notice	None
(d) Venture capital funds - US	3	5,073,494	3,564,871	Not redeemable	N/A
	<u>8</u>	<u>\$ 57,214,295</u>	<u>\$ 8,314,871</u>		

The following table lists these investments by major category for which the Academy uses NAV to determine fair value at June 30, 2013.

	Number of Funds	Fair Value	Unfunded Commitments	Redemption Terms	Redemption Restrictions in Place at Year End
(a) Equity hedge funds - diversified - Domestic equities	1	\$ 10,115,167	\$ -	Quarterly with 60 days notice	None
(b) Global allocation absolute return funds	2	21,440,933	-	New money must be held for minimum of 2 years. One year's notice is required in order to withdraw funds.	None
(c) Global allocation absolute return funds	1	20,885,840	-	Monthly with 14 days notice	None
(d) Venture capital funds - US	3	4,178,786	4,351,603	Not redeemable	N/A
	<u>7</u>	<u>\$ 56,620,726</u>	<u>\$ 4,351,603</u>		

- a. This category includes an investment in a hedge fund that pursues multiple strategies to diversify risks and reduce volatility including U.S. equity value and growth opportunities.
- b. This category includes two pooled private funds and a liquid endowment fund at June 30, 2014 and a pooled private fund and liquid endowment fund at June 30, 2013 which pursue an investment strategy which is balanced and diversified.
- c. This category includes multi asset class strategy funds.
- d. This category includes venture capital funds that invest primarily in U.S. private companies. Distributions from these funds will be received as the underlying investments of the funds are liquidated.

California Academy of Sciences
Notes to Financial Statements
June 30, 2014 and 2013

4. Endowments and Net Assets

The Academy's endowment consists of approximately 50 individual donor restricted endowment funds and 26 board-designated endowment funds for a variety of purposes plus the following where the assets have been designated for endowment: pledges receivable, split interest agreements, and other net assets. The net assets associated with endowment funds including funds designated by the Board of Trustees to function as endowments, are classified and reported based on the existence or absence of donor imposed restrictions.

The Board of Trustees of the Academy has interpreted the "Uniform Prudent Management of Institutional Funds Act" (UPMIFA) as requiring the preservation of the original gift as of the gift date of the donor-restricted endowment funds absent explicit donor stipulations to the contrary. As a result of this interpretation, the Academy classifies as permanently restricted net assets: (a) the original value of gifts donated to the permanent endowment, (b) the original value of subsequent gifts to the permanent endowment, and (c) accumulations to the permanent endowment made in accordance with the direction of the applicable donor gift instrument at the time the accumulation is added to the fund. The remaining portion of the donor-restricted endowment fund that is not classified in permanently restricted net assets is classified as temporarily restricted net assets until those amounts are appropriated for expenditure by the Academy in a manner consistent with the standard of prudence prescribed by UPMIFA. In accordance with UPMIFA, the Academy considers the following factors in making a determination to appropriate or accumulate endowment funds:

- (1) The duration and preservation of the fund.
- (2) The purposes of the Academy and the donor restricted endowment fund.
- (3) General economic conditions.
- (4) The possible effect of inflation and deflation.
- (5) The expected total return from income and the appreciation of investments.
- (6) Other resources of the Academy.
- (7) The investment policies of the Academy.

The Academy had the following endowment activities during the year ended June 30, 2014 delineated by net asset class and donor-restricted versus Board-designated funds.

Endowment net asset composition by type of fund as of June 30, 2014:

	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
Endowment net asset composition by type of fund as of June 30, 2014				
Donor-restricted endowment funds	\$ -	\$ 40,949,027	\$ 63,896,633	\$ 104,845,660
Board-designated endowment funds	69,836,559	-	-	69,836,559
Total endowment funds	<u>\$ 69,836,559</u>	<u>\$ 40,949,027</u>	<u>\$ 63,896,633</u>	<u>\$ 174,682,219</u>

California Academy of Sciences
Notes to Financial Statements
June 30, 2014 and 2013

Changes in endowment net assets for the year ended June 30, 2014:

	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
Endowment net assets at beginning of year	\$ 63,953,896	\$ 36,439,723	\$ 58,980,209	\$ 159,373,828
Investment return				
Investment income	552,703	1,298,349	712	1,851,764
Realized and unrealized gains	11,420,990	11,393,635	155,599	22,970,224
Contributions	1,362,214	-	4,760,113	6,122,327
Withdrawals/transfers	<u>(7,453,244)</u>	<u>(8,182,680)</u>	<u>-</u>	<u>(15,635,924)</u>
Endowment net assets at end of year	<u>\$ 69,836,559</u>	<u>\$ 40,949,027</u>	<u>\$ 63,896,633</u>	<u>\$ 174,682,219</u>

The Academy had the following endowment activities during the year ended June 30, 2013 delineated by net asset class and donor-restricted versus Board-designated funds.

Endowment net asset composition by type of fund as of June 30, 2013:

	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
Endowment net asset composition by type of fund as of June 30, 2013				
Donor-restricted endowment funds	\$ (34,047)	\$ 36,439,723	\$ 58,980,209	\$ 95,385,885
Board-designated endowment funds	<u>63,987,943</u>	<u>-</u>	<u>-</u>	<u>63,987,943</u>
Total endowment funds	<u>\$ 63,953,896</u>	<u>\$ 36,439,723</u>	<u>\$ 58,980,209</u>	<u>\$ 159,373,828</u>

Changes in endowment net assets for the year ended June 30, 2013:

	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
Endowment net assets at beginning of year	\$ 61,445,529	\$ 28,956,155	\$ 55,756,160	\$ 146,157,844
Investment return				
Investment income	609,112	1,154,256	721	1,764,089
Realized and unrealized gains	8,210,069	8,321,537	42,555	16,574,161
Contributions	644,015	3,030,000	3,180,773	6,854,788
Withdrawals/transfers	<u>(6,954,829)</u>	<u>(5,022,225)</u>	<u>-</u>	<u>(11,977,054)</u>
Endowment net assets at end of year	<u>\$ 63,953,896</u>	<u>\$ 36,439,723</u>	<u>\$ 58,980,209</u>	<u>\$ 159,373,828</u>

California Academy of Sciences
Notes to Financial Statements
June 30, 2014 and 2013

Description of Amounts Classified as Permanently Restricted Net Assets and Temporarily Restricted Net Assets (Endowments Only)

Permanently Restricted Net Assets

The portion of perpetual endowment funds that is required to be retained permanently either by explicit donor stipulation or by California UPMIFA as of June 30, 2014:

Restricted for research support	\$ 19,854,191
Restricted for public program support	20,221,311
Restricted for general operations	<u>23,821,131</u>
Total endowment assets classified as permanently restricted net assets	<u>\$ 63,896,633</u>

The portion of perpetual endowment funds that is required to be retained permanently either by explicit donor stipulation or by California UPMIFA as of June 30, 2013:

Restricted for research support	\$ 21,293,110
Restricted for public program support	19,661,469
Restricted for general operations	<u>18,025,630</u>
Total endowment assets classified as permanently restricted net assets	<u>\$ 58,980,209</u>

Temporarily Restricted Net Assets

The portion of permanent endowment funds not yet appropriated by the Board of Trustees under California UPMIFA as of June 30, 2014:

Restricted for research support	\$ 24,039,845
Restricted for public program support	14,409,182
Restricted for division chair support	<u>2,500,000</u>
Total endowment assets classified as temporarily restricted net assets	<u>\$ 40,949,027</u>

The portion of permanent endowment funds not yet appropriated by the Board of Trustees under California UPMIFA as of June 30, 2013:

Restricted for research support	\$ 20,098,344
Restricted for public program support	13,841,379
Restricted for division chair support	<u>2,500,000</u>
Total endowment assets classified as temporarily restricted net assets	<u>\$ 36,439,723</u>

California Academy of Sciences

Notes to Financial Statements

June 30, 2014 and 2013

Endowment Funds with Deficits

From time to time, the fair value of assets associated with individual donor-restricted endowment funds may fall below the value of the initial and subsequent donor gift amounts (deficit). When donor endowment deficits exist, they are classified as a reduction of unrestricted net assets. Deficits of this nature reported in unrestricted net assets were \$0 and \$34,047 as of June 30, 2014 and 2013, respectively. These deficits resulted from unfavorable market fluctuations that occurred shortly after the investment of newly established endowments. The Academy does not authorize any spending from such funds.

Return Objectives and Risk Parameters

The Academy has adopted endowment investment and spending policies that attempt to provide a balance of the immediate need to sustain current operations and the long-term responsibility to preserve the endowment in order to assure the availability of the funds for future operations of the Academy. Under this policy, the return objective for the endowment assets, measured over a full market cycle, shall be to earn an average annual real total return equal to at least 5%. Actual returns in any given year may vary from this amount.

Endowment Spending Allocation and Relationship of Spending Policy to Investment Objectives

The Board of Trustees of the Academy determines the method to be used to appropriate endowment funds for expenditure. Calculations are performed for individual endowment funds at a rate of 6% of the rolling 3 year average market value on a unitized basis one year subsequent to the calculation. The corresponding calculated spending allocations are distributed in equal quarterly installments on the first day of each quarter from the current net total or accumulated net total investment returns for individual endowment funds. In establishing this policy, the Board of Trustees considered the expected long term rate of return on its endowment. The calculated spending allocation for the years ended June 30, 2014 and 2013 was \$14,235,923 and \$10,977,054, respectively. For the year ended June 30, 2014, the Board approved an additional endowment fund payout of \$1,276,079 for board approved unusual expenses reflecting executive director transition, café vendor transition, enhanced voluntary retirement program, and integration of iNaturalist into the Academy operations.

In fiscal year 2011, the Board of Trustees established a reserve fund of previously received unrestricted large contributions to help smooth out the use of those funds. \$3 million annually from the unrestricted endowment is set aside for the Academy's operating budget. The Board of Trustees approves each fiscal year's budget and designated \$1,400,000 and \$1,000,000 use of the reserve fund for fiscal years 2014 and 2013, respectively. This fund is listed as the Contributed Investment Fund transfer in the financial statements. It is replenished as additional large unrestricted contributions (mainly bequests) are received.

California Academy of Sciences
Notes to Financial Statements
June 30, 2014 and 2013

Temporarily restricted net assets at June 30, 2014 and 2013 are restricted for the following purposes:

	2014	2013
Research	\$ 25,940,411	\$ 21,459,463
Public programs	32,042,357	35,383,638
Plant and new academy project	7,149,856	7,927,364
General operations	2,551,350	2,551,350
Investments held in trust	1,788,517	1,623,843
	<u>\$ 69,472,491</u>	<u>\$ 68,945,658</u>

5. Contributions Receivable

As of June 30, 2014 and 2013, contributions receivable were as follows:

	2014	2013
Contributions receivable before discount	\$ 28,442,801	\$ 33,487,341
Less: Unamortized discount	(434,974)	(535,009)
Less: Allowance for doubtful contributions receivable	(559,860)	(659,047)
Net contributions receivable	<u>27,447,967</u>	<u>32,293,285</u>
Amounts due		
Within one year	10,442,886	6,746,790
Two to five years	17,799,915	25,590,551
More than five years	200,000	1,150,000
	<u>\$ 28,442,801</u>	<u>\$ 33,487,341</u>

Discount rates used to present value contributions receivable for the fiscal years ended June 30, 2014 and 2013 ranged from 0.20% to 1.66%.

6. Notes Receivable

The Academy holds a Promissory Note for \$675,000 from the Music Concourse Capital Partners (the "MCCP"). The note has a fixed interest rate of 6%. Interest payments are to be made on December 27 of each year. The note matures on December 1, 2042. The note receivable including accrued interest at June 30, 2014 and 2013 was \$904,515 and \$853,316, respectively.

In the past four years, the Academy has received Promissory Notes for \$816,000 from six employees for housing support. The notes have fixed interest rates ranging from 2.57% to 3.53%, payable on their respective anniversary dates of each year. The notes receivable including accrued interest at June 30, 2014 and 2013 were \$747,342 and 640,840, respectively.

California Academy of Sciences
Notes to Financial Statements
June 30, 2014 and 2013

7. Property and Equipment

At June 30, 2014 and 2013, the major classes of property and equipment are as follows:

	2014	2013
Land	\$ 760,000	\$ 760,000
Building and improvements	367,057,187	367,057,187
Aquarium	29,345,826	29,345,826
Planetarium	4,862,119	4,862,119
Library and rare books	12,516,087	12,361,147
Furniture, equipment and software	23,355,999	21,080,245
Phone and information technology/infrastructure	6,788,729	6,788,729
Exhibit halls	26,100,707	26,100,707
Construction in progress	4,397,024	-
	<u>475,183,678</u>	<u>468,355,960</u>
Less: Accumulated depreciation	<u>(94,756,052)</u>	<u>(79,282,808)</u>
	<u>\$ 380,427,626</u>	<u>\$ 389,073,152</u>

Depreciation expense for the years ended June 30, 2014 and 2013 was \$15,470,501 and \$15,758,888, respectively.

8. Employees' Retirement Plan

The Academy has a retirement plan offering individual annuity contracts and a variety of other investment vehicles for all regular staff members who are at least age 21 with one year of service and work 20 or more hours per week. Retirement plan expenses for the years ended June 30, 2014 and 2013 were \$942,551 and \$820,702, respectively.

9. Bonds Payable

In July 2008, the Academy issued Series 2008 A-F revenue bonds ("2008 Bonds") through the California Infrastructure and Economic Development Bank in the amount of \$281,450,000. The bond proceeds were used to refund previously issued bonds in full, and to fund construction and improvements of the facilities in Golden Gate Park. The 2008 Bonds will mature on September 1, 2038, however, they are subject to mandatory redemption beginning in 2034. Interest rates on the Series 2008 E Bonds are set daily, and ranged from 0.93% to 0.96% and 0.93% to 0.96% during the years ended June 30, 2014 and 2013, respectively. The remaining Series were converted to the Index Interest Rate on July 7, 2011. During the years ended June 30, 2014 and 2013, the Academy incurred bond interest costs and auction related fees of \$2,419,079 and \$2,571,874, respectively.

The Academy maintains standby credit facilities with commercial banks to provide alternative liquidity to support the repurchase of tendered variable rate bonds in the event they are unable to be remarketed. Financing obtained through standby credit facilities to fund the repurchase of such bonds would bear interest rates and maturities different from those associated with the original bond issues. The standby credit facilities expire on July 29, 2017.

California Academy of Sciences
Notes to Financial Statements
June 30, 2014 and 2013

The Academy capitalized \$3,116,756 in associated issuance costs, to be amortized over the 30 year life of the 2008 bonds. The Academy recognized amortization expense of \$105,774 for each of the years ended June 30, 2014 and 2013.

Tax-exempt bond issues which were issued on or after September 1, 1986 are subject to the arbitrage rebate requirements imposed by Section 148(f) (2) of the Internal Revenue Code (the "IRC"). The arbitrage rebate requirements require that any profit or arbitrage be rebated to the U.S. Government. The rebate amount due to the U.S. Government is equal to the excess of the amount earned on all nonpurpose investments as defined in the IRC purchased with gross proceeds of the bonds over the amount which would have been earned if such nonpurpose investments were invested at a rate equal to the yield on the bonds. The rebate is calculated over a five-year period.

The 2008 Bonds agreements contain certain restrictive covenants, including a covenant requiring the Academy's adjusted Unrestricted Net Asset ("UNA") Ratio to equal at least 70. At June 30, 2014 and 2013, the Academy was in compliance with all such covenants.

10. City and County of San Francisco Support of Operations

Section 16.106 of the City Charter states that the City shall provide funds necessary for the maintenance of the Steinhart Aquarium and funds for the maintenance of the Golden Gate Park buildings. During the years ended June 30, 2014 and 2013, the Academy received \$4,617,442 and \$4,008,020, respectively, from the City for this support.

11. Commitments and Contingencies

The Academy is involved in various claims and legal actions arising in the ordinary course of its operations. In the opinion of management, the ultimate disposition of all legal matters will not have a material adverse effect on the Academy's financial position or change in net assets.

From: Reports, Controller (CON)
Sent: Wednesday, December 31, 2014 1:25 PM
To: Calvillo, Angela (BOS); Gosiengfiao, Rachel (BOS); BOS-Supervisors; BOS-Legislative Aides; Kawa, Steve (MYR); Leung, Sally (MYR); Howard, Kate (MYR); Seip, Emily (MYR); Falvey, Christine (MYR); Tsang, Francis; Elliott, Jason (MYR); Campbell, Severin (BUD); Newman, Debra (BUD); Rose, Harvey (BUD); sfdocs@sfpl.info; gmetcalf@spur.org; Rosenfield, Ben (CON); Rydstrom, Todd (CON); Lane, Maura (CON); CON-CCSF Dept Heads; CON-Finance Officers
Subject: Report Issued: FY 2012-13 & FY 2013-14 Biennial Development Impact Fee Report

The Office of the Controller today is releasing a report on the FY2012-13 & FY2013-14 Biennial Development Impact Fee. The report has been written pursuant to a requirement that the Controller to issue a Citywide Development Impact Fee report every two years.

Cities are authorized by law to levy development impact fees – which are monetary exactions, charged by a local government to a residential and/or commercial development applicant as a condition of approval for the new development project. The fees are allocated to provide new or expanded public capital facilities required to serve that development. Currently, there are twenty seven development impact fees assessed in the City and County of San Francisco. Led by the recent economic expansion, development impact fee revenue grew by \$33.7 million (273 percent) in FY2012-13 and \$50.1 million (109 percent) in FY2013-14 respectively, from the last Development Impact Report issued in FY 2011-12.

To view the full report, please visit our Web site at:
<http://openbook.sfgov.org/webreports/details3.aspx?id=1864>

This is a send-only e-mail address.

For questions about the report, please contact Drew Murrell at Drew.Murrell@sfov.org or 415-554-7647.

City and County of San Francisco

Controller's Office

FY2012-13 & FY2013-14 Biennial Development Impact Fee Report



December 31, 2014



City and County of San Francisco

FY 2012-13 & FY2013-14 Biennial Development Impact Fee Report

December 31, 2014

Introduction

Cities are authorized by law to levy development impact fees – which are monetary exactions, charged by a local government to a development applicant as a condition of approval for the development project. In most cases, the law requires the fee amount be reasonably related to the cost of the infrastructure provided by the government collecting the fee. The collected fee monies are allocated to pay for, or defray the costs of, the infrastructure improvements necessitated by the new development. Development impact fees may not be levied to pay for existing infrastructure deficiencies unrelated to the impacts of new development.

San Francisco Planning Code Article 4, Section 409 requires the Controller to issue a biennial Citywide Development Impact Fee Report including:

- All development fees collected during the prior two fiscal years, organized by development fee account;
- All cumulative monies collected and expended over the life of each fee;
- The number of projects that elected to satisfy development impact requirements through in-kind improvements;
- Any annual construction cost inflation adjustments to fees made using the Annual Infrastructure Construction Cost Inflation Estimate published by the Office of the City Administrator's Capital Planning Group (please note the Jobs-Housing Linkage Fee and the Inclusionary Affordable Housing Fee are not adjusted by this index); and
- Other information required pursuant to the California Mitigation Fee Act Government Code Section 66001, including: fee rate and description; the beginning and ending balance of the fee account; the amount of fees collected and interest earned; an identification of each public improvement on which fees were expended and the percentage of the cost of the improvement funded with fees; an approximate construction start date; and a description of any transfers or loans made from the account.

San Francisco Development Impact Fees

The City's development impact fees can generally be divided into two groups: fees justified and assessed in individual area plans typically for the benefit of several types of community infrastructure improvements, and single-use fees applied towards development across the City in order to fund individual types of infrastructure improvements citywide.

The City experienced significant increases in development activity during FY 2012-13 and FY 2013-14. Table 1 summarizes the number of projects and amount of fee revenue for Area Plan and Single-Use fees from FY 2011-12 through FY 2013-14.

Table 1. Development Impact Fee Revenue Summary

	FY 2011-12		FY 2012-13		FY 2013-14	
	# of Projects	Fee Revenue	# of Projects	Fee Revenue	# of Projects	Fee Revenue
Area Plan Fees						
Rincon Hill	-	\$ (98,935)	2	\$ 6,094,386	4	\$ 12,010,421
Visitation Valley	6	\$ 100,940	16	\$ 391,275	-	\$ -
Market/Octavia	6	\$ 1,387,899	13	\$ 2,729,260	12	\$ 7,851,839
Van Ness and Market Downtown	-	\$ -	-	\$ -	-	\$ -
Eastern Neighborhoods	8	\$ 127,788	26	\$ 2,615,793	32	\$ 7,044,157
Balboa Park	-	\$ -	1	\$ 11,202	1	\$ 40,336
Downtown (C-3 Districts)	-	\$ -	3	\$ 305,890	4	\$ 1,512,697
Single-Use Fees						
Transit Impact Development Fee	21	\$ 1,691,289	31	\$ 4,720,312	49	\$ 12,572,845
Affordable Housing - Jobs-Housing	5	\$ 567,229	11	\$ 5,678,392	15	\$ 11,974,893
Affordable Housing (Inclusionary)	4	\$ 1,536,683	16	\$ 9,186,937	23	\$ 29,911,959
Child Care Fee	-	\$ -	6	\$ 551,982	10	\$ 1,012,732
Street Trees, In-Lieu Fee	27	\$ 100,723	>40	\$ 216,402	>70	\$ 248,646
Public Art Fee	-	\$ -	1	\$ 106,500	-	\$ -
Bicycle Parking In-Lieu Fee	-	\$ -	-	\$ -	-	\$ -
Water Capacity Charge	881	\$ 1,372,542	746	\$ 2,086,602	857	\$ 2,372,755
Wastewater Capacity Charge	1,219	\$ 5,544,173	876	\$ 11,336,556	968	\$ 9,564,449
Total		\$ 12,330,331		\$ 46,031,489		\$ 96,117,729

Table 2 displays cumulative revenues and expenditures and the FY 2013-14 year-end balances for each development fee account.

Sections A through H provide descriptions of each fee including the fee amount and purpose, designated use of funds, cumulative fees collected, and cumulative fees expended. The sections are organized by Plan Areas (e.g. Rincon Hill, etc.).

Independent San Francisco Unified District Annual & Five Year Developer Impact Fee reports may be found on the SFUSD website: <http://www.sfusd.edu/>. For prior year reports, please contact the School District.

Appendix A lists the City's twenty seven development impact fees, the department or agency administering each one, the current fee level (effective January 1, 2015) and other fee details through FY 2013-14.

Table 2. Cumulative Fee Revenues & Expenditures through FY 2013-14

Report Section	Impact Fee	City Area Subject to the Fee	All-Year Revenues ⁽¹⁾	All-Year Expenditures ⁽²⁾	FY 2013-14 Year End Balance
A1	Rincon Hill Community Infrastructure Impact Fee (3)	Rincon Hill - Residential	\$ 21,380,314	\$ 6,323,433	\$ 15,056,881
A2	South of Market Area (SOMA) Community Stabilization Fee	Rincon Hill - Residential (same Block & Lot as Rincon Hill)	\$ 12,677,712	\$ 6,421,942	\$ 6,255,770
A3	Alternative Means of Satisfying the Open Space Requirement in SOMA Mixed Use Districts	Rincon Hill: South of Market Area Mixed-Use District	\$ -	\$ -	\$ -
B1	Visitacion Valley Community Facilities & Infrastructure Impact Fee	Visitacion Valley - Residential	\$ 1,967,212	\$ 1,349,915	\$ 617,297
C1	Market & Octavia Affordable Housing Fee	Market/Octavia - Residential + Commercial (Not Residential Transit Oriented District)	\$ 3,431,281	\$ -	\$ 3,431,281
C2	Market & Octavia Community Infrastructure Impact Fee	Market/Octavia - Residential + Commercial	\$ 8,835,385	\$ 2,520,499	\$ 6,314,887
D1	Van Ness and Market Downtown Residential Special Use District Floor Area Ratio Bonus	Van Ness and Market Downtown - Residential + Commercial (C-3-G only)	\$ -	\$ -	\$ -
D2	Van Ness and Market Neighborhood Infrastructure Program	Van Ness and Market Downtown - Residential + Commercial (C-3-G only)	\$ -	\$ -	\$ -
E1	Eastern Neighborhoods Area Plans Alternative Affordable Housing In-Lieu Fee	Eastern Neighborhoods - Residential	\$ -	\$ -	\$ -
E2	Affordable Housing Requirements for Urban Mixed Use District in Eastern Neighborhoods	Eastern Neighborhoods, Zoned Urban Mixed Use District	\$ -	\$ -	\$ -
E3	Eastern Neighborhoods Infrastructure Impact Fee (Mission District, Central Waterfront, SOMA, Showplace)	Eastern Neighborhoods - Residential + Commercial	\$ 10,246,852	\$ 2,806,371	\$ 7,440,481
E4	Usable Open Space In-Lieu Fee for Eastern Neighborhood Mixed Use Districts	Eastern Neighborhood - Mixed-Use Districts	\$ -	\$ -	\$ -
E5	Payment in Case of Variance or Exception	Eastern Neighborhood - Mixed-Use Districts	\$ -	\$ -	\$ -
F1	Balboa Park Community Infrastructure Impact Fee	Balboa Park - Residential + Commercial	\$ 51,538	\$ -	\$ 51,538
G1	Downtown Park Fee	Downtown: C-3 Districts - Commercial	\$ 14,647,068	\$ 11,153,477	\$ 3,493,591
G2	Transit Center District Open Space Impact Fee	Downtown: C-3-O Districts - Office	\$ -	\$ -	\$ -
G3	Transit Center District Transportation and Street Improvement Impact Fee	Downtown: C-3-O Districts - Office	\$ -	\$ -	\$ -
H1	Transit Impact Development Fee (TIDF)	TIDF: Citywide - Commercial	\$ 161,712,824	\$ 141,986,765	\$ 19,726,059
H2	Affordable Housing - Jobs-Housing Linkage Fee ⁽⁴⁾	Affordable Housing: Citywide - Commercial	\$ 176,684,130	\$ 130,767,095	\$ 45,917,035
H3	Affordable Housing (Inclusionary) Program	Affordable Housing: Citywide - Residential			
H4	Child Care Fee	Child Care: Citywide - Commercial	\$ 10,586,829	\$ 9,152,064	\$ 1,434,764
H5	Street Trees, In-Lieu Fee	Street Trees: Citywide	\$ 639,023	\$ 639,023	\$ -
H6	Public Art Fee ⁽⁵⁾	Downtown: C-3 Districts, RH + SB + TB South of Market:SLI + SLR + SSO Commercial;C-M + Part of C-2 Eastern Neighborhoods:UMU + MUG, MOU or MUR that are north of Division/Duboce/13th Streets	\$ 252,420	\$ 45,000	\$ 207,420
H7	Bicycle Parking In-Lieu Fee	Citywide - Residential & Non-Residential	\$ -	\$ -	\$ -
H8	Water Capacity Charge	WC: Citywide - Residential & Non-Residential	\$ 8,232,692	\$ 2,008,181	\$ 6,224,511
H9	Wastewater Capacity Charge	WCC: Citywide - Residential & Non-Residential	\$ 56,947,492	\$ 33,357,208	\$ 23,590,284
N/A	School Impact Fee	SFUSD: Citywide - Residential	See http://www.sfusd.edu/ for FY 2011-12 report. Contact SFUSD for prior reports.		

Notes:

- (1) Includes any interest earned and any transfers in.
- (2) May or may not include non-liquidated encumbrances. See text for clarification.
- (3) Includes funds held by CCSF and in trust with ABAG. See text for more details.

Administrative Overview

Multiple departments are involved in the administration and assessment, collection, appropriation, and reporting of development impact fees.

Except for affordable housing and the Transit Impact Development Fee (TIDF), development impact fees authorized in the Planning Code are administered by the Planning Department (CPC). Affordable housing fees, including the jobs-housing linkage fee, the inclusionary affordable housing, and the SoMa Community Stabilization fee are administered by the Mayor's Office of Housing and Community Development (MOHCD). The TIDF is administered by the San Francisco Municipal Transit Agency (MTA). School and water capacity fees are authorized outside of the Planning Code and administered by the San Francisco Unified School District (SFUSD) and the San Francisco Public Utilities Commission (SFPUC), respectively.

The Department of Building Inspection (DBI) administers fee collections and refunds including calculating fee deferrals where applicable, and verifying that impact fee requirements, including in-kind agreements, are fully obligated before permits are issued. The Controller's Office adjusts fee amounts by the annual construction cost index (AICCIE) calculated by the Capital Planning Program and approved by the Capital Planning Committee.

Programming development impact fees for appropriations through the City's budget is coordinated by the department responsible for administering the fee. For fees intended to fund affordable housing, appropriations are programmed by the Mayor's Office of Housing and Community Development (MOHCD). Fees collected from TIDF are programmed for appropriation by the MTA. Programming for all other fees authorized in the Planning Code is coordinated by the Planning Department (CPC) through the Interagency Plan Implementation Committee (IPIC) and related Citizens Advisory Committees (CACs).

To appropriate CPC-administered impact fees, expenditure recommendations are developed in IPIC and CAC meetings through the summer and fall. During the department phase of budget development implementing agencies load the projects into their annual budget requests, consistent with IPIC report. As with all capital expenditures, the Board's and Mayor's approval of the annual budget constitutes final approval of allocation of the area plan development impact fees.

Departments that implement projects supported by CPC-administered development impact fee include Department of Public Works (DPW), San Francisco Municipal Transportation Agency (SFMTA), the Recreation and Park Department, the Arts Commission, the Library Commission, and the Human Service Agency (HSA), and the Department of Children, Youth and Their Families (DCYF).

In addition to the Controller's biennial reporting and annual fee indexing, IPIC publishes an annual report in January providing an update of all projects in a particular Area Plan, and describing all other activities conducted by IPIC. Finally, administering departments are required by the California Mitigation Fee Act (CA Government Code 66000) to update nexus studies enabling their respective development impact fees every five years.

Fee Deferral Program

Ordinance 276-10 created the fee deferral program in Building Code Section 107A.13.3. Between July 1, 2010 and July 1, 2013, developers had the option of deferring payment of any development impact or in-lieu fee collected by the Department of Building Inspection (DBI) until issuance of the certificate of first occupancy. To defer the fee, developers had to submit a deferral request to DBI and pay a Development Fee Deferral Surcharge. Depending on which fee is deferred, developers must pay 15 or 20 percent of the total amount of development fees owed before the first construction document is issued. Developers must pay deferred fees before the certificate of first construction is issued. Although the program was sunset on June 30, 2013, there is still a deferral balance of \$171,697,683 at the end of FY 2013-14.

Table 3. Fees Deferred under City's Fee Deferral Program

Fee Type	Deferred Amount
Affordable Housing - Job Housing Linkage Fee	52,601,860
Affordable Housing Program	53,919,815
Child Care Fee	2,556,493
Downtown C-3 Artwork	-
Downtown Park Fee	4,691,141
Eastern Neighborhoods Infrastructure Impact Fee	3,850,089
Eastern Neighborhoods: Usable open space in lieu fee	6,720
Market & Octavia Affordable Housing Fee	842,427
Market & Octavia Community Infrastructure Fee	1,146,949
Rincon Hill Community Infrastructure Impact Fee	3,210,423
School Impact Fee	-
South of Market (SOMA) Community Stabilization Fee	16,169,513
Street Trees Planting Requirement or In-lieu Fee	17,670
Transit Center Open Space Fee	1,776,500
Transit Center Transportation and Street Improvement Fee	261,843
Transit Impact Development Fee (TIDF)	30,643,242
Visitation Valley Community Facilities and Infrastructure Fee	-
Total	\$ 171,694,683

Pending Legislative Changes

Legislation recently passed by the Planning Commission and going before the Board of Supervisors proposes to amend the Planning Code to adopt the San Francisco Citywide Nexus Analysis (Nexus Analysis) supporting existing development fees, including fees in the Downtown and other Area Plans. The citywide nexus analysis builds upon existing adopted nexus studies to develop a consistent standards-based methodology for most existing impact fees, thus facilitating the City's future administration of impact fees, including meeting the five year reporting and updates.

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Rincon Hill

The Rincon Hill Area Plan adopted in 2005 seeks to transform Rincon Hill into a mixed-use downtown neighborhood with a significant housing presence, while providing a full range of services and amenities that support urban living. The Rincon Hill Plan mitigates the impacts of this development by providing neighborhood open spaces, pedestrian, traffic-calming, and other streetscape improvements to be funded with a community infrastructure impact fee. Impacts from development on affordable housing, economic and community development, and community cohesion in the immediately surrounding area defined as South of Market Area (SoMa) are to be offset by the SoMa Community Stabilization Fee. Finally, in cases where the development site cannot accommodate the required open space the Zoning Administrator may offer an in-lieu fee as an alternative to satisfying the requirement in SoMa mixed-use districts.

A1. Rincon Hill Community Infrastructure Impact Fee

Background. In August 2005, the Board of Supervisors approved the imposition of a community improvement impact fee on residential development to provide necessary community improvements in the Rincon Hill Downtown Residential (DTR) district and surrounding areas. The current fee (effective as of January 1, 2015) charged for net additions of gross square feet is \$10.44 per gross square foot (gsf). Different rates are applied if use of a space was changed or replaced. If space is changed from residential to non-residential, then the fee is \$6.07 per gsf. If space is changed from Production, Distribution, and Repair (PDR) to residential, the fee is \$8.25 per gsf.

Developers may also provide an in-kind improvement in lieu of paying the fee, and either the fee or in-kind improvement may be financed via issuance of Mello-Roos bonds.¹ Fees paid directly to the City are to be deposited into the Rincon Hill Community Improvements Fund, which is administered by the Planning Department. Fees paid through the issuance of Mello-Roos bonds are held in trust with the Association of Bay Area Governments (ABAG).

Designated Use of Funds. Planning Code Section 418.5(b) specifies that funds collected shall be used solely to design, engineer, acquire, and develop neighborhood open space, streetscape improvements, a community center, and other improvements that result in new publicly-accessible facilities within the Rincon Hill Downtown Residential District or within 250 feet of the District. Planning Code Section 418.5(b)(1) allows funds to be used for public library resources and facilities if the library is within the Rincon Hill Downtown Residential District, within 250 feet of the District, and for libraries outside the District that are located such that they will serve the increased population of the District.

Funds may also be used by the Planning Commission for economic analyses, nexus studies, or to commission landscape architectural or other planning, design and engineering services (less than \$500,000) in support of the proposed public improvements.

¹ Mello-Roos bonds are revenue bonds issued to finance construction or acquisition of certain authorized infrastructure projects. The bonds are secured by special taxes and assessments paid by property owners within an established Mello-Roos assessment district and by proceeds generated by foreclosure sales on delinquent properties.

Further, \$6 million shall be transferred to the South of Market Area (SoMa) Stabilization Fund described in Section A2 of this report, to be used exclusively for SoMa open space facilities development and improvement, community facilities development and improvement, SoMa pedestrian safety planning, traffic calming and streetscape improvement, and development of new affordable housing in SoMa pursuant to Planning Code Section 418.5(b)2. Funds collected may not be used to pay any administrative or overhead expenses, except expenses to administer the fund, up to four percent of the aggregate value of the fee payments and in-kind improvements. To date, approximately \$2.0 million has been transferred to SoMa Stabilization Fund towards the \$6 million obligation to the fund, of which \$1.2 million has been transferred from the Rincon Hill ABAG account to the SoMa Stabilization ABAG account.

Fees held with the City are deposited into the same Fund as SoMa Community Stabilization Fees and to date all of the interest has been allocated to SoMa Community Stabilization Fund in error. This error will be corrected by transferring cash from SoMa Community Stabilization Fund to Rincon Hill account for the lost interest in the subsequent year.

Table A1.1 Rincon Hill Community Infrastructure Impact Fee Summary

Rincon Hill Community Improvements Fund										
Funds Held with CCSF						Funds Held with ABAG				
Fiscal Year	Beginning Year Balance	Fee Revenue Collected	Interest Earned ⁽¹⁾	Funds Expended ⁽²⁾	Year-End Balance	Beginning Year Balance	Fee Revenue Collected	Funds Expended	Year-End Balance	
FY 2005-2006	\$ -	\$ 196,142	\$ -	\$ -	\$ 196,142	\$ -	\$ 4,332,274	\$ -	\$ 4,332,274	
FY 2006-2007	\$ -	\$ -	\$ -	\$ 203,292	\$ (203,292)	\$ 4,332,274	\$ -	\$ 3,066,335	\$ 1,265,939	
FY 2007-2008	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,265,939	\$ -	\$ -	\$ 1,265,939	
FY 2008-2009	\$ -	\$ 2,750	\$ -	\$ -	\$ 2,750	\$ 1,265,939	\$ -	\$ 1,131,500	\$ 134,439	
FY 2009-2010	\$ 2,750	\$ -	\$ -	\$ -	\$ 2,750	\$ 134,439	\$ -	\$ -	\$ 134,439	
FY 2010-2011	\$ 2,750	\$ 589,626	\$ -	\$ 589,626	\$ 2,750	\$ 134,439	\$ -	\$ -	\$ 134,439	
FY 2011-2012 ⁽³⁾	\$ 2,750	\$ (17,174)	\$ -	\$ -	\$ (14,424)	\$ 134,439	\$ -	\$ -	\$ 134,439	
FY 2012-2013	\$ (14,424)	\$ 5,908,512	\$ -	\$ -	\$ 5,894,088	\$ 134,439	\$ -	\$ -	\$ 134,439	
FY 2013-2014	\$ 5,894,088	\$ 10,111,354	\$ -	\$ 1,083,000	\$ 14,922,442	\$ 134,439	\$ -	\$ -	\$ 134,439	
Total		\$ 16,791,210	\$ -	\$ 1,875,918			\$ 4,332,274	\$ 4,197,835		

Notes:

(1) This fund did not accrue interest in error. This error will be corrected in FY2014-15 by transferring cash into the fund for the lost interest revenue.

(2) Those funds which have been appropriated for designated uses and transferred to projects to implement them are considered as expended.

(3) In FY 2011-12, \$17,174 was refunded due to a collection error in FY 2010-11 for the 333 Harrison project.

Table A1.2: Rincon Hill Community Infrastructure Impact Fees Collected by Payer

Fiscal Year	Address	Fee Amount Collected
FY 2005-2006	One Rincon Hill (425 First Street)	4,332,274
FY 2005-2006	333 Fremont Street	196,142
FY 2008-2009	One Rincon Hill (425 First Street)	2,750
FY 2010-2011	333 Harrison Street	589,626
FY 2011-2012	333 Harrison Street	(17,174)
FY 2012-2013	401 Harrison Street	4,240,952
FY 2012-2013	333 Harrison Street	1,568,020
FY 2012-2013	333 Harrison Street	99,540
FY 2013-2014	340 Fremont Street	802,606
FY 2013-2014	399 Fremont Street	5,932,956
FY 2013-2014	45 Lansing Street	3,814,840
FY 2013-2014	One Rincon Hill (425 First Street) ⁽¹⁾	(452,972)
FY 2013-2014	N/A	13,924
Total		21,123,484

Note:

(1) The Planning Commission refunded \$452,972 to be refunded to the developer of One Rincon Hill (also known as 425 First Street).

Table A1.3: Rincon Hill Community Infrastructure Impact Fee Expenditure Detail

Fiscal Year	Project Title	Agency	Fee Amount Expended	Project Expenditures, All Sources	Estimated % of Project Funded by Fees	Project Status
FY 2006-07	Transfer Out to the South of Market Area Community Stabilization Fund ⁽¹⁾	ABAG	1,169,835	1,169,835	100%	Expended
	Transfer Out to the South of Market Area Community Stabilization Fund ⁽¹⁾	CCSF	203,292	203,292	100%	Expended
	Guy Place Park & Sailor's Union: Appraisal and Purchase Negotiation	ABAG	25,000	25,000	100%	Expended
	Guy Place Park: Property Acquisition for Park	ABAG	1,811,500	1,811,500	100%	Expended
	Guy Place Park: Recreation & Park Design Services	ABAG	60,000	60,000	100%	Expended
FY 2008-09	Guy Place Park: Recreation & Park Design Services	ABAG	31,500	31,500	100%	Expended
	Streetscape Improvements: Harrison & First Streets	ABAG	1,100,000	1,100,000	100%	Expended
FY 2010-11	Transfer Out to the South of Market Area Community Stabilization Fund ⁽¹⁾	CCSF	589,626	589,626	100%	Expended
FY 2013-14	Labor Charges for Administration of Programs	CCSF	10,000	10,000	100%	Expended
FY 2013-14	Guy Place Park: Improvement	CCSF	500,000	500,000	100%	Planning
FY 2013-14	Streetscape Improvements: Design Work on Rincon Hill	CCSF	573,000	3,634,208	100%	Planning

Note:

(1) Total of \$1,962,753 was transferred to SoMa Community Stabilization Fund pursuant to Planning Code Section 418.5(b)2, which says that \$6 million of the Rincon Hill Infrastructure Fund shall be transferred to Soma Stabilization Fund for certain uses.

Table A1.4: Rincon Hill Community Infrastructure Impact Fee In-Kind Improvements

Fiscal Year	Address	Fee Amount Waived	Description	Status
FY 2005-06	333 Fremont Street	573,000	Mid-Block Pedestrian Path	Complete
FY 2008-09	One Rincon Hill (425 First Street)	1,100,000	Harrison and First Street Streetscape Improvements	Complete

A2. South of Market Area (SoMa) Community Stabilization Fee

Background. In August 2005, the Board of Supervisors approved the imposition of a SoMa Community Stabilization Impact Fee on residential development in the Rincon Hill Area Plan to address the impacts of development on affordable housing, economic and community development, and community cohesion in SoMa. The current fee level (effective January 1, 2015) is \$13.29 per gsf. Fees are to be deposited into the SoMa Community Stabilization Fund, which is administered by the Mayor's Office of Community Development (MOCD), now the Mayor's Office of Housing and Community Development (MOHCD).

In addition to fees paid by developers, Planning Code 418.5(b)(2) requires that \$6.0 million from the Rincon Hill Community Improvement Fund described in section A1 be deposited into the SoMa Community Stabilization Fund. These deposits are seen as transfers-in on Table A2.1 below.

Designated Use of Funds. Planning Code Section 418.7 specifies that collected fees shall be used for affordable housing and community asset building, small business rental assistance, development of new affordable rental units for low income households, rental subsidies for low income households, down payment assistance for home ownership for low income households, eviction prevention, employment development and capacity building for SoMa residents, job growth and job placement, small business assistance, leadership development, community cohesion, civic participation, and community-based programs and economic development. Funds may also be used to commission economic analyses and to pay MOHCD administrative costs associated with administering the Fund. With the exception of commissioning an economic analysis, the Board of Supervisors must approve all expenditures. The SoMa Community Stabilization Fund Community Advisory Committee advises MOHCD and the Board of Supervisors on the administration of the Fund.

Table A2.1: SoMa Community Stabilization Fee Summary

Fiscal Year	Beginning Year Balance	Fee Revenue Collected	Interest Earned	Transfers Into Fund (2)	Funds Expended	Year-End Balance
FY 2005-06	\$ -	\$ 98,471	\$ 1,137	\$ -	\$ -	\$ 99,608
FY 2006-07	\$ 99,608		\$ 7,752	\$ 203,292	\$ 85,614	\$ 225,038
FY 2007-08	\$ 225,038	\$ -	\$ 8,618	\$ -	\$ 192,452	\$ 41,204
FY 2008-09	\$ 41,204	\$ 67,324	\$ 1,064	\$ -	\$ 185,596	\$ (76,004)
FY 2009-10	\$ (76,004)	\$ 4,962,933	\$ 32,543	\$ 350,000	\$ 102,090	\$ 5,167,382
FY 2010-11	\$ 5,167,382	\$ 2,807,128	\$ 54,871	\$ 589,626	\$ 3,749,181	\$ 4,869,826
FY 2011-12 (1)	\$ 4,869,826	\$ (81,761)	\$ 52,079	\$ -	\$ 565,121	\$ 4,275,023
FY 2012-13	\$ 4,275,023	\$ 185,874	\$ 61,701	\$ -	\$ 756,390	\$ 3,766,208
FY 2013-14	\$ 3,766,208	\$ 1,899,067	\$ 100,841	\$ -	\$ 435,498	\$ 5,330,619
Total		\$ 9,939,037	\$ 320,606	\$ 1,142,918	\$ 6,071,942	

Funds Held with ABAG

Fiscal Year	Beginning Year Balance	Fee Revenue Collected	Interest Earned	Transfers Into Fund (2)	Funds Expended	Year-End Balance
FY 2005-06	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2006-07	\$ 1,169,835	\$ -	\$ 56,262	\$ 1,169,835	\$ -	\$ 2,395,932
FY 2007-08	\$ 1,226,097	\$ -	\$ 41,385	\$ -	\$ -	\$ 1,267,482
FY 2008-09	\$ 1,267,482	\$ -	\$ 7,279	\$ -	\$ -	\$ 1,274,761
FY 2009-10	\$ 1,274,761	\$ -	\$ 169	\$ -	\$ 350,000	\$ 924,930
FY 2010-11	\$ 924,930	\$ -	\$ 31	\$ -	\$ -	\$ 924,961
FY 2011-12	\$ 924,961	\$ -	\$ 47	\$ -	\$ -	\$ 925,008
FY 2012-13	\$ 925,008	\$ -	\$ 48	\$ -	\$ -	\$ 925,056
FY 2013-14	\$ 925,056	\$ -	\$ 95	\$ -	\$ -	\$ 925,151
Total		\$ -	\$ 105,316	\$ 1,169,835	\$ 350,000	

Notes:

(1) In FY 2011-12, \$81,761 was refunded due to a collection error in FY 2010-11 for the 333 Harrison project.

(2) Total of \$1,962,753 (In FY 2006-07, \$1,169,835 from the ABAG account and \$203,292 from the CCSF account, and in FY 2010-11, \$589,626 from CCSF account) was transferred to SOMA Community Stabilization Fund pursuant to Planning Code Section 418.5(b)2, which says that \$6 million of the Rincon Hill Infrastructure Fund shall be transferred to SoMa Stabilization Fund for certain uses.

Table A2.2: SoMa Community Stabilization Fees Collected by Payer

Fiscal Year	Address	Fee Amount Collected
FY 2005-2006	425 First Street	98,471
FY 2008-2009	45 Lansing Street	67,262
FY 2008-2009	425 First Street	62
FY 2009-2010	425 First Street	4,962,933
FY 2010-2011	333 Harrison	2,807,128
FY 2011-2012	333 Harrison	(81,761)
FY 2012-2013	401 Harrison Street	185,874
FY 2013-2014 ⁽¹⁾	425 First Street	452,972
FY 2013-2014	45 Lansing	173,619
FY 2013-2014	399 Fremont	231,809
FY 2013-2014	340 Fremont	1,040,667
Total		\$ 9,939,037

Notes:

(1) The Planning Commission has approved a \$452,972 to be returned to the developer of 425 First Street. \$452,972 was transferred to the SoMa Community Stabilization Fund to fulfill the obligation of the developer to the SoMa Community Stabilization Fund.

Table A2.3: SoMa Community Stabilization Fee Expenditure Detail

Project Name	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	Year To Date Total
Inclusionary Housing Study	\$ 40,000	\$ 110,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 150,000
Advertising for Public Hearing/RFP	\$ -	\$ -	\$ -	\$ 264	\$ -	\$ -	\$ 145	\$ -	\$ 409
City Attorney Costs	\$ -	\$ -	\$ -	\$ 4,694	\$ 22,638	\$ 1,826	\$ 2,468	\$ 693	\$ 32,319
MOH Administrative Costs	\$ 45,614	\$ 82,452	\$ 185,596	\$ 97,132	\$ 113,081	\$ 158,883	\$ 147,157	\$ 128,253	\$ 958,167
SFMTA/DPW Community Improvements ⁽¹⁾	\$ -	\$ -	\$ -	\$ -	\$ 56,844	\$ 10,880	\$ 223,841	\$ -	\$ 291,565
333 Harrison Emerald Fund	\$ -	\$ -	\$ -	\$ -	\$ 2,762,000	\$ -	\$ -	\$ -	\$ 2,762,000
Grants to nonprofit organizations ⁽²⁾	\$ -	\$ -	\$ -	\$ -	\$ 794,618	\$ 393,531	\$ 382,780	\$ 306,553	\$ 1,877,482
Total	\$ 85,614	\$ 192,452	\$ 185,596	\$ 102,090	\$ 3,749,181	\$ 565,121	\$ 756,390	\$ 435,499	\$ 6,071,942

Notes:

(1) Funds held with ABAG: \$350,000 has been encumbered for a mid-block crossing at Folsom and Russ Streets. To date, \$291,565 has been expended. grants to nonprofit organizations that serve SOMA residents

(2) To date, \$1,877,482 has been expended for grants to non profit organizations that serves SoMa residents. The funded programs include; Housing Coordination Program, Community Council, Neighborhood and Business Coordination Program, School Site Coordination, Tenant Counselling/Housing Program, Land Trust, and Small Business Loans.

B. Visitation Valley

The Visitation Valley Fee Area is located along the southeastern border of the City and includes the area bounded by McLaren Park to the west, the San Mateo County line to the south, Mansell St. to the north, and Highway 101 and Bayview Park to the east. The Fee Area includes the following planning areas: Executive Park Subarea Plan of the Bayview Hunters Point Area Plan, the Schlage Lock development site and the Sunnydale Housing Authority site. Together the findings in these plans and programs support the need for improvements and expansions in pedestrian and streetscape amenities, bicycle infrastructure, recreation and open space facilities, and childcare to offset demand increases from new development.

B1. Visitation Valley Community Facilities and Infrastructure Fee

Background. The Visitation Valley Community Facilities and Infrastructure Fee, which became effective in November 2005, applies to all new residential development projects located in Visitation Valley. The fee is set at \$5.56 for each net addition of occupiable square feet of residential use. If space is replaced or changed from non-residential to residential, then the fee is \$4.37 per gsf. If space is replaced or changed from Production, Distribution, and Repair (PDR) to residential, the fee is \$2.82 per gsf. The developer may reduce the fee owed by providing on-site community facility space that is accessible to the general public or by providing in-kind

improvements to Blanken Avenue. Fees collected are to be deposited into the Visitation Valley Community Facilities and Infrastructure Fund.

Designated Use of Funds. Planning Code Section 420.6 specifies that collected fees are to be used solely to fund community facilities and infrastructure in Visitation Valley, including but not limited to: (1) capital improvements to library facilities; (2) playgrounds; (3) recreational facilities; (4) open space; (5) childcare; and (6) transportation. Any expenditure from the fund must be approved by the Board of Supervisors. No funds may be used to pay administrative costs except for the administration of this fund in an amount not to exceed 4% of the fund's annual revenue.

Table B1.1: Visitation Valley Community Infrastructure Impact Fee Summary

Fiscal Year	Beginning Year Balance	Fee Revenue Collected	Interest Earned	Funds Expended	Year-End Balance
FY 2005-2006	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2006-2007	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2007-2008	\$ -	\$ 110,632	\$ 2,343	\$ -	\$ 112,975
FY 2008-2009	\$ 112,975	\$ 94,934	\$ 2,920	\$ -	\$ 210,829
FY 2009-2010	\$ 210,829	\$ 1,133,830	\$ 7,264	\$ -	\$ 1,351,923
FY 2010-2011	\$ 1,351,923	\$ 76,593	\$ 14,288	\$ 6,408	\$ 1,436,396
FY 2011-2012	\$ 1,436,396	\$ 100,940	\$ 16,528	\$ 83	\$ 1,553,781
FY 2012-2013	\$ 1,553,781	\$ 391,274	\$ 11,547	\$ 1,327,713	\$ 628,889
FY 2013-2014	\$ 628,889	\$ -	\$ 4,117	\$ 15,711	\$ 617,295
Total		\$ 1,908,204	\$ 59,007	\$ 1,349,915	

Notes:

(1) During FY2013-14, \$15,711 was spent on program administration, which should be counted as part of the 4% cap for administration cost of the fund. However, the department will true up on the 4% cap of administration cost on a five year basis.

Table B1.2: Visitation Valley Community Infrastructure Impact Fees Collected by Payer

Fiscal Year	Address	Fee Amount Collected
FY 2007-2008	Building 3 - Candlestick Cove Townhome	14,885
FY 2007-2008	Building 4 - Candlestick Cove Townhome	14,885
FY 2007-2008	Building 7 - Candlestick Cove Townhome	21,794
FY 2007-2008	Building 23 - Candlestick Cove Townhome	20,392
FY 2007-2008	Building 25 - Candlestick Cove Townhome	20,392
FY 2007-2008	Building 26 - Candlestick Cove Townhome	18,283
FY 2008-2009	Building 3 - Candlestick Cove Townhome	14,885
FY 2008-2009	Building 4 - Candlestick Cove Townhome	14,885
FY 2008-2009	Building 5 - Candlestick Cove Townhome	26,488
FY 2008-2009	Building 23 - Candlestick Cove Townhome	20,392
FY 2008-2009	Building 26 - Candlestick Cove Townhome	18,283
FY 2009-2010	Building 6 - Candlestick Cove Townhome	25,584
FY 2009-2010	Building 8 - Candlestick Cove Townhome	25,584
FY 2009-2010	Building 24 - Candlestick Cove Townhome	16,554
FY 2009-2010	Building 22 - Candlestick Cove Townhome	31,508
FY 2009-2010	301 Executive Park Boulevard (Block 4991; Lot 633)	611,934
FY 2009-2010	Building 8 - Candlestick Cove Townhome	25,584
FY 2009-2010	Building 7 - Candlestick Cove Townhome	21,794
FY 2009-2010	Building 5 - Candlestick Cove Townhome	26,488
FY 2009-2010	Building 25 - Candlestick Cove Townhome	20,392
FY 2009-2010	Building 11 - Candlestick Cove Townhome	26,488
FY 2009-2010	Building 6 - Candlestick Cove Townhome	25,584
FY 2009-2010	Building 24 - Candlestick Cove Townhome	16,554
FY 2009-2010	Building 22 - Candlestick Cove Townhome	31,508
FY 2009-2010	Building 15 - Candlestick Cove Townhome	19,176
FY 2009-2010	Bayside Vista Condominium Homes (1)	209,096
FY 2010-2011	113 Diamond Cove	15,692
FY 2010-2011	101 Executive Park Blvd.	60,900
FY 2011-2012	101 Executive Park Blvd.	59,080
FY 2011-2012	100 Diamond Cove	8,769
FY 2011-2012	113 Diamond Cove	15,692
FY 2011-2012	201 Diamond Cove	7,533
FY 2011-2012	213 Diamond Cove	2,825
FY 2011-2012	112 Diamond Cove	7,041
FY 2012-2013	101 Otter Cove Ter	10,595
FY 2012-2013	108 Seal Cover Ter	7,323
FY 2012-2013	113 Seal Cover Ter	9,324
FY 2012-2013	115 Otter Cove Ter	12,694
FY 2012-2013	120 Diamond Cove Ter	9,697
FY 2012-2013	200 Diamond Cove Ter	7,323
FY 2012-2013	100 Diamond Cove Ter	35,075
FY 2012-2013	101 Otter Cove Ter	42,948
FY 2012-2013	108 Seal Cover Ter	29,507
FY 2012-2013	112 Diamond Cove Ter	28,164
FY 2012-2013	113 Seal Cover Ter	37,296
FY 2012-2013	115 Otter Cove Ter	51,315
FY 2012-2013	120 Diamond Cove Ter	39,075
FY 2012-2013	200 Diamond Cove Ter	29,507
FY 2012-2013	201 Diamond Cove Ter	30,132
FY 2012-2013	213 Diamond Cove Ter	11,298

Table B1.3: Visitacion Valley Community Infrastructure Impact Fees Expenditure Detail

Fiscal Year	Project Title	Fee Amount Expended	Project Expenditures, All Sources	Estimated % of Project Funded by
FY 2010-11	Utility Undergrounding on section of Leland Avenue from Bayshore Boulevard to Delta Street	6,408	N/A	N/A
FY 2011-12	Utility Undergrounding on section of Leland Avenue from Bayshore Boulevard to Delta Street	83	N/A	N/A
FY 2012-13	San Francisco Public Library - Visitacion Valley Branch on Buildings, Structures, & Improvement Project	1,327,713	9,350,000	14%
FY 2013-14	Program administration	15,711	N/A	N/A
Total		1,349,915		

C. Market and Octavia

The Market and Octavia Area Plan was adapted to direct new market rate housing into the Market and Octavia area. The Area Plan covers the general area within a short walking distance of Market Street between the Van Ness Avenue and Church Street Muni stations and along the new Octavia Boulevard on the former Central Freeway right-of-way. The Market and Octavia Area Plan adopted a layered approach to impact fees. All new residential and commercial projects will contribute to the Market and Octavia Community Improvements Fund and projects that seek additional density through purchase of density credits, an option only available to select parcels in the Van Ness and Market Downtown Residential Special Use District, will also contribute to the Van Ness and Market Community Facilities Infrastructure Fund, which is described in Section D of this report. On February 24, 2011, the Area Plan was extended to include the Upper Market Neighborhood Commercial District (NCD) to capture an increased amount of new residential and commercial development.

C1. Market and Octavia Affordable Housing Fee and Upper Market Neighborhood Commercial District

Background. The Market and Octavia Affordable Housing Fee, which became effective in May 2008, requires new development projects in the Market Octavia Plan Area (which includes the Van Ness and Market Special Use District) and the Upper Market NCD subject to the Inclusionary Affordable Housing Program to pay an additional affordable housing fee per square foot of residential transit Oriented District (RTO). The fee schedule below outlines the current fees (effective January 1, 2015).

Table C1.1: Market and Octavia Affordable Housing Fee and Upper Market Neighborhood Commercial District Inclusionary Housing Fee

	Van Ness/Market Special Use District	NCT	RTO
Net Addition of Residential Use or Change of Use to Residential Use	\$8.74/gsf	\$4.37/gsf	\$0.00/gsf
Replacement of, or Change of Use From, Non-Residential to Residential Use	\$4.61/gsf	\$0.24/gsf	\$0.00/gsf
Replacement of, or Change of Use From, PDR to Residential Use	\$6.67/gsf	\$2.31/gsf	\$0.00/gsf

The fee may not be met through an in-kind improvement or financed via a Mello-Roos Community Facilities District. However, a developer will not be charged the fee for a unit that is designated as part of a below market rate unit under the Planning Code.

Designated Use of Funds. Fees collected are to be deposited into the Citywide Affordable Housing Fund, however, these funds are to be separately accounted for. The Mayor's Office of Housing is required to spend the funds according to the following priorities: (1) to increase the supply of housing affordable to qualifying households in the Market and Octavia Plan Area; (2) to increase the supply of housing affordable to qualifying households within one mile of the boundaries of the Plan Area; and (3) to increase the supply of housing affordable to qualifying households in the City and County of San Francisco. The funds may also be used for monitoring and administrative expenses.

Table C1.2: Market and Octavia Affordable Housing Fee and Upper Market Neighborhood Commercial District Inclusionary Housing Fee Summary

Fiscal Year	Beginning Year Balance	Fee Revenue Collected	Interest Earned	Funds Expended	Year-End Balance
FY 2011-2012	\$ -	\$ 118,956	\$ -	\$ -	\$ 118,956
FY 2012-2013	\$ 118,956	\$ 262,278	\$ -	\$ -	\$ 381,234
FY 2013-2014	\$ 381,234	\$ 3,037,660	\$ 12,387	\$ -	\$ 3,431,281
Total		\$ 3,418,894	\$ 12,387	\$ -	\$ 3,431,281

Table C1.3: Market and Octavia Affordable Housing Fee and Upper Market Neighborhood Commercial District Inclusionary Housing Fees Collected by Payer

Fiscal Year	Address	Fee Amount Collected
FY 2011-2012	38 Dolores	21,242
FY 2011-2012	299 Valencia Street	97,715
FY 2012-2013	8 Octavia	262,278
FY 2013-2014	323 Octavia	103,337
FY 2013-2014	38 Dolores	372,704
FY 2013-2014	388 Fulton	37,636
FY 2013-2014	401 Grove	297,853
FY 2013-2014	100 Van Ness	1,680,094
FY 2013-2014	2200 Market	80,112
FY 2013-2014	1600 Market	186
FY 2013-2014	1998 Market	465,738
Total		3,418,894

C2. Market and Octavia Community Infrastructure Impact Fee

Background. The Market and Octavia Community Infrastructure Impact Fee became effective in April 2008. The fee is imposed on residential and non-residential development projects within the Market and Octavia Infrastructure Program Area that result in an additional residential unit or contribute to a 20 percent increase in residential or non-residential space. The current fee for residential development projects (effective January 1, 2015) is \$10.92 per additional gsf, and the fee for non-residential development projects is \$4.13 per additional gsf. The following fee schedule applies for replacement or change of use of space:

- \$6.80 per gross square foot for non-residential to residential
- \$8.86 per gross square foot for PDR to residential
- \$2.06 per gross square foot for PDR to non-residential

Fees collected are deposited in the Market and Octavia Community Improvements Fund. In lieu of paying this fee, developers may provide in-kind improvements in the form of streetscaping, sidewalk widening, neighborhood open space, community center, and other infrastructure and facility improvements. Developers also have the option to finance the fee or in-kind improvement via a Mello-Roos Community Facilities District.

Designated Use of Funds. The Market and Octavia Community Infrastructure Impact Fee is intended to create the necessary financial mechanism to fund specific public improvements in the Market and Octavia Plan Area in proportion to the need generated by new development. Planning Code Section 421.5(b) specifies that funds may be used to design, engineer, acquire, develop and improve neighborhood open spaces, pedestrian and streetscape improvements, community facilities, childcare facilities, and other improvements that result in new publicly-accessible facilities and related resources within the Market and Octavia Plan Area, or within 250 feet of the Plan Area. If necessary, funds may also be used by the Planning Commission to commission economic analyses or an updated nexus study. No funds may be spent on overhead or administrative costs, except for administrative costs pertaining to the oversight of this Fund.

Table C2.1: Market and Octavia Community Infrastructure Impact Fee Summary

Fiscal Year	Beginning Year Balance	Fee Revenue Collected	Interest Earned	Funds Expended ⁽¹⁾	Year-End Balance ⁽²⁾
FY 2007-2008	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2008-2009	\$ -	\$ 29,330	\$ -	\$ -	\$ 29,330
FY 2009-2010	\$ 29,330	\$ 78,808	\$ 1,537	\$ 2,972	\$ 106,703
FY 2010-2011	\$ 106,703	\$ 113,882	\$ 1,814	\$ -	\$ 222,400
FY 2011-2012	\$ 222,400	\$ 1,268,943	\$ 5,327	\$ 38,827	\$ 1,457,843
FY 2012-2013	\$ 1,457,843	\$ 2,466,982	\$ 18,593	\$ 420,000	\$ 3,523,418
FY 2013-2014	\$ 3,523,418	\$ 4,814,179	\$ 35,990	\$ 2,058,700	\$ 6,314,886
Total		\$ 8,772,124	\$ 63,261	\$ 2,520,499	

Note:

(1) Those funds which have been appropriated for designated uses and transferred to projects to implement them are considered as expended.

Table C2.2: Market and Octavia Community Infrastructure In Kind Improvements

Fiscal Year	Address	Fee Amount Waived	Description	Status
FY 2009-10	38 Dolores Street	513,000	Dolores Street and Market Street streetscape	Complete

Table C2.3: Market and Octavia Community Infrastructure Impact Fees Collected by Payer

Fiscal Year	Address	Fee Amount Collected
FY 2008-2009	435 Duboce Avenue	29,330
FY 2009-2010	74 Otis Street	74,288
FY 2009-2010	75 Lily Street	4,520
FY2010-2011	299 Valencia Street	86,474
FY2010-2011	580 Hayes Street	6,640
FY2010-2011	162 Landers Street	11,280
FY2010-2011	424 Octavia Street	2,560
FY2010-2011	432 Octavia Street	2,560
FY2010-2011	370 Linden Street	1,808
FY2010-2011	N/A	2,560
FY2011-2012	205 Franklin Street	84,048
FY2011-2012	543 Grove Street	10,559
FY2011-2012	55 Dolores Street	9,571
FY2011-2012	616 20th Street	4,606
FY2011-2012	38 Dolores Street	959,127
FY2011-2012	299 Valencia Street	201,032
FY2012-2013	25 Dolores Street	110,214
FY2012-2013	489 Hayes Street	4,720
FY2012-2013	8 Octavia Street	671,624
FY2012-2013	230 Lily Street	7,971
FY2012-2013	335 Oak Street	10,771
FY2012-2013	543 Grove Street	42,235
FY2012-2013	100 Van Ness Avenue	820,160
FY2012-2013	1600 Market Street	33,573
FY2012-2013	1998 Market Street	336,923
FY2012-2013	2175 Market Street	188,577
FY2012-2013	2200 Market Street	66,090
FY2012-2013	350 Linden Street	19,718
FY2012-2013	401 Grove Street	221,857
FY2012-2013	299 Valencia Street	(67,454) ⁽¹⁾
FY2013-2014	380 Fulton Street	27,392
FY2013-2014	400 Grove Street	78,320
FY2013-2014	100 Van Ness Avenue	1,658,394
FY2013-2014	1600 Market Street	131,707
FY2013-2014	1998 Market Street	853,599
FY2013-2014	2200 Market Street	164,129
FY2013-2014	401 Grove Street	551,924
FY2013-2014	323 Octavia Street	1,814,326
FY2013-2014	370 Linden Street	3,489
FY2013-2014	388 Fulton Street	96,289
FY2013-2014	441 Linden Street	6,609
FY2013-2014	38 Dolores Street	(572,000) ⁽¹⁾
Total		8,772,124

Note:

(1) Negative amounts show corrections for the previous collections.

Table C2.4: Market and Octavia Community Infrastructure Impact Fee Expenditure Detail

Fiscal Year	Project Title	Fee Amount Expended	Project Expenditures, All Sources	Estimated % of Project Funded by
FY 2009-2010	Permit tracking system programming costs (DBI workorder)	2,972	N/A	N/A
FY 2011-2012	Implementing traffic changes for the Hayes 2-way street project (SFMTA workorder)	38,827	N/A	N/A
FY 2012-2013	Construction of Franklin Street Bulbouts (SFMTA)	250,000	250,000	100%
FY 2012-2013	Implementing traffic changes for the Haight 2-way street project (SFMTA)	330,000	5,900,000	6%
FY 2012-2013	Predevelopment of Pedestrian Improvements (SFMTA)	50,000	3,610,000	1%
FY 2013-2014	Labor Charges for Administration of Programs	18,700	N/A	N/A
FY 2013-2014	Implementing Community Challenge Grant Project (General Service Agency)	50,000	50,000	100%
FY 2013-2014	Planting and Maintenance of CIP Trees (Dept of Public Work)	50,000	50,000	100%
FY 2013-2014	Patricia's Green Rotating Art Project (Art Commission)	20,000	85,000	425%
FY 2013-2014	Bicycle Lane Improvements in Polk Street Northbound (SFMTA)	50,000	800,000	6%
FY 2013-2014	Pedestrian Improvements in Upper Market Street (SFMTA)	1,160,000	3,610,000	32%
FY 2013-2014	Pedestrian Improvements Franklin and Gough Intersections (SFMTA)	500,000	500,000	100%

D. Van Ness and Market Downtown Residential Special Use District

The Van Ness and Market Residential Special Use District (SUD) is comprised of the parcels zoned C-3-G (Downtown General Commercial) within the Market Octavia Plan area and fees are assessed to this area in addition to the fees under the Market and Octavia Area Plan. The SUD was adopted in 2008 to encourage the creation of dense residential development in an area which consists of back-office and industrial uses. The SUD seeks to also improve access to necessary public infrastructure and amenities in the area. The SUD area plan attempts to mitigate the impacts of this development by providing open space, streetscape improvements, community facilities and public transit. In addition, a Floor Area Ratio (FAR) bonus provision was adopted to create an economic incentive for developers to provide public infrastructure and amenities that improve the quality of life in the area.

D1. Van Ness and Market Affordable Housing and Neighborhood Infrastructure Fee

Background. The Van Ness and Market Affordable Housing and Neighborhood Infrastructure Program became effective in May 2008. Planning Code Section 424.3(b)(ii) specifies that all uses in any development project within the Van Ness and Market Downtown Residential Special Use District shall pay a fee, currently \$18.20, per net additional gsf of floor area in any portion of

building area exceeding the base development site floor area ratio (FAR) of 9:1. Fees collected are deposited into the Van Ness and Market Neighborhood Infrastructure Fund.

In lieu of paying this fee, developers may opt to provide in-kind improvements that mitigate the impacts of growth in the general vicinity of the Van Ness and Market Downtown Residential Special Use District area, meet identified community needs as analyzed in the Market and Octavia Area Plan Community Improvements Program, and serve as a substitute for improvements funded by infrastructure impact fee revenue such as street improvements, transit improvements, and community facilities.

Designated Use of Funds. Planning Code Section 425.(a) specifies that the Van Ness and Market Neighborhood Infrastructure Fund is to be used solely to design, engineer, acquire and develop neighborhood open spaces and streetscape improvements that result in new publicly-accessible facilities within the Van Ness and Market Downtown Residential Special Use District. Funds may also be used by the Planning Commission to commission studies, or to commission landscape, architectural or other planning, design and engineering services in support of the proposed public improvements. No funds may be spent on administrative or general overhead expenses.

No fees have been collected and no in-kind improvements have been provided since the fee's establishment in FY 2007-08. As no fees have been collected, no funds have been expended.

D2. Van Ness and Market Downtown Residential Special Use District Floor Area Ratio Bonus

Background. The Van Ness and Market Downtown Residential Special Use District Floor Area Ratio (FAR) Bonus became effective in May 2008. Planning Code Section 424.3(b)(i) specifies that all uses in any development project within the Van Ness and Market Downtown Residential Special Use District pay a fee, currently \$36.41, per net additional gsf of floor area in any portion of building area exceeding the base development site FAR of 6:1 up to a base development site FAR of 9:1. Funds are deposited into the Citywide Affordable Housing Fund established by Planning Code Section 413.10. Planning Code Section 424.3(c) gives developers the option of providing an in-kind improvement in lieu of the fee. The amount of the fee waiver is \$18.20 per net additional gsf of floor area. In-kind improvements can include, but are not limited to: (1) open space acquisition and improvement (e.g. landscaping, seating, and lighting); (2) streetscape and pedestrian improvements (e.g. sidewalk widening, landscaping and trees, seating, other street furniture, signage, transit stop and subway station enhancements, roadway and sidewalk paving, and public art); and (3) and affordable housing.

Designated Use of Funds. Since fees collected are deposited into the Citywide Affordable Housing Fund, Planning Code specifies that management, enforcement, and expenditure of funds shall conform to the requirements outlined for Citywide Affordable Housing Fund in Planning Code Section 415.7(c). Fees from this Fund are to be used to (1) increase the supply of housing affordable to qualifying households, and (2) pay the expenses of the Mayor's Office of Housing in connection with monitoring and administering compliance with the requirements of the Inclusionary Affordable Housing Program.

No fees have been collected since the fee was established in FY 2007-08. No in-kind improvements have been provided since the option to provide in-kind improvements was made available. Since no fee revenue has been collected, none of the Citywide Affordable Housing Fund expenditures have been funded through this fee.

E. Eastern Neighborhoods

The Eastern Neighborhoods are located in the eastside of South of Market and includes the Mission, Central Waterfront, East South of Market (SoMa), Western SoMa, and Showplace Square/Potrero Hill neighborhoods, which included largest area of industrially zoned land. With land in short supply in the City, the Eastern Neighborhood has become a target area for development to meet San Francisco's affordable housing needs. The Eastern Neighborhood Area Plan was adopted in 2008 to provide a significant amount of new housing affordable to all income levels while providing a comprehensive package of public benefits accessible to the area to address existing deficiencies and the impact of new developments. The Area Plan generally comprised of three zonings;(1)Residential zone, which is generally portions of the Mission, Potrero Hill and Dogpatch;(2) PDR where it is intended to ensure space for existing and new PDR businesses and activities;(3)Mixed-Use zone where it is intended to promote a mix of different types of activities. The Eastern Neighborhoods are subject to four distinct Fees, with collected funds dedicated to affordable housing, infrastructure improvements and open space in the Plan Area.

E1. Eastern Neighborhoods Area Plan Affordable Housing Requirement

Background. The Eastern Neighborhoods Area Plan Affordable Housing Requirement, which became effective in January 2009, applies to Eastern Neighborhood development projects that are 20 units or less or development projects less than 25,000 gross square feet. Developers may opt to pay a fee of \$48.54 per gsf of net new residential development instead of the standard Affordable Housing Fee requirements set forth in Section 415.1. The fee was previously known as the Eastern Neighborhoods Area Plan Alternative Affordable Housing In-Lieu Fee.

Designated Use of Funds. Fees collected are to be deposited into the Citywide Affordable Housing Fund; however, the funds are to be separately accounted for. The Mayor's Office of Housing is responsible for expending funds according to the following priorities: (1) to increase the supply of housing affordable to qualifying households in the Eastern Neighborhoods Project Areas; (2) to increase the supply of housing affordable to qualifying households within one mile of the boundaries of the Eastern Neighborhoods Project Areas; (3) to increase the supply of housing affordable to qualifying households in the City and County of San Francisco. The funds may also be used for monitoring and administrative expenses.

No fees have been collected since the fee was established in FY 2009-10. Since no fee revenue has been collected, none of the Citywide Affordable Housing Fund expenditures have been funded through this fee.

E2. Affordable Housing Requirements for Urban Mixed Use District in Eastern Neighborhoods

Background. In December 2008, the Board of Supervisors approved affordable housing requirements beyond those required by the Inclusionary Affordable Housing Program, for Urban Mixed Use (UMU) Zoning Districts of the Eastern Neighborhoods. The Inclusionary Affordable Housing Program requires a 20 percent fee, 15 percent of total units to be set-aside for on-site affordable housing, or 20 percent of total units to be off-site affordable housing units.

Planning Code Section 419 outlines the higher set-aside requirements for the UMU Zoning Districts of Eastern Neighborhoods. The affordable housing set asides are based on three Tiers,

which dictate the height increases allowed for sites designated as a particular tier. The table below outlines the set-asides.

Table E2.1: Eastern Neighborhoods Affordable Housing Requirements UMU Area Set Asides

Tier	Height Increase Allowed	Minimum On-site Affordable Housing Set-Aside	Off-Site/In-Lieu Requirement
A	8 feet or less, or a reduction in height	18% of total units	23% of total units
B	9-28 feet	20% of total units	25% of total units
C	29 feet or more	22% of total units	27% of total units

The units set-aside must be occupied by income-eligible households. To satisfy this affordable housing requirement, developers may also opt to: provide offsite below market rate (BMR) units; pay an in-lieu fee; dedicate a portion of the total developable area of the principal site to the City and County of San Francisco for the purpose of constructing units affordable to qualified households; or provide units as affordable to qualified "middle income" households.

Designated Use of Funds. Any fees collected are deposited into the Citywide Affordable Housing Fund administered by the Mayor's Office of Housing. See the Planning Code Section 415.5 and Section H3 "Inclusionary Affordable Housing Program" in this report for a summary of how funds may be used.

Table E2.2: Eastern Neighborhoods Affordable Housing Requirements UMU Area In-Lieu Fees Summary

Fiscal Year	Beginning Year Balance	Fee Revenue Collected	Interest Earned ⁽¹⁾	Funds Expended	Year-End Balance ⁽²⁾
FY 2007-2008	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2008-2009	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2009-2010	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2010-2011	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2011-2012	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2012-2013	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2013-2014	\$ -	\$ 1,526,796	\$ -	\$ -	\$ 1,526,796
Total		\$ 1,526,796	\$ -	\$ -	

Table E2.3: Eastern Neighborhoods Affordable Housing Requirements UMU Area In-Lieu Fees Collected by Payers

Fiscal Year	Address	Collected
FY 2013-2014	1717 17th Street	174,697
FY 2013-2014	2652 Harrison Street	1,139,680
FY 2013-2014	310 Carolina Street	212,419
Total		1,526,796

E3. Eastern Neighborhoods Infrastructure Impact Fee

Background. The Eastern Neighborhoods Infrastructure Impact Fee, which became effective in December 2008, was created to provide necessary public infrastructure to new residents while increasing neighborhood livability and investment in the district. Planning Code Section 423 establishes three tiers for development projects located in the Eastern Neighborhoods. The fee varies by tier, and current fees (effective January 1, 2015) are as shown in the table below.

Table E3.1: Eastern Neighborhoods Infrastructure Impact Fee

Tier	Height Increase Allowed	Fee (Residential Development)	Fee (Non-Residential Development)
1	8 feet or less	\$9.71 per gross square foot	\$7.28 per gross square foot
2	9-28 feet	\$14.56 per gross square foot	\$12.14 per gross square foot
3	29 feet or more	\$19.42 per gross square foot	\$16.99 per gross square foot

Developers may opt to provide an in-kind improvement in lieu of paying the fee.

Designated Use of Funds. Fees collected are to be deposited into the Eastern Neighborhoods Public Benefits Fund. Expenditures must be recommended by the Planning Commission and approved by the Board of Supervisors. The Fund is to be used to design, engineer, acquire, and develop and improve public open space and recreational facilities; transit, streetscape and public realm improvements; and community facilities including child care and library materials, as defined in the Eastern Neighborhoods Nexus Studies; or housing preservation and development within the Eastern Neighborhoods Plan Area. Funds may be used for childcare facilities that are not publicly owned or "publicly-accessible." Funds generated for "library resources" should be used for materials in branches that directly service Eastern Neighborhoods residents. Funds may also be used for administrative costs and to fund economic analyses and legal costs associated with any legal challenge.

Funds are to be deposited into specific accounts. Funds collected from all Zoning Districts within the Eastern Neighborhoods Plan Area, excluding designated affordable housing zones, are to be allocated according to the following table:

Table E3.2: Eastern Neighborhoods Infrastructure Impact Fee Allocation (excluding designated affordable housing zones)

Improvement Type	Residential	Non-Residential
Open space and recreational facilities	50%	7%
Transit, streetscape and public realm investments	42%	90%
Community facilities (child care and library materials)	8%	3%
Total	100%	100%

Pursuant to Planning Code Section 423.5, funds collected in designated affordable housing zones within the Eastern Neighborhood (Mission Neighborhood Commercial Transit District and Mixed Use Residential District) are to be allocated according to the following table:

Table E3.3: Eastern Neighborhoods Infrastructure Impact Fee Allocation (designated affordable housing zones)

Improvement Type	Residential	Non-Residential
Affordable housing preservation and development	75%	N/A
Open space and recreational facilities	13%	7%
Transit, streetscape and public realm improvements	10%	90%
Community facilities (child care and library materials)	2%	3%
Total	100%	100%

The allocations set forth by the Section 423.5 have not been processed. \$1.3 million of fee collections from Mission Neighborhood Commercial Transit District and \$1.0 million of fee collections from South of Market Mixed Use Residential District are estimated to be transferred to Citywide Affordable Housing Fund in FY2014-15.

Table E3.4: Eastern Neighborhoods Infrastructure Impact Fee Infrastructure Impact Fee Summary

Fiscal Year	Beginning Year Balance	Fee Revenue Collected	Interest Earned ⁽¹⁾	Funds Expended ⁽²⁾	Year-End Balance
FY 2008-2009	\$ -	\$ 6,552	\$ 3	\$ -	\$ 6,555
FY 2009-2010	\$ 6,555	\$ 331,454	\$ 757	\$ 3,098	\$ 335,668
FY 2010-2011	\$ 335,668	\$ 146,187	\$ 4,157	\$ -	\$ 486,012
FY 2011-2012	\$ 486,012	\$ 134,924	\$ 5,997	\$ -	\$ 626,933
FY 2012-2013	\$ 626,933	\$ 2,576,371	\$ 16,937	\$ 1,104,131	\$ 2,116,111
FY 2013-2014	\$ 2,116,111	\$ 6,999,190	\$ 24,322	\$ 1,699,142	\$ 7,440,480
Total		\$ 10,194,678	\$ 52,174	\$ 2,806,371	

Notes:

(1) Prior to FY 2013-2014, the fund did not accrue interest in error. In FY 2013-2014, the interest rate was calculated using the monthly cash balance and applicable monthly interest rates since the first deposit in FY 2008-2009, and the cash was transferred to cover the lost interest revenue in the prior years and part of FY 2013-14. This table shows as if the interest revenue had been accrued in the fund correctly.

(2) Those funds which have been appropriated for designated uses and transferred to projects to implement them are considered as expended.

Table E3.5: Eastern Neighborhoods Infrastructure Impact Fee Infrastructure In-Kind Improvements

Fiscal Year	Address	Fee Amount Waived	Description	Status
FY 2009-2010	178 Townsend/2235 3rd Street	1,915,560	6,260 square foot childcare facility at 2235 Third Street	Complete
FY2012-2013	1000 16th Street (aka Daggett Triangle)	1,800,000	Daggett Triangle Park	In progress
FY2013-2014	350 8th Street	1,800,000	Ringold Street Streetscape Improvements	Pending
FY2013-2014	650 Indiana Street	850,000	Dogpatch Art Plaza	Pending

Table E3.6: Eastern Neighborhoods Infrastructure Impact Fee Infrastructure Impact Fees Collected by Payer

Fiscal Year	Address	Fee Amount Collected	Fiscal Year	Address	Fee Amount Collected
FY 2008-2009	980 Harrison Street	6,552		808 Brannan Street	29,595
FY 2009-2010	425 Bryant Street	11,104	FY 2012-2013 (cont'd)	1550 Bryant Street	51,945
	655 Fourth Street	21,500		2324 19th Street	2,255
	170 Clara Street	14,296		132 Hawthorne Street	45,315
	445-449 Tehama Street	1,392		132 Hawthorne Street	20,690
	2730 16th Street	13,674		740 Valencia Street	2,564
	750 Second Street	269,488		1133 19th Street	9,646
FY 2010-2011	2225 3rd Street	59,950	1380 7th Street	739,521	
	342 South Van Ness	6,048	1400 7th Street	170,765	
	620 Treat Avenue	2,694	170 Cypress Street	2,304	
	19 Capp Street	4,800	248 9th Street	150,758	
	893 Folsom	966	251 Arkansas Street	3,982	
	2660 Harrison Street	10,284	2558 Mission Street	283,408	
	134 Barlett Street	4,424	300 South Van Ness Avenue	55,211	
	893 Folsom Street	966	324 5th Street	9,539	
	574 Natoma Street	8,640	333 Brannan Street	1,690,768	
	N/A	47,415	3360 20th Street	15,989	
FY 2011-2012	960 Harrison Street	15,200	345 Brannan Street	1,182,179	
	720 York Street	2,798	372 5th Street	44,157	
	38 Harriet Street	19,302	444 De Haro Street	300,460	
	620 Treat Avenue	10,051	455 Potrero Avenue	12,935	
	145 Albion Street	8,815	480 Potrero Avenue	122,252	
	574 Natoma Street	36,326	500 2nd Street	48,174	
	616 20th Street	29,454	665 3rd Street	410,684	
	1731 15th Street	5,840	671 Harrison Street	35,367	
FY 2012-2013	3418 26th Street	30,628	685 Florida Street	76,080	
	111 Townsend Street	29,690	838 Kansas Street	6,118	
	12 Sherman Street	6,867	851 Tennessee Street	38,419	
	1340 Natoma Street	4,612	930 Shotwell Street	10,905	
	147 South Park	8,622	938 Howard Street	82,229	
	1875 Mission Street	40,118	1340 Natoma Street	18,709	
	2000 20th Street	2,690	2000 20th Street	11,023	
	2121 3rd Street	87,522	240 5th Street	897,902	
	240 5th Street	217,761	2660 Harrison Street	41,965	
	2660 Harrison Street	10,275	3418 26th Street	125,468	
	275 Brannan Street	154,230	400 South Van Ness Avenue	264,514	
	3010 20th Street	4,638	616 20th Street	122,184	
	400 South Van Ness Avenue	85,141	953 Indiana Street	6,608	
	411 Valencia Street	122,696	500 2nd Street	24,420	
	808 Brannan Street	72,777	665 3rd Street	1,209	
	888 Brannan Street	646,091	240 5th Street	1,339	
	900 Folsom Street	402,725			
	953 Indiana Street	5,883			
	2225 3rd Street	247,266			
	2730 17th Street	3,120			
	38 Harriet Street	79,106			
	740 Valencia Street	15,726			
	888 Brannan Street	134,959			
			Total	10,194,678	

Table E3.7: Eastern Neighborhoods Infrastructure Impact Fee Infrastructure Impact Fee Expenditure Detail

Fiscal Year	Project Title	Fee Amount Expended	Project Expenditures, All Sources	Estimated % of Project Funded by Fees
FY 2009-2010	Permit tracking system programming costs (DBI workorder)	\$ 3,098	N/A	N/A
FY 2012-2013	Labor charges for Administration of Programs	\$ 104,131	N/A	N/A
FY 2013-2014	Labor charges for Administration of Programs	\$ 127,442	N/A	N/A
FY 2013-2014	17th & Folsom Park Project Purchase 17th and Folsom parcel from SFPUC (Dept of Recreation & Park)	\$ 1,300,000	\$ 1,300,000	100%
FY 2013-2014	SOMA Park Rehabilitation Project Construction hard cost for South Park (Dept of Recreation & Park)	\$ 100,000	\$ 100,000	100%
FY 2013-2014	Community Opportunity Grant Project (General Service Agency)	\$ 25,000	\$ 25,000	100%
FY 2013-2014	16th Street Improvements Conceptual Engineering Report & Folsom Street Improvements (SFMTA)	\$ 845,000	\$ 67,000,000	1%
FY 2013-2014	Folsom Street Improvements Installation of Buffered Bike Lane (SFMTA)	\$ 250,000	\$ 250,000	100%
FY 2013-2014	Transfer Out to: Public Library for Library Materials	\$ 51,700	\$ 51,700	N/A

E4. Alternative Means of Satisfying the Open Space Requirement in SOMA Mixed Use Districts

Background. Planning Code Section 135.3 imposes a formula-determined open space requirement on all newly constructed structures, all structures to which gross floor area equal to 20 percent or more of existing gross floor area is added, and all structures in the Service/Secondary Office (SSO) and Eastern Neighborhoods Mixed Use Districts within which floor area is converted to office use. The types of open space that may fulfill this requirement include a plaza, urban park, urban garden, view terrace, sun terrace, greenhouse, small sitting area, atrium, indoor park, or a public sitting area in a galleria, arcade, or pedestrian mall or walkway.

Planning Code Section 425 states that if the open space requirement cannot be met because of constraints of the development site, or because the project cannot provide safe, convenient access to the public, or because the square footage of open space is not sufficient to provide a usable open space, the Zoning Administrator may: (1) authorize an eligible type of open space, a pedestrian mall or walkway within a public right-of-way which is improved with paving, landscaping, and street furniture appropriate for creating an attractive area for sitting and walking, or (2) waive the requirement for providing open space if a fee \$0.97 for each square foot of open space otherwise required to be provided is paid to the Open Space Fund.

Designated Use of Funds. Funds collected in lieu of the open space requirement are to be used for the purpose of acquiring, designing, improving and/or maintaining park land, park facilities, and other open space resources, which are expected to be used solely or in substantial part by

persons who live, work, shop or otherwise do business in the South of Market Base District. Fees are collected by the DBI and administered by the Recreation and Park Department.

Through FY 2013-14, no developers subject to the open space requirement in SOMA have opted to pay the in-lieu fee.

E5. Alternative Means of Satisfying the Open space Requirement in the Eastern Neighborhoods Mixed Use Districts

Background. Planning Code Section 135.3 imposes a formula-determined open space requirement on all newly constructed structures, all structures to which gross floor area equal to 20 percent or more of existing gross floor area is added, and all structures in the Service/Secondary Office (SSO) and Eastern Neighborhoods Mixed Use Districts within which floor area is converted to office use other than office use accessory to a non-office use. The types of open space that may fulfill this requirement include a plaza, urban park, urban garden, view terrace, sun terrace, greenhouse, small sitting area, atrium, indoor park, a public sitting area in a galleria, arcade, or pedestrian mall or walkway. Effective December 2008, Planning Code Section 426 states that the open space requirement for Eastern Neighborhoods Mixed Use Districts may be satisfied through payment of a fee of \$92.23 for each required square foot of usable open space.

Designated Use of Funds. Fees collected are to be deposited into the Eastern Neighborhoods Public Benefits Fund. Fees are to be used for the purpose of acquiring, designing, and improving park land, park facilities, and other open space resources, which are expected to be used solely or in substantial part by persons who live, work, shop or otherwise do business in the Eastern Neighborhoods Mixed Use districts.

Table E5.1: Alternative Means of Satisfying the Open space Requirement in the Eastern Neighborhoods Mixed Use Districts In-Lieu Fees Summary

Fiscal Year	Beginning Year Balance	Fee Revenue Collected	Interest Earned ⁽¹⁾	Funds Expended	Year-End Balance
FY 2007-2008	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2008-2009	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2009-2010	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2010-2011	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2011-2012	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2012-2013	\$ -	\$ 50,285	\$ -	\$ -	\$ 50,285
FY 2013-2014	\$ 50,285	\$ 26,967	\$ -	\$ -	\$ 77,252
Total		\$ 77,252	\$ -	\$ -	

Note:

(1) This fund did not accrue any interest in error and cash will be transferred to cover the lost interest revenue in FY2014-15.

Table E5.2: Alternative Means of Satisfying the Open space Requirement in the Eastern Neighborhoods Mixed Use Districts In-Lieu Fees Collected by Payer

Fiscal Year	Address	Collected
FY 2012-2013	808 Brannan Street	29,595
FY 2012-2013	132 Hawthorne Street	20,690
FY 2013-2014	665 3rd Street	1,209
FY 2013-2014	500 2nd Street	24,420
FY 2013-2014	240 5th Street	1,339
Total		77,252

E6. Payment in Case of Variance or Exception For Required Open Space

Background. Planning Code Section 329 requires large projects proposed in Eastern Neighborhoods Mixed Use Districts to be reviewed directly by the Planning Commission. Large projects are defined in the code as followings: (1) construction of a new building or addition to an existing building that exceeds 75 feet in height; (2) projects involving a net addition or new construction of more than 25,000 gross square feet; or (3) effective November 3, 2011 (with the adoption of Ordinance 196-11), a project that includes a vertical addition to an existing building with a height of 75 feet or less that results in a total building height greater than 75 feet. The Code no longer defines projects having 200 or more linear feet of contiguous street frontage on any public right of way. These large projects may seek specific exceptions, including an exception from residential usable open space requirements, and instead pay a fee. In circumstances where such exception is granted, a fee of \$396.84 can be paid for each square foot of usable open space not provided pursuant to that exception. Eastern Neighborhoods Mixed Use District projects are also subject to this \$396.84 fee should a variance from usable open space requirements for residential uses be granted by the Zoning Administrator.

Designated Use of Funds. Fees collected from Eastern Neighborhoods Mixed Use Districts are to be deposited into the Eastern Neighborhoods Public Benefits Fund. Fees are to be used for the purpose of acquiring, designing, and improving park land, park facilities, and other open space resources, which are expected to be used solely or in substantial part by persons who live, work, shop or otherwise do business in the Eastern Neighborhoods Mixed Use districts.

No open space in-lieu fees have been collected for Eastern neighborhood Mixed Use Districts and as no fees have been collected, no funds have been expended.

F. Balboa Park Community

The Balboa Park Community is located in south central San Francisco. The Balboa Park Station Area Plan was adopted in 2009 to improve neighborhood character, the neighborhood commercial district, and transit by increasing the housing and retail capacity in the area. The Balboa Park Station Area Plan will mitigate impacts from new development through street improvements, transit improvements, and community facilities and services improvements.

F1. Balboa Park Community Infrastructure Impact Fee

Background. The Balboa Park Community Infrastructure Impact Fee was established in April 2009 to enable the City to provide necessary public infrastructure to new residents while

increasing neighborhood livability and investment in the district. The fee applies to any development project located in the Balboa Park Community Improvements Program Area. The fee is \$9.71 per net addition of gross square feet for residential use projects and \$1.82 per net addition of gross square feet for non-residential use projects. Different fees are applied if use of a space is changed or replaced as follows:

- Non-residential to residential: \$7.89 per gross square foot
- Production, distribution and repair (PDR), to residential: \$8.80 per gross square foot
- PDR to non-residential: \$0.91 per gross square foot

Developers may also opt to provide an in-kind improvement in lieu of paying the impact fee, subject to Planning Commission approval.

Designated Use of Funds. Fees collected are to be deposited into the Balboa Park Community Improvements Fund. Expenditures must be recommended by the Planning Commission and approved by the Board of Supervisors. Planning Code 422.5(b) specifies that funds are to be used to design, engineer, acquire, and develop and improve streets, transit, parks, plazas and open space, and community facilities and services as defined in the Balboa Park Community Improvements Program. Funds may be used for childcare facilities that are not publicly owned or publicly accessible. Funds may also be used to commission economic analyses and to pay for administrative or legal costs. The Planning Code further specifies that fees collected should be deposited into specific accounts by improvement type:

- 38% of fees shall go towards streets
- 13% shall go towards transit
- 30% shall go towards parks, plazas and open space
- 19% shall go towards community facilities and other services.

Table F1.1: Balboa Park Community Infrastructure Impact Fee Summary

Fiscal Year	Beginning Year Balance	Fee Revenue Collected	Interest Earned	Funds Expended	Year-End Balance
FY 2008-09	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2009-10	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2010-11	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2011-12	\$ -	\$ -	\$ -	\$ -	\$ -
FY 2012-13	\$ -	\$ 11,202	\$ -	\$ -	\$ 11,202
FY 2013-14	\$ 11,202	\$ 40,336	\$ -	\$ -	\$ 51,538
Total		\$ 51,538	\$ -	\$ -	

Table F1.2: Balboa Park Community Infrastructure In-Kind Improvements

Fiscal Year	Address	Fee Amount Waived	Description	Status
FY 2008-2009	1150 Ocean Avenue	1,579,703	1) Public sidewalk easement at Brighton Avenue and 2) Lee Avenue Extension	Complete

Table F1.3: Balboa Park Community Infrastructure Collected by Payer

Fiscal Year	Address	Fee Amount Collected
FY 2012-2013	1100 Ocean Avenue	11,202
FY 2013-2014	270 Brighton Avenue	40,336
Total		51,538

G. Downtown Commercial C-3 District

The Downtown C-3 District is a center for city, regional, national and international commerce. The Plans were adopted in 1985 to acquire and develop public recreation and park facilities for use by the daytime population of the District.

The Downtown C-3 District is composed of four separate districts, as follows: C-3-O (Downtown Office); C-3-R (Downtown Retail); C-3-G (Downtown General Commercial); C-3-S (Downtown Support). The C-3-O district has a subdistrict for special development called the C-3-O(SD) district. The Are Plan for C-3-O(SD) (aka, Transit Center District Plan) was adopted in 2012 to build on 1985 Downtown Plan that envisioned the area around the Transbay Terminal as the heart of the new downtown.

G1. Downtown Park Fee

Description. The Downtown Park Fee was created in September 1985 to address the need for additional public park and recreation facilities in the downtown districts. The current fee (effective January 1, 2015) was set at \$2.31 per gsf on office development projects in the C-3 districts.

Designated Use of Funds. Fees collected are to be deposited into the Downtown Park Fund, which is administered jointly by the Recreation and Park Commission and the Planning Commission. Planning Code Section 412.5 specifies that the Downtown Park Fund shall be used solely to acquire and develop public recreation and park facilities for use by the daytime population of the C-3 Use Districts. The Recreation and Park and Planning Commissions must hold a joint public hearing to elicit public comment prior to allocating monies in the Fund for acquisition of property for park use and/or for development of property for park use. The Recreation and Park Commission alone administers the development of the recreational and park facilities on any acquired property designated for park use by the Board of Supervisors, using the funds that have been allocated for that purpose.

Table G1.1: Downtown Park Fee Summary

Fiscal Year	Beginning Year Balance	Fee Revenue Collected	Interest Earned	Funds Expended	Year-End Balance
Prior to	\$ -	\$ 2,544,866	\$ 433,887	\$ 1,908,813	\$ 1,069,940
FY 1997-1998	\$ 1,069,940	\$ 16,310	\$ 62,008	\$ -	\$ 1,148,258
FY 1998-1999	\$ 1,148,258	\$ -	\$ 53,440	\$ -	\$ 1,201,698
FY 1999-2000	\$ 1,201,698	\$ 906,042	\$ 90,689	\$ -	\$ 2,198,429
FY 2000-2001	\$ 2,198,429	\$ 892,340	\$ 165,315	\$ -	\$ 3,256,084
FY 2001-2002	\$ 3,256,084	\$ 3,661,145	\$ 161,348	\$ 2,869,112	\$ 4,209,465
FY 2002-2003	\$ 4,209,465	\$ 1,134,140	\$ 110,003	\$ 983,441	\$ 4,470,167
FY 2003-2004	\$ 4,470,167	\$ -	\$ 73,813	\$ 886,208	\$ 3,657,772
FY 2004-2005	\$ 3,657,772	\$ 112,206	\$ 74,411	\$ 910,274	\$ 2,934,115
FY 2005-2006	\$ 2,934,115	\$ 25,117	\$ 113,609	\$ 137,351	\$ 2,935,490
FY 2006-2007	\$ 2,935,490	\$ 574,112	\$ 151,656	\$ 385,148	\$ 3,276,110
FY 2007-2008	\$ 3,276,110	\$ -	\$ 131,968	\$ 161,039	\$ 3,247,039
FY 2008-2009	\$ 3,247,039	\$ 1,096,546	\$ 98,617	\$ 39,962	\$ 4,402,239
FY 2009-2010	\$ 4,402,239	\$ 346,922	\$ 49,875	\$ 133,791	\$ 4,665,245
FY 2010-2011	\$ 4,665,245	\$ -	\$ 40,809	\$ 2,105,135	\$ 2,600,919
FY 2011-2012	\$ 2,600,919	\$ -	\$ 27,806	\$ 509,120	\$ 2,119,605
FY 2012-2013	\$ 2,119,605	\$ 305,890	\$ 19,812	\$ 61,852	\$ 2,383,455
FY 2013-2014	\$ 2,383,455	\$ 1,152,910	\$ 19,457	\$ 62,230	\$ 3,493,592
Total		\$ 12,768,545	\$ 1,878,523	\$ 11,153,477	

Notes:

(1) \$25,000 payment from 725 Pine Street was incorrectly recorded at the time of the deposit and a correction was made in FY 2010-11. However, this table reflects this payment as if it were recorded correctly in FY2006-07.

Table G1.2: Downtown Park In-Kind Improvements

Fiscal Year	Address	Fee Amount Waived	Description
FY 2008-09	1 Polk Street	329,768	San Francisco Museum & Historical Society for the U.S. Mint

Table G1.3: Downtown Park Fees Collected by Payer

Fiscal Year	Address	Fee Amount Collected
Prior to FY 1997-98	100 First Plaza	772,326
Prior to FY 1997-98	525 Market Street	101,450
Prior to FY 1997-98	2 Harrison Street	627,000
Prior to FY 1997-98	343 Sansome Street	306,230
Prior to FY 1997-98	235 Pine Street	295,000
Prior to FY 1997-98	600 California Street	442,860
FY 1997-1998	480 Sutter Street	16,310
FY 1999-2000	101 Second Street	552,496
FY 1999-2000	150 California Street	353,546
FY 2000-2001	300-342 Howard Street	775,040
FY 2000-2001	244-256 Front Street	117,300
FY 2001-2002	530-532 Folsom Street	91,888
FY 2001-2002	235 Second Street	358,292
FY 2001-2002	1320-1328 Mission Street	7,371
FY 2001-2002	51-67 Second Street	566,602
FY 2001-2002	663-665 Sutter Street	79,010
FY 2001-2002	560 Mission Street	1,157,280
FY 2001-2002	SF Redevelopment Agency - Rincon Point Park - South Beach Project	1,400,000
FY 2001-2002	200 California Street	702
FY 2002-2003	Foundry Square Association	1,134,140
FY 2004-2005	N/A	112,206
FY 2005-2006	49 Kearny Street	25,117
FY 2006-2007 ⁽¹⁾	725 Pine Street	25,000
FY 2006-2007	835 Market Street	98,200
FY 2006-2007	400 Howard Street	483,992
FY 2006-2007	Refund for 530-532 Folsom St	(33,080)
FY 2008-2009	555 Mission Street	1,096,546
FY 2009-2010	N/A	39,922
FY 2009-2010	875-899 Howard Street	307,000
FY 2012-2013	120 Howard Street	142,658
FY 2012-2013	350 Mission Street	90,612
FY 2012-2013	505 Howard Street	72,620
FY 2013-2014	181 Fremont Street	119,684
FY 2013-2014	222 2nd Street	142,761
FY 2013-2014	505 Howard Street	415,673
FY 2013-2014	101 1st Street	474,792
Total		12,768,545

Note:

(1) The \$25,000 payment for Pine Street is now included in FY 2010-11 to reflect the correction of an accounting error in FY 2006-07.

Table G1.4: Downtown Park Fee Expenditure Detail

Project Name		Prior to FY 2000-01	FY 2001-02	FY 2002-03	FY 2003-04	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY
Mid-Embarcadero Music Concourse (status: complete)	Fee Amount Expended		469,112	83,441	(83,441)					4,142	34,035	
	Project Expenditures, All Sources		1,148,478	83,441	(83,441)					4,142	34,035	
	Estimated % of Project Funded by Fees		41%	100%	100%					100%	100%	
Union Square Renovation (1) (status: complete)	Fee Amount Expended		2,400,000	900,000								
	Project Expenditures, All Sources		N/A	N/A								
	Estimated % of Project Funded by Fees		N/A	N/A								
Renovation of Sue Bierman Park (status: in progress)	Fee Amount Expended				69,649	4,848	2,145	151,908	42,066	35,820	30,571	1,
	Project Expenditures, All Sources				69,649	4,848	2,145	151,908	42,066	35,820	30,571	1,
	Estimated % of Project Funded by Fees				100%	100%	100%	100%	100%	100%	100%	
Audits (Office of the Controller)	Fee Amount Expended					5,426	4,848					
	Project Expenditures, All Sources					5,426	4,848					
	Estimated % of Project Funded by Fees					100%	100%					
City & County of San Francisco Impact Fee Study	Fee Amount Expended						35,058	73,615	2,751			
	Project Expenditures, All Sources						35,058	73,615	2,751			
	Estimated % of Project Funded by Fees						100%	100%	100%			
Construction of Victoria Manolo Draves Park (status: complete)	Fee Amount Expended						95,300	159,625	116,222			
	Project Expenditures, All Sources						1,763,585	1,458,968	248,911			
	Estimated % of Project Funded by Fees						5%	11%	47%			
Other (2)	Fee Amount Expended	1,908,813			900,000	900,000						69,185
	Project Expenditures, All Sources	1,908,813			900,000	900,000						69,185
	Estimated % of Project Funded by Fees	100%			100%	100%						100%
Total	Fee Amount Expended	1,908,813	2,869,112	983,441	886,208	910,274	137,351	385,148	161,039	39,962	133,791	2,
	Project Expenditures, All Sources	1,908,813	1,148,478	83,441	886,208	910,274	1,805,636	1,684,491	293,729	39,962	133,791	2,
	Estimated % of Project Funded by Fees	100%	250%	1179%	100%	100%	8%	23%	55%	100%	100%	

Notes:

(1) The Union Square renovation also received significant funding from debt financing that was issued in 2002 by the Union Square Garage.

(2) Other expenditures include: an offset of debt service from the Union Square Renovation (\$900,000 in FY 2003-04, \$900,000 in FY 2004-05, and \$800,000 in FY 2010-11) and ADA remediation at and \$328,911 in FY 2011-12, \$61,852 in FY 2012-13, and \$62,230 in FY 2013-14).

G2. Transit Center District Open Space Impact Fee

Background. Transit Center District Open Space Impact Fee, which became effective in September 2012, was created to address anticipated public open space amenities shortage from new development. Fee is applicable to any development project in the C-3-O(SD) District that result in at least one new residential unit, new group housing facility or residential care facility, addition of space of more than 800 gross square feet, conversion of existing space use. Planning Code Section 424.6 establishes fee schedule for development projects subject to the fee. The fee varies by type of development, and current fees (effective January 1, 2015) are as shown in the table below. Base fee is assessed on all applicable square footage for the entire development and additional fee is assessed for developments that result in the Floor Area Ratio exceeding 9:1.

Table G2.1: Transit Center District Open Space Impact Fee

Use	Base Fee	GSF Above 9:1
Residential	\$2.74/gsf	N/A
Office	\$3.29/gsf	\$7.68/gsf
Retail	\$5.49/gsf	\$4.94/gsf
Hotel	\$4.39/gsf	N/A
Institutional/Cultural/ Medical	\$5.49/gsf	\$4.72/gsf
Industrial	\$2.74/gsf	N/A

Developers may opt to provide an in-kind improvement in lieu of paying the fee.

Designated Use of Funds

Fees collected are to be deposited into the Transit Center District Open Space Fund. Expenditures must be recommended by the Planning Commission and approved by the Board of Supervisors. The Fund is to be used to design, engineer, acquire, and develop and improve both new and existing public open spaces and recreational facilities in the Transit Center District Plan Area, the greater downtown, and citywide as established in the Transit Center District Plan and the Transit Center District Plan Implementation Program Document and supported by the findings of the Downtown Open Space Nexus Study. The Funds may also be used for administrative costs and to fund economic analyses and legal costs associated with any legal challenge as long as it does not exceed 5 percent of total expenditure.

Table G2.2: Transit Center District Open Space Impact Fee Summary

Fiscal Year	Beginning Year Balance	Fee Revenue Collected	Funds Expended	Year-End Balance
FY 2011-2012	\$ -	\$ -	\$ -	\$ -
FY 2012-2013	\$ -	\$ -	\$ -	\$ -
FY 2013-2014	\$ -	\$ 313,500	\$ 313,500	\$ -
Total		\$ 313,500	\$ 313,500	

Table G2.3: Transit Center District Open Space Impact Fees Collected by Payer

Fiscal Year	Address	Fee Amount Collected
FY 2013-2014	101 1st Street	313,500
Total		313,500

Table G2.4: Transit Center District Open Space Impact Fee Expenditure Detail

Fiscal Year	Project Title	Fee Amount Expended	Project Expenditures, All Sources	Estimated % of Project Funded by Fees
FY 2013-2014	Central Subway Plaza/Chinatown Project	313,500	6,980,000	4%

G3. Transit Center District Transportation and Street Improvement Impact Fee

Background. Transit Center District Transportation Street Improvement Impact Fee, which became effective in September 2012, was created to address new burdens on existing streets and transportation systems, and the need for new and enhanced transportation services and improvements to rights-of-way for all modes of transportation. Fee is applicable to any development project in the C-3-O(SD) District that result in at least one new residential unit, new group housing facility or residential care facility, addition of space of more than 800 gross square feet, conversion of existing space use. Planning Code Section 424.7 establishes fee schedule for development projects subject to the fee. The fee varies by type of development, and current fees (effective January 1, 2015) are as shown in the table below. Base fee and Transit Delay Mitigation Fee are assessed on all applicable square footage for the entire development and additional fee is assessed for developments that result in the Floor Area Ratio (FAR) exceeding 9:1 and 18:1.

Table G3.1: Transit Center District Transportation and Street Improvement Impact Fee

Use	Transit Delay Mitigation	Base Fee	GSF Above 9:1	GSF Above 18:1
Residential	\$0.07/gsf	\$4.32/gsf	\$6.58/gsf	\$3.29/gsf
Office	\$0.22/gsf	\$4.17/gsf	\$21.40/gsf	\$10.97/gsf
Retail	\$2.14/gsf	\$2.25/gsf	\$21.40/gsf	\$10.97/gsf
Hotel	\$0.11/gsf	\$4.28/gsf	\$8.78/gsf	\$3.29/gsf
Institutional/Cultural/Medical	\$0.33/gsf	\$4.06/gsf	\$21.40/gsf	\$10.97/gsf
Industrial	N/A	\$4.39/gsf	N/A	N/A

Developers may opt to provide an in-kind improvement in lieu of paying the fee.

Designated Use of Funds

Fees collected are to be deposited into the Transit Center District Open Space Fund. Expenditures must be recommended by the Planning Commission and approved by the Board of Supervisors. The Fund is to study, design, engineer, develop and implement transportation infrastructure, facilities, equipment, services and programs as well as improvements to public streets, in the

Transit Center District Plan Area, the greater downtown, as established in the Transit Center District Plan and the Transit Center District Implementation Program Document and supported by the findings of the Transit Center District Plan Transportation and Street Improvement Nexus Study. The Funds may also be used for administrative costs and to fund economic analyses and legal costs associated with any legal challenge as long as it does not exceed 5 percent of total expenditure.

Table G3.2: Transit Center District Transportation and Street Improvement Impact Fee Summary

Fiscal Year	Beginning Year Balance	Fee Revenue Collected	Funds Expended	Year-End Balance
FY 2011-2012	\$ -	\$ -	\$ -	\$ -
FY 2012-2013	\$ -	\$ -	\$ -	\$ -
FY 2013-2014	\$ -	\$ 46,208	\$ 46,208	\$ -
Total		\$ 46,208	\$ 46,208	

Table G3.3: Transit Center District Transportation and Street Improvement Impact Fee Expenditure Detail

Fiscal Year	Project Title	Fee Amount Expended	Project Expenditures, All Sources	Estimated % of Project Funded by Fees
FY 2013-2014	Central Subway Plaza/Chinatown Project	46,208	6,980,000	1%

G4. Downtown Payment in Case of Variance or Exception For Required Open Space

Background. Planning Code Section 427 grants option to developers in Eastern Neighborhoods to pay a in lieu fee to get exempt from the open space requirements under Planning Code Section 329. Ordinance 182-12, effective September 7, 2012, amended the code to add Planning Code Section 427(b). In circumstances where such exception is granted, C-3-O(SD) District is subject to a current fee of \$1,609 (effective January 1, 2015) for each square foot of usable open space not provided if a variance is granted by the Zoning Administrator to reduce the amount of open space required.

Designated Use of Funds. In lieu payments collected are to be deposited into the Transit Center District Open Space Fund. Fees are to be used for the purpose of acquiring, designing, and improving park land, park facilities, and other open space resources, which are expected to be used solely for the purpose acquiring, designing, and improving public open space, recreational

No open space in-lieu fees have been collected for C-3-O(SD) Districts and as no fees have been collected, no funds have been expended.

H. Citywide

Citywide impact fees are applied to new and increased development in the City irrespective of the City neighborhood in which the development occurs. Fees are assessed to pay for and/or defray the costs of infrastructure or facilities required to meet additional demand for specified services. Individual citywide impact fees are dedicated towards particular types of infrastructure including:

affordable housing, childcare facilities, transit facilities, public art, and water and wastewater treatment.

H1. Transit Impact Development Fee

Background. The Transit Impact Development Fee (TIDF), which became effective in 1981, was enacted to allow the San Francisco Municipal Railway (MUNI) to support transit service as new office development projects were built in the downtown commercial district of the City. In a 2004 update, the TIDF was expanded from one that was levied only on office uses in the greater downtown area to one that is levied on all non-residential uses in the City above 3,000 square feet.

The fee is imposed on all new non-residential development, with some exemptions. The current inflation-adjusted fee of \$12.06 per gsf is imposed for the following categories of economic activity: cultural, institution, and education; management, information, and professional services; medical and health services; and retail and entertainment. Production, distribution and repair and visitor services activities are charged the inflation-adjusted fee of \$9.65 per gsf of new development. Developers do not have the option of providing an in-kind improvement in lieu of paying the fee. Beginning July 1, 2010, developers no longer had the option of paying the fee in installments with interest. However, developers did have the option of deferring the fee while the Fee Deferral Program was effective from July 1, 2010 to July 1, 2013 (see introduction for program details).

Designated Use of Funds. Collected fees are to be held in trust under Section 66006 of the Mitigation Fee Act and are to be distributed according to the fiscal and budgetary provisions of the San Francisco Charter and the Mitigation Fee Act. TIDF funds may be used to increase service hours reasonably necessary to mitigate the impacts of new non-residential development on public transit and maintain the applicable base service standard, including, but not limited to: capital costs associated with establishing new transit routes, expanding transit routes, and increasing service on existing transit routes, including, but not limited to procurement of related items such as rolling stock, and design and construction of bus shelters, stations, tracks, and overhead wires; operation and maintenance of rolling stock associated with new or expanded transit routes or increases in service on existing routes; capital or operating costs required to add service hours to existing routes; and related overhead costs. TIDF funds may also be used for all costs required to administer, enforce, or defend the ordinance.

Table H1.1: Transit Impact Development Fee Summary

Fiscal Year	Beginning Year Balance	Fee Revenue Collected ⁽¹⁾	Interest Earned	Funds Expended	Year-End Balance
Prior to FY					
1998-99	0	89,634,323	0	32,157,169	57,477,154
FY 1998-99	57,477,154	749,725	3,112,190	4,950,958	56,388,111
FY 1999-00	56,388,111	5,515,492	3,097,040	4,643,206	60,357,437
FY 2000-01	60,357,437	2,945,978	3,207,310	9,047,790	57,462,935
FY 2001-02	57,462,935	7,879,767	2,497,164	18,113,104	49,726,762
FY 2002-03	49,726,762	4,023,552	1,159,141	10,567,690	44,341,765
FY 2003-04	44,341,765	1,344,207	868,128	10,020,677	36,533,423
FY 2004-05	36,533,423	928,449	721,005	6,168,613	32,014,264
FY 2005-06	32,014,264	1,161,809	1,045,325	11,072,282	23,149,116
FY 2006-07	23,149,116	1,980,198	978,028	11,158,131	14,949,211
FY 2007-08	14,949,211	889,475	807,997	805,075	15,841,608
FY 2008-09	15,841,608	4,513,011	426,248	6,615,073	14,165,794
FY 2009-10	14,165,794	1,849,047	171,615	14,207,719	1,978,737
FY 2010-11	1,978,737	1,048,049	47,466	570,686	2,503,566
FY 2011-12	2,503,566	1,691,289	25,879	1,885,574	2,335,160
FY 2012-13	2,335,160	4,720,312	38,535	658	7,093,349
FY 2013-14	7,093,349	12,572,845	62,224	2,360	19,726,059
Total		143,447,528	18,265,296	141,986,765	

Notes:

(1) Fee revenue collected includes installment interest payments.

Table H1.2: Transit Impact Development Fees Collected by Payer

Fiscal Year	Address	Fee Amount Collected	Fiscal Year	Address	Fee Amount Collected
FY 1999-00	101 2nd Street	1,307,576	FY 2007-08	52 Dore St	20,250
	1199 Bush	221,832		Pier 1, 1.5, 3 & 5	117,750
	126 South Park Ave	5,936	FY 2008-09	555 Mission Street	2,293,864
	150 California	773,930		535 Mission Street	1,468,800
	199 Fremont	2,007,710	500 8th Street	621	
	275 Sacramento	254,520	FY 2009-10	One Kearny / 710 Market St	135,475
	616 Minna	30,263		77 Van Ness Avenue	99,805
	One Market	164,000		2369 Market Street Project	16,000
FY 2000-01	215 Fremont	124,750		2460 Alameda St	172,638
	475 Brannan	317,500	2369 Market Street Project	9,375	
	601 Townsend	352,355	1311 22nd Street	19,138	
	680 2nd Street	306,455	875 Howard St. Project	646,890	
	1301 Sansome	48,341	FY 2010-11	101 California	662,475
	149 Bluxome	94,769		1170-1172 Market	20,989
	35 Stanford	26,975		440-456 Montgomery	66,261
	550 Kearny	39,935		2125 Chestnut	16,057
	650 Townsend	1,448,348		199 Vallencia	2,268
	945 Battery	84,532		269 Potrero Avenue	49,856
945 Bryant	100,640	4 Embarcadero Center, Suite		57,358	
FY 2001-02	1098 Harrison	36,200		660 Alabama	67,473
	230-250 Brannan	352,646		5800 3rd Street	22,945
	319 11th Street	7,700		3000 20th Street	6,992
	55 Market	1,339,245	1 Lorraine Court	64,767	
	60 Brannan	261,550	1375 Van Dyke	10,608	
	1301 Sansome	96,683	FY 2011-12	101 California	662,475
	1328 Mission	17,690		1170-1172 Market	20,989
	160 King	592,882		440-456 Montgomery	66,261
	235 2nd Street	819,195		660 Alabama	2,977
	435 Pacific	145,785	5800 3rd Street	131,089	
560 Mission	2,893,200	FY 2011-12	231 Franklin Street	51,871	
851 Van Ness	16,110		1190 Mission Street	7,696	
945 Battery	169,065		25 Essex Street	39,654	
Pier One	382,090		701 Portola Ave	94,234	
FY 2002-03	1329 Mission		12,627	717 Battery Street	186,136
	1596 Howard		158,426	2300 Harrison Street	45,694
	181 South Park Ave		1,700	2299 Market Street	8,111
	405 Howard		2,126,850	620 Treat	923
	500 Howard		599,600	1150 Ocean Ave	176,070
FY 2003-04	501 Folsom		66,367	1155 4th Street	12,054
	235 2nd Street	276,900	555 Deharo Street	10,520	
	543 Howard Street	157,330	808 Brannan Street	9,135	
	West Portal Office	3,817	208 Utah	97,464	
FY 2004-05	Golden Gate Polk Property	8,680	570 Townsend	9,859	
	501 Folsom	30,000	1405 Van Dyke	599	
	1381 Webster	2,890	299 Valencia	57,476	
FY 2005-06	625 Townsend	265,581	FY 2012-13	101 California	662,475
	3560 18th Street	8,200		1170-1172 Market	20,989
FY 2006-07	400 Howard Street	1,209,980		440-456 Montgomery	66,261
	450 Sansome	12,293		55 9th Street	60,300

Table H1.2: (cont'd) Transit Impact Development Fees Collected by Payer

Fiscal Year	Address	Fee Amount Collected	Fiscal Year	Address	Fee Amount Collected
FY 2012-13 (cont.)	120 Howard Street	799,977	FY 2013-14 (cont.)	505 Howard Street	2,612,489
	3500 19th Street	8,141		444 De Haro Street	528,520
	3010 20th ST	3,726		665 3rd Street	722,408
	505 Howard Street	456,414		1420 Mission Street	8,678
	660 Alabama Street	2,977		2200 Market Street	21,820
	398 Kansas Street	24,000		181 Fremont Street	688,119
	185 Berry ST	652,568		500 2nd Street	84,686
	740 Valencia ST	12,820		721 Beach Street	11,061
	275 Brannan Street	116,885		101 1st Street	2,737,650
	808 Brannan Street	55,155		1998 Market Street	69,523
	942 Mission Street	76,988		2055 Union Street	344,316
	970 Tennessee Street	11,950		680 Folsom Street	375,000
	100 Potrero Street	28,028		580 York Street	17,437
	570 Townsend Street	56,761		33 8th Street	14,614
	8 Octavia Street	56,698		3360 20th Street	31,287
	299 Valencia Street	11,188		1717 17th Street	33,756
	740 Valencia Street	4,573		1415 Mission Street	3,785
	350 Mission Street	476,534		310 Carolina Street	8,892
	375 Alabama Street	19,276		460 Bryant Street	358,711
	1550 Bryant Street	276,879		200 6th Street	34,952
	2559 Van Ness Avenue	4,610		400 South Van Ness Ave	86,721
	888 Brannan Street	591,928		345 Brannan Street	1,351,062
	1098 Hassiron Street	16,816		375 Alabama, Brannan St	19,276
1100 Ocean Ave	81,262	999 Brannan Street	57,317		
1190 Mission Street	44,479	808 Brannan Street	9,135		
555 Deharo Street	10,520	1098 Harrison Street	16,816		
808 Brannan Street	9,135	248 9th Street	2,942		
FY 2013-14	101 California	662,475	All	Adjustment ⁽¹⁾	8,248,729
	1170-1172 Market	20,989	Total		53,063,479
	440-456 Montgomery	66,261			
	264 Dore Street	2,557			
	901 Market Street	20,994			
	323 Octavia Street	49,463			
	2299 Market Street	47,575			
	375 Alabama Street	19,276			
	100 Potrero Ave	28,028			
	660 Alabama	2,977			
	200 4th Street	20,898			
	222 2nd Street	822,308			
	899 Valencia Street	11,417			
	201 Foldsom Street	19,425			
	953 Indiana Street	17,250			
	999 Brannan Street	57,317			
	3500 19th Street	33,545			
388 Fulton Street	7,775				
938 Howard Street	144,643				
185 Channel Street	124,752				
401 Grove Street	68,314				
1155 4th Street	73,635				

Notes:
 (1) Adjustment for installment payment accounting for period from FY 1999-00 to FY 2009-10.

Table H1.3: Transit Impact Development Fee Expenditure Detail

Fiscal Year	Islais Creek Woods Annex (Bus Yard)	Light Rail Vehicle Purchase Phase II	Automatic Train Control System	Operating and Maintenance Support for Transit Service	Administration and Enforcement	Total
FY 1998-99	\$ 498,715	\$ -	\$ -	\$ 4,426,728	\$ 25,515	\$ 4,950,958
FY 1999-00	\$ 147,235	\$ -	\$ -	\$ 4,423,994	\$ 71,977	\$ 4,643,206
FY 2000-01	\$ -	\$ -	\$ -	\$ 8,946,645	\$ 101,145	\$ 9,047,790
FY 2001-02	\$ -	\$ 7,502,636	\$ -	\$ 10,457,344	\$ 153,124	\$ 18,113,104
FY 2002-03	\$ -	\$ -	\$ -	\$ 10,457,344	\$ 110,346	\$ 10,567,690
FY 2003-04	\$ -	\$ -	\$ -	\$ 9,880,743	\$ 139,934	\$ 10,020,677
FY 2004-05	\$ -	\$ (3,869,623)	\$ -	\$ 9,880,743	\$ 157,493	\$ 6,168,613
FY 2005-06	\$ -	\$ 1,037,169	\$ -	\$ 9,880,743	\$ 154,370	\$ 11,072,282
FY 2006-07	\$ -	\$ -	\$ 1,144,557	\$ 9,880,743	\$ 132,831	\$ 11,158,131
FY 2007-08	\$ -	\$ -	\$ 646,210	\$ -	\$ 158,865	\$ 805,075
FY 2008-09	\$ -	\$ -	\$ 612,000	\$ 5,709,680	\$ 293,393	\$ 6,615,073
FY 2009-10	\$ -	\$ 4,054,736	\$ 9,729	\$ 9,635,699	\$ 507,555	\$ 14,207,719
FY 2010-11	\$ -	\$ -	\$ 18,358	\$ 251,652	\$ 300,676	\$ 570,686
FY 2011-12	\$ 594,050	\$ 1,085,721	\$ 42,521	\$ 28,987	\$ 134,295	\$ 1,885,574
FY 2012-13	\$ -	\$ -	\$ -	\$ -	\$ 658	\$ 658
FY 2013-14	\$ -	\$ -	\$ -	\$ -	\$ 2,360	\$ 2,360
Total	\$ 1,240,000	\$ 9,810,639	\$ 2,473,375	\$ 93,861,045	\$ 2,444,537	\$ 109,829,596

Note:

The Transit Impact Development Fee was established in 1981; however, this report only includes expenditure detail since FY 1998-99.

H2. Affordable Housing – Job Housing Linkage Fee

Description. The Job Housing Linkage Fee applies to any development project, with some exceptions, that increases the total amount of any combination of the following uses by 25,000 or more gross square feet: entertainment, hotel, office, research and development, retail, Integrated production, distribution and repair (PDR), and Small Enterprise Workspace. Prior to issuance of a building or site permit, the developer must elect to: (1) contribute a sum of land of value at least equivalent to the fee or use the funds or land to construct housing units (see below table); (2) pay a fee or; (3) a combination of (1) and (2). The Job Housing Linkage Fee became effective in March 1996, but is predated by the Office Housing Production Program and the Office Affordable Housing Production Program. Therefore, this report includes revenue and expenditure details beginning in FY 1988-89.

Table H2.1: Affordable Housing – Job Housing Linkage Fee

Net Addition Gross Sq. Ft./Entertainment Space	x .000140=Housing Units
Net Addition Gross Sq. Ft./Hotel Space	x .0001100=Housing Units
Net Addition Gross Sq. Ft./Office Space	x .000270=Housing Units
Net Addition Gross Sq. Ft./R&D Space	x .000200=Housing Units
Net Addition Gross Sq. Ft./Retail Space	x .000140=Housing Units

Designated Use of Funds. Fees are to be deposited into the Citywide Affordable Housing Fund. Planning Code Section 413.10 specifies that this fee revenue is to solely be used to increase the supply of housing affordable to qualifying households. The program is administered by the Mayor’s Office of Housing (MOH). No funds may be used to pay any administrative, general overhead, or similar expenses.

Job Housing Linkage fees and Inclusionary Housing fees are both deposited into the Citywide Affordable Housing Fund since, as stipulated by Planning Code, both sources of funding can be

used to finance eligible affordable housing projects. The Citywide Affordable Housing Fund also has other sources of revenue including loan repayments.

MOHCD uses the Citywide Affordable Housing Fund, along with funding from federal and state agencies and private investors, to finance the development, rehabilitation, and purchase of affordable housing. To begin a project, MOHCD issues a competitive Notice of Funding Availability (NOFA) with specific criteria to select a housing developer, typically a non-profit corporation responsible for developing, owning and operating the housing units. The NOFAs target specific populations such as very low-income seniors or families and describe the terms under which funds will be provided. To the successful bidder, MOHCD then provides a 55-year, low-interest loan with annual loan repayments sized according to the project's operating expenses and reserves. Depending on the availability of non-City funding, MOHCD's share of the cost to build affordable housing ranges from 25 percent to 50 percent of the total project cost. MOHCD places restrictions on the deed of trust to ensure the property remains affordable to low-income residents in the long-term.

H3. Inclusionary Affordable Housing Program

Background. The Affordable Housing (Inclusionary) Program requirements became effective in April 2002. They apply to any housing project that consists of five or more units where an individual project or a phased project is to be undertaken and where the total undertaking comprises a project with five or more units, even if the development is on separate but adjacent lots. Developers must either pay a fee or build affordable housing units on- or off-site of the principal development. The amount of the fee is determined by the Mayor's Office of Housing and Community Development (MOHCD) depending on multiple factors discussed in Planning Code Section 415.7(a).

Designated Use of Funds. Inclusionary Housing fees are deposited into the Citywide Affordable Housing Fund, which is administered by MOHCD. Planning Code Section 415.5(f) specifies that funds are to be used to (1) increase the supply of housing affordable to qualifying households subject to the conditions in the Section; and (2) pay the expenses of MOHCD in connection with monitoring and administering compliance with the requirements of the Inclusionary Program. Ordinance 312-10 also indicates funds may also be used to provide assistance to low and moderate income homebuyers. Additionally, funds may be used to conduct follow-up studies. Monitoring and administrative expenses, excluding expenses associated with any follow-up studies, must be appropriated through the annual budget process or supplemental appropriation for MOHCD.

Job Housing Linkage fees and Inclusionary Housing fees are both deposited into the Citywide Affordable Housing Fund since, as stipulated by Planning Code, both sources of funding can be used to finance eligible affordable housing projects. The Citywide Affordable Housing Fund also has other sources of revenue including loan repayments.

MOHCD uses the Citywide Affordable Housing Fund, along with funding from federal and state agencies and private investors, to finance the development, rehabilitation, and purchase of affordable housing. To begin a project, MOHCD issues a competitive Notice of Funding Availability (NOFA) with specific criteria to select a housing developer, typically a non-profit corporation responsible for developing, owning and operating the housing units. The NOFAs target specific populations such as very low-income seniors or families and describe the terms under which funds will be provided. To the successful bidder, MOHCD then provides a 55-year,

low-interest loan with annual loan repayments sized according to the project's operating expenses and reserves. Depending on the availability of non-City funding, MOHCD's share of the cost to build affordable housing ranges from 25 percent to 50 percent of the total project cost. MOHCD places restrictions on the deed of trust to ensure the property remains affordable to low-income residents in the long-term.

Table H2.1: Job Housing Linkage/ Inclusionary Affordable Housing Fee Summary

Fiscal Year	Jobs-Housing Linkage Fees		Inclusionary Program Fees ⁽¹⁾		Sum of Fees Deposited into Citywide Affk		
	Fee Revenue Collected	Funds Expended	Fee Revenue Collected	Funds Expended	Beginning Balance	Interest Earned	E
FY 1988-1989	\$ 1,386,316	\$ -			\$ -		
FY 1989-1990	\$ 1,530,250	\$ 50,000			\$ 1,386,316		
FY 1990-1991	\$ 1,586,724	\$ 2,020,000			\$ 2,866,566		
FY 1991-1992	\$ -	\$ 2,033,237			\$ 2,433,290		
FY 1992-1993	\$ 246,171	\$ 70,000			\$ 400,053		
FY 1993-1994	\$ 73,506	\$ -			\$ 576,224		
FY 1994-1995	\$ 245,137	\$ -			\$ 649,730		
FY 1995-1996	\$ 20,769	\$ -			\$ 894,867		
FY 1996-1997	\$ 1,000,000	\$ -			\$ 915,636		
FY 1997-1998	\$ 2,766,662	\$ -			\$ 1,915,636		
FY 1998-1999	\$ 58,064	\$ -			\$ 4,682,299		
FY 1999-2000	\$ 10,753,894	\$ -			\$ 4,740,363		
FY 2000-2001	\$ 14,296,744	\$ 11,470,529			\$ 15,494,257		
FY 2001-2002	\$ 4,799,188	\$ 4,830,609			\$ 18,320,472		
FY 2002-2003	\$ -	\$ 10,000,000		\$ -	\$ 18,289,051		
FY 2003-2004	\$ 270,380	\$ 8,643,292		\$ -	\$ 8,289,051		
FY 2004-2005	\$ 5,021,658	\$ 282,055		\$ -	\$ (83,861)		
FY 2005-2006	\$ 6,750,711	\$ -	\$ 11,026,146	\$ -	\$ 4,655,742		
FY 2006-2007	\$ 3,142,062	\$ 4,905,732	\$ 7,068,537	\$ 19,779,273	\$ 22,432,600	\$ 1,803,503	\$
FY 2007-2008	\$ 1,819,884	\$ 5,802,507	\$ 50,588,697	\$ 16,759,070	\$ 9,761,697	\$ 4,888,564	\$
FY 2008-2009	\$ -	\$ 3,620,480	\$ (7,155,039)	\$ 11,975,755	\$ 44,497,265	\$ 5,182,100	\$
FY 2009-2010 ^{(3),(4)}	\$ (8,775)	\$ -	\$ (12,811,004)	\$ 203,328	\$ 26,928,091	\$ 530,030	\$
FY 2010-2011 ⁽⁵⁾	\$ 15,878	\$ 4,581,613	\$ 67,448	\$ -	\$ 9,290,719	\$ 196,698	\$
FY 2011-2012 ⁽⁶⁾	\$ 567,229	\$ -	\$ 1,536,683	\$ -	\$ (57,771)	\$ 134,135	\$
FY 2012-2013	\$ 5,678,329	\$ -	\$ 9,186,937	\$ -	\$ 2,180,275	\$ 157,870	\$
FY 2013-2014	\$ 11,974,893	\$ 9,290,000	\$ 29,911,959	\$ -	\$ 17,203,411	\$ 375,190	\$
Total	73,995,676	67,600,054	89,420,364	48,717,426		13,268,090	14

Notes:

- (1) For Jobs-Housing Linkage Fees, the funds expended exceed the fee revenue collected because \$2 million of unspent interest is reflected in the interest earned column. Interest is earned on Housing Linkage Fees and Inclusionary Program Fees.
- (2) Jobs-Housing Linkage Fees and Inclusionary Housing Program Fees are both deposited into the Citywide Affordable Housing Fund. The Citywide Affordable Housing Fund has other activities reported in this table (except where noted), including loan repayments and gift deposits.
- (3) The negative fee revenue collected in FY 2009-10 represent refunds to developers that did not move forward with their projects.
- (4) The \$203,328 in FY 2009-10 expenditures represents administrative expenses over the course of all prior fiscal years.
- (5) In FY 2010-11, the negative fee revenue collected reflects a \$25,000 correction from FY 2006-07.
- (6) In FY 2011-12, loan repayment funds were used to fund project expenditures, not fee revenues.

Table H2.2: Jobs-Housing Linkage Fees Collected by Payer

Fiscal Year	Address	Fee Amount	Fiscal Year	Address	Fee Amount
FY 1988-89	1-59 Harrison Street	410,423	FY 2003-04	101 Valencia Street	5,380
	345 California Street	34,882		2251 Alemany Boulevard	15,000
	345 California Street - 1 Hilton Square	373,253	530 Chestnut Street	250,000	
	345 California Street - Mandarin Oriental SF Hotel	367,757	235 Second Street	559,793	
	12 Vistaview Ct./175 & 181 Bayview Cir.	175,000	55 9th Street	3,998,808	
	Silverview Terrace Lot #'s 69, 112, 111)	25,000	501 Folsom Street	463,057	
FY 1989-90	185 Berry Street	660,000	FY 2005-06	1529-1565 Page Street	300,000
	235 Pine Street	870,250		888 Howard Street Hotel	4,806,926
FY 1990-91	600 California Street	1,536,724		400 Howard Street (Bldg 1 of 1st & Howard St)	1,643,785
	530 Chestnut Street	50,000	185 Berry Street	874,900	
FY 1992-93	1075 Front Street	238,010	555 Mission Street Office Project	600,000	
	2550, 2560, 2580-90 Geary Blvd.	5,060	735 7th Avenue - Safeway	111,600	
FY 1993-94	445 Burnett Avenuenue	3,100	400 Howard Street (Bldg 1 of 1st & Howard St)	62,287	
	3330 Army Street	73,506	2026 Lombard Street	362,285	
FY 1994-95	1545-63 Page Street	125,907	491 Bayshore Boulevard - Home Depot	1,130,990	
	401 Main Street	119,231	FY 2007-08	500 Pine Street	664,972
FY 1995-96	401 Main Street	20,769		350 Bush Street	5,153,720
	111 Chestnut/240 Lombard	1,000,000		55 9th Street	(3,998,808)
FY 1997-98	401 Main Street	360,000	FY 2009-10	611 Jones Street - North of Market (PC Sec 263.7)	(8,775)
	254 Front Street/ 275 Sacramento	413,483	FY 2010-11	660 Alabama Street	15,878
	1438 Green Street	91,935	FY 2011-12	1190 Mission Street	12,569
	650 / 690 Townsend Street	1,901,244		38 Dolores Street	21,242
FY 1998-99	1438 Green Street	58,064		660-680 Alabama	80,374
	Pier One Maritime	538,747		208 Utah Street	414,222
FY 1999-00	101 Second Street	1,122,008	808 Brannan Street	38,823	
	700 7th Street	1,524,563	FY 2012-13	120 Howard Street	1,477,480
	475 Brannan Street	447,675		660 Alabama Street	80,374
	670-680 Second Street	423,000		275 Brannan Street	284,695
	101 Valencia Street	5,380		808 Brannan Street	134,341
	700-768 7th Street	404,670	942 Mission Street	105,398	
	300-342 Howard Street/199 Fremont	2,678,675	100 Potrero Street	119,119	
	150 California Street	348,926	350 Mission Street	811,764	
	1 Second, AKA 55 Second, 39-67 Second Street	1,997,272	1550 Bryant Street	893,542	
	235 Second Street	1,262,979	888 Brannan Street	1,618,230	
350 Rhode Island	1,762,500	375 Alabama Street	81,921		
FY 2000-01	435 Pacific Avenue.	229,125	1098 Harrison Street	71,466	
	2101-2165 Bryant Street	1,043,400	808 Brannan Street	134,341	
	215 Fremont Street	338,047	100 Potrero Street	23,601	
	2801 LeAvenuenworth Street	282,000	375 Alabama Street	81,921	
	38-44 Tehama Street	348,975	222 2nd Street	1,474,761	
	1 Market Street	222,406	660 Alabama Street	80,374	
	881-899 Howard Street	1,119,015	444 De Haro Street	608,160	
	530-534 Folsom Street	323,905	665 Third Street	831,264	
	35 Stanford Street	544,320	181 Fremont Street	1,242,126	
	400 Howard Street (Bldg 1 of 1st & Howard Streets	4,003,639	FY 2013-14 (cont'd)	101 1st Street	4,940,141
554 Mission Street	4,079,412	2026 Lombard Street		(362,285)	
160 King St	1,240,800	33 8th Street		44,432	
3200 California Street	100,000	345 Brannan Street		2,440,249	
1701 19th Avenue	240,000	999 Brannan Street		243,596	
250 Brannan Street	1,287,544	375 Alabama Street		81,921	
22 Fourth Street / 801 Market St	1,268,594	808 Brannan Street		38,823	
FY 2001-02	601 Brannan Street	633,475	1098 Harrison Street	71,466	
	611 Jones Street - North of Market (PC Sec 263.7)	8,775	Total	73,995,675	
	755 Ocean Avenue	20,000			

Note:
Information about payors has been provided when data were available. The list of payors may be incomplete.

Table H2.3: Inclusionary Housing Program Fees Collected by Payer

Fiscal Year	Address	Fee Amount	Fiscal Year	Address	Fee Amount Collected
FY 2002-03	1630 California Street	959,411	FY 2012-13	2652 Harrison Street	146,386
FY 2003-04	2900 22nd Street	134,875		401 Harrison Street	519,476
FY 2004-05	1748 Haight Street	884,476		313 Moraga Street	130,363
	2900 22nd Street	134,875		1266 9th Avenue	142,577
	2525 California Street	524,685		3418 26th Street	137,115
	2655 Van Ness Avenue	1,079,243		200 Dolores Street	83,092
FY 2005-06	310 Townsend Street	1,259,090		299 Valencia Street	56,266
	843 Montgomery Street	329,780		1591 Pacific Avenue	1,716,185
	One Rincon Hill / 425 First Street	11,026,146		2559 Van Ness Avenue	279,732
	733 Front Street	1,528,840		1285 Sutter Street	4,748,045
	1 South Park	1,131,744		2655 Bush Street	628,491
	631 Folsom Street	3,778,117		1190 Mission Street	79,528
FY 2006-07	733 Front Street	172,147	323 Octavia Street	9,570,822	
	900 Minnesota	3,669,130	2299 Market Street	929,816	
	829 Folsom Street	1,780,590	200 Dolores Street	476,578	
	818 Van Ness Avenue (810, 816 & 826 Van Ness Ave)	1,041,798	45 Lansing Street	490,508	
	1315-1327 7th Avenue	173,633	899 Valencia Street	167,889	
FY 2007-08	900 Minnesota Street	424,546	28 Dolores Street	4,777,261	
	900 Minnesota Street	424,546	2652 Harrison Street	846,909	
	45 Lansing Street	8,385,485	700 Brotherhood Way	126,805	
	Candlestick Cove - Building B	3,720,395	700 Brotherhood Way	63,403	
	1299 Bush Street	916,862	700 Brotherhood Way	126,805	
	340-350 Fremont Street	11,412,791	700 Brotherhood Way	126,805	
	1 Hawthorne Place / 645 Howard Street	5,577,916	3500 19th Street	923,039	
	1800 Van Ness Avenue / 1754 Clay Street	2,698,706	1266 9th Avenue	825,267	
	One Ecker Place	1,234,108	246 Ritch Street	739,207	
	1868 Van Ness Avenue	1,309,006	1945 Hyde Street	390,888	
	231 Franklin Street	1,208,849	399 Fremont Street	628,304	
	1800 Van Ness Avenue / 1754 Clay Street	(133,994)	468 Clementina Street	73,771	
	Candlestick Cove - Building B	500,124	248 Ocean Avenue	364,710	
	631 Folsom Street	787,580	1717 17th Street	174,697	
FY 2008-09	1840 Washington Street	1,404,079	333 Fremont Street	3,858,869	
	1315-1327 7th Avenue	(173,633)	340 Fremont Street	3,156,842	
	45 Lansing Street	(8,385,485)	310 Carolina Street	212,419	
FY 2009-10	340-350 Fremont Street	(11,412,791)	1645 Pacific Avenue	255,683	
	1315-1327 7th Avenue	173,633	1645 Pacific Avenue	48,073	
	750 Second Street	992,866	248 9th Street	67,973	
FY 2010-11	1800 Van Ness Avenue / 1754 Clay Street	(2,564,712)	3418 26th Street	458,861	
	1701 9th Avenue (301-313 Moraga Avenue)	67,448	246 Ritch Street	(49,774)	
FY 2011-12	1285 Sutter Street	811,431	Total	88,812,483	
	1591 Pacific Avenue. (AKA 1946 Polk)	294,446	<i>Note:</i>		
	2299 Market Street	158,533	Information about payors has been provided when data were available.		
	38 Dolores Street (AKA 2001 Market)	272,273	The list		
FY 2012-13	3500 19th Street	223,994			
	301 Moraga Street	130,256			
	307 Moraga Street	129,946			
	1945 Hyde Street	71,447			
	1645 Pacific Avenue	43,566			

Table H2.4: Inclusionary Housing Program: In-Lieu Affordable Housing

Fiscal Year	Address	Description	# of Units	Fiscal Year	Address	Description	# of Units
FY 2002-03	600 Anza Blvd.	On-site Rental Units	17	FY 2007-08	77 Bluxome	On-site Ownership Units	10
	149 Fair Oaks	On-site Rental Units	1		301-501 Crescent Way	On-site Ownership Units	18
	855 Folsom Street	On-site Ownership Units	20		30 Dore Street	On-site Rental Units	4
	81 Lansing Street	On-site Ownership Units	3		1275 Fell Street	On-site Ownership Units	8
FY 2003-04	1901 Van Ness Avenue	On-site Ownership Units	6		1828 Geneva Avenue	On-site Rental Units	6
	3371 17th Street	On-site Ownership Units	2		1234 Howard Street	On-site Ownership Units	2
	2922-32 24th Street	On-site Rental Units	2		410 Jessie Street	On-site Ownership Units	2
	901-933 Bayshore	On-site Ownership Units	4		418-420 Jessie Street	On-site Rental Units	3
	240 Bayshore Blvd.	On-site Rental Units	4		2545 Judah Street	On-site Rental Units	2
	400 Beale Street	On-site Ownership Units	24		938-942 Market Street	On-site Ownership Units	13
	388 Beale Street	On-site Rental Units	23		1160 Mission Street	On-site Ownership Units	29
	1452 Bush Street	On-site Ownership Units	2		75 Moss Street	On-site Ownership Units	1
	101 Harrison Street	On-site Ownership Units	2		725 Pine Street	On-site Ownership Units	2
	1578 Indiana Street	On-site Ownership Units	2		450 Rhode Island	On-site Ownership Units	20
	8100 Oceanview Terrace	On-site Ownership Units	2		566 South Van Ness Ave	On-site Ownership Units	4
	600 Portola Street	On-site Rental Units	2		1158 Sutter Street	On-site Ownership Units	1
	1301 San Jose Avenue	On-site Ownership Units	3	177 Townsend	On-site Ownership Units	24	
	140 South Van Ness	On-site Ownership Units	23	750 Van Ness Avenue	On-site Ownership Units	16	
	475 Tehama Street	On-site Ownership Units	1	FY 2008-09	480 14th Street	On-site Ownership Units	1
	222 Valencia Street	On-site Ownership Units	1		3620 19th Street	On-site Ownership Units	5
900 Van Ness Avenue	On-site Rental Units	3	3520 20th Street		On-site Ownership Units	1	
788 08th Street (#3)	On-site Rental Units	1	601 Alabama Street		On-site Ownership Units	21	
1131 43rd Avenue	On-site Rental Units	1	901 Bush Street		On-site Ownership Units	5	
741 Clement St @ 9th	On-site Ownership Units	1	436 Clementina		On-site Rental Units	3	
470 Clementina	On-site Ownership Units	1	168 Hyde Street		On-site Ownership Units	3	
1598 Dolores	On-site Ownership Units	1	601 King Street		On-site Ownership Units	170	
821 Folsom Street	On-site Ownership Units	8	125 Mason Street		On-site Rental Units	81	
6900 Geary Blvd.	On-site Rental Units	2	2200 Mission Street		On-site Ownership Units	3	
FY 2004-05	965-985 Geneva Avenue	On-site Rental Units	8	55 Page Street	On-site Ownership Units	17	
	333 Grant Street	On-site Ownership Units	2	1 Polk Street	On-site Rental Units	9	
	1450 Greenwich Street	On-site Ownership Units	4	818 Van Ness Avenue	On-site Ownership Units	2	
	342 Hayes Street	On-site Ownership Units	1	638 19th Street	On-site Ownership Units	2	
	348 Hyde Street	On-site Rental Units	1	2011 Bayshore Blvd.	On-site Ownership Units	6	
	2001 McAllister	On-site Ownership Units	13	2101 Bryant	On-site Ownership Units	9	
	3294 Mission Street	On-site Rental Units	3	3400 Cesar Chaves	On-site Ownership Units	9	
	1099 Mississippi Street	On-site Ownership Units	1	FY 2009-10	1355 Pacific Avenue	On-site Ownership Units	2
	1800-1820 San Jose	On-site Ownership Units	2		77 Van Ness Avenue	On-site Ownership Units	6
	88 Townsend Street	On-site Ownership Units	13		101 Executive Park	On-site Ownership Units	18
	929 Vermont	On-site Ownership Units	1		2395 Lombard Street	On-site Ownership Units	1
	FY 2005-06	333-355 1st Street	On-site Ownership Units	34	1167 Market Street	On-site Rental Units	12
		2428 Bayshore Street	On-site Ownership Units	12	FY 2010-11	5800 3rd Street (Phase I & On-site Ownership Units	17
		501 Beale Street	On-site Ownership Units	16		723 Taylor Street	On-site Ownership Units
		69 Clementina	On-site Ownership Units	2	55 Trumbull Street	On-site Rental Units	2
		1168-1174 Folsom Street	On-site Rental Units	1	FY 2011-12	9th Street	On-site Ownership Units
6901 Geary Blvd.		On-site Rental Units	2	Indiana Street		On-site Ownership Units	4
8 Landers Street		On-site Ownership Units	1	Ocean Avenue		On-site Ownership Units	26
3184 Mission Street		On-site Ownership Units	2	Townsend Street	On-site Ownership Units	14	
199 New Montgomery		On-site Ownership Units	18	Valencia Street	On-site Rental Units	4	
150 Powell Street		On-site Ownership Units	3	FY 2012-13	411 Valencia Street	On-site Ownership Units	2
1 Powell Street		On-site Rental Units	4		2829 California Street	On-site Ownership Units	2
201 Sansome		On-site Ownership Units	5		574 Natoma Street	On-site Ownership Units	2
270-284 Valencia		On-site Ownership Units	3	FY 2013-14	401 Grove Street	On-site Ownership Units	9
1725 Washington		On-site Ownership Units	3		2200 Market Street	On-site Ownership Units	3
4343 3rd Street		On-site Ownership Units	2		1080 Sutter Street	On-site Ownership Units	4
3000 23rd Street		On-site Rental Units	7		1600 Market Street	Off-site Ownership Units	23
329 Bay Street	On-site Ownership Units	2	1800 Van Ness Avenue		On-site Ownership Units	15	
785-787 Brannan Street	On-site Rental Units	56	1501 15th Street		On-site Ownership Units	7	
520 Chestnut Street	On-site Ownership Units	2	537 Natoma Street		On-site Ownership Units	1	
2815 Diamond	On-site Ownership Units	2	616 20th Street		On-site Ownership Units	2	
950 Gilman	On-site Ownership Units	20	2235 3rd Street		On-site Rental Units	39	
525-527 Gough Street	On-site Ownership Units	3	333 Harrison Street		On-site Rental Units	49	
1277 Howard	On-site Ownership Units	2	1407-1435 Market Street	On-site Rental Units	90		
40-50 Lansing	On-site Ownership Units	10	1880-1886 Mission Street	On-site Rental Units	40		
2298 Lombard Street	On-site Ownership Units	1	1167 Market Street	On-site Rental Units	63		
83 - 91 McAllister	On-site Ownership Units	6	1844 Market Street	On-site Rental Units	14		
8 McLea Court	On-site Rental Units	3	Total		1,467		
1905 Mission Street	On-site Ownership Units	3					
639 Missouri Street	On-site Ownership Units	7					
74 New Montgomery	On-site Ownership Units	11					
2351 Powell Street	On-site Rental Units	9					
2161 Sutter Street	On-site Rental Units	3					
675 Townsend Avenue	On-site Rental Units	15					

Table H2.5: Job Housing Linkage/ Inclusionary Affordable Housing Fee Expenditure Detail

Fiscal Year	Project Title / Address	Jobs- Housing Linkage	Inclusionary Program	Interest	Project	Estimated %	Description	
		Fee Amount Expended	Fee Amount Expended	Amount Expended	Expenditures, All Sources (2)	of Project Funded by Fees		
FY1992-93	101 Valencia	50,000	0	0	N/A	N/A	Affordable Homeownership Housing	
	101 Valencia	2,020,000	0	0	N/A	N/A	Affordable Homeownership Housing	
	1200 Connecticut	188,080	0	0	1,339,714	14%	Affordable Housing for Low-Income Families	
	Hamlin Hotel, 385 Eddy	726,435	0	0	805,674	90%	Affordable Housing for Homeless Individuals	
	201 Turk St.	660,000	0	0	2,000,000	33%	Affordable Housing for Low-Income Families	
	Del Carlo Court, 3330 Army	382,900	0	0	1,084,700	35%	Affordable Housing for Low-Income Families	
	1200 Connecticut	75,822	0	0	0	N/A	Affordable Housing for Low-Income Families	
	518 Minna	70,000	0	0	70,000	100%	Affordable Housing for Low-Income Families	
FY2006-07	570 Townsend	0	3,290,910	0	3,290,910	100%	Affordable Housing for Low-Income and Homeless Families	
	1166 Howard St.	11,470,529	0	0	25,959,134	44%	New construction, 73 units; Affordable Housing for Low-Income Fa	
	150 Broadway	538,834	0	0	29,350,000	2%	New construction, 81 units; Affordable Housing for Low-Income Fa	
	145 Taylor	1,704,522	0	0	N/A	N/A	New construction, 67 units; Affordable Housing for Low-Income Fa	
	1631 Hayes	2,587,253	0	0	4,248,291	61%	New construction, 70 beds; Affordable Transitional Housing for Ho	
	401 Bay Street	10,000,000	0	0	10,000,000	100%	New construction, 112 units; Affordable Housing for Low-Income F	
	145 Taylor	8,103,387	0	0	10,226,840	79%	New construction, 67 units; Affordable Housing for Low-Income Fa	
	Geneva Carter	539,905	0	0	30,386,735	2%	New construction, 101 units; Affordable Housing for Low-Income F	
	De Long Street- Habitat for Community	282,055	0	0	282,055	100%	New construction, 12 single-family homes; Affordable Housing for Households	
								New construction, 93 units; Affordable Housing for Low-Income Se
	2949 18th Street	4,701,614	0	0	4,701,614	100%	Homeless Families	
	990 Polk	204,118	3,887,754	0	15,627,284	26%	New construction, 110 units; Affordable Housing for Low-Income S	
	650 Eddy	0	1,574,463	0	N/A	N/A	New construction, 83 units; Affordable Supportive Housing for Horr	
	Amett Watson Apartments - 650 Eddy	0	5,603,210	0	32,529,145	17%	New construction, 83 units; Affordable Supportive Housing for Horr	
1036 Mission	0	5,422,936	277,064	5,700,000	100%	New construction, 78 units; Affordable Housing for Low-Income Fa		
FY2007-08	275 10th Street- Bishop Swing	0	5,041,107	0	26,631,525	19%	New construction, 134 units; Affordable Housing for Homeless	
	149 Mason Street	3,618,328	1,976,131	0	26,619,365	21%	New construction, 56 units; Affordable Housing for Homeless	
	3575 Geary	2,184,179	4,947,089	0	42,024,761	17%	New construction, 150 units; Affordable Housing for Low-Income Fa	
	601 Alabama	0	4,794,743	0	6,786,053	71%	New construction, 34 units; Affordable Homeownership Housing	
FY2008-09	1251 Turk Street- Rosa Parks	0	5,000,000	0	5,512,000	91%	New construction, 100 units; Affordable Housing for Low-Income S	
	Arendt House - 850 Broderick	0	2,720,940	0	27,099,897	10%	New construction, 46 units; Affordable Housing for Homeless Seni	
	44 MacAllister Civic Center Residence	1,340,471	4,254,815	0	10,334,583	54%	Rehab., 212 units; Affordable Housing for Homeless	
	1652 Sunnydale Ave.	1,012,000	0	0	4,411,986	23%	TBD; HOPE SF Site	
	1095 Connecticut	1,000,000	0	0	2,962,800	34%	TBD; HOPE SF Site	
4466-4468 Mission	268,009	0	0	268,009	100%	Acquisition Rehab., 3 units; Affordable Housing for Low-Income Fa		
FY2009-10	29th Avenue Apartments	0	0	1,899,027	7,523,218	25%	New construction, 20 units; Affordable Housing for Homeless Adul	
	480 Ellis - The Arlington	0	0	1,300,000	5,421,363	24%	Rehab., 172 units; Affordable Housing for Low-Income and Homele	
	909 Howard	0	0	1,610,594	4,729,783	34%	New construction, 150 units; Affordable Housing for Low-Income F	
FY2010-2011	Booker T. Washington - 800 Presidio	0	0	788,484	788,484	100%	Predevelopment of affordable housing for low-income family and yc	
	220 Golden Gate LP	3,581,613	0	4,258,418	20,400,000	38%	174 units for formerly homeless adults	
	CHP Scott Street - Edward II	1,000,000	0	0	4,416,508	23%	Predevelopment of 24 units of affordable housing for transition-age	
FY 1988-89 to								
FY 2010-11	Administrative Expenditures	0	203,328	57,610	0	N/A		
FY 2013-14	Phelan Loop - 1100 Ocean	9,290,000	0	0	0	86%	Predevelopment and construction of affordable housing for low-inc transition-age youth	
Total		67,600,064	48,717,426	10,191,197	373,632,431			

Notes:

- (1) Includes actual expenditures and encumbrances funded by the fee revenue not the loan repayment fund.
- (2) Project Expenditures, All Sources only includes other sources of City funding. San Francisco Redevelopment Agency funding is not included.

H4. Child Care Fee

Description. The Child Care Fee, which became effective in September 1985, is imposed on office and hotel development projects proposing the net addition of 50,000 or more gross square feet of office or hotel space. There are six compliance options;

1. Provide a child care facility on the premises of the development;
2. Provide, singly or in conjunction with other development projects within a half-mile, a child care facility on another developer's project premises;
3. Provide a child care facility within one mile of the development project, either singly or in conjunction with other developers within a half-mile;
4. Pay an in-lieu fee equal to \$1.06 per additional square foot of office or hotel space;
5. Combine the in-lieu fee with the construction of a child care facility on or near the premises;
6. Enter into an arrangement with a non-profit organization that will in turn provide the child care facility.

For additional details on how developers may comply with the Child Care Fee see Planning Code Section 414.

Designated Use of Funds. Collected in-lieu fees are to be deposited into the Child Care Capital Fund, administered by the Director of Planning. Planning Code Section 414.14 specifies that funds are to be used to increase and/or improve the supply of child care facilities affordable to households of low and moderate income. Funds may also be used to finance a nexus study pertaining to the Child Care Fee.

To date, \$6,139,805 in total of Child Care Fees has been expended, \$4,112,329 (67 percent) of which has been expended to fund capital projects as part of the LIIF project. Funds have been used to develop new licensed child care centers to increase capacity, to reopen licensed sites that were closed due to landlord building renovation, and to expand licensed family child care homes. The remaining non-LIIF dedicated funds have been expended on a variety of child care improvement projects.

Table H4.1: Child Care Fee Summary

Fiscal Year	Beginning Year Balance	Fee Revenue Collected	Interest Earned	Funds Expended	Year-End Balance ⁽⁵⁾
Prior to					
FY 1999-2000	\$ -	\$ 2,871,883	\$ 362,685	\$ 2,213,623	\$ 1,020,945
FY 1999-2000 ⁽¹⁾	\$ 1,020,945	\$ 565,736	\$ 69,792	\$ 1,073,250	\$ 583,223
FY 2000-2001	\$ 583,223	\$ 110,472	\$ 79,331	\$ 596,750	\$ 176,276
FY 2001-2002	\$ 176,276	\$ 802,979	\$ 54,281	\$ 745,543	\$ 287,993
FY 2002-2003	\$ 287,993	\$ 768,894	\$ 46,752	\$ 68,628	\$ 1,035,011
FY 2003-2004	\$ 1,035,011	\$ 622,401	\$ 37,455	\$ 299,146	\$ 1,395,721
FY 2004-2005	\$ 1,395,721	\$ 56,103	\$ 43,597	\$ 1,168,473	\$ 326,948
FY 2005-2006	\$ 326,948	\$ -	\$ 52,076	\$ 621,256	\$ (242,232)
FY 2006-2007	\$ (242,232)	\$ 406,824	\$ 41,384	\$ 234,906	\$ (28,930)
FY 2007-2008	\$ (28,930)	\$ 803,958	\$ 42,300	\$ 267,782	\$ 549,546
FY 2008-2009	\$ 549,546	\$ 548,273	\$ 45,499	\$ 699,510	\$ 443,808
FY 2009-2010 ⁽²⁾	\$ 443,808	\$ 153,500	\$ 15,668	\$ 1,226,628	\$ (613,652)
FY 2010-2011 ⁽³⁾	\$ (613,652)	\$ 377,427	\$ 5,706	\$ (571,749)	\$ 341,230
FY 2011-2012 ⁽⁴⁾	\$ 341,230	\$ -	\$ 15,583	\$ 117,883	\$ 238,930
FY 2012-2013	\$ 238,930	\$ 551,982	\$ 11,396	\$ 164,174	\$ 638,134
FY 2013-2014	\$ 638,134	\$ 1,012,732	\$ 10,160	\$ 226,262	\$ 1,434,765
Total		\$ 9,653,164	\$ 933,665	\$ 9,152,064	

Notes:

- (1) \$1,055,000 expenditure in FY 1999-2000 was erroneously charged to the General Fund and was corrected in FY 2013-2014 as a transfer to the General Fund. In this table, the expenditure amount was updated as if the expenditure was recorded correctly in FY 1999-2000.
- (2) In FY 2009-2010, the year-end fund balance reported in the December 2010 report assumes the return of \$1,110,000 to the Child Care Capital Fund. This transfer did not occur in FY 2009-2010.
- (3) In FY 2010-2011, 802,247 of funding was returned and \$230,498 was spent for a net return (negative expenditure) of \$571,749.
- (4) In FY 2011-2012, the project expenditure was \$267,883, which was offset by \$150,000 refund from Low Income Investment Fund.
- (5) At the end of FY 2013-2014, no encumbrance is outstanding. Thus, the unassigned year-end balance for FY 2013-14 is \$1,305,659.

Table H4.2: Child Care Fees Collected by Payer

Fiscal Year	Address	Fee Amount Collected
Prior to	Various	1,249,680
FY 1999-2000	945 Battery Street	52,715
	101 Second Street	276,248
	Embarcadero Center	21,000
	Embarcadero Center	39,000
	150 California Street	176,773
FY 2000-2001	1 Market Street	51,822
	244-256 Front Street	58,650
FY 2001-2002	235 Second Street	179,146
	Pier 1 Maritime	76,418
	160 King Street	150,574
	51-67 Second Street	283,301
FY 2002-2003	250 Brannan Street	113,540
	Mission Bay South Block 28	285,154
	299 Second Street - Marriott's Courtyard Hotel	239,550
	475 Brannan Street	63,500
	500 California Street - Omni Hotel	54,020
FY 2003-2004	500 Howard Street (Bldg 4 of 1st & Howard)	126,670
	405 Howard Street (Bldg 2 of 1st & Howard)	348,751
	700 Seventh Street / 601 & 625 Townsend St	273,650
FY 2004-2005	235 Second Street	56,103
FY 2006-2007	400 Howard Street (Bldg 1 of 1st & Howard)	241,996
	Mission Bay South Block 41, Parcel 1, Lot 7	164,828
FY 2007-2008	888 Howard Street	428,807
	650 Townsend Street	375,151
FY 2008-2009	555 Mission Street	548,273
FY 2009-2010	875-899 Howard Street	153,500
FY 2010-2011	1500 Owens Street	158,214
	450 South Street	219,213
FY 2011-2012	N/A	0
FY 2012-2013	120 Howard Street	70,994
	505 Howard Street	36,140
	100 Potrero Avenue	15,556
	350 Mission Street	44,668
	1550 Bryant Street	120,323
FY 2013-2014	888 Brannan Street	264,303
	100 Potrero Avenue	15,556
	222 2nd Street	71,703
	999 Brannan Street	31,811
	505 Howard Street	206,861
	444 De Haro Street	100,455
	665 3rd Street	137,307
	999 Brannan Street	31,811
	181 Fremont Street	60,113
	101 1st Street	238,470
460 Bryant Street	68,214	
345 Brannan Street	118,645	
460 Bryant Street	(68,214)	
Total		8,030,962

Table H4.3: Child Care In-Kind Improvements

Fiscal Year	Address	Fee Amount Waived	Description of In-Kind Improvement (ex. # of BMR units)
FY 2012-2013	<p>Projects receiving credit for the in-kind: 2235 3rd Street (4058/010) 178 Townsend Street (3788/012)</p> <p>Location of In-Kind Improvement: 2235 3rd Street</p>	\$1,915,560	<p>The Project Sponsor proposes to dedicate 6,260 gross square feet of indoor space and 2,000 square feet of outdoor space of 2235 Third Street as a child care center, rent free, for 55 years. The child care center at Potrero Launch (2235 Third Street) will include a full build-out of the interior space and its adjacent outdoor space, ready for occupancy. The entire building, including the child care facility, will be certified LEED Gold.</p> <p>Originally Approved by Planning Commission: 4/18/2010: Motion No. 18073</p>

Table H4.4: Child Care Fee Expenditure Detail

Project Name		FY 2000-01	FY 2001-02	FY 2002-03	FY 2003-04	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10
Low Income Investment Fund (HSA workorder): repair, renovation & development of child care programs (1)	Fee Amount Expended	194,250	608,564	68,628	299,146	777,104	540,000	114,766	158,055	300,000	163,000
	Project Expenditures, All Sources	1,741,517	2,403,669	N/A	620,113	613,768	724,867	1,148,566	2,060,932	2,252,394	929,012
	Estimated % of Project Funded by Fees	11%	25%	N/A	48%	127%	74%	10%	8%	13%	18%
Southeast Facilities (HSA workorder): repair and renovation of four facilities in Bayview that house child care programs	Fee Amount Expended	-	-	-	-	-	-	-	100,000	-	-
	Project Expenditures, All Sources	-	-	-	-	-	-	-	302,930	205,542	94,988
	Estimated % of Project Funded by Fees	-	-	-	-	-	-	-	33%	0%	0%
SFSU Gateway to Quality: project to improve quality of childcare in San Francisco	Fee Amount Expended	-	-	-	-	40,000	40,000	40,000	-	-	-
	Project Expenditures, All Sources	-	-	-	-	759,038	2,318,803	2,070,952	-	-	-
	Estimated % of Project Funded by Fees	-	-	-	-	5%	2%	2%	-	-	-
Tide Center-Family Child Care Field Building: operation subsidy	Fee Amount Expended	-	-	-	-	-	-	-	-	101,646	58,384
	Project Expenditures, All Sources	-	-	-	-	-	-	-	-	177,297	145,357
	Estimated % of Project Funded by Fees	-	-	-	-	-	-	-	-	57%	40%
South of Market Childcare: operation subsidy	Fee Amount Expended	-	-	-	-	-	-	-	-	77,703	58,244
	Project Expenditures, All Sources	-	-	-	-	-	-	-	-	139,335	115,079
	Estimated % of Project Funded by Fees	-	-	-	-	-	-	-	-	56%	51%
Non-Recurring Expenditures (2)	Fee Amount Expended	-	-	-	-	351,369	-	-	-	1,029,008	-
	Project Expenditures, All Sources	-	-	-	-	351,369	-	-	-	1,094,196	-
	Estimated % of Project Funded by Fees	-	-	-	-	100%	-	-	-	94%	-
Impact Development Fee Studies (CON workorder)	Fee Amount Expended	-	-	-	-	-	41,256	80,140	9,726	-	-
	Project Expenditures, All Sources	-	-	-	-	-	41,256	80,140	9,726	-	-
	Estimated % of Project Funded by Fees	-	-	-	-	-	100%	100%	100%	-	-
Total	Fee Amount Expended	194,250	608,564	68,628	299,146	1,168,473	621,256	234,906	267,781	1,508,357	279,628
	Project Expenditures, All Sources	1,741,517	2,403,669	-	620,113	1,724,175	3,084,926	3,299,658	2,373,588	3,868,754	1,284,436
	Estimated % of Project Funded by Fees	11%	25%	N/A	48%	68%	20%	7%	11%	39%	22%

Notes:

- (1) Beginning in FY 2002-03, the Human Services Agency has expended LIIF funds through a work order with the Department of Children, Youth & their Families (DCYF). Due to a lag in billing Expended may include funds for prior year projects. As a result, the fee amount reported for FY 2004-05 exceeds Project Expenditures, All Sources.
- (2) In FY 2004-05, expenditures included a \$421,369 transfer to the General Fund for Section 108 HUD loan payments offset by a \$70,000 refund from the Low Income Investment Fund (HS/ In FY 2008-09, expenditures included \$808,846 to close out the Child Care Loan Fund within the Child Care Capital Fund, \$220,000 to fund an Early Literacy Initiative Coordinator position for an individualized child care subsidy pilot program authorized by SB 701. This subsidy pilot secured \$19,350 in other funding in FY 2008-09.

Table H4.5: Child Care Fee Upcoming Projects

Project Description / Accounting Information		Estimated Construction Start Date
Organization	Description	
Nihonmachi Little Friends Cross Cultural Telegraph Hill Neighborhood Center@St. Telegraph Hill Neighborhood Center@St. Telegraph Hill Neighborhood Center@St. Friends of St. Francis Kai Ming - St. Lukes MNC - St. Peters MNC- Bernal Mission Childcare Consortium Mission Childcare Consortium EOC - Sojourner Truth EOC - Potrero Hill FSA Hope SF - Hunters view RFP Hope SF - Hunters view RFP	New wing to existing site. Construction to start spring 2015. For playground. Sublease w/ APA open pre-K classroom at Church open pre-K classroom at Church open pre-K classroom at Church yard safety-repair dry rot on wooden structure: bench, fence, sand box, Head Start expansion Renovate rectory Open up walls to combine classrooms/buildings To purchase building to prevent loss of slots To change adult bath into child's and to open bathrooms to childcare. To Playground renovations Playground renovations and interior FF&E Furniture, Wall removal, bathroom reno, etc. Childcare operator TBD Childcare operator TBD	FY 2014-2015
Wah Mei School Booker T Washington - (Chibi Chan) IPIC - Octavia/Market Development Mission Kids Co-Op Cross Cultural Nihonmachi Little Friends Nihonmachi Little Friends MNC - St. Peters MNC - St. Peters RAD sites (14 phase 1)	Feasibility study on old gas station New Childcare at Booker T. Community Center / housing. Construction To build 1-2 new centers in the Market/Octavia neighborhood Interested in opening a new site, esp Market/Octavia Creating classroom separate from playground to improve quality New wing to existing site. Construction to start spring 2015. New wing to existing site. Construction to start spring 2015. Renovate rectory Renovate rectory Phase 1 will include Hunter's Point (Wu Yee?)	FY 2015-2016
Transbay Terminal Hope SF - Alice Griffiths (Franeljia) Hope SF - Potrero Hill Hope SF - Sunnydale IPIC - Visitacion Valley IPIC - Eastern Neighborhoods (Central IPIC - Balboa Park RAD sites (15 phase 2) Good Samaritan Happy Shalom School	Capital New Development Capital New Development Capital New Development Capital New Development Capital New Development Capital New Development Capital New Development Renovation and Repair Capital New Development Capital New Development	FY 2016-2017

H5. Street Trees, In-Lieu Fee

Background. Planning Code Section 138.1, which became effective in September 1985, requires developers or owners to install street trees under the following conditions: (1) construction of a new building; (2) relocation of a building; (3) the addition of gross floor area equals or exceeds 20 percent of the gross floor area of an existing building; (4) the addition of a new dwelling unit, a garage, or additional parking; or (5) paving or repaving more than 200 square feet of the front setback. The street trees installed shall be a minimum of one 24-inch box tree for each 20 feet of frontage of the property along each street or alley, with any remaining fraction of 10 feet or more of frontage requiring an additional tree. In cases where the Department of Public Works does not approve the installation of trees due to inadequate sidewalk width, interference with utilities, or other reasons, the developer may pay an in-lieu fee equal to \$1,798 for each missed street tree. The fee is set at the City's cost to plant and water a tree for three years (see Public Works Code, Article 16, Section 802(h)).

Designated Use of Funds. In-lieu fees are to be deposited into the Adopt-A-Tree Fund, which was created by Administrative Code Section 10.100-227 to offset the loss of street trees, significant trees, and landmark trees due to removal, destruction, or death. The In-Lieu Planting

Program, which is funded via the Adopt-A-Tree Fund, is intended to compensate for the loss of trees required to be planted by Planning Code Section 428.

Table H5.1: Street Trees, In-Lieu Fee Summary

Fiscal Year	Beginning Year Balance	Fee Revenue Collected	Interest Earned	Funds Expended	Year-End Balance
FY 2010-11	\$ -	\$ 73,252	\$ -	\$ 73,252	\$ -
FY 2011-12	\$ -	\$ 100,723	\$ -	\$ 100,723	\$ -
FY 2012-13	\$ -	\$ 216,402	\$ -	\$ 216,402	\$ -
FY 2013-14	\$ -	\$ 248,646	\$ -	\$ 248,646	\$ -
Total		\$ 639,023	\$ -	\$ 639,023	

Note:

No fee revenue was collected or expended prior to FY 2010-11.

Table H5.2: Street Trees, In-Lieu Fees Collected by Payer

Fiscal Year	Address	Fee Amount Collected	Fiscal Year	Address	Fee Amount Collected
FY 2010-11	1671 11th Ave.	1,641	FY 2011-12 (cont'd)	309 Jersey St	1,641
	1720 Polk St.	1,641		950 Plymouth Ave	1,641
	1200 19th St.	1,489		178 Townsend St	11,487
	63 Jersey St.	1,489		2608 Post St	1,641
	2000 Union St.	2,978		50 Sadowa St	1,641
	2506 36th Ave	1,489		299 Valencia St.	3,282
	700 Valencia	1,489		411 Valencia St.	3,282
	3575 Geary Blvd	8,934		935 Folsom St.	16,410
	238 Olive St.	1,489		205 Franklin St.	1,690
	1847 Scott St. / 2233 Chestnut St.	3,282		200 Lombard St	1,641
	3227 San Bruno Ave	1,641		755 Marina St	3,282
	469-471 08th Ave	1,641		701 Portola St	3,282
	2139 O'Farrell	3,282		155 Winston Dr	4,923
	1515 12 Ave	1,641		83 Banks	1,641
	457-459 Buena Vista	1,641	2235 3rd St	8,831	
	1372 Union St.	1,701	2135 Greenwich St	1,641	
	2620 Larkin St	4,500	301 Moraga St	1,641	
	3647-3649 23rd St.	1,641	307 Moraga St	1,641	
	822 Geary Blvd	1,489	313 Moraga St	1,641	
	519 29th Ave	1,489	4529 25th St	1,714	
	1740 09 th Ave	1,641	2538 3rd St	1,641	
	219 Prentiss St.	1,641	750 02nd St	1,715	
	132 Moffit Street	1,641	25 Essex St	6,859	
	857 Jamestown Ave.	1,166	2890 3rd St	17,145	
	567 Moultrie St.	1,641	851 28th Ave	1,641	
	462 Sanchez St	4,166	1401 California St	15,433	
	1342 39th Ave	1,641	2340 Washington St	1,715	
	333 Harrison St.	4,923	1595 Pacific Ave	3,430	
137 Arleta Ave	1,641	2829 California St	1,715		
1680 Eddy St.	1,641	205 Franklin St	10,290		
2900 Fulton St.	4,923	701 Golden Gate Ave	8,575		
66 9th St	13,401	270 Granada St	3,430		
1395 Clayton St	1,641	210-216 17th Ave	1,715		
1397 Clayton St	3,282	3310 Clay St	1,715		
1844 Turk St	3,582	758 Spruce St	1,715		
1621 Irving St	1,641	1540 Jones St	3,430		
1863 42nd Ave	1,641	525 28th St	1,715		
248 Ocean Ave	1,641	580 Oak St	1,715		
2400 Noriega St	1,641	4130 3rd St	1,715		
1301 Indiana St	8,205	679 5th Ave	1,715		
1806 Great Hwy	1,641	132 Germania St	1,715		
2550 California St	1,641	764 17th Ave	1,715		
5646 Mission St	1,641	2439 Buchanan St	1,715		
1501 Diamond St	1,641	324 Hugo St	1,715		
301 Moraga St	1,641	33 Perine St	1,715		
155 Winston Dr	4,923	359 London St	1,715		
701 Portola Dr	3,282	335 Oak St	1,715		
880 Ashbury	3,282	362 Waller ST	1,715		
1840 Washington St	1,641	318 Arleta Ave	1,715		
			Others	80,065	
FY 2011-12			FY 2012-13		

Table H5.2: (cont'd) Street Trees, In-Lieu Fees Collected by Payer

Fiscal Year	Address	Fee Amount Collected	Fiscal Year	Address	Fee Amount Collected
FY 2013-14	2299 Market St	7,016	FY 2013-14 (cont'd)	812 Corbett Ave	1,753
	519 Kansas St	1,754		38 8th St	3,508
	2000 Ellis St	3,508		1844 Market St	14,024
	657 Vienna St	1,754		4443 19th St	1,753
	385 Ivy St	3,508		135 Yukon St	1,753
	1190 Mission St	3,828		284 Grand View Ave	1,754
	32-36 Pleasant St	1,754		2630 BayShore Blvd	7,012
	1535 Oak St	1,754		474 Natoma St	3,506
	1200 09th Ave	6,860		2724 San Bruno Ave	1,753
	100 Bush St	10,524		23 Sparta St	264
	534 9th Ave	1,754		1433 Diamond St	1,753
	1268 Lombard St	3,508		1500 Page St	1,754
	632 Steiner St	1,754		65 Prosper St	1,753
	67 Linda St	1,754		1863 30th Ave	1,753
	2200 Market St	8,770		535 Missouri St	1,753
	4064 17th St	1,754		2038 Balboa St	3,506
	1945 Hyde St	3,508		350 Linden St	1,753
	295 Lee Ave	3,508		1870 Golden Gate Ave	1,753
	2350 San Bruno Ave	1,754		262 Madison St	1,753
	277 Golden Gate Ave	8,770		1076 Guerrero St	1,753
	1267 19th St	1,754	Others	37,842	
	1612 Church St	1,754	Total:	639,023	
	2472 Chestnut St	1,753			
	737 Bay St	1,753			
	425 Douglass St	1,753			
	575 23rd Ave	1,715			
	246 Ritch St	1,753			
	2570 Bryant St	1,753			
	2322 21st Ave	1,753			
	2567 Union St	1,753			
	1719 Alabama St	1,753			
	101 Polk St	5,262			
	230 Sweeny St	1,753			
	1266 9th Ave	1,753			
	1816 Eddy St	3,506			
	449 Buena Vista East	1,753			
	4173 Cesar Chavez St	1,753			
	1080 Sutter St	1,753			
	1379 Revere Ave	1,753			
	300 South Van Ness Ave	7,012			
3830 03rd St	10,518				
156 Sproule Ln	1,753				
672 Peralta St	1,753				
935 North Point St	1,753				
2865 Vallejo St	1,753				
2559 Otsego Ave	1,753				
459 Geary St	3,506				
1020 Pierce St	1,753				
2809 Polk St	1,753				
160 San Marcos Ave	3,506				

H6. Public Art Fee

Background. Since September 1985, all developments involving construction exceeding 25,000 square feet in the downtown C-3 District, all parcels in RH-DTR, TB-DTR, SB-DTR, SLI, SLR, SSO, C-M, UMU, WMUG, WMUO and SALI Districts and zoned C-2 except for those on Blocks 4991 (Executive Park) and 7295 (Stonestown Galleria Mall), and properties that are zoned MUG, MOU, or MUR and that are north of Division/Duboce/13th Streets have been required to install works of art costing an amount equal to one percent of the construction cost of the building or addition. The art must be clearly visible from the public sidewalk or on the site of the open-space feature required by Planning Code Section 138. Developers may also seek approval to install artwork on an adjacent public property or in a publicly accessible lobby area of a hotel. Works of art include sculpture, bas-relief, murals, mosaics, decorative water features, tapestries or other artworks permanently affixed to the building or its grounds. Developers may pay a sum equivalent to the cost of the artwork in lieu of installing artwork.

Designated Use of Funds. Fees collected are to be deposited into the Public Artwork Trust Fund, which is administered by the Arts Commission. The Public Artwork Trust Fund shall be used by the Arts Commission within the C-3 District or within a half mile of the boundary of the C-3 District or, if the project is within another zoning district, within a half mile of the project boundary to enhance the visibility and quality of artworks in the public realm and to improve the public's access and enjoyment of the artworks in the public realm. The Board of Supervisors allows the Arts Commission to administer and expend the Public Artwork Trust Fund, and have the authority to prescribe rules and regulations governing the Fund.

Table H6.1: Public Art Fee Summary

Fiscal Year	Beginning Year Balance ⁽¹⁾	Fee Revenue Collected	Funds Expended	Year-End Balance ⁽²⁾
FY 2004-2005	\$ -	\$ 130,000	\$ 45,000	\$ 85,000
FY 2005-2006	\$ 85,000	\$ -	\$ -	\$ 85,000
FY 2006-2007	\$ 85,000	\$ 15,920	\$ -	\$ 100,920
FY 2007-2008	\$ 100,920	\$ -	\$ -	\$ 100,920
FY 2008-2009	\$ 100,920	\$ -	\$ -	\$ 100,920
FY 2009-2010	\$ 100,920	\$ -	\$ -	\$ 100,920
FY 2010-2011	\$ 100,920	\$ -	\$ -	\$ 100,920
FY 2011-2012	\$ 100,920	\$ -	\$ -	\$ 100,920
FY 2012-2013	\$ 100,920	\$ 106,500	\$ -	\$ 207,420
FY 2013-2014	\$ 207,420	\$ -	\$ -	\$ 207,420
Total		\$ 252,420	\$ 45,000	

Note:

(1) Prior to FY 2013-14, this fee was collected in the General Fund and any unexpended balance became part of fund balance in the General Fund at the year end in error. Starting FY 2013-14, however, the fee gets deposited in the special revenue fund and any unexpended balance will get carried forward to the subsequent fiscal year. The lost balance from the prior years will be corrected by transferring cash from the General Fund in the subsequent year.

(2) At the end of FY 2013-14, there is no encumbrance outstanding. Thus, the unassigned year-end balance for FY 2011-12 is \$106,500.

Table H6.2: Public Art Fees Collected by Payer

Fiscal Year	Address	Fee Amount Collected
FY 2004-2005	2351 Powell Street	85,000
FY 2004-2005	1275 Fell Street	45,000
FY 2006-2007	590 Castro Street	15,920
FY 2012-2013	505 Howard Street	106,500
Total		252,420

Note: The \$85,000 and \$15,920 payments were erroneously deposited into the Downtown C-3 Artwork Fund.

Table H6.3: Public Art Fee Expenditure Detail

Fiscal Year	Project Title	Fee Amount Transferred out of Fund	Fee Amount Expended	Project Expenditures, All Sources	Estimated % of Project Funded by Fees
FY 2004-2005	Pedestrian countdown crossing signals and crosswalk markings at the Broderick St. intersection	25,000	N/A	N/A	N/A
	Facade restoration, repair and painting of Fire House	20,000	N/A	N/A	N/A
	Furnish North Beach Pool/Clubhouse and renovate North Beach Bocce Court ⁽¹⁾	N/A	85,000	85,772	99%
FY 2006-2007	Improve Open Space in the vicinity of 590 Castro Street ⁽¹⁾	N/A	N/A	N/A	N/A

Note:

(1) These funds were erroneously deposited into the Downtown C-3 Artwork Fund. The \$85,000 payment was spent appropriately within the Recreation & Park Department's budget. The \$15,920 payment from 590 Castro Street has not been spent. City Planning and Recreation and Park are working together to address this issue.

H7. Bicycle Parking In-Lieu Fee

Background. Planning Code Section 430, which became effective in September 6, 2013, provides developers or owners options to pay an in lieu fee to satisfy the bicycle parking spaces requirement under Planning code Section 155.2. The developers or owners may: (1) pay an in lieu fee to satisfy up to 50 percent of the Class 2 bicycle parking requirement for the uses specified in Table 155.2, provided that no more than 20 required Class 2 bicycle parking spaces are satisfied through the in lieu payment under this subsection; or (2) pay an in lieu fee to satisfy up to 100 percent of the requirement for uses required by Table 155.2 to provide four or fewer Class 2 bicycle parking spaces; and shall pay the in lieu fee for all Class 2 bicycle parking spaces for which a variance or waiver is sought and granted by the Zoning Administrator under Planning Code Sections 305 and 307(k). The amount of the in lieu fee is \$420 per Class 2 bicycle parking space.

Designated Use of Funds. Fees collected are to be deposited into the Bicycle Parking Fund. Fees are to be used solely to install and maintain bicycle parking in areas of the City with inadequate public short-term bicycle parking facilities.

No Bicycle Parking In-Lieu Fee has been collected and expended since the establishment

H8. Water Capacity Charge

Background. The Water Capacity Charge, which became effective in July 2007, is imposed on any customer requesting a new connection to the water distribution system, or requiring additional capacity as a result of any addition, improvement, modification or change in use of an existing connection that increases demand on the water distribution system. See San Francisco Public Utilities Commission Resolution No. 07-0099 for the effective fee schedule.

Designated Use of Funds. Water capacity charges are deposited into their own subfund within the Water Enterprise and are managed consistently with the California Government Code Section 66013 and San Francisco Chapter Section 8B.125. The Public Utilities Commission administers this subfund.

Due to the large volume of water and wastewater capacity charge payers, payers are only listed in the appendix if their total water and wastewater capacity charge payment equaled or exceeded \$100,000. If fees were paid over multiple fiscal years, the payer is listed multiple times. The majority of large projects listed have not paid water capacity charges for two major reasons: (1) the water capacity charge became effective two years after the wastewater capacity charge; and (2) projects with existing water meters from the previous structure that are sufficient for the new large project are not subject to the water capacity charge and are granted a "Prior Use Credit."

Table H8.1: Water Capacity Charge Summary

Fiscal Year	Beginning Year Balance	Fee Revenue Collected	Interest Earned	Funds Expended	Year-End Balance ⁽¹⁾
FY 2007-2008	\$ -	\$ 213,455	\$ 585	\$ -	\$ 214,040
FY 2008-2009	\$ 214,040	\$ 625,948	\$ 895	\$ -	\$ 840,883
FY 2009-2010	\$ 840,883	\$ 610,312	\$ (895)	\$ -	\$ 1,450,300
FY 2010-2011	\$ 1,450,300	\$ 869,115	\$ -	\$ -	\$ 2,319,415
FY 2011-2012	\$ 2,319,415	\$ 1,372,542	\$ 44,148	\$ 2,008,605	\$ 1,727,500
FY 2012-2013	\$ 1,727,500	\$ 2,086,602	\$ 13,300	\$ (424)	\$ 3,827,826
FY 2013-2014	\$ 3,827,826	\$ 2,372,755	\$ 23,930	\$ -	\$ 6,224,511
Total		8,150,729	81,963	2,008,181	

Note:

(1) In this report, year-end balance includes encumbrances. There were no encumbrances at the end of FY 2013-2014. Thus, the unassigned year-end balance for FY 2013-14 is \$6,224,511.

G9. Wastewater Capacity Charge

Background. The Wastewater Capacity Charge, which first became effective in July 2005, is imposed on any customer requesting a new connection to the sewer system, or requiring additional capacity as a result of any addition, improvement, modification or change in use of an existing connection to the sewer system. See San Francisco Public Utilities Commission Resolution No. 07-0100 for the effective fee schedule.

Designated Use of Funds. Wastewater capacity charges are deposited into their own subfund within the Wastewater Enterprise and are managed consistently with the California Government Code Section 66013 and San Francisco Chapter Section 8B.125. The Public Utilities Commission administers this subfund.

Due to the large volume of water and wastewater capacity charge payers, payers are only listed in the appendix if their total water and wastewater capacity charge payment equaled or exceeded \$100,000. Note that if fees were paid over multiple fiscal years, the payer is listed multiple times.

Table H9.1: Wastewater Capacity Charge Summary

Fiscal Year	Beginning Year Balance	Fee Revenue Collected	Interest Earned	Funds Expended	Year-End Balance ⁽¹⁾
FY 2006-2007	\$ -	\$ 9,091,129	\$ -	\$ -	\$ 9,091,129
FY 2007-2008	\$ 9,091,129	\$ 6,298,294	\$ -	\$ -	\$ 15,389,423
FY 2008-2009	\$ 15,389,423	\$ 8,637,408	\$ 74,988	\$ 5,000,000	\$ 19,101,819
FY 2009-2010	\$ 19,101,819	\$ 2,299,512	\$ 2,208	\$ -	\$ 21,403,540
FY 2010-2011	\$ 21,403,540	\$ 3,754,841	\$ 5,260	\$ 11,997,159	\$ 13,166,482
FY 2011-2012	\$ 13,166,482	\$ 5,544,173	\$ 119,776	\$ 4,179,703	\$ 14,650,729
FY 2012-2013	\$ 14,650,729	\$ 11,336,556	\$ 109,076	\$ 3,002,602	\$ 23,093,759
FY 2013-2014	\$ 23,093,759	\$ 9,564,449	\$ 109,822	\$ 9,177,744	\$ 23,590,286
Total		\$ 56,526,362	\$ 421,130	\$ 33,357,208	

Note:

(1) In this report, year-end balance includes encumbrances. There was \$1,082,167 in encumbrances at the end of FY 2013-14. Thus, the unassigned year-end balance for FY 2013-14 is \$22,508,119.

Table H9.2: Water & Wastewater Capacity Charges, \$100,000 or Greater, by Payer ^{(1) (2)}

Fiscal Year	Address	Wastewater Fee Amount Collected	Fiscal Year	Address	Wastewater Fee Amount Collected
FY 2006-2007	425 First St	886,708	FY 2011-2012	1411 Market St	507,354
	888 Howard St	626,785		185 Channel St	207,052
	4601 3rd St	130,200		55 9th St	197,094
	450 Rhode Island	616,203		333 Harrison St	181,138
	301 Main St	617,148		1190 Mission St	188,139
	631 Folsom St	312,480		2225 3rd St	122,350
	766 Harrison St	248,509		1880 Mission St	121,598
	650 Eddy St	216,234		1155 4th St	105,299
	310 Townsend St	117,180		1150 Ocean Ave	119,293
	74 New Montgomery St	234,258		FY 2012-2013	399 Fremont St
	333 Fremont St	204,707	1380 7th St		539,372
	2351 Powell St	165,738	301 Beale St		531,202
	555 Mission St	159,821	401 Harrison St		489,358
	818 Van Ness Ave	133,443	338 Main St		462,180
	973 Market St	157,304	45 Lansing St		450,908
	450 Rhode Island	181,576	100 Van Ness Av		399,109
	125 Mason St	210,924	900 Folsom St		396,859
	800 Minnesota St	175,165	690 Long Bridge St		373,758
	1275 Indiana St	102,817	1420 Mission St		285,075
	66 9th St	278,628	701 Long Bridge St		267,572
338 Spear St	742,247	1200 4th St	249,923		
FY 2007-2008	1160 Mission St	320,047	307 Octavia St		249,129
	230 Turk St	234,184	240-260 5th St		246,288
	990 Polk St	286,440	2558 Mission St		157,073
	690 Market St	216,910	222 2nd St		152,574
	333 Main St	171,864	2121 3rd St		137,464
	733 Front St	154,774	1800 Van Ness Av		136,461
	1844 Market St	294,885	2655 Bush St		130,038
	1390 Mission St	346,139	72 Townsend St		122,703
	101 Executive Park Blvd	256,037	1239 Turk St	113,345	
	1 Ecker Pl	115,910	318 Main St	112,926	
	275 10th St.	351,861	333 Beale St	112,344	
	3575 Geary Blvd.	386,050	3251 20th Av	111,337	
	5600 3rd St., Bldg. II	148,428	2175 Market St	110,275	
	1188 Mission St.	213,180	255 Broadway St	103,245	
	5600 3rd St., Bldg. I	148,428	201 Folsom St		
FY 2008-2009	1 Hawthorne St	102,161	FY 2013-2014	555 Fulton St	189,239
	1411 Market St.	376,843		540 Mission Bay Bl North	131,139
	1160 Mission St	342,479		280 Beale St	642,690
	2101 & 2125 Bryant St	175,797		101 Polk St	209,757
	829 Folsom St	169,489		100 Drumm St	197,794
	2949 18th St	280,649		218 Buchanan St	311,707
	871 Turk St	263,004		104 9th St	183,819
	149 Mason St.	145,925		33 8th St	275,208
	601 King St	593,229		340 Fremont St	493,356
	77 Van Ness Ave	136,361		718 Long Bridge St	488,530
	318 Spear St	166,389		1415 Mission St	170,566
	1188 Mission St	213,180		100 Buchanan St	180,529
	1 Hawthorne St	102,161		350 8th St	596,623
701 Golden Gate Ave	260,400	183 Fremont St		266,310	
301 Mission St	994,388	1751 Carroll Av		197,014	
FY 2009-2010	5600 3rd St	54,949	101 1st St	456,659	
	1150 Ocean Ave	119,293			
FY 2010-2011	2225 3rd Street	122,350			
	333 Harrison Street	181,138			
	1411 Market St.	130,511			
	1190 Mission Street	188,139			

Notes:
 (1) Includes payers whose total payment (water & wastewater) equaled or exceeded \$100,000.
 (2) Fees paid in installments are listed in each fiscal year in which they were paid.

Table H9.3: Water & Wastewater Capacity Charges Expenditure Detail

Fiscal Year	Project Title	Fee Amount Expended	Project Expenditures, All Sources	Estimated % of Project Funded by Fees
FY 2008-2009	Sewer Repair: Hoffman & Noe	812,965	1,151,842	71%
	Sewer Repair: Euclid & Pacific St	332,889	1,637,097	20%
	Sewer Repair: Dartmouth & Gates	734,712	1,025,276	72%
	air conditioning system	1,307,474	2,084,804	63%
	Emergency Sewer Repair: various locations	1,811,960	4,651,033	39%
FY 2010-2011	Bromeley Place Sewer Replacement	206,712	206,712	100%
	California St Sewer Replacement	876,034	876,034	100%
	Waller St Sewer Repair	191,630	191,630	100%
	Various Sewer Locations #1	2,692,211	3,027,547	89%
	Spot Sewer Repair Contract #24	3,277,917	3,277,917	100%
	Downtown District Sewer Replacement	118,664	118,664	100%
	Soma/Mission Sewer Replacement	136,958	136,958	100%
	Western Addt/Beach/Marina Repair	83,861	83,861	100%
	Windfield St Sewer Repair	161,054	161,054	100%
	17Th/Bocana/Ellworth Sewer Repair	657,174	657,174	100%
	Laurel Heights/Haight Sewer Repair	91,626	91,626	100%
	Richmond District Sewer Replacement	76,983	76,983	100%
	Sunset District Sewer Replacement	104,294	104,294	100%
	Noe/Glen Park/Trin Peaks Sewer	60,955	60,955	100%
	Mcclaren/Ingleside/Excelsior Sewer	68,670	68,670	100%
	Potrero/Bernal Heights Sewer	172,851	172,851	100%
	Bayview/Hunters Point Sewer	48,708	48,708	100%
	Miramar Ave Sewer Repair	886,898	886,898	100%
	Polk St Emergency Sewer Repair	426,515	426,515	100%
	Baker/Grove/Cole - Sewer Repair	1,133,196	1,133,196	100%
	Bush St Sewer Replacement	99,898	1,593,733	6%
	Baker/Blake/Cook-Sewer Repair/Cpfrnr	13,613	617,668	2%
Auburn St Sewer Replacement	13,686	13,686	100%	
Carl St Sewer Replacement	69,362	69,362	100%	
Outfall Inspection/Receiving Water	133,099	133,099	100%	
RNR Treatment Facilities	194,592	194,592	100%	
FY 2011-2012	Bromeley Place Sewer Replacement	(8,244)	(8,244)	100%
	California St Sewer Replacement	52,316	52,316	100%
	Various Sewer Locations #1	(57,297)	22,476	-255%
	Spot Sewer Repair Contract #24	20,487	20,487	100%
	Downtown District Sewer Replacement	161,165	161,165	100%
	Soma/Mission Sewer Replacement	165,894	362,135	46%
	Western Addt/Beach/Marina Repair	173,183	173,183	100%
	Windfield St Sewer Repair	35,274	35,274	100%
	17Th/Bocana/Ellworth Sewer Repair	494,092	494,092	100%
	Laurel Heights/Haight Sewer Repair	210,531	675,652	31%
	Richmond District Sewer Replacement	175,098	175,098	100%
	Sunset District Sewer Replacement	1,088,253	1,119,447	97%
	Noe/Glen Park/Trin Peaks Sewer	199,773	199,773	100%
	Mcclaren/Ingleside/Excelsior Sewer	191,766	191,766	100%
	Potrero/Bernal Heights Sewer	139,549	139,549	100%
	Bayview/Hunters Point Sewer	261,548	261,548	100%
	Miramar Ave Sewer Repair	16,544	16,544	100%
Baker/Grove/Cole - Sewer Repair	449,607	449,607	100%	

Table H9.3: (cont'd) Water & Wastewater Capacity Charges Expenditure Detail

Fiscal Year	Project Title	Fee Amount	Project	Estimated % of
FY 2011-2012 (cont.)	Bush St Sewer Replacement	168,191	524,876	32%
	Baker/Blake/Cook-Sewer Repair/Cpfrnr	41,651	1,227,214	3%
	Auburn St Sewer Replacement	15,229	28,930	53%
	Carl St Sewer Replacement	45,129	1,373,949	3%
	Newcomb Ave Sewer Replacement	33,773	470,810	7%
	Outfall Inspection/Receiving Water	104,411	827,088	13%
	SECF Elevator Repair & Upgrade	1,781	1,781	100%
FY 2012-13	California St Sewer Replacement	297	297	100%
	Various Sewer Locations #1	149,704	195,384	77%
	Downtown District Sewer Replacement	151,394	1,225,995	12%
	SOMA/Mission Sewer Replacement	53,176	1,960,671	3%
	Western Addt/Beach/Marina Repair	66,798	66,798	100%
	17th/Bocana/Ellworth Sewer Repair	(16,221)	(16,221)	100%
	Laurel Heights/Haight Sewer Repair	173,662	1,568,441	11%
	Richmond District Sewer Replacement	118,526	2,177,681	5%
	Sunset District Sewer Replacement	1,341,614	1,371,212	98%
	Noe/Glen Park/Trin Peaks Sewer	36,862	1,480,297	2%
	McClaren/Ingleside/Excelsior Sewer	51,976	1,329,610	4%
	Potrero/Bernal Heights Sewer	37,420	1,950,228	2%
	Bayview/Hunters Point Sewer	132,032	2,065,834	6%
	Bush St Sewer Replacement	2,044	2,044	100%
	Baker/Blake/Cook-Sewer Repair/CPFRNR	1,447	3,246	45%
	Carl St Sewer Replacement	25,151	209,952	12%
	Newcomb Ave Sewer Replacement	(1,110)	(7,449)	15%
	Golden Gate Ave Sewer Replacement	20,170	266,429	8%
	Various Locations Sewer Replacement #4	792	103,397	1%
	Parnassus Ave Sewer Replacement	38,684	628,929	6%
	15TH/16TH/18TH/19TH California	277,466	425,685	65%
	28TH Sewer Replacement	14,668	93,896	16%
	Folsom Street Sewer Replacement	7,159	60,927	12%
	Alhambra/Bay/Beach Sewer Repair	20,401	111,741	18%
	Avalia/Bay/Beach Sewer Repair	30,607	273,518	11%
	20th/Arkansas St Sewer Replacement	9,215	161,315	6%
	Eddy/Scott/Castro/Sewer Replacement	6,382	7,602	84%
	Spot Sewer Repair CONTRACT #29	18,576	18,576	100%
	Plymouth Avenue Sewer Replacement	6,925	6,925	100%
	DPW BSSR Spot Sewer Repair	200,123	200,123	100%
Franklin Street Sewer Replacement	6,328	6,328	100%	
20th Avenue Sewer Replacement	2,009	46,425	4%	
Outfall Inspection/Receiving Water	18,327	613,971	3%	
FY 2013-14	California St Sewer Replacement	18,928	18,928	100%
	Downtown District Sewer Replacement	19,625	111,793	18%
	SOMA/Mission Sewer Replacement	3,730	145,830	3%
	Western Addt/Beach/Marina Repair	34,981	34,981	100%
	17th/Bpcana/Ellworth Sewer Repair	2,445	2,445	100%
	Laurel Heights/Haight Sewer Repair	32,785	61,633	53%
	Richmond District Sewer Replacement	25,904	1,103,387	2%
	Sunset District Sewer Replacement	80,439	81,460	99%
	Noe/Glen Park/Trin Peaks Sewer	12,862	251,128	5%

Table H9.3: (cont'd) Water & Wastewater Capacity Charges Expenditure Detail

Fiscal Year	Project Title	Fee Amount Expended	Project Expenditures, All Sources	Estimated % of Project Funded by Fees
FY 2013-14 (cont.)	McClaren/Ingleside/Excelsior Sewer	42,934	109,988	39%
	Potrero/Bernal Heights Sewer	5,663	114,855	5%
	Bayview/Hunters Point Sewer	1,787	47,801	4%
	Baker/Blake/Cook-Sewer Repair/CPFRNR	843	843	100%
	Carl St Sewer Replacement	408	(1,151,616)	0%
	SOMA Alley Sewer Improvements	16,195	29,332	55%
	Golden Gate Ave Sewer Replacement	194	(416)	-47%
	Various Locations Sewer Replacement #4	137	295,566	0%
	Folsom Street Sewer Replacement	5,219	75,357	7%
	Alhambra/Bay/Beach Sewer Repair	5,373	901,442	1%
	Spot Sewer Repair CONTRACT #29	8,735,609	8,893,760	98%
	DPW BSSR Spot Sewer Repair	(123)	(123)	100%
	Franklin Street Sewer Replacement	837	2,302,916	0%
	17th & Folsom Short-Term Sewer Repair	38,332	129,361	30%
	Pine/Stockton/Sacramento St Sewers	83,771	1,725,526	5%
	Outfall Inspection/Receiving Water	8,865	778,891	1%
Total		33,357,209	68,651,834	49%

Appendix A(1): Development Impact Fee Register

City Area Subject to the Fee	Impact Fee	Administering Entity	Collecting Entity	Ordinance Reference	Fee Applies To:	Developer Options	Fees Effective for January 1 through December 31, 2014	Fees Effective for for January 1 through December 31, 2015
Rincon Hill - Residential	Rincon Hill Community Infrastructure Impact Fee	Planning Commission	Planning Department and Treasurer-Tax Collector	Planning Code Section 418	Residential Dwelling Units	Impact fee or in-kind improvement	\$9.94 GSF Replacement/Change of Use (Non-Residential to Residential): \$5.78/GSF Replacement/Change of Use (PDR to Residential): \$7.86/GSF	\$10.44 GSF Replacement/Change of Use (Non-Residential to Residential): \$6.07/GSF Replacement/Change of Use (PDR to Residential): \$8.25/GSF
Rincon Hill - Residential (same Block & Lot as Rincon Hill)	South of Market Area (SOMA) Community Stabilization Fee	Mayor's Office of Housing and Board of Supervisors	Treasurer-Tax Collector	Planning Code Section 418.3(d)	Residential Dwelling Units	Impact fee or in-kind improvement	\$12.66GSF	\$13.29 GSF
Rincon Hill: South of Market Area Mixed Use District	Alternative Means of Satisfying the Open Space Requirement in SOMA Mixed Use Districts	Planning Department	Planning Department and Treasurer-Tax Collector	Planning Code Section 425	Residential Dwelling Units + retail / other commercial	Optional Program	\$0.92 PSF of open space otherwise required to be provided	\$0.97 PSF of open space otherwise required to be provided
Visitation Valley - Residential	Visitation Valley Community Facilities & Infrastructure Impact Fee	Planning Department and Board of Supervisors	Department of Building Inspection and Treasurer-Tax Collector	Planning Code Section 420	Residential	Impact fee or in-kind improvement	\$5.29 PSF Replacement/Change of Use (Non-Residential to Residential): \$4.16/PSF Replacement/Change of Use (PDR to Residential): \$2.68/PSF	\$5.56 PSF Replacement/Change of Use (Non-Residential to Residential): \$4.37/PSF Replacement/Change of Use (PDR to Residential): \$2.82/PSF
Market/Octavia - Residential (Not Residential Transit Oriented District)	Market & Octavia Affordable Housing Fee	Mayor's Office of Housing and Planning Department	Department of Building Inspection and Treasurer-Tax Collector	Planning Code Section 416	Residential Dwelling Units (Neighborhood Commercial District "NCD")	Fee only	\$4.16 PSF Replacement/Change of Use (Non-Residential to Residential): \$0.23/PSF Replacement/Change of Use (PDR to Residential): \$2.20/PSF	\$4.37 PSF Replacement/Change of Use (Non-Residential to Residential): \$0.24/PSF Replacement/Change of Use (PDR to Residential): \$2.31/PSF

Key
AICCIE Annual Infrastructure Cost Inflation Estimate FAR Floor Area Ratio NSF Net Square Feet RH Rincon Hill UML
C-3 Downtown GSF Gross Square Feet PDR Production, Distribution and Repair RTO Residential Transit Oriented District
EN Eastern Neighborhoods NCD Neighborhood Commercial District PSF Per Square Foot SOMA South of Market

Appendix A(1): (cont'd) Development Impact Fee Register

City Area Subject to the Fee	Impact Fee	Administering Entity	Collecting Entity	Ordinance Reference	Fee Applies To:	Developer Options	Fees Effective for January 1 through December 31, 2014	Fees Effective for for January through December 31, 2015
Market/Octavia - Residential (Not Residential Transit Oriented District)	Market & Octavia Affordable Housing Fee	Mayor's Office of Housing and Planning Department	Department of Building Inspection and Treasurer-Tax Collector	Planning Code Section 416	Residential Dwelling Units (Van Ness and Market Special Use District)	Fee only	\$8.32 PSF Replacement/Change of Use (Non-Residential to Residential): \$4.39/PSF Replacement/Change of Use (PDR to Residential): \$6.96/PSF	\$8.74 PSF Replacement/Change of Use (Non-Residential to Residential): \$4.61/PSF Replacement/Change of Use (PDR to Residential): \$6.67/PSF
Market/Octavia - Residential + Commercial	Market & Octavia Community Infrastructure Impact Fee	Planning Department	Department of Building Inspection and Treasurer-Tax Collector	Planning Code Section 421	Residential Dwelling Units + retail / other commercial	Impact fee or in-kind improvement	\$10.40 PSF for Residential, \$3.93 PSF for Non-residential (1) Replacement/Change of Use: Non-Residential to Residential: \$6.47 PDR to Residential: \$8.44 PDR to Non-Residential: \$1.96	\$10.92 PSF for Residential, \$4.13 PSF Non-residential (1) Replacement/Change of Use: Non-Residential to Residential: \$6.86 PDR to Residential: \$8.86 PDR to Non-Residential: \$2.06
Van Ness and Market - Residential + Commercial Van Ness and Market Downtown Residential Special Use District only	Van Ness and Market Affordable Housing Fee	Mayor's Office of Housing and Planning Department	Planning Department and Treasurer-Tax Collector	Planning Code Section 424	Residential Dwelling Units + retail / other commercial	Impact fee or in-kind improvement	\$34.67 per net additional gsf for Floor Area Ratio (FAR) between 6:1 and 9:1.	\$36.41 per net additional gsf for Floor Area Ratio (FAR) between 6:1 and 9:1
Van Ness and Market - Residential + Commercial Van Ness and Market Downtown Residential Special Use District only	Van Ness and Market Neighborhood Infrastructure Fee	Planning Department	Planning Department and Treasurer-Tax Collector	Planning Code Section 424	Residential Dwelling Units + retail / other commercial	Impact fee or in-kind improvement	\$17.34 GSF for Floor Area Ratio above 9:1	\$18.20 GSF for Floor Area Ratio above 9:1
Eastern Neighborhoods - Residential	Eastern Neighborhoods Area Plans Affordable Housing Requirement	Mayor's Office of Housing and Planning Department	Planning Department and Treasurer-Tax Collector	Planning Code Section 417	Residential	Optional Program	\$46.23 per GSF	\$48.54 per GSF

Key

AICCE Annual Infrastructure Cost Inflation Estimate FAR Floor Area Ratio NSF Net Square Feet RH Rincon Hill UML
 C-3 Downtown GSF Gross Square Feet PDR Production, Distribution and Repair RTO Residential Transit Oriented District
 EN Eastern Neighborhoods NCD Neighborhood Commercial District PSF Per Square Foot SOMA South of Market

Appendix A(1): (cont'd) Development Impact Fee Register

City Area Subject to the Fee	Impact Fee	Administering Entity	Collecting Entity	Ordinance Reference	Fee Applies To:	Developer Options	Fees Effective for January 1 through December 31, 2014	Fees Effective for for January 1 through December 31, 2015
Eastern Neighborhoods, Zoned Urban Mixed Use District	Affordable Housing Requirements for Urban Mixed Use District in Eastern Neighborhoods	Mayor's Office of Housing and Planning Department	Planning Department and Treasurer-Tax Collector	Planning Code Section 419	Residential Dwelling Units	Onsite or offsite affordable units or in-lieu fee, Land Dedication, Middle Income Alternative	Tier A: a minimum of 18 percent of the total units constructed shall be affordable; Tier B: a minimum of 20 percent of the total units constructed shall be affordable; Tier C: a minimum of 22 percent of the total units constructed shall be affordable; In-lieu fee varies by Unit Size (studio - \$191,349 1-bedroom \$261,271, 2-bedroom \$357,034, 3-bedroom \$407,890)	Tier A: a minimum of 18 percent of the total units constructed shall be affordable Tier B: a minimum of 20 percent of the total units constructed shall be affordable Tier C: a minimum of 22 percent of the total units constructed shall be affordable Fee varies by Unit Size (Studio - \$199,698 1 bedroom - \$270,441, 2 bedroom - \$367,711, 3 bedroom - \$419,621 4 bedroom - \$522,545)
Eastern Neighborhoods - Residential + Commercial	Eastern Neighborhoods Infrastructure Impact Fee (Mission District, Central Waterfront, SOMA, Showplace)	Planning Department	Planning Department and Treasurer-Tax Collector	Planning Code Section 423	Residential Dwelling Units + Non-Residential Uses	Impact fee or in-kind improvement	Residential (PSF)- Tier 1: \$9.25; Tier 2: \$13.87; Tier 3: \$18.49 Non-residential (PSF)-Tier 1: \$6.93; Tier 2: \$11.56; Tier 3: \$16.18 <u>Replacement/Change of Use:</u> PDR to Residential (PSF): Tier 1 \$5.78; Tier 2: \$10.40; Tier 3: \$15.03 PDR to Non-Residential (PSF): Tier 1: \$3.47; Tier 2: \$8.09; Tier 3: \$12.71 Non-Residential to Residential: All Tiers: \$2.31	Residential (PSF)- Tier 1: \$9.71; Tier 2: \$14.56; Tier 3: \$19.42 Non-residential (PSF)-Tier 1: \$7.28; Tier 2: \$12.14; Tier 3: \$16.99 <u>Replacement/Change of Use:</u> PDR to Residential (PSF): Tier 1 \$6.07; Tier 2: \$10.92; Tier 3: \$15.78 PDR to Non-Residential (PSF): Tier 1: \$3.64; Tier 2: \$8.50; Tier 3: \$13.35 Non-Residential to Residential: All Tiers: \$2.43
Eastern Neighborhood - Mixed-Use Districts	Alternative Means of Satisfying the Open Space Requirement in the Eastern Neighborhoods Mixed-Use Districts	Planning Department	Planning Department and Treasurer-Tax Collector	Planning Code Section 426	Non-residential	Optional Program	\$87.84 PSF	\$92.23 PSF
Eastern Neighborhood - Mixed-Use Districts	Payment in Case of Variance or Exception	Planning Department	Planning Department and Treasurer-Tax Collector	Planning Code Section 427	Residential Dwelling Units	Optional Program	\$377.94 PSF	\$396.84PSF

Key
AICCIE Annual Infrastructure Cost Inflation Estimate FAR Floor Area Ratio NSF Net Square Feet RH Rincon Hill UML
C-3 Downtown GSF Gross Square Feet PDR Production, Distribution and Repair RTO Residential Transit Oriented District
EN Eastern Neighborhoods NCD Neighborhood Commercial District PSF Per Square Foot SOMA South of Market

Appendix A(1): (cont'd) Development Impact Fee Register

City Area Subject to the Fee	Impact Fee	Administering Entity	Collecting Entity	Ordinance Reference	Fee Applies To:	Developer Options	Fees Effective for January 1 through December 31, 2014	Fees Effective for for January 1 through December 31, 2015
Balboa Park - Residential + Commercial	Balboa Park Community Infrastructure Impact Fee	Planning Department	Planning Department and Treasurer-Tax Collector	Planning Code Section 422	Residential Dwelling Units	In-lieu fee or in kind improvement	Residential: \$9.25 per GSF; Non-Residential: \$1.73per GSF <u>Replacement/Change of Use:</u> Non-Residential to Residential: \$7.51 per GSF PDR to Residential: \$8.38 per GSF PDR to Non-Residential: \$0.87 per GSF	Residential: \$9.71 per GSF; Non-Residential: \$1.82 per GSF <u>Replacement/Change of Use:</u> Non-Residential to Residential: \$7.89 per GSF PDR to Residential: \$8.80 per GSF PDR to Non-Residential: \$0.91 per GS
Downtown: C-3 Districts - Commercial	Downtown Park Fee	Recreation and Parks Department and Planning Department	Planning Department and Treasurer-Tax Collector	Planning Code Section 412	Residential + Non-Residential	Impact fee	\$ 2.31 per GSF	\$ 2.43 per GSF
Downtown: C-3-O (SD) Districts - Office	Transit Center Open Space Fee	Municipal Transportation Agency	Department of Building Inspection	Planning Code Section 424.7	Residential + Non-Residential	Impact fee	Residential: \$2.61 base fee* Office: \$3.14 base fee, PLUS \$7.32 for any gsf that exceeds Floor Area Ratio (FAR) of 9:1* Retail: \$5.23 base fee, PLUS \$4.70 for any gsf that exceeds FAR of 9:1* Hotel: \$4.18 base fee* Institutional/Cultural/Medical: \$5.23 base fee, PLUS \$4.49 for any gsf that exceeds FAR of 9:1* Industrial: \$2.61 base fee	* Residential: \$2.74 base fee* Office: \$3.29 base fee, PLUS \$7.68 for any gsf that exceeds Floor Area Ratio (FAR) of 9:1* Retail: \$5.49 base fee, PLUS \$4.9 for any gsf that exceeds FAR of 9:1* Hotel: \$4.39 base fee* Institutional/Cultural/Medical: \$5.49 base fee, PLUS \$4.72 for any gsf that exceeds FAR of 9:1* Industrial: \$2.74 base fee
Downtown: C-3-O (SD) Districts - Office	Transit Center Transportation and Street Improvement Fee	Municipal Transportation Agency	Department of Building Inspection	Planning Code Section 412	Office within C-3-O (SD) Districts	Impact fee	* Residential: \$0.05 Transit Delay Mitigation Fee (TDMF), PLUS \$4.12 base fee, PLUS \$6.27 for gsf that exceeds FAR of 9:1, PLUS \$3.14 for gsf that exceeds FAR of 18:1.* Office: \$0.21 TDMF, PLUS \$3.97 base fee, PLUS \$20.38 for gsf that exceeds FAR of 9:1, PLUS \$10.45 for gsf that exceeds FAR of 18:1.* Retail: \$2.04 TDMF, PLUS \$2.14 base fee, PLUS \$20.38 for gsf that exceeds FAR of 9:1, PLUS \$10.45 for gsf that exceeds FAR of 18:1.* Hotel: \$0.10 TDMF, PLUS \$4.08 base fee, PLUS \$8.36 for gsf that exceeds FAR of 9:1, PLUS \$3.14 for gsf that exceeds FAR of 18:1.* Institutional/Cultural/ Medical: \$0.31 TDMF, PLUS \$3.87 base fee, PLUS \$20.38 for gsf that exceeds FAR of 9:1, PLUS \$10.45 for gsf that exceeds FAR of 18:1.* Industrial: \$4.18 base fee	* Residential: \$0.07 Transit Delay Mitigation Fee (TDMF), PLUS \$4.32 base fee, PLUS \$6.58 for gsf that exceeds FAR of 9:1, PLUS \$3.29 for gsf that exceed FAR of 18:1.* Office: \$0.22 TDMF, PLUS \$4.17 base fee, PLUS \$21.40 for gsf that exceeds FAR of 9:1, PLUS \$10.97 for gsf that exceeds FAR of 18:1.* Retail: \$2.1 TDMF, PLUS \$2.25 base fee, PLUS \$21.40 for gsf that exceeds FAR of 9:1, PLUS \$10.97 for gsf that exceeds FAR of 18:1.* Hotel: \$0.11 TDMF, PLUS \$4.21 base fee, PLUS \$8.78 for gsf that exceeds FAR of 9:1, PLUS \$3.29 for gsf that exceeds FAR of 18:1.* Institutional/Cultural/ Medical: \$0.33 TDMF, PLUS \$4.06 base fee, PLUS \$21.40 for gsf that exceeds FAR of 9:1, PLUS \$10.97 for gsf that exceeds FAR of 18:1.* Industrial: \$4.39 base fee

Key
 AICCIE Annual Infrastructure Cost Inflation Estimate FAR Floor Area Ratio NSF Net Square Feet RH Rincon Hill UML
 C-3 Downtown GSF Gross Square Feet PDR Production, Distribution and Repair RTO Residential Transit Oriented District
 EN Eastern Neighborhoods NCD Neighborhood Commercial District PSF Per Square Foot SOMA South of Market

Appendix A(1): (cont'd) Development Impact Fee Register

City Area Subject to the Fee	Impact Fee	Administering Entity	Collecting Entity	Ordinance Reference	Fee Applies To:	Developer Options	Fees Effective for January 1 through December 31, 2014	Fees Effective for for January through December 31, 2015
Downtown: C-3-O(SD)	Downtown Payment in Case of Variance for Open Space	Recreation and Parks Department and Planning Department	Department of Building Inspection and Treasurer-Tax Collector	Planning Code Section 427	Any use requiring open space pursuant to Section 135 or 138.	Impact fee	\$1,532 per gross sq. foot	\$1,609 per gross sq. foot
Transit Impact Development Fee: Citywide - Commercial	Transit Impact Development Fee (TIDF)	Municipal Transportation Agency	Department of Building Inspection	Planning Code Section 411	Cultural/ Institutional/ Educational, Management/ Information/ Professional Services (i.e., office), Medical and Health Services, Production/ Distribution/ Repair, Retail/ Entertainment, Visitor Services	Fee only	* \$13.90 for Day Care/Community Center; * \$13.90 for Post-Secondary School; * \$11.55 for Museum; * \$13.90 for Other Institutional; * \$13.21 for Management/ Information/Prof. Svcs.; * \$13.90 for Medical and Health Services; * \$7.11 for Production/ Distribution/Repair; * \$13.90 for Retail/ Entertainment; * \$13.21 for Visitor Services. Credit may be given for existing uses on site. Contact the MTA for more information.	* \$14.59 for Day Care/Community Center; * \$14.59 for Post-Secondary School; * \$12.12 for Museum; * \$14.59 for Other Institutional; * \$13.87 for Management/ Information/Prof. Svcs.; * \$14.59 for Medical and Health Services; * \$7.46 for Production/ Distribution/Repair; * \$14.59 for Retail/ Entertainment; * \$13.87 for Visitor Services. Credit may be given for existing uses on site. Contact the MTA for more information.
Affordable Housing: Citywide - Commercial	Affordable Housing - Jobs-Housing Linkage Fee	Mayor's Office of Housing	Planning Department and Treasurer-Tax Collector	Planning Code Section 413	Entertainment / Hotel / Integrated PDR/ Office / Research & Development / Retail / Small Enterprise Workspace	Funding off-site affordable housing or in-lieu fee	Entertainment/Retail: \$22.42. Hotel: \$17.99. Office: \$24.03. R&D: \$16.01. Integrated PDR/Small Enterprise Workspace: \$18.89	Effective 1/1/2013- Entertainment/Retail: \$22.42. Hotel: \$17.99. Office: \$24.03. R&D: \$16.01. Integrated PDR/Small Enterprise Workspace: \$18.89
Affordable Housing: Citywide - Residential	Inclusionary Affordable Housing Program	Mayor's Office of Housing	Planning Department and Treasurer-Tax Collector	Planning Code Section 415/419	Residential Dwelling Units > or = 10	Affordable housing fee, on-site or off-site affordable units	Varies by unit size (Studio - \$191,349 1 bedroom - \$261,271, 2 bedroom - \$357,034, 3 bedroom - \$407,890)	Varies by unit size (Studio - \$199,698 1 bedroom - \$270,441, 2 bedroom - \$367,711, 3 bedroom - \$419,621 4 bedroom - \$522,545)
Child Care: Citywide - Commercial	Child Care Fee	Department of Children Youth and Their Families	Planning Department and Treasurer-Tax Collector	Planning Code Section 414	Office/Hotel	On-site or off-site daycare or in-lieu fee	\$ 1.16 PSF	\$ 1.21 PSF

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Appendix A(1): (cont'd) Development Impact Fee Register

City Area Subject to the Fee	Impact Fee	Administering Entity	Collecting Entity	Ordinance Reference	Fee Applies To:	Developer Options	Fees Effective for January 1 through December 31, 2014	Fees Effective for for January 1 through December 31, 2015
Street Trees: Citywide	Street Trees, In-Lieu Fee	Department of Public Works	Department of Public Works	Planning Code Section 428, Section 138.1	All	If tree planting is required, but not approved by DPW, the in-lieu fee is required	\$1,753 per required tree that cannot be planted (from July 1, 2013 through June 30,2014)	\$1,799 per required tree that cannot be planted (from July 1, 2014 through June 30,2015)
Public Art:	Public Art Fee	Recreation and Parks Department and Planning Department	Planning Department and Treasurer-Tax Collector	Planning Code Section 429	Downtown: C-3+RH + SB + TB South of Market: SLI + SLR + SSO Commercial: C-M + Part of C-2 Eastern Neighborhoods: UMU + MUG, MOU or MUR that are north of Division/Duboce/13th Streets	Artwork onsite or fee payment	1% of construction cost	1% of construction cost
Bicycle Parking in Lieu Fee : Citywide	Bicycle Parking (Class 2) In-Lieu Fee	Municipal Transportation Agency	Department of Building Inspection	Planning Code Section 430	Class 2 bicycle parking space	Fee only	\$400 per Class 2 bicycle parking space (effective as of 09/06/2013)	\$420per Class 2 bicycle parking space
WC: Citywide - Residential & Non-Residential	Water Capacity Charge	San Francisco Public Utilities Commission	San Francisco Public Utilities Commission	PUC Resolution No. 07-0099	Development/ Change of Use - Citywide	Fee only	Meter Size Residential/Non-Residential 5/8"--\$1,191 3/4"--\$1,787 1"--\$2,980 1-1/2"--\$5,958 2"--\$9,534 3"--\$17,875 4"--\$29,793 6"--\$59,589 8"--\$95,342 10"--\$137,055 12"--\$256,233 16"--\$446,918 Residential <801 s/f - \$397 801-1700 s/f-\$596 1701-2500 s/f- \$786 2501-5000 s/f -\$2,382 >5000 s/f - \$3,573	Meter Size Residential/Non-Residential 5/8"--\$1,239 3/4"--\$1,859 1"--\$3,100 1-1/2"--\$6,197 2"--\$9,917 3"--\$18,594 4"--\$30,990 6"--\$61,983 8"--\$99,172 10"--\$142,485 12"--\$266,385 16"--\$464,625 Residential <801 s/f - \$397 801-1700 s/f-\$596 1701-2500 s/f- \$786 2501-5000 s/f -\$2,382 >5000 s/f - \$3,573

Key

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Appendix A(1): (cont'd) Development Impact Fee Register

City Area Subject to the Fee	Impact Fee	Administering Entity	Collecting Entity	Ordinance Reference	Fee Applies To:	Developer Options	Fees Effective for January 1 through December 31, 2014	Fees Effective for January 1 through December 31, 2015
WCC: Citywide - Residential & Non Residential	Wastewater Capacity Charge	San Francisco Public Utilities Commission	San Francisco Public Utilities Commission	SFPUC Resolution No. 07-0100	Development/ Change of Use - Citywide	Fee only	Residential * <801 s/f - \$1,160 * 801-1700 s/f-\$1,757 * 1701-2500 s/f- \$2,354 * 2501-5000 s/f -\$7,028 * >5000 s/f - \$10,542 Non-Residential * \$0.17 - 48.52 s/f	Meter Size Residential (SIC4) 5/8"= \$4,218 3/4"-\$6,327 1"= \$10,545 1-1/2"-\$21,090 2"= \$33,744 3"-\$63,270 4"-\$105,450 6"-\$210,900 8"-\$337,440 10"-\$485,070 12"-\$906,870 16"-\$1,581,750 (from July 1, 2014 through June 30,2015 Non Residential (SIC2-SIC3 and SIC5-SIC11) for detail rates, please refer to page 16 and 17 of SFPUC Rates Schedules on website address: http://sfwater.org/modules/showdocume.aspx?documentid=5984
SFUSD: Citywide	School Impact Fee ⁽¹⁾	San Francisco Unified School District	Department of Building Inspections	Slate Ed. Code Section 17620	Residential / Retail / Office / Research & Development/ Industrial / Hotel / Hospital	In-lieu fee	Residential: \$2.91; Retail: \$0.243; Office: \$0.389; R&D: \$0.335; Industrial: \$0.297; Hotel: \$0.119; Hospital: \$0.315	Residential: \$2.910; Retail: \$0.243; Office: \$0.389; R&D: \$0.335; Industrial: \$0.297; Hotel: \$0.119; Hospital: \$0.315

⁽¹⁾ Rates are subject to change. If the Developer Fee Justification Study has findings that allow, under the Education Code, SFUSD to raise the rates, a resolution will be submitted to the Board of Education.

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Appendix A(2): Local and State Reporting Requirements

San Francisco Planning Code, Article 4, Section 409

Sec. 409. Annual Citywide Development Fee Reporting Requirements and Cost Inflation Fee Adjustments

- (a) **Annual Citywide Development Fee and Development Impact Requirements Report.** In coordination with the Development Fee Collection Unit at DBI and the Planning Director, the Controller shall issue a report within 180 days after the end of each fiscal year, that provides information on all development fees established in the San Francisco Planning Code collected during the prior fiscal year organized by development fee account and all cumulative monies collected over the life of each development fee account, as well as all monies expended. The report shall also provide information on the number of projects that elected to satisfy development impact requirements through the provision of "in-kind" physical improvements, including on-site and off-site BMR units, instead of paying development fees. The report shall also include any annual reporting information otherwise required pursuant to the California Mitigation Fee Act, Government Code 66001 et seq. The report shall be presented by the Planning Director to the Planning Commission and to the Land Use & Economic Development Committee of the Board of Supervisors. The Report shall also contain information on the Controller's annual construction cost inflation adjustments to development fees described in subsection (b) below, as well as information on MOH's separate adjustment of the Jobs-Housing Linkage and Inclusionary Affordable Housing fees described in Sections 413.6(b) and 415.5(b)(3).
- (b) **Annual Development Fee Infrastructure Construction Cost Inflation Adjustments.** Prior to issuance of the Annual Citywide Development Fee and Development Impact Requirements Report referenced in subsection (a) above, the Controller shall review the amount of each development fee established in the San Francisco Planning Code and, with the exception of the Jobs-Housing Linkage Fee in Section 413 et seq. and the Inclusionary Affordable Housing Fee in Section 415 et seq., shall adjust the dollar amount of any development fee on an annual basis every January 1 based solely on the Annual Infrastructure Construction Cost Inflation Estimate published by the Office of the City Administrator's Capital Planning Group and approved by the City's Capital Planning Committee no later than November 1 every year, without further action by the Board of Supervisors. The Annual Infrastructure Construction Cost Inflation Estimate shall be updated by the Capital Planning Group on an annual basis and no later November 1 every year, in consultation with the Capital Planning Committee, in order to establish a reasonable estimate of construction cost inflation for the next calendar year for a mix of public infrastructure and facilities in San Francisco. The Capital Planning Group may rely on past construction cost inflation data, market trends and a variety of national, state and local commercial and institutional construction cost inflation indices in developing their annual estimates for San Francisco. The Planning Department and the Development Fee Collection Unit at DBI shall provide notice of the Controller's development fee adjustments, including the Annual Infrastructure Construction Cost Inflation Estimate formula used to calculate the adjustment, and MOH's separate adjustment of the Jobs-Housing Linkage and Inclusionary Affordable Housing Fees on the Planning Department and DBI website and to any interested party who has requested such notice at least 30 days prior to the adjustment taking effect each January 1. The Jobs-Housing Linkage Fee and the Inclusionary Affordable Housing fees shall be adjusted under the procedures established in Sections 413.6(b) and 415.5(b)(3). (Added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 55-11, File No. 101523, App. 3/23/2011)

CALIFORNIA CODES
GOVERNMENT CODE
SECTION 66000-66008

66000. As used in this chapter, the following terms have the following meanings:

- (a) "Development project" means any project undertaken for the purpose of development. "Development project" includes a project involving the issuance of a permit for construction or reconstruction, but not a permit to operate.
- (b) "Fee" means a monetary exaction other than a tax or special assessment, whether established for a broad class of projects by legislation of general applicability or imposed on a specific project on an ad hoc basis, that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project, but does not include fees specified in Section 66477, fees for processing applications for governmental regulatory actions or approvals, fees collected under development agreements adopted pursuant to Article 2.5 (commencing with Section 65864) of Chapter 4, or fees collected pursuant to agreements with redevelopment agencies that provide for the redevelopment of property in furtherance or for the benefit of a redevelopment project for which a redevelopment plan has been adopted pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code).
- (c) "Local agency" means a county, city, whether general law or chartered, city and county, school district, special district, authority, agency, any other municipal public corporation or district, or other political subdivision of the state.
- (d) "Public facilities" includes public improvements, public services, and community amenities.

66000.5.

- (a) This chapter, Chapter 6 (commencing with Section 66010), Chapter 7 (commencing with Section 66012), Chapter 8 (commencing with Section 66016), and Chapter 9 (commencing with Section 66020) shall be known and may be cited as the Mitigation Fee Act.
- (b) Any action brought in the superior court relating to the Mitigation Fee Act may be subject to a mediation proceeding conducted pursuant to Chapter 9.3 (commencing with Section 66030).

66001.

- (a) In any action establishing, increasing, or imposing a fee as a condition of approval of a development project by a local agency, the local agency shall do all of the following:
 - (1) Identify the purpose of the fee.
 - (2) Identify the use to which the fee is to be put. If the use is financing public facilities, the facilities shall be identified. That identification may, but need not, be made by reference to a capital improvement plan as specified in Section 65403 or 66002, may be made in applicable general or specific plan requirements, or may be made in other public documents that identify the public facilities for which the fee is charged.
 - (3) Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.
 - (4) Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.
- (b) In any action imposing a fee as a condition of approval of a development project by a local agency, the local agency shall determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

(c) Upon receipt of a fee subject to this section, the local agency shall deposit, invest, account for, and expend the fees pursuant to Section 66006.

(d)

(1) For the fifth fiscal year following the first deposit into the account or fund, and every five years thereafter, the local agency shall make all of the following findings with respect to that portion of the account or fund remaining unexpended, whether committed or uncommitted:

(A) Identify the purpose to which the fee is to be put.

(B) Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.

(C) Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements identified in paragraph (2) of subdivision (a).

(D) Designate the approximate dates on which the funding referred to in subparagraph (C) is expected to be deposited into the appropriate account or fund.

(2) When findings are required by this subdivision, they shall be made in connection with the public information required by subdivision (b) of Section 66006. The findings required by this subdivision need only be made for moneys in possession of the local agency, and need not be made with respect to letters of credit, bonds, or other instruments taken to secure payment of the fee at a future date. If the findings are not made as required by this subdivision, the local agency shall refund the moneys in the account or fund as provided in subdivision (e).

(e) Except as provided in subdivision (f), when sufficient funds have been collected, as determined pursuant to subparagraph (F) of paragraph (1) of subdivision (b) of Section 66006, to complete financing on incomplete public improvements identified in paragraph (2) of subdivision (a), and the public improvements remain incomplete, the local agency shall identify, within 180 days of the determination that sufficient funds have been collected, an approximate date by which the construction of the public improvement will be commenced, or shall refund to the then current record owner or owners of the lots or units, as identified on the last equalized assessment roll, of the development project or projects on a prorated basis, the unexpended portion of the fee, and any interest accrued thereon. By means consistent with the intent of this section, a local agency may refund the unexpended revenues by direct payment, by providing a temporary suspension of fees, or by any other reasonable means. The determination by the governing body of the local agency of the means by which those revenues are to be refunded is a legislative act.

(f) If the administrative costs of refunding unexpended revenues pursuant to subdivision (e) exceed the amount to be refunded, the local agency, after a public hearing, notice of which has been published pursuant to Section 6061 and posted in three prominent places within the area of the development project, may determine that the revenues shall be allocated for some other purpose for which fees are collected subject to this chapter and which serves the project on which the fee was originally imposed.

(g) A fee shall not include the costs attributable to existing deficiencies in public facilities, but may include the costs attributable to the increased demand for public facilities reasonably related to the development project in order to (1) refurbish existing facilities to maintain the existing level of service or (2) achieve an adopted level of service that is consistent with the general plan.

66002.

(a) Any local agency which levies a fee subject to Section 66001 may adopt a capital improvement plan, which shall indicate the approximate location, size, time of availability, and estimates of cost for all facilities or improvements to be financed with the fees.

(b) The capital improvement plan shall be adopted by, and shall be annually updated by, a resolution of the governing body of the local agency adopted at a noticed public hearing. Notice of the hearing shall be given pursuant to Section 65090. In addition, mailed notice shall be given to any city or county which may be significantly affected by the capital improvement plan. This notice shall be

given no later than the date the local agency notices the public hearing pursuant to Section 65090. The information in the notice shall be not less than the information contained in the notice of public hearing and shall be given by first-class mail or personal delivery.

(c) "Facility" or "improvement," as used in this section, means any of the following:

- (1) Public buildings, including schools and related facilities; provided that school facilities shall not be included if Senate Bill 97 of the 1987-88 Regular Session is enacted and becomes effective on or before January 1, 1988.
- (2) Facilities for the storage, treatment, and distribution of nonagricultural water.
- (3) Facilities for the collection, treatment, reclamation, and disposal of sewage.
- (4) Facilities for the collection and disposal of storm waters and for flood control purposes.
- (5) Facilities for the generation of electricity and the distribution of gas and electricity.
- (6) Transportation and transit facilities, including but not limited to streets and supporting improvements, roads, overpasses, bridges, harbors, ports, airports, and related facilities.
- (7) Parks and recreation facilities.
- (8) Any other capital project identified in the capital facilities plan adopted pursuant to Section 66002.

66003. Sections 66001 and 66002 do not apply to a fee imposed pursuant to a reimbursement agreement by and between a local agency and a property owner or developer for that portion of the cost of a public facility paid by the property owner or developer which exceeds the need for the public facility attributable to and reasonably related to the development. This chapter shall become operative on January 1, 1989.

66004. The establishment or increase of any fee pursuant to this chapter shall be subject to the requirements of Section 66018.

66005.

(a) When a local agency imposes any fee or exaction as a condition of approval of a proposed development, as defined by Section 65927, or development project, those fees or exactions shall not exceed the estimated reasonable cost of providing the service or facility for which the fee or exaction is imposed.

(b) This section does not apply to fees or monetary exactions expressly authorized to be imposed under Sections 66475.1 and 66477.

(c) It is the intent of the Legislature in adding this section to codify existing constitutional and decisional law with respect to the imposition of development fees and monetary exactions on developments by local agencies. This section is declaratory of existing law and shall not be construed or interpreted as creating new law or as modifying or changing existing law.

66005.1.

(a) When a local agency imposes a fee on a housing development pursuant to Section 66001 for the purpose of mitigating vehicular traffic impacts, if that housing development satisfies all of the following characteristics, the fee, or the portion thereof relating to vehicular traffic impacts, shall be set at a rate that reflects a lower rate of automobile trip generation associated with such housing developments in comparison with housing developments without these characteristics, unless the local agency adopts findings after a public hearing establishing that the housing development, even with these characteristics, would not generate fewer automobile trips than a housing development without those characteristics:

- (1) The housing development is located within one-half mile of a transit station and there is direct access between the housing development and the transit station along a barrier-free walkable pathway not exceeding one-half mile in length.

- (2) Convenience retail uses, including a store that sells food, are located within one-half mile of the housing development.
- (3) The housing development provides either the minimum number of parking spaces required by the local ordinance, or no more than one onsite parking space for zero to two bedroom units, and two onsite parking spaces for three or more bedroom units, whichever is less.
- (b) If a housing development does not satisfy the characteristics in subdivision (a), the local agency may charge a fee that is proportional to the estimated rate of automobile trip generation associated with the housing development.
- (c) As used in this section, "housing development" means a development project with common ownership and financing consisting of residential use or mixed use where not less than 50 percent of the floorspace is for residential use.
- (d) For the purposes of this section, "transit station" has the meaning set forth in paragraph (4) of subdivision (b) of Section 65460.1. "Transit station" includes planned transit stations otherwise meeting this definition whose construction is programmed to be completed prior to the scheduled completion and occupancy of the housing development.
- (e) This section shall become operative on January 1, 2011.

66006.

- (a) If a local agency requires the payment of a fee specified in subdivision (c) in connection with the approval of a development project, the local agency receiving the fee shall deposit it with the other fees for the improvement in a separate capital facilities account or fund in a manner to avoid any commingling of the fees with other revenues and funds of the local agency, except for temporary investments, and expend those fees solely for the purpose for which the fee was collected. Any interest income earned by moneys in the capital facilities account or fund shall also be deposited in that account or fund and shall be expended only for the purpose for which the fee was originally collected.
- (b)
 - (1) For each separate account or fund established pursuant to subdivision (a), the local agency shall, within 180 days after the last day of each fiscal year, make available to the public the following information for the fiscal year:
 - (A) A brief description of the type of fee in the account or fund.
 - (B) The amount of the fee.
 - (C) The beginning and ending balance of the account or fund.
 - (D) The amount of the fees collected and the interest earned.
 - (E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.
 - (F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.
 - (G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.
 - (H) The amount of refunds made pursuant to subdivision (e) of Section 66001 and any allocations pursuant to subdivision (f) of Section 66001.
 - (2) The local agency shall review the information made available to the public pursuant to paragraph (1) at the next regularly scheduled public meeting not less than 15 days after this information is made available to the public, as required by this subdivision. Notice of the time

and place of the meeting, including the address where this information may be reviewed, shall be mailed, at least 15 days prior to the meeting, to any interested party who files a written request with the local agency for mailed notice of the meeting. Any written request for mailed notices shall be valid for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service.

(c) For purposes of this section, "fee" means any fee imposed to provide for an improvement to be constructed to serve a development project, or which is a fee for public improvements within the meaning of subdivision (b) of Section 66000, and that is imposed by the local agency as a condition of approving the development project.

(d) Any person may request an audit of any local agency fee or charge that is subject to Section 66023, including fees or charges of school districts, in accordance with that section.

(e) The Legislature finds and declares that untimely or improper allocation of development fees hinders economic growth and is, therefore, a matter of statewide interest and concern. It is, therefore, the intent of the Legislature that this section shall supersede all conflicting local laws and shall apply in charter cities.

(f) At the time the local agency imposes a fee for public improvements on a specific development project, it shall identify the public improvement that the fee will be used to finance.

66006.5.

(a) A city or county which imposes an assessment, fee, or charge, other than a tax, for transportation purposes may, by ordinance, prescribe conditions and procedures allowing real property which is needed by the city or county for local transportation purposes, or by the state for transportation projects which will not receive any federal funds, to be donated by the obligor in satisfaction or partial satisfaction of the assessment, fee, or charge.

(b) To facilitate the implementation of subdivision (a), the Department of Transportation shall do all of the following:

(1) Give priority to the refinement, modification, and enhancement of procedures and policies dealing with right-of-way donations in order to encourage and facilitate those donations.

(2) Reduce or simplify paperwork requirements involving right-of-way procurement.

(3) Increase communication and education efforts as a means to solicit and encourage voluntary right-of-way donations.

(4) Enhance communication and coordination with local public entities through agreements of understanding that address state acceptance of right-of-way donations.

66007.

(a) Except as otherwise provided in subdivisions (b) and (g), any local agency that imposes any fees or charges on a residential development for the construction of public improvements or facilities shall not require the payment of those fees or charges, notwithstanding any other provision of law, until the date of the final inspection, or the date the certificate of occupancy is issued, whichever occurs first. However, utility service fees may be collected at the time an application for utility service is received. If the residential development contains more than one dwelling, the local agency may determine whether the fees or charges shall be paid on a pro rata basis for each dwelling when it receives its final inspection or certificate of occupancy, whichever occurs first; on a pro rata basis when a certain percentage of the dwellings have received their final inspection or certificate of occupancy, whichever occurs first; or on a lump-sum basis when the first dwelling in the development receives its final inspection or certificate of occupancy, whichever occurs first.

(b)

(1) Notwithstanding subdivision (a), the local agency may require the payment of those fees or charges at an earlier time if (A) the local agency determines that the fees or charges will be

collected for public improvements or facilities for which an account has been established and funds appropriated and for which the local agency has adopted a proposed construction schedule or plan prior to final inspection or issuance of the certificate of occupancy or (B) the fees or charges are to reimburse the local agency for expenditures previously made. "Appropriated," as used in this subdivision, means authorization by the governing body of the local agency for which the fee is collected to make expenditures and incur obligations for specific purposes.

(2)

(A) Paragraph (1) does not apply to units reserved for occupancy by lower income households included in a residential development proposed by a nonprofit housing developer in which at least 49 percent of the total units are reserved for occupancy by lower income households, as defined in Section 50079.5 of the Health and Safety Code, at an affordable rent, as defined in Section 50053 of the Health and Safety Code. In addition to the contract that may

be required under subdivision (c), a city, county, or city and county may require the posting of a performance bond or a letter of credit from a federally insured, recognized depository institution to guarantee payment of any fees or charges that are subject to this paragraph. Fees and charges exempted from paragraph (1) under this paragraph shall become immediately due and payable when the residential development no longer meets the requirements of this paragraph.

(B) The exception provided in subparagraph (A) does not apply to fees and charges levied pursuant to Chapter 6 (commencing with Section 17620) of Part 10.5 of Division 1 of Title 1 of the Education Code.

(c)

(1) If any fee or charge specified in subdivision (a) is not fully paid prior to issuance of a building permit for construction of any portion of the residential development encumbered thereby, the local agency issuing the building permit may require the property owner, or lessee if the lessee's interest appears of record, as a condition of issuance of the building permit, to execute a contract to pay the fee or charge, or applicable portion thereof, within the time specified in subdivision (a). If the fee or charge is prorated pursuant to subdivision (a), the obligation under the contract shall be similarly prorated.

(2) The obligation to pay the fee or charge shall inure to the benefit of, and be enforceable by, the local agency that imposed the fee or charge, regardless of whether it is a party to the contract. The contract shall contain a legal description of the property affected, shall be recorded in the office of the county recorder of the county and, from the date of recordation, shall constitute a lien for the payment of the fee or charge, which shall be enforceable against successors in interest to the property owner or lessee at the time of issuance of the building permit. The contract shall be recorded in the grantor-grantee index in the name of the public agency issuing the building permit as grantee and in the name of the property owner or lessee as grantor. The local agency shall record a release of the obligation, containing a legal description of the property, in the event the obligation is paid in full, or a partial release in the event the fee or charge is prorated pursuant to subdivision (a).

(3) The contract may require the property owner or lessee to provide appropriate notification of the opening of any escrow for the sale of the property for which the building permit was issued and to provide in the escrow instructions that the fee or charge be paid to the local agency imposing the same from the sale proceeds in escrow prior to disbursing proceeds to the seller.

(d) This section applies only to fees collected by a local agency to fund the construction of public improvements or facilities. It does not apply to fees collected to cover the cost of code enforcement or inspection services, or to other fees collected to pay for the cost of enforcement of local ordinances or state law.

(e) "Final inspection" or "certificate of occupancy," as used in this section, have the same meaning as described in Sections 305 and 307 of the Uniform Building Code, International Conference of Building Officials, 1985 edition.

(f) Methods of complying with the requirement in subdivision (b) that a proposed construction schedule or plan be adopted, include, but are not limited to, (1) the adoption of the capital improvement plan described in Section 66002, or (2) the submittal of a five-year plan for construction and rehabilitation of school facilities pursuant to subdivision (c) of Section 17017.5 of the Education Code.

(g) A local agency may defer the collection of one or more fees up to the close of escrow. This subdivision shall not apply to fees and charges levied pursuant to Chapter 6 (commencing with Section 17620) of Part 10.5 of Division 1 of Title 1 of the Education Code.

66008. A local agency shall expend a fee for public improvements, as accounted for pursuant to Section 66006, solely and exclusively for the purpose or purposes, as identified in subdivision (f) of Section 66006, for which the fee was collected. The fee shall not be levied, collected, or imposed for general revenue purposes.