

File No. 141291

Committee Item No. _____

Board Item No. 22

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date _____

Board of Supervisors Meeting

Date January 13, 2015

Cmte Board

- | | | |
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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Letters from parties to appeal Re: Continuance - 12/17/18/2014</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Appeal Letter - 12/08/2014</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Project Sponsor Letter - 01/08/2015</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Appellant Letter - 01/08/2015</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Project Sponsor Letter - 01/05/2015</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Appellant Letter - 01/05/2015</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Memo - 01/05/2015</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Public Comment Letters through 01/08/2015</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Clerical Documents and Hearing Notice</u> |

Completed by: John Carroll Date January 9, 2015

Completed by: _____ Date _____

(BOS)

From: BOS Legislation (BOS)
Sent: Monday, December 29, 2014 2:38 PM
To: BOS-Supervisors; BOS-Legislative Aides; rckaris2@gmail.com; blakehe@gmail.com; hinhyip@yahoo.com; xie.ronald@gmail.com; stefanocassolato@att.net; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Sanchez, Scott (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Tam, Tina (CPC); Boudreaux, Marcelle (CPC); Ionin, Jonas (CPC); Nuru, Mohammed; Sweiss, Fuad; Sanguinetti, Jerry; Storrs, Bruce; Bergin, Steven; Thomas J LaLanne
Cc: Calvillo, Angela (BOS); Caldeira, Rick (BOS); Carroll, John (BOS); BOS Legislation (BOS)
Subject: Conditional Use Authorization Appeal - 1963 Ocean Avenue - Re: Continuance
Categories: 141291

Good afternoon,

Please find linked below a letter received by the Office of the Clerk of the Board from Thomas J. LaLanne, Attorney representing the project sponsors for Happy Vape, located at 1963 Ocean Avenue. The project sponsors oppose the requested continuance for the Conditional Use Appeal hearing.

[Project Sponsor Letter - 12/18/2014](#)

You are invited to review the entire matter on our [Legislative Research Center](#) by following the link below.

[Board of Supervisors File No. 141291](#)

The appeal hearing for this matter is scheduled for a 3:00 p.m. special order before the Board January 13, 2015.

Thank you,

John Carroll
Legislative Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5184 - General | (415)554-5163 - Fax
john.carroll@sfgov.org | board.of.supervisors@sfgov.org

Please complete a Board of Supervisors Customer Service Satisfaction form by clicking [here](#).

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LAW OFFICES OF
THOMAS J. LALANNE

FAX (415) 434-1125

400 HARBOR DRIVE
SAUSALITO, CALIFORNIA 94965

TELEPHONE (415) 434-1122

December 18, 2014

BY EMAIL ONLY
john.carroll@sfgov.org

Mr. John Carroll
Legislative Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102

Re: 1963 Ocean Avenue Conditional Use Authorization Appeal
Hearing: January 13, 2015 at 3:00 p.m.
Blake He / Happy Vape
Our File No. 1038

Dear Mr. Carroll:

I write on behalf of my client, project sponsor Blake He, who is the owner-operator of Happy Vape. Mr. He respectfully opposes a continuance of the hearing of the appeal to the Board of Supervisors of the conditional use authorization that has been requested by appellant, Robert Karis. Mr. He's opposition is based upon the continued severe financial strain being placed upon him and his family by delays in opening this business.

If there are any questions about Mr. He's position, I will be happy to discuss them with you.

Very truly yours,



THOMAS J. LALANNE

TJL/jdl

cc: Mr. Blake He (by email)
Robert Karis, M.D. (by email)

From: BOS Legislation (BOS)
Sent: Wednesday, December 17, 2014 2:18 PM
To: BOS-Supervisors; BOS-Legislative Aides; rckaris2@gmail.com; blakehe@gmail.com; hinhyip@yahoo.com; xie.ronald@gmail.com; stefanocassolato@att.net; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Sanchez, Scott (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Tam, Tina (CPC); Boudreaux, Marcelle (CPC); Ionin, Jonas (CPC); Nuru, Mohammed; Sweiss, Fuad; Sanguinetti, Jerry; Storrs, Bruce; Bergin, Steven
Cc: Calvillo, Angela (BOS); Caldeira, Rick (BOS); Carroll, John (BOS); BOS Legislation (BOS)
Subject: FW: Conditional Use Authorization Appeal - 1963 Ocean Avenue - Request for Continuance

Dear All,

Please see below email received today from the Appellant, Robert Karis, in relation to the January 13, 2015, Hearing on the Conditional Use Authorization Appeal for 1963 Ocean Avenue.

Thank you,

Joy Lamug
Legislative Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102
Direct: (415) 554-7712 | Fax: (415) 554-5163
Email: joy.lamug@sfgov.org
Web: www.sfbos.org

Please complete a Board of Supervisors Customer Service Satisfaction form by clicking [here](#).

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From: Robert Karis [<mailto:rckaris2@gmail.com>]
Sent: Wednesday, December 17, 2014 10:43 AM
To: BOS Legislation (BOS)
Cc: Blake He; stefanocassolato@att.net
Subject: Re: Conditional Use Authorization Appeal - 1963 Ocean Avenue - Request for Continuance

Dear Mr. Carroll:

I would like to request a continuance of the hearing for 1963 Ocean Avenue until January 27, 2015, or the closest date after that.

Currently, documentation needs to be submitted to the Clerk's Office by January 5, a few days after New Years. With the holidays in the next two weeks, many offices and persons are not available.

I hope that Mr. He, Mr. Cassolato, and their associates will agree with this request for a continuance.

Sincerely,
Robert Karis, M.D.

On Fri, Dec 12, 2014 at 4:18 PM, BOS Legislation (BOS) <bos.legislation@sfgov.org> wrote:

Good afternoon, Mr. Karis,

The Office of the Clerk of the Board has scheduled a Special Order before the Board of Supervisors on January 13, 2015, at 3:00 p.m., to hear an appeal of the Conditional Use Authorization for property located at 1963 Ocean Avenue.

Please find linked below a letter from the Clerk of the Board forwarding Public Works' determination of the sufficiency of signatures for the appeal filing, as well as a direct link to the letter from Public Works.

[Clerk of the Board Letter - 12/12/2014](#)

[Public Works Letter - 12/11/2014](#)

You are invited to review the entire matter on our [Legislative Research Center](#) by following the link below.

[Board of Supervisors File No. 141291](#)

Thank you,

John Carroll

Legislative Clerk

Board of Supervisors

San Francisco City Hall, Room 244

San Francisco, CA 94102

(415)554-4445 - Direct | (415)554-5184 - General | (415)554-5163 - Fax

john.carroll@sfgov.org | board.of.supervisors@sfgov.org

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Categories: 141291

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[Public Works Letter - 12/11/2014](#)

You are invited to review the entire matter on our [Legislative Research Center](#) by following the link below.

Thank you,

John Carroll

Legislative Clerk

Board of Supervisors

San Francisco City Hall, Room 244

San Francisco, CA 94102

(415)554-4445 - Direct | (415)554-5184 - General | (415)554-5163 - Fax

john.carroll@sfgov.org | board.of.supervisors@sfgov.org

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NOTICE TO BOARD OF SUPERVISORS OF APPEAL
FROM ACTION OF THE CITY PLANNING COMMISSION

The property is located at 1963 Ocean Avenue

Date of City Planning Commission Action
(Attach a Copy of Planning Commission's Decision)

Appeal Filing Date

_____ The Planning Commission disapproved in whole or in part an application for conditional use authorization, Case No. _____.

Statement of Appeal:

a) Set forth the part(s) of the decision the appeal is taken from:

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.

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.

b) Set forth the reasons in support of your appeal:

Nicotine containing e-cigarettes are addictive and the fumes from e-cigarettes and hookah are unhealthy.

It is undesirable to have a business whose goal is to attempt to increase usage of these products and which will expose our children and students in our area to them. The use of e-cigarettes for smoking cessation is unapproved and they are not recommended by existing clinics for this purpose.

The 1900 block of Ocean Avenue needs many other businesses that will better serve the neighbors.

Person to Whom
Notices Shall Be Mailed

Name and Address of Person Filing Appeal:

Name

Robert Karis, M.D.

Name

Address

727 Victoria Street
San Francisco, CA 94127

Address

Telephone Number

415-239-2938

Telephone Number

rcKaris2@gmail.com

Robert Karis M.D.

Signature of Appellant or
Authorized Agent

A detailed brief will be submitted. *RK*



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Final Motion No. 19271

HEARING DATE: NOVEMBER 6, 2014

Date: October 30, 2014
Case No.: 2014.0206C
Project Address: 1963 Ocean Avenue
Zoning: Ocean Avenue NCT (Neighborhood Commercial Transit)
45-X Height and Bulk District
Block/Lot: 6915/020
Project Sponsor: Cong Phuong T Nguyen/Yong (Blake) He [agent]
948 Moscow Street
San Francisco, CA 94112
Staff Contact: Marcelle Boudreaux – (415) 575-9140
marcelle.boudreaux@sfgov.org
Recommendation: Approval with Conditions

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 737.69 OF THE PLANNING CODE TO ALLOW ESTABLISHMENT OF A TOBACCO PARAPHERNALIA ESTABLISHMENT (D.B.A. HAPPY VAPE) WITHIN THE OCEAN AVENUE NCT (NEIGHBORHOOD COMMERCIAL TRANSIT) DISTRICT AND A 45-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On February 7, 2014 Cong Phuong Nguyen (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 737.69 to allow establishment of a Tobacco Paraphernalia Establishment retail use (d.b.a. Happy Vape) within the Ocean Avenue NCT (Neighborhood Commercial Transit) District and a 45-X Height and Bulk District.

On November 6, 2014, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014.0206C.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2014.0206C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes; and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the southern side of Ocean Avenue, between, Block 6915, Lot 020. The property is located within the Ocean Avenue NCT (Neighborhood Commercial Transit) District with 45-X height and bulk district. The property is developed with a one-story-over-partial-basement commercial building, with tenants including a travel agent, a massage/acupuncture establishment and the vacant retail space at 1963 Ocean Avenue. The street frontage of the proposed tenant space is 20 feet. The parcel is approximately 4,500 square feet. *The site is within the Balboa Park Station Plan Area.*
3. **Surrounding Properties and Neighborhood.** The length of the Ocean Avenue NCT District is approximately $\frac{3}{4}$ 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://sfdpr.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

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For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfidpw.org>

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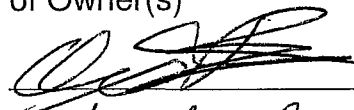
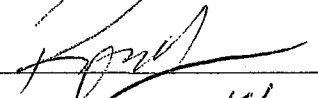
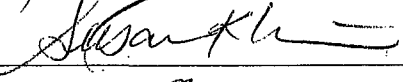
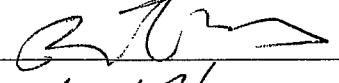
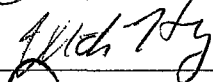
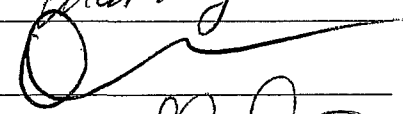
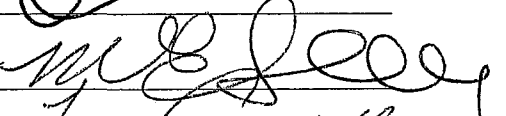
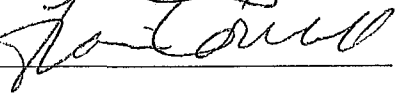
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

City Planning Commission
Case No. 2014.0206C

2014 DEC -8 PM 2:04

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	70 Urbano Drive	6915/013	Alex Button	
2.	70 Urbano Drive	6915/013	Angela Infusino	Angela Infusino
3.	26 Urbano Drive	6915/009	Fred W. Stuckey	Fred W. Stuckey
4.	1970 Urbano Ocean Ave.	3280/018	Richard Gazowsky	
5.	827 Victoria St	6914/002	SUSAN Kim	
6.	827 Victoria St	6914/002	James S Kim	
7.	19 Keystone Way	3281/018	Victor Hong	
8.	27 URBANO DR	6922/002	Denek Schulte	
9.	27 Urbano Dr	6922/002	Michelle Schulte	
10.	22 Stacy Hedley	3281/023	Ann Francine Coriel	
11.				

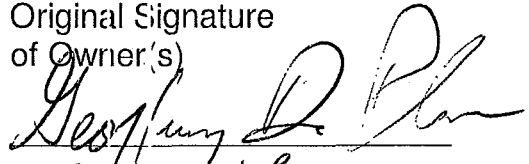

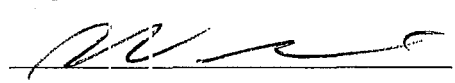
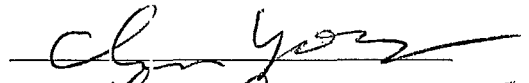


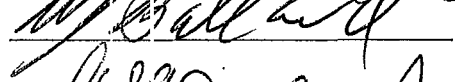

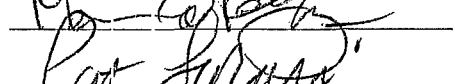
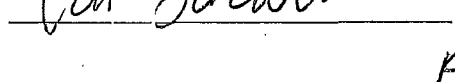
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City Planning Commission
Case No. 2014.0206C

2014 DEC -8 PM 2:04

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	776 VICTORIA ST.	6922/021	Geoffrey D. Palmer	
2.	830 Victoria St.	6915/016	Ida De Leon	
3.	788 VICTORIA ST.	6922/022	Myra Mae Young	
4.	788 Victoria	6922/022	Christine Young	
5.	96 URBANO DR	6915/014	JOHN FLAHERTY	
6.	815 Victoria St.	6914/003	Zach Humphrey	
7.	2001 OCEAN	6914/001	Willie J. Ballard	
8.	14 Fairfield Way ^{URBANO DR} RK	6915/008	Morena ^{Alda Angst} RK	 - duplicate signature RK
9.	14 Fairfield Way	3281/021	Morena Fernandez	
10.	15 Kilmstone Way	3281/018A	PAT MURPHY	
11.				

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RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

City Planning Commission 2014 DEC -8 PM 2:05
Case No. 2014.0206C

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>2001 OCEAN AVE</u>	<u>B-6914/001</u>	<u>Willie J. Ballard</u>	<u>Willie J. Ballard</u>
2. <u>2001 OCEAN AVE</u>	<u>B-6914/001</u>	<u>Jim Scott Ballard</u>	<u>Jim Scott Ballard</u>
3. _____	_____	_____	_____
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BOARD OF SUPERVISORS
SAN FRANCISCO

City Planning Commission 2014 DEC -8 PM 2:05

Case No. 2014.0206C

Jo

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>785 VICTORIA ST.</u>	<u>6921-003</u>	<u>DORIS HUEY</u>	<u><i>Doris Huey</i></u>
2.	<u>11 Keyston</u>	<u>3281/019</u>	<u>Nelly Hudman</u>	<u><i>Nelly Hudman</i></u>
3.	_____	_____	_____	_____
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RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

City Planning Commission
Case No. 2014.0206 C

2014 DEC -8 PM 2:05

BY Jo

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	38 Legion	6915/035	DORIS TAM	Doris Tam
2.	40 Urbano	6915/010	Tian-Yi Cui	Tian-Yi Cui
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1963 Ocean Ave Case

City Planning Commission

Case No. 2014.0206C Appeal

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	65 Urbano Drive	6922/001	Francois & Patricia Hechinger	<i>Francois Hechinger</i>
2.	65 Urbano Drive	6922/001	Patricia Hechinger	<i>Patricia Hechinger</i>
3.	90 Urbano Drive	6915/014	Laria Flaherty	<i>Laria Flaherty</i>
4.	60 Urbano Dr	6915/012	Jennifer L. Wood	<i>Jennifer L. Wood</i>
5.	30 Legion Ct.	6915/037	Qiao Mei Ling	<i>Qiao Mei Ling</i>
6.	30 Legion Ct.	6915/037	Ren Yi Cai	<i>Ren Yi Cai</i>
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CLERK OF SUPERIOR COURT
SAN FRANCISCO

P.6
/7

City Planning Commission

Case No.

20140206C

Proposed Vape Shop - 1963 Ocean Ave.

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 50 LIBANO	6915/011	Marida & Terence Lee Family TRUST, Mira Lee	x <u>Mira Lee</u> x <u>Terence Lee</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
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ROBERT KARIS CAROLYN KARIS (415) 239-8540 727 VICTORIA STREET SAN FRANCISCO, CA 94127		DEATH VALLEY		6992
PAY TO THE ORDER OF <u>San Francisco Planning Dept.</u>		DATE <u>12/8/14</u>		11-35/1210 252
<u>Five hundred forty seven and 00/100</u>		\$ <u>547.00</u>		DOLLARS
Bank of America Stonestown 245 Winston Dr. San Francisco, CA 650.615.4700		VALUED Customer Since 1978		Security features are included. Details on back.
FOR <u>2014 0206C appeal</u>		<u>Robert Karis</u>		MP

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 SAN FRANCISCO
 2014 DEC -8 PM 2:08
 2

(BOS)

From: Blake He [blakehe@gmail.com]
Sent: Thursday, January 08, 2015 4:27 AM
To: Carroll, John (BOS); Board of Supervisors (BOS)
Subject: 1963 Ocean Ave Appeal Information
Categories: 141291

Dear John,

Could you please include this file(<http://sf-planning.org/ftp/files/Commission/cpcpackets/2014.0206C.pdf>) to be part of the packet of information that will be distributed out please.

Please let me know if you need a physical copy of it. Thank you very much.

Blake He

Happy Vape

Electronic vaporizer retail &
Steam stone hookah lounge
(415)513-2620
1963 Ocean Ave.
San Francisco, CA 94127



SAN FRANCISCO PLANNING DEPARTMENT

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SAN FRANCISCO

2015 JAN -8 PM 1:35

Executive Summary Conditional Use

HEARING DATE: NOVEMBER 6, 2014

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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**

PROJECT DESCRIPTION

The project sponsor proposes to open 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 and new signage, but otherwise no storefront alterations are proposed.

The project sponsor proposes a business that will sell devices (e-cigarettes/vaporizers), vaping liquids/e-juices and batteries both in-store, with some accessory sales on-line. In the basement level, the project sponsor proposes establishing a steam stone hookah lounge with maximum occupancy of 21 people. 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. Per the business plan for Happy Vape, no one under the age of eighteen will be allowed; this will be made clear through a sign on the entrance door and checking of identification.

E-cigarette smoking, or "vaping", is not allowed inside commercial establishments within San Francisco, or within 15 feet of entrances to commercial establishments.

SITE DESCRIPTION AND PRESENT USE

The project is located on the south side of Ocean Avenue, between Ashton Street and Victoria Avenue, on an approximately 4,500 square foot parcel. The subject property is located within the Ocean Avenue NCT (Neighborhood Commercial Transit) District and the 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 and a massage/acupuncture establishment. The tenant space at 1963 Ocean Avenue, occupying the ground floor and the basement level, is currently vacant but was previously occupied by a retail aquarium store known as "Aquatic Central". The proposed Tobacco Paraphernalia Establishment occupies 20 feet of street frontage.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The length of the Ocean Avenue NCT District is approximately ¾ mile and the City College of San Francisco anchors the southern end of the district, with approximately 35,000 students enrolled annually. 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, several bus lines on or connecting to Ocean Avenue and the regionally-serving Balboa Park BART station at Geneva and San Jose Avenues approximately ¾ mile to the south. 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.

ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	October 17, 2014	October 15, 2014	22 days
Posted Notice	20 days	October 17, 2014	October 16, 2014	21 days
Mailed Notice	20 days	October 17, 2014	October 16, 2014	21 days

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

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.

ISSUES AND OTHER CONSIDERATIONS

- On October 21, 2008, the Board of Supervisors (BOS) passed Ordinance No. 244-08, which created a new use category in the Planning Code for Tobacco Paraphernalia Establishments, defined as a retail use where more than 15% of the gross square footage of the establishment is dedicated to such sales. This use required Conditional Use Authorization in all Commercial and Industrial districts throughout San Francisco. Effective February 16, 2010 the BOS adopted Ordinance No. 03-10 that amended the definition of a Tobacco Paraphernalia Establishment where more than 10% of the square footage of occupied floor area or 10 linear feet of display area is dedicated to such sales. No restrictions were placed on the proximity of Tobacco Paraphernalia Establishments to each other or to other uses. Per the Ordinance, Tobacco Paraphernalia Establishments were defined as separate and distinct from Medical Cannabis Dispensaries.
- The Department of Public Health is the City's regulatory agency for tobacco permits. Ordinance No. 030-14 amended the Health Code with restrictions on the sale and use of electronic cigarettes through Board of Supervisor action, effective March 25, 2014. The ordinance generally amended Article 19(N): to prohibit the use of e-cigarettes where smoking is otherwise prohibited; require a tobacco permit for the sale of e-cigarettes; and prohibit the sale of e-cigarettes where the sale of tobacco products is otherwise prohibited.
- On August 5, 2014, the Director of SF Department of Public Health sent a letter to the Federal Drug Administration urging regulation of new noncombustible products, including e-cigarettes. The focus of the recommendations was that the FDA require: regulation of e-cigarettes (and other noncombustibles) in the same manner as existing tobacco products, including to be properly labeled and tested; regulation of marketing/advertising; and restriction of flavorings; and to require child-resistant packaging.
- There are no other retail shops completely dedicated to e-cigarette sales in the Ocean Avenue NCT, nor are there other Tobacco Paraphernalia Establishments that have been through the conditional use process. The approximate concentration of establishments that sell e-cigarettes as peripheral goods and the proposed business - within the Ocean Avenue NCT is 6% of commercial frontage. This represents seven stores, including the subject proposal, out of 144 storefronts in the Ocean Avenue NCT. The two other nearest retail stores dedicated to e-cigarette sales appear to be located approximately 1.5 miles away from the subject site. However, the Planning Code does not outline restrictions on concentration percentage or proximity to other Tobacco Paraphernalia Establishments.

- Although not required for purposes of this Conditional Use Authorization process, the Planning Department requested that the project sponsor host a Pre-Application meeting according to Department standards. Adjacent property owners and occupants to the subject property, and neighborhood organizations from the Ocean View and West of Twin Peaks areas were invited. Nine people attended two Pre-Application meetings, hosted by Blake He (agent and co-owner) on May 5 and May 21, 2014, at the subject site. In addition, the project sponsor has presented at an Ocean Avenue Association monthly board meeting, presented at an Ocean Avenue Street Life Committee meeting, and attended an Ingleside Terraces Homes Association board meeting to field questions.
- The Invest in Neighborhoods (IIN) program of the Mayor's Office of Economic and Workforce Development prepared a neighborhood snapshot of Ocean Avenue corridor from Phelan Avenue to Manor Drive in February 2013. Out of 144 storefronts, the report's analysis determined an 11% vacancy rate -- a "relatively low commercial vacancy rate". However, according to a map produced of vacancy locations, the concentration of vacancies appear located at the northern end of the commercial district between Ashton Avenue and Manor Drive which were considered "dead blocks" through a survey conducted for this IIN report.
- The project sponsor had initially proposed an outdoor activity area for sampling e-cigarettes that required conditional use authorization; this request has been removed from the project.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow the establishment of a Tobacco Paraphernalia Establishment, pursuant to Planning Code Sections 737.69.

BASIS FOR RECOMMENDATION

- The project promotes a locally-owned business and contributes to the commercial diversity of Ocean Avenue NCT.
- The project fills a vacant retail storefront and would not displace a retail tenant providing convenience goods and services to the neighborhood.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding commercial neighborhood.
- The business is not a Formula Retail use and would serve the immediate and surrounding neighborhood.
- This type of retail sales must meet obtain other agency permits prior to occupancy and opening.

RECOMMENDATION:	Approval with Conditions
------------------------	---------------------------------

Attachments:

Block Book Map

Sanborn Map

Aerial Photographs

Public Correspondence (see also Project Sponsor Submittal)

Reduced Plans

Executive Summary
Hearing Date: November 6, 2014

CASE NO. 2014.0206C
1963 Ocean Avenue

Project Sponsor Submittal, including:

- Letter to Commissioners
- Letters of Support
- Business Plan
- Information and research about e-cigarettes
- Photographs

Attachment Checklist

- ☒ Executive Summary
- ☒ Draft Motion
- ☐ Environmental Determination
- ☒ Zoning District Map
- ☒ Height & Bulk Map
- ☒ Parcel Map
- ☒ Sanborn Map
- ☒ Aerial Photo
- ☒ Context (Rear Yard) Photos
- ☒ Site Photos

- ☒ Project sponsor submittal

Drawings: Existing Conditions

- ☒ Check for legibility

Drawings: Proposed Project

- ☒ Check for legibility

3-D Renderings (new construction or significant addition)

- ☐ Check for legibility

- ☐ Wireless Telecommunications Materials

- ☐ Health Dept. review of RF levels

- ☐ RF Report

- ☐ Community Meeting Notice

- ☐ Housing Documents

- ☐ Inclusionary Affordable Housing Program: Affidavit for Compliance

Exhibits above marked with an "X" are included in this packet

MWB

Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- ☐ Affordable Housing (Sec. 415)
- ☐ Jobs Housing Linkage Program (Sec. 413)
- ☐ Downtown Park Fee (Sec. 412)

- ☐ First Source Hiring (Admin. Code)
- ☐ Child Care Requirement (Sec. 414)
- ☐ Other

1650 Mission St.
Suite 400
San Francisco,
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Planning
Information:
415.558.6377

Planning Commission Draft Motion

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.
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.

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. The proposal includes the use of the outside activity area but restricts the hours of this space to between 11 a.m. and 8 p.m. daily.

- 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. XXXXX. 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, and 737.24** 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 **XXXXXX**. 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 **XXXXXX**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXXX** 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

OPERATION

4. **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>

5. **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.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

6. **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

7. **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

8. **Hours of Operation.** The subject establishment is limited to the following hours of operation: 11 a.m. – 12 a.m. daily.

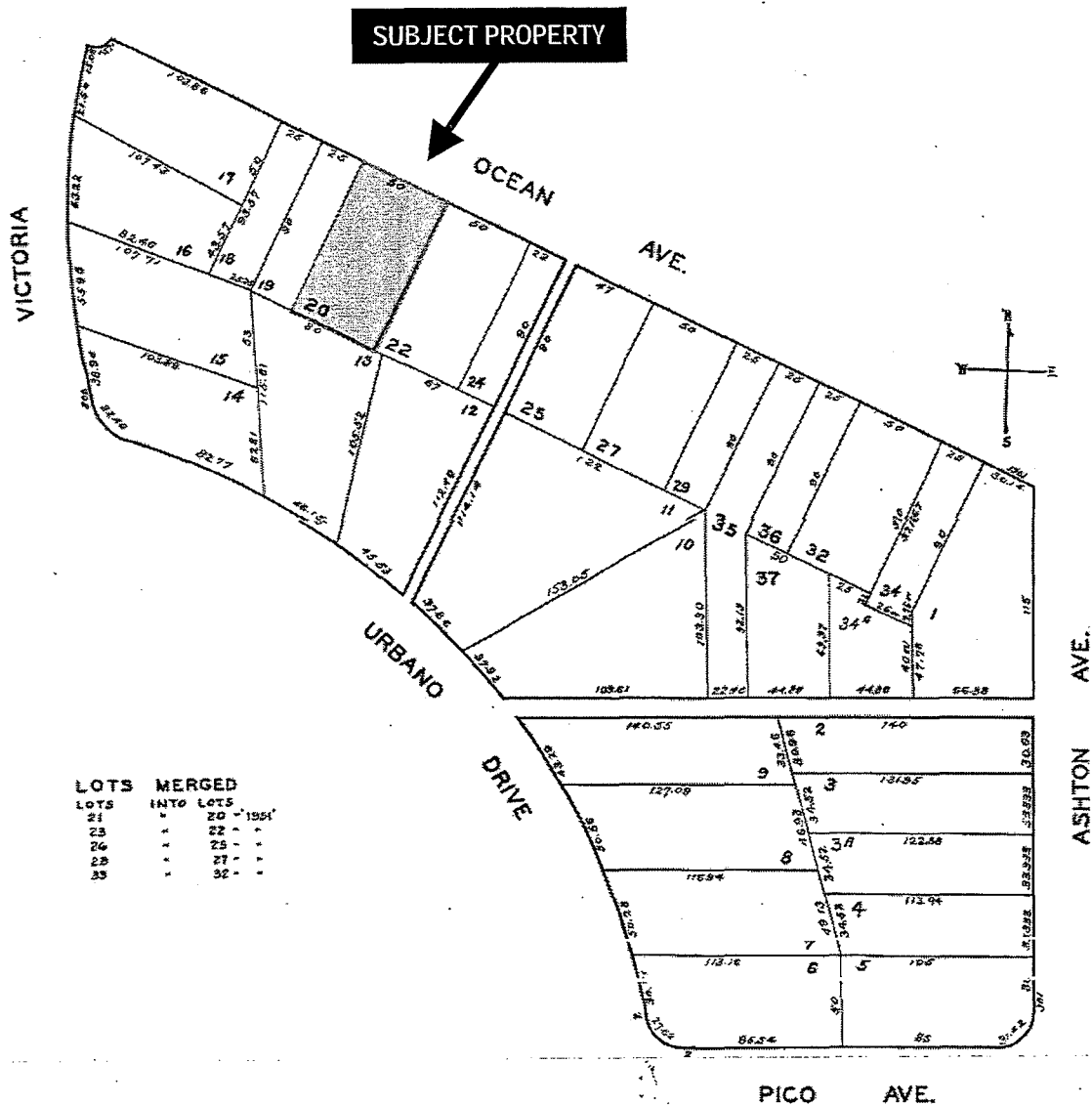
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Parcel Map

© COPYRIGHT SAN FRANCISCO
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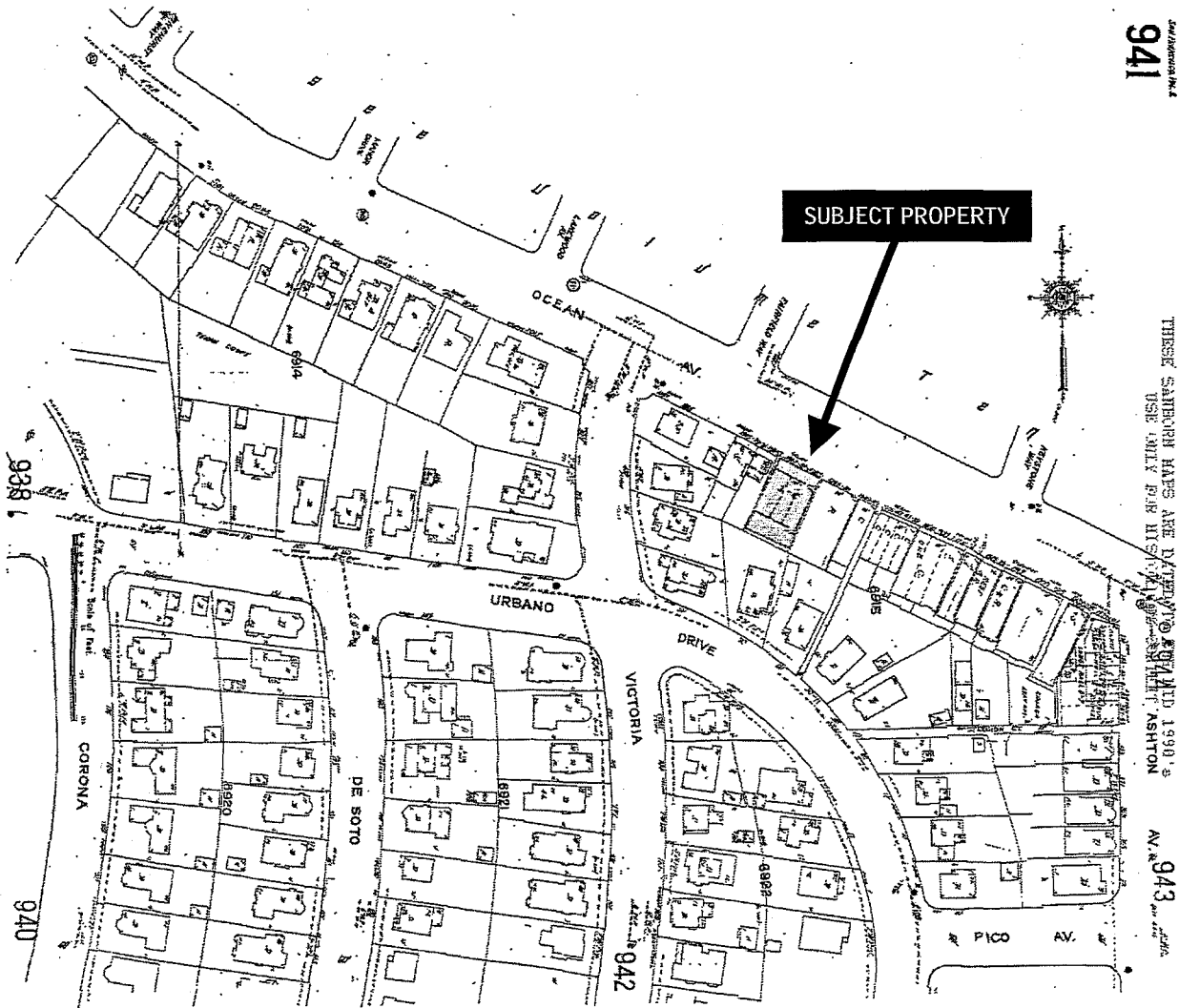
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Conditional Use Authorization Hearing
Case Number 2014.0206C
1963 Ocean Avenue

Sanborn Map*

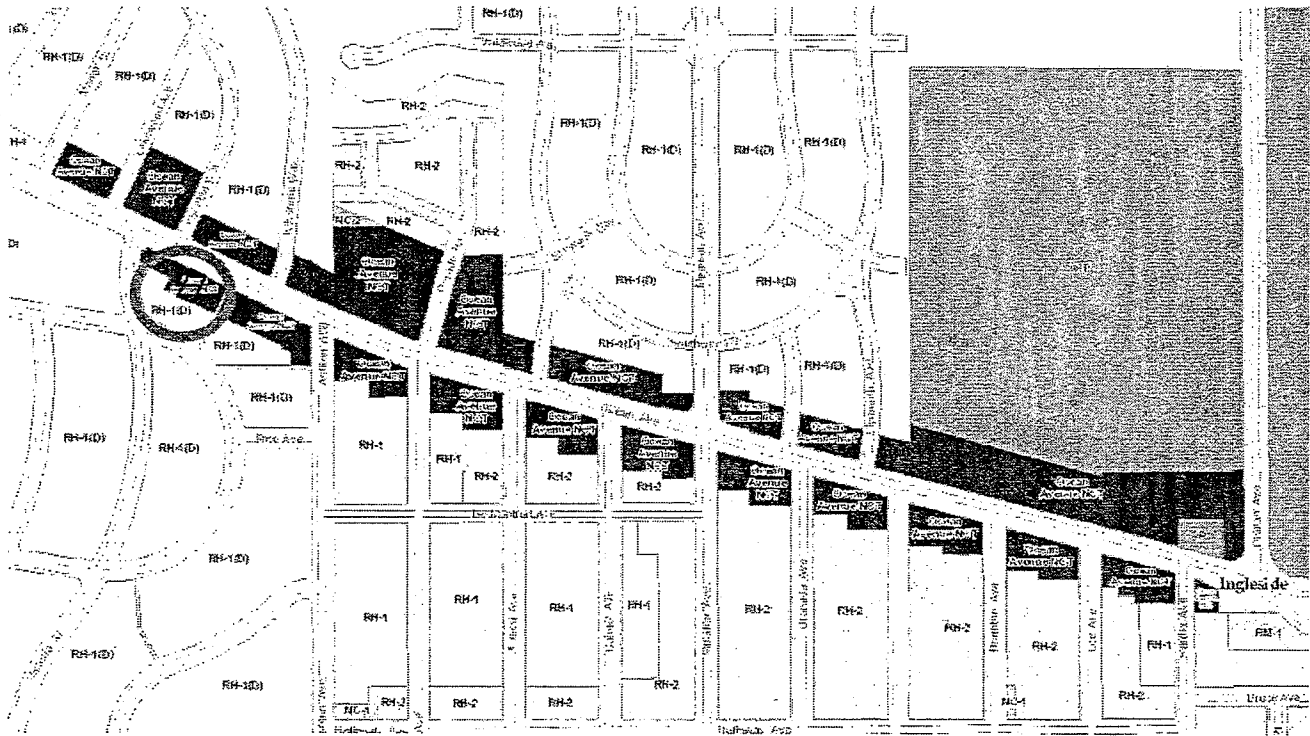


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Authorization Hearing
Case Number 2014.0206C
1963 Ocean Avenue

Zoning Map



Conditional Use Authorization Hearing
Case Number 2014.0206C
1963 Ocean Avenue

Aerial Photo

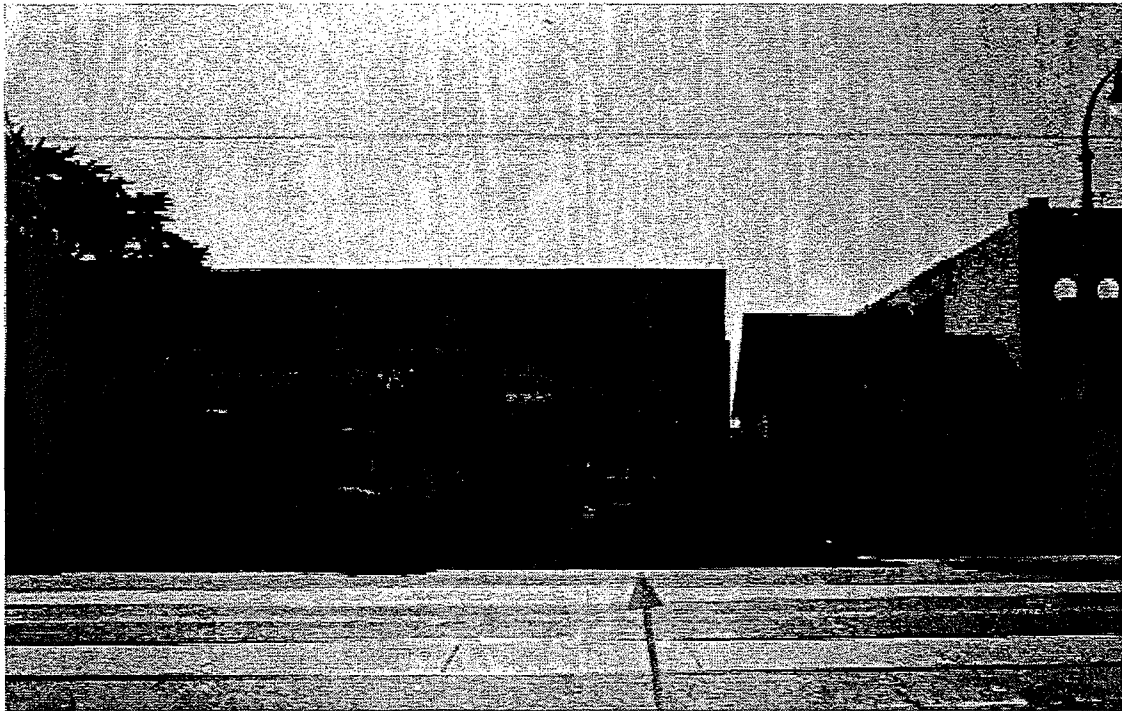


SUBJECT PROPERTY



Conditional Use Authorization Hearing
Case Number 2014.0206C
1963 Ocean Avenue

Site Photo



SUBJECT PROPERTY



Ocean Avenue Association
1728 Ocean Ave PMB 154
San Francisco, CA 94112

October 20, 2014

Marcelle Boudreaux
San Francisco Department of City Planning
marcelle.boudreaux@sfgov.org
415..575.9140

Dear Marcelle,

The Ocean Avenue Association supports Mr. Blake He's proposal to open the Happy Vape on Ocean Avenue.

The OAA's decision to support the Happy Vape conditional use application should not be construed as an endorsement of the applicant's chosen business nor its compatibility with the surrounding neighborhood. The Board has no position on the matters of public policy raised by members of the community with regard to the nature of the applicant's business. We do not doubt the sincerity of those views. The OAA's purview, however, does not extend to making choices among lawful business that otherwise comply with the City's licensing and regulatory process.

OAA's support is based on the board's view that Happy Vape's operations are consistent with the objectives of the OAA to promote vibrant business along the Ocean Avenue commercial corridor. The management team has shown a commitment to supporting the Ocean Avenue retail district and improving the cleanliness and safety of the commercial area. The OAA board also believes that Mr. He is receptive to the concerns and input of neighbors.

Please contact me if you have questions about this recommendation.

Daniel Weaver
Executive Director

From: [deltabear](#)
To: [Boudreaux, Marcelle \(CPC\)](#)
Subject: 1963 Ocean Ave - Conditional Use Permit Application -- Tobacco Paraphernalia
Date: Monday, October 20, 2014 10:21:06 AM

Thank you for the notice of public hearing for this project.

I reside at 50 Urbano Dr. I am opposed to this project. There are already plenty of shops on Ocean Ave offering tobacco, e-cigarettes, hookah, and medical marijuana. It is creating an atmosphere on Ocean Ave that is not conducive to pedestrian traffic or business. The smells make me cross the street. My children are uncomfortable walking along these blocks of Ocean Avenue.

Adrienne Go

From: SMGraz2001@aol.com
To: [Boudreaux, Marcelle \(CPC\)](#); [Yee, Norman \(BOS\)](#); [Secretary, Commissions \(CPC\)](#)
Cc: smgraz2001@aol.com; calbearsph@gmail.com; rckaris@gmail.com; board@balboaterrace.org
Subject: 1963 Ocean Ave. Proposed Vape Shop
Date: Wednesday, October 22, 2014 12:45:54 PM

Hello SF Planning Commission, Mr. Norman Yee and Ms. Marcelle Boudreaux,

I would like to state my OPPOSITION to the proposed new Vape Shop at 1963 Ocean Ave. I realize that the Vape Shop is applying for a conditional use. At this point, I do not think that this type of business is necessary or desirable on Ocean Ave. corridor. E-Cigarettes can be purchased on Taraval and 19th Ave, which is quite close. On the health issue, E-Cigarettes contain nicotine and the vaporized byproducts include unhealthy chemicals, heavy metals and nanoparticles that accumulate in the lungs. Nicotine is addictive and habit forming. Ingestion of the non-vaporized concentrated ingredients in the cartridges can be poisonous.

There is a garden area in the back that the business wants to use for smokers. Homes are directly located on the other side of the fence. Is this fair to the neighbors?

Lastly, this proposed location is across from a school with children. So, I would appreciate your consideration in not approving this Vape Shop.

Sincerely, Susan Grazioli
Balboa Terrace Director

From: [Maria S Flaherty](#)
To: [Boudreaux, Marcelle \(CPC\); Secretary, Commissions \(CPC\)](#)
Cc: Terraces@googlegroups.com
Subject: 1963 Ocean avenue Happy Vape
Date: Monday, October 27, 2014 7:22:54 PM

I am an adjacent neighbor to the project and member of ITHA residential group. I strongly OPPOSE the Conditional Use authorization to sell tobacco paraphernalia, e-cigarette sales, and oppose to a Stream Stone Hookah Lounge at basement level. Additionally I strongly OPPOSE to any OUTDOOR ACTIVITY for sampling e-cigarettes PERIOD!

In addition, I oppose to any outdoor activity or sampling. This is a nuisance to adjacent neighbors. The vapors are toxic and a health hazard to the public. The lights, noise, sampling are absolutely not welcome in the backyard of neighbors nor our neighborhood! This would set a negative precedence.

Please include my e-mail and document in the planning dept. packet for review by the Planning Commission.

John and Maria Flaherty
Ingleside Terraces
ITHA member

Sent from my iPad

From: John Stacey
To: Boudreaux, Marcelle (CPC); Yee, Norman (BOS); Secretary, Commissions (CPC)
Subject: 1963 Ocean Avenue Vape Shop
Date: Monday, October 20, 2014 8:47:39 AM

I am writing to let you know of my opposition to the proposed Vape Shop, requesting to be located at 1963 Ocean Ave in San Francisco.

My reasons are fairly straight-forward:

- Ocean Avenue merchants appear to be moving in without much interest from the city on what the street is *becoming*. There are two relatively new tattoo parlors, about six nail shops, at least three massage parlors, two marijuana distributors, a bong shop, and (wait for it...) soon to be a VAPE shop!
- The neighbors deserve better. The (few) upstanding merchants on the street deserve better. Our community deserves better than having our main street turn into San Francisco's location for cheap sex, legal drugs, and various inhaled stimulants
- I realize I probably sound like a staunchy old republican, but I'm not: I am a 47 year old democrat - and own a home just off of Ocean. We have two teen-aged children that walk and drive through the "circus" daily. My wife and I call Ocean "Bangkok."
- In the 15 years that we've lived in our house, we've seen crime rise (including a shooting about 100 yards from this proposed shop). We've seen fast food litter pile up. We've seen drunken and disorderly behavior. We hear the sub-woofers. We listen to the sounds of inebriates fighting on the sidewalks.
- It should stop. The city of San Francisco owes it to the local residents to do it's job... and have a commercial zoning plan for Ocean that is more calculated than "we'll rent to anyone the law allows."
- We pay substantial property taxes, and we vote.
- Please carefully consider my plea, as well as those from the neighbors in the community.

I live at 25 Cerritos, and I oppose the permitting of the Vape Shop.

Thank you for your time.

John Stacey
mobile 415-218-3431

From: Robert Karis
To: Boudreaux, Marcelle (CPC); Secretary, Commissions (CPC)
Cc: Yee, Norman (BOS); Low, Jen (BOS)
Subject: 1963 Ocean Avenue, Case No.: 2014.0206C
Date: Monday, September 22, 2014 10:43:56 AM

Dear Ms. Boudreaux,

The proposed Happy Vape store at 1963 is a Conditional Use, which means it has to demonstrate that it is necessary or desirable. This business is neither necessary or desirable.

I am opposed to the vape store for several reasons:

1) They are part of an effort by tobacco companies and others to addict young people, 20 somethings, to nicotine, which is a harmful substance
http://www.cdc.gov/media/releases/2014/p0825-e-cigarettes.html?s_cid=cdc_homepage_whatsnew_002 E-cigarette ads are targeted towards young people, as is easily demonstrated by googling images of e-cigarette ads.

2) The vapors from e-cigarettes can be harmful, even when they don't contain nicotine http://www.nytimes.com/2014/05/04/business/some-e-cigarettes-deliver-a-puff-of-carcinogens.html?_r=1

E-liquids use propylene glycol as a solvent. In ordinary usage, propylene glycol is safe. But when it is heated, as it is in e-cigarettes, propylene glycol is oxidized and gives rise to a variety of toxic substances, particularly formaldehyde in unsafe amounts. Some earlier studies reported only low doses of formaldehyde, but they may not have used a high enough voltage, 4.8 volts in this study. 4.8 volts is easily and frequently obtained with the devices sold in vape shops, as the higher voltage also results in more nicotine and more effect from the e-cigarette. It is not surprising that heating propylene glycol (P.G.) $C_3H_8O_2$ yields formaldehyde CH_2O , or, to show the chain structure of P.G., $CH_2OH-CHOH-CH_3 + 2O_2 > 2CH_2O + 2H_2O + CO_2$. In addition, e-cigarettes contain toxic metals and nanoparticles which result in disease causing inflammation.

3) E-cigarettes may be useful in a few cases as part of a comprehensive stop smoking program <http://www.cdc.gov/tobacco/campaign/tips/quit-smoking/> but the purpose of a stand alone vape shop is to to increase, not decrease, nicotine usage.

As the Planning Department and Commission have a duty to benefit our neighborhoods, I trust they will agree that a vape shop on Ocean Avenue is not necessary or desirable.

Yours truly,
Robert Karis
Ingleside Terraces

From: Mary Swope
To: Boudreaux, Marcelle (CPC)
Cc: Yee, Norman (BOS)
Subject: anti Happy Vape
Date: Wednesday, October 29, 2014 3:42:59 PM

Dear Mr. Yee and Marcelle Boudreaux, and Planning Commission,
As a resident of the Ingleside, I am strongly opposed to the issuance of a Conditional Use authorization to 'Happy Vape' to sell e-cigarettes. I also oppose any outdoor area dedicated to sampling the product. There are other businesses in the vicinity where e-cigarettes are available. Merchants have been and are continuing to improve the neighborhood. 'Happy Vape' would be a negative to this effort.
Sincerely,
Mary Swope alphogal@sonic.net

From: Carolyn Karis
To: Boudreaux, Marcelle (CPC)
Cc: Secretary, Commissions (CPC); Yee, Norman (BOS)
Subject: vape store at 1963 Ocean Ave., Letter of Opposition
Date: Tuesday, October 28, 2014 5:44:09 PM
Attachments: SFBOS_e-cigarettes.pdf

Dear Ms. Boudreaux:

I am attaching a copy of San Francisco Ordinance No. 030-14, Restrictions on Sale and Use of Electronic Cigarettes. Harmful chemicals that may be found in the fumes from e-cigarettes are listed on Page 2. Page 3 states that "electronic cigarettes can increase nicotine addiction among young people, may lead youth to try conventional tobacco products" and the fumes released into the air present a danger to others who breathe them. This ordinance was passed unanimously, 11 to 0, by the Board of Supervisors and signed by Mayor Ed Lee on 3/27/14.

E-cigarettes are not a proven method to stop smoking. Although e-cigarettes may replace cigarettes in a few cases, they may not be any healthier. Happy Vape states that they are interested in harm reduction; however, they are a vape shop, not a stop smoking clinic. If they are allowed to open their doors, they will sell e-cigarettes and e-liquids, with and without nicotine, to anyone over the age of 18.

The San Francisco Department of Public Health has asked the FDA to limit advertising for e-cigarettes. The San Francisco Board of Supervisors unanimously passed restrictions on the sale and use of electronic cigarettes. The vape store is a Conditional Use. Because of the harmful effects, listed above and in many other documents, the proposed use is not necessary or desirable to the neighborhood and may have a negative impact on the surrounding neighborhood. I ask that the San Francisco Planning Commission vote against allowing this business to open on Ocean Avenue.

Yours truly,
Carolyn Karis
Ingleside Terraces

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

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.

NOTE: Additions are *single-underline italics Times New Roman*;
deletions are *strike-through italics Times New Roman*.
Board amendment additions are double-underlined;
Board amendment deletions are ~~striketrough normal~~.

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

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

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

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

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

1 *(j) 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 
22 Aleeta M. Van Runkle
23 Deputy City Attorney

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

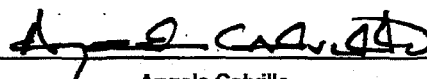
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener
and Yee

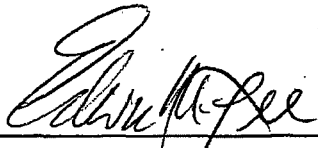
March 25, 2014 Board of Supervisors - FINALLY PASSED

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

From: Wendy Portnuff
To: Boudreaux, Marcelle (CPC)
Subject: Conditional Use Permit for Tobacco Paraphernalia at 1963 Ocean Avenue
Date: Saturday, May 10, 2014 3:44:33 PM

Dear Ms. Boudreaux,

I live in Ingleside Terraces, which is adjacent to the location above on Ocean Avenue. Furthermore, I walk past the location almost daily. I object strongly to the introduction of Tobacco Products to this part of our neighborhood. These electronic cigarettes are highly suspect for health reasons. They contain known carcinogens. I do not wish to be exposed to them, and I do not want them to be readily available to neighborhood youth in this part of the city. It's bad enough that there are marijuana stores and tattoo parlors here. Please do not approve yet another storefront that challenges our ability to remain healthy and to be role models for our children.

Wendy Portnuff
The Professional Woman's Guide to Healthy Travel
www.wendyportnuff.com
415-269-4398

From: [Dan Hambali](#)
To: [Boudreaux, Marcelle \(CPC\); Secretary, Commissions \(CPC\)](#)
Cc: [Yee, Norman \(BOS\)](#)
Subject: Happy Vape Shop on Ocean Avenue (Planning Commission 2014.0206 C)
Date: Sunday, October 26, 2014 8:59:19 AM
Attachments: [1963_Ocean_Avenue.pdf](#)
[ATT00001.htm](#)
[SmokingEnforcementAlert.pdf](#)
[ATT00002.htm](#)

Dear Sir:

I have received a Notice of Public Hearing regarding the planned operation of a Tobacco Paraphernalia and Cigar Bar in my neighborhood, Ingleside Terraces. The site is located at 1963 Ocean Avenue.

I would like to protest the opening of such an establishment for the following reasons.

1. There are already several vendors of such E-Cigarettes on Ocean Avenue. Through a simple Google search one can find this product sold in these establishments. There are likely more.

- * MMM Smoke Shop - 1936 Ocean Avenue (literally across the street)
- * 1944 Ocean Collective - 1944 Ocean Avenue (literally across the street)
- * Waterfall Wellness Health Center - 1545 Ocean Ave

2. I'm well acquainted with the former site of operations as it used to be an aquarium store that I frequented. The proposed business would have a hookah lounge in the basement and allow its customers to use the back yard area. The back yard is visible from Urbano drive. In no documents that I have seen has the proposed business declared their hours of operation. I've attached a document from SFDPH that states that tobacco products may not be consumed within any enclosed areas without DPH approval. This makes me believe that the business will move its consumption into the back yard—possibly at late hours. As a resident of Ingleside Terraces, I concerns me greatly that we will have late night activity in our neighborhood which would become a nuisance.

3. The nearby businesses and in particular the medicinal marijuana shop, 1944 Ocean Collective, create a parking burden from 1 Urbano (@Ashton to 90 Urbano (@Victoria) where customers of shops on Ocean Avenue avoid the parking meters by parking on Urbano. I regularly see and smell who I presume to be the customers of the medicinal marijuana shop smoke their medicine in their vehicles, and then drive off. Aside from being DUI, it's also creates a traffic burden to a residential neighborhood with young families. It concerns me that this new shop will attract similar customers at late hours as it is being treated as a "cigar bar" (see attached Letter of Determination).

Thank you for your time on this matter,

Daniel Hambali
715 Victoria St.
San Francisco, CA 94127

Attachments: 2



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

September 26, 2014

Marsha Garland
Garland Public & Community Relations
535 Green Street
San Francisco, CA 94133

Site Address:
Assessor's Block/Lot:
Zoning District:
Staff Contact:

1963 Ocean Avenue
6915/020
Ocean Avenue Neighborhood Commercial Transit
Marcelle Boudreaux, (415) 575-9140 or
marcelle.boudreaux@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Dear Ms. Garland:

This letter is in response to your request for a Letter of Determination regarding the property at 1963 Ocean Avenue, a vacant retail use with proposal to establish a retail use selling e-cigarettes and related materials and steam stone hookah lounge with outdoor activity area (dba "Happy Vape"). This parcel is located in the Ocean Avenue Neighborhood Commercial Transit (NCT) Zoning District and 45-X Height and Bulk District.

CURRENT PROPOSAL

Per Planning Code Section 790.123, Tobacco Paraphernalia Establishment is defined as an establishment with greater than 10 linear feet or 10% of sales area devoted to display and sales of tobacco paraphernalia and (per Section 737.69) requires Conditional Use Authorization. Additionally, per Section 737.24, an outdoor activity area also requires a Conditional Use Authorization.

On February 7, 2014, the Project Sponsor submitted a Conditional Use Authorization application (Case No. 2014.0206C) for the subject property to establish a Tobacco Paraphernalia Establishment on the ground floor, a steam stone hookah lounge on the basement level and an outdoor activity area at the rear to allow sampling of e-cigarettes.

LETTER OF DETERMINATION REQUEST

The request seeks answers to the following: are steam stone hookahs allowed for indoor and outdoor use; is vaping allowed for indoor and outdoor use; are sales of packaged snacks and soft drinks allowed on the premises; and, would the use be considered a "cigar bar."

RESPONSE

In regards to allowed areas for steam stone hookahs, note that while the Planning Department would consider the hookah use as part of the overall Tobacco Paraphernalia Establishment use, the Department of Public Health (DPH) is responsible for regulating hookah establishments.

Marsha Garland
Garland Public & Community Relations
535 Green Street
San Francisco, CA 94133

September 26, 2014
Letter of Determination
1963 Ocean Avenue

In regards to allowed areas for vaping, it is the Planning Department's understanding of recent legislation enacted by DPH that vaping/e-cigarette smoking is now regulated in a similar manner to tobacco smoking. Please review Public Health Code Sections 19(N) and 19(F) and note that DPH is responsible for regulating such activity.

In regards to packaged drinks and snacks (food handling) being sold on the same premises as the Tobacco Paraphernalia Establishment and hookah use, please note that DPH is responsible for regulating such activity.

In regards to whether the proposed hookah use would be considered a "cigar bar"; this use would be considered as part of the Tobacco Paraphernalia Establishment use.

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

Sincerely,



Scott F. Sanchez
Zoning Administrator

cc: Marcelle Boudreaux, Planner
Business Contacts: *Owner* - Cong Phuong Nguyen (948 Moscow St, San Francisco, CA 94112);
Manager - Blake He (blakehe@gmail.com)
Property Owner: Timoleon and Corinne Zaracotas
Neighborhood Groups

Garland Public & Community Relations

535 Green Street

San Francisco, CA 94133

marshagarland@att.net 415/531/2911

stefanocassolato@att.net 415/875/0818

June 24, 2014

Mr. Scott Sanchez, Zoning Administrator
San Francisco Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

ID # 12004 (SW)
D. WASHINGTON
OK # 5003 \$ 625. -

Re: 1963 Ocean Avenue, Happy Vape 6915/020

Dear Mr. Sanchez:

This letter is to request a Letter of Determination for an innovative concept called Happy Vape at 1963 Ocean Avenue. The business plan for Happy Vape includes selling e-cigarettes, e-cigarette liquids with and without nicotine, packaged snacks, soft drinks and other peripherals associated with e-cigarettes as well as steam stone hookahs. Happy Vape would like to dedicate some of its leased area to lounge space in which customers can vape and socialize.

Happy Vape will occupy a 2,000 square foot commercial space with 1,000 feet on ground level and 1,000 feet below ground. There is also an adjacent outdoor area. Drawings and an aerial photograph are enclosed.

According to the Internet, "Hookah Steam Stones are a new concept in the hookah world. Instead of smoking Steam Stones allow you to inhale vapor. Hookah Steam Stones are available in a variety of flavors. Steam stones are know to produce huge clouds and are a great way to smoke without the nicotine".

On May 5 and May 21, 2014 the project sponsor held pre-application meetings at 1963 Ocean Avenue for the community. In total eight people attended. Attached are copies of their questions and our responses.

The project sponsor has been in touch with Marcelle Boudreaux of the Planning Department and was scheduled for a conditional use permit hearing on July 24. That date has now been continued.

We understand that there is pending legislation regarding e-cigarettes but this is a new concept that has helped many smokers reduce their nicotine intake, if not quit smoking altogether, improve their health risks, and live in a cleaner environment.

Additionally Happy Vape will fill a vacancy on Ocean Avenue, create two or three new jobs, and, with the on site vaping component, will allow patrons the opportunity to taste and sample various flavors in order to make an informed product purchase. The new social activity of sharing a common experience will bring people together and create an opportunity for people to connect and interact.

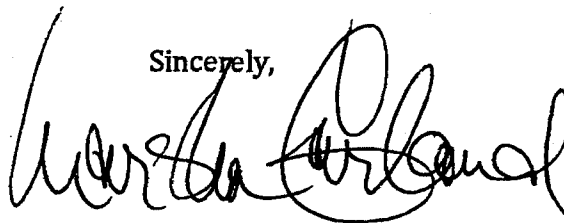
We need to know if steam stone hookahs are legal for indoor use and outdoor use, are packaged snacks and soft drinks allowed on the premises, is vaping allowed inside the premises, and is vaping allowed in the outdoor patio area?

As far as the question of tobacco goes (and tobacco is not in all of the products) would Happy Vape be deemed akin to cigar bars? The project sponsor has been in touch with the Department of Public Health but no one seems to be able to fit them into a suitable category, which is why they are wondering about the comparison to cigar bars.

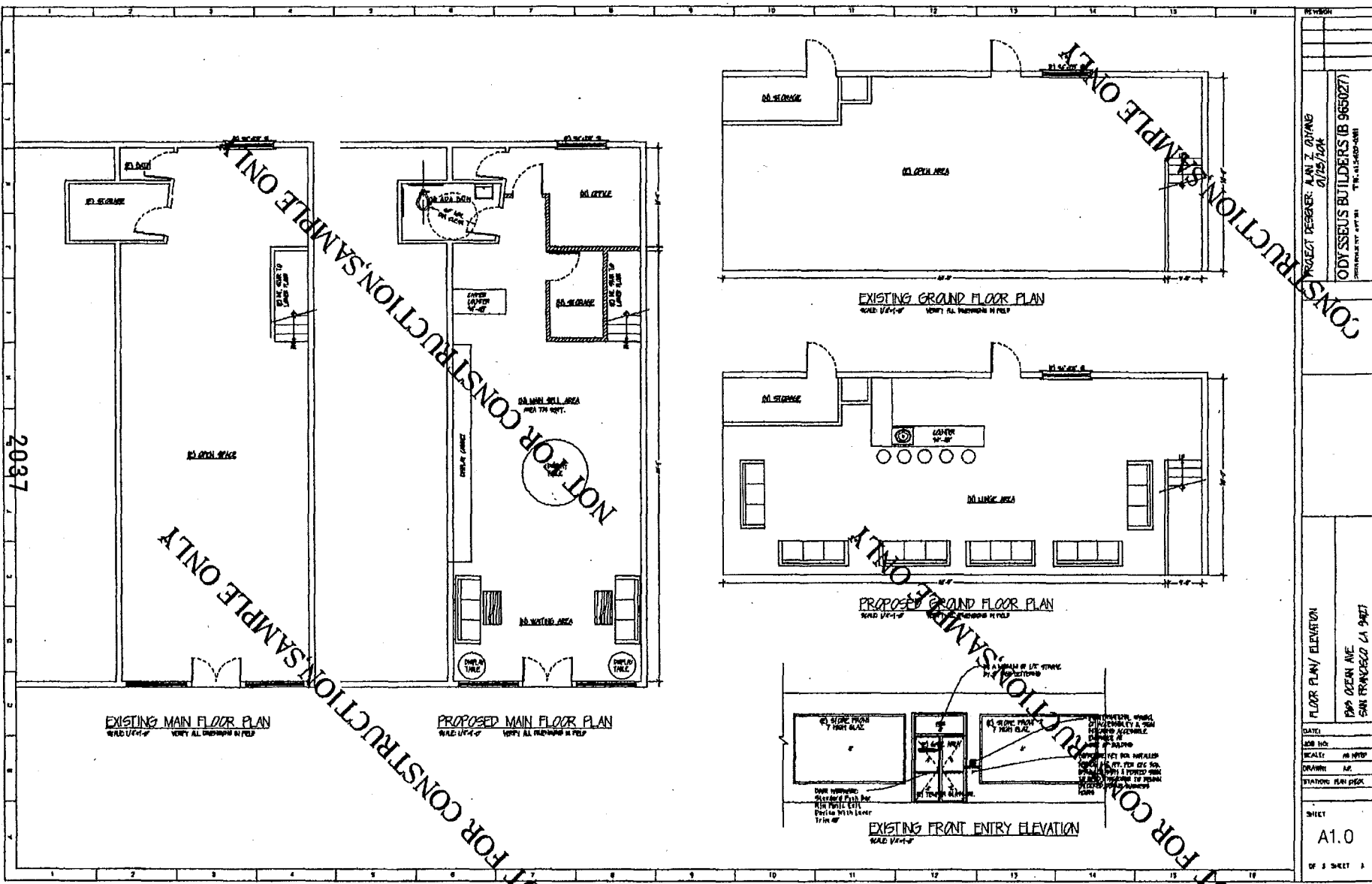
It is, therefore, the reason they have decided to request a Letter of Determination. Please advise exactly what it is they do need in order for this new business concept to be in compliance with the city's zoning laws.

A check for \$625 made payable to SF Planning is enclosed. We look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marsha Garland', written over a horizontal line.

Marsha Garland



PROJECT DESIGNER: A.M. Z. O'NEAL 01/25/2004	
ODYSSEUS BUILDERS (B 965027)	
CONSTRUCTION, SAMPLE ONLY	
FLOOR PLAN/ ELEVATION	1005 OCEAN AVE SAN FRANCISCO CA 94111
DATE: 01/25/04	
SCALE: AS SHOWN	
DRAWN: A.M. Z. O'NEAL	
STATION: PLAN 1005	
SHEET	A1.0
OF 3 SHEET	

[illegible][illegible]

U.S. SAMPLE ONLY

ZODIAC: NET
 OCCUPANCY: 0
 HOURS: 1407
 PER OF LOT: 80000-0000-0000

CONSIDERABLE USE MADE
 FOR THE AIR RATS, ONE OFFICE AND ONE WARDEN AT WARDEN PLANT.

100 CALIFORNIA INSURANCE CO
100 CALIFORNIA INVESTMENT & RE.
100 CALIFORNIA MORTGAGE & CO
100 CALIFORNIA ELECTRIC & CO
100 CALIFORNIA PLUMBING CO
100 CALIFORNIA ENERGY CTR
100 CALIFORNIA FIRE CO

A DO COVER PAGE/ATE AT 1/10/76
A 2d EXAMING A PROPOSAL FOR AN EVALUATION

[illegible]

NOT FOR CONSTRUCTION

APRIL 004-572-450

LOWER PACE / SITE PLAN

130 GREEN AVE.
SAN FRANCISCO CA 94117

DATE: _____

SHEET NO: _____

SCALE: AS SHOWN

DRAWING NO: _____

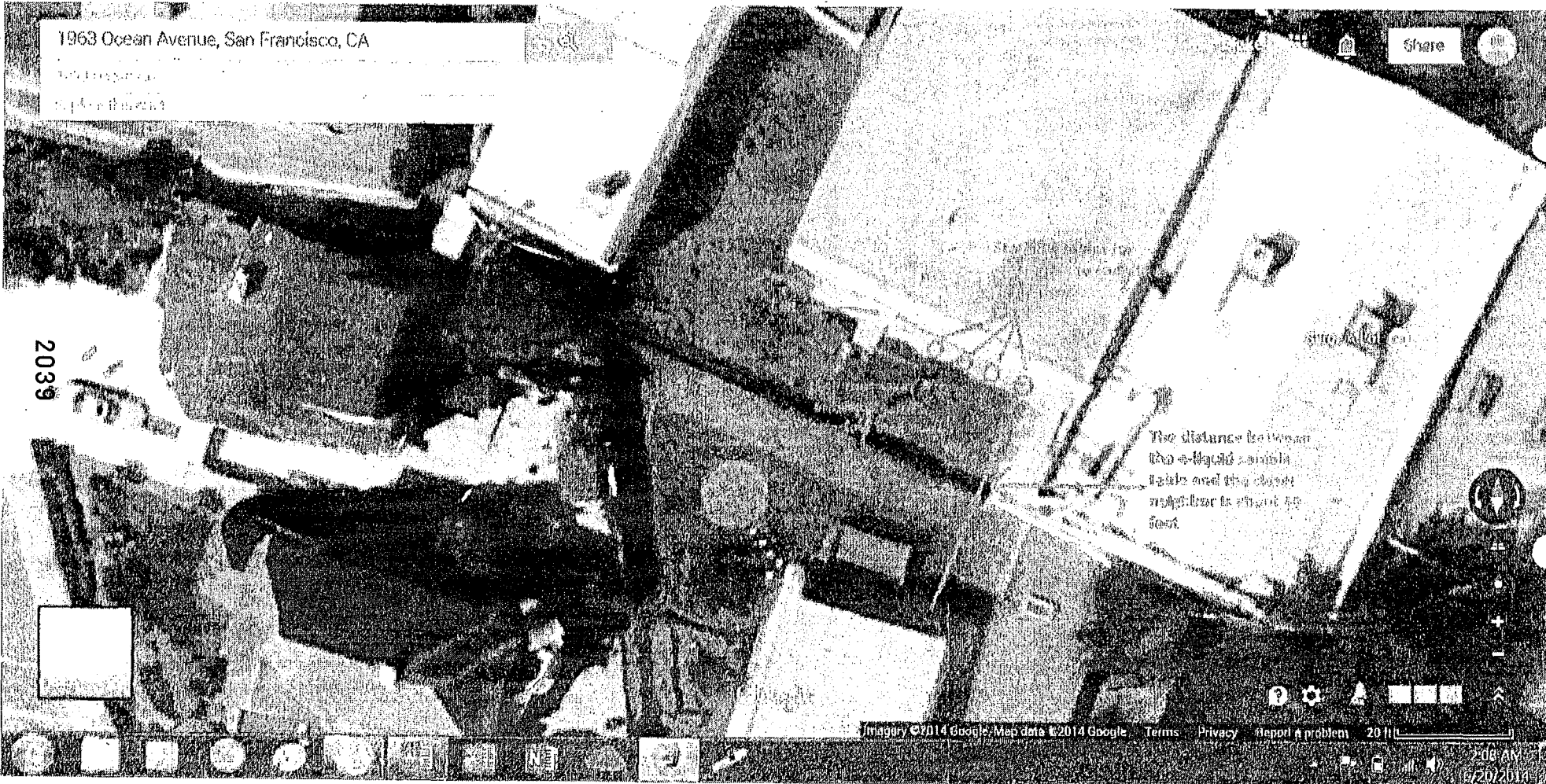
STATION: PLAN 0500

DATE: _____

PROJECT DESIGNER: ALAN Z. ODING
01/25/14

ODYASSEUS BUILDERS (B 9650277)
2000 CALIFORNIA ST. # 400
SAN FRANCISCO, CA 94109

REVISIONS



1963 Ocean Avenue, San Francisco, CA

1963 Ocean Avenue, San Francisco, CA

2039

The distance between the 4th and 5th streets is about 100 feet



San Francisco City and County
Department of Public Health
Environmental Health
Occupational & Environmental Health

Edwin M. Lee, Mayor
Barbara A. Garcia, MPA, *Director of Health*
Rajiv Bhatia, M.D., M.P.H., *Director*

Smoking Prohibition Enforcement Alert

Attention All Restaurants, Bars, Night Clubs, Lounges, and Hookah Business Operators

On September 27, 1996, the State of California passed a law that prohibited smoking in all enclosed places of employment including restaurants and bars (California Labor Code § 6404.5).

The City and County of San Francisco also passed a similar law, Article 19F San Francisco Health Code (SFHC 19F), in 1994 and amended this law on March 25, 2010 to prohibit smoking of any tobacco products, plants, or other weeds in all restaurants, bars, lounges, and outdoor dining areas even when food is no longer served in the dining areas (SFHC 19F §§ 1009.21(s); 1009.22(a)).

Except as follows:

- For Businesses that operate only as a bar or tavern at all times and have a side or rear outdoor patio, smoking is allowed in the side or rear outdoor patio portion of the bar except within 10 feet of doors, windows, or vents of the bar. (SFHC 19F §§ 1009.21(m), 1009.22(a) (14)).

Outdoor dining areas of restaurants, including sidewalk dining tables, are not considered outdoor patios even if food is no longer being served or if a bar is located outside. Smoking is not permitted in all outdoor dining areas (SFHC 19F § 1009.21(m)).

- For Bar or Tavern Operators that have received approved DPH exemptions (SFHC 19F §§ 1009.21(a) (14); 1009.23(c) or (d)). Exemption applications for DPH approval expired July 31, 2010. DPH does not have authority to issue exemption approvals for applications submitted after July 31, 2010. For Businesses without an exemption approval from DPH, smoking is not allowed in any enclosed areas of the business.

There are no other exemptions in SFHC 19F.

If your business is affected as described above, you are to immediately **cease and desist** all smoking activities that violate SFHC 19F. Failure to comply may result in enforcement action against the Business Operator and/or Property Owner including, but not limited to, penalties, cost recovery, suspension or revocation of Environmental Health permit(s), or referral to City Attorney's Office.

For more information about SFHC 19F, please contact Senior Inspector Janine Young, Secondhand Smoke Ordinance Compliance and Enforcement Program Coordinator, at (415) 252-3903.

For complaints about businesses violating SFHC 19F, please call 311 (within San Francisco) or (415) 701-2311 (outside San Francisco).

Oct. 20, 2014

To: Marcelle Boudreau,

I am writing in regard to the proposed Tobacco Paraphernalia Establishment on 1963 Ocean Avenue at the cross streets of Ashton and Victoria. This business intends to include e-cigarette sales, a hookah lounge - and even an area for cigarette sampling in the rear yard. Everyone in our neighborhood is furious about this. What can they be thinking! Surely you won't approve this.

Nationally, for the sake of everyone's health, we, as a country, are attempting to stamp out smoking. Now this group is trying to encourage it - especially among young people, for this location is almost adjacent to a church-run school and is only a few blocks from Aptos Junior High School. It is indefensible!

There are already four other locations on Ocean Avenue that sell e-cigarettes - and homes can be harmful - to anyone, even passersby.

Please realize that this Establishment is an affront to the neighborhood - and our young people, as this atmosphere can lead to substance abuse and addiction. Surely San Francisco - and City Planners should work to protect its citizens.

Sincerely,



October 28, 2014

Marcelle Boudreaux, AICP
Planner, Southwest Quadrant
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

By E-mail Only: marcelle.boudreaux@sfgov.org

RE: 1963 Ocean Avenue; 2014.0206C - Hearing Date: November 6, 2014

Dear Ms. Boudreaux:

On behalf of the Ingleside Terraces Homes Association ("ITHA"), I am writing to express concern about "Happy Vape," the proposed business at 1963 Ocean Avenue, San Francisco, in particular the business owners' plan to use the rear yard for daily sampling of its retail products. The store hours are proposed for 11 a.m. to 12 a.m., with the outdoor activity conducted voluntarily limited from 11 a.m. to 8 p.m. There are serious noise and environmental issues for our neighborhood in this proposal.

As described in the Conditional Use application, "Happy Vape" is an electronic vaporizer retailer and steam stone hookah lounge. In the retail store, customers can purchase electronic vaporizers and e-liquids, both nicotine and non-nicotine. The business owners want to use the site's rear yard as the e-liquid sampling area where customers sample products before purchase. The use of the rear yard is requested because indoor "vaping," the recently-regulated equivalent of indoor smoking, is prohibited by the San Francisco Health Code.

A primary purpose of ITHA, as a non-profit homeowner's association, is to promote the "collective and individual property and civic interests and rights" of the homeowners and residents of Ingleside Terraces. The Happy Vape proposal to use the store's rear yard for vaping will create noise daily from mid-day to evening. And e-cigarettes, whether nicotine-filled or not, pose still-unknown potential health risks to those who breathe the vapors. This business proposal jeopardizes our residents' property and health rights, particularly those residents who live at 70 Urbano Drive, 90 Urbano Drive, and 816 Victoria Street, homes adjacent to or abutting the rear yard of 1963 Ocean Avenue.

The "Happy Vape" proposal does not comply with the Planning Code criteria for Conditional Use approval as set forth in Planning Code section 303. Specifically, the proposed use of the rear yard for vaping (1) is not necessary or desirable for or compatible with the neighborhood, and (2) is detrimental to the health, safety, and general welfare of persons residing in the vicinity of the site, particularly the residents of Ingleside Terraces whose

residences about the proposed site. For this reason, on October 16, 2014, the Board of Directors of ITHA passed the following resolution:

"ITHA opposes the outdoor use, during any business hours, of electronic cigarettes or apparatus unless the business owners and operators of Happy Vape are able to contain or filter the vapors and noise so as to control their effect on adjacent property owners. Outdoor hours should be limited to 8 p.m. as a conditional use condition."

1. The Project As Proposed Is Not Necessary or Desirable or Compatible With the Neighborhood.

If the requested Conditional Use is approved, there will be sampling and vaping of e-cigarettes in the rear yard of the site every evening until at least 8 p.m. This means 3 - 9 people (a number provided by the Happy Vape business manager at our meeting), at any given time, socializing, talking, laughing, and trying the various products that Happy Vape intends to sell. The noise of so many people in the rear yard each afternoon and evening is the equivalent of a daily party interfering with the peace and quiet of the homes along Victoria Street and Urbano Drive adjacent to and near the rear yard of 1963 Ocean Avenue. The re-purposing of the rear yard by Happy Vape, to transact commerce outside the store because the San Francisco Health Code prohibits such transaction inside the store, should not transcend the right of the Ingleside Terraces neighbors to the peaceful and quiet enjoyment of their homes and yards.

2. The Proposed Use Is Detrimental to the Health and Welfare of the Neighbors In Ingleside Terraces.

Article 19N of the San Francisco Health Code prohibits the use of electronic cigarettes where smoking is otherwise prohibited and the sale of electronic cigarettes where the sale of tobacco products is otherwise prohibited. As support for the Health Code restrictions on the sale and use of electronic cigarettes, the San Francisco Board of Supervisors, when legislating Article 19N, included the following in their Findings and Statement of Purpose:

"(c) The FDA's center for Drug Evaluation and Research, Division of Pharmaceutical Analysis (DPA) analyzed the cartridges from ... electronic cigarettes for nicotine and for the presence of other tobacco constituents. ... The DPA's analysis of the electronic cigarette samples showed:

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

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

* * * * *

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

Marcelle Boudreaux, Planner

October 27, 2014

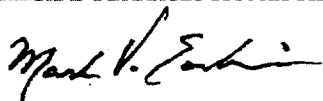
3

The San Francisco Health Commission, in its Resolution 7-11 passed June 21, 2011, declared "[t]here is no evidence that the vapors released into the air through the use of an electronic cigarette do not present a danger to others who breathe them." Recent scientific studies include findings of a total of 22 elements in vapors produced by electronic smoking devices, and three of these elements (lead, nickel, and chromium) appear on the FDA's "Harmful and Potentially Harmful Chemicals List."¹ No one should be exposed to the potentially harmful chemicals that the e-cigarette emits without his or her consent. If the rear yard at 1963 Ocean Avenue is used for vaping and sampling, our residents are involuntary exposed to this environmental risk. Cities throughout California, including our own, recognize this health risk in larger venues - Concord, California has declared a 17-block downtown business district to be 100% smoke-free (including use of e-cigarettes), the City of Los Angeles prohibits electronic smoking devices at the beaches, and electronic smoking devices are prohibited AT&T Park. A San Francisco resident should also be free of these risks in his/her own backyard. The harm done by e-cigarettes may be significant, both to direct users and to those exposed to the smoke and vapors secondhand. The residents of Ingleside Terraces should not be put at risk to potential or actual health risks of the developing, and mostly unregulated, e-cigarette market.

ITHA requests that its residents not be exposed to this potential, or actual health hazard at Happy Vape, 1963 Ocean Avenue, and that the Planning Commission withhold conditional use approval of the proposed rear yard vapor area unless noise is minimal and regulated filter and air quality controls are installed.

Sincerely,

INGLESIDE TERRACES HOMES ASSOCIATION



Mark V. Scardina, President

copy: Project Applicant, blakehe@gmail.com
Ocean Avenue Association, info.oacbd@gmail.com

¹Rachel Grana, Neal Benowitz, Stanton A. Glantz. "E-Cigarettes: A Scientific Review." Circulation. 2014; 129: 1972-1986; <http://circ.ahajournals.org/content/129/19/1972.full>



2045

From: [Robert Karis](#)
To: [Boudreaux, Marcelle \(CPC\)](#)
Cc: [Yee, Norman \(BOS\); Secretary, Commissions \(CPC\)](#)
Subject: 1963 Ocean Avenue, Case No.: 2014.0206C, letter of opposition
Date: Thursday, October 23, 2014 12:18:55 PM
Attachments: [FDA-Deeming-Comments-San Francisco DPH.pdf](#)

Dear Ms. Boudreaux:

The attached document demonstrates why the San Francisco Planning Commission should deny the Conditional Use application for a vape shop at 1963 Ocean Avenue.

The document by Barbara A. Garcia, MPA, Director of Health, San Francisco Department of Public Health, is dated August 5, 2014. This letter was written on behalf of the SFDPH in response to regulations proposed by the United States Food and Drug Administration. Please include the document "FDA-Deeming-Comments-San Francisco-DPH.pdf" and my email in the case report for project 2014.0206C. Comments in the document pertaining to e-cigarettes, which I have highlighted, include the following:

Section 3, p.2:

FDA and other independent scientists have found numerous potentially dangerous chemicals and carcinogens as well as varying levels of nicotine that are inconsistent with the amount indicated on the labels of e-cigarette solutions....there is a lack of credible information on the full range of chemicals being produced by the large number of different e-cigarettes currently on the market.

Section 3, p.3:

CDC reported that e-cigarette use more than doubled among U.S. middle and high school students between 2011-2012. There is evidence that e-cigarettes help youth to initiate smoking habits – only 20% of middle school e-cigarette users reported never having smoked conventional cigarettes. Youth are also impressionable and can succumb to marketing ploys such as the numerous fruity and candy flavored e-cigarettes and to youth-oriented company advertising.

We recognized that these products pose a threat to the public health and are clearly serving as starter products for young people in our community....Surveys of local youth and adults show that the industry has created a great deal of confusion about these products and the general public repeats back the unsubstantiated claims made by e-cigarette marketers- eerily similar to claims made by the tobacco industry a generation earlier.

Current e-cigarette advertisements target youth with marketing strategies such as celebrity endorsements, and messaging that promote freedom, rebelliousness, and glamour with e-cigarette use.

Section 5, p.3:

Currently, e-cigarette liquid refill containers are not required to be sold in child-resistant packaging and that may encourage children to ingest the product's

poisonous content. Some e-cigarette refill product packaging features cartoons, colorful labeling, or illustrates edible ingredients representing particular flavors, such as cherry, chocolate, or bubble gum. The contents themselves can have the aroma of the edible ingredient pictured on the label. Any of these factors can prompt a child to investigate and the contents can be extremely dangerous, if not lethal.

CDC analyzed calls to U.S. Poison Centers from 2010 to 2014 related to e-cigarette exposures. The results showed that e-cigarettes accounted for an increasing proportion of the calls, 0.3% in September 2010 to 41.7% in February 2014. Half of the calls made regarding exposure were for incidents involving children ages 0-5. The prevalence of poisonings and the potential danger to children promoted the American Association of Poison Control Centers and its member centers to issue a statement warning e-cigarette users to keep the devices and liquids away from children. One teaspoon (5 ml) of a 1.8% nicotine solution can be lethal for a person weighing 200 pounds. Most nicotine solutions range between 1.8% and 2.4%, and the refill bottles contain 10-30 ml of solution.

It is obvious from reading this document why a vape store, whose purpose is to increase the use of e-cigarettes, vaporizing devices, and e-liquids, and to addict our relatives and neighbors to nicotine and to expose them and people near them to the harmful chemicals contained in the e-cigarette vapors (actually fumes), is not desirable in our neighborhood. The letter from the SFDPH focuses on youth, but college students and older residents of our neighborhood are also adversely affected by the advertising, availability, and unhealthy effects of these products. E-cigarettes result in previous non-smokers using e-cigarettes and possibly cigarettes.

E-cigarettes are reported to be about as effective as nicotine patches for smoking cessation. However, e-cigarettes contain a coil heated to 600 degrees Fahrenheit (which, of course, is not true of nicotine gum or patches), resulting in the emission of harmful fumes that have been found to contain formaldehyde, heavy metal nanoparticles, and other breakdown products which are deposited in the lungs. Vape shops sell devices with larger batteries than e-cigarettes. This allows higher voltages than found in e-cigarettes, which results in higher temperatures, more nicotine delivered to the user, more production of harmful breakdown products from the propylene glycol solvent, and very likely more metallic nanoparticles from the coil.

Due to insightful legislation passed by the San Francisco Board of Supervisors in recent years, with input from the DPH, tobacco paraphernalia establishments, including e-cigarettes and e-liquids, require Conditional Use Authorization. This allows neighborhoods in San Francisco to limit the number of these stores. Ocean Avenue has four stores nearby that sell e-cigarettes; the three liquor stores and the 7-Eleven. There are two vape stores within a 1.5 mile radius of 1963 Ocean Ave.

I ask that the Planning Commission agree that the health of our neighbors is infinitely more important than the interests of a new business, and vote to deny this Conditional Use Application. A vape shop on Ocean Avenue is not necessary or desirable.

Yours truly,
Robert Karis
Ingleside Terraces

Addendum:

The four stores on Ocean Avenue that sell e-cigarettes are:

No Limit Liquor & Food Mart, 1015 Ocean Ave.

A & N Liquors, 1521 Ocean Ave.

Homrun Liquors, 1551 Ocean Ave.

7-Eleven, 2000 Ocean Ave.

The two vape shops within a 1.5 mile radius of 1963 Ocean Ave. are:

Juicebox Vapor, 907 Taraval St. at 19th Ave.

Dream Cloud Vapors, 4971 Mission St., near Geneva Ave.



City and County of San Francisco
Edwin M. Lee
Mayor

San Francisco Department of Public Health

Barbara A. Garcia, MPA
Director of Health

August 5, 2014

The Honorable Margaret Hamburg, Commissioner
United States Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Re: Deeming Tobacco Products to be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act
Docket No. FDA-2014-N-0189, RIN 0970-AG38

Dear Commissioner Hamburg,

On behalf of the San Francisco Department of Public Health I am writing to provide comments on the proposed rule "Deeming Tobacco Products to be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act." The City and County of San Francisco has long recognized the need to tackle tobacco addiction head-on, leading the country in some of the earliest and strongest regulations of the use, sale, and marketing of tobacco products in our community. Even with our investment in our proven community-engagement policy development model and ongoing innovative educational and quitting programs, we continue to see the substantial impact of the tobacco industry negatively affecting the health of San Franciscans.

San Francisco Department of Public Health applauds the Food and Drug Administration (FDA) for proposing this rule to identify additional products to be deemed as tobacco and subject to the requirements of the Family Smoking Prevention and Tobacco Control Act. Many cities and counties across the country such as San Francisco have passed our own legislation regulating these products in order to protect their communities. Federal regulation is absolutely needed to unite efforts already begun at the local level, provide a uniform set of standards and take action where local jurisdictions are prohibited from doing so. We can only take the regulation so far at the local level, and there are considerable gaps in our system that only FDA action is empowered to resolve.

In response to the proposed rule, San Francisco Department of Public Health offers the following comments and recommendations.

1. Cigar regulation option

San Francisco Department of Public Health recommends use of Option 1 regarding cigar deeming, to include all types of cigars. Our agency does not recommend Option 2, which excludes premium cigars from the proposed rule, defeating the intention of regulating various cigar products equally under the law. This is important, as producers have skirted the intention of various laws by claiming their youth-marketed products are technically cigars. We need a consistent application of the law around cigars. Both premium and non-premium cigars contain cancer causing chemicals that increase the smoker and non-smoker risk for lung disease, chronic bronchitis, and oral cavity, larynx, esophagus, pancreas, bladder, and lung cancers.^{1,2} Both types of cigars

negatively affect the public's health. The differences between these cigar types speak to the ingredients and price, but not to their effects on health. Thus, if the FDA's intent for this proposed rule is to take action to address the public health risk associated with the use of tobacco products, premium cigars should not receive an exemption. Exempting premium cigars may set back the FDA's work to reduce tobacco use and disease risk in the United States.

Cigar use is popular among youth. The Centers for Disease Control and Prevention (CDC) reported that cigarette and cigar use in high school students was nearly identical in 2012. This similarity is also seen in middle schools students who smoked cigarettes and cigars.³ When youth are faced with premium cigars and cigarettes of the same price, premium cigars may be the product of choice because premium cigars are not subject to accessibility restrictions as promulgated for cigarettes. For example, cigars can be sold in self-service displays and sold individually.

2. Flavored products

San Francisco Department of Public Health urges the FDA to apply the same flavor restrictions promulgated by the Tobacco Control Act on cigarettes to newly-deemed tobacco products. As flavors such as cherry, vanilla, and apple contribute to the increasing popularity of e-cigarettes, hookah, and cigars among youth, regulation is critical for the same reasons the FDA restricted flavor options for cigarettes. The FDA's *Parental Advisory on Flavored Tobacco Products* states that flavored tobacco products:⁴

- Appeal to kids.
- Disguise the bad taste of tobacco, easing adoption by youth.
- Are just as addictive as regular tobacco products.
- Have the same harmful health effects as regular tobacco products.

Local and state health departments have already taken the initiative to regulate the sale of non-regulated flavored tobacco products in their jurisdictions. Maine banned the sale and distribution of flavored cigarettes and cigars in the state in 2009.⁵ In 2011, New York City banned the sale of flavored tobacco products.⁶ Providence (RI) banned sale of flavored tobacco products and redemption of tobacco industry coupons and discounts in 2013.⁷ In 2014, Chicago banned the sale of all flavored tobacco products, including e-cigarettes (regulated as tobacco products), within a 500-foot radius of any elementary, middle, or secondary school.⁸ Our community continues to examine options for addressing how the harsh flavors of cigarettes can be masked by candy and sweet flavorings. Prior generations became addicted to cigarettes in large numbers despite the harsh taste and difficulty initiating the smoking habit. With cherry and cotton candy and vanilla starter products now, the current generation of youth face fewer barriers to initiation of nicotine addiction and are more targeted by the industry than ever before.

3. Regulation of the new noncombustible products

San Francisco Department of Public Health urges FDA to regulate the newly-deemed tobacco products, including e-cigarettes, dissolvables, hookah, and cigars, in the same manner as existing tobacco products. Federal regulation offers an opportunity to more fully assess the public health risks of these products, which have grown in popularity since the passage of the Tobacco Control Act. There are currently no federal consumer protections in place to ensure that e-cigarettes are properly labeled and tested. FDA and other independent scientists have found numerous potentially dangerous chemicals and carcinogens as well as varying levels of nicotine that are inconsistent with the amount indicated on the labels of e-cigarette solutions. For example, a recent study of e-cigarette refill fluids found that the majority (65%) of nicotine fluids tested deviated by more than ten percent from the nicotine concentrations on the label.⁹ Furthermore, because e-cigarettes are unregulated, there is a lack of credible information on the full range of chemicals being produced by the large number of different e-cigarettes currently on the market. The same flavoring, marketing, and self-service access rules should apply to newly-deemed products because they also pose risk to the public and can spur initiation or joint use of multiple tobacco products.

CDC reported that e-cigarette use more than doubled among U.S. middle and high school students between 2011-2012. There is evidence that e-cigarettes help youth to initiate smoking habits – only 20% of middle school e-cigarette users reported never having smoked conventional cigarettes.¹⁰ Youth are also impressionable and can succumb to marketing ploys such as the numerous fruity and candy flavored e-cigarettes and to youth-oriented company advertising.

It is these startling facts about youth use of e-cigarettes and alternative products that caused San Francisco to join Los Angeles, Chicago, Philadelphia, and New York early this year in regulating e-cigarettes locally. We recognized that these products pose a threat to the public health and are clearly serving as starter products for young people in our community. Without regulation of advertising, content of the product, claims made by the industry, and flavors available, the proliferation of this product will likely continue exponentially. Surveys of local youth and adults show that the industry has created a great deal of confusion about these products and the general public repeats back the unsubstantiated claims made by e-cigarette marketers- eerily similar to claims made by the tobacco industry a generation earlier.

San Francisco Department of Public Health calls on the FDA to restrict the flavor offerings as in cigarettes for the same reasons that the agency restricted cigarette flavor offerings. Current e-cigarette advertisements target youth with marketing strategies such as celebrity endorsements, and messaging that promote freedom, rebelliousness, and glamour with e-cigarette use. The FDA should also restrict new product advertising in the same way that cigarette and smokeless tobacco advertising is restricted.

4. New product warnings

Product warning labels are incredibly useful tools in FDA's effort to protect public health. However, the proposed warning labels for newly covered tobacco products can be strengthened to be more effective.

Since the first warning labels appeared on cigarette packages in 1965, warning labels have been an important source of information for tobacco users.¹¹ While there is evidence that warning labels can become stale,¹² and the need for large graphic warning labels is clear,^{13,14,15} the newly covered products will be marketed with minimal warning. This may contribute to confusion about the health effects of the newly covered products. The proposed textual warnings for cigars are fairly strong, but the single warning for the remaining products is weak and does not convey the potential extent of health risk associated with use of the products. The FDA should require large graphic warnings for all tobacco products, similar to those required for combustible cigarettes. There is significant evidence of the specific health harms of the new products and those caused by nicotine that support stronger, more specific warnings in the "2014 U.S. Surgeon General's Report: The Health Consequences of Smoking—50 Years of Progress." The City of San Francisco cannot introduce a mandate for packaging with striking graphic images that tells consumers the truth about the health impacts of tobacco (similar to those required in nearly every country in the world), but we very much support the move by FDA to require those warnings.

5. Additional opportunities

The proposed rule presents an opportunity to require child-resistant packaging for e-cigarette liquids to prevent child poisonings. Currently, e-cigarette liquid refill containers are not required to be sold in child-resistant packaging and that may encourage children to ingest the product's poisonous content.¹⁶ Some e-cigarette refill product packaging features cartoons, colorful labeling, or illustrates edible ingredients representing particular flavors, such as cherry, chocolate, or bubble gum. The contents themselves can have the aroma of the edible ingredient pictured on the label.¹⁷ Any of these factors can prompt a child to investigate and the contents can be extremely dangerous, if not lethal.

CDC analyzed calls to U.S. Poison Centers from 2010 to 2014 related to e-cigarette exposures. The results showed that e-cigarettes accounted for an increasing proportion of the calls, 0.3% in September 2010 to 41.7% in February 2014.¹⁸ Half of the calls made regarding exposure were for incidents involving children ages 0-5.¹⁸ The prevalence of poisonings and the potential danger to children promoted the American Association of Poison Control Centers and its member centers to issue a statement warning e-cigarette users to keep the devices and

liquids away from children.¹⁹ One teaspoon (5 ml) of a 1.8% nicotine solution can be lethal for a person weighing 200 pounds.¹⁶ Most nicotine solutions range between 1.8% and 2.4%, and the refill bottles contain 10-30 ml of solution.²⁰ Due to the dramatic increase in calls to poison control centers, some states have taken precautions through new regulations. Minnesota and Vermont created statutes that require child protective packaging on all liquid nicotine refill bottles, and some retailers have voluntarily begun selling their refills with child-resistant caps.²⁰ While those who oppose such requirements note there have been no confirmed poisoning deaths in the United States due to the ingestion of liquid nicotine, the FDA must not wait for tragic consequences before acting.

San Francisco Department of Public Health is pleased to support the deeming of additional products as tobacco as proposed in the rule and urges FDA to do the following: include premium cigars in cigar regulations; apply the same requirements of the Family Smoking Prevention and Tobacco Control Act for combustible cigarettes to all of the newly deemed products regarding flavors, marketing, and self-service access; strengthen the content and requirements for the warning labels on newly deemed products; and create a requirement for child-resistant packaging for e-cigarette liquids. Thank you for your attention to these recommendations.

Sincerely,



Barbara A. Garcia, MPA
Director of Health
San Francisco Department of Public Health

¹ National Cancer Institute. (2010). Fact sheet: Cigar smoking and cancer. Retrieved Jul. 16, 2014, from <http://www.cancer.gov/cancertopics/factsheet/Tobacco/cigars>.

² American Cancer Society. (2014). Cigar smoking: Tobacco and cancer. Retrieved Jul. 16, 2014, from <http://www.cancer.org/cancer/cancercauses/tobaccocancer/cigarsmoking/cigar-smoking-cancer-and-health>.

³ Centers for Disease Control and Prevention. Youth and tobacco use webpage. Retrieved Jul. 22, 2014, from http://www.cdc.gov/tobacco/data_statistics/fact_sheets/youth_data/tobacco_use/index.htm.

⁴ U.S. Food and Drug Administration. (2013). FDA parental advisory on flavored tobacco products - what you need to know. Retrieved Jul. 22, 2014, from <http://www.fda.gov/TobaccoProducts/ProtectingKidsfromTobacco/FlavoredTobacco/ucm183196.htm>.

⁵ State of Maine. (2007, September 25). News: Governor celebrates ban on flavored cigarettes. Retrieved Jul. 16, 2014, from <http://www.maine.gov/tools/whatsnew/index.php?topic=Portal+News&id=42524&v=article-2006>.

⁶ New York City Department of Health and Mental Hygiene. Smoking legislation webpage. Retrieved Jul. 22, 2014, from <http://www.nyc.gov/html/doh/html/environmental/smoke-law.shtml>.

⁷ City of Providence, Rhode Island. (2013). Providence tobacco laws go into effect January 3. Retrieved Jul. 16, 2014, from <http://www.providenceri.com/healthy-communities/providence-tobacco-laws-go-into-effect-january-3>.

⁸ City of Chicago. Tobacco regulations webpage. Retrieved Jul. 16, 2014, from http://www.cityofchicago.org/city/en/depts/bacp/supp_info/tobaccoregulations.html.

⁹ Davis, B., Dang, M., Kim, J., Talbot, P. (2014, May 26). Nicotine concentrations in electronic cigarette refill and do-it-yourself fluids. *Nicotine & Tobacco Research* (published online). doi: 10.1093/ntr/ntu080.

¹⁰ Centers for Disease Control and Prevention. (2013, September 6). Notes from the field: Electronic cigarette use among middle and high school students – United States, 2011-2012. *MMWR*, 62(35), 729-730. Retrieved on Jul. 7, 2014, from <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6235a6.htm>.

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- ¹¹ U.S. Department of Health and Human Services. (2000). *Reducing tobacco use: A report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health.
- ¹² Institute of Medicine (U.S.). Committee on Reducing Tobacco Use: Strategies, Barriers, and Consequences. (2007). *Ending the tobacco problem: A blueprint for the nation*. R. J. Bonnie, K. Stratton, R. B. Wallace (Eds.) Washington, DC: National Academies Press.
- ¹³ Azagba, S., & Sharaf M.F. (2013). The effect of graphic cigarette warning labels on smoking behavior: Evidence from the Canadian experience. *Nicotine & Tobacco Research*, 15(3), 708-17. doi: 10.1093/ntr/nts194.
- ¹⁴ Cantrell, J., Vallone, D. F., Thrasher, J. F., Nagler, R. H., Feirman, S. P., Muenz, L. R., et al. (2013). Impact of tobacco-related health warning labels across socioeconomic, race and ethnic groups: Results from a randomized web-based experiment. *PLoS One*, 8(1), e52206. doi: 10.1371/journal.pone.0052206.
- ¹⁵ Strasser, A. A., Tang, K. Z., Romer, D., Jepson, C., & Cappella, J. N. (2012). Graphic warning labels in cigarette advertisements: Recall and viewing patterns. *American Journal of Preventive Medicine*, 43(1), 41-7. doi: 10.106/j.ameprev.2012.02.026.
- ¹⁶ Bassett, R. A., Osterhoudt, K., & Brabazon, T. (2014). Nicotine poisoning in an infant. *New England Journal of Medicine*, 370(23), 2249-50. doi: 10.1056/NEJMc1403843.
- ¹⁷ Leys, T. (2014, March 25). Iowa Poison Control Center: E-cigarette liquid refill warning. Retrieved Jul. 7, 2014, from <http://www.iowapoison.org/news-and-recalls/e-cigarette-liquid-refill-warning/>.
- ¹⁸ Chatham-Stephens, K., Law, R., Taylor, E., Melstrom, P., Bunnell, R., Wang, B., et al. (2014, April 4). Notes from the field: Calls to Poison Centers for exposures to electronic cigarettes. *MMWR*, 63(13), 292-293. Retrieved on Jul. 7, 2014, from <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6313a4.htm>.
- ¹⁹ American Association of Poison Control Centers. (2014, March 25). News Release: AAPCC and Poison Centers issue warning about electronic cigarette devices and liquid nicotine. Retrieved Jul. 7, 2014, from https://aapcc.s3.amazonaws.com/pdfs/releases/E-cigarette_Release.pdf.
- ²⁰ Richtel, R. (2014, March 23). Selling a poison by the barrel: Liquid nicotine for e-cigarettes. *The New York Times*. Retrieved Jul. 4, 2014, from <http://www.nytimes.com/2014/03/24/business/selling-a-poison-by-the-barrel-liquid-nicotine-for-e-cigarettes.html?module=Search&mabReward=relbias%3Aw>.

From: a infusing
To: Boudreaux, Marcelle (CPC); Yee, Norman (BOS); Secretary, Commissions (CPC)
Subject: Neighbor OPPOSING 1963 Ocean Avenue Vape Shop
Date: Tuesday, October 28, 2014 9:56:17 PM

Dear Planning Commission, Mr. Norman Yee, and Ms. Marcelle Boudreaux:

I am writing to strongly oppose the proposed Conditional Use Authorization for 'Happy Vape' at 1963 Ocean Avenue. As the neighbor who lives directly behind this proposed business, I do not support the retail Tobacco Paraphernalia Establishment, the steam stone hookah lounge at the basement level, or the outdoor activity area for e-cigarette sampling. Please see the following reasons why this business is not a good fit for our neighborhood:

1. There are at least 4 businesses just on Ocean Avenue that already sell e-cigarettes. By walking 10 minutes or less, I can purchase a variety of different e-cigarettes at each of these stores.
2. E-cigarettes are unregulated and under researched and the full risks on human health have yet to be determined.
 1. As the neighbor that lives directly behind this proposed "outdoor activity area for cigarette sampling," my family and I will be adversely affected by the chemicals in these e-cigarettes.
 2. The proposed outdoor activity space in the backyard at 1963 Ocean Avenue, is approximately 20 feet from my property line (measurements taken from the back wall of proposed business to my property line). Depending on where the owners of the business decide to place the "tables, awning or tent," customers will be smoking even closer to my property line. The proposed "Outdoor activity area" is too close to surrounding residents. (Please see attached picture of the back of 1963 Ocean Avenue where the smoking section will be and my property line)
 3. Moreover, as an asthma sufferer and as someone who will be starting a family soon, having people smoke approximately 20 feet from my property will in turn make my backyard an unusable space unless I choose to subject my future child or myself to chemicals that will irritate, harm, or otherwise affect our bodies.
 4. Additionally, there are many children living in the houses surrounding the backyard of this business. Each of these children will be subject to the unregulated and under-researched chemicals emitted from these e-cigarettes.
3. This business will bring nuisance to the neighborhood.
 1. The outdoor space and hookah lounge will add outdoor lights and additional noise from people talking and smoking in the backyard. The hookah lounge is marketed to be a place where people can hang out

and socialize. Given that this part of the business will be open until 12am, this will be an additional noise disturbance to the surrounding neighbors. Overall, it will ruin the peaceful, quiet neighborhood we currently live in.

2. Ocean avenue is a neighborhood where outdoor backyard retail spaces are uncommon. This is because the surrounding neighborhoods are quiet, peaceful, family friendly neighborhoods.
 3. This proposed business will decrease the home values of the surrounding neighbors. Who would want to pay the market neighborhood rate and move into a home which is adjacent to an outdoor smoking patio?
4. This business is not favorable for the surrounding family communities and undesirable considering the 8 schools that are less than 1 mile from the proposed business.
1. E-cigarette have a high appeal to youth due to their high tech design and availability in child friendly flavors like cotton candy, bubble gum, chocolate chip cookie dough, and cookie and cream milkshake.
 1. According to the U.S. Centers for Disease Control and Prevention (CDC), 250,000 youths who had never before smoked, tried e-cigs in 2013 — a threefold increase since 2011.
 2. Within a 1 mile radius of the proposed business, there are 8 schools, including 4 high schools, and 3 schools with middle school aged children.
 2. According to recent census demographics for Ingleside terrace 40.6% of households in this neighborhood have children. The same census demographics show that in Mount Davison Manor, the neighborhood directly across from this business on Ocean Avenue, 69.7% of households have children. Moreover, a few blocks down from Mount Davison Manor, in Westwood park the census data states that 71.3% of their households have children. How is this a desirable business for this neighborhood?
 3. All in all, considering the percentage of households with children in the nearby communities adjacent to Ocean Avenue, in addition to the other businesses that already sell e-cigarettes, this additional business is unneeded and unwelcome.

As a strong supporter to revitalize Ocean Avenue, I wholeheartedly see the changes that are possible. These changes however, will not happen if we continue to promote businesses that do not add to the neighborhood. In the past 2 years that I have lived here, I have seen Champa Gardens, Whole Foods, the new hardware store, The Dailey Method, Yoga Flow, and a few other businesses open their doors. Adding more businesses that will be patronized and supported by people in the surrounding communities is what will make Ocean Avenue a nice place to walk, shop, and stay. Adding another place to buy e-cigarettes is not going to attract other desirable businesses or shoppers.

Please include my e-mail and attached picture in the Planning Dept. packet for review by the Planing Commission.

Respectfully submitted,

Angela Button
70 Urbano Drive
San Francisco, CA 94127

From: Michelle Schulze
To: Boudreaux, Marcelle (CPC); Yee, Norman (BOS); Secretary, Commissions (CPC)
Subject: Neighboring Residents OPPOSED to 1963 Ocean Ave Happy Vape
Date: Tuesday, October 28, 2014 1:34:56 PM

Dear Planning Commission, Mr. Yee and Ms. Marcelle Boudreaux:

We are adjacent neighbors to the project at 1963 Ocean Ave. (Happy Vape). We are also members of the ITHA residential group. We **strongly OPPOSE** the Conditional Use Authorization to sell tobacco paraphernalia, e-cigarette sales. There are already two other 'vape' shops within a 1.5 mile distance of the proposed site. Tobacco and tobacco products can be found at various stores along the Ocean Avenue Corridor. There is no need for this business in this location. We are also strongly opposed to a Steam Stone Hookah Lounge at basement level and especially **OPPOSED to ANY OUTDOOR ACTIVITY** that samples or promotes e-cigarettes or Hookah or for that matter ANY type of smoking. The latter is planned to be across the street from our home, backing directly adjacent to our neighbor's back yard. **This is a FAMILY NEIGHBORHOOD.** There are many families with small children in this area. We are strongly opposed to any type of outdoor sampling or activity regarding this type of business. The vapors are toxic and a health hazard to the public. The lights, noise, and sampling are **absolutely not welcome** in the backyard of our neighbors nor of our neighborhood! The proposed business of HAPPY VAPE is not consistent with the 'beautifying' of Ocean Avenue, nor is it wanted in **a family neighborhood**. This would set a very negative precedence.

We are aware of the empty store fronts along Ocean Avenue. Simply because it is empty does not mean it needs to be filled with businesses such as Happy Vape. Our neighborhood would love to see more positive, family friendly businesses such as Fog Lifter Café, YogaFlow, Whole Foods and Elevate Fitness-these are the types of businesses that our locals deserve & desire. They would attract similar businesses that our families can walk to and shop at.

Please include my email and document in the Planning Department packet for review by the Planning Commission.

Sincerely,

Derek & Michelle Schulze
Ingleside Terraces

From: James Spalding Jr.
To: Boudreaux, Marcelle (CPC)
Subject: No Vape shop on Ocean Avenue
Date: Monday, October 27, 2014 2:47:19 PM

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James H. Spalding Jr. CPA/MSTax
180 De Soto Street
San Francisco CA 94127-2183
cpaspalding@gmail.com
415-337-6799, cel 415-517-2539

Word of mouth is the best source of new business for Spalding and Company.
Thanks for your good word referrals.

From: Donna Howe
To: Boudreaux, Marcelle (CPC)
Subject: Opposition to proposed permit for 1963 Ocean Ave
Date: Thursday, May 15, 2014 2:23:52 AM

To: Marcelle Boudreaux
From: Donna Howe, 85 Entrada Court

Message:

I am a long time resident of the Ingleside Terraces. I am the third generation of our family to have lived at Entrada Court, and my son and his family are the fourth and fifth generations and currently reside nearby on Urbano Drive. That being said, **I wish to voice my strong opposition to the permit application reference the establishment of a business offering tobacco paraphernalia at the vacant retail space at 1963 Ocean Avenue.**

There are several schools (Commodore Sloat Elementary School, St. Francis Preschool, Straford Academy, Voice of Pentecost Academy, Aptos Junior HS, and Lick-Wilmerding) nearby. I have serious concerns about the negative social and health impact a tobacco shop will have on the neighborhood.

There are already several cannabis dispensaries along the Ocean Ave. corridor between Junipero Serra and Howth. So far, the city has not seen fit to honor the wishes of our neighbors by failing to discourage the clustering of dispensaries; **if a tobacco shop were to be permitted to open and operate nearby it would be a clear indication that "the City" Planning Department does not support efforts to draw residents and family-friendly businesses to our historic neighborhood.**

For a number of years I maintained a residence in the east bay city of Fremont. The Smoke Shop there was a constant source of problems in the Niles District. That was in the days before ecigarettes, so it was full of such products as rolling papers, "doobie clips", scales, drug kits, bongs, and other assorted tobacco paraphernalia.

Establishing a similar business on Ocean Avenue can only bring negative outcomes that will far outweigh the generation of any commercial revenue for this city that I love. It would be naïve to think the proposed business would offer only ecigarettes, cigarettes, cigars, snuff, chew and loose tobacco; all of which, I believe, are easily procured at a variety of other locations. There is no need for such a business in our neighborhood. Although I am sure it would be popular with college students from City College of San Francisco and San Francisco State University, it would also be a distraction from their educational pursuits and not likely to be popular with their parents.

I hope my work schedule will permit me to attend any community outreach meetings regarding this proposal, but I do wish to go on record now with the Planning Commission as being **opposed** to permitting the proposed business.

From: Gail Dent
To: Boudreaux, Marcelle (CPC)
Subject: proposed "Vape"shop on Ocean Ave
Date: Monday, October 20, 2014 1:01:09 PM

This proposal is of concern to my family and me. I understand smoking an e cigarette is not allowed in a public indoor space in San Francisco and that is why an area in the back of the store is to serve as an outdoor smoking area. Everyday I walk my dog around Urbano and pass the home which abuts the proposed smoking area. Many other people pass this way on their way to other places on Ocean Ave. Does anyone know if the second hand vapor is dangerous? Will this shop be allowed to sell to minors? If not, why are there flavors which would attract children? How much research on e cigarettes will the committee do before they make a decision? Will they look at the actions other cities in California have taken?

I hope our planning commissioners will do their due diligence before voting.

From: Mary Schembri
To: Boudreaux, Marcelle (CPC); Yee, Norman (BOS); Secretary, Commissions (CPC)
Cc: Bob Karis
Subject: RE: <OPPOSED to 1963 Ocean Ave Happy Vape Conditional Use and business!
Date: Wednesday, October 29, 2014 12:04:48 PM

Dear Planning Commission Members, Supervisor Norman Yee and Ms. Marcelle Boudreaux:

I am a member of the Ingleside Terraces Homeowners Association (ITHA) and have lived in the Terraces all of my life. I strongly OPPOSE the Conditional Use authorization to sell tobacco paraphernalia, e-cigarette sales, and oppose to a Steam Stone Hookah Lounge at any location on Ocean Avenue corridor. Additionally, I strongly OPPOSE to any OUTDOOR ACTIVITY for sampling e-cigarettes.

This type of business is not necessary on Ocean Avenue. E-cigarettes can be purchased at 7-Eleven-2000 Ocean Ave, Homrun Liquors-1551 Ocean, A& N Liquors-1521 Ocean, No Limit Liquor & Food Mart-1015 Ocean. Two Vape shops are within a 1.5 mile distance of 1963 Ocean: Juice box Vapor, 907 Taraval St. Dream Cloud Vapors, 4971 Mission St near Geneva Ave.

This type of business is not desirable in our neighborhood as it concentrates in addicting our neighbors to nicotine, and expose them and people near them to harmful chemicals contained in the e-cigarette vapors.

After many years of vacant store fronts, we finally have some businesses that are making a positive difference, such as Whole Foods, CVS, and coffee shops.

Please support the health of our neighborhood and deny this permit.

Thank you,

Mary Male Schembri
84 De Soto Street
San Francisco, CA 94127
415-420-9448

From: Linda McGilvray
To: Boudreaux, Marcelle (CPC)
Subject: Re: the Vape Shop at 1963 Ocean. . .
Date: Wednesday, October 22, 2014 5:56:43 PM

Dear Ms. Boudreaux,

The neighbors in Ingleside Terraces are very concerned about this proposed shop. It has been researched and found that these vapors and e cigarettes are not all that harmless to people. The neighbors with adjoining properties are certainly opposed to such activities that would pollute the air right outside the back of their homes. There also are a couple of private schools in the area that might be influenced by the wares. Trying to improve the quality of retail establishments on Ocean Avenue has been the focus, even though a few questionable shops have opened. Please consider the plight of the neighbors in considering licensing this shop.

Thanks for your consideration.

Linda McGilvray
Board member of ITHA
Oct. 22, 2014

From: steve@stevholm.com
To: [Boudreaux, Marcelle \(CPC\)](#); [Yee, Norman \(BOS\)](#); [Secretary, Commissions \(CPC\)](#)
Subject: regarding Conditional Use at 1963 Ocean Avenue - Happy Vape
Date: Monday, October 27, 2014 9:26:36 PM

Hello,
I'm a board member on the Ocean Avenue Association. I'm also a business owner on Ocean Avenue; Yoga Flow SF.

Although our board supported Happy Vape, I did not vote in support. I do believe this store has a demand in this neighborhood, therefore it is necessary and desirable; so, I do support the proposal for Conditional Use authorization to allow establishment of a Tobacco Paraphernalia Establishment retail use (d.b.a. Happy Vape) to include e-cigarette sales at the ground floor.

However, **I do NOT support** The Conditional Use authorization to establish an **outdoor activity area** for e-cigarette sampling within the existing **rear yard**. This yard is adjacent to a detached single family residence, so it does not seem fit for an outdoor smoking area. My business is far enough away, we would not smell this, but the families living adjacent would be negatively affected.

Thank you,
Steven Holm
Yoga Flow SF

From: Rene Casis
To: Yee, Norman (BOS); Boudreaux, Marcelle (CPC); Secretary, Commissions (CPC)
Subject: Regarding proposed vape shop at 1963 Ocean Ave.
Date: Monday, October 27, 2014 2:53:59 PM

To Supervisor Yee, Mr. Boudreaux, and Planning Commission Secretary,

I am writing in **opposition** to the proposed vapor tobacco shop at 1963 Ocean Avenue.

To put it plainly, this business has no positive impact to the community. Tobacco products (including the vapor variety) are currently available in the already established liquor stores/convenience markets. In addition, the close proximity of schools and hence the high concentration of youth traffic in the area is of great concern to me as a parent. I have no problem with the products as an alternative for cigarette smokers but I also do not believe that vapor products are a 100% healthy alternative. The promotion of vapor products via a store front will undoubtedly have a negative impact on highly impressionable children. Our children face enough peer pressure in the world without having a store front openly promoting the "benefits" and "allure" of tobacco vapor products.

Furthermore, I would like to state that I am extremely disappointed with Supervisor Yee and Planning Department's current business expansion efforts this area. First there is the push for additional medical cannabis distribution centers and now the proposal for a tobacco vapor shop. I do not feel like the community is being appropriately represented. The neighborhoods comprising of the community West of Twin Peaks is one of the few remaining areas where San Franciscans can remain in the City while raising families in a positive and safe environment. Interesting that neighborhoods like Glen Par, West Portal, and Miraloma Park do not have MCDs and vapor shops. For me, this really calls into question Supervisor Yee's ability to represent **all** of District 7.

This is a call for you take action and do what is right for everyone, especially the children, in this neighborhood and that is to see to it that there is no tobacco vapor shop at 1963 Ocean Avenue or anywhere else in this neighborhood.

Sincerely,
Rene Casis

From: Pat R
To: Secretary, Commissions (CPC); Boudreaux, Marcelle (CPC)
Cc: Yee, Norman (BOS)
Subject: Neighboring Residents OPPOSED to 1963 Ocean Ave Happy Vape Conditional Use and business!
Date: Monday, October 27, 2014 1:53:28 PM

 DPH_FactSheetFeb2013.pdf

Dear Planning Commission, Mr. Norman Yee and Ms. Marcelle Boudreaux:

I am an adjacent neighborhood to the project and a member of ITHA residential group. I strongly OPPOSE the Conditional Use authorization to sell tobacco paraphernalia, e-cigarette sales, and oppose to a steam stone hookah lounge at basement level. Additionally I strongly OPPOSE to any OUTDOOR ACTIVITY for sampling e-cigarettes PERIOD!

I am opposing this type of business to operate on Ocean Ave corridor. This type of business is not necessary in Ocean Ave. E-cigarettes can be purchased at 7-Eleven-2000 Ocean Ave, Homrun Liquors-1551 Ocean, A& N Liquors-1521 Ocean, No Limit Liquor & Food Mart-1015 Ocean. Two Vape shops are within a 1.5 mile distance of 1963 Ocean: Juice box Vapor, 907 Taraval St. Dream Cloud Vapors, 4971 Mission St near Geneva Ave.

This type of business is not desirable in our neighborhood as it concentrates in addicting our neighbors to nicotine, and expose them and people near them to harmful chemicals contained in the e-cigarette vapors.

I have included Mayor Edwin Lee's *E-cigarettes fact sheet by the Dept. of Public Health: "E-cigarette turn nicotine and other chemicals into a vapor that is inhaled by the user." "The FDA conducted a preliminary analysis of 18 various types of cartridges from 2 leading brands of e-cigs, labeled as flavored, nicotine and no-nicotine. Following were findings of the samples tested.":

- Diethylene glycol, an ingredient used in anti-freeze 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 B-nicotyrine.
- Cartridges labeled as "no nicotine" had low levels of nicotine, with the exception of one.
- e-cigarettes available in chocolate, strawberry and mint flavors would appeal to children.
- NOT a SMOKING CESSATION DEVICE. These products have not been tested for safety of efficacy in helping people quit smoking.

* E-Cigarette Fact Sheet, Mayor Edwin Lee, Dept. of Public Health, Population Health and Prevention, February 4, 2013.

In Addition, I oppose to any outdoor activity or sampling. This is a nuisance to adjacent neighbors. The vapors are toxic and a health hazard to the public. The lights, noise, sampling are absolutely not welcome in the backyard of neighbors nor

our neighborhood! This would set a negative precedence.

Let's keep the beautification of Ocean Ave Corridor that the City has invested. Let's continue with stores like Whole Foods, CVS Pharmacy, Fog Lifter Cafe, Elevate Fitness, and Yoga Flow that will attract similar businesses that residents can walk and shop to. I, along with other neighbors, attended and spoke at the most recent Ocean Ave Assoc Board and ITHA board meetings. We experience that those Board Presidents were more focused on supporting the landlord's interest in renting the "empty locations" than hearing neighbor's concerns. This is our opportunity for residents and SF citizens for non-smoking rights to be heard!

Please include my e-mail and document in the Planning Dept. packet for review by the Planning Commission.

Sincerely,
Pat H. Ryan
Ingleside Terraces
ITHA member



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

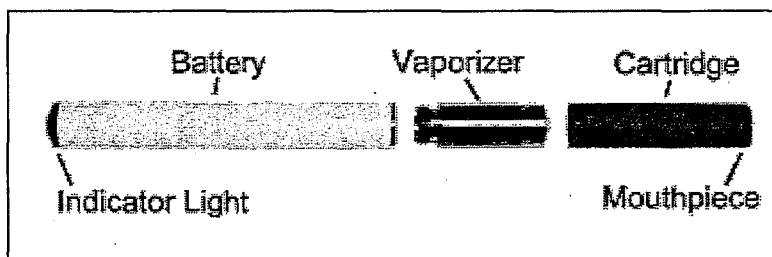
E-Cigarette Fact Sheet

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: creps4@aol.com
To: [Boudreaux, Marcelle \(CPC\)](#)
Subject: vape shop at 1963 Ocean Avenue
Date: Saturday, October 25, 2014 6:10:15 PM

Please come and look at the 1900 block of Ocean and at the surrounding neighborhoods- lovely detached family homes. The 1900 commercial block does not serve our families-cannabis dispensary, billiard parlor, a "massage parlor" that advertises on "adult" websites and tattoo businesses. Many of us have children who walk from Aptos Middle School down Ocean Avenue. As you know vape shops sell devices in flavors such as "bubble gum" and candy flavors to attract middle and high schoolers. On top of everything else the backyard of this shop would be open every night until 8PM for customers to try the merchandise. Are you aware how close people would be exhaling these vapors to the nearest neighbor's back windows? This business is neither necessary nor desirable to our neighborhood. Come and look for yourself. It is unbelievable. Sincerely, Adrienne Sciutto

From: George Wu
To: Boudreaux, Marcelle (CPC)
Subject: Vape shops
Date: Saturday, October 18, 2014 7:00:15 PM

These Vape shops requesting conditional use permitting are neither necessary nor desirable. Addictive drugs including nicotine and marijuana have no place in family friendly neighborhoods.

What message are we sending to our children?!!!! Are our supervisors THAT desperate to find tax revenues?!!!!

George Wu, MD

Sent from my iPad

From: Wendy Portnuff
To: Boudreaux, Marcelle (CPC); Yee, Norman (BOS)
Subject: Vapor Shop Conditional Use Permit
Date: Friday, October 17, 2014 11:32:22 PM

I am writing to indicate one more time that I am opposed to the presence of a Vape shop on Ocean Avenue adjacent to The Terraces. I understand that to obtain a permit, the shop must demonstrate that it is necessary or desirable. I see no way that either of these is fulfilled in the case of a vape shop. Such a shop is only necessary or desirable to the owner. There are other vape shops close enough that people who see sucking in toxic fumes to be advantageous can purchase electronic cigarettes. However, there is enough significant scientific evidence that these electronic cigarettes are dangerous that the City of San Francisco, which has such good anti-smoking laws, should not be duped into supporting the expanded use of electronic cigarettes.

Wendy Portnuff
The Professional Woman's Guide to Healthy Travel
www.wendypornuff.com
415-269-4398

WESTWOOD PARK



July 3, 2014

Marcelle Boudreaux, AICP
Planner, Southwest Quadrant
Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103

RE: Letter of Opposition – Vaporizer Lounge and Store located at 1963 Ocean Avenue

Dear Ms. Boudreaux,

I am writing on behalf of the Westwood Park Association Board in opposition to the proposed vaporizer lounge and store at 1963 Ocean Avenue.

Members of our diverse communities surrounding Ocean Avenue have been working for many years to revitalize Ocean Avenue and to attract much needed neighborhood businesses and services to the Ocean Avenue retail corridor. We recently had a number of community meetings on the Ocean Avenue Corridor where residents were asked about what businesses and services they wanted to see on the Ocean Avenue. I can assure you that a vaporizer lounge and store was *not* on the list. By way of reference, the Planning Department representative on this effort is Lily Langlois.

It is our understanding that e-cigarette smoking devices and cartridges as well as nicotine cartridges will be sold, and, there will be a smoking lounge with vaporizing devices for smoking. Food, music and videos/movies will be shown in the lounge area to attract customers.

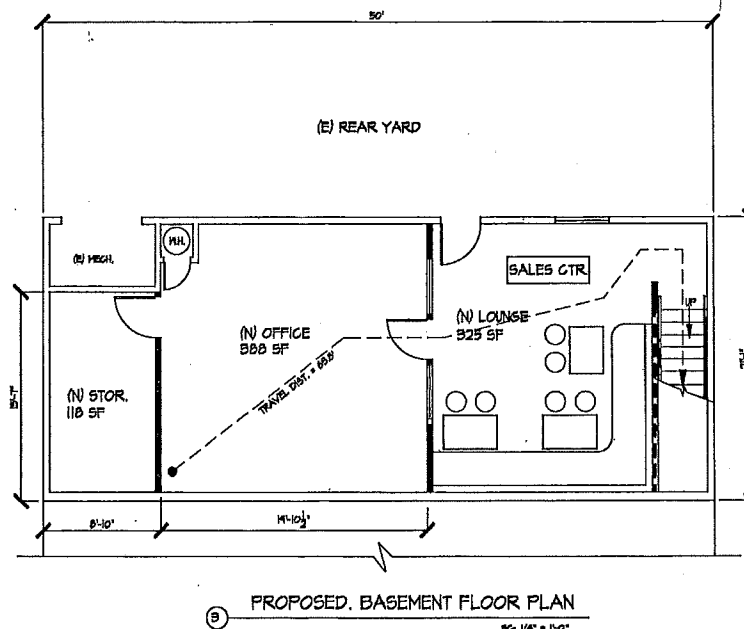
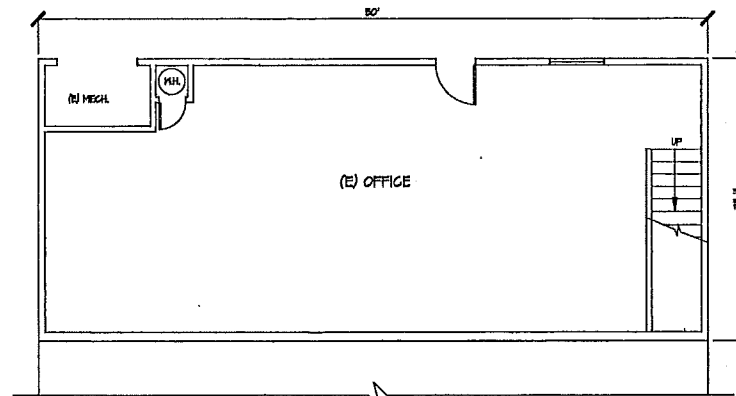
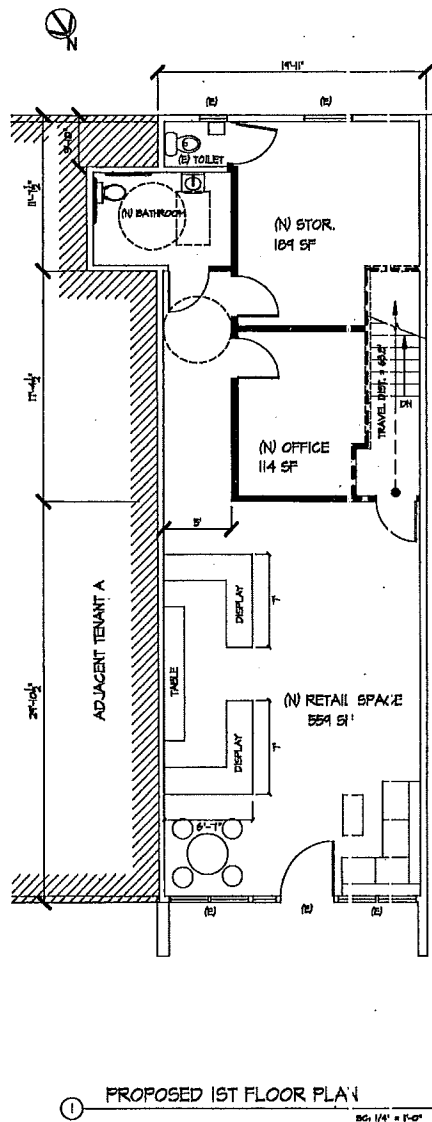
Currently, we have 4 locations where e-cigarettes and nicotine products are sold – 7-Eleven, Homrun, A&N Liquors, and No Limit – more than adequate for this area. Although the business owners have indicated that smoking nicotine will not be allowed on the premises, enforcement will be difficult.

We have precious few store fronts for the size of our neighborhoods. A vaporizer lounge and store does not propel our revitalization efforts forward nor does it provide the much needed and requested businesses and services to benefit our community.

I am joined by the Westwood Park Association Board members Kathy Beitiks, Anne Chen, Greg Clinton, Tim Emert, Caryl Ito and Anita Theoharis in opposing the proposed vaporizer lounge and store at 1963 Ocean Avenue.

Sincerely,

Kate Favetti, President
Westwood Park Association



- LEGEND
- ACCESS DISTANT OF BASEMENT: '10' x '10'
 - (N) MALL
 - (N) MALL
 - MALL TO BE DEMOLISHED
 - ONE HOUR PARTITION



ARCHITECTURE
& PLANNING
81 Baker U. Lane #1
370 San Francisco
94108-1801 CA
U S A
(415) 391-3315
(fax) 391-3848

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Project Title:

HAPPY VAPE

1963 OCEAN AVE.

Consultant:

JOB NO. 2014-14

Date: 7/10/14

Checked By: SK

Drawn By: YK

ISSUANCES & REVISIONS:

No.	Date	Description
1	7/10/14	DESIGN REVISION
2	10/22/14	DESIGN REVISION
3		
4		
5		

Stamp:



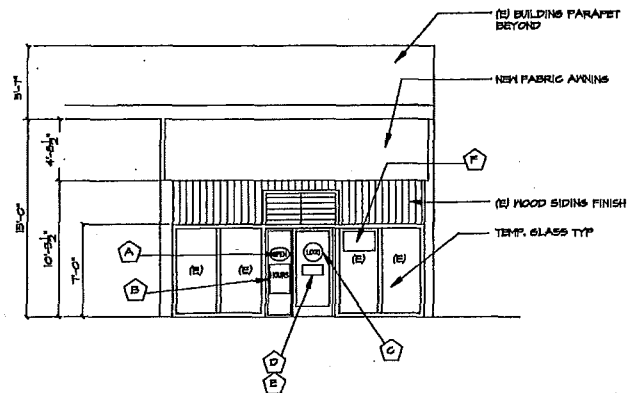
Sheet Title

PROPOSED 1ST
FLOOR PLAN
EXIST. + NEW
BASEMENT PLAN

Sheet No.

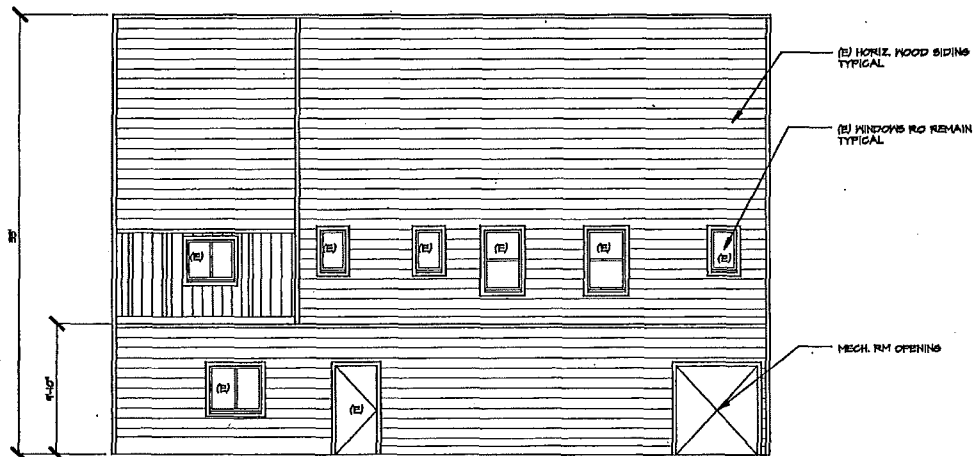
A-2

2077



① FRONT ELEVATION
SC: 1/4" = 1'-0"

SIGNAGE SCHEDULE	
A	OPEN "LED" SIGN
B	HOURS OF OPERATION
C	LOGO
D	IS AND OVER SIGN
E	WE CHECK ID AND NO VAPING/SMOKING ON PREMISE
F	BY HEALTH CODE ARTICLE 1117 SIGN AT EACH ENTRY NO HIGHER THAN 6' AND LOWER THAN 5' WITHIN 10' OF DOOR TO READ: "SMOKING ONLY 1) AT CURB OR 2) IF NO CURB, AT 15' FROM ENTRANCES, EXITS, OPERABLE WINDOWS, AND VENTS."



② REAR ELEVATION
SC: 1/4" = 1'-0"



ARCHITECTURE
& PLANNING
31 Webster St. Suite 201
San Francisco, CA 94102
Tel: 415.391.3313
Fax: 415.391.3049

Project Title:

HAPPY VAPE

1963 OCEAN AVE.

Consultants:

JOB NO. 2014-14

Date: 7/10/14
Checked By: SK
Drawn By: YK

ISSUANCES & REVISIONS:

No.	Date	Description
1	10/22/14	DESIGN REVISION

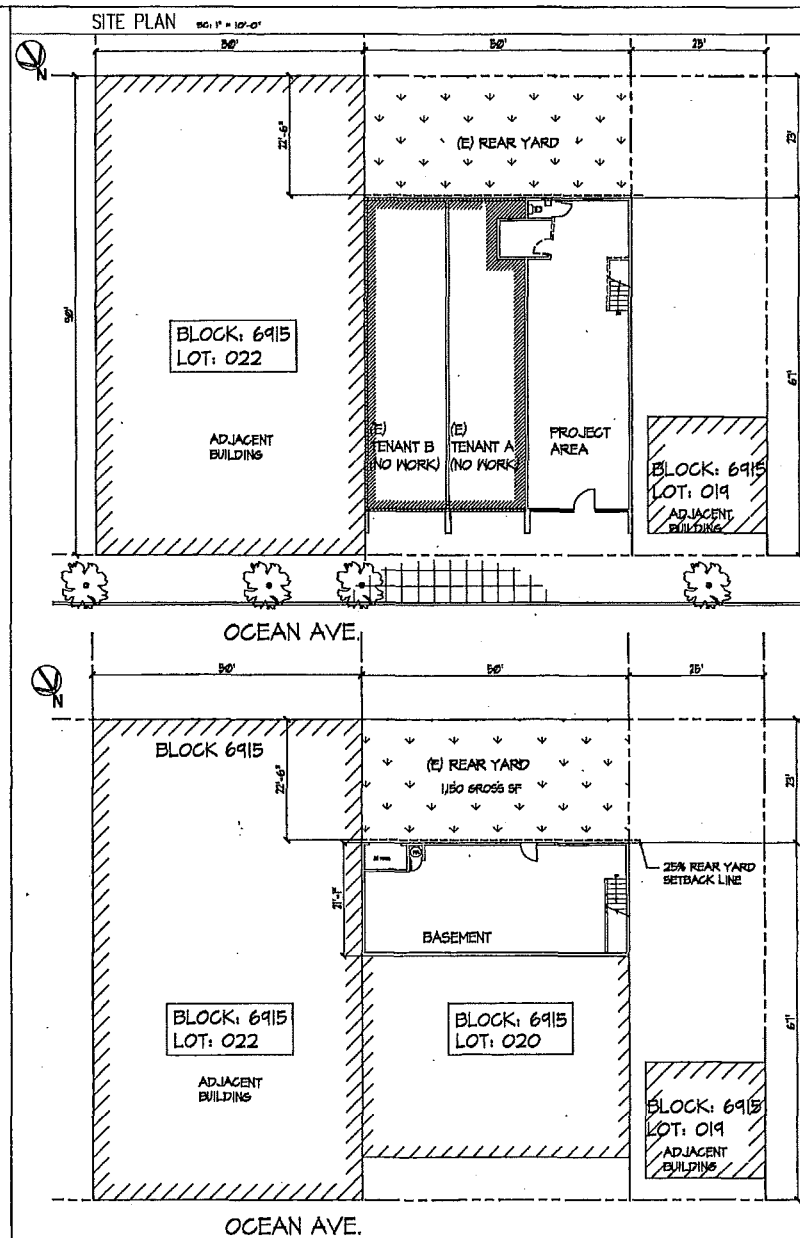
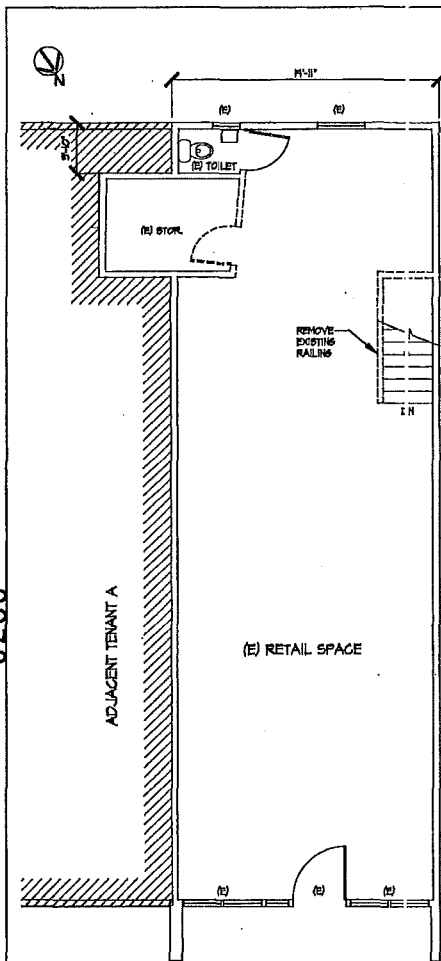
Stamp:



Sheet Title
FRONT AND REAR ELEV. SIGNAGE

Sheet No.
A-3

2078



BUILDING INFORMATION

ADDRESS: 1463 OCEAN AVE, SAN FRANCISCO CA 94127
 BLOCK: 615 LOT: 20
 BUILD: 1463
 LOT AREA: 80'x10' = 4500 SF
 ZONING: 1GT - OCEAN AVE. NEIGHBORHOOD COMMERCIAL TRANSIT
 FLOOR: 1ST / BASEMENT
 BUILDING TYPE: Y-B

		OCCUPANCY AREA (SF)	OCCUPANT LOAD
EXISTING	1ST FLOOR RETAIL	M 1160.4	55
	1ST FLOOR STORAGE	S-2 55.5	0
	BASEMENT OFFICE	B 151	4
PROPOSED	1ST FLOOR RETAIL	M 554	15
	1ST FLOOR OFFICE	B 164	1
	1ST FLOOR STORAGE	S-2 115	1
	BASEMENT LOUNGE	B 325	21
	BASEMENT STORAGE	S-2 115	1
	BASEMENT OFFICE	B 300	5
PROPOSED TOTAL OCCUPANT LOAD = 44			

TOTAL OCCUPANT LOAD 45 < 50
 PER PLUMBING CODE 422.3, 1 UNISEX BATHROOM IS OK

SCOPE OF WORK

1. ESTABLISH RETAIL OFFERING TOBACCO
 PARAPHENALIA (E-CIGARETTES & SUPPLIES)

CODE INFORMATION

2015 CALIF. BLDG. CODE AND SAN FRANCISCO BUILDING CODE AMENDMENTS
 2015 CALIF. ELEC. CODE AND SAN FRANCISCO ELECTRICAL CODE AMENDMENTS
 2015 CALIF. PLUMBING CODE AND SAN FRANCISCO PLUMBING CODE AMENDMENTS
 2015 CALIF. MECH. CODE AND SAN FRANCISCO MECH. CODE AMENDMENTS
 2015 CALIF. GREEN BLDG. CODE AND SAN FRANCISCO GREEN BUILDING CODE AMENDMENTS
 2015 CALIFORNIA ENERGY CODE

SCHEDULE OF DRAWINGS

A-1: BUILDINGS INFO, SITE PLAN, EXIST. GROUND FLOOR PLAN
 A-2: EXISTING BASEMENT FLOOR PLAN, PROPOSED BASEMENT FLOOR PLAN & GROUND FLOOR PLAN
 A-3: FRONT AND REAR ELEVATION AND SIGNAGE



ARCHITECTURE
 & PLANNING
 81 Market St. Suite 101
 3rd Floor
 San Francisco
 94102-1001 CA
 U.S.A.
 (415) 391-3312
 (Fax) 391-3548

Project Title:
 HAPPY VAPE

1963 OCEAN AVE.
 SAN FRANCISCO

Consultant:

JOB NO. 2014-14

Date: 7/10/14
 Checked By: US
 Drawn By: YK

ISSUANCES & REVISIONS:

No.	Date	Description
1	4/24/14	DESIGN REVISION
2	10/22/14	DESIGN REVISION

Stamp:



Sheet Title:
 BLDG. INFO,
 SITE PLAN,
 EXIST. 1ST
 FLOOR PLAN

Sheet No.

A-1

Dear Commissioner,

My wife and I decided to open a small business on 1963 Ocean Ave, the former Aquatic Central, after conducting extensive market research. We found that there was a void in the new vaping industry. Although vaping products are available in various distribution outlets, the experience of vaping is not permitted in the interior premise; however, the health department does not regulate outdoor or backyard areas. By allowing patrons the unique experience of vaping outdoors, the customer is able to sample various flavors. This allows the customer to make a more informed purchase. In addition, with the health department's enforcement of hookah activity in eateries throughout San Francisco, it created a void for people who wanted the hookah experience as well but could no longer get it at a restaurant.

While conducting our community outreach in the Ocean Avenue area over a nine month period, we found many people were happy to see that we would be filling a vacant storefront in an area that the City and County of San Francisco refers to as "dead block." The Ocean Avenue Association Community Benefit District "...supports our proposal to open The Happy Vape on Ocean Avenue. Notably we also have the support of Reverend Gordon of the Ingleside Presbyterian Church and he has stated that "...the project will fill a vacancy with a retail store on the block with 5 vacancies, which will provide more pedestrian traffic to the Ocean Ave corridor..." In addition there are 20 other neighbors who have submitted support letters stating that this project is necessary, desirable and compatible with its surroundings.

Project sponsors also have a "letter of determination" completed by the planning department, which states that vaping enforcement is under the jurisdiction of the health department.

Unfortunately, there are some myths and inaccurate information circulating, which has instilled fear in some of our neighbors. We feel this negative energy to be irresponsible on the part of a few obstructionists. There is no conclusive scientific data that confirms vaping is harmful to the health of the vaper and bystanders. Other concerned neighbors have some valid points and we are willing to compromise with them.

Although there are less than ten letters of opposition, we have respected their opinions and have responded to each one via email. We have also met with many community groups: OMI Cultural Participation Project, Ingleside Terrace Home Association, Street Life Committee, and Ocean Avenue Association, some of which are in support and some of which choose to stay neutral. Citizens of Ocean Avenue feel that this business will improve the quality of life and the safeguards put in place will negate any negative impact. We propose to limit the hours of operation in the outdoor area to 8pm daily. We propose to limit the capacity in the outdoor area to 10 people. Most sampling will only take 5 to 10 minutes. We will also raise the age of entry to 21 years of age. We will provide educational material and notification material so that customers will be more sensitive to the immediate surroundings and respect the neighbors who reside nearby.

Please approve this and let's move upwards and onwards together.

Studies and research links for your information.

Vapor emission studies:

<http://ipet.aspetjournals.org/content/91/1/52.abstract>

<http://www.biomedcentral.com/content/pdf/1471-2458-14-18.pdf>

<http://www.clivebates.com/?p=2300#more-2300>

<http://www.ncbi.nlm.nih.gov/pubmed/23033998#>

http://clearstream.flavourart.it/site/wp-content/uploads/2012/09/CSA_ItaEng.pdf

<http://www.healthnz.co.nz/ECigsExhaledSmoke.htm>

<http://pubs.rsc.org/en/content/articlelanding/2014/em/c4em00415a#!divAbstract>

<http://informahealthcare.com/doi/abs/10.3109/08958378.2013.793439>

<http://tobaccocontrol.bmj.com/content/early/2013/03/05/tobaccocontrol-2012-050859.short>

E-cigarette as a gateway to tobacco smoking:

<http://tobaccoanalysis.blogspot.com.au/2013/10/first-study-to-examine-e-cigarette.html>

<http://www.forbes.com/sites/jacobsullum/2014/07/17/survey-shows-adults-who-use-e-cigarettes-to-quit-smoking-prefer-allegedly-juvenile-flavors/>

E-cigarettes Helping people quit and as an effective smoking cessation tool studies:

<http://www.addictionjournal.org/press-releases/e-cigarette-use-for-quitteing-smoking-is-associated-with-improved-success-rates->

<http://www.plosone.org/article/info:doi/10.1371/journal.pone.0103462>

<http://link.springer.com/article/10.1007/s11606-014-2889-7>

http://stop-tabac.ch/fra/images/stories/documents/stop_tabac/seigel%20e%20cigs%20am%20j%20prev%20med%202011.pdf

<http://nicotinepolicy.net/commentary/86-g-krol/861-new-research-shows-electronic-cigarettes-better-for-quitteing-than-no-aid-over-the-counter-nrt-worse-than-no-aid>

<http://onlinelibrary.wiley.com/enhanced/doi/10.1111/add.12623/http://onlinelibrary.wiley.com/enhanced/doi/10.1111/add.12623/>

E-cigarette studies:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311887/Ecigarettes_report.pdf

<http://www.ashscotland.org.uk/media/6093/E-cigarettesbriefing.pdf>

<http://www.american.com/archive/2013/november/smoking-kills-and-so-might-e-cigarette-regulation>

<http://vaping.com/data/vaping-survey-2014-initial-findings>

<http://www.bbc.com/news/health-28554456>

<http://ecigaretterevuewed.com/wp-content/uploads/2013/11/Research-on-Safety-of-Electronic-Cigarettes-Dr.-Konstantinos-Farsalinos-E-Cigarette-Summit.pdf>

<http://www.legaliser.nu/sites/default/files/files/Electronic%20cigarettes%20achieving%20a%20balanced%20perspective.pdf>

Long term studies of e-cigarette use:

<http://www.sciencedirect.com/science/article/pii/S0306460313003304?np=y>

<http://www.ncbi.nlm.nih.gov/pubmed/25301815>

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SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

September 26, 2014

Marsha Garland
Garland Public & Community Relations
535 Green Street
San Francisco, CA 94133

Site Address:	1963 Ocean Avenue
Assessor's Block/Lot:	6915/020
Zoning District:	Ocean Avenue Neighborhood Commercial Transit
Staff Contact:	Marcelle Boudreaux, (415) 575-9140 or marcelle.boudreaux@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Dear Ms. Garland:

This letter is in response to your request for a Letter of Determination regarding the property at 1963 Ocean Avenue, a vacant retail use with proposal to establish a retail use selling e-cigarettes and related materials and steam stone hookah lounge with outdoor activity area (dba "Happy Vape"). This parcel is located in the Ocean Avenue Neighborhood Commercial Transit (NCT) Zoning District and 45-X Height and Bulk District.

CURRENT PROPOSAL

Per Planning Code Section 790.123, Tobacco Paraphernalia Establishment is defined as an establishment with greater than 10 linear feet or 10% of sales area devoted to display and sales of tobacco paraphernalia and (per Section 737.69) requires Conditional Use Authorization. Additionally, per Section 737.24, an outdoor activity area also requires a Conditional Use Authorization.

On February 7, 2014, the Project Sponsor submitted a Conditional Use Authorization application (Case No. 2014.0206C) for the subject property to establish a Tobacco Paraphernalia Establishment on the ground floor, a steam stone hookah lounge on the basement level and an outdoor activity area at the rear to allow sampling of e-cigarettes.

LETTER OF DETERMINATION REQUEST

The request seeks answers to the following: are steam stone hookahs allowed for indoor and outdoor use; is vaping allowed for indoor and outdoor use; are sales of packaged snacks and soft drinks allowed on the premises; and, would the use be considered a "cigar bar."

RESPONSE

In regards to allowed areas for steam stone hookahs, note that while the Planning Department would consider the hookah use as part of the overall Tobacco Paraphernalia Establishment use, the Department of Public Health (DPH) is responsible for regulating hookah establishments.

Marsha Garland
Garland Public & Community Relations
535 Green Street
San Francisco, CA 94133

September 26, 2014
Letter of Determination
1963 Ocean Avenue

In regards to allowed areas for vaping, it is the Planning Department's understanding of recent legislation enacted by DPH that vaping/e-cigarette smoking is now regulated in a similar manner to tobacco smoking. Please review Public Health Code Sections 19(N) and 19(F) and note that DPH is responsible for regulating such activity.

In regards to packaged drinks and snacks (food handling) being sold on the same premises as the Tobacco Paraphernalia Establishment and hookah use, please note that DPH is responsible for regulating such activity.

In regards to whether the proposed hookah use would be considered a "cigar bar"; this use would be considered as part of the Tobacco Paraphernalia Establishment use.

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

Sincerely,



Scott F. Sanchez
Zoning Administrator

cc: Marcelle Boudreaux, Planner
Business Contacts: *Owner* - Cong Phuong Nguyen (948 Moscow St, San Francisco, CA 94112);
Manager - Blake He (blakehe@gmail.com)
Property Owner: Timoleon and Corinne Zaracotas
Neighborhood Groups

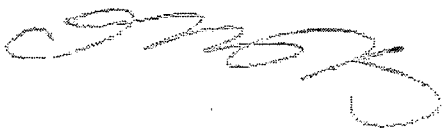
Chris Phung, Business Owner
1910 Ocean Ave (Linda's Ocean Nails)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit
Application

Dear Ms Chris Phung,

I urge you to support the conditional use permit application for 1963 Ocean Avenue for the following reasons:

- 1.) The project will fill a vacancy with a retail store, which will provide more pedestrian traffic to the Ocean Avenue Corridor;
- 2.) The establishment is an upscale electronic vaporizer retail and steam stone hookah lounge that will be adult only and most of the activities will be in the sub-level and outdoor patio. It eliminate the impact on the people that walks by the establishment.
- 3.) The new social activity of sharing a common experience brings people together and creates an opportunity for people to connect and interact;
- 4.) The project aims to provide alternatives to smoking.
- 4.) The establishment will not be a smokeshop and it will not sell tobacco products or paraphernalia such as rolling papers, doobie clips, scales, drug kits, bongs and other assorted paraphernalia.



Fog Lifter, Business Owner
1901 Ocean Ave (Fog Lifter Cafe)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit Application

Dear Fog Lifter Owners,

I urge you to support the conditional use permit application for 1963 Ocean Avenue for the following reasons:

- 1.) The establishment will provide an alternative to smoking;
- 2.) The project will fill a vacancy with a retail store, which will provide more pedestrian traffic to the Ocean Avenue Corridor;
- 3.) The new social activity of sharing a common experience brings people together and creates an opportunity for people to connect and interact;
- 4.) The establishment will not be a smokeshop and it will not sell tobacco products or paraphernalia such as rolling papers, doobie clips, scales, drug kits, bongs and other assorted paraphernalia.
- 5.) The establishment will have carbon coal filter in the Steam Stone Hookah lounge to eliminate odor emissions.
- 6.) The establishment will have a tent over the outdoor patio sample vaping area to reduce disruptions.

James Smith
Fog Lifter Cafe

9/17/2014

2087

Gary, Business Owner
393 Ashton Ave (Ingleside Barber shop)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit Application

Dear Mr. Gary,

I urge you to support the conditional use permit application for 1963 Ocean Avenue for the following reasons:

- 1.) The project will fill a vacancy with a retail store, which will provide more pedestrian traffic to the Ocean Avenue Corridor;
- 2.) The establishment will not be a smokeshop and it will not sell tobacco products or paraphernalia such as rolling papers, doobie clips, scales, drug kits, bongs and other assorted paraphernalia;
- 3.) The establishment is an upscale electronic vaporizer retail and steam stone hookah lounge that will be adult only;
- 4.) The establishment will have carbon coal filter in the lounge to eliminate odor emissions.

Mary J. Emini

Helen He, Business Owner

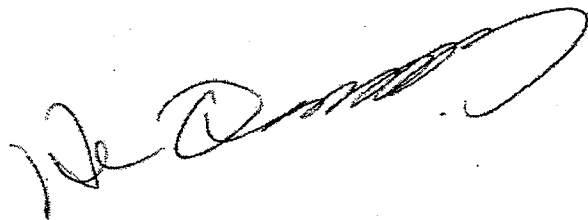
1930 Ocean Ave (Helen Beauty Skin Care)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit Application

Dear Ms He,

I urge you to support the conditional use permit application for 1963 Ocean Avenue for the following reasons:

- 1.) The establishment will provide an alternative to smoking;
- 2.) The project will fill a vacancy with a retail store, which will provide more pedestrian traffic to the Ocean Avenue Corridor;
- 3.) The establishment will not be a smokeshop.
- 4.) The business can in theory help reduce cigarette butts in the neighborhood.
- 5.) The establishment is an upscale electronic vaporizer retail and steam stone hookah lounge.
- 6.) Everything that will be vaped or smoked in the establishment are tobacco free and nicotine free, it will not have carcinogens.

A handwritten signature in black ink, appearing to be 'Helen He', written in a cursive style.

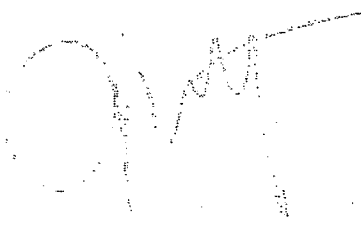
JJ, Business Owner
1907 Ocean Ave (Cut to Contrast Barbershop)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit
Application

Dear Mr. JJ,

I urge you to support the conditional use permit application for 1963 Ocean Avenue for the following reasons:

- 1.) The establishment will provide an alternative to smoking;
- 2.) The project will fill a vacancy with a retail store, which will provide more pedestrian traffic to the Ocean Avenue Corridor;
- 3.) With the on site "vaping" component in the outdoor patio area, it will allow patrons to taste and sample various flavors in order to make an informed product purchase;
- 4.) The new social activity of sharing a common experience brings people together and creates an opportunity for people to connect and interact;
- 5.) The establishment will not be a smokeshop and it will not sell tobacco products or paraphernalia such as rolling papers, doobie clips, scales, drug kits, bongs and other assorted paraphernalia;
- 6.) The establishment is an upscale electronic vaporizer retail and steam stone hookah lounge that will be adult only and most of the activities will be in the sub-level and outdoor patio. It eliminate the impact on the people that walks by the establishment.


JEREMY TUPAE

JULY 29, 2014

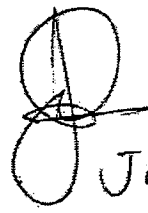
Joey Cassina, Business Owner
Ocean Avenue Tattoo
1907 Ocean Ave

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit
Application

Dear Mr. Cassina:

I urge you to support the conditional use permit application for 1963 Ocean Avenue for the following reasons:

- 1.) The establishment will provide a healthy alternative to smoking;
- 2.) The project will fill a vacancy with a retail store, which will provide more pedestrian traffic to the Ocean Avenue Corridor;
- 3.) The new social activity of sharing a common experience brings people together and creates an opportunity for people to connect and interact.


JOEY
CASSINA
OCEAN
AVENUE
TATTOO
7/24/14

Johnston Yau
Legend Billiards
1948 Ocean Ave
San Francisco, CA 94127
(415) 335-9228
yaujs@hotmail.com

August 5th 2014

Blake He
Happy Vape
1963 Ocean Ave
San Francisco, CA 94127
(415) 513-2620

Dear Mr. Blake He,

Thank you for contacting me with your business proposal to open an electronic vaporizer retail store and steaming stone hookah lounge. After watching your presentation at the meeting of the Ingleside Association, I am convinced that your business will do well at the desired location. Rest assured that you have our full support.

Good Luck!

Sincerely yours,


Johnston Yau

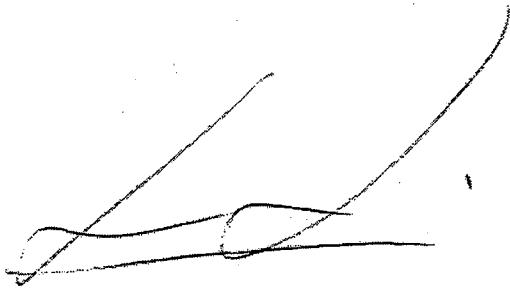
Mr. Larry & Mr. Rory, Business Owner
Bay Area Gold & Silver (Neighbor to the right)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit
Application

Dear Mr. Larry & Mr. Rory:

I urge you to support the conditional use permit application for 1963 Ocean Avenue
for the following reasons:

- 1.) We will have security cameras surveillance and we will be the extra sets of eyes
and ears for the neighborhood. Increase security.
- 2.) Bring a new culture to the ocean ave corridor .



LARRY LI

7/8/14

Li Zhi Song, Business Owner
Ocean Acupuncture and Health Center (neighbor to doors to the left)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit
Application

Dear Ms. Li Zhi Song

I urge you to support the conditional use permit application for 1963 Ocean Avenue
for the following reasons:

- 1.) The establishment will provide a healthy alternative to smoking;
- 2.) The project will fill a vacancy with a retail store, which will provide more
pedestrian traffic to the Ocean Avenue Corridor;
- 3.) The new social activity of sharing a common experience brings people together
and creates an opportunity for people to connect and interact.

Li Zhi Song

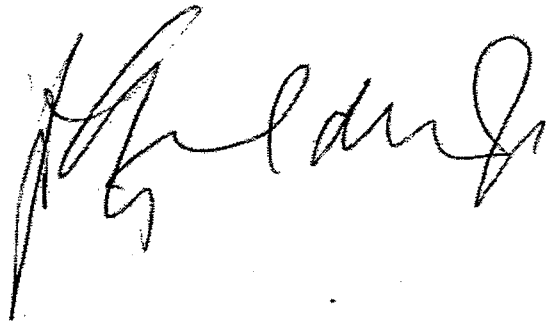
Manual De Vera, Business Owner
1735 Ocean Ave (Allstate)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit Application

Dear Mr. De Vera,

Please support the conditional use permit application for 1963 Ocean Avenue for the following reasons:

- 1.) The establishment will provide a healthy alternative to smoking;
- 2.) The establishment will not be a smokeshop and it will not sell tobacco products or paraphernalia such as rolling papers, doobie clips, scales, drug kits, bongs and other assorted paraphernalia;
- 3.) The project will fill a vacancy with a retail store on the street that has 5 vacancies and 2 storefronts that are used as storage, which will bring more traffic and new economic interest into the neighborhood;
- 4.) The business will create 3-4 jobs;
- 5.) Everything that will be vaped or smoked in the establishment are tobacco free and nicotine free, it will not have carcinogens.

A handwritten signature in black ink, appearing to read "H. De Vera", is located in the lower right quadrant of the page.



October 23, 2014

Marcelle Boudreaux

Re: Happy Vap/Blake He

Dear Marcelle,

I was approached by Blake He to write a letter stating that I had spoken to my Board of Directors regarding support for his potential business, Happy Vap. My board voted and we've decided to stay neutral at this time. We respect Blake's entrepreneurial spirit and his desire to occupy a space on Ocean Avenue, but we feel as an Arts and Culture non-profit, we would not be able to contribute or collaborate effectively with a business of this nature. Our mission statement is to collaborate with other organizations that promote the arts in the OMI.

We wish him luck with his endeavors and look forward to supporting possible projects or business in the future.

Sincerely,

Maria Fe Picar
The OMI Cultural Participation Project
Executive Director

Ray, Kevin, Kelvin, Business Owners

1725 Ocean Ave (Midas Collection)

Re: Approval for 1963 Ocean Avenue "Happy Vape" Conditional Use Permit Application

Dear Commissioners:

Please approve the conditional use permit application for 1963 Ocean Avenue for the following reasons:

- 1.) The establishment will provide an alternative to smoking.
- 2.) The project will fill a vacancy with a retail store on the street that has 7 vacancies, which will bring more traffic and new economic interest into the neighborhood
- 3.) The business will create 4 new jobs.
- 4.) With the on site "vaping" component in the outdoor patio area, it will allow patrons to taste and sample various flavors in order to make an informed product purchase.
- 5.) The establishment will have an awning over the outdoor patio sample vaping area to reduce disruptions.



Ben Li Business owner.

Mr. Ye, Business Owner

~~1900 Ocean Ave (Pho Ha Tien)~~

395 Ashton Ave. (E-C Mart) Y.F

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit Application

Dear Mr. Ye,

我願意支持1963 Ocean Avenue conditional use permit的申請, 而原因有幾個:

- 1.) 該商店將會提供非香煙的產品選擇
- 2.) 該計畫將會採用一個Ocean Avenue上空了很久的商業埔位, 而且還會有助增加稍費者到這段的Ocean Avenue
- 3.) 這計畫是一個高尚的電子煙店及steam stone lounge的概念, 而針對的客戶群全都是已成年的人, 並不會批准或容許未滿18歲的青年在店內
- 4.) 這商店已計畫使用靜炭過濾器來確保店裡排出的空氣不會帶有味道而影響論居

Yi Feng Ye



Ocean Avenue Association
1728 Ocean Ave PMB 154
San Francisco, CA 94112

October 20, 2014

Marcelle Boudreaux
San Francisco Department of City Planning
marcelle.boudreaux@sfgov.org
415..575.9140

Dear Marcelle,

The Ocean Avenue Association supports Mr. Blake He's proposal to open the Happy Vape on Ocean Avenue.

The OAA's decision to support the Happy Vape conditional use application should not be construed as an endorsement of the applicant's chosen business nor its compatibility with the surrounding neighborhood. The Board has no position on the matters of public policy raised by members of the community with regard to the nature of the applicant's business. We do not doubt the sincerity of those views. The OAA's purview, however, does not extend to making choices among lawful business that otherwise comply with the City's licensing and regulatory process.

OAA's support is based on the board's view that Happy Vape's operations are consistent with the objectives of the OAA to promote vibrant business along the Ocean Avenue commercial corridor. The management team has shown a commitment to supporting the Ocean Avenue retail district and improving the cleanliness and safety of the commercial area. The OAA board also believes that Mr. He is receptive to the concerns and input of neighbors.

Please contact me if you have questions about this recommendation.

Daniel Weaver
Executive Director


Randy Tagle, Renowned Barber
Cut To Contrast Barbershop
1907 Ocean Ave (b/t Ashton Ave & Keystone Way)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit
Application

Dear Mr. Tagle:

I urge you to support the conditional use permit application for 1963 Ocean Avenue
for the following reasons:

- 1.) The establishment will provide a healthy alternative to smoking;
- 2.) The project will fill a vacancy with a retail store, which will provide more
pedestrian traffic to the Ocean Avenue Corridor;
- 3.) The new social activity of sharing a common experience brings people together
and creates an opportunity for people to connect and interact.

 7/24/14

Reverend Roland Gordon, Pastor & OAA Board Member
1345 Ocean Ave (Ingleside Presbyterian Church)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit Application

Dear Reverend Gordon,

Please support the conditional use permit application for 1963 Ocean Avenue for the following reasons:

- 1.) The establishment will provide a healthy alternative to smoking;
- 2.) The project will fill a vacancy with a retail store on the block with five vacancies, which will provide more pedestrian traffic to the Ocean Avenue Corridor;
- 3.) The business will create two - three more jobs;
- 4.) With the on site "vaping" component in the outdoor patio area, it will allow patrons to taste and sample various flavors in order to make an informed product purchase;
- 5.) The establishment will not be a smokeshop and it will not sell tobacco products or paraphernalia such as rolling papers, doobie clips, scales, drug kits, bongs and other assorted paraphernalia;
- 6.) The establishment is an upscale electronic vaporizer retail and steam stone hookah lounge that will be adult only and most of the activities will be in the sub-level and outdoor patio. It eliminate the impact on the people that walks by the establishment;
- 7.) The establishment will have a tent over the outdoor patio sample vaping area to reduce disruptions;
- 8.) Everything that will be vaped or smoked in the establishment are tobacco free and nicotine free, it will not have carcinogens.

Sincerely,
Blake He

Blake,
You have my support. Blessings!

Rev. G.

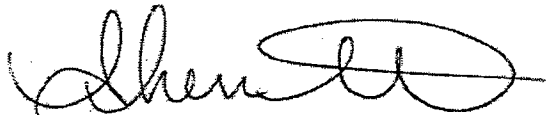
Sherri Stratton, Business Owner
Serge-A-Lot
1949 Ocean Ave

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit
Application

Dear Ms. Stratton:

I urge you to support the conditional use permit application for 1963 Ocean Avenue
for the following reasons:

- 1.) The establishment will provide a healthy alternative to smoking;
- 2.) The project will fill a vacancy with a retail store, which will provide more
pedestrian traffic to the Ocean Avenue Corridor;
- 3.) The business will create two - three more jobs;
- 4.) With the on site "vaping" component in the outdoor patio area, it will allow
patrons to taste and sample various flavors in order to make an informed product
purchase;
- 5.) The new social activity of sharing a common experience brings people together
and creates an opportunity for people to connect and interact.



7-24-14

Tim Zaracotas, Business Owner
Aster Travel (Neighbor to the left)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit
Application

Dear Mr. Zaracotas:


I urge you to support the conditional use permit application for 1963 Ocean Avenue
for the following reasons:

- 1.) The establishment will provide a healthy alternative to smoking;
- 2.) The project will fill a vacancy with a retail store, which will provide more
pedestrian traffic to the Ocean Avenue Corridor.

This is to confirm that I do
support the opening of the
Happy Vape, my next door to my
business of Aster Travel Inc. -

S.F. 7-8-14

Tim C. Zaracotas



Tito Nuila, Business Owner
1719 Ocean Ave (Daytona Auto Body Shop)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit Application

Dear Mr. Nuila,

Please support the conditional use permit application for 1963 Ocean Avenue for the following reasons:

- 1.) The establishment will provide a healthy alternative to smoking;
- 2.) The project will fill a vacancy with a retail store, which will provide more pedestrian traffic to the Ocean Avenue Corridor;
- 3.) With the on site "vaping" component in the outdoor patio area, it will allow patrons to taste and sample various flavors in order to make an informed product purchase;
- 4.) The establishment will not be a smokeshop and it will not sell tobacco products or paraphernalia such as rolling papers, doobie clips, scales, drug kits, bongs and other assorted paraphernalia;
- 5.) The establishment is an upscale electronic vaporizer retail and steam stone hookah lounge that will be adult only and most of the activities will be in the sub-level and outdoor patio. It eliminates the impact on the people that walk by the establishment;
- 6.) Everything that will be vaped or smoked in the establishment is tobacco free and nicotine free, it will not have carcinogens.

TITO Nuila

Tom Phan, Business Owner
1947 Ocean Avenue

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit
Application

Dear Mr. Phan:

I urge you to support the conditional use permit application for 1963 Ocean Avenue for the following reasons:

- 1.) The establishment will provide a healthy alternative to smoking;
- 2.) With the on site "vaping" component in the outdoor patio area, it will allow patrons to taste and sample various flavors in order to make an informed product purchase;
- 3.) The project will fill a vacancy with a retail store, which will provide more pedestrian traffic to the Ocean Avenue Corridor;
- 4.) The new social activity of sharing a common experience brings people together and creates an opportunity for people to connect and interact.

Tom Phan

7-24-14

Walee Gon, Business Owner & OAA Board Member
545 Faxon Ave (Faxon Garage)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit Application

Dear Mr. Gon,

Please support the conditional use permit application for 1963 Ocean Avenue for the following reasons:

- 1.) The establishment will provide a healthy alternative to smoking;
- 2.) The project will fill a vacancy with a retail store on the street that has 5 vacancies and 2 storefronts that are used as storage, which will bring more traffic and new economic interest into the neighborhood;
- 3.) The business will create 3-4 jobs;
- 4.) With the on site "vaping" component in the outdoor patio area, it will allow patrons to taste and sample various flavors in order to make an informed product purchase;
- 5.) The establishment will not be a smokeshop and it will not sell tobacco products or paraphernalia such as rolling papers, doobie clips, scales, drug kits, bongs and other assorted paraphernalia;
- 6.) The establishment will have carbon coal filter in the lounge to eliminate odor emissions;
- 7.) The establishment will have a tent over the outdoor patio sample vaping area to reduce disruptions;
- 8.) Everything that will be vaped or smoked in the establishment are tobacco free and nicotine free, it will not have carcinogens.


Walee Gon 7/29/19

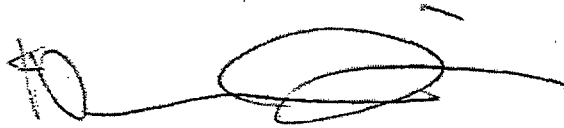
Mr. Louie and Ms. Louie, Business Owner
Dri-Clean Express (Neighbor 2 doors to the right)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit
Application

Dear Mr. Louie & Ms. Louie:

I urge you to support the conditional use permit application for 1963 Ocean Avenue
for the following reasons:

- 1.) The project will fill a vacancy with a retail store, which will provide more
pedestrian traffic to the Ocean Avenue Corridor;
- 2.) The new social activity of sharing a common experience brings people together
and creates an opportunity for people to connect and interact.

A handwritten signature in black ink, consisting of a stylized 'L' followed by a series of loops and a long horizontal stroke.

We were asked that “With four other stores selling electronic cigarettes, why should you be here?”

- We offer a unique experience and services to the neighbors and the people of San Francisco that no other stores are offering.
- We are not only providing products for sale, but a unique experience for our patrons whether it be shopping, relaxing in the lounge or trying flavors in the outdoor sampling area, bringing people together to create greater economic interest to the area.
- We are the only store in the area dedicated to only e-cigarettes.
- Any and all persons under 18 will be removed from the premise.
- Our mission is to provide products that will help cigarette smokers reduce their nicotine intake levels gradually, that is an appealing replacement for traditional cigarettes.
- We carry a much wider selection and better quality products than the liquor stores in the area.
- We are not just selling e-cigarettes just as another item, each and every item is tested personally by the staff to deem whether it is qualified to be on the shelf or not.
- We are planning for incentive programs to encourage customers trying to quit cigarettes stay on track.
- We provide our patrons with information and demonstrations on safe handling and upkeep of various products to ensure their safety.
- The Steam Stone Hookah lounge is also an integral part of our business plan and is one of few in existence in the city.
- The other stores are 3 liquor store and a 7-Eleven, electronic cigarettes are accessory sales for these stores. Anyone could go into these stores including kids and they get exposed to cigarettes along with electronic cigarettes because the stores put them in the same area. Kids associate the electronic cigarettes with traditional cigarettes and that could really confuse kids.

Liquor Stores and Vape Stores In the area:

Homrun Liquors

1551 Ocean Ave, San Francisco, CA 94112 (0.3 mile away)

Wiley's Liquor

1015 Ocean Ave, San Francisco, CA 94112 (0.6 mile away)

A & N Liquor

1521 Ocean Ave, San Francisco, CA 94112 (0.3 mile away)

7-Eleven

2000 Ocean Ave, San Francisco, CA 94127

Juicebox Vapor

Parkside

907 Taraval St, San Francisco, CA 94116

1.7 miles away from 1963 Ocean Ave.

Dream Cloud Vapors

Excelsior

4971 Mission St, San Francisco, CA 94112

1.6 miles away from 1963 Ocean Ave.

Boudreaux, Marcelle (CPC)

From: Donna Howe <donna.howe@comcast.net>
Sent: Thursday, May 15, 2014 2:24 AM
To: Boudreaux, Marcelle (CPC)
Subject: Opposition to proposed permit for 1963 Ocean Ave

Follow Up Flag: Flag for follow up
Flag Status: Flagged

To: Marcelle Boudreaux
From: Donna Howe, 85 Entrada Court

Message:

I am a long time resident of the Ingleside Terraces. I am the third generation of our family to have lived at Entrada Court, and my son and his family are the fourth and fifth generations and currently reside nearby on Urbano Drive. That being said, I wish to voice my strong opposition to the permit application reference the establishment of a business offering tobacco paraphernalia at the vacant retail space at 1963 Ocean Avenue.

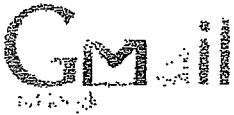
There are several schools (Commodore Sloat Elementary School, St. Francis Preschool, Stratford Academy, Voice of Pentecost Academy, Aptos Junior HS, and Lick-Wilmerding) nearby. I have serious concerns about the negative social and health impact a tobacco shop will have on the neighborhood.

There are already several cannabis dispensaries along the Ocean Ave corridor between Junipero Serra and Howth. So far, the city has not seen fit to honor the wishes of our neighbors by failing to discourage the clustering of dispensaries; if a tobacco shop were to be permitted to open and operate nearby it would be a clear indication that "the City" Planning Department does not support efforts to draw residents and family-friendly businesses to our historic neighborhood.

For a number of years I maintained a residence in the east bay city of Fremont. The Smoke Shop there was a constant source of problems in the Niles District. That was in the days before e-cigarettes, so it was full of such products as rolling papers, "doobie clips", scales, drug kits, bong, and other assorted tobacco paraphernalia.

Establishing a similar business on Ocean Avenue can only bring negative outcomes that will far outweigh the generation of any commercial revenue for this city that I love. It would be naive to think the proposed business would offer only e-cigarettes, cigarettes, cigars, snuff, chew and loose tobacco, all of which, I believe, are easily procured at a variety of other locations. There is no need for such a business in our neighborhood. Although I am sure it would be popular with college students from City College of San Francisco and San Francisco State University, it would also be a distraction from their educational pursuits and not likely to be popular with their parents.

I hope my work schedule will permit me to attend any community outreach meetings regarding this proposal, but I do wish to go on record now with the Planning Commission as being opposed to permitting the proposed business.



Blake He <blakehe@gmail.com>

1963 Ocean Ave

Blake He <blakehe@gmail.com>
To: donna.howe@comcast.net

Thu, Jul 31, 2014 at 11:24 PM

Dear Ms. Howe:

Your correspondence of May 15, 2014 to Planner Marcelle Boudreaux regarding my project at 1963 Ocean Avenue has just been forwarded to me. I appreciate your input and would like to mitigate your concerns.

I, too, have a vested interest in the Ocean Avenue community. I live in the area, went to school in the area and actually immigrated directly to the area with my family as a child. Now I am raising my own child in the neighborhood.

Many people misunderstand vape shops and think they are also "head" shops, marijuana dispensaries and/or tobacconists, which is not the case especially in my situation.

I was once a heavy smoker and e-cigarettes have helped me reduce my smoking enormously. As the father of a toddler they have further benefitted me and my family by providing a smoke free environment for my son to grow up in. I am very conscious of a healthy environment, have been a swimming coach, and curse the day I started smoking. Now I am grateful for vaping and know many others who feel the same way. Vaping is leading them and me to a healthier life style, one that eventually will be totally free of tobacco.

Rest assured the products that will be available in my store, as well as the sample vaping in the outdoor area, will not contain nicotine nor carcinogens. It is because of my own concern for healthy living that I want to start this business.

We will not be selling to children and there will be signs posted throughout our space saying that no one under 18 will be allowed in. We will also have a well-trained staff.

Happy Vape, which is to be the name of my business, is in the business of *harm reduction*. We have no intention of selling snuff, rolling papers, doobie clips, scales, drug kits, bongs and other tobacco and drug paraphernalia. We do not want to create problems; we want to help solve problems and I do not understand how my business would be a distraction from educational pursuits for students from SF State and City College.

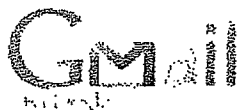
There are many vacancies along Ocean Avenue and my goal is to fill one of them. I will be happy to share my business plan with you if that would be helpful and can forward that via e-mail.

I am available to meet with you any time that is convenient and, as I said, am happy to forward my business plan should you deem that necessary.

Blake He

Happy Vape

Electronic vaporizer retail &
Steaming stone hookah lounge
(415)513-2620
1963 Ocean Ave.
San Francisco, CA 94127



Blake He <blakehe@gmail.com>

1963 Ocean Ave

Donna Howe <donna.howe@comcast.net>

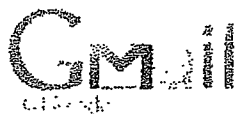
Fri, Aug 1, 2014 at 3:06 PM

To: Blake He <blakehe@gmail.com>

Thanks for your reply and the clarification. I have forwarded it to the participants in the Ingleside Terrace googlegroup. I do not need to see your business plan but appreciate your transparency.

Donna Howe

[Quoted text hidden]



Blake He <blakehe@gmail.com>

1963 Ocean Ave

Blake He <blakehe@gmail.com>

To: sfwendy@gmail.com

Thu, Jul 31, 2014 at 11:15 PM

Dear Wendy:

Your e-mail of May 10, 2014 to Planner Marcelle Boudreaux regarding my project as 1963 Ocean Avenue was forwarded to me.

First of all thank you for taking the time to express your concerns.

Rest assured the products that will be available, as well as the sample vaping in the outdoor area, will not contain nicotine nor carcinogens. It is because of my own concern for healthy living that I want to start this business.

We will not be selling to children and there will be signs posted throughout saying that no one under 18 will be allowed in. We will also have a well-trained staff.

With regard to the marijuana dispensaries and tattoo parlors, it is a matter of choice as to whether or not to patronize those businesses just as it is to patronize a vaping store.

I was once a heavy smoker and this product has helped me reduce my smoking enormously. As the father of a toddler it has further benefitted me and my family by providing a smoke free environment for my son to grow up in. I am very conscious of a healthy environment, have been a swimming coach, and curse the day I started smoking. Now I am grateful for vaping and know many others who feel the same way. Vaping is leading them and me to a healthier life style, one that eventually will be totally free of tobacco.

I commend you for a healthy lifestyle. I simply want to provide an alternative to smoking. Many people have said it has helped and we don't want to ignore those people who find vaping works.

If you would like additional information, we could meet or discuss this further through e-mails.

Thank you.

Blake He

Happy Vape

Electronic vaporizer retail &
Steam stone hookah lounge
(415)513-2620
1963 Ocean Ave.
San Francisco, CA 94127

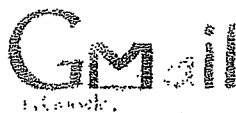
Boudreaux, Marcelle (CPC)

From: Wendy Portnuff <sfwendy@gmail.com>
Sent: Saturday, May 10, 2014 3:44 PM
To: Boudreaux, Marcelle (CPC)
Subject: Conditional Use Permit for Tobacco Paraphanalia at 1963 Ocean Avenue

Dear Ms. Boudreaux,

I live in Ingleside Terraces, which is adjacent to the location above on Ocean Avenue. Furthermore, I walk past the location almost daily. I object strongly to the introduction of Tobacco Products to this part of our neighborhood. These electronic cigarettes are highly suspect for health reasons. They contain known carcinogens. I do not wish to be exposed to them, and I do not want them to be readily available to neighborhood youth in this part of the city. It's bad enough that there are marijuana stores and taton parlors here. Please do not approve yet another storefront that challenges our ability to remain healthy and to be role models for our children.

Wendy Portnuff
The Professional Woman's Guide to Healthy Travel
www.wendyportnuff.com
415-269-4398



Blake He <blakehe@gmail.com>

1963 Ocean Ave

Blake He <blakehe@gmail.com>

Thu, Jul 31, 2014 at 11:19 PM

To: board@westwoodpark.com

Dear Ms. Favetti:

Your July 3 letter on behalf of the Westwood Park Association regarding my project at 1963 Ocean Avenue has just been forwarded to me by planner Marcelle Boudreaux.

Like you and your members I, too, have a vested interest in the Ocean Avenue community. I live in the area, went to school in the area and actually immigrated directly to the area with my family as a child. Now I am raising my own child in the neighborhood.

There are many vacancies along Ocean Avenue and my goal is to fill one of them. I will be happy to share my business plan with you if that would be helpful and can forward that via e-mail. Ideally, I would like an opportunity to present to your association at one of your meetings.

Many people misunderstand vape shops and think they are also "head" shops and/or tobacconists, which is not always the case.

I was once a heavy smoker and e-cigarettes have helped me reduce my smoking enormously. As the father of a toddler they have further benefitted me and my family by providing a smoke free environment for my son to grow up in. I am very conscious of a healthy environment, have been a swimming coach, and curse the day I started smoking. Now I am grateful for vaping and know many others who feel the same way. Vaping is leading them and me to a healthier life style, one that eventually will be totally free of tobacco.

Rest assured the products that will be available in my store, as well as the sample vaping in the outdoor area, will not contain nicotine nor carcinogens. It is because of my own concern for healthy living that I want to start this business.

We will not be selling to children and there will be signs posted throughout our space saying that no one under 18 will be allowed in. We will also have a well-trained staff.

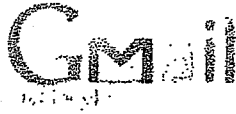
Happy Vape, which is to be the name of my business, is in the business of harm reduction. Based on this perhaps we can start a fresh dialog that will allow me to present directly to your association.

I look forward to hearing from you.

Blake He

Happy Vape

Electronic vaporizer retail &
Steam stone hookah lounge
(415)513-2620
1963 Ocean Ave.
San Francisco, CA 94127



Blake He <blakehe@gmail.com>

1963 Ocean Ave

r and k favetti <woloso1@yahoo.com>

Thu, Aug 7, 2014 at 7:49 PM

To: Blake He <blakehe@gmail.com>

Cc: Marcelle.Boudreaux@sfgov.org, Dan Weaver <info.oacbd@gmail.com>

Dear Mr. He,

The Westwood Park Board has thoroughly reviewed your email dated July 31, 2014 and has not changed its position. I have attached our letter for reference.

Sincerely,

Kate Favetti, President

Westwood Park Association

On Thu, 7/31/14, Blake He <blakehe@gmail.com> wrote:

Subject: 1963 Ocean Ave

To: board@westwoodpark.com

Date: Thursday, July 31, 2014, 11:19 PM

Dear Ms.

Favetti:

Your July 3 letter on behalf of the Westwood Park Association regarding my project at 1963 Ocean Avenue has just been forwarded to me by planner Marcelle Boudreaux.

Like

you and your members I, too, have a vested interest in the Ocean Avenue

community. I live in the area, went to school in the area and actually

immigrated directly to the area with my family as a child.

Now I am

raising my own child in the neighborhood.

There

are many vacancies along Ocean Avenue and my goal is to fill one of

them. I will be happy to share my business plan with you if that would

be helpful and can forward that via e-mail. Ideally, I

would like an

opportunity to present to your association at one of your meetings.

Many people misunderstand vape shops and think

they are also "head" shops and/or tobacconists,

which is not always the case.

I

was once a heavy smoker and e-cigarettes have helped me

WESTWOOD PARK



July 3, 2014

Marcelle Boudreaux, AICP
Planner, Southwest Quadrant
Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103

RE: Letter of Opposition – Vaporizer Lounge and Store located at 1963 Ocean Avenue

Dear Ms. Boudreaux,

I am writing on behalf of the Westwood Park Association Board in opposition to the proposed vaporizer lounge and store at 1963 Ocean Avenue.

Members of our diverse communities surrounding Ocean Avenue have been working for many years to revitalize Ocean Avenue and to attract much needed neighborhood businesses and services to the Ocean Avenue retail corridor. We recently had a number of community meetings on the Ocean Avenue Corridor where residents were asked about what businesses and services they wanted to see on the Ocean Avenue. I can assure you that a vaporizer lounge and store was *not* on the list. By way of reference, the Planning Department representative on this effort is Lily Langlois.

It is our understanding that e-cigarette smoking devices and cartridges as well as nicotine cartridges will be sold, and, there will be a smoking lounge with vaporizing devices for smoking. Food, music and videos/movies will be shown in the lounge area to attract customers.

Currently, we have 4 locations where e-cigarettes and nicotine products are sold – 7-Eleven, Homrun, A&N Liquors, and No Limit – more than adequate for this area. Although the business owners have indicated that smoking nicotine will not be allowed on the premises, enforcement will be difficult.

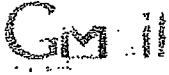
We have precious few store fronts for the size of our neighborhoods. A vaporizer lounge and store does not propel our revitalization efforts forward nor does it provide the much needed and requested businesses and services to benefit our community.

I am joined by the Westwood Park Association Board members Kathy Beitiks, Anne Chen, Greg Clinton, Tim Emert, Caryl Ito and Anita Theoharis in opposing the proposed vaporizer lounge and store at 1963 Ocean Avenue.

Sincerely,

Kate Favetti, President
Westwood Park Association

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



Blake He <blakehe@gmail.com>

1963 Ocean Ave(Happy Vape)

Blake He <blakehe@gmail.com>
To: staceyinteractive@gmail.com

Wed, Oct 22, 2014 at 7:09 PM

Dear Mr. Stacey,

I am send you a fact sheet regarding our project. Our business plan is well thought out and has been shared with the community over a nine month period. Our benefits far outweigh any possible negative impacts. Please contact me so I may share with you our vision for providing synergy to this desolate area the city refers to as a "Dead Block". Thank you very much.

Blake He

Happy Vape

Electronic vaporizer retail &
Steam stone hookah lounge
(415)513-2620
1963 Ocean Ave.
San Francisco, CA 94127

2 attachments

Fact Sheet.pdf
709K

Happy Vape Business Plan.docx
41K

From: John Stacey
To: Boudreaux, Marcelle (CPC); Yee, Norman (BOS); Secretary, Commissions (CPC)
Subject: 1963 Ocean Avenue Vape Shop
Date: Monday, October 20, 2014 8:47:39 AM

I am writing to let you know of my opposition to the proposed Vape Shop, requesting to be located at 1963 Ocean Ave in San Francisco.

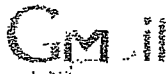
My reasons are fairly straight-forward:

- Ocean Avenue merchants appear to be moving in without much interest from the city on what the street is *becoming*. There are two relatively new tattoo parlors, about six nail shops, at least three massage parlors, two marijuana distributors, a bong shop, and (wait for it...) soon to be a VAPE shop!
- The neighbors deserve better. The (few) upstanding merchants on the street deserve better. Our community deserves better than having our main street turn into San Francisco's location for cheap sex, legal drugs, and various inhaled stimulants
- I realize I probably sound like a staunchy old republican, but I'm not: I am a 47 year old democrat - and own a home just off of Ocean. We have two teen-aged children that walk and drive through the "circus" daily. My wife and I call Ocean "Bangkok."
- In the 15 years that we've lived in our house, we've seen crime rise (including a shooting about 100 yards from this proposed shop). We've seen fast food litter pile up. We've seen drunken and disorderly behavior. We hear the sub-woofers. We listen to the sounds of inebriates fighting on the sidewalks.
- It should stop. The city of San Francisco owes it to the local residents to do it's job... and have a commercial zoning plan for Ocean that is more calculated than "we'll rent to anyone the law allows."
- We pay substantial property taxes, and we vote.
- Please carefully consider my plea, as well as those from the neighbors in the community.

I live at 25 Cerritos, and I oppose the permitting of the Vape Shop.

Thank you for your time.

John Stacey
mobile 415-218-3431



Blake He <blakehe@gmail.com>

1963 Ocean Ave(Happy Vape)

Blake He <blakehe@gmail.com>
To: dellabear88@gmail.com

Wed, Oct 22, 2014 at 7:05 PM

Dear Ms. Go,

Thank you for your interest in our project. However you may have some misinformation, I will send you a fact sheet with pertinent information regarding our project. We do not offer tobacco products. Our diversity of products and services will stimulate pedestrian traffic. The Vaping will be designated to our outdoor backyard area enclosed by a tent. Thus there is no need to cross the street because of any adverse impact caused by our establishment. If you have additional concerns please share them with me. Thank you very much.

Blake He

Happy Vape

Electronic vaporizer retail &
Steam stone hookah lounge
(415)513-2620
1963 Ocean Ave.
San Francisco, CA 94127

2 attachments

Fact Sheet.pdf
709K

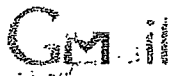
Happy Vape Business Plan.docx
41K

From: deftabear
To: Boudreaux, Marcelle (CPC)
Subject: 1963 Ocean Ave - Conditional Use Permit Application -- Tobacco Paraphernalia
Date: Monday, October 20, 2014 10:21:06 AM

Thank you for the notice of public hearing for this project.

I reside at 50 Urbano Dr. I am opposed to this project. There are already plenty of shops on Ocean Ave offering tobacco, e-cigarettes, hookah, and medical marijuana. It is creating an atmosphere on Ocean Ave that is not conducive to pedestrian traffic or business. The smells make me cross the street. My children are uncomfortable walking along these blocks of Ocean Avenue.

Adrienne Go



Blake He <blakehe@gmail.com>

1963 Ocean Ave(Happy Vape)Blake He <blakehe@gmail.com>
To: Robert Karis <rkaris2@gmail.com>

Wed, Oct 22, 2014 at 7:35 PM

Dear Mr. Karis,

E-cigarette does not lead young people (20 something) to be addicted to nicotine or cigarette. "First Study to Examine E-Cigarette Gateway Hypothesis Can Find Only One Nonsmoker Who Initiated with E-Cigs and Went on to Smoke" is a study that directly counters the article you included from the CDC.

<http://tobaccoanalysis.blogspot.com.au/2013/10/first-study-to-examine-e-cigarette.html>

I am also curious and concerned about the vapors from e-cigarettes, so I did some research. The result of the research is that the vapors from e-cigarettes are far below the standard what scientists are consider as toxic. I have also included a research article that explored the long term effects of the vapors.

<http://www.healthnz.co.nz/E-CigsExhaledSmoke.htm>

http://clearstream.flavourart.it/site/wp-content/uploads/2012/09/CSA_ItaEng.pdf

<http://www.ncbi.nlm.nih.gov/pubmed/23033998#>

<http://tobaccocontrol.bmj.com/content/early/2013/03/05/tobaccocontrol-2012-050859.short>

<http://pubs.rsc.org/en/content/articlelanding/2014/em/c4em00415a#divAbstract>

<http://jpet.aspetjournals.org/content/91/1/52.abstract>

<http://www.biomedcentral.com/content/pdf/1471-2458-14-18.pdf>

<http://ntr.oxfordjournals.org/content/early/2013/12/10/ntr.ntt203.short?rss=1>

<http://www.ecigarette-research.com/web/index.php/2013-04-07-09-50-07/2014/167-no-ecigs>

We are in the business of **harm reduction**. Many surveys and researches shows that E-Cigarette is a great way for people to fight their cigarette addiction. Some researchers are saying that e-cigarettes are the most effective way of helping people quit smoking cigarettes.

<http://www.sciencedirect.com/science/article/pii/S0306460313003304>

<http://vaping.com/data/vaping-survey-2014-initial-findings>

<http://www.plosone.org/article/info:doi/10.1371/journal.pone.0103462>

<http://www.addictionjournal.org/press-releases/e-cigarette-use-for-quitting-smoking-is-associated-with-improved-success-rates>

<http://nicotinepolicy.net/documents/letters/MargaretChan.pdf>

<http://link.springer.com/article/10.1007/s11606-014-2889-7>

Sincerely,

Blake He

Happy Vape

Electronic vaporizer retail &
Steam stone hookah lounge
445513 2620
1963 Ocean Ave.
San Francisco, CA 94127

2 attachments Fact Sheet.pdf
709K Happy Vape Business Plan.docx
41K

From: Robert Karis
To: Boudreaux, Marcelle (CPC); Secretary, Commissions (CPC)
Cc: Yee, Norman (BOS); Low, Jan (BOS)
Subject: 1963 Ocean Avenue, Case No.: 2014.0206C
Date: Monday, September 22, 2014 10:43:56 AM

Dear Ms. Boudreaux,

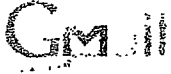
The proposed Happy Vape store at 1963 is a Conditional Use, which means it has to demonstrate that it is necessary or desirable. This business is neither necessary or desirable.

I am opposed to the vape store for several reasons:

- 1) They are part of an effort by tobacco companies and others to addict young people, 20 somethings, to nicotine, which is a harmful substance
http://www.cdc.gov/media/releases/2014/p0825-e-cigarettes.html?s_cid=cdc_homepage_whatsnew_002 E-cigarette ads are targeted towards young people, as is easily demonstrated by googling images of e-cigarette ads.
- 2) The vapors from e-cigarettes can be harmful, even when they don't contain nicotine http://www.nytimes.com/2014/05/04/business/some-e-cigarettes-deliver-a-puff-of-carcinogens.html?_r=1
E-liquids use propylene glycol as a solvent. In ordinary usage, propylene glycol is safe. But when it is heated, as it is in e-cigarettes, propylene glycol is oxidized and gives rise to a variety of toxic substances, particularly formaldehyde in unsafe amounts. Some earlier studies reported only low doses of formaldehyde, but they may not have used a high enough voltage, 4.8 volts in this study. 4.8 volts is easily and frequently obtained with the devices sold in vape shops, as the higher voltage also results in more nicotine and more effect from the e-cigarette. It is not surprising that heating propylene glycol (P.G.) $C_3H_8O_2$ yields formaldehyde CH_2O , or, to show the chain structure of P.G.,: $CH_2OH-CHOH-CH_3 + 2O_2 > 2CH_2O + 2H_2O + CO_2$. In addition, e-cigarettes contain toxic metals and nanoparticles which result in disease causing inflammation.
- 3) E-cigarettes may be useful in a few cases as part of a comprehensive stop smoking program <http://www.cdc.gov/tobacco/campaign/tips/quit-smoking/> but the purpose of a stand alone vape shop is to to increase, not decrease, nicotine usage.

As the Planning Department and Commission have a duty to benefit our neighborhoods, I trust they will agree that a vape shop on Ocean Avenue is not necessary or desirable.

Yours truly,
Robert Karis
Ingleside Terraces



Blake He <blakehe@gmail.com>

1963 Ocean Ave(Happy Vape)

Blake He <blakehe@gmail.com>
To: drgeorgewumd@aol.com

Wed, Oct 22, 2014 at 7:07 PM

Dear Mr. Wu,

We are not vaping any nicotine on our premises. We have no affiliation with medical marijuana. Enclosed is a fact sheet of what we actually offer. Please feel free to contact us if you have any additional concerns. Thank you very much.

Blake He

Happy Vape

Electronic vaporizer retail &
Steam stone hookah lounge
(415)513-2620
1963 Ocean Ave.
San Francisco, CA 94127

2 attachments

Fact Sheet.pdf
709K

Happy Vape Business Plan.docx
41K

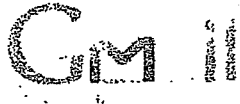
From: George Wu
To: Boudreaux, Marcelle (CPC)
Subject: Vape shops
Date: Saturday, October 18, 2014 7:00:15 PM

These Vape shops requesting conditional use permitting are neither necessary nor desirable. Addictive drugs including nicotine and marijuana have no place in family friendly neighborhoods.

What message are we sending to our children?!!!! Are our supervisors THAT desperate to find tax revenues?!!!!

George Wu, MD

Sent from my iPad



Blake He <blakehe@gmail.com>

1963 Ocean Ave (Happy Vape)

1 message

Blake He <blakehe@gmail.com>
To: smgraz2001@aol.com

Fri, Oct 24, 2014 at 3:47 AM

Dear Susan,

First and foremost we would like to thank you for your interest in our project. Our project offers a unique experience that no other vape store in the city offers. The project will also directly benefit the Ocean Avenue corridor whereas the suggested store on Taraval and 19th do not.

Studies and research shows that the toxicity level from the emission of e-cigarettes are comparable to the air in big cities. Also no products used on the premise will contain nicotine. One of our project's mission is to wean customers off of nicotine products.

We are aware of the negative effects caused by the mishandling and misuse of these products, which is why educating our patrons on proper handling and usage of these products is part of our mission.

The outdoor activity area which is over twenty feet away from our closest neighbor's deck is not a smoking area, it is strictly for sampling products only, which again will not contain nicotine.

We will not have any external advertising and serving only adults.

Please feel free to contact me if you have any additional questions or concerns. I would be happy to meet you and your board if you desire to do so.

Blake He

Happy Vape

Electronic vaporizer retail &
Steam stone hookah lounge
(415) 510-2820
1963 Ocean Ave.
San Francisco, CA 94127

2 attachments

 Fact Sheet.pdf
709K

 Happy Vape Business Plan.docx
41K

From: SMGraz2001@aol.com
To: [Boudreaux, Marcelle \(CPC\)](#); [Yee, Norman \(BOS\)](#); [Secretary, Commissions \(CPC\)](#)
Cc: smgraz2001@aol.com; calbearsph@gmail.com; rclaris@gmail.com; board@balboaTerrace.org
Subject: 1963 Ocean Ave. Proposed Vape Shop
Date: Wednesday, October 22, 2014 12:45:54 PM

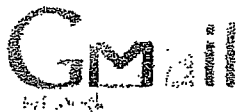
Hello SF Planning Commission, Mr. Norman Yee and Ms. Marcelle Boudreaux,

I would like to state my OPPOSITION to the proposed new Vape Shop at 1963 Ocean Ave. I realize that the Vape Shop is applying for a conditional use. At this point, I do not think that this type of business is necessary or desirable on Ocean Ave. corridor. E-Cigarettes can be purchased on Taraval and 19th Ave, which is quite close. On the health issue, E-Cigarettes contain nicotine and the vaporized byproducts include unhealthy chemicals, heavy metals and nanoparticles that accumulate in the lungs. Nicotine is addictive and habit forming. Ingestion of the non-vaporized concentrated ingredients in the cartridges can be poisonous.

There is a garden area in the back that the business wants to use for smokers. Homes are directly located on the other side of the fence. Is this fair to the neighbors?

Lastly, this proposed location is across from a school with children. So, I would appreciate your consideration in not approving this Vape Shop.

Sincerely, Susan Grazioli
Balboa Terrace Director



Blake He <blakehe@gmail.com>

1963 Ocean Ave (Happy Vape)

1 message

Blake He <blakehe@gmail.com>

To: linda.mcgilvray@gmail.com

Fri, Oct 24, 2014 at 3:53 AM

Dear Linda,

First and foremost we would like to thank you for the opportunity to present our business model to your organization. Current research indicates that e-cigarettes being harmful is inconclusive. The vaping component will be conducted in an enclosed tent in the outdoor activity area and therefore there is no adverse impact to worry about. Minors are not allowed on premise and we will not be doing external advertising, please be assured that many of your worries will not happen. Regarding the cluster of businesses needed to synergize that Ocean street corridor, we feel that we are part of the solution and not the problem. Our business model is sustainable, where many business have tried to open and have closed shortly after opening because of the lack of pedestrian traffic.

Please feel free to contact me in the future if you desire to do so.

Sincerely,

Blake He

Happy Vape

Electronic vaporizer retail &
Steam stone hookah lounge
(415)513-2620
1963 Ocean Ave.
San Francisco, CA 94127

2 attachments

 **Fact Sheet.pdf**
709K

 **Happy Vape Business Plan.docx**
41K

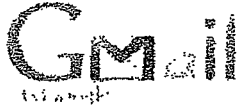
From: Linda McGilvray
To: Boudreaux, Marcelle (CPC)
Subject: Re: the Vape Shop at 1963 Ocean, . .
Date: Wednesday, October 22, 2014 5:56:43 PM

Dear Ms. Boudreaux,

The neighbors in Ingleside Terraces are very concerned about this proposed shop. It has been researched and found that these vapors and e cigarettes are not all that harmless to people. The neighbors with adjoining properties are certainly opposed to such activities that would pollute the air right outside the back of their homes. There also are a couple of private schools in the area that might be influenced by the wares. Trying to improve the quality of retail establishments on Ocean Avenue has been the focus, even though a few questionable shops have opened. Please consider the plight of the neighbors in considering licensing this shop.

Thanks for your consideration.

Linda McGilvray
Board member of ITHA
Oct. 22, 2014



Blake He <blakehe@gmail.com>

1963 Ocean Ave (Happy Vape)

1 message

Blake He <blakehe@gmail.com>
To: Robert Karis <rckaris2@gmail.com>

Fri, Oct 24, 2014 at 3:57 AM

Dear Robert,

Thank you for your interest in our project. Research suggests that non-tobacco flavored e-liquids help adults quit tobacco products, because the taste and smell does not remind them of traditional tobacco products.

We are aware of the negative effects presented in the document which is caused by mishandling and misusing of these products. Which is why educating our patrons on proper handling and usage of these products is a part of our mission. We agree with you that manufacturers need to implement child proof caps in their packaging for their e-liquids. We are in the business of harm reduction and serve only adults 18 years old and over.

Our project's primary mission is to provide the products to help ween customers off of nicotine products. Current studies and research are inconclusive on the subject of whether e-cigarettes is a gateway to tobacco products.

Studies and research also shows that the toxicity level from the emission of e-cigarettes are comparable to the air in big cities. Also no products used on the premise will contain nicotine.

This project is unique not only to the Ocean Avenue corridor, but to the entire San Francisco currently, because of the proposed outdoor product sampling area and the steam stone hookah lounge.

According to "Invest in San Francisco neighborhoods Ocean Ave Profile", Ocean Ave "...residents complain about the lack of diverse offerings; many don't patronize shops and instead shop at West Portal, Stonestown..." Ocean Avenue also suffers from "...high retail leakage..." The project is compatible with the city's intent to revitalize the neighborhood on this "...dead block..." We are a unique business in line with the alternative lifestyle and small business culture that is on the rise in the Ocean Avenue corridor.

Sincerely,

Blake He

Happy Vape

Electronic vaporizer retail &
Steam stone hookah lounge
(415)513-2620
1963 Ocean Ave.
San Francisco, CA 94127

From: Robert Karis
To: Boudreaux, Marcelle (CPC)
Cc: Yee, Norman (BOS); Secretary, Commissions (CPC)
Subject: 1963 Ocean Avenue, Case No.: 2014.0206C, letter of opposition
Date: Thursday, October 23, 2014 12:18:55 PM
Attachments: FDA-Deeming-Comments-San Francisco DPH.pdf

Dear Ms. Boudreaux:

The attached document demonstrates why the San Francisco Planning Commission should deny the Conditional Use application for a vape shop at 1963 Ocean Avenue.

The document by Barbara A. Garcia, MPA, Director of Health, San Francisco Department of Public Health, is dated August 5, 2014. This letter was written on behalf of the SFDPH in response to regulations proposed by the United States Food and Drug Administration. Please include the document "FDA-Deeming-Comments-San Francisco-DPH.pdf" and my email in the case report for project 2014.0206C. Comments in the document pertaining to e-cigarettes, which I have highlighted, include the following:

Section 3, p.2:

FDA and other independent scientists have found numerous potentially dangerous chemicals and carcinogens as well as varying levels of nicotine that are inconsistent with the amount indicated on the labels of e-cigarette solutions....there is a lack of credible information on the full range of chemicals being produced by the large number of different e-cigarettes currently on the market.

Section 3, p.3:

CDC reported that e-cigarette use more than doubled among U.S. middle and high school students between 2011-2012. There is evidence that e-cigarettes help youth to initiate smoking habits – only 20% of middle school e-cigarette users reported never having smoked conventional cigarettes. Youth are also impressionable and can succumb to marketing ploys such as the numerous fruity and candy flavored e-cigarettes and to youth-oriented company advertising.

We recognized that these products pose a threat to the public health and are clearly serving as starter products for young people in our community....Surveys of local youth and adults show that the industry has created a great deal of confusion about these products and the general public repeats back the unsubstantiated claims made by e-cigarette marketers- eerily similar to claims made by the tobacco industry a generation earlier.

Current e-cigarette advertisements target youth with marketing strategies such as celebrity endorsements, and messaging that promote freedom, rebelliousness, and glamour with e-cigarette use.

Section 5, p.3:

Currently, e-cigarette liquid refill containers are not required to be sold in child-resistant packaging and that may encourage children to ingest the product's

poisonous content. Some e-cigarette refill product packaging features cartoons, colorful labeling, or illustrates edible ingredients representing particular flavors, such as cherry, chocolate, or bubble gum. The contents themselves can have the aroma of the edible ingredient pictured on the label. Any of these factors can prompt a child to investigate and the contents can be extremely dangerous, if not lethal.

CDC analyzed calls to U.S. Poison Centers from 2010 to 2014 related to e-cigarette exposures. The results showed that e-cigarettes accounted for an increasing proportion of the calls, 0.3% in September 2010 to 41.7% in February 2014. Half of the calls made regarding exposure were for incidents involving children ages 0-5. The prevalence of poisonings and the potential danger to children promoted the American Association of Poison Control Centers and its member centers to issue a statement warning e-cigarette users to keep the devices and liquids away from children. One teaspoon (5 ml) of a 1.8% nicotine solution can be lethal for a person weighing 200 pounds. Most nicotine solutions range between 1.8% and 2.4%, and the refill bottles contain 10-30 ml of solution.

It is obvious from reading this document why a vape store, whose purpose is to increase the use of e-cigarettes, vaporizing devices, and e-liquids, and to addict our relatives and neighbors to nicotine and to expose them and people near them to the harmful chemicals contained in the e-cigarette vapors (actually fumes), is not desirable in our neighborhood. The letter from the SFDPH focuses on youth, but college students and older residents of our neighborhood are also adversely affected by the advertising, availability, and unhealthy effects of these products. E-cigarettes result in previous non-smokers using e-cigarettes and possibly cigarettes.

E-cigarettes are reported to be about as effective as nicotine patches for smoking cessation. However, e-cigarettes contain a coil heated to 600 degrees Fahrenheit (which, of course, is not true of nicotine gum or patches), resulting in the emission of harmful fumes that have been found to contain formaldehyde, heavy metal nanoparticles, and other breakdown products which are deposited in the lungs. Vape shops sell devices with larger batteries than e-cigarettes. This allows higher voltages than found in e-cigarettes, which results in higher temperatures, more nicotine delivered to the user, more production of harmful breakdown products from the propylene glycol solvent, and very likely more metallic nanoparticles from the coil.

Due to insightful legislation passed by the San Francisco Board of Supervisors in recent years, with input from the DPH, tobacco paraphernalia establishments, including e-cigarettes and e-liquids, require Conditional Use Authorization. This allows neighborhoods in San Francisco to limit the number of these stores. Ocean Avenue has four stores nearby that sell e-cigarettes; the three liquor stores and the 7-Eleven. There are two vape stores within a 1.5 mile radius of 1963 Ocean Ave.

I ask that the Planning Commission agree that the health of our neighbors is infinitely more important than the interests of a new business, and vote to deny this Conditional Use Application. A vape shop on Ocean Avenue is not necessary or desirable.

Yours truly,
Robert Karis
Ingleside Terraces

Addendum:

The four stores on Ocean Avenue that sell e-cigarettes are:

No Limit Liquor & Food Mart, 1015 Ocean Ave.

A & N Liquors, 1521 Ocean Ave.

Homrun Liquors, 1551 Ocean Ave.

7-Eleven, 2000 Ocean Ave.

The two vape shops within a 1.5 mile radius of 1963 Ocean Ave. are:

Juicebox Vapor, 907 Taraval St. at 19th Ave.

Dream Cloud Vapors, 4971 Mission St., near Geneva Ave.



Happy Vape
1963 Ocean Avenue
San Francisco, CA 94127
415/513/2620

Owner: Blake He, Cong Phuong Nguyen

Hours of Operation: Monday - Sunday 11 am - 12 am
(Proposed)

Location: 1963 Ocean Avenue, San Francisco, CA 94127

General Information: Happy Vape is a yet to open electronic vaporizer retailer and steam stone hookah lounge. Our goal is to provide a healthier alternative to tobacco products, share information about the safe handling of our products, and to provide a positive engaging experience for our customers.

Happy Vape plans to achieve both the retail and lounge idea through the use of its 2 story building. We are proposing that the ground level of Happy Vape will be used as the retail floor for electronic vaporizers and e-liquids and bottom floor be used as the steam stone hookah lounge.

After much research and speaking with the city health and planning department, in order to sale electronic vaporizers and e-liquids and contain the steam stone hookah lounge, Happy Vape has applied for the required

conditional use permit for tobacco paraphernalia. The owners found that their plans was permissible, that the property at 1963 Ocean Ave. is zoned Ocean Ave NCT. As per planning code section 790.123, tobacco paraphernalia establishment is permitted use within this zoning district, subject to section 227 procedure.

Happy Vape has also checked with Janine Young, senior inspector of the Health department and Lieutenant Mary Tse from fire department and was told that the steam stone hookah complies with city requirements in the space suggested.

The steam stone hookah lounge is where we hope people can come together and share an experience. Whether that be enjoying the range of flavors available while listening to music, watching sports, chatting with friends, or just a place to kill time in between classes for college students.

Happy Vape is happy to comply with the current regulations not allowing indoor vaping, signs stating "No Vaping Indoors" will be posted throughout the store. But in order to provide our customers a chance to sample the products before purchasing, Happy Vape is proposing the use of its outdoor patio area as the e-liquid sampling area, hopefully providing a better experience for our customers.

Happy Vape has no interests in selling to minors nor allowing minors to be on the premise. In order to do this, signs for "18 and over" will be posted throughout the store.

Happy Vape will have ADA compliant counters and bathroom for patrons with special needs.

Happy Vape has four support letters from our commercial neighbors, two from the left and two from the right of our store. Happy Vape has tried to engage the neighbors in the back on two occasions. The neighbor has yet to respond, but we will continue to reach out to them.

Goal:

To obtain Conditional use permit

Please send support letters and/or e-mails to:

Cc: blakehe@gmail.com

Cc: marshagarland@att.net

Consultants:

Garland Public & Community Relations
535 Green Street
San Francisco, CA 94133

Questions: Marsha Garland 415/531/2911
Stefano Cassolato 415/875/0818

Happy Vape
1963 Ocean Avenue, San Francisco, CA 94127

Business Plan
Executive Summary

Description of the Company:

Happy Vape will be a destination space, both a retail and a lounge, for people who have made a commitment to quit smoking and/or to significantly reduce their consumption of tobacco. Collaterally Happy Vape will help non-smokers live in a cleaner and better smelling environment. Happy Vape will sell e-cigarettes and vaping liquids, also known as juices.

Uniquely, the business will feature a relaxing lounge area where people can socialize and discuss their progress at curtailing and overcoming their tobacco addiction.

Associated with the lounge area Happy Vape plans to serve healthy packaged all natural or organic snacks and healthy packaged drinks. Also Happy Vape wants to sell instant coffee fused with ganoderma extract. (See below for information on ganoderma, a mushroom extract.)

There will be no alcohol sales and no food prepared on the premises.

Periodically Happy Vape will sponsor seminars on quitting smoking and addictive behavior.

Happy Vape is in the business of ***harm reduction***.

Products and Services:

Our goal is to sell the best available vaporizers, e-juices, e-cigarettes and batteries.

Happy Vape plans to carry a wide variety of e-juice flavors, re-buildable atomizers and drip tips.

We are also planning to sell t-shirts with graphic designs to inspire and motivate people to do things outside their norm.

Hookah Steam Stones & Hookah Lounge

Hookah Steam Stones are a new concept in the hookah world. Instead of smoking, Steam Stones allow you to inhale vapor. Hookah Steam Stones are available in a variety of flavors. Steam stones are a great way to smoke without the nicotine.

Happy Vape will have a hookah lounge on the lower level of the premises. There will be an attendant at all times. There will be couches along the walls and all genres of music playing in the background. There will be televisions mounted on the walls, with baseball, basketball and football games and occasional movie nights.

The lounge will be a place where patrons will socialize and practice an ancient culture in a modern way with the steam stones. The steam stones as pointed out above have no tobacco and no carcinogens.

We have no plans to sell cigarettes, snuff, rolling papers, doobie clips, scales, drug kits, bongs and other tobacco and drug paraphernalia.

Testimonials:

Gavin Wagner: "Very easy to use, convenient, effective and the different flavor choices are great."

Yuan Ning: "I was on the e-cigarette with the black cherry flavor for about 3-4 months and now I am not smoking or vaping."

Albert Lau: "I got off cigarettes and used e-cigs for about 7 months, now I vape on and off."

Jame Ching: "I use e-cigarettes to help me quit smoking, I mix using e-cigarettes and cigarettes throughout my days and it has help me go from a pack a day to half a pack a day."

Justin Cheuck: "E-cigarettes drastically cut down my consumption of cigarettes. I use e-cigarettes only in the day time and I have 2-3 cigarettes in the evening time."

Hyoweon Yang: "It was so much easier than cold turkey, so easy to quit anyone can do it."

Lisa Dungan: "I've struggled with my nicotine addiction for 45 years. ecigs have enabled me to completely stop smoking for over 3 years. NO more coughing or any ill effects that cigarettes had caused. So thankful to have rid myself of the habit!"

Marketing and Sales Techniques:

In store sales and online through our website. We will offer same day delivery. Sell through E-Bay and Google and have regular shipping.

The Competition:

Dream Cloud Vapors, 4971 Mission Street, San Francisco, CA 94112, 1.6 miles away

Juicebox Vapor, 907 Taraval Street, San Francisco, CA 94116, 1.7 miles away

7-Eleven, 2000 Ocean Avenue (E-Cigarettes only), one block away

Target Market:

All ages except no one under 18. Smokers.

Operations:

Open Daily, 11 am - 12 midnight.

Outdoor Activity Area 11 am – 8 pm.

Handicapped Access

Brands:

Joyetech, KangerTech, iTaste, Vision, Aspire. The E-juice/e-liquid we will carry is Virgin Vapor, one of the few companies that supplies organic e-juices. We are looking into carrying other brands also.

Owners' Bios:

Blake He was born in Canton China. His family moved to the United States on May 14, 1998. Blake attended Aptos Middle School at 105 Aptos Avenue just off Ocean Avenue. Blake grew up in the Ocean Avenue area because the cousin who sponsored his family lived there. Blake has seen a lot of positive changes in the neighborhood and wants to contribute. He truly feels Ocean Avenue has a lot of potential because it's right off the freeway and there's a lot of foot and car traffic, especially with colleges on both ends. It creates wide range of race and economic diversity.

After middle school Blake started working for the Mayor's Youth Employment and Education Program (MYEEP) teaching kids how to swim. He continued working for MYEEP throughout his time at the Philip & Sala Burton High School teaching kids how to swim in the summer and tutoring kids after school. Blake attended San Francisco City College Phelan Campus after high school.

Blake He is married and has a small child. He and his family live in the Ocean Avenue neighborhood. His previous employment was working for D & J Engineering and Air Conditioning. There he obtained his Universal HVAC Permit and Fire Director Certificate, joined the Local 39 Union and worked at Charles Schwab as an Utility Engineer.

Cong Phuong T Nguyen, co-owner of Happy Vape, is the wife of Blake He. She was an international student from Hanoi, Vietnam. She attended San Francisco State University where she majored in International Business. After college and various part-time jobs she started her career in the banking industry where she worked with both Wells Fargo and Chase.

Cong is now a stay at home mother to the He's baby boy Jayce. They decided to open a business hoping that she can remain a stay at home mother and dedicate herself to raising their son the way they envision.

Health Benefits of Ganoderma:

Ganoderma curbs high blood pressure, tames inflammation, builds stamina, and supports the immune system.

Ganoderma shows promise in reducing cholesterol levels and easing allergy-related inflammation of the airways, according to preliminary evidence from animal-based studies. Here's a look at more of the science behind ganoderma's health-enhancing effects.

1) Cancer and the Immune System

Often used as an immune stimulant by people with cancer, ganoderma has been shown to strengthen immunity as well as combat cancer-cell proliferation. In a 2003 study of 34 people with advanced-stage cancer, for instance, taking ganoderma in supplement form three times daily for 12 weeks led to a significant increase in T-cells (known to play a central role in immune defense).

2) Antioxidant Benefits

Several small studies have suggested that regular use of ganoderma supplements may increase your levels of antioxidants, compounds thought to protect against disease and aging.

3) Relief of Urinary Tract Symptoms

In a 2008 study of 88 men with urinary tract symptoms, researchers found that ganoderma was significantly superior to a placebo in providing symptom relief.

Other Common Uses

Acne, Allergies, Adrenal Fatigue, Arthritis, Candida, Common Cold, Herpes, HIV, Hair Loss, Lyme Disease, Ulcerative Colitis, Uterine Fibroids, Vitiligo, Weight Loss

BBC World News July 30, 2014 Report:

30 July 2014 Last updated at 19:34 ET

E-cigarettes 'less harmful' than cigarettes

Researchers say national policies need to be made once all evidence is reviewed

E-cigarettes are likely to be much less harmful than conventional cigarettes, an analysis of current scientific research suggests.

Scientists argue replacing conventional cigarettes with electronic ones could reduce smoking-related deaths even though long-term effects are unknown.

In the journal *Addiction*, researchers suggest e-cigarettes should face less stringent regulations than tobacco.

But experts warn encouraging their use without robust evidence is "reckless". Instead of inhaling tobacco smoke, e-cigarette users breathe in vaporised liquid nicotine.

About two million people use electronic cigarettes in the UK, and their popularity is growing worldwide.

'Fewer toxins'

The World Health Organization and national authorities are considering policies to restrict their sales, advertising and use.

An international team examined 81 studies, looking at:

- safety concerns
- chemicals in the liquids and vapours
- use among smokers and non-smokers

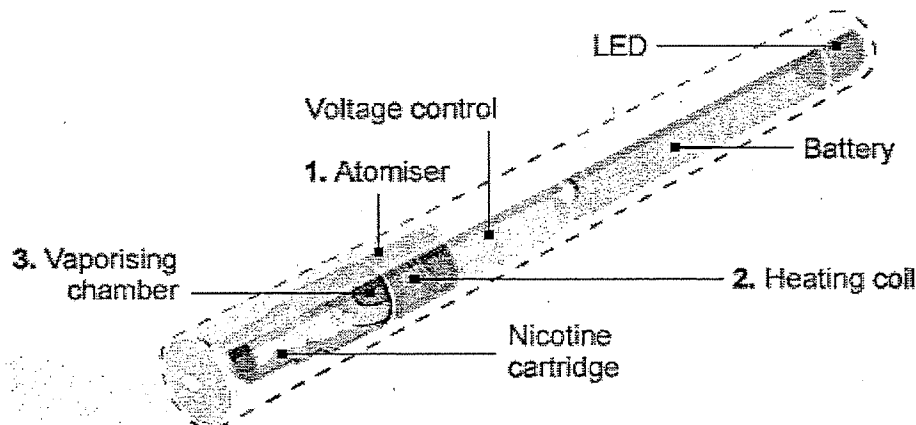
Scientists say risks to users and passive bystanders are far less than those posed by cigarette smoke, but caution that the effects on people with respiratory conditions are not fully understood

And they say electronic cigarettes contain a few of the toxins seen in tobacco smoke, but at much lower levels.

They report there is no current evidence that children move from experimenting with e-cigarettes to regular use, and conclude the products do not encourage young people to go on to conventional smoking habits.

And their analysis suggests switching to e-cigarettes can help tobacco smokers quit or reduce cigarette consumption.

What's inside an e-cigarette?



Prof Peter Hajek, of Queen Mary University in London, an author on the paper, told the BBC: "This is not the final list of risks, others may emerge.

"But regulators need to be mindful of crippling the e-cigarette market and by doing so failing to give smokers access to these safer products that could save their lives.

"If harsh regulations are put in place now, we will damage public health on a big scale." Researchers conclude there should be more long-term studies comparing the health of smokers with e-cigarette users.

'Proportionate regulations'

Prof Martin McKee, of the London School of Hygiene and Tropical Medicine, who was not involved in this analysis, told the BBC: "Health professionals are deeply divided on e-cigarettes.

"Those who treat smokers with severe nicotine addiction see them as offering a safer alternative to cigarettes.

"In marked contrast, many others, such as the 129 health experts who recently wrote to the World Health Organization, are extremely worried given the serious concerns that remain about their safety, the absence of evidence that they help smokers quit, and the way they are being exploited by the tobacco industry to target children.

"This report concedes there are huge gaps in our knowledge - yet, incredibly, encourages use of these products. This seems little short of reckless."

Martin Dockrell, at Public Health England, said: "Increasing numbers of smokers are turning to these devices as an aid to quitting and there is emerging evidence that they are effective for this purpose.

"In order to maximise the benefits to public health while managing the risks, regulation of e-cigarettes needs to be proportionate and designed to ensure the availability of safe and effective products, and to prevent the marketing of e-cigarettes to young people and non-smokers."

Neighborhood Outreach

We had 2 pre-application meetings at the project site. We invited all the neighbors within 300 feet radius of the project site, all the neighborhood groups in the Ocean View area and the West of Twin Peaks area.

We presented to the OAA board members on July 16, 2014 and we attended on Aug 20, 2014 and Oct 15, 2014 to participate and answer questions.

We presented our proposed project at the Ocean Avenue Street Life Committee on July 8, 2014 and August 13, 2014.

We attended the Ingleside Terraces Homes Association board meeting on Oct 16, 2014 to participate and answer questions.

We met with Kate Favetti and Caryl Ito from Westwood Park Association on Oct 27, 2014.

During our outreach, we reached out to all the schools and churches around the area in August (24th-29th).

List of schools:

Lick Wilmerding High School

Aptos Middle School

Commodore Sloat Elementary School

St. Francis Preschool

Straford Academy

Voice of the Pentecost Academy

Why should Ocean Avenue be deprived of a retail vape store, when there are 21 vape stores in the city serving other districts.

List of all the Vape Stores in San Francisco (21 Vape Stores):

Vapor Smoke Shop

Union Square

435 Stockton St, San Francisco, CA 94108

7.5 miles away from 1963 Ocean Ave.

It Is Vapor 13

1347 Polk St, San Francisco, CA 94109

7.7 miles away from 1963 Ocean Ave.

Vape Tech

Russian Hill

1042 Columbus Ave, San Francisco, CA 94133

9 miles away from 1963 Ocean Ave.

Frisco Vapor - Electronic Cigarette Store

Marina/Cow Hollow

1881 Lombard St, San Francisco, CA 94123

7.5 miles away from 1963 Ocean Ave.

Juicebox Vapor

Parkside

907 Taraval St, San Francisco, CA 94116

1.7 miles away from 1963 Ocean Ave.

Gone With The Smoke Vapor

Tenderloin

569 Geary St, San Francisco, CA 94102

6.6 miles away from 1963 Ocean Ave.

Viper Vapor

Lower Haight

260 Divisadero St, San Francisco, CA 94117

4.8 miles away from 1963 Ocean Ave.

Vapor Den

Mission

16 Guerrero St, San Francisco, CA 94103

4.9 miles away from 1963 Ocean Ave.

Dream Cloud Vapors

Excelsior

4971 Mission St, San Francisco, CA 94112

1.6 miles away from 1963 Ocean Ave.

Vapeguyz

Union Square, SoMa

865 Market St, San Francisco, CA 94103

7.3 miles away from 1963 Ocean Ave.

Cloud City Vapors

Corona Heights

516 Castro St, San Francisco, CA 94114

4.3 miles away from 1963 Ocean Ave.

Vape Supreme

Japantown, Lower Pacific Heights

1630 Post St, San Francisco, CA 94115

6.1 miles away from 1963 Ocean Ave.

Vapory Shop

Mission

2707 Folsom St, San Francisco, CA 94110

4.1 miles away from 1963 Ocean Ave.

SF Vapor

Mission Terrace, Outer Mission

4994 Mission St, San Francisco, CA 94112

1.7 miles away from 1963 Ocean Ave.

Big Bam Vapes

North Beach/Telegraph Hill, Russian Hill

752 Vallejo St, San Francisco, CA 94133

8.8 miles away from 1963 Ocean Ave.

Vapor Smoke Shop

Union Square

435 Stockton St, San Francisco, CA 94108

7.9 miles away from 1963 Ocean Ave.

Tower Vapor

SoMa

1601 Mission St, San Francisco, CA 94102

5.2 miles away from 1963 Ocean Ave.

It Is Vapor San Francisco

Nob Hill

1347 Polk St, San Francisco, CA 94109

7.7 miles away from 1963 Ocean Ave.

SOS Vapes

Inner Richmond

3829 Geary Blvd, San Francisco, CA 94118

5.2 miles away from 1963 Ocean Ave.

DTSF VAPORS

Chinatown

515 Grant Ave, San Francisco, CA 94108

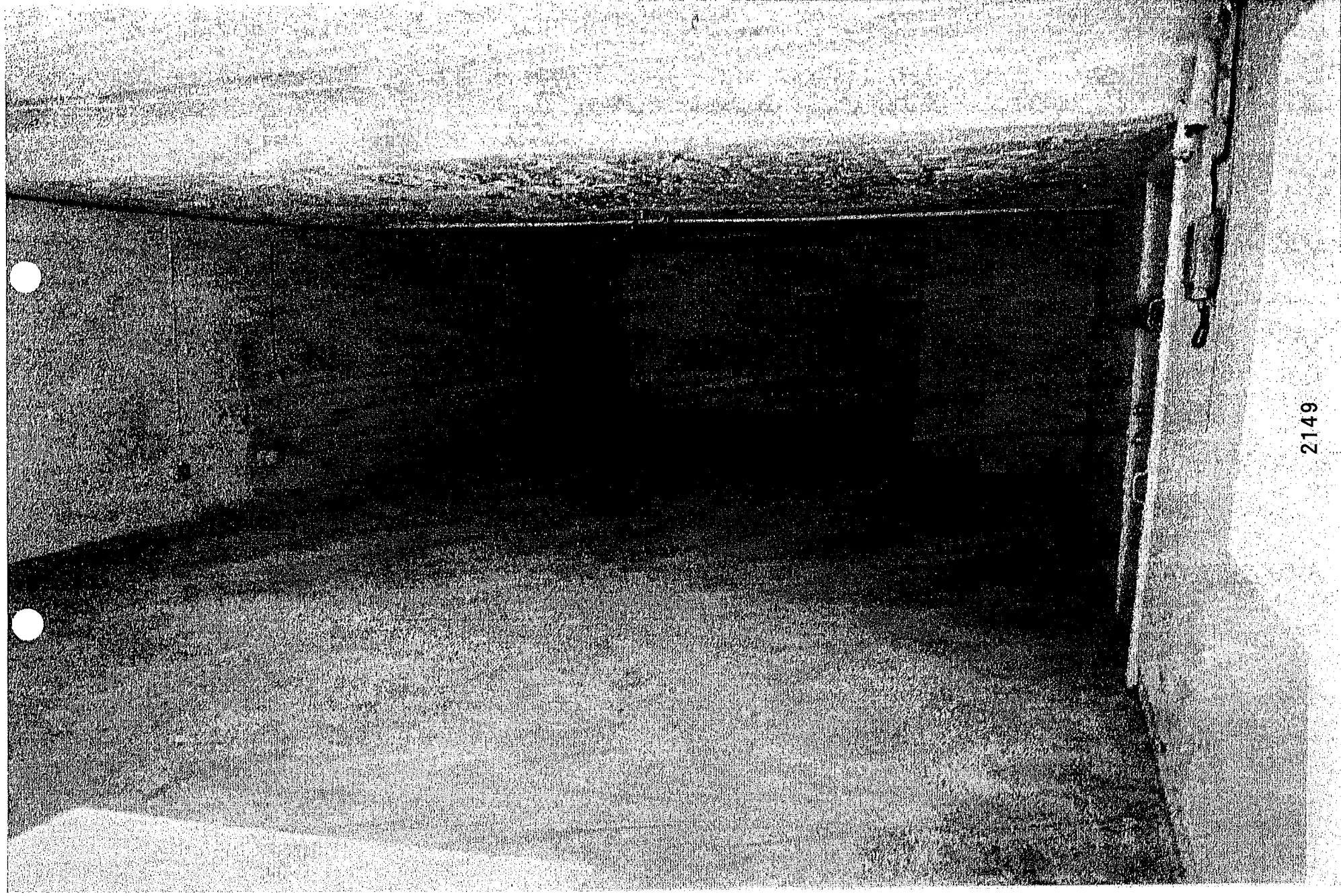
7.4 miles away from 1963 Ocean Ave.

Vapor Den Cow Hollow

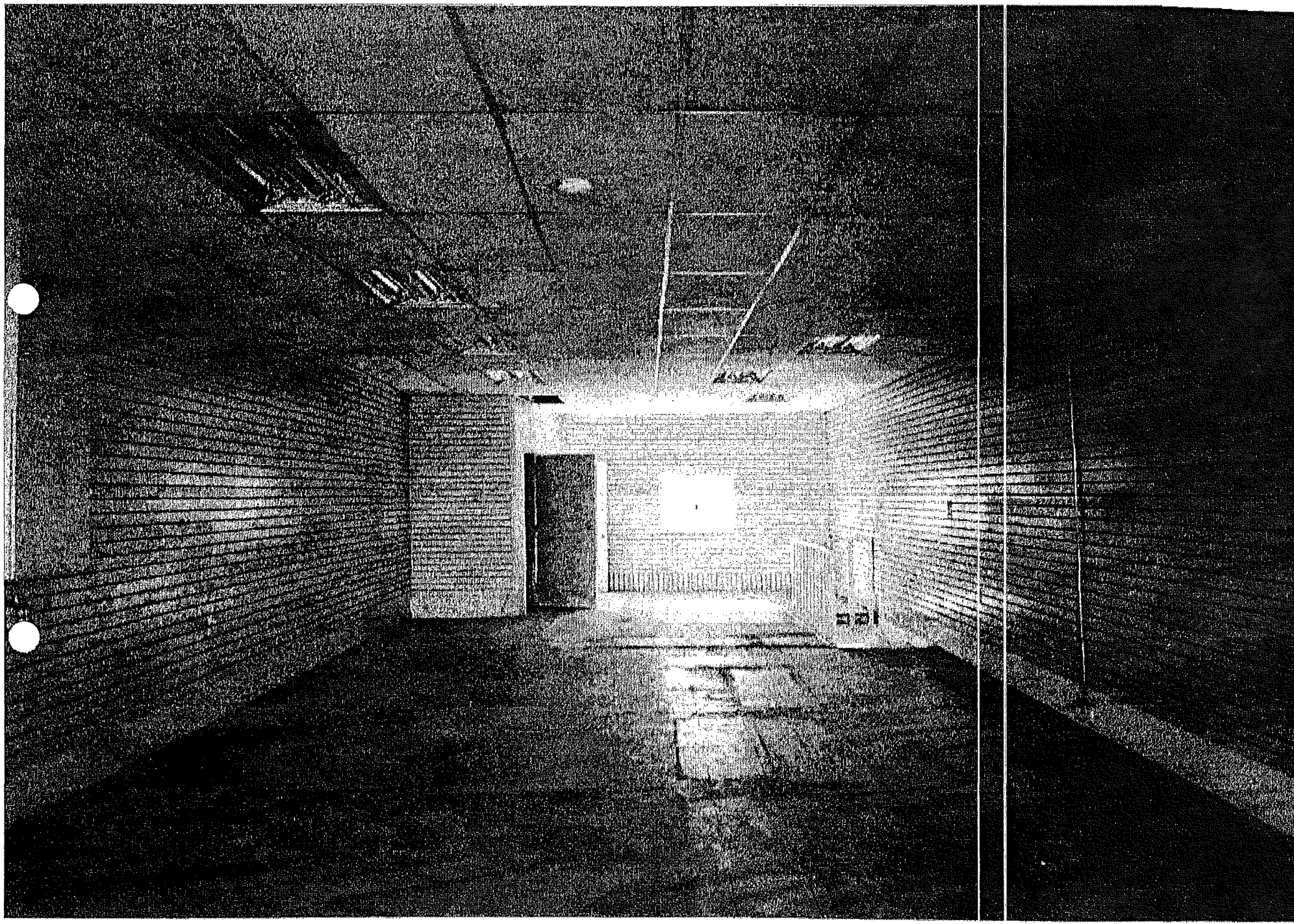
Marina/Cow Hollow

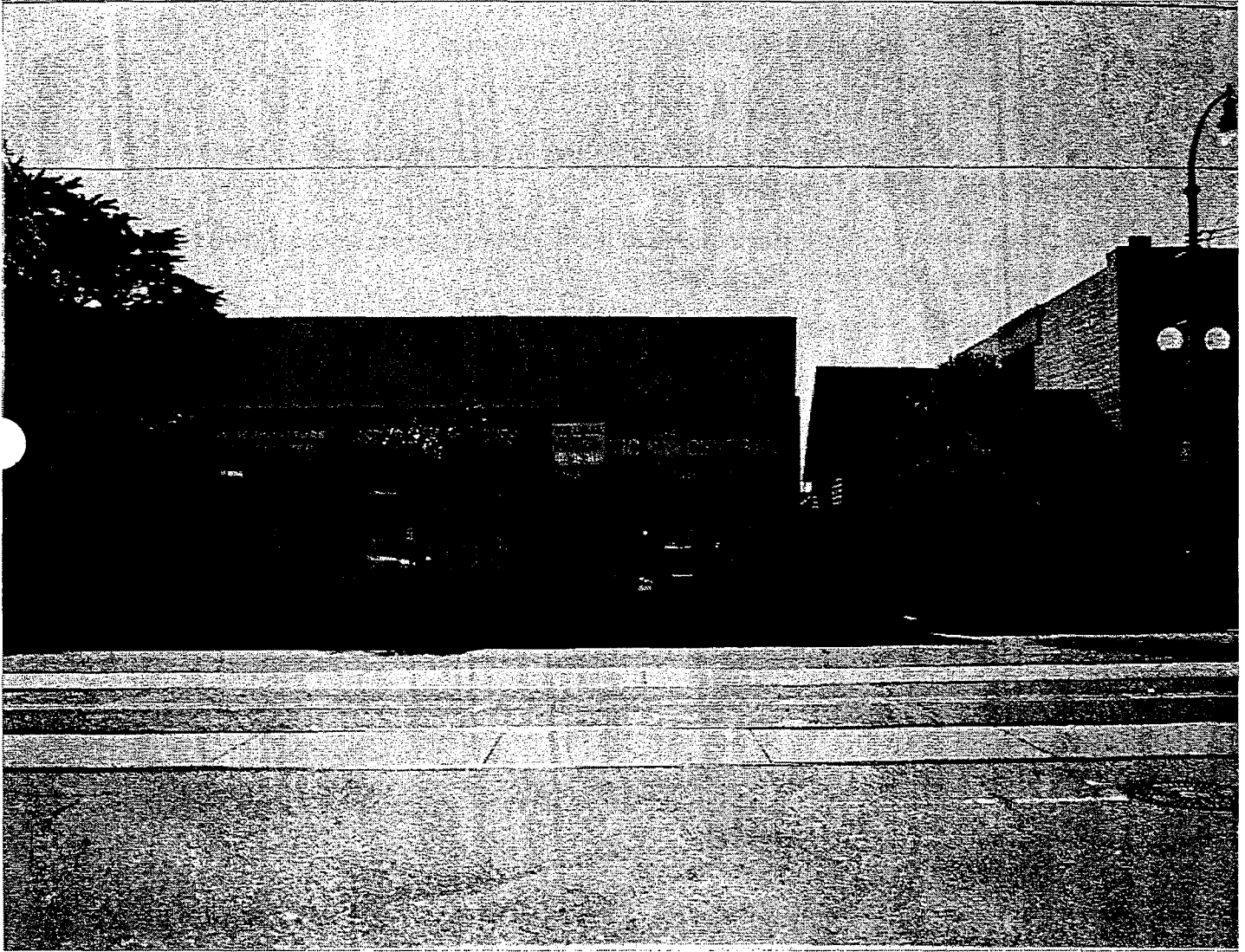
2764 Octavia, San Francisco, CA 94123

7.1 miles away from 1963 Ocean Ave.



2149





Neighborhood Vacancy Problem

There are a total of 34 commercial storefronts on the 1900 block of Ocean Ave. 5 of them are vacant and 2 are use as storage. That's **20.6%** vacancy on the 1900 block of Ocean Ave.

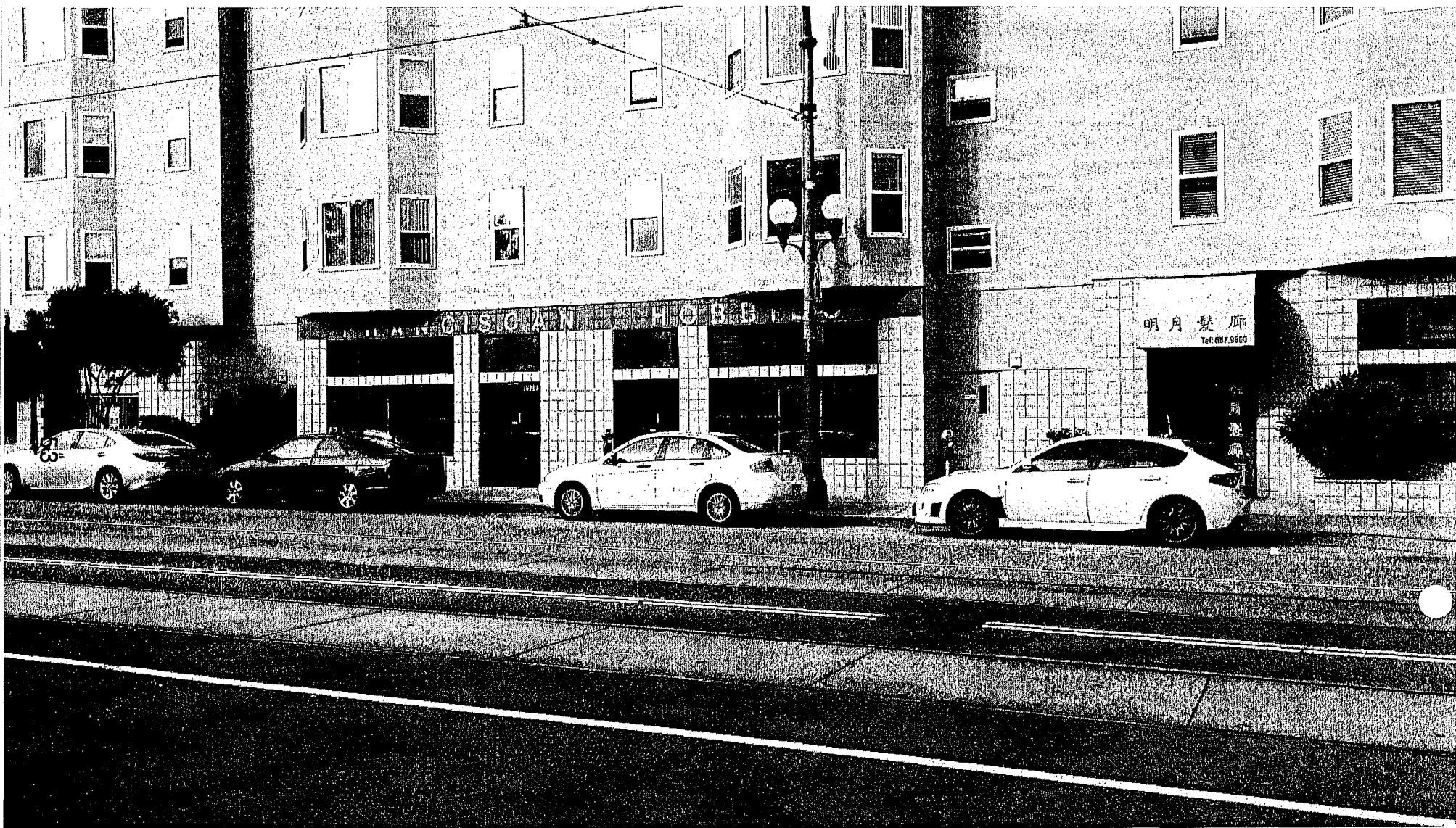
-According to Invest In Neighborhoods San Francisco, Ocean Avenue Profile:

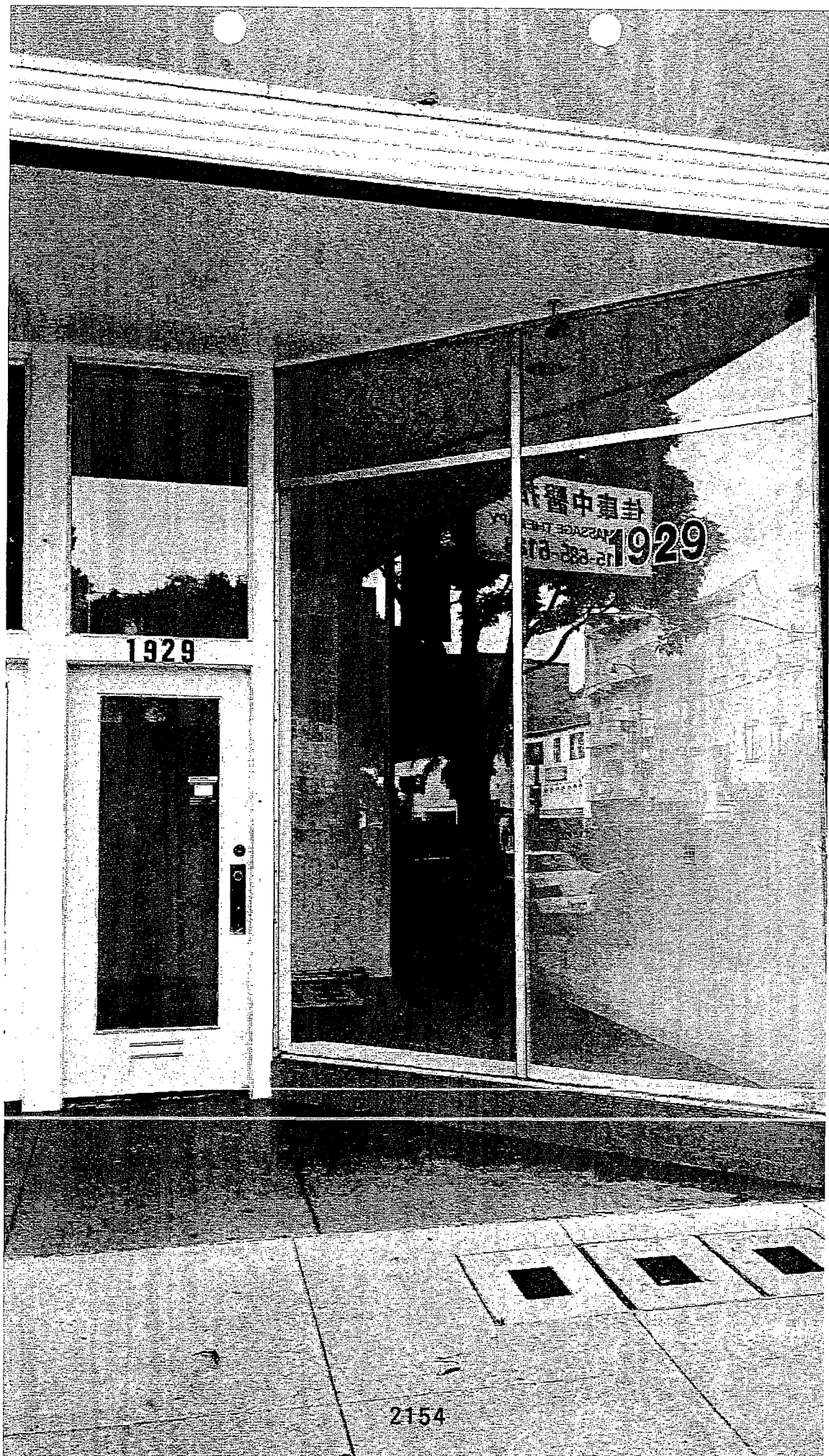
- Ocean Ave from Ashton to Manor are mostly "dead blocks"; few businesses bring foot traffic. (That is 1900 block and 2000 block of Ocean Avenue)
- High Retail Leakage.
- Lack of public space to congregate.
- Residents complain about lack of diverse offerings; many don't patronize shops and instead shop at West Portal, Stonestown.

-Supervisor Katy Tang introduced a legislation that if a storefront is vacant for more than 270 days must now pay a \$765 annual fee to The City.

-According to Katy Tang's legislation:

- "Empty storefronts are sinister. In addition to being eyesores these vacant commercial storefronts have a detrimental impact on the economic viability of the commercial corridors in which they are located."
- "Vacant storefronts often attract illegal activity, such as squatting, vandalism, and dumping."
- "Such activity not only repels would-be customers and patrons from commercial corridors, but also places an undue burden on city agencies."







Kimura
Gallery

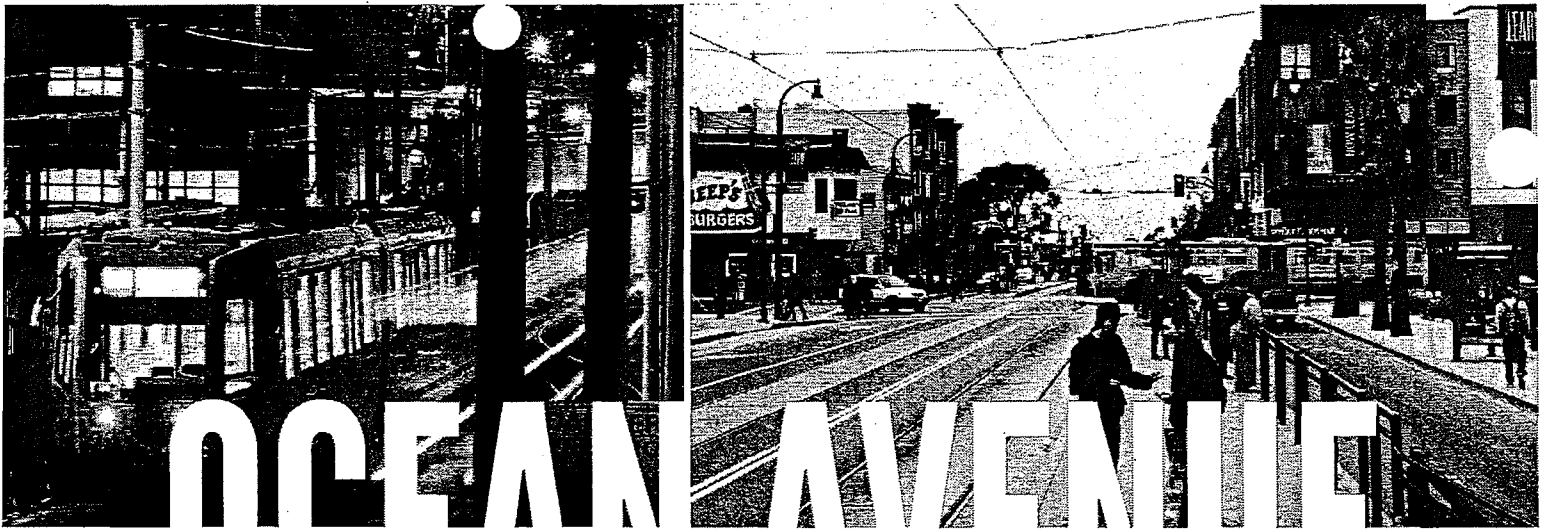
2156





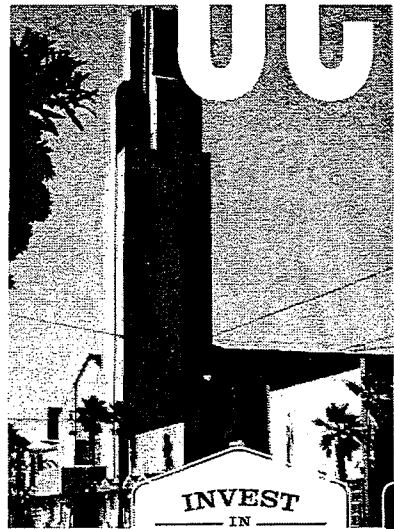






OCEAN AVENUE

**BEEPS
BURGERS**



INVEST
IN
NEIGHBORHOODS
SAN FRANCISCO

NEIGHBORHOOD
PROFILE



OCEAN AVENUE
FROM PHELAN
AVENUE TO
MANOR DRIVE



OCEAN AVENUE SUMMARY

Neighborhood Features

SEE MORE ON PAGE 3

The OMI (Oceanview, Merced Heights and Ingleside neighborhoods) is located between City College of San Francisco and San Francisco State University in the southwestern part of San Francisco. It is a middle-class district of single-family, owner-occupied homes. Approximately 75 percent of the land area in the OMI is residential. While the population has been mostly African-American, in recent years the neighborhood has witnessed an influx of Asian-American and other ethnic groups, making it one of San Francisco's most diverse neighborhoods. The neighborhood is served by the Balboa Station BART, Interstate-280, three Muni Metro lines and several bus lines.

Ocean Avenue, the main street of the OMI, has over 160 storefronts and was recently transformed by Avalon Bay's 173 unit market rate housing with a new Whole Foods market on the ground floor. Pending development projects include the Municipal Transit Agency's redevelopment of the Phelan Bus Loop and City College's new Performing Arts Center. The district is beginning to attract new tenants while continuing to offer a range of affordable shopping and dining options.

In 2010, Ocean Avenue Association became a Community Benefit District (CBD) with a management focusing on cleaning and maintenance, safety, marketing, and streetscape improvements. The CBD also serves as an advocate for the 11-block district. Other nonprofit organizations in the area provide an array of programs supporting youth development, the arts and culture, education and advocacy for residents in the community.

Commercial District Health

SEE MORE ON PAGE 4

Ocean Avenue has a relatively low commercial vacancy rate. Sales tax captured in the district has grown 32% since 2006, compared with 17% growth citywide. The corridor's growth opportunities include lawn and garden supplies, home furnishings, general merchandise, clothing, shoes, and jewelry, luggage and leather goods.

Between 2009 and 2012 vehicle theft/theft from vehicles increased by 66%, while robbery and assault incidents showed slight increases. Hot spots of criminal activity existed on Ocean Avenue at the intersections at Jules Ave and at Phelan Ave. (Source: SFPD incidents data, November 2009-October 2012) Community stakeholders report that prostitution is a major issue.

Demographics

SEE MORE ON PAGE 7

Over 15,180 people live within a one-quarter mile radius of the Ocean Avenue corridor. Its population is older than San Francisco's but similarly diverse. It has both a higher proportion of residents young residents under 18 years old and older residents over 60 years old. The Ocean Avenue corridor has a majority of Asian residents. Its proportion of white residents is lower and its proportion of Latino residents is the same as found in San Francisco overall. The majority of Ocean Avenue corridor's 5,060 residential structures are single-family. Homeowning households predominate and most households are family households. Households income in the Ocean Avenue corridor are higher than that of the City overall and most households own cars.



Invest in Neighborhoods is a City initiative to provide focused, customized assistance to meet the specific needs of San Francisco's neighborhood commercial corridors.

This assessment is a snapshot of existing conditions in Ocean Avenue as of February 2013. It will help to inform the City's investments in the neighborhood, and provide a resource for neighborhood stakeholders.

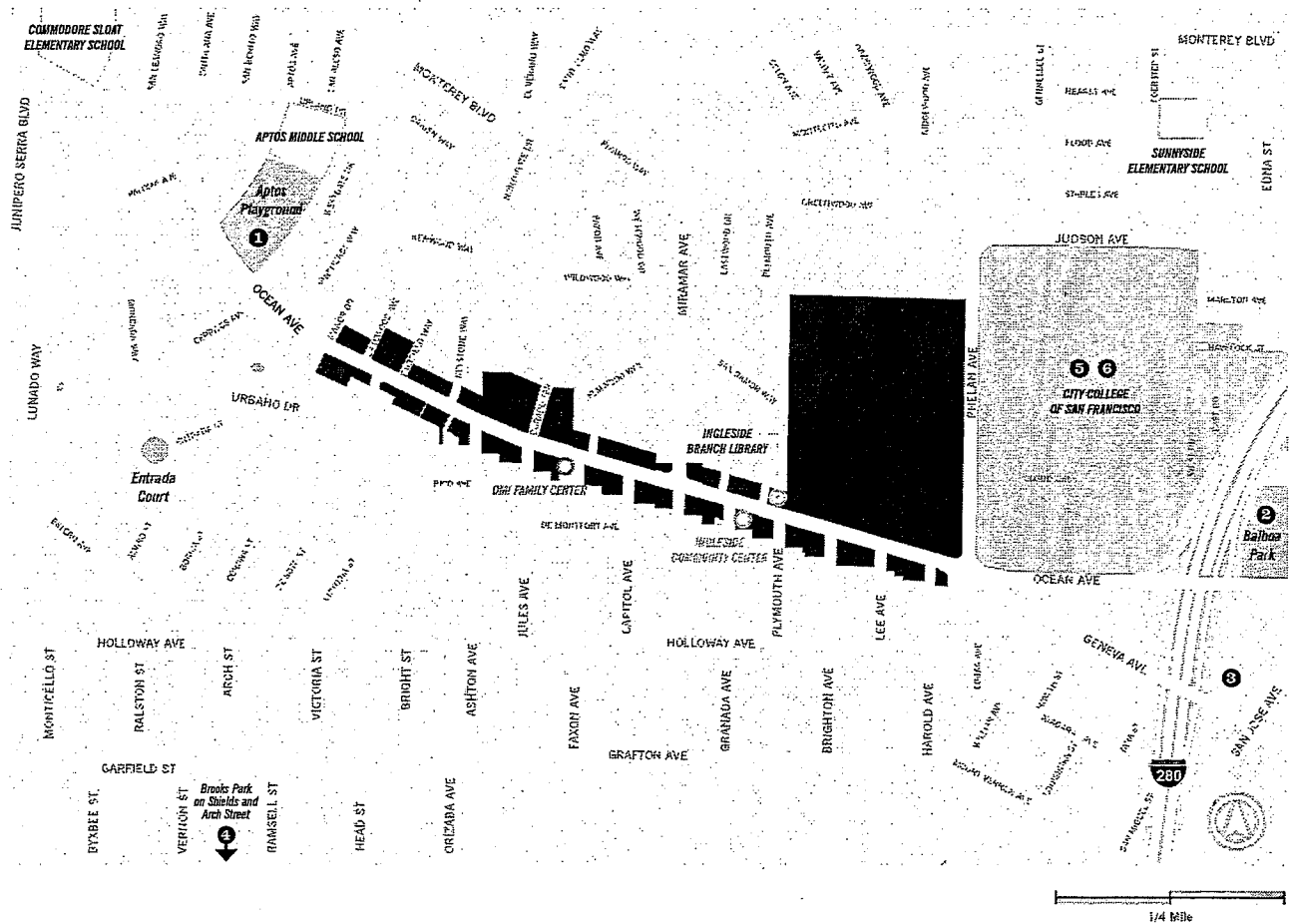
Contents include:

- Neighborhood Features
- Commercial District Health
- Key Takeaways
- Demographics
- Land Use
- Business Mix
- Transportation
- Existing Plans & Interventions

Note: This document includes some subjective descriptions of the neighborhood based on findings gathered through direct observation and interviews with key neighborhood stakeholders.

NEIGHBORHOOD FEATURES

READ NEIGHBORHOOD FEATURES SUMMARY ON PAGE 2



Notable Places

- 1 Aptos Park
- 2 Balboa Park
- 3 BART and Muni Stations at Balboa Park
- 4 Brooks Park
- 5 City College of San Francisco
- 6 Diego Rivera Theatre at City College

Pipeline Projects

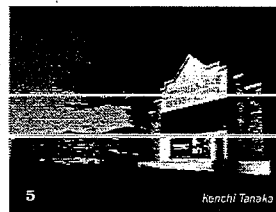
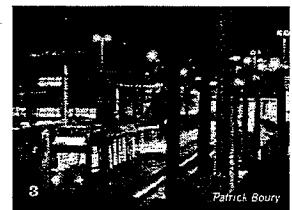
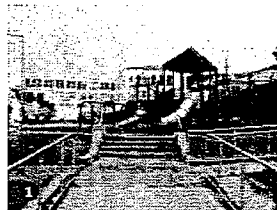
- A 50 Phelan Way 71 units
- B 1415 Ocean Avenue 6 units
- C 1446 Ocean Avenue 13 units

Cultural Events

Annual OMI-NIA Family Festival

Merchant & Resident Groups

- Ocean Avenue Association
- OMI-NIA Neighbors in Action
- Westwood Park Neighbors Association



COMMERCIAL DISTRICT HEALTH

READ COMMERCIAL DISTRICT HEALTH SUMMARY ON PAGE 2



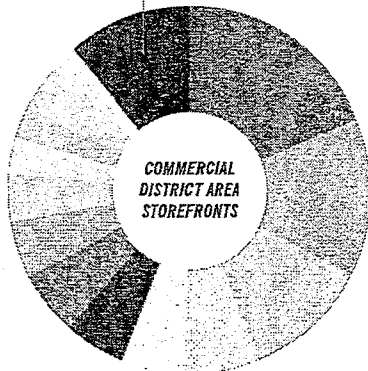
Ocean Avenue Storefronts

TOTAL STOREFRONTS

% VACANT

144

11%



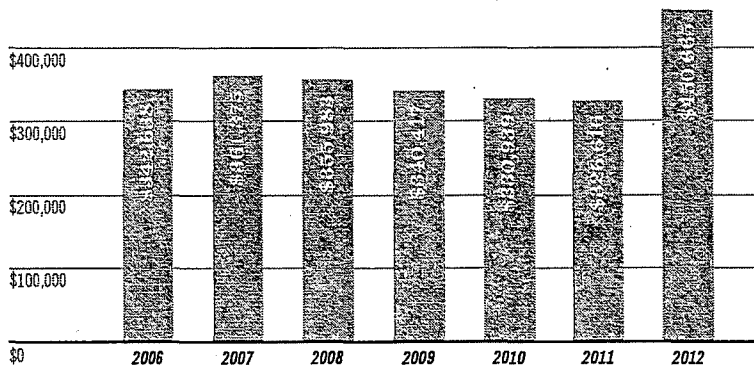
Eating and Drinking Places	27
Personal Services	20
Other Retail	16
Medical Services	10
Business or Professional Services	8
Other Non-Retail Services	8
Trade Shops (with Retail Component)	8
Churches	7
Dry Cleaners, Laundry	6
Grocery Stores / Small Markets	5
Fitness / Gyms	4
Auto Repair	3
Gas Station / Service Station	3
Liquor Store	3
Vacant Storefronts	16

Source: November 2012 parcel inventory within Commercial District Area (see boundary map on page 6) conducted by Planning Department / OEWD.

Sales Tax

OCEAN AVENUE TRADE AREA

\$500,000



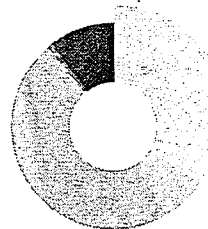
Sales Tax Change
2006-2012

▲ 17%

▲ 32%

Demographics

OCEAN AVENUE 1/4 MILE DEMOGRAPHIC AREA



White	34%
Black	7%
Asian	47%
Native American / Hawaiian or Pacific Islander	1%
Other / Two or More	10%
% Latino	15%

District Population

No. of Households

Median Household Income

15,180

5,060

\$86,304

Observations About Physical Conditions

Storefronts look rundown.

Fast pace of car traffic; drivers do not slow down.

Lack of public space to congregate.

Lack of street level parking.

KEY TAKEAWAYS

Recent Accomplishments



Launch of Ocean Avenue Association in 2011 provides organizational structure and a voice for the neighborhood.



The City helped attract and finance Champa Garden, a full-service restaurant that will open in the district in summer 2013.



New national retailers serve longstanding community needs (Chase Bank, Whole Foods).

“Long term we want more attractive streets to bring out more street life. We want to help improve store facades, plant more trees and sidewalk landscaping and improve the quality of our public spaces... as well as providing more children-friendly places.”

Neighborhood Advocate

STRENGTHS

- Economically diverse; low, middle and high income families and professionals.
- High rates of homeownership and many multi-generational households.
- One of the most ethnically diverse communities in the city.
- Active residents; long time neighborhood associations and organizations.
- Creation of Ocean Avenue CBD has given businesses and property owners a voice.
- Library is an anchor that attracts foot traffic.
- Over \$350 million in public/private investment in new development projects.
- Low commercial vacancy rate.
- Regional and national retailers and banks are interested in the area.
- Over 35,000 students attending nearby campuses of City College and SFSU.
- Wide sidewalks and bike lanes for most of the district.
- Excellent access to public transportation (BART, K Muni, Buses) and Interstate 280.

OPPORTUNITIES

- Opportunity to capture more local purchasing power by attracting businesses that meet local needs.
- Façade improvements could improve the pedestrian and shopping environment.
- Create public spaces for people to gather; triangles at Geneva (dog park).
- A number of opportunity sites for additional development.
- Attract stores and services that focus on large student population.

CHALLENGES

- Ocean Ave from Ashton to Manor are mostly “dead blocks”; few businesses bring foot traffic.
- High retail leakage.
- Storefronts look run down.
- Residents complain about lack of diverse offerings; many don't patronize shops and instead shop at West Portal, Stonestown.
- Nonprofit service providers occupy valuable ground floor retail.
- Fast pace of car traffic negatively affects the pedestrian environment.
- Lack of public space to congregate.
- Lack of street level parking.

EA

[illegible]

Ocean Avenue storefronts data presented on page 4 corresponds with the Commercial District Area indicated on the map.

OCEAN AVENUE: DEMOGRAPHICS

READ DEMOGRAPHICS SUMMARY ON PAGE 2

Population

15,180

vs. 805,240 Citywide

Population Density

26  per acre

vs. 27 Citywide

Median Age

46.1

vs. 38.6 Citywide

No. of Households

5,060 

vs. 345,310 Citywide

Median Household Income

\$86,304

vs. \$71,420 Citywide

Education

A higher percentage of college graduates or more.

No. of Housing Units

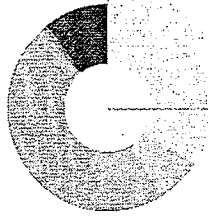
5,300

vs. 373,940 Citywide

Residential Density

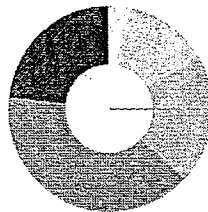
8  units per acre

vs. 12 Citywide



Race / Background

	CITYWIDE	OCEAN AVENUE
White	45%	34%
Black	6%	7%
Asian	33%	47%
Native American / Hawaiian or Pacific Islander	1%	1%
Other / Two or More	11%	10%
% Latino	15%	15%
Male / Female Ratio	51/49%	51/49%
Foreign Born	26%	35%
Linguistic Isolated Households	14%	19%



Age

Under 5	4%	4%
5 to 17	9%	13%
18 to 34	30%	20%
35 to 59	37%	40%
60 and over	19%	23%

% of Households Without a Car

6%

vs. 29% Citywide

Households

Family Households	44%	66%
Single-Person Households	39%	17%
Non-Family Households	17%	17%
Average Household Size	2.3	3.3
Average Family Household Size	3.1	3.5

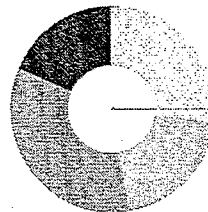
Unemployment

7.8%

vs. 7% Citywide

Income

Median Family Household Income	\$63,670	\$102,300
Per Capita Income	\$45,478	\$35,461
% Poverty	12%	6%
Unemployment	7.9%	7.8%



Education

High School or Less	24%	27%
Some College / AA Degree	20%	20%
College Degree	31%	34%
Post Graduate	25%	18%

Housing

Renting Households	52%	27%
Rental Vacancy Rate	3.4%	4.2%
Median Rent	\$1,280	\$1,936



Housing Type

Single Family Housing	33%	84%
2 - 4 Units	21%	7%
5 - 9 Units	10%	2%
10 units or more	35%	7%




OCEAN AVENUE: LAND USE

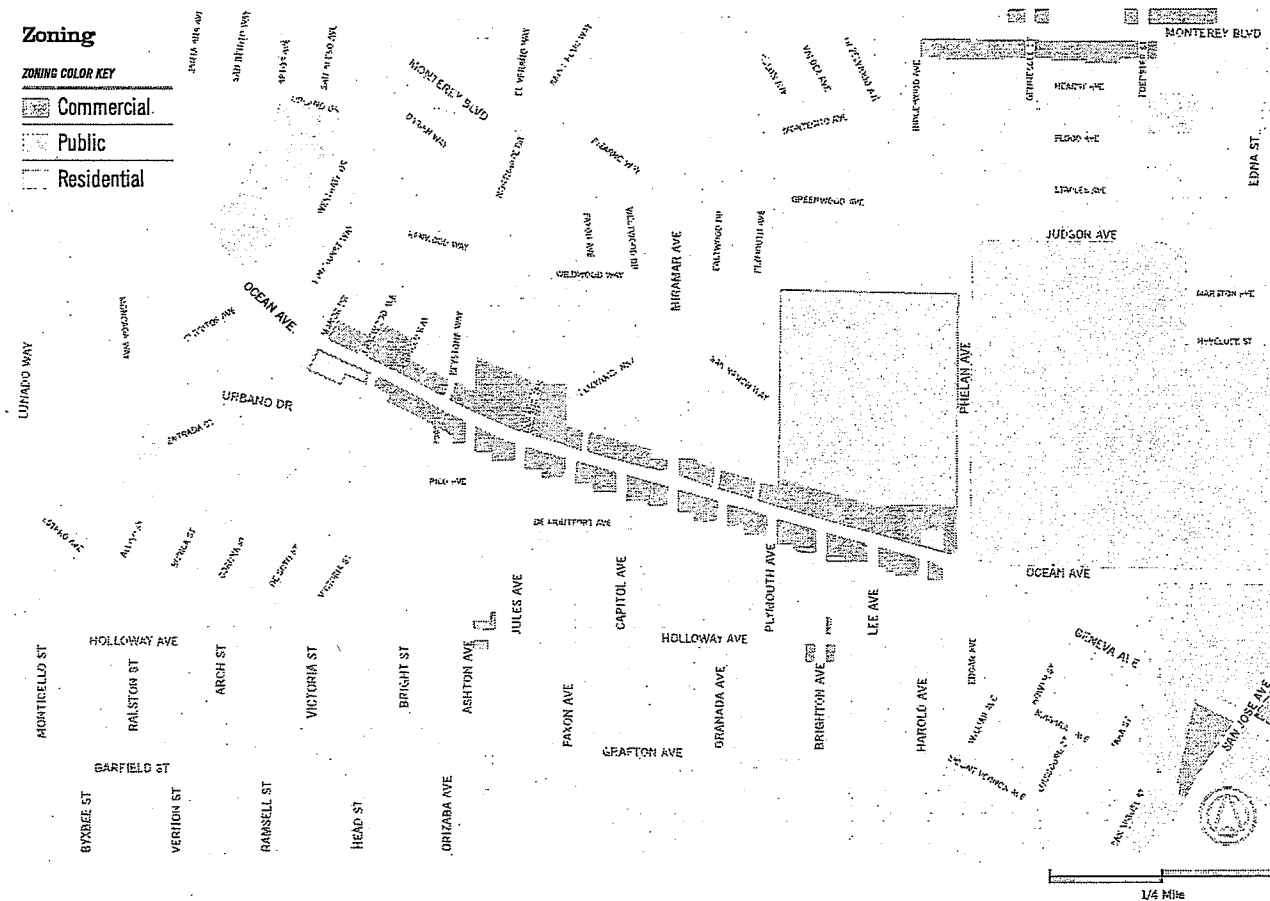
Neighborhood Zoning

NC-T OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT



Zoning

ZONING COLOR KEY

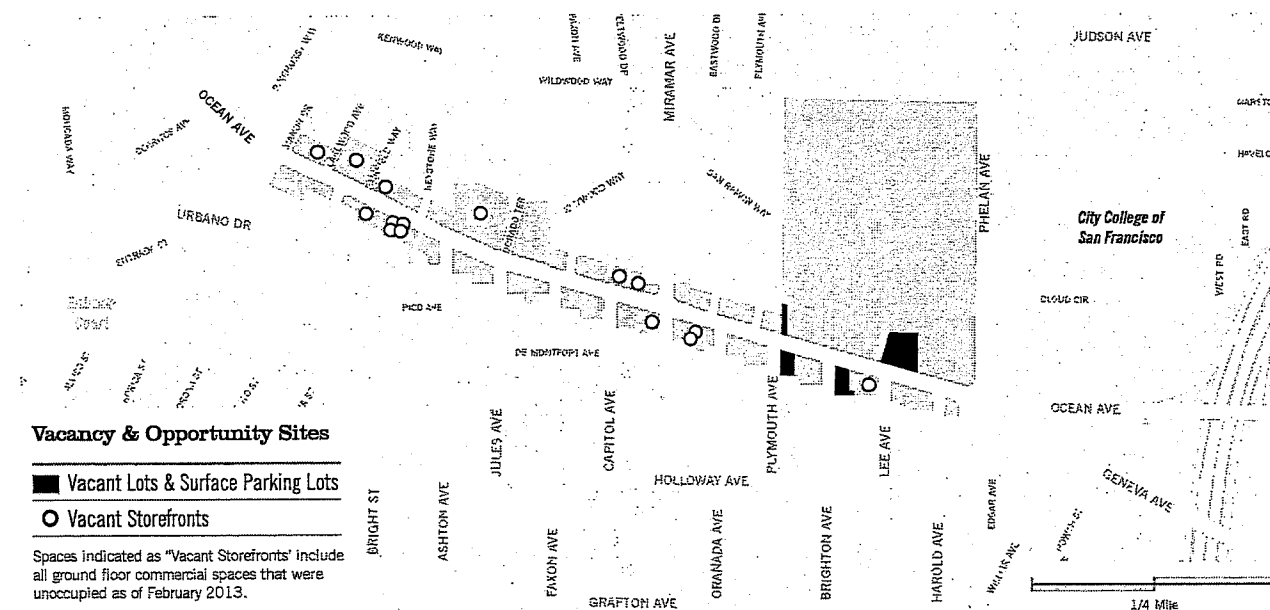
-  Commercial
-  Public
-  Residential



Vacancy & Opportunity Sites

-  Vacant Lots & Surface Parking Lots
-  Vacant Storefronts

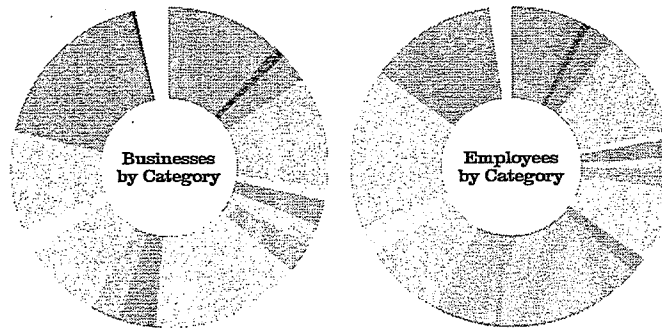
Spaces indicated as "Vacant Storefronts" include all ground floor commercial spaces that were unoccupied as of February 2013.



OCEAN AVENUE: BUSINESS MIX

Summary of Business by Categories, 2011

Source: Business data provided by Infogroup, Omaha NE Copyright 2012, all rights reserved. ESRI forecasts for 2011.



No. of Businesses

308

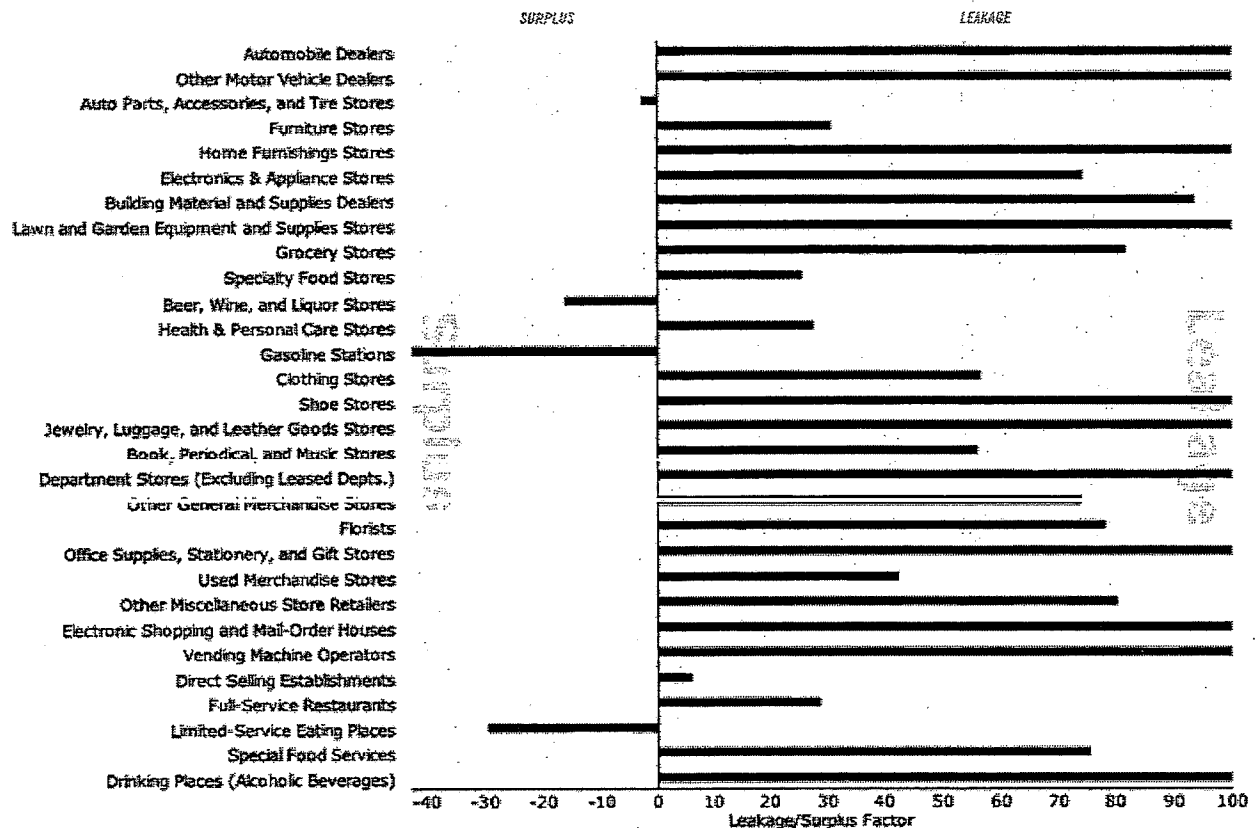
No. of Employees

1,452

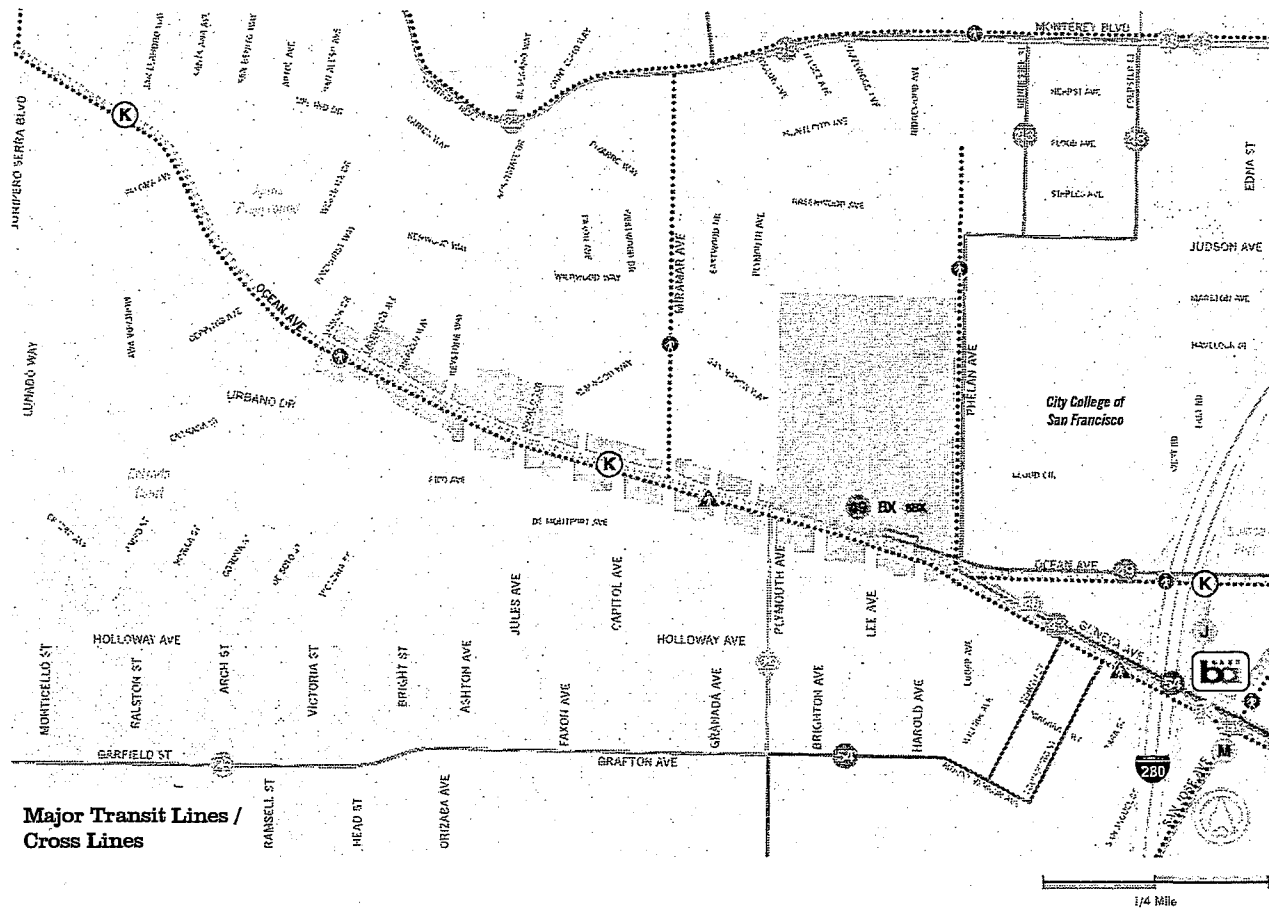
NAICS BUSINESS CATEGORY	BUSINESSES	EMPLOYEES
Construction	36	107
Manufacturing	4	13
Wholesale Trade	9	38
Retail Trade	34	154
Transportation & Warehousing	4	13
Information	8	28
Finance & Insurance	7	17
Real Estate, Rental & Leasing	9	27
Professional, Scientific & Tech Services	47	111
Admin. Support, Waste Mgmt. & Remediation Services	11	24
Educational Services	10	308
Health Care & Social Assistance	25	118
Arts, Entertainment & Recreation	8	43
Accommodation & Food Services	30	238
Other Services (except Public Administration)	54	183
Public Administration	1	2
Unclassified Establishments	10	29

Leakage / Surplus Factor by Industry Group, Ocean Avenue

The *Leakage / Surplus Factor* summarizes the relationship between supply (retail sales by businesses in the commercial district) and demand (consumer spending by households within a quarter-mile radius of the commercial district). As the *Leakage / Surplus Factor* trends toward +100, the market is experience leakage, meaning there is less retail activity relative to local demand. As the factor trends toward -100, this means that the market is in surplus and retail activity is in excess of local demand.



OCEAN AVENUE: TRANSPORTATION



Major Transit Lines / Cross Lines

Major Transit Line

K Ingleside

Cross Lines

8, 8BX, 49	on Ocean and Phelan Avenue
43	on Phelan Avenue
29	on Plymouth Street

Walking

Key Walking Streets	(see map)
High Priority Segments	(see map)

Parking

Metered Spaces	120
Unmetered Spaces	43

Bicycling

Bicycle Racks	15
---------------	----



OCEAN AVENUE: EXISTING PLANS & INTERVENTIONS

Ocean Avenue Community Benefit District Management District Plan

DATE: 2010

SOURCE: Office of Economic and Workforce Development

SUMMARY: This document lists and describes information for the Ocean Avenue Community Benefit District.

Property owners establish community benefit districts or business improvement districts to provide a constant funding source for various improvements, services and activities that benefit properties within a defined geographical area. The improvements, services and activities include providing enhanced cleaning and maintenance services, improving security, providing for economic development to promote and revitalize the area and other programs found to benefit the area. The ongoing revenue stream for the improvements, services and activities comes from the annual assessments that are levied upon properties within the area.

URL: <http://www.oewd.org/media/docs/CBD%20docs/Ocean%20Avenue/OceanAvenueManagementPlan.pdf>

Balboa Park Station Area Plan

DATE: 2000

SOURCE: SF Planning

SUMMARY: This document sets forth objectives and policies informed by three key principles;

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

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

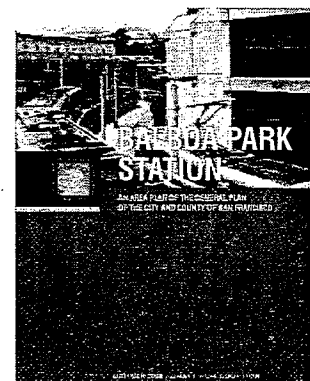


City and County of San Francisco
Ocean Avenue
Community Benefits District
Management District Plan
Revised September 2010

Prepared by

NBS

On behalf of the Ocean Avenue Revitalization Collaborative and community stakeholders of the Ocean Avenue area of San Francisco





Mayor

Edwin M. Lee



District Supervisor

Norman Yee
District 7, Ocean Avenue



Board of Supervisors

David Chiu, *President*

John Avalos

London Breed

David Campos

Malia Cohen

Mark Farrell

Jane Kim

Eric Mar

Katy Tang

Scott Wiener

Norman Yee



To learn more about Invest in Neighborhoods please visit our website at <http://oewd.org/IIN.aspx>, or contact the Office of Economic and Workforce Development at (415) 554-6969 or moewd@sfgov.org and ask to speak with a member of the Invest in Neighborhoods team.

The *Invest in Neighborhoods* Commercial District Profiles have been brought to you by:



PubMed

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Full text links

Nicotine Tob Res. 2014 Oct 9. pii: ntu200. [Epub ahead of print]

ADVANCE ACCESS

A Longitudinal Study of Electronic Cigarette Use in a Population-based Sample of Adult Smokers: Association with Smoking Cessation and Motivation to Quit.

Biener L¹, Hargraves JL².

Author information

Abstract

Aims: Increasingly popular electronic cigarettes (e-cigarettes) may be the most promising development yet to end cigarette smoking. However, there is sparse evidence that their use promotes cessation. We investigated whether e-cigarette use increases smoking cessation and/or has a deleterious effect on quitting smoking and motivation to quit. **Methods:** Representative samples of adults in two U.S. metropolitan areas were surveyed in 2011/2012 about their use of novel tobacco products. In 2014, follow-up interviews were conducted with 695 of the 1374 baseline cigarette smokers who had agreed to be re-contacted (retention rate: 51%). The follow-up interview assessed their smoking status and history of electronic cigarette usage. Respondents were categorized as intensive users (used e-cigarettes daily for at least one month), intermittent users (used regularly, but not daily for more than one month), and non-users/tryers (used e-cigarettes at most once or twice). **Results:** At follow-up, 23% were intensive users, 29% intermittent users, 18% had used once or twice, and 30% hadn't tried e-cigarettes. Logistic regression controlling for demographics and tobacco dependence indicated that intensive users of e-cigarettes were 6 times as likely as non-users/tryers to report that they quit smoking (O.R. 6.07, 95% C.I. 1.11, 33.2). No such relationship was seen for intermittent users. There was a negative association between intermittent e-cigarette use and one of two indicators of motivation to quit at follow-up. **Conclusions:** Daily use of electronic cigarettes for at least one month is strongly associated with quitting smoking at follow up. Further investigation of the underlying reasons for intensive versus intermittent use will help shed light on the mechanisms underlying the associations between e-cigarette use, motivation to quit and smoking cessation.

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Highlights

Abstract

Keywords

1. Introduction

2. Material and methods

3. Results

4. Discussion

Role of funding sources

Contributors

Conflict of interest

Acknowledgment

References

Figures and tables

Table 1

Table 2

ADVERTISEMENT

XXI World Congress on Parkinson's
Disease and Related Disorders

Addictive Behaviors

Volume 39, Issue 2, February 2014, Pages 491–494



Short Communication

A longitudinal study of electronic cigarette users

Jean-François Etter^a, Chris Bullen^b

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Check access

DOI: 10.1016/j.addbeh.2013.10.028

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Highlights

- Little is known about change in the behaviour of users of electronic cigarettes over time.
- We followed 477 users of electronic cigarettes during one month and 367 users over one year.
- We found that electronic cigarette use had no deleterious effects on smoking behaviour.

Abstract

Objective

To assess behavior change over 12 months in users of e-cigarettes ("vapers").

Methods

Longitudinal Internet survey, 2011 to 2013. Participants were enrolled on websites dedicated to e-cigarettes and smoking cessation. We assessed use of e-cigarettes and tobacco among the same cohort at baseline, after one month ($n = 477$) and one year ($n = 367$).

Results

Most participants (72%) were former smokers, and 76% were using e-cigarettes daily. At baseline, current users had been using e-cigarettes for 3 months, took 150 puffs/day on their e-cigarette and used refill liquids containing 16 mg/ml of nicotine, on average. Almost all the daily vapers at baseline were still vaping daily after one month (98%) and one year (89%). Of those who had been vaping daily for less than one month at baseline, 93% were still vaping daily after one month, and 81% after one year. In daily vapers, the number of puffs/day on e-cigarettes remained unchanged between baseline and one year. Among former smokers who were vaping daily at baseline, 6% had relapsed to smoking after one month and also 6% after one year. Among dual users (smokers who were vaping daily at baseline), 22% had stopped smoking after one month and 46% after one year. In dual users who were still smoking at follow-up, cigarette consumption decreased by 5.3 cig/day after one month (from 11.3 to 6.0 cig/day, $p = 0.006$), but remained unchanged between baseline and 1-year follow-up.

Conclusions

E-cigarettes may contribute to relapse prevention in former smokers and smoking cessation in current smokers.

Keywords

Corresponding author at: Institute of social and preventive medicine, University of Geneva, CMU, case postale, CH-1211 Geneva 4, Switzerland. Tel.: + 41 22 379 04 59; fax: + 41 22 379 04 52.

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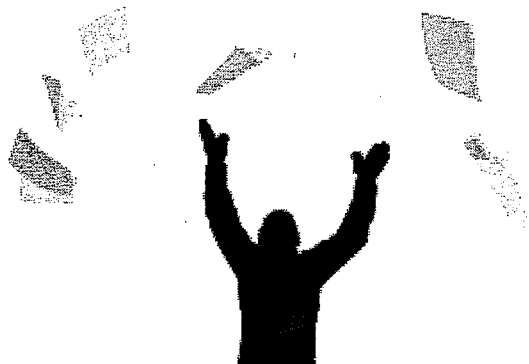
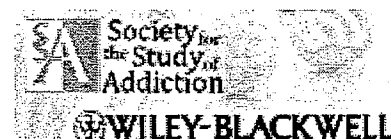
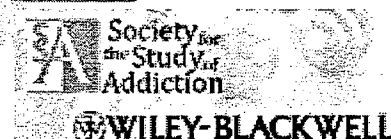
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E-cigarette use for quitting smoking is associated with improved success rates

People attempting to quit smoking without professional help are approximately 60% more likely to report succeeding if they use e-cigarettes than if they use willpower alone or over-the-counter nicotine replacement therapies such as patches or gum, finds a large UCL survey of smokers in England [1].

The results were adjusted for a wide range of factors that might influence success at quitting, including age, nicotine dependence, previous quit attempts, and whether quitting was gradual or abrupt.

The study, published in *Addiction*, surveyed 5,863 smokers between 2009 and 2014 who had attempted to quit smoking without the aid of prescription medication or professional support. 20% of people trying to quit with the aid of e-cigarettes reported having stopped smoking conventional cigarettes at the time of the survey.

The research, chiefly funded by Cancer Research UK, suggests that e-cigarettes could play a positive role in reducing smoking rates. "E-cigarettes could substantially improve public health because of their widespread appeal and the huge health gains associated with stopping smoking," says Professor Robert West of UCL's Department of Epidemiology & Public Health, senior author of the study. "However, we should also recognise that the strongest evidence remains for use of the NHS stop-smoking services. These almost triple a smoker's odds of successfully quitting compared with going it alone or relying on over-the-counter products." [2]

Another survey by the same team found that most e-cigarette

2178

use involves first generation 'cigalike' products rather than second generation ones that use refillable cartridges and a wider choice of nicotine concentrations and flavours [3]. Dr Jamie Brown of UCL's Department of Clinical, Educational and Health Psychology, lead author of both reports, says: "We will continue to monitor success rates in people using e-cigarettes to stop smoking to see whether there are improvements as the devices become more advanced."

Some e-cigarette users may want to continue using them indefinitely. "It is not clear whether long-term use of e-cigarettes carries health risks but from what is known about the contents of the vapour these will be much less than from smoking," says Professor West.

"Some public health experts have expressed concern that widespread use of e-cigarettes could 're-normalise' smoking. However, we are tracking this very closely and see no evidence of it. Smoking rates in England are declining, quitting rates are increasing and regular e-cigarette use among never smokers is negligible." [4]

-Ends-

Notes to Editors

Paper reference: Brown J, Beard E, Kotz D, Michie S, and West R (2014) Real-world effectiveness of e-cigarettes when used to aid smoking cessation: A cross-sectional population study. *Addiction* 109: [doi: 10.1111/add.12623](https://doi.org/10.1111/add.12623).

For a copy of the paper, or to speak to Dr Brown or Professor West, contact Harry Dayantis in the UCL press office, T: +44(0)20 3108 3844, M: +44(0)7747 565056, E: h.dayantis@ucl.ac.uk

Information about the free services provided by the NHS to help people stop smoking can be found at the following URL: <http://www.nhs.uk/smokefree>

Professor West is author of a new guide to stopping smoking called *The SmokeFree Formula* (Orion Books). See www.smokefreeformula.com for more information.

References

1 Brown, Beard, Kotz, Michie & West, 'Real-world effectiveness of e-cigarettes when used to aid smoking

cessation: a cross-sectional population study', will be published in *Addiction* on Wednesday 21 May at 00:01 London time / Tuesday 20 May at 19:01 US Eastern time.

2 The previous study investigating the effectiveness of NHS services is as follows: Kotz, Brown & West, 'Real-world effectiveness of smoking cessation treatments: a population study', published in *Addiction* on 20 December 2013: <http://dx.doi.org/10.1111/add.12429>, which was in line with meta-analysis of a large number of randomised controlled trials: Stead LF, Lancaster T. 'Combined pharmacotherapy and behavioural interventions for smoking cessation.' *Cochrane Database of Systematic Reviews*. 2012;10:CD008286: <http://dx.doi.org/10.1002/14651858.CD008286.pub2>

3 The 2012 survey on e-cigarette usage is: Brown, West, Beard, Michie, Shahab & McNeill, 'Prevalence and characteristics of e-cigarette users in Great Britain: Findings from a general population survey of smokers', published in *Addictive Behaviours* on 11 March 2014: <http://dx.doi.org/10.1016/j.addbeh.2014.03.009>

4 The data for the study come from The Smoking Toolkit Study which tracks smoking habits in adults over the age of 16 every month and publishes the results online at <http://www.smokinginengland.info/latest-statistics/> Each month a new sample of approximately 1800 adults are selected using a form of random location sampling and complete a face-to-face computer-assisted survey with a trained interviewer. The method has been shown to result in a sample that is nationally representative in its socio-demographic composition and proportion of smokers.

Funding

The Smoking Toolkit Study is currently funded by Cancer Research UK. Since its inception it has also been co-funded at various times by The Department of Health, Pfizer, Glaxo-SmithKline and J&J (who manufacture stop-smoking medicines and nicotine replacement therapy but not e-cigarettes). Jamie Brown's salary is funded by The Society for the Study of Addiction. Robert West's salary is funded by Cancer Research UK. The study team has not received, and has a policy of not accepting, funding from any e-cigarette manufacturers.

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Founded in 1826, UCL was the first English university established after Oxford and Cambridge, the first to admit students regardless of race, class, religion or gender and the first to provide systematic teaching of law, architecture and medicine.

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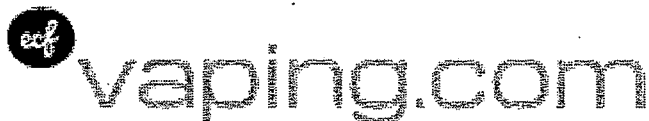
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big survey 2014 - initial findings general

17 Jul 2014 — By Neil McLaren (/author/2)

As many of you will know, ECF conducted its annual big survey recently, and had a huge amount of responses, over 10,000 in just 2 weeks! What's more we had a completion rate of 97%, which is no mean feat when you consider there were 75 questions. We thank each and everyone of you for taking part and doing your bit to help the community, this data is extremely useful and helps paint a true picture of what vaping is like in 2014.

We are currently working on a research paper to give this data the weight it deserves, but it is our opinion that it needs to be released into the public domain immediately, and especially before the end of the FDA deeming regulation commenting period.

The picture it paints is contrary to many popularly held beliefs across the media and government, that we as vapers face on a daily basis, and many people won't want to hear it.

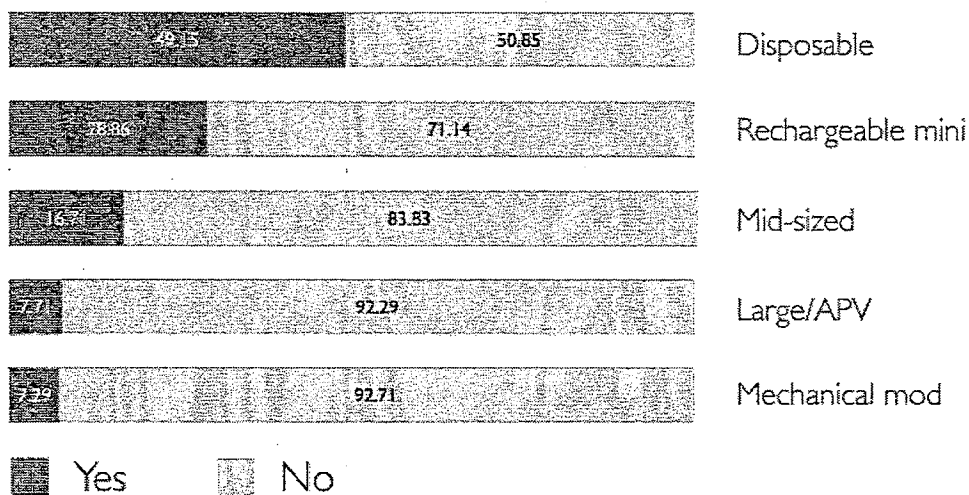
We encourage you to share and use this data wherever you can, especially the next time somebody says adults don't like flavours.

What you see here is some broad initial findings and points that stood out, some we suspected to be true, but didn't know for sure, others more surprising.

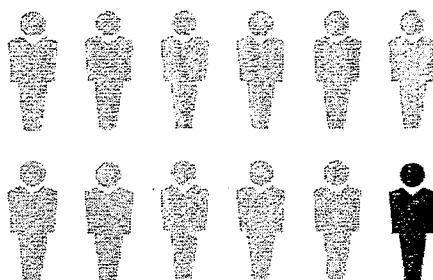
We will be updating [vaping.com/data](http://www.vaping.com/data) (<http://www.vaping.com/data>) over the coming days as we go deeper into the results. If there is anything you would like us to look more closely at for you please contact us on [info @ vaping.com](mailto:info@vaping.com)

There are separate initial findings posts for **E-liquids** (<http://vaping.com/data/big-survey-2014-initial-findings-liquid>) and **Hardware**. (<http://vaping.com/data/big-survey-2014-initial-findings-hardware>)

DO YOU CURRENTLY SMOKE CIGARETTES (IN ADDITION TO VAPING)?

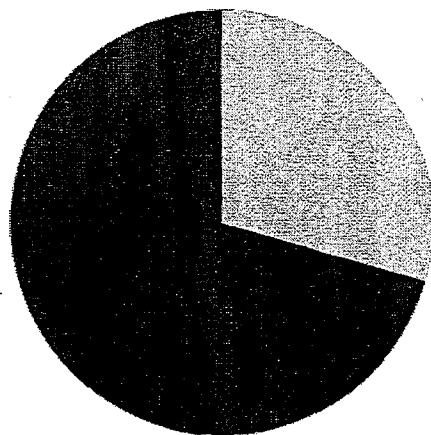


☒ Yes ☐ No



92%

of vapers are worried that government regulations will remove products they use from the market



WOULD YOU KNOWINGLY PURCHASE A DEVICE MADE BY ONE OF THE MAJOR TOBACCO COMPANIES?

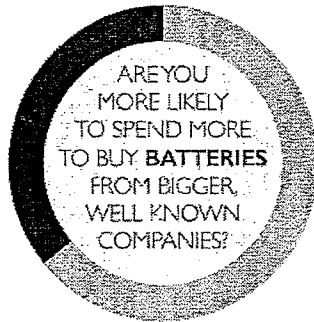
- 29.45% Yes
- 70.55% No

Current smokers vs quitters.

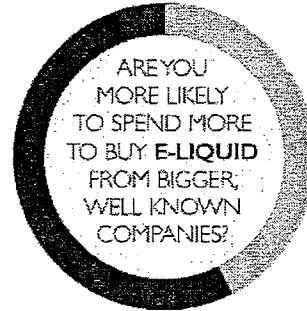
The dual user group are 53.85% unlikely to knowingly purchase a product from a tobacco company. Suggesting the successful act of quitting pushes a vaper further away in almost every respect from their former smoker behaviour.



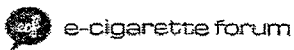
VAPERS FEARS



65% YES



57.4% NO



VAPERS FEARS

Do negative vaping stories in the media concern you?

DUAL USERS



Both sets of vapers are concerned about the perception of vaping in the media.

However, it is the dual users who are most worried.

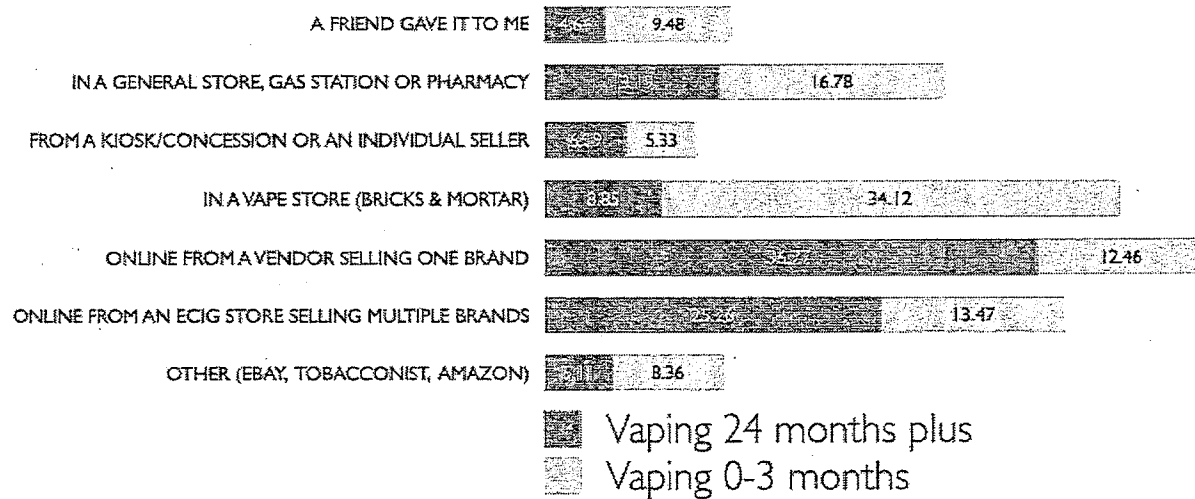
QUITTERS




■ Yes ■ No

THE RISE OF THE VAPESTORE

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Bond d'Ananta — happy vaping everybody.....

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Ellie Choate — I was apalled and shocked by the angry attack on Dr Nitzgen who did nothing more than attempt to educate and

recently

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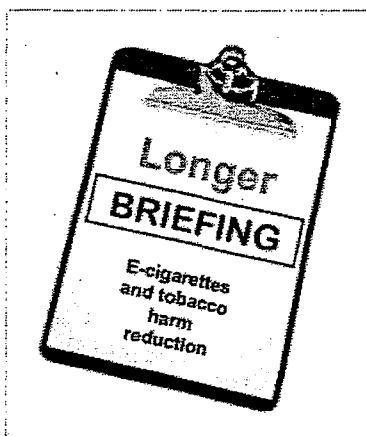


WARNING: You must be over the legal age to purchase and/or use an electronic cigarette. Do not use an e-cigarette if you are below the legal smoking age or do not already smoke tobacco. If you have any allergy to nicotine or any combination of inhalants, or if you are pregnant or breast-feeding, or if you have heart disease, diabetes, high blood

pressure or asthma, please consult with your doctor before using any electronic cigarette products. Please note that nicotine is addictive and toxic by direct swallowing or in contact with the skin. Nicotine is known to cause birth defects and reproductive harm. Please keep it out of reach of children or pets.

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Briefing on e-cigarettes for policy makers



I am occasionally asked for a briefing on e-cigarettes and related policy issues – so here's one I produced recently, that I hope some readers of this blog might find useful – for example in talking to Directors of Public Health, NHS officials etc. This is the longer one... I also did a [shorter one with more recommendations](#).

E-cigarettes briefing – a disruptive public health technology threatened by excessive regulation

What are they? E-cigarettes generally consist of a battery, a heating coil and a liquid containing nicotine. A switch triggered by hand or by sucking pressure activates the battery to heat the coil, which vaporises the liquid. This is then inhaled and the nicotine absorbed into the blood via mouth, throat and lungs. The liquids contain nicotine, water, a 'diluent' such as propylene glycol or glycerol, and a flavouring, such as tobacco, mint, vanilla or fruit. There are now hundreds of flavours and these are an intrinsic part of the appeal. The devices and the liquids can be sold as integrated units or separately. Some look like cigarettes (1st generation 'cig-a-likes' in the jargon), some look like pens (2nd generation 'Ego' type), and the larger ones with tanks can look very distinctively different (3rd generation 'tanks' or 'mods'). The products have emerged only recently due to advances in batteries, which can now provide sufficient power and battery life in a small unit.

Public health case. There are 10 million smokers in the UK (~20% adults), about 110 million in the EU and around 1.3 billion worldwide – the current annual premature death toll attributed to smoking is 100,000, 700,000 and 6 million respectively. WHO estimates one billion premature deaths from smoking in the 21st Century on current trends. The public health proposition is that: e-cigarettes can substitute for cigarette use through market-based competition; provide a satisfactory alternative to smoking; and, in doing so, dramatically reduce risks to health, perhaps by 97-100% among those who switch. The alternative public health approach is to quit smoking and nicotine altogether – this is much slower and harder to achieve, and may leave ex-smokers with cravings and withdrawal and a sense of loss. Global tobacco sales are variously estimated at \$700-800 billion (Bloomberg), mainly cigarettes, whereas sales of vapour products are likely to be \$5 billion in 2014 (Euromonitor) – there is scope for a major structural change in the market for recreational nicotine.

The benefits to the smoker. From the smoker's perspective, e-cigarettes create a new value proposition: they offer many of the experiences of smoking (a nicotine hit, something to hold and gesture with, sensory experience etc) with few of the harms (long term risk much lower, less social disapproval, minimal odour nuisance) and at a lower cost. Prior to the emergence of e-cigarettes, the alternatives were broadly cast as 'quit or die' – this new value proposition fits between the two.

Harm arising from vaping. No-one claims vaping is entirely benign. Nor does it need to be to make very large inroads into the risks of disease if people switch. Studies of liquids and vapour chemistry reveal traces of contaminants and thermal breakdown products that are potentially harmful, but at levels generally two orders of magnitude lower than in cigarette smoke and unlikely to pose a material threat. The most comprehensive literature review so far concluded:

Current state of knowledge about chemistry of liquids and aerosols associated with electronic cigarettes indicates that there is no evidence that vaping produces inhalable exposures to contaminants of the aerosol that would warrant health concerns by the standards that are used to ensure safety of work places. ... Exposures of bystanders are likely to be orders of magnitude less, and thus pose no apparent concern.

(Burstyn J. 2013) Peering through the mist: systematic review of what the chemistry of contaminants in electronic cigarettes tells us about health risks.

Legitimate regulatory agenda. Burstyn rightly recommends continued surveillance and measures to reduce exposures to residual harmful substances

in vapour and e-liquids, and this would make a worthwhile regulatory agenda. There is no basis for believing that bystanders are at any material risk: in public places the issue is one of norm-setting and etiquette and should be a matter for owners and operators, not the law

Current use in the UK. A recent GB survey by ASH showed that 2.1 million people are using e-cigarettes and about one third are now ex-smokers – this represents a very substantial health gain. The Department of Health estimates a value of £74,000 per successful quit attempt (£60,000 health value per life-year and 1.24 life-years gained), so 700,000 switchers gives approximately £52 billion welfare benefit – with possibly a small deduction (1-3%) for detriments arising from extra vaping. More information of use of e-cigarettes is given at Appendix 1.

What is the potential? One Wall Street analyst projects that vapour use will surpass smoking (in the US) within a decade (by which she means 2023). Much will depend on whether regulation encourages or suppresses innovation – and her forecast is contingent on an effective pro-innovation regulatory framework. Other analysts are less bullish, but all see great potential. If half of smokers convert to vaping, it would be one of the most remarkable public health phenomena ever: in UK, 5 million smokers switching would create a health benefit of ~£370 billion, on the basis given above.

What are critics concerned about? Most opponents of e-cigarettes are slowly giving up the argument that 'we don't know what's in them' or concerns about the safety of the products themselves. They are instead concentrating on 'population' arguments. This is the idea that though vaping is very much less hazardous than smoking, at population level it could be *more dangerous* because it causes changes in the way people smoke, for example:

- It could be a 'gateway' to smoking for adolescents;
- It might divert people from quitting smoking because they don't feel under so much social pressure if they can avoid smoking restrictions by vaping;
- By visible displays of smoking-like behaviour it might 'renormalise' smoking.

There is no basis to believe any of these effects are real rather than contrived tactical campaign arguments. The UK's foremost expert in smoking cessation, Professor Robert West, puts it thus:

Evidence conflicts with the view that electronic cigarettes are undermining tobacco control or 'renormalizing' smoking, and they may be contributing to a reduction in smoking prevalence through increased success at quitting smoking (Electronic cigarettes in England – latest trends 6 July 2014)

Fear of the tobacco industry. A further source of critics' concern is the possible negative role of the tobacco industry. In practice it is hard to see what this could be: they are threatened by e-cigarettes, and will need to produce high quality attractive alternatives or risk losing share in the recreational nicotine market to other tobacco companies or non-tobacco e-cigarette companies. It is more likely that they will become important drivers of a wholesale switch from smoking to vaping.

The case of snus – a cautionary tale. Many of the same 'population' arguments were made on a precautionary basis in the case to ban 'oral tobacco' in 1992 throughout the EU, even though it is 95-98% less hazardous than smoking. On accession, Sweden was granted an exemption from the ban. In fact, this product – 'snus' or oral snuff – has become popular in Sweden and is the reason why Sweden has by far the lowest rate of smoking in the EU: 13% Swedish adults vs 28% EU average (Eurobarometer, 2012). Snus has three main effects in Sweden and Norway: it is used to quit smoking; it is used to substitute for smoking; it diverts young people from onset of smoking. Despite overwhelming evidence to justify lifting the EU ban on snus, the ban was re-affirmed in 2014.

To summarise: a market based public health phenomenon. The electronic cigarette has emerged through the interplay between consumers and innovative suppliers, with no public sector involvement or endorsement, no call on the taxpayer or NHS resources, and minimal regulation. Yet this product is already providing very substantial health benefits as a relatively benign alternative to smoking. It has empowered smokers to take control of their risks and has greatly enhanced the welfare of hundreds of thousands of UK citizens. It has challenged the tobacco industry, but also interests in the public sector and civil society who have played no role – or a hostile role – in its rise.

Regulatory issues

The primary risk to these otherwise highly positive developments is poor and excessive regulation. At the heart of the regulatory challenge there is a 'double negative': being tough on e-cigarettes is being tough on the competitive alternative to cigarettes. There is a danger that loss-averse regulators and officials will place excessive focus on the residual risks associated with vapour products, but in doing so render them less effective and appealing as alternatives to smoking and thereby potentially increase total health risks through the unintended consequence of continuing smoking. All the regulatory proposals advanced so far suffer from this weakness.

- **The UK's favoured approach has been to regulate these vapour products as medicines.** This onerous regime applies costs, burdens and restrictions that would dramatically contract the range of products and number of suppliers, whilst acting as a barrier to innovation. It creates very high barriers to entry and is unsuitable for an evolving disruptive fast moving consumer goods industry. It is likely that only the largest companies could make and pass these requirements – so far only one, the subsidiary of British American Tobacco, has attempted it. The regime is wholly unnecessary: the products are not medicines in law or common sense, the vendors are not healthcare providers and users do not regard themselves as in treatment.
- **The EU's favoured approach is to regulate using measures designed for tobacco products.** After the European Parliament rejected the

Council's proposal to regulate e-cigarettes as medicines (for many of the reasons given above), a closed trilogue process created 5,000 words of new regulation in three months – with no consultation or impact assessment and inadequate justification – with scientists pointing out numerous errors of fact and interpretation. The resulting directive (2012/40/EC – Article 20) has numerous flaws of arbitrary and unscientific policy and poor policy-making process, and is likely to be found in breach of key treaty principles if challenged in the European Court of Justice. The UK will now offer both the medical route and the approach negotiated under this directive as alternatives. The directive has entered into force and its provisions apply from 2016/17.

- **The US favoured approach is to treat e-cigarettes as tobacco products on the basis that the pure nicotine used is originally extracted from tobacco.** In April, the FDA announced its intention to apply tobacco legislation to e-cigarettes – that was designed with the primary purpose of slowing innovation and creating burdens for the cigarette manufacturers.
- **The WHO's favoured approach is to classify these products as tobacco and to apply the restrictive measure of the WHO's tobacco treaty (the Framework Convention on Tobacco Control).** The WHO would also include these products in UN targets to reduce tobacco consumption by 30% by 2025. In practice the only hope of coming close to meeting this target is to use vapour products to meet the targets, not to reduce them. 53 of the world's top experts in the field recently wrote to WHO to implore them to take a more positive approach. Their letter is appended at Appendix 2.

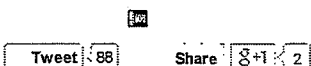
The best outcome would be an amendment or legal challenge to the EU directive to remove its most egregious features. The EU directive offers the best promise for a decent regulatory regime, but contains some absurd and unjustified measures, notably:

- **A ban on most advertising sponsorship and promotion.** The anti-competitive ban protects the incumbents from a disruptive challenger and is unjustified in a directive with a single market legal base, and disproportionate relative to tobacco. Most tobacco advertising is banned in the EU, but tobacco kills 700,000 per year. In contrast, vaping is likely to *reduce* premature deaths.
- **Limiting the strength of nicotine liquids to 20mg/ml.** Approximately 25-30% of consumers use liquids stronger than this. They may be more important for more heavily dependent smokers and those just switching. The threshold is arbitrary and pointless.
- **Limiting liquid container sizes.** We manage hazardous liquids (like bleach) by having packaging and labelling standards not by limiting the containers to tiny inconvenient sizes.
- **Requiring large warnings.** The directive requires cigarette-like warnings that contain misleading and off-putting information covering 30% of the pack. The warnings are not proportionate.
- **Numerous technical measures** that would fail a reasonable risk-benefit assessment.
- **A continuing ban on snus** – despite it being the reason, beyond doubt, for the best tobacco-related health outcomes in Europe in Sweden, it will remain banned throughout the rest of the EU. It is unscientific, unethical and probably unlawful to ban this product.

Conclusion: too big and too bossy. The tobacco products directive, at least as it applies to reduced risk alternative to smoking, is poor policy made in a poor process. The directive, and the way it was created, fits the Prime Minister's characterisation of the EU being 'too big and too bossy'. It is also a useful case study in the challenges for 'open policy-making'. It is not strictly an EU problem: UK officials have been closely involved in forming this policy and there are many lessons to be learned from the experience.

Appendices

1. [Data briefing by Professor Robert West and colleagues \(2 pages\)](#)
2. [Letter by 53 scientists and experts to WHO \(3-page letter + signatures\)](#)



July 31st, 2014 | Category: [Uncategorized](#)

4 comments to Briefing on e-cigarettes for policy makers



John Chamley

August 2, 2014 at 1:30 pm · Reply

Considering that most e liquids are no longer 'toxic' according to EU CLP, the proposed EU regulations are even more disproportionate.

The press release below links to the BIBRA study on classification.

<http://www.ecita.org.uk/blog/index.php/how-toxic-is-e-liquid/>



John Chamley

August 2, 2014 at 1:34 pm · Reply

I should have added:

Safety evaluation and risk assessment of electronic cigarettes as tobacco cigarette substitutes: a systematic review

Konstantinos E. Farsalinos (corresponding author) and Riccardo Polosa.

Read the full text, now available.

This is the most comprehensive report I have read and will reinforce the tidal turn.

Chapeau to Konstantinos and Riccardo!



David Bareham

August 6, 2014 at 9:37 am · Reply

John: Response re: A6 from Correspondence contact for Kosmider paper; reads:

"There are data in our paper on ingredients in fluid A6. Please see Table 1. It contained PEG. There is also a note under the Table 2, showing that this sample was different, since it contained PEG. Unfortunately, I don't think we have any sample left as we used it for the study."

Dave.



Roger Hall

August 10, 2014 at 10:56 am · Reply

Taking just two of your stated egregious features it's highly pertinent to add that the Commission on Human Medicines Working Group on NCPs when drawing up their recommendations concluded that "The commission noted that the use of (nicotine threshold) levels was not evidence based, unscientific, difficult to enforce and likely to be confusing" and "would likely be detrimental to public health" and were also against the use of warning labels for similar reasons citing the fact that "the requirement to state that nicotine can damage your health is unlikely to be true".

<http://www.mhra.gov.uk/home/groups/comms-ic/documents/websitesresources/con286849.pdf>

The same arguments equally apply with the TPD in relation to ecigs surely?

Carbonyl Compounds in Electronic Cigarette Vapors—Effects of Nicotine Solvent and Battery Output Voltage

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Abstract

Introduction: Glycerin (VG) and propylene glycol (PG) are the most common nicotine solvents used in e-cigarettes (ECs). It has been shown that at high temperatures both VG and PG undergo decomposition to low molecular carbonyl compounds, including the carcinogens: formaldehyde and acetaldehyde. The aim of the study was to evaluate how various product characteristics, including nicotine solvent and battery output voltage, affect the levels of carbonyls in EC vapor.

Methods: Twelve carbonyl compounds were measured in vapors from 10 commercially available nicotine solutions and from three control solutions composed of pure glycerin, pure propylene glycol, or a mixture of both solvents (50:50). EC battery output voltage was gradually modified from 3.2 to 4.8V. Carbonyl compounds were determined using HPLC/DAD method.

Results: Formaldehyde and acetaldehyde were found in 8 of 13 samples. The amounts of formaldehyde and acetaldehyde in vapors from lower voltage EC were on average 13- and 807-fold lower than in tobacco smoke, respectively. The highest levels of carbonyls were observed in vapors generated from PG-based solutions. Increasing voltage from 3.2 to 4.8V resulted in 4 to over 200 times increase in formaldehyde, acetaldehyde, and acetone levels. The levels of formaldehyde in vapors from high-voltage device were in the range of levels reported in tobacco smoke.

Conclusions: Vapors from EC contain toxic and carcinogenic carbonyl compounds. Both solvent and battery output voltage significantly affect levels of carbonyl compounds in EC vapors. High-voltage EC may expose users to high levels of carbonyl compounds.

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INTRODUCTION

Electronic cigarettes (e-cigarettes; ECs) have been gaining increasing popularity as nicotine delivery tools. It has been shown that number of EC users is growing rapidly (Ayers, Ribisl, & Brownstein, 2011; Kosmider, Knysak, Goniewicz, & Sobczak, 2012). Scientific evidence is urgently needed to develop the best regulatory approach to ECs. The U.S. Food and Drug Administration (FDA) has authority to regulate ECs as tobacco or medicinal products, and such regulation is expected to be announced soon (Benowitz & Goniewicz, 2013). Recently, the European Parliament has voted that ECs will be regulated as tobacco products, but the U.K. Medicines and Healthcare products Regulatory Agency (MHRA) has announced that EC will be regulated as medicinal devices in the United Kingdom by 2016 (Hajek, Foulds, Le Houezec, Smeaton, & Yach, 2013). Studies are urgently needed to evaluate the presence of potentially toxic and hazardous compounds in vapors generated by ECs and which are inhaled by product users. Vapors are generated from solutions, commonly known as e-liquids or e-juices, which contain solvents (so-called e-liquid base), various concentrations of nicotine, water, additives, and flavorings. The most popular solvents used in e-liquids are glycerin (most commonly of vegetable origin, VG), propylene glycol (PG), or their mixture in various ratios. The "base" usually constitutes 70% to 80% of all components in the e-liquid.

When an EC user takes a puff, it activates heating element that vaporizes the e-liquid. This vaporization process occurs at various temperature ranges. It has been estimated that theoretical vaporization temperature of the heating element may reach up to 350°C (Balhas et al., 2014; Schripp, Markewitz, Uhde, & Salthammer, 2013). This temperature is sufficiently high to induce physical changes of e-liquids and chemical reactions between the constituents of e-liquids. At this temperature, solvents may undergo thermal decomposition leading to formation of potentially toxic compounds. Both VG and PG have been shown to decompose at high temperatures generating low molecular weight carbonyl compounds with established toxic properties (e.g., formaldehyde, acetaldehyde, acrolein, and acetone) (Paschke, Scherer, & Heller, 2002). Moreover, carbonyls such as formaldehyde and acetaldehyde may be present in the e-liquid (Farsalinos, Spyrou, Tsimopoulou, Romagna, & Voudris, 2014). Formaldehyde is classified by the International Agency for Research of Cancer (IARC) as a human carcinogen (Group 1), and acetaldehyde is classified as possibly carcinogenic to humans (Group 2B) (IARC, 2012). Acrolein causes irritation of the nasal cavity, damages the lining of the lung (U.S. EPA, 2003), and has been shown to contribute to cardiovascular disease (Park & Taniguchi, 2008). Acetone is a mucous membrane irritant that has been shown to induce damage on olfactory neuroepithelium in mice after inhalation (Buron, Hacquemand, Pourié, & Brand, 2009). It has been hypothesized that exposure to carbonyls may cause mouth and throat irritation, one of the most commonly reported side-effects of ECs (Bullen et al., 2010).

We previously evaluated 12 various brands of ECs and found that the generated vapors contained various carbonyls (Goniewicz et al., 2014). The limited literature to date described the presence of formaldehyde, acetaldehyde, acetone, acrolein, propanal, butanal, glyoxal, and methylglyoxal in EC vapors (Goniewicz et al., 2014; Laugesen, 2008; Schripp et al., 2013; Uchiyama, Inaba, & Kunugita, 2010). The studies reported that the levels of carbonyls in EC vapors are significantly lower than those found in tobacco smoke. However, these studies used early models of EC (also referred as “first generation”).

EC product categories have been evolving very rapidly and a “second generation” was recently introduced to the market. New products include “tank systems” that can be refilled by users with various e-liquids (Supplementary Figure 1). Some new EC models allow users to increase vaporization temperature by changing battery output voltage (Supplementary Figure 1). An EC generates vapor by heating an atomizing device normally containing a heater coil. To produce more heat, the device needs more power. Variable voltage EC are power control devices that allow the user to control the voltage that is applied to the atomizer. Variable voltage EC allows user to change the voltage of the device to increase the vapor production and nicotine delivery. There is also a huge variety of e-liquids on the market, which are manufactured and distributed by various companies. The aim of the study was to evaluate the extent to which nicotine solvent and battery output voltage affect the levels of carbonyls in the vapors of these second generation products.

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MATERIALS AND METHODS

Electronic Cigarette

The most popular device available on the Polish market as on January 2013 was selected for the study. Because the Internet is currently the main distribution channel for EC, we searched google.pl web browser and tracked the number of EC sell offers on Allegro.pl, which is the most popular online auction service in Poland. Based on the number of search hits and sell offers, we chose and purchased the eGo-3 brand (Volish, Ltd, Poland). The device has controlled maximum time for single puff of 10 s. We chose a model composed of a Crystal 2 clearomizer (Supplementary Figure 1), with a heating element with resistance of 2.4 ohms, a 900 mAh battery with voltage of 3.4V, and a battery voltage stabilization system. All batteries were charged for 24hr before each test. Only fully charged batteries were used for liquid generation, and batteries were replaced when the devices indicated a decrease in charging level from 100%–50% (white diode color) to 50%–10% (light blue diode color).

In order to test the effect of battery output voltage on carbonyl levels delivered to vapor, we used eGo-3 Twist battery. This 900 mAh battery has a dial that allows for gradually changing its voltage from 3.2 to 4.8V with precision of $\pm 0.07V$ (Supplementary Figure 1).

Nicotine Solutions (E-liquids)

Ten kinds of commercially available e-liquids with nicotine concentration from 18 to 24mg/ml were used to fill up the clearomizer (tank). All products except one had the labels or inserts that provided information about source of manufacturing, name of distributor, and ingredients (A1–A10; Table 1). However, only half of the product labels showed the concentrations of solvents and flavorings. Based on the labeling information, we grouped the products into VG based (only VG; A1–A3), VG:PG based (both VG and PG mixed in various ratios; A4–A6), and PG based (only PG; A7–A10). We collected 1ml of each e-liquid and refilled 10 clearomizers of the same type 24hr before aerosol generation. Each clearomizer was used only for one e-liquid. We followed instructions in the user’s manual and stored the clearomizers at room temperature in a horizontal position to equally distribute the solution inside the clearomizer.

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Table 1.
Characteristics of Nicotine Refill Solutions

In addition to commercially available products, we prepared three sets of control e-liquids (C1–C3; [Table 1](#)). The control e-liquids were prepared by dissolving pure nicotine (>99%, Acros) in analytical-grade solvents and vortexing for 10min. The following control solutions were prepared: C1 with VG (88.2%), redistilled water (10.0%), and nicotine (1.8%); C2 with VG (44.1%), PG (44.1%), redistilled water (10.0%), and nicotine (1.8%); and C3 with PG (88.2%), redistilled water (10.0%), and nicotine (1.8%). None of the control e-liquid contained any flavorings or additives. These control e-liquids were used in experiments with adjustable battery voltage.

Generation of EC Vapors

Vapors from ECs were generated using the automatic smoking machine Palaczbot (University of Technology, Lodz, Poland) as described previously ([Goniewicz, Kuma, Gawron, Knysak, & Kosmider, 2013](#)). In the current study, all tests were performed with the following puffing conditions: puff duration 1.8 s, puff volume 70ml, and puff intervals 17 s as described previously ([Goniewicz et al., 2013](#)). A total of 30 puffs were taken from each EC in two series of 15 puffs with a 5-min interval between series. ECs were kept in a horizontal position in order to maintain natural conditions of puffing on EC. Because the device used in this study was manually activated, an operator of the smoking machine pressed the button manually 1 s before each puff was taken and released it immediately after the puff was completed. Vapors from each e-liquid were tested three times.

In experiments with adjustable battery voltage, vapors were generated using three different battery voltages: 3.2, 4.0, and 4.8V. Three tests were conducted for each of nine solvent:voltage combinations. We used new clearomizers of the same type per each voltage setting. Because we did not use the same battery for all tests, differences in carbonyl levels in vapors generated at 3.2V were compared with the levels in vapors generated at 4.8V using a *t* test. For statistical analysis, results below lower limits of quantitation (LLOQ; see below) were estimated as $LLOQ/\sqrt{2}$.

Analysis of Carbonyl Compounds

The method recommended by the U.S. Environment Protection Agency (EPA) was applied for determination of carbonyl compounds ([U.S. EPA, 2003](#)). Briefly, it involves direct extraction of these compounds from aerosol to solid phase, that is, silica gel saturated with 2,4-dinitrophenylhydrazine (DNPH). The silica sorbent tubes (300/150mg; SKC Inc.) were placed between EC mouthpieces and smoking machine to trap carbonyls from freshly generated vapors. The sorbent tubes were placed directly behind the EC mouthpiece to avoid potential losses of analyzed compounds. DNPH derivatives of carbonyl compounds were desorbed from sorbent tubes using 1ml of acetonitrile. Ten microliters of the extract was analyzed using high-performance liquid chromatography (HPLC) with Eclipse PAH chromatographic column (4.5×250mm, 5 μ m, Zorbax, Agilent Technologies) and a diode array detector (DAD; 365nm wavelength) (AT 1200, Agilent Technologies, USA). An elution gradient with acetonitrile:water mobile phase was used, and chromatographic separation was performed at a constant temperature of 40°C. The method was calibrated and validated as per the International Conference on Harmonization guideline Q2 R1 ([International Conference on Harmonization, 2005](#)). All calibration and control samples were prepared by spiking the sorbent tubes with various amounts of stock solution of carbonyls and proceeding with whole analytical procedures. Blank samples were prepared by sampling air from the laboratory where all tests were performed. If any of the analyzed carbonyls were detected in blank samples, the background levels were subtracted from the levels detected in vapor samples. Precision and accuracy of the method varied from 4% to 12% and from 96% to 108%, respectively. In order to compare levels of carbonyls found in vapors with levels reported for tobacco smoke, results were recalculated per one series of 15 puffs from ECs. The LLOQ of the carbonyls were as follows: (ng/15 puffs): formaldehyde, 30; acetaldehyde, 15; acrolein, 30; acetone, 30; propionaldehyde, 20; crotonaldehyde, 40; butanal, 30; benzaldehyde, 40; isovaleric aldehyde, 20; valeric aldehyde, 20; o-methylbenzaldehyde, 35; and m-methylbenzaldehyde, 35.

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RESULTS

Levels of Carbonyl Compounds Released From Commercially Available Refill Solutions

[Table 2](#) shows amounts of each analyzed carbonyl compounds in 15 puffs of vapor from 10 commercially available e-liquids. The values presented in [Table 2](#) are means with *SD* from three tests performed at the same voltage of 3.4V. All samples contained at least one carbonyl compound. Formaldehyde, acetaldehyde, acetone, and butanal were found in most of the analyzed samples. However, not all commercially available e-liquids emitted all these four carbonyls. Crotonaldehyde was detected in only one sample (A10), whereas acrolein was not detected in any sample.

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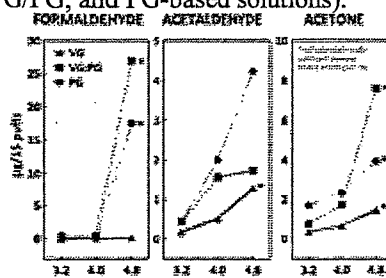
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Table 2.

Levels of Carbonyl Compounds in Vapors Generated From EC Refilled With Commercially Available (A1–A10) and Control (C1–C3) Nicotine Solutions (ng/15 puffs; mean \pm SD; $N=3$)

Effect of Solvent and Battery Output Voltage on Carbonyl Yields Released to Vapors

Figure 1 shows the effect of solvent and battery output voltage on amounts of formaldehyde, acetaldehyde, and acetone released to vapors with 15 puffs from EC refilled with three different control solutions (C1–C3). In general, PG-based e-liquids generated significantly higher levels of carbonyls than VG-based e-liquids ($p < 0.05$). Increased battery output voltage resulted in the higher levels of carbonyls in vapor. When low battery output voltage (3.2V) was used, the average amounts of formaldehyde released with 15 puffs from VG, VG/PG, and PG were (mean \pm SD) 0.02 ± 0.02 , 0.13 ± 0.11 , and 0.53 ± 0.19 μg , respectively. When battery output voltage was increased to 4.8V, the amounts of formaldehyde were 0.15 ± 0.06 ($p = .03$), 27.0 ± 7.9 ($p < .01$), and 17.6 ± 19.7 μg ($p = .21$), respectively. When low battery output voltage (3.2V) was used, the average amounts of acetaldehyde released with 15 puffs from VG, VG/PG, and PG were 0.17 ± 0.09 , 0.43 ± 0.50 , and 0.41 ± 0.28 μg , respectively. However, when the battery output voltage was increased to 4.8V, the amounts of acetaldehyde increased to 1.24 ± 0.12 ($p < .01$), 1.73 ± 1.21 ($p = .16$), and 4.23 ± 3.23 μg ($p = .11$), respectively. Levels of acetone also increased with increased battery output voltage (from 0.34 ± 0.09 , 0.73 ± 0.52 , 1.68 ± 0.30 to 1.43 ± 0.14 [$p < .01$], 7.59 ± 2.14 [$p = .01$], 3.94 ± 0.47 [$p < .01$] $\mu\text{g}/15$ puffs, respectively, for VG, VG/PG, and PG-based solutions).



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Figure 1.

Effects of nicotine solvent and battery output voltage on levels of carbonyl compounds released from ECs ($\mu\text{g}/15$ puffs; $N=3$; puff duration 1.8 s, puff volume 70ml, puff intervals 17 s).

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DISCUSSION

We present novel findings on levels of carcinogenic and toxic carbonyl compounds in vapors from second generation of EC. Our findings show that vapors generated from various commercial and reference solutions expose EC users to toxic carbonyls, including the carcinogens formaldehyde and acetaldehyde. Our findings are consistent with previously published reports reporting presence of formaldehyde, acetaldehyde, acrolein, propanal, acetone, and butanal in EC vapors (Goniewicz et al., 2014; Laugesen, 2008; McAuley, Hopke, Zhao, & Babaian, 2012; Schripp et al., 2013).

Our study found that the amounts of formaldehyde and acetaldehyde in vapors from lower voltage tank system ECs were on average 13- and 807 fold lower than in tobacco smoke, respectively. We previously reported that levels of these toxicants in vapors from the first generation of EC were 9- and 450-fold lower than in tobacco smoke, respectively (Goniewicz et al., 2014). Schripp et al. (2013) found that the levels were 7- and 59-fold lower compared with tobacco smoke. Our findings suggest only a slight reduction in toxicant emission from the second generation low-voltage EC compared with first generation ECs. Despite findings from chemical analysis, *in vitro* studies of the effects of EC vapor on cultured cells have shown that cell survival was not associated with the nicotine solvent (Farsalinos Romagna, Alliffranchini, et al., 2013). Therefore, clinical studies are needed in order to determine whether such levels of carbonyls may have the potential to cause disease to EC users. We also showed that levels of carbonyl compounds in EC vapors are strongly affected by product characteristics, like type of nicotine solvent and battery voltage. In general, the highest levels of carbonyls were observed in vapors generated from PG-based solutions. This finding suggests that PG in ECs is more susceptible to thermal decomposition than VG. The presence of carbonyls in flavor-free control solutions indicates that the primary sources of these toxicants are nicotine solvents. An interesting finding of our study is that no toxic carbonyls were detected in a single sample with reduced content of VG and PG. In this product (A6), the primary solvent was polyethylene glycol (PEG). It would suggest that PEG-based e-liquids might have reduced toxicity from decomposition products. Further research should explore this hypothesis.

The striking finding of our study is that levels of carbonyls rapidly increase with increased battery output voltage. Increasing battery output voltage leads to higher temperature of the heating element inside EC. In addition, the increased battery output voltage results in more e-liquid consumed per puff. Our findings show that increasing voltage from 3.2 to 4.8V resulted in 4 to over 200 times increase in formaldehyde, acetaldehyde, and acetone levels. The levels of formaldehyde in vapors from high-voltage devices were in the range of levels reported in tobacco smoke (1.6–52 µg/cigarette; [Counts, Morton, Laffoon, Cox, & Lipowicz, 2005](#)). This finding suggests that in certain conditions ECs might expose their users to the same or even higher levels of carcinogenic formaldehyde than tobacco smoke. This finding is essential for the product safety and in the light of forthcoming regulation of the devices.

We also noted some inconsistency in results related to acrolein presence in vapor with previously published findings. In our study, we did not find acrolein in any products. However, our previous research as well as research published by other authors suggest the presence of acrolein in EC vapor. However, in current study, we measured carbonyls only in two series of 15 puffs, whereas in previous report, we used much larger samples (150 puffs). Thus, this inconsistency might be attributed to differences in detection limits. The other explanation would be that generation of acrolein increases with the duration of EC use. Extensive puff-by-puff analysis would facilitate verification of this hypothesis.

The present study have some important limitations. We only looked at two factors that might affect toxicity of EC, namely nicotine solvent and battery output voltage. More research is needed to describe how other product characteristics affect toxicity of ECs. Future studies should examine the types of heating elements, flavorings and additives, and product storage conditions. Secondly, recent studies showed significant variations in puffing topography among users of various EC models ([Edmiston et al., 2014](#); [Farsalinos, Romagna, Tsiapras, Kyrzopoulos, & Voudris, 2013](#); [Vansickel et al., 2014](#)). Puffing topography may affect levels of carbonyls released from different ECs. There are some discrepancies between puffing regime used in our study and the results of clinical studies ([Farsalinos, Romagna, Tsiapras, et al., 2013](#)). Future studies should examine the effect of puffing on carbonyl levels released to EC vapors. The other limitation of this study is that we used the SKC sorbent tubes to trap carbonyl compounds. These tubes are meant to capture gas-phase, rather than particle-phase carbonyls. It is likely that at least some of the carbonyls (e.g., formaldehyde) are partitioned between the gas and particle phase in EC aerosol and may not have been trapped efficiently in the sorbent tubes. It is possible that what was measured actually represents a lower bound of what could have been emitted by the ECs.

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CONCLUSIONS

Vapors from ECs contain toxic and carcinogenic carbonyl compounds. Both solvent and battery output voltage significantly affect levels of carbonyl compounds in EC vapors. Levels of carbonyls rapidly increase with increased battery output voltage. New generation of high-voltage ECs may put their users in increased health risk from exposure to high levels of carbonyl compounds although the risk will still probably be much lower compared with smoking.

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SUPPLEMENTARY MATERIAL

Supplementary Figure 1 can be found online at <http://www.ntr.oxfordjournals.org>

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FUNDING

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DECLARATION OF INTERESTS

MLG received research funding from Pfizer, manufacturer of stop smoking medication. AS received research funds and travel expenses from Chic Group LTD, manufacturer of electronic cigarettes in Poland. Other authors declare no conflict of interest.








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
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
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
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
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
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Characterization of chemicals released to the environment by electronic cigarettes use (ClearStream-AIR project): is passive vaping a reality?³

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Abstract

Background Electronic cigarettes (e-CIG) have been marketed as a safer alternative habit to tobacco smoking. We have developed a group of research protocols to evaluate the effects of e-CIG on human health, called ClearStream. No studies have adequately evaluated the effects of e-CIG use on the release of chemicals to the environment. The purpose of this study was to identify and quantify the chemicals released on a closed environment from the use of e-CIG (ClearStream-AIR).

Methods A 60 m³ closed-room was used for the experiment. Two sessions were organized, the first using 5 smokers and the second using 5 users of e-CIG. Both sessions lasted 5 h. Between sessions, the room was cleaned and ventilated for 65 h. Smokers used cigarettes containing 0.6 mg of nicotine while e-CIG users used commercially available liquid (FlavourArt) with nicotine concentration of 11 mg/ml. We measured total organic carbon (TOC), toluene, xylene, carbon monoxide (CO), nitrogen oxides (NO_x), nicotine, acrolein, poly-aromatic hydrocarbons (PAHs) glycerin and propylene glycol levels on the air of the room.

Results During the smoking session, 19 cigarettes were smoked, administering 11.4 mg of nicotine (according to cigarette pack information). During the e-CIG session, 1.6 ml of liquid was consumed, administering 17.6 mg of nicotine. During the smoking session we found: TOC=6.66 mg/m³, toluene=1.7 µg/m³, xylene=0.2 µg/m³, CO=11 mg/m³, nicotine=34 µg/m³, acrolein=20 µg/ml and PAH=9.4 µg/m³. No glycerin, propylene glycol and NO_x were detected after the smoking session. During the e-CIG session we found: TOC=0.73 mg/m³ and glycerin=72 µg/m³. No toluene, xylene, CO, NO_x, nicotine, acrolein or PAHs were detected on room air during the e-CIG session.

Conclusions Passive vaping is expected from the use of e-CIG. However, the quality and quantity of chemicals released to the environment are by far less harmful for the human health compared to regular tobacco cigarettes. Evaporation instead of burning, absence of several harmful chemicals from the liquids and absence of sidestream smoking from the use of the e-CIG are probable reasons for the difference in results.

Introduzione

La rapida espansione, negli ultimi anni, del mercato della sigaretta elettronica, legata in parte alla possibilità di utilizzarla anche nei luoghi in cui è vietato fumare, ha fatto sorgere alcune perplessità sulla sua sicurezza in questi contesti. Ad oggi però queste perplessità si basano più su ragionamenti di tipo ipotetico che su valutazioni scientifiche. Scopo di questo esperimento, è quello di iniziare a comprendere e misurare qual è l'impatto del fumo elettronico sull'atmosfera di un ambiente chiuso, confrontandolo con il fumo tradizionale.

Protocollo

Per l'esperimento è stata predisposta una stanza, con un volume pari a circa 60 m³, all'interno della quale sono stati allestiti dei sistemi di campionamento dell'aria.

Al fine di garantire una maggiore sensibilità e per rimuovere la variabile legata al ricircolo d'aria, l'esperimento è stato condotto in un ambiente senza rinnovo d'aria esterna.

I parametri analizzati sono stati:

- CO
- NO_x
- Acroleina
- Idrocarburi Policiclici Aromatici (IPA)
- Carbonio Organico Totale (COT)
- Sostanze Organiche Volatili (SOV)
- Nicotina
- Glicerina
- Glicole Propilenico

Alcuni di questi parametri (CO, NO_x, COT) sono stati monitorati in continuo. Per tutti gli altri sono state impiegate delle fiale e delle membrane specifiche per catturare le varie famiglie di composti in esame in modo cumulativo.

Procedura

L'esperimento si è svolto in 2 sessioni, una per i fumatori ed una per i *vaper*¹, della durata di 5 h ciascuna ed ha coinvolto, per ogni sessione, 5 volontari.

¹ Termine anglosassone gergale, utilizzato per indicare un utilizzatore abituale di sigaretta elettronica.

Introduction

The rapid expansion of the e-cigarette market in recent years, due in part to the fact that they can be used also in no smoking areas, has given rise to perplexities on their safety in these contexts. However, thus far, these perplexities are based more on hypothetical reasons rather than scientific evaluations. The aim of this experiment is to understand and to measure what kind of impact e-cigarettes use has on a closed environment atmosphere compared to traditional cigarette smoking.

Protocol

A 60 m³ volume room was used for the experiment. This room was fitted with air sampling systems.

In order to guarantee a higher sensitivity and remove air recirculation-dependant variables, the experiment was performed without renewal of indoor air.

The following parameters were analyzed:

- CO
- NO_x
- Acrolein
- Polycyclic Aromatic Hydrocarbons (PAHs).
- Total Organic Carbon (TOC)
- Volatile Organic Compounds (VOCs)
- Nicotine
- Glycerine
- Propylene Glycol

Some of these parameters (CO, NO_x, TOC) were monitored continuously. For all the other parameters, in order to capture the various types of compounds cumulatively, vials and specific membranes were used.

Procedures

The experiment was divided in two sessions: one for vapers¹ and one for smokers. Each session lasted 5 h and involved 5 volunteers.

Between the sessions the room was cleaned and ventilated for 65 h, in order to restore the original

¹ English slang term indicating an electronic cigarette user.

Tra le due sessioni la stanza è stata pulita ed arieggiata per complessive 65 h al fine di ripristinare le condizioni di neutralità iniziali.

Sessioni di Campionamento

Nel corso delle due prove, dopo aver allestito la stanza per il campionamento e rilevato i parametri di partenza, 5 volontari hanno fumato le loro sigarette o usato la loro personale sigaretta elettronica, a seconda della sessione in corso.

Ai volontari è stato spiegato che avrebbero potuto fumare/*svapare*² nelle quantità e nei tempi più adatti alle loro personali esigenze, a condizione di svolgere questa attività sempre all'interno del locale predisposto per l'esperimento.

La permanenza nel locale è stata tassativamente limitata al tempo strettamente necessario a fumare/*svapare*.

L'accesso e la permanenza nel locale sono stati consentiti ad un massimo di 3 volontari contemporaneamente.

La porta della stanza è rimasta chiusa se non per il tempo necessario ad entrare o ad uscire.

Tutti i volontari hanno firmato un consenso informato prima di prendere parte allo studio.

Per la sessione fumatori, si è provveduto ad annotare il numero di sigarette fumate, mentre per la sessione *vaper* è stato valutato il peso del liquido consumato, con una bilancia di precisione.

Volontari

I volontari fumatori avevano un'età media di circa 21 anni con una storia media di 6.5 anni di fumo ed un consumo medio giornaliero di circa 17 sigarette. Il contenuto di nicotina delle sigarette fumate era pari a 0.6 mg per sigaretta. Nel corso della sessione di campionamento sono state fumate complessivamente 19 sigarette, che hanno dispensato ai fumatori circa 11.4 mg di nicotina, basandosi su quanto riportato sul pacchetto.

I *vaper* hanno dichiarato di usare la sigaretta elettronica in maniera esclusiva da circa 3 mesi (min 1, max 6) con un consumo giornaliero di liquido³ pari a 1.5 ml e un contenuto di nicotina medio di 11 mg/ml. Tutti i volontari, hanno usato un liquido commerciale (*Heaven Juice* tradizionale) prodotto

²Termine gergale largamente usato, derivato dall'inglese *to vape*, ed impiegato per indicare l'azione di chi fuma una sigaretta elettronica.

³Tutti i liquidi per sigaretta elettronica utilizzati nell'esperimento erano del tipo *Heaven Juice Tradizionale* di FlavourArt, contenenti circa il 40% di glicerolo USP, circa il 50% di glicole propilenico USP, da 0.9% a 1.8% di nicotina USP, <1% di componente aromatica, acqua depurata, secondo quanto ricavato dalla documentazione fornita del produttore.

neutral conditions.

Sampling Sessions

For the two tests, the room was initially prepared for the sampling and analyzed for baseline conditions. Then, 5 volunteers smoked their cigarettes or e-cigarettes, depending on the session.

Volunteers were allowed to smoke/vape² as much as and whenever they wanted, provided that they used the room set for the experiment.

The time that volunteers spent in the room was strictly limited to smoking/vaping.

Only a maximum of 3 volunteers were allowed in the room at the same time.

The door of the room was opened only to let volunteers in or out.

Informed consent was obtained by all subjects before participating to the study.

During the smokers' session, the number of smoked cigarettes was noted down. During the vapers' session, the weight of consumed liquid, was evaluated using a precision scale.

Volunteers

The mean age of smokers was about 21 years and they were smoking on average 17 cigarettes per day for 6.5 years. The nicotine content in the smoked cigarettes was 0.6 mg per cigarette. During the sampling session, a total of 19 cigarettes were smoked which dispensed about 11.4 mg of nicotine, according to the information on cigarette packs.

Vapers declared that they had been using e-cigarettes exclusively for about 3 months (min 1, max 6), with a liquid³ daily intake of 1.5 ml, and an average nicotine content of 11 mg/ml.

For e-cigarette users, a commercially available liquid (*Heaven Juice* traditional) produced by FlavourArt was used, and a commercial EGO Pulse device by Smokie's®.

During the sampling session, 1760 mg of liquid were vaporized, which is equal to 1.6 ml containing

²English term *to vape* indicating the act of e-smoking.

³Heaven Juice Traditional e-cigarette liquids by FlavourArt were used during the experiment. They contained about 40% of USP glycerol, 50% of USP propylene glycol, from 0.9% to 1.8% of USP nicotine, <1% aromatic component, purified water, according to the information provided by the producer.

Composti Analizzati Analyzed compounds	Supporto di campionamento Sampling medium	Litri campionati (teorici) Sampled liters (theoretical)	Metodo Method
Nicotina Nicotine	Fiala XAD-2 XAD-2 vial	600	NIOSH 2544
Glicoli - Glicerina Glycols - Glycerine	Filtro in fibra di vetro + fiala XAD-7 Glass fiber filter + XAD-7 vial	600	NIOSH 5523
Idrocarburi Policiclici Aromatici (IPA) Polycyclic Aromatic Hydrocarbons (PAHs)	Filtro in fibra di vetro + fiala XAD-2 Glass fiber filter + XAD-2 vial	600	NIOSH 5515
Acroleina Acrolein	Fiala di Silica gel + DPNH Silica gel vial + DPNH	60	NIOSH 2018
SOV VOCs	Fiala di carbone attivo Activated carbon vial	60	UNI EN 13649

Tab. 1: Metodi utilizzati per il campionamento dei composti. / Methods used for substances sampling.

to da *FlavourArt* e un dispositivo EGO Pulse di about 17.6 mg of nicotine.
Smokie's®).

Durante la sessione di campionamento, sono stati vaporizzati 1760 mg di liquido, pari a circa 1.6 ml e contenenti circa 17.6 mg di nicotina.

Materiali e Metodi

Per le metodiche di campionamento sono state adottate diverse procedure sia della normativa UNI che NIOSH, impiegando differenti fiale SKC specifiche per i diversi componenti da ricercare. Per alcune molecole sono state utilizzate anche delle membrane filtranti in fibra di vetro o in PTFE con porosità di 0.8 µm (Tab. 1).

Ogni fiala è stata collegata ad un campionatore aspirante portatile, calibrato e impostato per aspirare uno specifico volume, in funzione della durata dell'esperimento e delle specifiche della metodica in uso.

A questi sistemi di campionamento cumulativo, sono stati affiancati, un rilevatore di CO, CO₂, NO_x, e un rilevatore di COT a ionizzazione di fiamma FID.

A fine esperimento, le fiale e le membrane sono state sigillate e trasportate presso i laboratori ABICH S.r.l.⁴ per le analisi.

Risultati

Le analisi dei campioni hanno evidenziato numerose e sostanziali differenze tra fumo di sigaretta e fumo elettronico, sia in termini di impatto sulla qualità dell'aria, sia anche in termini di tossicità. (Tab. 2).

Per il campionamento sono state impiegate delle membrane in PTFE e siamo rimasti colpiti dal co-

Materials and Methods

Considering the sampling methodologies different procedures both from UNI and NIOSH have been used. Different SKC vials specific for the different components to search were used. For some molecules, also fiberglass or PTFE 0.8 µm porosity membrane filters were used (Tab. 1).

Each vial was linked with a portable suction sampler, calibrated and set to aspirate a specific volume, depending on the duration of the experiment and on the method details.

In addition to these cumulative sampling systems, a CO and CO₂ and NO_x detector and a FID flame ionization TOC detector were used.

At the end of the experiment, the vials and the membranes were sealed and taken to the ABICH S.r.l.⁴ labs for the analysis.

Results

The sampling analysis underlined many and fundamental differences between cigarette smoking and e-cigarette smoking, both in terms of impact on air quality and also on toxicity. (Tab. 2).

PTFE membranes have been used for the sampling. We were surprised by the colour of the mem-

⁴ABICH S.r.l., Verbania (VB), Italia

⁴ABICH S.r.l., Verbania (VB), Italy

Parametro Parameter	Volume Campionato* Sampled Volume* [L]	Concentrazione Media* Mean Concentration* [mg/m ³]	
		Sigaretta Tradizionale Traditional Cigarette	Sigaretta Elettronica Electronic Cigarette
Nicotina / Nicotine	600	0.034	< 0.001**
Glicerina / Glycerine	600	< 0.001**	0.072
Glicolene Propilenico / Propylene Glycol	600	< 0.01**	< 0.01**
Acroleina / Acrolein	60	0.020	< 0.0016**

Tempo di campionamento: 300 minuti. / Sampling time: 300 minutes.

* dati relativi alle condizioni operative di riferimento (20°C e 0.101 MPa) riprodotte dall'attrezzatura / values refer to ideal working conditions (20°C and 0.101 MPa) simulated by the equipment

** inferiore alla soglia rilevabile dalla metodica / below the instrument sensitivity

Tab. 2: Sostanze rilevate. / Detected substances.

lore assunto dalle membrane alla fine delle sessioni. Questo, pur non costituendo un dato analitico di per sé, in qualche modo ci ha dato un'idea dei risultati che avremmo ottenuto (Fig. 3 e 4).

branes at the end of the sessions. Even if this does not constitute analytic data as such, it has given us an idea of the results that we could expect (Fig. 3 and 4).

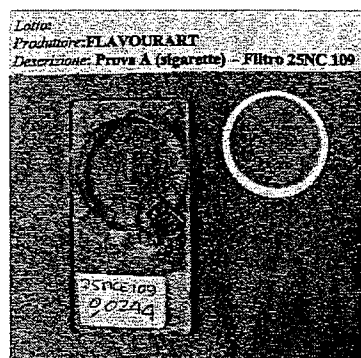


Fig. 3: Membrana in PTFE al termine della sessione di fumo tradizionale. / PTFE membrane at the end of the cigarette smoking session.



Fig. 4: Membrana in PTFE al termine della sessione di fumo elettronico. / PTFE membrane at the end of the e-cigarette session.

CO (Monossido di Carbonio) [12] Il monossido di carbonio non ha mostrato alcuna variazione con il fumo elettronico, rimanendo al di sotto dei limiti di rilevabilità dello strumento, mentre il fumo di sigaretta ha prodotto un costante incremento della sua concentrazione durante tutta la durata del campionamento, raggiungendo un picco di 11 mg/m³, valore questo, al di sopra della soglia di legge (10 mg/m³)⁵ (Fig. 5).

Il monossido di carbonio è un gas tossico con una elevata affinità per l'emoglobina, compromettendo

CO (Carbon Monoxide) [12] The levels of carbon monoxide did not show any variation during e-cigarette smoking, remaining below the detection limits of the tool. On the contrary cigarette smoking produced a steady elevation in CO throughout the sampling period. It reached a peak of 11 mg/m³, which is above the legal threshold (10 mg/m³)⁵ (Fig. 5).

Carbon monoxide is a toxic gas with a high affinity for haemoglobin, compromising its ability to transport oxygen. Smokers, continue to exhale out high levels of CO several hours after smoking their

⁵Decreto Legislativo 13 agosto 2010, n. 155. Attuazione della direttiva 2008/50/CE relativa alla qualità dell'aria ambiente e per un'aria più pulita in Europa.

⁵Legislative decree 13th August 2010, n.155. Application of the directive 2008/50/CE concerning the quality air in the environment for a clearer air in Europe.

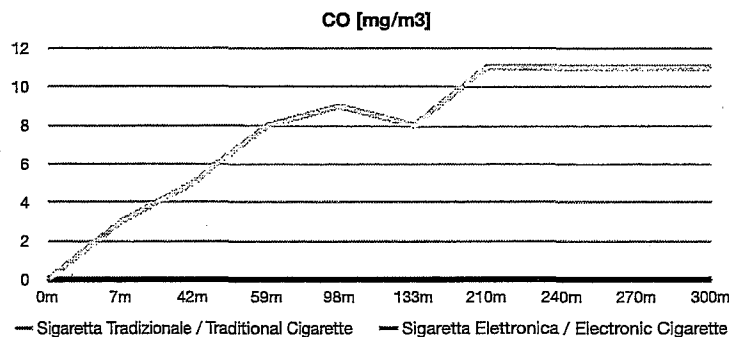


Fig. 5: Concentrazione di CO durante l'esperimento. / CO concentration during the experiment.

la sua capacità di trasportare ossigeno. Un fumatore continua ad emettere elevati livelli di monossido di carbonio, anche molte ore dopo aver fumato l'ultima sigaretta [5].

Nicotina Tra gli aspetti più interessanti, abbiamo osservato che la nicotina, pur presente nei liquidi utilizzati per l'esperimento, non è stata rilevata durante la sessione relativa al fumo elettronico. Per contro sono stati dosati $34 \mu\text{g}/\text{m}^3$ di nicotina, con il fumo tradizionale. Va precisato che, stando a quanto riportato sui pacchetti, la quota di nicotina inalata dai fumatori, ammonta complessivamente a circa 11.4 mg, mentre i *vaper* hanno inalato nicotina per un totale di 17.6 mg. Tuttavia la quota di nicotina indicata sul pacchetto tiene conto solo della quota inalata, senza fornire alcuna informazione relativa a quella effettivamente presente nella sigaretta e liberata nell'aria durante la sua combustione.

Basandosi sui risultati osservati è possibile dedurre che il fumo di sigaretta produce una contaminazione da nicotina nell'aria, almeno 35 volte superiore a quella del fumo elettronico, il che equivale a dire che servono almeno 35 *vaper* per produrre un livello di nicotina equivalente a quello prodotto da un singolo fumatore.

Se inoltre avessimo bilanciato le prove, chiedendo ai fumatori, di consumare sigarette, in quantità tali da eguagliare il consumo di nicotina dei *vaper*, questi avrebbero dovuto fumare circa 29 sigarette, producendo una concentrazione di nicotina stimata in circa $52 \mu\text{g}/\text{m}^3$.

Argomentare sulle ragioni di questi risultati è estremamente difficile, si potrebbe ipotizzare che esista per i *vaper* una differente cinetica di assorbimento della nicotina, o più semplicemente che le quantità in gioco siano estremamente contenute se paragonate a quelle effettivamente liberate dal fumo tradizionale. Ma al di là di queste ipotesi, tutte da verificare, il risultato in sé rimane un fatto: 5 *vaper* che utilizzano la sigaretta elettronica, per 5 h, in una

last cigarette, even if the last cigarette was put out many hours before [5].

Nicotine Among all, the most interesting aspects we observed was that nicotine was not detected in air during the e-smoking session, although liquids used for experiments contained it. On the other hand, $34 \mu\text{g}/\text{m}^3$ of nicotine were found during the smoking session. It should be made clear that, according to the information on packs, the amount of nicotine inhaled by smokers was about 11.4 mg, while the amount of nicotine inhaled by vapers was about 17.6 mg. However the amount of nicotine reported on packs is the inhaled amount. This information does not give details about the real amount of nicotine inside the cigarettes and released in the air during combustion and from side stream smoke.

Based on the observed results, we can conclude that cigarette smoking produces nicotine contamination in the air at least 35 times higher than e-smoking. This means that we need at least 35 vapers to produce nicotine level in air similar to the level produced by a single smoker.

Moreover if we had balanced the tests, asking cigarette smokers to consume the amount of cigarettes necessary to match the amount of nicotine used by vapers, the latter should have smoked about 29 cigarettes, producing an expected nicotine concentration of about $52 \mu\text{g}/\text{m}^3$.

It's extremely difficult to discuss about the reasons for these results. We could suppose that there is a different absorption kinetics for nicotine. Or maybe the amount in play is extremely low, when compared to the nicotine amount released during traditional smoking. However beyond all these hypotheses, which have not been verified, there is one fact: 5 vapers using e-cigarettes for 5 h in a small room without renewal of indoor air do not produce detectable levels of nicotine in the air.

Parametro Parameter	Volume Campionato* Sampled Volume* [L]	Concentrazione Media* Mean Concentration* [µg/m³]	
		Sigaretta Tradizionale Traditional Cigarette	Sigaretta Elettronica Electronic Cigarette
Metiletilchetone / Methyl ethyl ketone	60	4.2	4.4
1-etil-3-metil benzene / 1-ethyl-3-methylbenzene	60	0.2	3.4
Limonene / Limonene	60	12.5	0.1
Decano / Decane	60	0.4	4.2
Undecano / Undecane	60	4.2	0.7
Dodecano / Dodecane	60	3.7	0.3
Cedrene / Cedrene	60	0.3	0.9
Longifolene / Longifolene	60	18.3	30.3
Toluene / Toluene	60	1.7	-
O,m,p - Xilene / o,m,p - Xylene	60	0.2	-
1-etil-2-metil benzene / 1-ethyl-2-methylbenzene	60	4.9	-
1,2,4-trimetil benzene / 1,2,4-Trimethylbenzene	60	0.3	-
Mentene / Menthene	60	0.5	-
BHT (Butilidrossitoluene / Butylhydroxytoluene)	60	-	0.4
Terpene / Terpene (u.s.)	60	-	2.3
Longiciclene / Longicyclene	60	-	2.2
Cariofillene / Caryophyllene	60	-	1.0
n.i. totali / total u.s.	60	14.7	12.6

n.i. sostanza non identificabile / u.s. unidentifiable substance

Tempo di campionamento: 300 minuti. / Sampling time: 300 minutes.

* dati relativi alle condizioni operative di riferimento (20°C e 0.101 MPa) riprodotte dall'attrezzatura / values refer to ideal working conditions (20°C and 0.101 MPa) simulated by the equipment

** inferiore alla soglia rilevabile dalla metodica / below the instrument sensitivity

Tab. 6: Sostanze Organiche Volatili. / Volatile Organic Compounds.

stanza di piccole dimensioni e senza rinnovo d'aria, non producono livelli rilevabili di nicotina nell'aria.

Glicole Propilenico Altro parametro inatteso è il glicole propilenico, che non è stato rilevato durante la prova con il fumo elettronico, pur costituendo il 50% del liquido³.

Questo curioso fenomeno è stato osservato anche in un altro studio simile [11]. Anche questo studio non ha rilevato nicotina nel vapore passivo di una stanza sperimentale (significativamente più piccola della stanza da noi utilizzata). Alcuni esperimenti suggeriscono che l'assorbimento del glicole propilenico per via inalatoria sia estremamente rapido [17] e questo potrebbe spiegare perché questa molecola pur così abbondante non è stata rilevata.

Glicerina e Acroleina Non è stata rilevata glicerina relativamente al fumo di sigaretta, mentre ne è stata rilevata una traccia con il fumo elettronico, pari a 72 µg, valore molto al di sotto della soglia di

Propylene Glycol Results on propylene glycol were also unexpected. During e-smoking tests, propylene glycol was not detected, although 50% of liquid³ consisted of propylene glycol.

This curious phenomenon has also been observed in a similar study [11]. Even in that case, nicotine was not detected in an experimental room of the passive vaping (which was significantly smaller than the room we used). Some studies suggest that propylene glycol absorption via inhalation is extremely rapid [17]. This could explain why this molecule has not been detected even though it was present in significant amounts in the liquid used.

Glycerine and Acrolein No glycerine was detected in air during cigarette smoking. On the other hand, 72 µg/m³ were detected during e-smoking. This amount is much lower than the threshold safety

Parametro Parameter	Volume Campionato* Sampled Volume* [L]	Concentrazione Media* Mean Concentration* [$\mu\text{g}/\text{m}^3$]	
		Sigaretta Tradizionale Traditional Cigarette	Sigaretta Elettronica Electronic Cigarette
Naftalene / Naphthalene	600	2.78	< 0.02**
Acenafilene / Acenaphthylene	600	< 0.02**	< 0.02**
Acenafene / Acenaphthene	600	0.19	< 0.03**
Fluorene / Fluorene	600	0.47	< 0.06**
Fenantrene / Phenanthrene	600	0.37	< 0.08**
Antracene / Anthracene	600	< 0.04**	< 0.04**
Fluorantene / Fluoranthene	600	0.13	< 0.02**
Pirene / Pyrene	600	< 0.01**	< 0.01**
Benzo(a)antracene / Benzo(a)anthracene	600	< 0.16**	< 0.16**
Crisene / Chrysene	600	5.46	< 0.14**
Benzo(b)fluorantene / Benzo(b)fluoranthene	600	< 0.33**	< 0.33**
Benzo(k)fluorantene / Benzo(k)fluoranthene	600	< 0.74**	< 0.74**
Benzo(a)pirene / Benzo(a)pyrene	600	< 0.62**	< 0.62**
Indeno(1,2,3-cd)pirene / Indeno(1,2,3-cd)pyrene	600	< 1.47**	< 1.47**
Dibenzo(a,h)antracene / Dibenzo(a,h)anthracene	600	< 1.47**	< 1.47**
Benzo(ghi)perilene / Benzo(g,h,i)perylene	600	< 1.60**	< 1.60**

Tempo di campionamento: 300 minuti. / Sampling time: 300 minutes.

* dati relativi alle condizioni operative di riferimento (20°C e 0.101 MPa) riprodotte dall'attrezzatura / values refer to ideal working conditions (20°C and 0.101 MPa) simulated by the equipment

** inferiore alla soglia rilevabile dalla metodica / below the instrument sensitivity

Tab. 7: Idrocarburi Policiclici Aromatici. / Polycyclic Aromatic Hydrocarbons.

azione (TWA-TLV 10 mg/m³) e ben al di sotto della soglia definita di rischio moderato o irrilevante [4].

Tuttavia, bisogna rilevare che l'acroleina, molecola che si forma dalla disidratazione ad elevate temperature della glicerina, era presente e ben rilevabile nell'aria della stanza, durante la prova dei fumatori (20 $\mu\text{g}/\text{m}^3$).

È noto infatti che la glicerina viene spesso aggiunta ai tabacchi come umettante e durante la combustione si trasforma in acroleina [3]. L'assenza di processi di combustione nel fumo elettronico, è di fondamentale importanza per comprendere come mai l'acroleina non sia stata rilevata nell'aria durante la prova.

L'acroleina è una sostanza notoriamente molto tossica e irritante, inoltre è attualmente sospetta per avere un ruolo nei processi di cancerogenesi [1].

SOV Dall'analisi delle sostanze organiche volatili, sono state evidenziate fondamentalmente componenti aromatiche, in particolare il longifolene, tipico dell'aroma di pino, era presente in entrambe le prove. È probabile che questo composto facesse parte dei prodotti detergenti o deodoranti impiegati per pulire la stanza prima dell'esperimento. In merito

limit (TWA-TLV 10 mg/m³) and much lower than the threshold for moderate risk [4].

However, it's important to note that acrolein, a molecule formed by dehydration of glycerine due to high temperatures, was present in the air of the room during cigarette smoking test (20 $\mu\text{g}/\text{m}^3$).

In fact, it is well known that glycerine is often added to moisten tobacco. During combustion glycerine is transformed into acrolein [3]. The fact that no combustion is involved when using e-cigarettes probably plays a fundamental role in the absence of acrolein from indoor air during their use.

As everyone knows, acrolein is a very toxic and irritating substance. Moreover it is currently suspected of having a fundamental role in the carcinogenic process [1].

VOCs During the analysis of volatile organic compounds, aromatic components were detected, in particular longifolen, typical of pine aroma, in both tests. One of the detergents used to clean the room before the test could have contained this compound. Regarding cigarette smoking, xylene and toluene were detected. These are two very common toxic

al fumo di sigaretta, si rilevano comunque tracce di xilene e toluene, due composti tossici, normalmente presenti nel fumo di sigaretta. Il limonene, terpene dell'olio essenziale di limone, è stato rilevato solo durante la prova con il fumo tradizionale ed in effetti questa molecola è stata riscontrata anche da altri studi come componente del fumo di sigaretta [11] (Tab. 6).

IPA Tra i composti più rilevanti, in termini di tossicità cronica del fumo di tabacco, ci sono certamente gli idrocarburi policiclici aromatici. Questi composti, prodotti durante il processo di combustione, sono noti per gli effetti cancerogeni e mutageni.

La prova ha identificato 6 dei 16 IPA ricercati, durante la sessione con il fumo tradizionale, mentre non è stato rilevato nulla con il fumo elettronico (Tab. 7).

COT [15] L'analisi del carbonio organico totale, non ci dà informazioni specifiche sulla tossicità. È un modo per valutare globalmente la quantità di materia organica immessa nell'aria, senza distinguere tra sostanze tossiche e non tossiche. Tuttavia questo parametro ci fornisce una visione globale del grado di contaminazione dell'aria, durante tutta la durata dell'esperimento.

Nel grafico è possibile osservare l'andamento dei livelli di COT nell'aria durante le 5 h di campionamento.

Dal grafico è stato sottratto il valore di fondo presente all'inizio del campionamento (1 mg/m^3).

Due aspetti sono interessanti a mio parere. In primo luogo i livelli massimi con il fumo di sigaretta sono oltre 9 volte più alti che con il fumo elettronico, in secondo luogo, il fumo impiega appena 11 minuti, a raggiungere il valore massimo raggiunto dalla sigaretta elettronica (0.73 mg/m^3), nel tempo di 5 h (Fig. 8).

Conclusioni

L'esperimento su descritto ha evidenziato, limitatamente ai parametri osservati, che il fumo elettronico non comporta l'immissione nell'aria di un ambiente chiuso, di sostanze tossiche o cancerogene in quantità rilevabili. Ulteriori studi sono necessari, per approfondire e meglio definire tutti gli aspetti coinvolti, ma questa valutazione preliminare suggerisce che l'impatto del fumo elettronico passivo, se confrontato con quello del fumo di sigaretta, è talmente ridotto da essere appena rilevabile e non presenta le caratteristiche di tossicità e di cancerogenicità rilevate nel fumo di sigaretta. L'assenza di combustione e la mancanza di fumo secondario (*sidestream smoke*), noto per i suoi effetti tossici [2, 6], sono probabilmen-

compounds in cigarette smoking. Limonene which is an oil lemon terpene, was detected only during the traditional smoking test. In fact this molecule was found as a component in cigarette smoke even in other studies [11] (Tab. 6).

PHAs Polycyclic aromatic hydrocarbons are, without doubt, among the most important compounds in terms of chronic toxicity caused by tobacco smoking. These substances, which are produced during the combustion process, are well known for their carcinogenic and mutagenic effects.

During the traditional cigarette smoking session, 6 out of 16 PAHs were identified. Nothing was identified during the e-cigarette session (Tab. 7).

TOC [15] The total organic carbon analysis does not give us specific information about toxicity. It is a measure of the overall amount of organic matter released in the air. There is no distinction between toxic and non-toxic substances. However this parameter gives us a global view of the degree of contamination of air, throughout the whole experiment.

The chart shows the TOC level trends in the air during the 5 h sampling.

The chart does not contain the original value of air at the beginning of the sample (1 mg/m^3).

In my opinion there are two interesting aspects which should be underlined. Firstly, the maximum levels during cigarette smoking sessions are 9 times higher than the e-smoking session. Secondly, cigarette smoking takes just 11 minutes to reach a value similar to the maximum value measured for the e-cigarette (0.73 mg/m^3), in 5 h (Fig. 8).

Conclusions

The above experiment, within the limits of the observed parameters, has underlined that e-smoking does not produce detectable amounts of toxic and carcinogenic substances in the air of an enclosed space. Further studies are needed to better understand all the involved aspects. However this preliminary assessment indicates that passive vaping impact, when compared to the traditional cigarette smoking, is so low that it is just detectable, and it does not have the toxic and carcinogenic characteristics of cigarette smoking. The absence of combustion and the lack of sidestream smoking, with its known toxic effects [2, 6] are probably the main reasons for the differences observed in air pollution characteristics

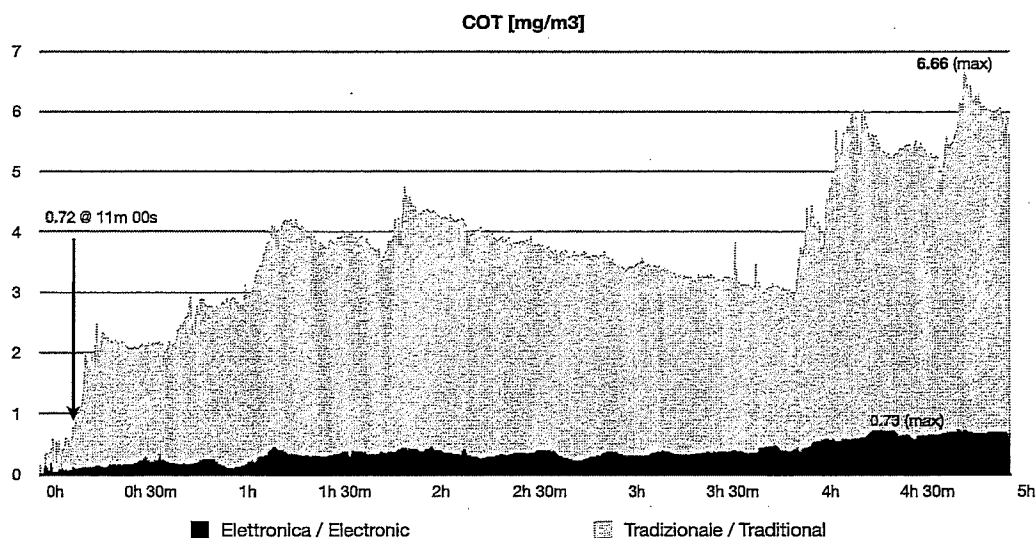


Fig. 8: Carbonio Organico Totale. / Total Organic Carbon.

te alla base delle differenze osservate, in termini di inquinamento dell'aria, tra fumo di tabacco e fumo elettronico.

Come considerazione finale, basandosi sui risultati ottenuti e sui dati dell'ARPA in materia di inquinamento urbano, potrebbe essere meno salutare, respirare l'aria di una grande città nell'ora di punta, piuttosto che sostare in una stanza con qualcuno che usa una sigaretta elettronica.

between e-cigarettes and tobacco smoking.

On the base of the obtained results and on ARPA data about urban pollution, we can conclude by saying that could be more unhealthy to breath air in big cities compared to staying in the same room with someone who is vaping.

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Comparison of the effects of e-cigarette vapor and cigarette smoke on indoor air quality.

McAuley TR¹, Hopke PK, Zhao J, Babaian S.

Author information

Abstract

CONTEXT: Electronic cigarettes (e-cigarettes) have earned considerable attention recently as an alternative to smoking tobacco, but uncertainties about their impact on health and indoor air quality have resulted in proposals for bans on indoor e-cigarette use.

OBJECTIVE: To assess potential health impacts relating to the use of e-cigarettes, a series of studies were conducted using e-cigarettes and standard tobacco cigarettes.

METHODS AND MATERIALS: Four different high nicotine e-liquids were vaporized in two sets of experiments by generic 2-piece e-cigarettes to collect emissions and assess indoor air concentrations of common tobacco smoke by products. Tobacco cigarette smoke tests were conducted for comparison.

RESULTS: Comparisons of pollutant concentrations were made between e-cigarette vapor and tobacco smoke samples. Pollutants included VOCs, carbonyls, PAHs, nicotine, TSNAs, and glycols. From these results, risk analyses were conducted based on dilution into a 40 m³ room and standard toxicological data. Non-cancer risk analysis revealed "No Significant Risk" of harm to human health for vapor samples from e-liquids (A-D). In contrast, for tobacco smoke most findings markedly exceeded risk limits indicating a condition of "Significant Risk" of harm to human health. With regard to cancer risk analysis, no vapor sample from e-liquids A-D exceeded the risk limit for either children or adults. The tobacco smoke sample approached the risk limits for adult exposure.

CONCLUSIONS: For all byproducts measured, electronic cigarettes produce very small exposures relative to tobacco cigarettes. The study indicates no apparent risk to human health from e-cigarette emissions based on the compounds analyzed.

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8 September 2009

E-cigarettes: harmless inhaled or exhaled

No second hand smoke

CHEMICALS IN SMOKE and E-cigarette MIST

Leading chemicals only	Cigarette SMOKE	E-cigarette MIST
Nicotine per puff	YES 0.1 mg/puff	YES 0.01 mg/puff
Propylene glycol	NO 0 mg/puff	YES 0.7 mg/puff
Carbon monoxide	YES	NONE
Acrolein	YES	NONE
Hydrogen cyanide	YES	NONE
CARCINOGENS	1,3-Butadiene and 20+ others:	Trace amounts of a few only:
Acetaldehyde	YES	TRACE
Acrylonitrile	YES	NONE
Arsenic	YES	NONE
Benzo[a]pyrene	YES	NONE
Benzene	YES	NONE
Cadmium	YES	NONE
NNN, NNK (nitrosamines)	YES	TRACE

Second hand *cigarette* smoke is a mixture of mainstream and sidestream smoke. It contains the same toxicants as mainstream smoke, but at reduced levels. It is responsible for about 8% of the deaths caused by direct smoking.

Second hand mist from an *e-cigarette* is not smoke at all, and does not contain any substance known to cause death, short or long term, in the quantities found. It becomes invisible within a few seconds, and is not detectable by smell.

Exhaled breath after e-cigarette use has been tested for CO only. No increase in CO was found.

The e-cigarette does not create side-stream smoke. Exhaled breath after e-smoking contains even less nicotine per puff, as much of the nicotine inhaled is absorbed. Similarly, propylene glycol is largely absorbed and little is exhaled.

No harm found in e-cigarette mist

Nicotine is not harmful in the quantities mentioned.¹

Propylene glycol is harmless – it is used in making theatrical fog and as an ingredient in soaps, personal lubricants and intravenous medicines.

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Some smokers need satisfying replacement products to help them quit smoking

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E-Cigarette Versus Nicotine Inhaler: Comparing the Perceptions and Experiences of Inhaled Nicotine Devices

ABSTRACT

BACKGROUND

Novel nicotine delivery products, such as electronic cigarettes (e-cigarettes), have dramatically grown in popularity despite limited data on safety and benefit. In contrast, the similar U.S. Food and Drug Administration (FDA)-approved nicotine inhaler is rarely utilized by smokers. Understanding this paradox could be helpful to determine the potential for e-cigarettes as an alternative to tobacco smoking.

OBJECTIVE

To compare the e-cigarette with the nicotine inhaler in terms of perceived benefits, harms, appeal, and role in assisting with smoking cessation.

DESIGN

A cross-over trial was conducted from 2012 to 2013

PARTICIPANTS/INTERVENTIONS

Forty-one current smokers age 18 and older used the e-cigarette and nicotine inhaler each for 3 days, in random order, with a washout period in between. Thirty-eight participants provided data on product use, perceptions, and experiences.

MAIN MEASURES

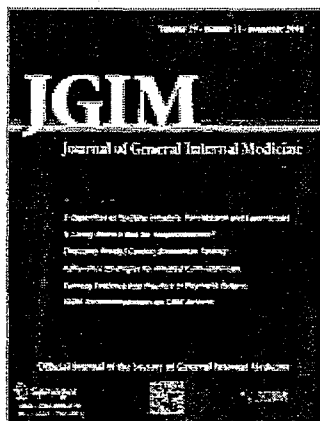
The Modified Cigarette Evaluation Questionnaire (mCEQ) measured satisfaction, reward, and aversion. Subjects were also asked about each product's helpfulness, similarity to cigarettes, acceptability, image, and effectiveness in quitting smoking. Cigarette use was also recorded during the product-use periods.

KEY RESULTS

The e-cigarette had a higher total satisfaction score (13.9 vs. 6.8 [$p < 0.001$]; range for responses 3–21) and higher reward score (15.8 vs. 8.7 [$p < 0.001$]; range for responses 5–35) than the inhaler. The e-cigarette received higher ratings for helpfulness, acceptability, and “coolness.” More subjects would use the e-cigarette to make a quit attempt (76 %) than the inhaler (24 %) ($p < 0.001$). Eighteen percent (7/38) of subjects abstained from smoking during the 3-day periods using the e-cigarette vs. 10 % (4/38) using the inhaler ($p = 0.18$).

CONCLUSION

The e-cigarette was more acceptable, provided more satisfaction, and had higher perceived benefit than the inhaler during this trial. E-cigarettes have the potential to be important nicotine delivery products owing to their high acceptance and perceived benefit, but more data are needed to evaluate their actual efficacy and safety. Providers should be aware of these issues, as patients will increasingly inquire about them.



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**EU Classification of nicotine mixtures
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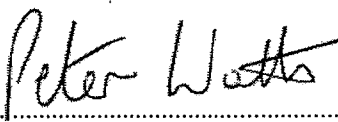
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EU classification of nicotine mixtures under CLP Regulation 1272/2008 (as amended and corrected)

Bibra Proposal

INTRODUCTION

Bibra was asked for independent advice on the appropriate EU classification of mixtures containing nicotine, for acute toxicity by the oral and dermal exposure routes. The client asked that the classification be carried out according to current EU legislation as laid down in EU Regulation 1272/2008, as amended. In particular, the client asked about the concentration-related category transitions for nicotine mixtures (where the other components were not acutely toxic).

KEY LEGISLATIVE REFERENCES

The overarching EU regulation for classification of substances and mixtures is EU Regulation 1272/2008¹. Tables 3.1 and 3.2 of Annex VI of 1272/2008 set out the official EU classifications for numerous substances. This Regulation has been amended by five Adaptations to Technical Progress (Regulations EC 790/2009², EU 286/2011³, EU 618/2012⁴, EU 487/2013⁵ and EU 944/2013⁶). A correction to Annex VI has also been published (Regulation EU 758/2013⁷). A consolidated version available on the ECHA website⁸ takes into account 790/2009 and 286/2011, but not the third, fourth and fifth adaptations, or 758/2013.

¹ Regulation 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation 1907/2006. Official Journal of the European Union L353, 1-1355 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:353:0001:1355:en:PDF>.

² Commission Regulation (EC) 790/2009 of 10 August 2009 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:235:0001:0439:en:PDF>

³ Commission Regulation (EU) No 286/2011 of 10 March 2011 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (Text with EEA relevance). <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:083:0001:0053:en:PDF>

⁴ Commission Regulation (EU) No 618/2012 of 10 July 2012 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (Text with EEA relevance). <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:179:0003:0010:EN:PDF>

⁵ Commission Regulation (EU) No 487/2013 of 8 May 2013 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (Text with EEA relevance). <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:149:0001:0059:EN:PDF>

⁶ Commission Regulation (EU) No 944/2013 of 2 October 2013 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (Text with EEA relevance). <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:261:0005:0022:EN:PDF#>

⁷ Commission Regulation (EU) No 758/2013 of 7 August 2013 correcting Annex VI to Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (Text with EEA relevance). <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:216:0001:0058:EN:PDF>

⁸ Consolidated version: Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (Text with EEA relevance) as amended by Regulations EC 790/2009 and EU 286/2011. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2008R1272:20110419:EN:PDF>

HARMONISED ACUTE TOXICITY CLASSIFICATION OF NICOTINE (SUBSTANCE)

Acute oral toxicity

EU experts on classification have reviewed the acute oral toxicity data on nicotine. Although the specific data that were reviewed are unknown to bibra, the experts agreed a classification as: Toxic if swallowed (T; R25). This implies a rat acute oral LD50 of between 25 and 200 mg/kg bw.

Under 1272/2008, this 67/548/EEC classification has been translated to its modern equivalent, which is: Toxic if swallowed. Acute Toxicity Category 3 (H301). This classification implies a rat acute oral LD50 value of between 50 and 300 mg/kg bw (i.e. slightly modified from 67/548/EEC criteria). Generically, this Category is assigned a "converted acute toxicity point estimate" (ATE) of 100 mg/kg bw (for use in the calculation of the ATE for classification of a mixture based on its components).

Acute dermal toxicity

EU experts on classification have reviewed the acute dermal toxicity data on nicotine. Although the specific data that were reviewed are unknown to bibra, the experts agreed a classification as: Very toxic in contact with skin (T+; R27). This implies a rat or rabbit acute dermal LD50 of <50 mg/kg bw (24-hr contact time).

Under 1272/2008, this 67/548/EEC classification has been translated to its modern equivalent, which is: Fatal in contact with skin. Acute Toxicity Category 1 (H310). This classification implies a rat acute dermal LD50 value of 0-50 mg/kg bw (i.e. unchanged from 67/548/EEC criteria). Generically, this Category is assigned a "converted acute toxicity point estimate" (ATE) of 0.5 mg/kg bw (for used in the calculation of the ATE for classification of a mixture based on its components).

ACUTE ORAL AND DERMAL TOXICITY VALUES FOR NICOTINE

Summary of acute oral lethal values

In classification for acute toxicity, laboratory animal data (notably rat LD50s) are generally critical. For nicotine, reported rat oral LD50 values range from 50-188 mg/kg bw, with most between 50-83 mg/kg bw (DECOS, 2004; Gaines, 1960; Lazutka et al. 1969; Sine, 1993; Trochimowicz et al. 1994; Vernot et al. 1977; Yam et al. 1991). Mice may be slightly more sensitive, with most reported values lying between 16-60 mg/kg bw (DECOS, 2004; Trochimowicz et al. 1994; Vernot et al. 1977). A lower LD50 value (3.3 mg/kg bw) was reported in an early Eastern European study (Lazutka et al. 1969) of uncertain reliability.

[Reviews have reported estimated mean lethal acute oral doses in children and adults of about 10 mg (about 0.5 mg/kg bw) and about 30-60 mg (about 0.4-0.9 mg/kg bw), respectively (Arena, 1974; Gosselin, 1988; Lazutka et al. 1969). However, the scientific validity of these figures is unclear, and they do not seem to have played any role in the nicotine-classification deliberations of the EU expert group on harmonised classification.]

Summary of acute dermal lethal values

In rats, acute dermal LD50 values of 140-285 mg/kg bw have been reported (Gaines, 1960; Trochimowicz et al. 1994), with rabbits (LD50 50 mg/kg bw) seemingly more sensitive (Trochimowicz

et al. 1994). In cats, doses of about 66-100 mg/kg bw caused clinical toxicity (vomiting, CNS effects and deaths (Travell, 1960).

Tabulated acute oral lethal studies

Species, Sex, Number	Brief study description (if available)	LD50	Reference
Mouse, strain, sex and number not specified	LD50 study using nicotine base	3.3 mg/kg bw	Lazutka et al. 1969
Mouse, CF-1, male, number not specified	LD50 study using nicotine sulphate	16 mg/kg bw	Vernot et al. 1977
Mouse, strain, sex and number not specified	LD50 study	24 mg/kg bw	DECOS, 2004 (cited as Ray91); Trochimowicz et al. 1994
Mouse, strain, sex and number not specified	LD50 study	50-60 mg/kg bw	Trochimowicz et al. 1994
Rat, strain, sex and number not specified	LD50 study	50 mg/kg bw	Sine, 1993
Rat, strain, sex and number not specified	LD50 study	50-60 mg/kg bw	Trochimowicz et al. 1994
Rat, strain, sex and number not specified	LD50 study using nicotine base	53 mg/kg bw	Lazutka et al. 1969
Rat, Sprague-Dawley, male and female	LD50 estimated by fixed-dose procedure or the up-and-down method. In the fixed-dose procedure, groups of 5 males and 5 females were treated with one of four predetermined dose levels. In the up-and-down method, females were dosed, one at a time, starting with an estimate of the LD50 and adjusting the dose until 4 rats were treated. In both protocols, rats were observed for 14 days	70-71 mg/kg bw	Yam et al. 1991
Rat, Sprague-	LD50 study using nicotine	75 mg/kg bw	Vernot et al. 1977

Species, Sex, Number	Brief study description (if available)	LD50	Reference
Dawley, male, number not specified	sulphate		
Rat, Sherman, adult, female, 80/group	LD50 study using nicotine sulphate, rats observed for 4 days only	83 mg/kg bw	Gaines, 1960
Rat, strain, sex and number not specified	LD50 study	188 mg/kg bw	DECOS, 2004 (cited as Ray91).

Tabulated acute dermal lethal studies

Species, Sex, Number	Brief study description (if available)	LD50	Reference
Rat, strain, sex and number not specified	LD50 study	140 mg/kg bw	Trochimowicz et al. 1994
Rat, Sherman, adult, female, 70/group	LD50 study on nicotine sulphate [Note: rats were only observed for 5 days]	285 mg/kg bw	Gaines, 1960
Rat, Sprague-Dawley, 5 male and 5 female	A mixture of 18% nicotine and 82% of an ion-exchange resin applied at 2 g/kg bw to the covered skin for 24 hr, followed by rinsing with water OECD Guideline study No. 402	>360 mg/kg bw [no deaths were seen]	Guerriero et al. 2001
Rabbit, strain, sex and number not specified	LD50 study	50 mg/kg bw	Trochimowicz et al. 1994
Rabbit, strain, sex and number not specified	LD50 study	140 mg/kg bw	UK PSD, 2008
Cat, 21/group, sex not specified	Application of 200 mg nicotine or nicotine sulphate (providing approximately 66-100 mg nicotine/kg bw) to the uncovered skin.	The nicotine base produced overt CNS toxicity, vomiting, and 17/21 cats died in 21-195	Travell, 1960

Species, Sex, Number	Brief study description (if available)	LD50	Reference
		min. The sulphate caused milder effects and all 21 cats survived.	
Cat, 5 treated with free nicotine and 3 treated with nicotine sulphate, sex not specified	2-10 ml "Nico-Fume Liquid" (containing 40% free nicotine) or 10 ml "Black Leaf 40" (containing 40% nicotine sulphate) was applied under cover to the clipped skin. In the free nicotine experiment, the skin of one cat was washed after 3 hours. [Travell (1960) stated that the free nicotine doses causing death were 280-1500 mg/kg bw, and the nicotine sulphate dose was about 1100 mg/kg bw.]	Nicotine caused CNS effects and vomiting, loss of consciousness and death. No effects were reported with the sulphate.	Faulkner, 1933

SELECTION OF KEY LD50 VALUES FOR MIXTURE CLASSIFICATION

When multiple options are available for a rather simple and crude endpoint such as median lethality, selection of the most appropriate value for use in classification can be challenging.

According to Regulation 1272/2008 "The preferred test species for evaluation of acute toxicity by the oral and inhalation routes is the rat, while the rat or rabbit are preferred for evaluation of acute dermal toxicity". The original harmonised expert classification (under 67/548/EEC) for acute oral toxicity (Toxic if swallowed; T; R25) implies that the committee selected an acute oral LD50 of between 25 and 200 mg/kg bw as being key to classification. This indicates that the experts either dismissed or were unaware of three of the mouse studies. Under 1272/2008, the earlier 67/548/EEC classification has been translated to its modern equivalent (Toxic if swallowed; Acute Toxicity Category 3. H301), which is associated with an acute oral LD50 between 50-300 mg/kg bw. Without a detailed assessment of each LD50, it is not entirely clear which reports should be set aside. Nevertheless, the fact that all of the rat LD50 figures are 50 mg/kg bw or above supports the experts' choice of Category 3.

For the dermal classification, there seems to be a good case for the selection of the rabbit dermal LD50 of 50 mg/kg bw and a precautionary choice of assigning to the more toxic class (Category 1) when a value falls on the class boundary.

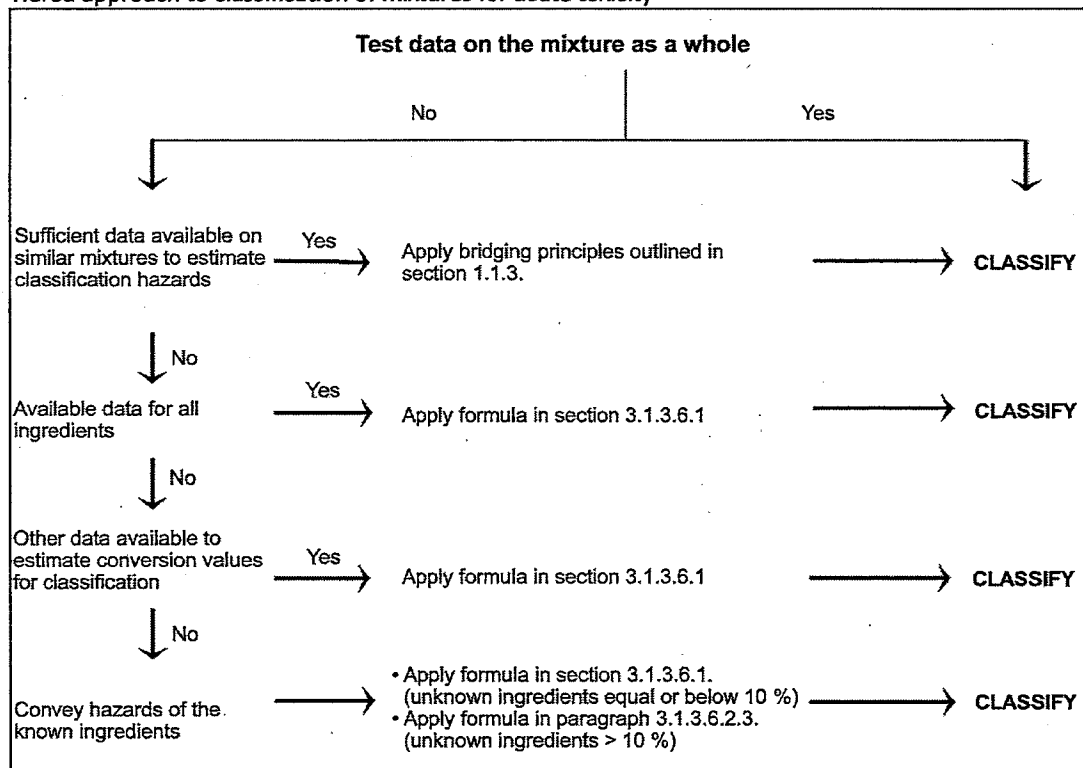
Rat oral LD50: >50 mg/kg bw.
Rabbit dermal LD50: 50 mg/kg bw.

CLASSIFICATION OF NICOTINE MIXTURES

Mixtures should be classified in line with EC 1272/2008 (as amended). Guidance is given in section 3.1.3. **Criteria for classification of mixtures as acutely toxic.** This states that “For mixtures, it is necessary to obtain or derive information that allows the criteria to be applied to the mixture for the purpose of classification.” Such information would include LD50 or ATE figures, for example. The approach to classification for acute toxicity is tiered, and is dependent upon the amount of information available for the mixture itself and for its ingredients.

A flow chart (Figure 3.1.1 in 1272/2008) outlines the process to be followed.

Tiered approach to classification of mixtures for acute toxicity



In this instance, “Test data on the mixture as a whole” are not available, nor are there “Sufficient data available on similar mixtures”. However, there are “Available data for all ingredients”, allowing classification by applying the formula in section 3.1.3.6.1.

Section 3.1.3.6. **Classification of mixtures based on ingredients of the mixture (Additivity formula)** provides guidance on such classification.

"3.1.3.6.1. Data available for all ingredients

In order to ensure that classification of the mixture is accurate, and that the calculation need only be performed once for all systems, sectors, and categories, the acute toxicity estimate (ATE) of ingredients shall be considered as follows:

- (a) include ingredients with a known acute toxicity, which fall into any of the acute toxicity categories shown in Table 3.1.1.1;
- (b) ignore ingredients that are presumed not acutely toxic (e.g., water, sugar);
- (c) ignore ingredients if the oral limit test does not show acute toxicity at 2000 mg/kg bodyweight.

Ingredients that fall within the scope of this paragraph are considered to be ingredients with a known acute toxicity estimate (ATE).

The ATE of the mixture is determined by calculation from the ATE values for all relevant ingredients according to the following formula for Oral, Dermal or Inhalation Toxicity:

$$(100/ATE_{mix}) = \sum n (Ci/ATE_i)$$

where:

Ci = concentration of ingredient i (% w/w or % v/v)

i = the individual ingredient from 1 to n

n = the number of ingredients

ATEi = Acute Toxicity Estimate of ingredient i."

In the current exercise, bibra was told to assume that the non-nicotine ingredients of the mixtures are not acutely toxic, and nicotine is the only ingredient with a known acute toxicity.

Acute oral classification

The boundary range for Categories 3 and 4 are 50-300 and 500-2000 mg/kg bw, respectively. This means that mixtures containing nicotine can be classified as follows:

Nicotine concentration (%)	Estimated oral LD50 (mg/kg bw)	CLP Category
100	>50	3
16.6-100	50-300	3
2.5-<16.6	300-2000	4
<2.5	>2000	Not classified

Acute dermal classification

The boundary range for Categories 1, 2, 3 and 4 are <50, 50-200, 200-1000 and 1000-2000 mg/kg bw, respectively. This means that mixtures containing nicotine can be classified as follows:

Nicotine concentration (%)	Estimated dermal LD50 (mg/kg bw)	CLP Category
100	50	1
25-100	50-200	2
5-<25	200-1000	3
2.5-<5	>1000-2000	4
<2.5	>2000	Not classified

NOTE

This bibra proposal focuses on the classification of mixtures, accepting the literature LD50 figures and the existing classification views of the harmonised experts. It did not attempt to critically evaluate the reliability of the actual LD50 figures. It is possible that a critical evaluation of the existing LD50 literature might lead to a more confident identification of the best LD50 figures to use in substance and mixture classification.

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Effects of e-cigarette use on exhaled nitric oxide

By Dr Farsalinos

A study was recently published in Toxicology and Applied Pharmacology examining the effects of using e-cigarettes and tobacco cigarettes on exhaled nitric oxide (FeNO). They found that similar reductions in FeNO are observed after e-cigarette and tobacco cigarette use. The authors concluded that in the aspect of FeNO, e-cigarettes are not safer than tobacco cigarettes, and mentioned that this finding is indicative that lung function is affected by e-cigarette use.

The conclusions of the authors are arbitrary and completely wrong. FeNO is a marker of inflammation to the lungs, most commonly used in asthmatics. However, inflammation is characterized by high levels of FeNO. Reductions in FeNO are observed in asthmatics after corticosteroid therapy, indicating that there is a response to the therapy and inflammation is reduced. Low levels are indicative of either no inflammation at all, or is a false negative finding of non-eosinophilic inflammation in patients with symptoms of respiratory disease. In any case, all participants in the study had normal FeNO levels, while a further reduction means absolutely nothing. By definition, it does not mean that there is a decline in lung function, because FeNO cannot be used as a marker of respiratory function; it just measures inflammation. Moreover, a significant problem in the statistical analysis should be mentioned. In a study evaluating different interventions in the same population, you do NOT use student t-tests but you perform repeated measures ANOVA. I would not expect the journal to accept such an analysis. Finally, it should be mentioned that while this study is inline with findings from Vardavas et al., it is contradictory to findings by Schober et al. and Flouris et al. Schober found elevation in FeNO levels after e-cigarette use. As we explained in a letter to the editor, it is controversial to expect that both a reduction and an elevation of any biomarker mean the same thing!!

Of course, FeNO levels have nothing to do with NO production and effects on the endothelium of the arteries and on cardiovascular disease incidence, and, as mentioned above, do not indicate lung dysfunction. Anyone, making such statements, such as Stanton Glantz, is probably confused and is ignoring some basic facts. For the current study he mentions: "... the fact that exposure to e-cigarette aerosol reduces exhaled NO in the lungs may help explain why people who use e cigarettes have a drop in lung function. (The fact that smoke reduces NO production in arteries is an important reason that smoking and passive smoking contribute to heart attacks)". Amazing statements for a study that **did not find any drop in lung function**, because they **did not measure lung function**. Moreover, they **did not assess NO production or effects on the endothelium of blood vessels** and thus the results are completely irrelevant to the cardiovascular system. Obviously, he is underestimating the intellectual abilities of regulators because he submitted his theories to the FDA as "scientific evidence".

In the past Glantz was once again shouting about the adverse effects of e-cigarette use when the Schober et al. study was published, which showed the exact opposite results compared to the current study (Schober showed elevated FeNO after e-cigarette use). In that case he mentioned: "They also found increased measures of inflammatory processes in the people using e-cigarettes, which could indicate lung irritation. (Increase levels of inflammation could also have effects on blood and blood vessels in

Letter to New York Councilman concerning a proposal to ban flavored electronic cigarette liquids

Nicotine absorbed from "passive vaping" is minimal and with no health implications

Politics over science: unprecedented distortion of evidence by a prestigious medical journal

Disgraceful propaganda by WHO staff against e-cigarettes in social media

WHO revises its previous proposal (and plans) to ban electronic cigarettes

ways that increase the risk of triggering a heart attack)".

In reality the data are completely irrelevant to his arguments. No study evaluated any cardiovascular effects and FeNO is not a marker of systemic inflammation. Still, he jumps from the respiratory to the cardiovascular system and back. Finally, he needs to decide what he considers as problem arising from e-cigarette use? Elevated or reduced FeNO?

I must regretfully say that this is not science...



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#7 Dr Farsalinos

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Quote

#7 dave 2014-06-14 21:29

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Quote

#6 Margaret Hermon 2014-06-14 16:04

Quoting Louie Carter:

If the lungs are supposed to be irritated or inflamed, then how did my severe asthma go AWAY, as documented by my doctors, once I quit smoking tobacco cigarettes and switched over to electronic cigarettes? The asthma still has NOT come back! It was BAD! I sat here and my lungs gurgled and gurgled while smoking tobacco cigarettes - that has gone COMPLETELY AWAY thanks to electronic cigarettes! Again, it is medically documented!

Same here - just had bad infection which has affected most of my base, but no asthma attack. Stan seems to be suffering a great deal of confusion, a few ml of nicotine might help!

+3
Quote

#5 Spazmelda 2014-06-14 11:47

Rebuttal example of logic 10. Reduced FeNO is bad, and increased FeNO is bad, therefore e-cigs are bad. Very convenient interpretation for the A&F. One must assume that no changes in FeNO would also somehow be interpreted as bad with enough diligence and twisted reasoning. A&F say, "Conflicting evidence, no problem. It's all BAD!"

+4
Quote

#4 Mick Wright 2014-06-14 11:44

I'm not really sure that all of this in-depth analysis of chemistry is needed when there are so many vapers.

As a very well examining, the effects of vapors in a purified and controlled environment. There are indeed things we do not know and need to find out. Usually this sort of experimentation is done in response to an emerging health concern that threatens a large population. To find out what's happening.

That's what is occurring with e-cigs, given how with the e-cigs are and experiments and studies are a response to the real world increase in obesity.

The first question I'd ask Clinton is: what is the estimate you have for increased visits to hospitals of e-cigs suffering from vaping-induced lung conditions?

And as better get that report based on a reliable counted based on A&F admission reports.

+3
Quote

#3 Laurie Carlson 2014-06-14 10:42

If the lungs are supposed to be irritated or inflamed, then how did my severe asthma go AWAY, as documented by my doctors, once I quit smoking tobacco cigarettes and switched over to electronic cigarettes? The asthma still has NOT come back! It was BAD! I sat here and my lungs gurgled and gurgled while smoking tobacco cigarettes - that has gone COMPLETELY AWAY thanks to electronic cigarettes! Again, it is medically documented!

+6
Quote

40 **Robert Innes** 2014-06-14 09:58 +4
 "Robert, Giant, is probably confused..." We need accuracy with this type of statement. Take out "biobatch."
 Once again thank you so much for providing the explanations and details which at times, we so desperately need.
 Quote

41 **Michael** 2014-06-14 02:31 +2
 If this is the best you have against vaping, maybe you should pick a new target to slander. You are really bad at this one.
 Quote

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Details

Created on Monday, 05 May 2014 05:30

Formaldehyde release in e-cigarette vapor The New York Times story explained in detail

Dr Farsalinos

A study to be published in Nicotine and Tobacco Research was featured in the New York Times and has generated a lot of interest. The article mentioned that e-cigarette vapor can be the source of carcinogens, depending on the heating process.

The article is true and expected. We know that thermal degradation can lead to the release of toxic chemicals. And we know that formaldehyde, acetaldehyde and acrolein have been found in vapor. There is nothing new to it. However, this study found that levels may approach those present in tobacco cigarettes. Of course there some inaccuracies in the NYT article, such as that nicotine gets overheated (which means nothing).

Herein, I present with more detail the results of this study. Researchers used an EGO Twist battery (variable voltage) and a top-coil clearomizer (with unknown resistance, thus unknown wattage delivery). At 3.2 and 4.0 volts, formaldehyde levels were 13-807 times lower compared to tobacco cigarettes!! At 4.8 volts, formaldehyde levels were increased by up to 200 times, and reached to levels similar to tobacco cigarettes.

The main criticism to this study is that in my opinion it is highly unlikely that a top-coil atomizer like the one used in this study would be used at 4.8 volts. At a resistance of 2.2 Ohms that would represent 10.4 watts of energy delivery to the atomizer. I tried 10 watts with an EVIC battery in a Vivi Nova top-coil atomizer (for a clinical study i performed few months ago), and many vapers were unable to use it due to the dry puff phenomenon. Unfortunately, the researchers did not measure and could not provide any information about the resistance of the atomizers, thus it is unknown how much energy was delivered to the atomizer. In my opinion, this is crucial. Moreover, it is very important to examine new-generation (rebuildable or bottom coil) atomizers at similar conditions, since it is more likely for vapers to use such advanced atomizers for high-wattage vaping. I am certain that, due to better liquid resupply to the resistance and wick, the results will be much more favorable.

Another important point is that, although formaldehyde levels can be similar to tobacco, several other toxic chemicals are completely absent from e-cigarette vapor. For example, acrolein was completely absent although they used liquids with glycerol as the main ingredient. In fact, glycerin-based liquids had much lower formaldehyde levels in vapor compared to PG or PG/VG liquids, suggesting that they are much safer to use. As a general remark, finding few chemicals at similar levels does not mean that the risk is equivalent to tobacco cigarettes. Of course, all this information was not presented in the NYT article.

Concerning the remarks about dripping, we should admit that dripping does not allow the user to see how much liquid is present in the atomizer. The same happens with cartomizers. We currently do not know whether the elevation in formaldehyde levels happens just at the time of dry puff phenomenon, or it happens earlier (before being detected by the vapor). Clearomizer-type atomizers (also called tank systems) seem to be the future in e-cigarette use, giving consumers the ability to know when they need to resupply the atomizer with liquid.

Latest Comments

**Letter to New York
Councilman concerning a
proposal to ban flavored
electronic cigarette liquids**

**Nicotine absorbed from
"passive vaping" is minimal
and with no health
implications**

**Politics over science:
unprecedented distortion of
evidence by a prestigious
medical journal**

**Disgraceful propaganda by
WHO staff against e-
cigarettes in social media**

**WHO revises its previous
proposal (and plans) to ban
electronic cigarettes**



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Comments

1 2 3 4 5 6

#57 **Dr Farsalinos** 2014-08-12 17:15 +1
In reality, it was a 2.8sec puff duration. They actuated the e-cigs etc 1 second before drawing on them. Thus, the total activation time was 3.8sec.

Quote

#56 **Tom Blackwell** 2014-08-12 16:58 +1
Never mind, I see it now: in the clinical study, all tests were performed with the following puffing conditions: puff duration 1.8 s, puff volume 70ml, and puff intervals 17 s.

Quote

#55 **Tom Blackwell** 2014-08-12 16:50 +2
Not only did they use a CE4 type chart turned all the way up to 4.2 volts they also measured it in a 10 second draw.
Not only would it burn your mouth and taste so bad it and had a human couldn't do it.
The longest I could draw from any of my devices even at the lowest settings was 7 seconds and that was due to the airflow restriction of the tank.
I could barely inhale just air for 10 seconds.
So they were not using a real world scenario instead choosing one that would produce their desired results.

Quote

#54 **John r walker** 2014-08-08 07:07 0
I have just taken delivery of a battery control device ("batteries not included") that allows precise control of both voltage and wattage, and also does checks as to the exact resistance of the particular atomizer attached to it, have also added a container designed to create a lower atmospheric pressure in the chamber, so should produce a lower vapor point. So far it is giving very good results at quite low power.

Quote

#53 **trnmhmm** 2014-08-08 03:03 +3
So I guess when someone lights the wrong end of a cigarette (filter) by mistake they say "me! what the heck I'll keep smoking it!" LOL.
It's almost the same as vaping dry!

Quote

#52 **John r walker** 2014-07-30 05:37 0
Dr Farsalinos:
The results for A6 and the control PG/VG liquid (C2) differ only in the level of butanal produced. All the other results for these two liquids are 'not detected'. Doesn't this suggest that A6 is also likely to be based on a PG/VG and not the mix- just as the studies say?

Quote

#51 **Dr Farsalinos** 2014-07-28 23:29 +1
You are right, it is unclear how they found PG. Based on the way they mention it, it seems that it was through the label.

Quote

#50 **John r walker** 2014-07-28 23:18 +1
Actually the paper states that the liquids were grouped as: "Based on the labeling information, we grouped the products into VG based (only VG; A1-A3), VG/PG based (both VG and PG mixed in various ratios; A4-A6), and PG based (only PG; A7-A10)."

Quote

#49 **Dr Farsalinos** 2014-07-28 22:48 0
The paper mentions that they did perform chemical analysis.

Quote

#48 **John r walker** 2014-07-28 22:38 0
Dr Farsalinos:
The studies than <http://onlinelibrary.wiley.com/doi/10.1111/ijl.12078> T1 expansion.html for the 10 liquid tested series: "Ingredients (as listed on labels)".
Did the researchers do a chemical analysis of A6?
The make up of the liquid that performed so well in a fairly extreme test is of interest.

Quote

1 2 3 4 5 6

Refresh comments list

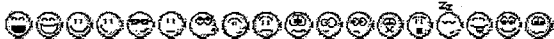
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Name (required)

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☐ Notify me of follow-up comments



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0 Comments

Good Neighbor Operations Plan for the Outdoor Activity Area

- During our outreach, after talking to some neighbors we have decided to cut back the hours to 8PM for the outdoor activity area.
- The outdoor activity area is strictly for sampling flavors and devices.
- We will have 3 standing tables and there will be no more than 10 people in the outdoor activity area.
- The duration each user may spend in the outdoor activity area will be 5 to 15 minutes.
- We will have signage stating "Be respectful of our neighbors!"
- We will have trained employee to monitor the outdoor activity area.
- We will provide the owners and managers' contact information to our neighbors and we will take their complaints into consideration and come up with solutions.

High Percentage of Vacancy

-According to Invest In Neighborhoods San Francisco, Ocean Avenue Profile:

- "Ocean Ave from Ashton to Manor are mostly "dead blocks"; few businesses bring foot traffic. (That is 1900 block and 2000 block of Ocean Avenue)
- High Retail Leakage.
- Lack of public space to congregate.
- Residents complain about lack of diverse offerings; many don't patronize shops and instead shop at West Portal, Stonestown.

-There are a total of 34 commercial storefronts on the 1900 block of Ocean Ave. 5 of them are vacant and 2 are use as storage. That's 20.6% vacancy on the 1900 block of Ocean Ave.

-Supervisor Katy Tang introduced a legislation that if a storefront is vacant for more than 270 days must now pay a \$765 annual fee to The City.

Electronic cigarettes (e-cigarettes) are not currently approved or recommended by the Food and Drug Administration (FDA) or various medical organizations; yet, they appear to play a substantial role in tobacco users' cessation attempts. This study reports on a physician survey that measured beliefs, attitudes, and behavior related to e-cigarettes and smoking cessation. To our knowledge this is the first study to measure attitudes toward e-cigarettes among physicians treating adult smokers.

Using a direct marketing company, a random sample of 787 North Carolina physicians were contacted in 2013 through email, with 413 opening the email and 128 responding (response rate = 31%). Physicians' attitudes towards e-cigarettes were measured through a series of close-ended questions. Recommending e-cigarettes to patients served as the outcome variable for a logistic regression analysis.

Two thirds (67%) of the surveyed physicians indicated e-cigarettes are a helpful aid for smoking cessation, and 35% recommended them to their patients. Physicians were more likely to recommend e-cigarettes when their patients asked about them or when the physician believed e-cigarettes were safer than smoking standard cigarettes.

Many North Carolina physicians are having conversations about e-cigarettes with their patients, and some are recommending them. Future FDA regulation of e-cigarettes may help provide evidence-based guidance to physicians about e-cigarettes and will help ensure that patients receive evidence-based recommendations about the safety and efficacy of e-cigarettes in tobacco cessation.

[illegible]

Citation: Kandra KL, Ranney LM, Lee JGL, Goldstein AO (2014) Physicians' Attitudes and Use of E-Cigarettes as Cessation Devices, North Carolina, 2013. PLoS ONE 9(7): e103462. doi:10.1371/journal.pone.0103462

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Competing interests: The authors have declared that no competing interests exist.

Introduction

The 2008 Treating Tobacco Use and Dependence Clinical Practice Guideline recommends that clinicians ask all patients about tobacco use, offer strong cessation messages, and provide assistance to those patients who use tobacco [1]. Recommended treatments for tobacco cessation include counseling and/or medications such as Bupropion SR or nicotine replacement (e.g., nicotine patch, gum, or inhaler). The combination of behavioral counseling with pharmacotherapy is also strongly recommended [1]. These guidelines do not discuss the use of electronic cigarettes (e-cigarettes), as the guidelines were written before e-cigarettes were widely available in the U.S. Since then, however, e-cigarettes have become a cessation tool for some tobacco users' cessation attempts [2], despite their use not being approved or recommended by the FDA [3] or various medical organizations, including the American Lung Association [4], the American Medical Association [5]–[6], the American Thoracic Society [7], and the Center for Public Health and Tobacco Policy [8]. The purpose of the current study is to report on a physician survey that measured beliefs, attitudes, and behavior related to e-cigarettes as a tool for smoking cessation. To our knowledge, only one study thus far has sought to measure e-cigarettes from the perspective of physicians, and that study focused on adolescent providers [9]–[10]. This study is unique in that it measures e-cigarettes from the perspective of physicians who treat adult patients.

Methods

Ethics Statement

- a. This submission was reviewed by the UNC Biomedical IRB and Office of Human Research Ethics, which has determined that this submission does not constitute human subjects research as defined under federal regulations [45 CFR 46.102 (d or f) and 21 CFR 56.102(c)(e)(1)] and does not require IRB approval.
- b. This study was deemed as non-human subjects research, which is similar to an exemption. As a result, federal regulations for consent are not applicable and a waiver for participation was not required from participants.

Recruitment and Sample

A random sample of North Carolina (NC) physicians were recruited to participate. From July–August, 2013, Infocus Marketing, Inc., a direct marketing company with access to the American Medical Association mailing list, attempted to contact 156 family medicine physicians, 161 internal medicine physicians, 159 obstetricians/gynecologists, 160 psychiatrists, and 151 surgeons (total recruitment, 787 providers) through three different waves of emails. From these emails, which invited physicians to participate in a survey on attitudes and use of QuitlineNC services for patients who use tobacco, 14 addresses were invalid or emails returned, 413 were opened, and 128 responded (28 family medicine physicians, 24 internal medicine physicians, 21

obstetricians/gynecologists, 27 psychiatrists, and 28 surgeons) for an overall response rate of 31%. Physicians were offered a \$100 gift card as an incentive for participation, and every physician contacted had the opportunity to decline participation by unsubscribing from the survey. Physicians were assured their responses would remain anonymous.

Survey Measures

A series of close-ended questions measured physicians' attitudes towards e-cigarettes. Specifically, physicians were asked if they believe e-cigarettes are approved by the FDA for smoking cessation; if they believe e-cigarettes lower the risk of cancer for patients who use them instead of smoking cigarettes; if they believe e-cigarettes are a helpful aid for smoking cessation; and if they recommend use of e-cigarettes to their patients. Response options provided were *yes* and *no*. Physicians were also asked how often their tobacco-using patients ask about e-cigarettes, with response options given as *frequently*, *sometimes*, *rarely*, and *never*. In addition, the survey contained items measuring personal and professional demographics (e.g., gender, age, years in practice, specialty), as well as items measuring clinic behaviors and attitudes (e.g., how often they document counseling in clinic notes after offering tobacco use treatment to their patients and how confident they are in their ability to prescribe optimal doses of tobacco cessation medications). Physicians rated these items using a 4-point response scale with varying labels such as *most times* to *never* and *strongly agree* to *strongly disagree*.

Analysis

Data were analyzed using SPSS version 21. Missing data were excluded from analysis, as were physicians who are not actively involved in clinical practice ($n = 6$). A positive response to recommending e-cigarettes to patients served as the outcome variable for a backward stepwise logistic regression analysis. After conducting a series of bivariate analyses, response categories were collapsed into two categories to ensure an adequate sample size within each category, and the following variables served as predictors: *agreement* with being extremely confident in ability to prescribe optimal doses (*disagreement* served as reference group); those who offer intensive counseling to those who use tobacco *most/sometimes* (*rarely* served as reference group); those who document counseling in clinic notes *most times* (*sometimes/rarely* served as reference group); *psychiatry* specialty (*others* served as reference group); *45 and older* (*44 and younger* served as reference group); frequency of patients asking about e-cigarettes (left as continuous); and *agreement* that e-cigarettes lower the risk of cancer for patients who use them instead of smoking cigarettes (*no* served as reference group). All variables used in the analysis may be found in [Dataset S1](#). Nonstatistically significant predictors were removed from the model so that the final model included only those variables statistically significant at $p < .05$.

Results

Demographics

Of the $n = 122$ physicians who were active in clinical practice, 64.7% had 10 or more years in their field, 85.2% saw 26 or more patients in a typical week, and 56.6% lived in towns with a population greater than 100,000. In addition, a majority of physicians were male, white, and had never been smokers. Group settings accounted for 36.7% of the sample; however, many physicians practiced in a hospital or academic setting, 24.2% and 21.1%, respectively.

E-cigarettes in Clinical Practice

Over two-thirds (67.2%) of the physicians indicated that e-cigarettes are a helpful aid for smoking cessation, and 35.2% recommended them to their patients. A majority (64.8%) believed that e-cigarettes lower the risk of cancer for patients who use them instead of smoking cigarettes. E-cigarettes were also frequently part of the

clinical encounter, with 48.4% of physicians responding that patients ask about e-cigarettes frequently or sometimes. Only 20.5% of physicians indicated they are never asked about e-cigarettes. 13% of physicians incorrectly believed that e-cigarettes are already approved by the FDA for smoking cessation.

Predictors of Recommending E-cigarettes

Table 1 presents the breakdown of variables included in the logistic regression model, andTable 2 presents the statistically significant logistic regression coefficients and odds ratios for predictors that remained in the final model. Increased odds of recommending e-cigarettes to patients is associated with physicians who believed e-cigarettes lower the risk of cancer for patients who use them instead of smoking cigarettes, increased frequency of patient inquiry about e-cigarettes, older physicians, and those physicians who documented tobacco use counseling in their clinic notes.

Variable	OR	95% CI	P-Value
Age	1.02	1.01, 1.03	<.001
Gender	1.05	0.98, 1.12	.18
Years since last cigarette	1.01	1.00, 1.02	.002
Believe e-cigarettes lower risk of cancer	1.45	1.15, 1.75	.001
Frequency of patient inquiry	1.12	1.05, 1.19	.001
Documented tobacco use counseling	1.38	1.08, 1.68	.008
Believe e-cigarettes approved by FDA	0.75	0.55, 1.05	.08
Believe e-cigarettes are addictive	1.05	0.98, 1.12	.12
Believe e-cigarettes are safe	1.05	0.98, 1.12	.15
Believe e-cigarettes are easy to quit	1.05	0.98, 1.12	.18
Believe e-cigarettes are a good alternative	1.05	0.98, 1.12	.20
Believe e-cigarettes are a good way to quit	1.05	0.98, 1.12	.22
Believe e-cigarettes are a good way to live	1.05	0.98, 1.12	.25
Believe e-cigarettes are a good way to stay healthy	1.05	0.98, 1.12	.28
Believe e-cigarettes are a good way to feel better	1.05	0.98, 1.12	.30
Believe e-cigarettes are a good way to look better	1.05	0.98, 1.12	.32
Believe e-cigarettes are a good way to be more confident	1.05	0.98, 1.12	.35
Believe e-cigarettes are a good way to be more popular	1.05	0.98, 1.12	.38
Believe e-cigarettes are a good way to be more successful	1.05	0.98, 1.12	.40
Believe e-cigarettes are a good way to be more powerful	1.05	0.98, 1.12	.42
Believe e-cigarettes are a good way to be more influential	1.05	0.98, 1.12	.45
Believe e-cigarettes are a good way to be more respected	1.05	0.98, 1.12	.48
Believe e-cigarettes are a good way to be more admired	1.05	0.98, 1.12	.50
Believe e-cigarettes are a good way to be more loved	1.05	0.98, 1.12	.52
Believe e-cigarettes are a good way to be more appreciated	1.05	0.98, 1.12	.55
Believe e-cigarettes are a good way to be more valued	1.05	0.98, 1.12	.58
Believe e-cigarettes are a good way to be more important	1.05	0.98, 1.12	.60
Believe e-cigarettes are a good way to be more significant	1.05	0.98, 1.12	.62
Believe e-cigarettes are a good way to be more meaningful	1.05	0.98, 1.12	.65
Believe e-cigarettes are a good way to be more purposeful	1.05	0.98, 1.12	.68
Believe e-cigarettes are a good way to be more impactful	1.05	0.98, 1.12	.70
Believe e-cigarettes are a good way to be more effective	1.05	0.98, 1.12	.72
Believe e-cigarettes are a good way to be more efficient	1.05	0.98, 1.12	.75
Believe e-cigarettes are a good way to be more productive	1.05	0.98, 1.12	.78
Believe e-cigarettes are a good way to be more successful in life	1.05	0.98, 1.12	.80
Believe e-cigarettes are a good way to be more successful in business	1.05	0.98, 1.12	.82
Believe e-cigarettes are a good way to be more successful in love	1.05	0.98, 1.12	.85
Believe e-cigarettes are a good way to be more successful in family	1.05	0.98, 1.12	.88
Believe e-cigarettes are a good way to be more successful in career	1.05	0.98, 1.12	.90
Believe e-cigarettes are a good way to be more successful in school	1.05	0.98, 1.12	.92
Believe e-cigarettes are a good way to be more successful in sports	1.05	0.98, 1.12	.95
Believe e-cigarettes are a good way to be more successful in art	1.05	0.98, 1.12	.98
Believe e-cigarettes are a good way to be more successful in music	1.05	0.98, 1.12	1.00

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Table 1. Variables Included in Logistic Regression, 2013, n = 122.
doi:10.1371/journal.pone.0103462.t001

Variable	OR	95% CI	P-Value
Age	1.02	1.01, 1.03	<.001
Gender	1.05	0.98, 1.12	.18
Years since last cigarette	1.01	1.00, 1.02	.002
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Believe e-cigarettes are a good way to be more admired	1.05	0.98, 1.12	.50
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Believe e-cigarettes are a good way to be more successful in life	1.05	0.98, 1.12	.80
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Believe e-cigarettes are a good way to be more successful in art	1.05	0.98, 1.12	.98
Believe e-cigarettes are a good way to be more successful in music	1.05	0.98, 1.12	1.00

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Table 2. Significant Predictors of Recommending E-cigarettes, 2013, n = 122.
doi:10.1371/journal.pone.0103462.t002

Conclusions

Principal findings

Previous reviews have found that e-cigarettes are viewed by the general public as effective strategies for quitting and reducing harm, [9] and research suggests some smokers use e-cigarettes for cessation purposes [11]. The question remains of whether physicians share those same attitudes regarding e-cigarettes.

To date, only one study of adolescent providers has sought to answer this question [9–10–12], and this research suggests that physicians who treat adolescents lack professional education when it comes to e-cigarettes and often learn about e-cigarettes directly from their patients[10]. In our study, approximately four out of five participating physicians reported being asked about e-cigarettes from their patients who used tobacco. Interest in e-cigarettes appears high, and, despite an absence of evidence regarding the long-term health impact of e-cigarettes [13], over one-third of physicians in this sample reported recommending their use for patients, and over two-thirds believed e-cigarettes are a helpful aid for smoking cessation. Although some evidence suggests e-cigarettes can be effective for cessation [2]–[14], they are not included in current guidelines that recommend combination nicotine replacement therapy or varenicline as first-line therapy [15]. Because current smokers who have tried e-cigarettes do not report an increased intention to quit smoking [16] and concerns exist over dual use of these products[17], physicians should remain cautious until more data is available about recommending e-cigarettes as tobacco cessation tools in clinical practice in favor of more effective modalities. Behavioral counseling about tobacco use cessation should also remain prominent in all quit attempts [1]. Furthermore, there is insufficient research on the relationship between e-cigarettes and nicotine dependence, including whether or not e-cigarettes could actually increase dependence [13]. To what extent e-cigarettes work more or less effectively than FDA approved pharmacotherapy remains unclear.

Our results also suggest that physicians who document counseling in their clinic notes after offering tobacco use treatment to their patients are more likely to recommend e-cigarettes. This relationship suggests that physicians may be interested in continuing the e-cigarette conversation with their patients in future appointments, as advising patients to quit smoking is the most often utilized intervention by physicians [18]. However, it is then imperative that physicians stay current with evidence-based research on e-cigarettes because discrepancies already exist among physicians when it comes to tobacco use treatment options [19]. Our results are no different in that older physicians were more likely to recommend e-cigarettes than younger physicians, and some physicians incorrectly believed they are already approved by the FDA for smoking cessation. Without widespread dissemination of clear, evidence-based research on e-cigarettes, it is likely these discrepancies will continue and patients could potentially be given inaccurate information [10].

Limitations

This research has several limitations. As results are specific to a small sample of NC physicians, they may not generalize to other populations. Also, the response rate is relatively low and there is the potential for nonresponse bias. It is possible that our sample includes physicians who are more positive towards e-cigarettes than other non-participating physicians. However, our sample was recruited for a survey on the North Carolina Quitline without any indication there would be questions related to attitudes or behaviors regarding e-cigarettes as cessation devices. Furthermore, 31% for physicians participating in an email survey can be considered quite good [20–21–22]. Finally, results are descriptive in nature. Causality and directionality should not be inferred. Given the preliminary nature of this survey, it is recommended that ongoing surveillance of e-cigarettes as a tobacco use treatment option continues with a much larger, diverse, random sample of physicians.

Conclusion

This research provides a first look at how e-cigarettes are being used as cessation devices among physicians who treat adult patients. Our results suggest that physicians see potential in these products as a cessation device and that some make recommendations for their use. As e-cigarettes become more mainstream, physicians may be called on to engage in conversations with their patients about the safety and efficacy of these products. It is essential that the FDA critically review the current evidence on e-cigarettes and provide clear guidance about e-cigarettes and tobacco cessation.

Supporting Information

Dataset_S1.xlsx

[figshare](#)
[download](#)

Dataset S1.

doi:10.1371/journal.pone.0103462.s001
(XLSX)

Acknowledgments

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Author Contributions

Conceived and designed the experiments: AG LR. Performed the experiments: AG JL LR. Analyzed the data: KK AG. Contributed reagents/materials/analysis tools: AG KK. Wrote the paper: KK. Review and editing of manuscript: AG LR JL KK.

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Public Health
England

Electronic cigarettes

A report commissioned by Public Health
England

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About Public Health England

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1. The public health impact of tobacco smoking in the UK

1.1 Background: Mortality and morbidity from smoking in adults, children, and the fetus

Smoking is the largest avoidable cause of death and serious disability in the UK and most other developed countries, and a global health threat. There are about one billion smokers worldwide, of whom about half will die prematurely as a direct consequence of their smoking, unless they quit.^[1] In the UK around one in five adults, or about ten million people, are current smokers,^[2, 3] five million of whom are expected to die prematurely from smoking, losing a total of around 100 million years of life.^[4] Smoking currently accounts for around 100,000, or about one in six, deaths each year in the UK.^[5]

Smoking causes around 85% of the approximately 40,000 cases of (and deaths from) lung cancer in the UK each year,^[6] and contributes to the development of many other cancers, including oral cavity cancer, oesophageal and gastric cancer, kidney and bladder cancers, and pancreatic cancer.^[7] Smoking also accounts for about 85% of the 23,000 deaths from chronic obstructive pulmonary disease (COPD) each year in the UK, and about 25,000 of the more than 200,000 deaths from cardiovascular disease.^[5] Smoking also increases the risk of pneumonia, asthma exacerbation,^[7] and a wide range of other adverse health effects.^[8]

Exposure to second-hand smoke (also referred to as passive smoking) also causes significant harm. Among adults, passive smoking causes thousands of deaths from lung cancer, cardiovascular disease and COPD.^[9] Passive exposure of children increases the risk of sudden infant death syndrome, lower respiratory infections, asthma and wheezing illness, meningitis and middle ear disease.^[10] Smoking during pregnancy harms the fetus, increasing the risk of premature birth, low birth weight, fetal anomalies, and fetal mortality.^[10]

1.2 Contribution of smoking to social inequalities in health and poverty

Smoking is strongly associated with socioeconomic disadvantage, and in most high income countries the prevalence of smoking is considerably higher among more deprived people than in those from affluent backgrounds.^[11] In the UK, the unemployed are twice as likely to be smokers compared to employed people,^[12] and smoking is highly prevalent among the homeless,^[13] those in prison,^[14] and other marginalised or otherwise highly disadvantaged groups. Smoking is also more than twice as prevalent among people with mental disorders than in the general population, and has changed little over the past 20 years, in contrast to the progressive decline in smoking

prevalence in the general population.^[15] Smokers in disadvantaged groups have also typically started to smoke at a younger age, smoke more cigarettes per day, and take in more nicotine from each cigarette.^[16] Smoking thus strongly exacerbates health inequalities.^[17]

2. Electronic cigarettes

2.1 Short history and description of products on the market

Electronic cigarettes (also known as e-cigarettes or electronic nicotine delivery systems (ENDS)) were invented in China in 2003^[18] and designed to provide inhaled doses of vaporized nicotine.^[19] Electronic cigarettes were first introduced to Europe in about 2005 and become increasingly popular since. The products have evolved and improved considerably, such that while most early models resembled cigarettes in shape and size^[19] (sometimes referred to a 'cigalikes', figure 1), many later ENDS models are larger, at about the size of a conventional fountain pen, and are known (among other terms) as 'personal vapourisers', or PVs (figure 2).

Electronic cigarettes typically comprise a re-chargeable lithium ion battery, and a battery powered atomiser which produces vapour by heating a solution of nicotine, usually in propylene glycol or glycerine, held in a (often refillable) cartridge in the device (figure 1). Drawing air through the e-cigarette triggers the heater to create vapour which contains nicotine and is inhaled by a smoker the same way as smoke from conventional cigarettes. Producing nicotine vapour from a solution rather than by burning tobacco means that electronic cigarette vapour is free from almost all of the many toxic chemicals that accompany nicotine in cigarette smoke. Not all electronic cigarettes include nicotine; some simply produce vapour for inhalation, but these are not popular among users.^[20]

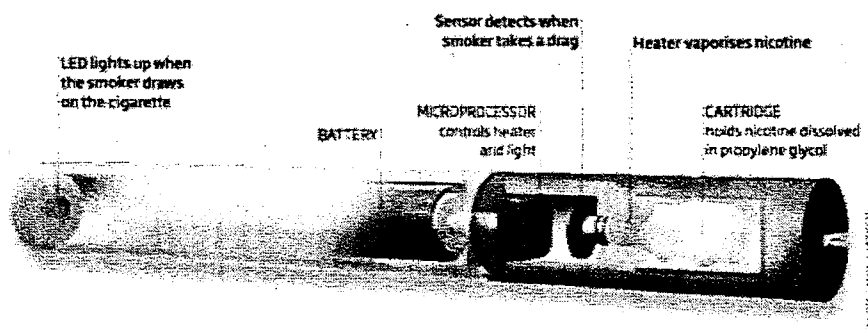


Figure 1: An electronic cigarette (reproduced from Polosa et al. A fresh look at tobacco harm reduction: the case of electronic cigarettes^[19])

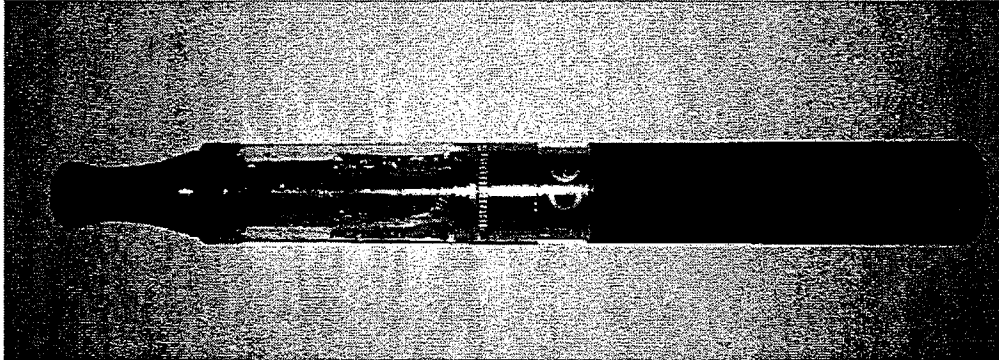


Figure 2: an example of a personal vapouriser (from Wikipedia, <http://en.wikipedia.org/wiki/File:E-cigarette.jpg>)

2.2 Nicotine content, delivery and pharmacokinetics

Evidence on the content and emission of electronic cigarettes is limited. As nicotine is the addictive substance in tobacco cigarettes, nicotine delivery from electronic cigarettes is essential if these products are to be effective for smoking cessation or harm reduction. There are three key elements that influence nicotine delivery from e-cigarette vapour to human body: the nicotine content in the cartridge, which determines the amount of nicotine vapourised; the efficacy of vaporization, which affects levels of nicotine transferred from a cartridge into aerosol; and the bioavailability of nicotine, which determines the dose and speed of absorption of nicotine from the aerosol and subsequent transfer into the blood stream and hence to nicotine receptors in the brain.

^[21] All of these characteristics vary across brands, manufacturers, and product designs.

Smoking a cigarette delivers nicotine throughout the lung and leads to absorption into both the systemic venous circulation from the oropharynx and large airways, and the pulmonary circulation from the small airways and alveoli. The latter route of absorption generates a rapid peak in systemic arterial nicotine levels and hence rapid delivery to the brain.^[22] No other nicotine product has yet been demonstrated to mimic the speed and high dose delivery characteristics of cigarettes. Since nicotine absorbed from the intestine is heavily metabolised on first pass through the liver, conventional nicotine replacement therapy (NRT) products rely on venous absorption from skin, nose or mouth, which avoid this hepatic metabolism but produce relatively low plasma levels, relatively slowly.^[23] It is not yet clear whether electronic cigarettes produce vapour that is sufficiently fine to reach the alveoli, but available pharmacokinetic data suggests that absorption is primarily from the upper airway, that is, slower than a cigarette, and achieving systemic venous blood levels of similar order of magnitude to a conventional NRT inhalator.^[24] Data on the arterial nicotine levels achieved by electronic cigarettes is not available.

It is also evident however that different electronic cigarette products are highly variable in the amount of nicotine they deliver in vapour,^[21, 25] and that the nicotine content indicated on a cartridge is not a reliable guide to likely nicotine delivery.^[25] Although there have been concerns that use of electronic cigarettes could lead to an overdose of nicotine, a study carried out using electronic cigarette brands available in the UK suggests that there is low risk of overdose of nicotine or even inhaling toxic doses of nicotine using electronic cigarettes.^[25] Newer generation PV devices may deliver higher doses of nicotine, but the absorption kinetics still indicate that absorption remains almost, if not completely, via the systemic rather than pulmonary vasculature.^[26]

2.3 Likely health effects relative to conventional cigarettes

The principal addictive component of tobacco smoke is nicotine. However, aside from minor and transient adverse effects at the point of absorption, nicotine is not a significant health hazard. Nicotine does not cause serious adverse health effects such as acute cardiac events, coronary heart disease or cerebrovascular disease,^[27, 28] and is not carcinogenic.^[29] The doses of nicotine delivered by electronic cigarettes are therefore extremely unlikely to cause significant short or long-term adverse events.

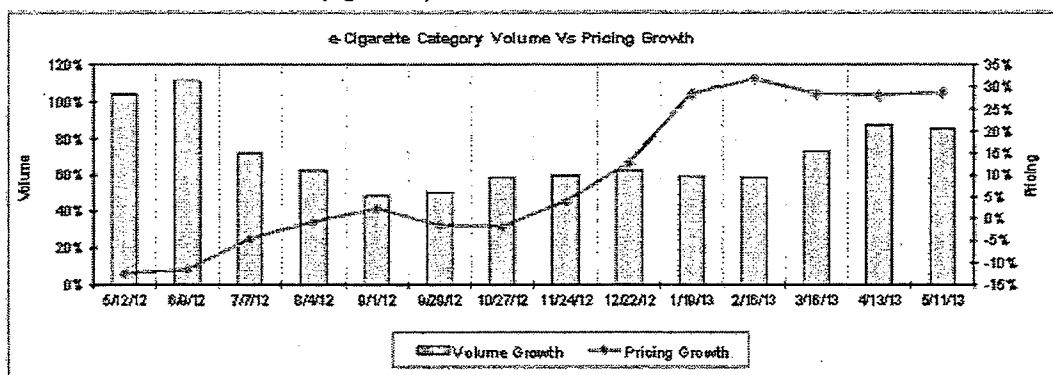
Cigarettes deliver nicotine in conjunction with a wide range of carcinogens and other toxins contained in tar, including nitrosamines, acetone, acetylene, DDT, lead, radioactive polonium, hydrogen cyanide, methanol, arsenic and cadmium,^[30] and vapour phase toxins such as carbon monoxide.^[7] In contrast, electronic cigarettes do not burn tobacco, so any toxins in vapour arise either from constituents and contaminants of the nicotine solution, and products of heating to generate vapour. The principal component other than nicotine is usually propylene glycol, which is not known to have adverse effects on the lung^[31] but has not to our knowledge been tested in models that approximate the repeated inhalation, sustained over many years, that electronic cigarettes involve. We are aware of two cases of lipoid pneumonia attributed to inhalation of electronic cigarette vapour, one in the peer-review literature^[32] the other a news report.^[33]

Despite some manufacturers' claims that electronic cigarettes are harmless there is also evidence that electronic cigarettes contain toxic substances, including small amounts of formaldehyde and acetaldehyde, which are carcinogenic to humans,^[34] and that in some cases vapour contains traces of carcinogenic nitrosamines, and some toxic metals such as cadmium, nickel and lead.^[34] Although levels of these substances are much lower than those in conventional cigarettes,^[34] regular exposure over many years is likely to present some degree of health hazard, though the magnitude of this effect is difficult to estimate.

2.4 Current trends in prevalence of electronic cigarette use

Worldwide use of electronic cigarettes has increased significantly over recent years, but varies markedly between countries. In a recent study carried out in four countries,

rates of ever use of electronic cigarettes were 15% in the US, 10% in the UK, 4% in Canada and 2% in Australia, typically with higher rates among younger age groups.^[35] In another representative study carried out in the US in 2010-11, 21% of adult smokers had ever used an electronic cigarette.^[36] Increasing use of electronic cigarettes in the US is also demonstrated clearly in data on trends in sales of electronic cigarettes which, in the US for example, demonstrated strong growth in volume and value of sales between 2012 and 2013 (figure 3).^[37]



Source: Nielsen C-Track Database and Wells Fargo Securities, LLC

Figure 3: Electronic cigarette market changes in the US (adapted from Wells Fargo Securities)

There is evidence that in the US, use of electronic cigarettes has become more popular among young people with ever use doubling between 2011 and 2012 from 3.3% to 6.8%, and current use increasing from 1.1% to 2.1%.^[38, 39] Most of this increase has occurred as a result of use by people who already use some form of tobacco product.^[38, 39] In a more recent analysis of 2011-12 data from young people in the US,^[40] reported widely (including by the British Medical Journal)^[41] to demonstrate gateway effects into smoking, use was again almost entirely restricted to young people who already smoked tobacco.^[40]

The most recent survey in the European Union (EU) demonstrates lower levels of use than in the US, with that in 2012, 7% of adults reporting in 2012 that they had tried an electronic cigarette, though most respondents reported awareness of the product.^[42] Data for the UK demonstrates trends in use similar to those in the US, with data from the Smoking Toolkit Study, a monthly survey of about 1800 adults including around 450 smokers, led by Professor Robert West at University College London.^[43] Data released in March 2014 demonstrates that electronic cigarette use, having increased rapidly over the past two years, has now stabilised at around 17%.^[44] *Action on Smoking and Health* (ASH) has estimated that currently about 1.3 million people in the UK use electronic cigarettes, and around 400,000 people have completely replaced smoking with electronic cigarettes.^[45] Electronic cigarettes are primarily used by current and former smokers, and only about 0.5% of never smokers in Great Britain have tried the product.^[46] Use of electronic cigarettes is equally common across age and socioeconomic groups.^[47]

3. Harm reduction

3.1 What is harm reduction, and how does it apply to tobacco use?

Harm reduction is a strategy used widely in health policy to reduce harm to an individual or society by modifying hazardous behaviours that are difficult, and in some cases impossible, to prevent. Examples include requiring drivers to wear seatbelts, promoting safer sexual practices, providing methadone to opiate addicts, and needle exchanges to reduce the risk of blood-borne infection in intravenous drug users.^[48]

Harm reduction policies have not to date been widely used in tobacco control, in which policies have to date tended to be centred on promoting complete cessation of all tobacco and nicotine use, with harm reduction limited to the introduction of cigarette filters, and (largely discredited) limits on machine-smoked tar yields. While this overall approach has achieved substantial success, with smoking prevalence having fallen among adults from 45% to 20% over the past four decades,^[49] the current 20% prevalence translates into about ten million smokers at immediate and sustained risk of premature death and disability. Conventional tobacco control approaches have by definition failed in these people, for whom harm reduction approaches, to minimise health harms until complete cessation can be achieved, are essential. The options for harm reduction in tobacco control include cutting down on smoking, use of modified cigarettes, smokeless tobacco products, nicotine replacement therapies, and more recently electronic cigarettes.

3.1.1 Cutting down on smoking

Cutting down on smoking, that is, reducing the number of cigarettes smoked each day, has been popular among smokers to reduce harm caused by cigarette smoking. However, smokers who cut down typically compensate by changing their smoking behaviour to extract higher doses of nicotine (and hence tar) from the cigarettes they smoke, by taking more and/or deeper puffs of smoke from each cigarette.^[50] This, and the fact that the exposure-response curves for harm are not all linear (for example, for cardiovascular disease risk increases dramatically with just one cigarette per day),^[4, 51] means that cutting down on the number of cigarettes smoked per day does not lead to proportionate reductions in harm to health, if indeed to any.^[52-55] There is benefit from cutting down on the number of cigarettes smoked, but this arises primarily from the fact that those who do so are more likely to make a quit attempt in the future.^[56]

3.1.2 Modified cigarettes

Modified cigarettes, sometimes referred to as potentially reduced exposure products (PREPS) have been promoted by the tobacco industry as an option to reduce risk. Low tar and low nicotine cigarettes, which promised enjoyment of smoking and lower risk to

health^[57] were an early example of this, though in practice the low tar yields were achieved by technologies such as filter ventilation which reduced machine-measured tar yields rather than 'real life' tar delivery, and were in any case undermined by compensatory smoking.^[50] Marketed as an alternative to quitting,^[57] low tar cigarettes proved to be counterproductive to public health.

In addition to conventional filters, which may have led to a modest reduction in cancer risk,^[58] other potential modifications include more effective (activated charcoal) filters, and heating rather than burning tobacco.^[59-61] To date however, non-combustion products have not proved commercially successful, and the extent to which minor reductions in toxin exposure translate into tangible reductions in health hazard to smokers remain far from certain.

3.1.3 Smokeless tobacco

Smokeless tobacco products, usually in the form of oral tobacco or nasal snuff, are widely available and used around the world. Although some are associated with significant health harms, including increased risks of nasal, oral or gastrointestinal cancer, none causes lung cancer or COPD and all are substantially less hazardous than smoked tobacco.^[62] Since smokers who switch from smoked to smokeless tobacco substantially reduce the hazard to their health from tobacco use, smokeless products have great potential as a harm reduction option for smokers. The least hazardous smokeless tobacco product in widespread use is Swedish snus, an oral product that has been used in Sweden for decades.^[62] However, with the exception of Sweden, supply of snus or similar products is prohibited throughout the European Union.

3.1.4 Nicotine replacement therapies (NRTs)

NRT comprises a group of medicinal nicotine products intended for use by smokers as a substitute for tobacco while attempting to quit smoking. Historically their use has been recommended in a reducing dose schedule over about three months from quitting smoking, but NRT products are also effective as a short- or long- term substitute for tobacco, that is, as a harm reduction option. UK medicines regulators have approved NRT for harm reduction indications including cutting down on smoking through dual use (which often leads to complete smoking cessation)^[63] and as a temporary or long-term abstinence from smoking, and in 2013 the National Institute for Health Care Excellence (NICE) issued guidance recommending use of NRT as a harm reduction substitute for smokers who are not ready or able to quit all tobacco and nicotine use.^[27, 64] However, NRT products have been designed to deliver low doses of nicotine, and most products do so relatively slowly, in relation to absorption from cigarettes.^[23] This, and the fact that the products can be expensive relative to cigarettes at the point of sale, provide few if any of the behavioural characteristics of cigarettes that contribute to addiction,^[7] lack social acceptability as an alternative to smoking, and medicalise the act of trying to quit smoking, limits their attractiveness to smokers.

3.1.5 Electronic cigarettes

Electronic cigarettes offer nicotine delivery in a format that mimics smoking, have a socially acceptable non-medical image which enables users to retain their smoker identity but without the risk of smoke, are relatively inexpensive (start-up costs can be high, but running costs much lower than smoking), and despite (to date) nicotine delivery that is low relative to cigarettes,^[24] have proved popular with the current minority of smokers who use them. Consumer support for the product is evident from the user sites that a brief internet search on electronic cigarettes or vaping generates. To our knowledge, no users of NRT have ever felt sufficiently passionate about the product to establish a user website. Unlike NRT therefore, and particularly if nicotine delivery can be improved to mimic that of cigarettes more closely, these products have the potential mass appeal to challenge the primacy of smoked tobacco as the product of choice for nicotine users.

3.2 Evidence on effectiveness of harm reduction approaches

The experience of the availability of snus in Sweden provides a unique natural experiment in the impact of a socially accepted, non-medical, affordable and easily accessible reduced harm product on the prevalence of tobacco smoking.^[62] Snus is an oral moist tobacco which contains relatively low levels of tobacco specific nitrosamines^[65] and has a risk profile that includes possible increases in risk of oesophageal and pancreatic cancer,^[66] and of fatal (but not non-fatal) myocardial infarction,^[67, 68] but not COPD or lung cancer.^[62]

Although over recent decades the prevalence of any tobacco use has changed little in Sweden,^[65] the prevalence of smoking in Sweden, which has fallen from 30% in the 1980s^[69] to 13% today,^[42] is now the lowest in Europe. This in part reflects the effect of existing smokers switching to snus, and partly the effect of new tobacco users initiating snus use but not smoking.^[62, 65, 70, 71] One result is that Sweden now has an extremely low and decreasing lung cancer mortality rate.^[72] Similar trends and effects on smoking prevalence have been observed in Norway, where use of snus is a much more recent phenomenon, and both snus use has risen and smoking prevalence fallen markedly since the year 2000 (figure 4):

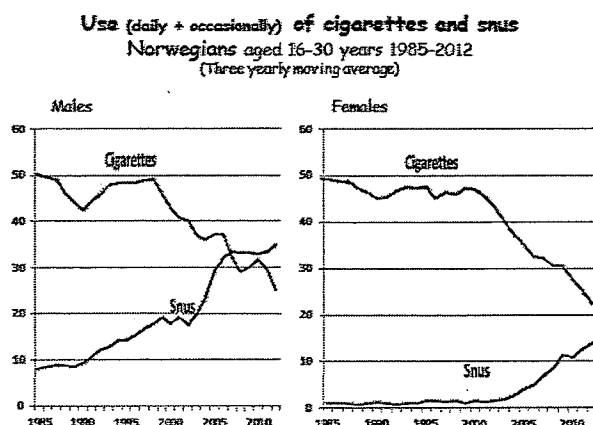


Figure 4: Trends in use of cigarettes and snus in Norwegian adults 1985-2012 (data presented to the Society for Research on Nicotine Conference 2013, figure provided by lead author)^[73]

Although controversial, the Swedish natural experiment demonstrates that despite dual use and primary uptake of the reduced-harm product by young people, availability of reduced-harm alternatives for tobacco smokers can have a beneficial effect. While snus is not likely to become a legal or indeed politically viable option in the UK, this data proves the concept that harm reduction strategies can contribute to significant reductions in smoking prevalence.^[62]

3.3 Where does harm reduction fit into UK policy and practice

Although historically in the UK, NRT was licensed for smoking cessation only, over recent years licencing regulations have become more relaxed, and in 2009 the UK Medicines and Healthcare products Regulatory Agency (MHRA) approved an extension to include harm reduction as an indication for the *Nicorette* inhalator, and suggested extending this indication to other nicotine containing products.^[74] In recent NICE guidelines, which cover licensed nicotine-containing products, long term use of medicinal nicotine has been recommended to help with quitting smoking, cutting down on smoking, or temporary abstinence.^[64] Harm reduction was also promoted in tobacco control white papers produced by both the previous Labour administration^[75] and the current coalition government.^[76] Many of these changes were encouraged in a report by the Royal College of Physicians, published in 2007.^[7] Harm reduction was also endorsed by Action on Smoking and Health in 2008 report endorsed by over 60 national organisations.^[77] In these respects UK tobacco policy leads the world. No other country, to our knowledge, has embraced the concept of harm reduction so strongly.

3.4 How do electronic cigarettes fit into a harm reduction strategy

Electronic cigarettes emerged on the UK market at around the time of the 2007 Royal College of Physicians report, which advocated making alternative sources of medicinal nicotine available to smokers as a competitive and non-medical alternative to tobacco. The rapid uptake of electronic cigarettes since then, despite uncertainties over their

purity and performance, demonstrates that, as has been the case with Swedish snus, many smokers welcome the availability of choice in nicotine products, and if provided with products that are attractive, affordable and easily available, will use them either in conjunction with, or in the longer term instead of, tobacco cigarettes. Electronic cigarettes also appeal to smokers by mimicking the sensation and appearance of smoking a cigarette, and by their market positioning as lifestyle rather than medical products. Electronic cigarettes, and the various new generation nicotine devices in development, clearly have potential to reduce the prevalence of smoking in the UK. The challenges are to harness that potential, maximise the benefits, and minimise risks.

4. Potential hazards of electronic cigarettes

As use of electronic cigarettes is a relatively recent phenomenon and evidence to date is scarce, there are still some major concerns about these products: those related to product itself, those about relation between use of electronic cigarettes and smoking, and concerns about renormalization and regulation of electronic cigarettes.

4.1 Hazards from the product itself

Potential hazards of electronic cigarettes relate primarily to the purity of nicotine emissions, and the effects of long-term exposure to vapour. Evidence on these is summarised in section 2.3 above, but relate primarily to the effects of substances other than nicotine in the vapour. Overall however the hazards associated with use of products currently on the market is likely to be extremely low, and certainly much lower than smoking. They could be reduced further still by applying appropriate product standards.

Electronic cigarettes do not produce smoke so the well-documented effects of passive exposure of others to cigarette smoke^[9, 10] are clearly not relevant. Exposure of non-smokers to electronic cigarette vapour poses a concern, though laboratory work suggests that electronic cigarette use in an enclosed space exposes others to nicotine at levels about one tenth generated by a cigarette, but little else^[78]. The health risks of passive exposure to electronic cigarette vapour are therefore likely to be extremely low.

4.2 Potential hazards, unintended consequences, harms to public health

Electronic cigarettes have caused controversy among public health professionals due to three main reasons: concerns about the relation between smoking and use of electronic cigarettes; regulations on advertising and promotion of electronic cigarettes; and involvement of the tobacco industry.

4.2.1 The relation with smoking

There have been some suggestions that among non-smokers, electronic cigarettes might be used as a gateway to smoking and promote smoking uptake and nicotine addiction, particularly among children and young people. However, to date there is no data supporting this claim. Experimentation with electronic cigarettes among non-smoking children in the UK is currently rare, and only about 1% of 16 to 18-year-old never smokers have experimented to electronic cigarettes and few if any progress to sustained use.^[47] Furthermore, experimentation with electronic cigarettes should be considered in the context of current levels of experimentation with tobacco cigarettes, which in Great Britain currently generates a prevalence of smoking of 15% among 16 to

19-year olds, and 29% in 20 to 24-year olds.^[79] Experimentation with electronic cigarettes is most likely to occur predominantly in the same group that currently experiment with tobacco, as indeed is suggested by recent US data.^[40] It is therefore relatively unlikely that availability and use of electronic cigarettes causes or will cause significant additional numbers of young people to become smokers than do at present. It has been suggested that there is a risk of sustained dual use among smokers who might otherwise have quit smoking completely, representing missed opportunities to achieve complete cessation. This concern clearly applies equally to NRT, which is licensed for what is in effect dual use and recommended on the grounds that dual use is likely to increase quit attempts. The concern is therefore inconsistent; if dual use is good as a pathway to quitting, that surely applies to dual use involving either NRT or electronic cigarettes.

Some argue that use of electronic cigarettes, which to a degree resembles cigarette smoking, in places where smoking is currently prohibited might re-normalize smoking and undermine tobacco control efforts.^[80] However, although similar in appearance, even cigalike products are easily distinguishable, both in appearance and smell, from tobacco cigarettes. Therefore, use of electronic cigarettes in smoke free places is more likely to lead to normalisation of nicotine devices than to smoking, and hence potential benefit as a support to existing well smoke-free policies.

4.2.2 Advertising and promotion

A potential greater concern over the similarity in appearance between the use of electronic and tobacco cigarettes relates to advertising, sponsorship, celebrity endorsement and portrayals in film and other media. In this area there is considerable scope for promotion of nicotine use to young people, representing a significant concern. Advertising will be controlled in future by developments in regulation of these products (see below), and the Committee of Advertising Practice is currently consulting on restricting the advertising of electronic cigarettes. Marketing of electronic cigarettes is covered in further detail in the parallel paper to this one, produced by Professor Linda Bauld.

4.2.3 Involvement of the tobacco industry

Although originally developed and marketed independently from the tobacco industry, all of the four transnational tobacco companies now own at least one electronic cigarette product, or has competitor products in development. In addition to sharing the commercial gains from electronic cigarettes, the tobacco industry is no doubt eager to exploit opportunities for advertising and promotion that might increase either electronic or tobacco cigarette use, and also, by becoming involved in the production of alternatives to smoking, circumvent current restrictions on engagement in policy imposed by the Framework Convention on Tobacco Control (FCTC).^[81] Given the ethical record of tobacco industry activity in promoting and defending smoked tobacco, this is an obvious and significant potential threat, but also one that needs to be

addressed across the board as all nicotine suppliers are driven primarily by commercial rather than public health interests. While those commercial and public health interests largely coincide in the promotion and sale of electronic cigarettes to smokers, they do not in the non-smoking population. This is a key argument for regulation to prevent abuse of the electronic cigarette market.

5. Potential benefits of electronic cigarettes

The potential benefits of electronic cigarettes lie in their role as a reduced-hazard competitor for cigarettes.

5.1 Who uses electronic cigarettes and why?

The great majority of the more than one million users of electronic cigarettes in the UK are current or former smokers.^[46] Most users use them to either replace cigarettes in places where smoking is prohibited or discouraged, to cut down on smoking, to reduce harm from smoking, or to quit smoking.^[20] As the nicotine delivery kinetics of electronic cigarettes improves with technological developments, these products may prove to be more effective than conventional NRT as a tobacco substitute as their physical and behavioural characteristics replace many of the co-stimulatory factors that contribute to nicotine addiction.^[7] Availability in convenience stores, competitive pricing, non-medical image and social acceptability also probably contribute significantly to use. Prevalence of use is similar between genders and socio-economic groups, though higher in younger than in older smokers.^[20, 46]

According to the Smoking Toolkit Study, use of electronic cigarettes is much more common among heavier smokers and ex-smokers (figure 5), and more recent ex-smokers report current use of electronic cigarettes than conventional NRT (figure 5).

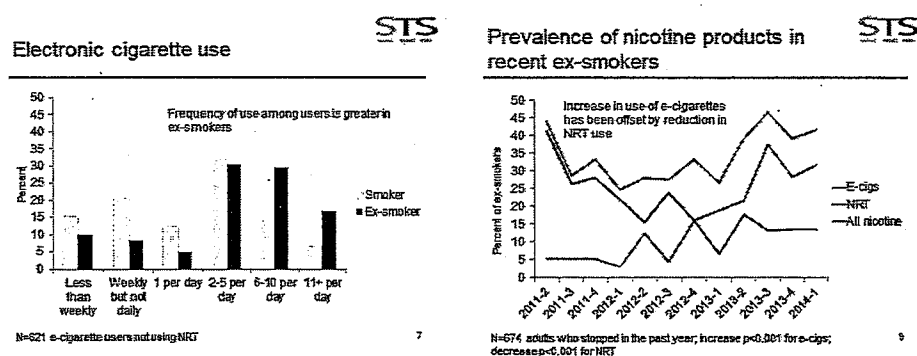


Figure 5: Use of electronic cigarettes by current and ex-smokers (left panel) and of nicotine products in recent ex-smokers (right panel; data from Smoking Toolkit Study[44])

The increase in electronic cigarette use over recent years appears to reflect in part, smokers using electronic cigarettes instead of NRT; and in part, users who would not otherwise have used NRT. This is particularly true of smokers attempting to quit, among whom electronic cigarettes are now the first choice. In this group, increasing

use of electronic cigarettes has been associated with reductions in numbers using NHS stop smoking support, or buying over-the-counter NRT, but there has also been an increase in the total number of smokers using any form of support to quit (figure 6). The net result appears to be an increase in the proportion of smokers who have quit within the past year (figure 6).

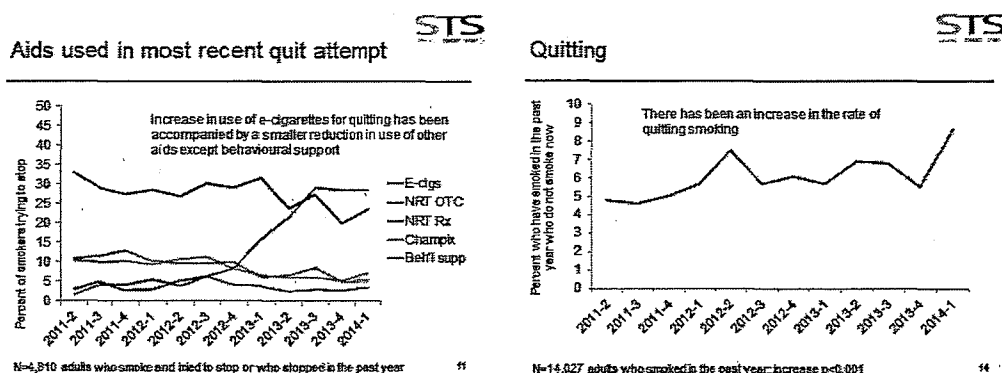


Figure 6: Aids used in most recent quit attempts (left panel) and proportion of smokers who have quit in the past year (right panel; data from Smoking Toolkit Study[44])

5.2 Effectiveness of electronic cigarettes as cessation aids

Evidence from clinical trials on the effectiveness of electronic cigarettes is limited, though results from observational and randomised trial data suggests that efficacy of first generation electronic cigarettes is similar to that of the transdermal NRT patches^[82] or the *Nicorette* NRT inhalator^[24]; findings that are consistent with the apparently low dose delivery and upper airway absorption of early generation products. Low nicotine delivery, or just the non-nicotine behavioural components of electronic cigarette use may explain why, in a trial comparing electronic cigarettes used to deliver either a constant nicotine dose, or a reducing dose, or no nicotine over 12 weeks demonstrated a decrease in tobacco consumption in all groups, but little difference between them.^[83] An observational study has also documented significant reductions in smoking among smokers with schizophrenia using electronic cigarettes.^[84] A recent study revealed that about 6% of former smokers who used electronic cigarettes daily relapsed to smoking after one month, and 6% after one year, and nearly a half of dual users stopped smoking after one year, indicating that electronic cigarette use might be effective in relapse prevention and smoking cessation.^[85] Dual users who used electronic cigarettes to cut down on smoking have lower levels of respiratory symptoms which is likely to be due to reduced smoking.^[20]

These studies indicate that electronic cigarettes are moderately effective as smoking cessation and harm reduction aids, but that a significant component of that effect is due to the behavioural rather than nicotine delivery characteristics of the devices. However, most of the available evidence relates to early generation devices of unknown but

almost certainly low nicotine delivery. More recent and future devices may prove much more effective.

5.3 Population-level impact of electronic cigarettes

The most effective way to quit smoking is to use a combination of pharmacotherapy and behavioural support, as for example provided in England by NHS Stop Smoking Services (SSS). However, while a majority of smokers report that they want to quit smoking, less than 10% access SSS each year.^[86] Most smokers attempt to quit without help ('cold turkey') or use over-the-counter NRT; and now electronic cigarettes.

The advantage of electronic cigarettes in this context is that, as shown in figure 6, they result in more smokers using some kind of medication or substitute for cigarettes to quit, and this appears to be increasing the proportion of smokers who quit. However the probability of quitting successfully without behavioural support, even with some form of nicotine replacement, is much lower than the quit rate among people who use SSS.^[87] Although this may reflect differences in motivation to engage fully with services, many of those who pass up on SSS to quit in other ways, and fail, represent missed opportunities.

Electronic cigarettes therefore increase smoking cessation to the extent that they draw in smokers who would not otherwise use a nicotine substitute in an attempt to quit, but reduce it to the extent that they take smokers away from SSS. The optimum solution for population health is to maximise both the use of electronic cigarettes among smokers, and the proportion of users who engage with SSS. This will require some changes to current SSS practice.

6. Regulation of electronic cigarettes in the UK

6.1 Current UK regulation

Electronic cigarettes are currently marketed in the UK under general product safety regulations which do not impose specific standards of purity or efficacy, and control advertising through voluntary codes of practice,^[88] which are now being reviewed,^[89] but deal with breaches reactively, in response to complaints, rather than proactively, through pre-screening. Proponents of this approach maintain that it minimises regulatory barriers and costs to product development and innovation, and that freedom to advertise maximises reach across the smoking population. Opponents hold that general product regulation does not ensure that products deliver nicotine reliably or without unnecessary and potentially hazardous components or contaminants, and allows inappropriate marketing, for example, to children or to non-smoking adults.

6.2 UK MHRA regulation

In 2013, after a consultation process that began in 2010, the UK MHRA announced that from 2016, it intended to regulate electronic cigarettes and other nicotine-containing products as medicines by function, and thus require manufacture to medicinal purity and delivery standards, and proactive controls on advertising.^[88] The proposed regulation, described as 'right touch', is intended to provide a relatively streamlined route to licensing, particularly by deeming any nicotine device that is proved to deliver nicotine to be effective as a smoking substitute or cessation aid, thus obviating the need for expensive clinical trials. Manufacturing to medicines standards does however represent a challenge and inevitably increases costs. On the positive side however, licensed NRT products currently enjoy a preferential 5% VAT rate, which to some extent offsets these additional costs, and will benefit from being prescribable on NHS prescriptions in the UK. Proponents of this approach welcome the quality and delivery standards imposed, and the advertising controls which should prevent marketing abuses before rather than after the event. Opponents argue that this level of regulation will stifle innovation and delay development of innovative products that could save lives.

These MHRA proposals were published before the revision of the EU Tobacco Products Directive in 2014 (see section 6.3), one consequence of which is to close off the option of deeming all nicotine products as medicines by function. MHRA regulation will therefore no longer be obligatory in the UK from 2016, but option of applying for a medicines licence remains open.

6.3 EU regulation

In March 2014 the European Parliament and Council moved to end marketing under general product safety regulations under the terms of the new Tobacco Product Directive (TPD).^[90] Under this directive, advertising of nicotine-containing devices that are not licensed as medicines will be prohibited, products will be required to carry health warnings, meet purity and emissions standards that are yet to be defined, provide data on nicotine uptake, be subject to restrictions on total nicotine content, and suppliers will be required to bear full responsibility for quality and safety when used 'under normal or reasonably foreseeable conditions'.^[90] Dates for enactment are yet to be specified, but legislation is expected to be required in member states by 2016, and full compliance by 2017. In practice, this means that from 2017 at the latest, suppliers will have to choose between the probably lower manufacturing costs but greater marketing restrictions imposed by the TPD, or to accept the higher manufacturing costs but other benefits of medicines licensing.

7. New developments

7.1 Technological developments

This is a rapidly developing field, and although this article has dealt predominantly with electronic cigarettes, there are many other novel nicotine devices in development likely to come to market in the relatively near future. British American Tobacco, for example, is bringing to market (via a wholly-owned subsidiary company, *Nicoventures*), a novel 'cigalike' device that is a nicotine metered dose inhaler, not an electronic cigarette.^[91] Philip Morris has also invested in a patented novel nicotine device, and other tobacco companies, the pharmaceutical industry and indeed electronic cigarette companies may elect to do the same. It is therefore likely that over the near term future, in addition to improvements and developments in the performance of electronic cigarette technology, novel devices that have similar or greater potential to appeal to smokers, and offer significantly greater purity and efficacy, and a lower hazard profile, will become available.

7.2 Licensing developments

It is now apparent that companies intending to market electronic cigarettes are now going to have to meet either medicines or TPD regulations, and probably from 2017 at the latest. Until the current draft of the TPD was circulated, applications to the MHRA in the public domain were few, but more manufacturers may now be considering opting for the clarity, albeit at a cost, of medicines regulation rather than the uncertainty and advertising restrictions of TPD regulation. The *Nicoventures* inhaler product is expected to be licensed by the MHRA, and marketed in the UK, within the year, and the same company has also applied for a medicines license for an electronic cigarette.^[91] Other tobacco companies may follow suit, while pharmaceutical companies, concerned by the loss of over-the-counter sales of NRT to electronic cigarettes, may also decide to enter this market. It is thus likely that by this time next year, health professionals will be able to prescribe, and patients will be asking them for, prescriptions of novel nicotine products. Some of those are likely to be produced by tobacco companies or wholly funded subsidiaries.

8. Research priorities

The world literature on harm reduction practice is extremely limited. Such data as is available on the content and emission characteristics of products currently on the UK market has been produced almost entirely by independent researchers, not by suppliers. Absorption characteristics are virtually unknown. However, this is data that can and should be required of manufacturers or suppliers, and will be as a result of medicines or TPD regulation, but for up to three years will not be required. While a clearly important area of research, it seems inappropriate to use scarce public research funding to provide this data. This responsibility should be placed, as soon as possible, on suppliers.

There is also questionable value in clinical trials of these products relative to NRT or placebo, if they are shown to deliver nicotine. There is a mass of evidence demonstrating that products that deliver nicotine help people stop smoking, which is why the MHRA, in its proposal for medicines licensing, does not require trial information. Requiring suppliers to demonstrate nicotine delivery and uptake will therefore obviate the need for placebo-controlled trials.

However, at a population level there is no experience of proactive introduction of a harm reduction strategy based on provision of alternative nicotine products anywhere in the world, and hence no direct evidence on the practical benefits, harms, opportunity costs or consequences of this approach. The key requirement of harm reduction research, in our view, is to monitor and where necessary identify opportunities to intervene to ensure that uptake and use follow patterns most likely to benefit public health; and act to prevent loopholes or practices that run counter to this objective. Priorities in this regard therefore include:

- frequent surveys to monitor trends in use of harm reduction products, to enable prompt corrective action where necessary
- monitoring of advertising, product placement, celebrity endorsement, and other direct or indirect marketing approaches, to prevent promotion likely to work against public health (particularly, marketing to children and other non-nicotine users)
- surveillance and reporting systems to identify potential long-term adverse effects of use, both of nicotine and of the carriers (such as propylene glycol) used in these devices
- methods of integrating electronic cigarette or other nicotine devices into health services, in general and particularly in mental health settings, where conventional approaches have failed
- studies of the economic impact of electronic cigarettes on health and wider economic and societal costs

9. Summary and conclusions

Smoking kills, and millions of smokers alive today will die prematurely from their smoking unless they quit. This burden falls predominantly on the most disadvantaged in society. Preventing this death and disability requires measures that help as many of today's smokers to quit as possible. The option of switching to electronic cigarettes as an alternative and much safer source of nicotine, as a personal lifestyle choice rather than medical service, has enormous potential to reach smokers currently refractory to existing approaches. The emergence of electronic cigarettes and the likely arrival of more effective nicotine-containing devices currently in development provides a radical alternative to tobacco, and evidence to date suggests that smokers are willing to use these products in substantial numbers. Electronic cigarettes, and other nicotine devices, therefore offer vast potential health benefits, but maximising those benefits while minimising harms and risks to society requires appropriate regulation, careful monitoring, and risk management. However the opportunity to harness this potential into public health policy, complementing existing comprehensive tobacco control policies, should not be missed.

Declaration of interests

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Tobacco Control

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Tob Control doi:10.1136/tobaccocontrol-2012-050859

Research paper**Levels of selected carcinogens and toxicants in vapour from electronic cigarettes**

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Abstract

Significance Electronic cigarettes, also known as e-cigarettes, are devices designed to imitate regular cigarettes and deliver nicotine via inhalation without combusting tobacco. They are purported to deliver nicotine without other toxicants and to be a safer alternative to regular cigarettes. However, little toxicity testing has been performed to evaluate the chemical nature of vapour generated from e-cigarettes. The aim of this study was to screen e-cigarette vapours for content of four groups of potentially toxic and carcinogenic compounds: carbonyls, volatile organic compounds, nitrosamines and heavy metals.

Materials and methods Vapours were generated from 12 brands of e-cigarettes and the reference product, the medicinal nicotine inhaler, in controlled conditions using a modified smoking machine. The selected toxic compounds were extracted from vapours into a solid or liquid phase and analysed with chromatographic and spectroscopy methods.

Results We found that the e-cigarette vapours contained some toxic substances. The levels of the toxicants were 9–450 times lower than in cigarette smoke and were, in many cases, comparable with trace amounts found in the reference product.










Conclusions Our findings are consistent with the idea that substituting tobacco cigarettes with e-cigarettes may substantially reduce exposure to selected tobacco-specific toxicants. E-cigarettes as a harm reduction strategy among smokers unwilling to quit, warrants further study. (To view this abstract in Polish and German, please see the supplementary files online.)



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Tobacco Control 2014;23:suppl_2 ii11-ii17

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Electronic cigarettes and nicotine clinical pharmacology

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[Abstract] [Full text] [PDF]

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[Abstract] [Full text] [PDF]

Electronic cigarettes: human health effects

Tobacco Control 2014;23:suppl_2 ii36-ii40


[Abstract] [Full text] [PDF]

Safety evaluation and risk assessment of electronic cigarettes as tobacco cigarette substitutes: a systematic review

Therapeutic Advances in Drug Safety 2014;5:2 67-86

[Abstract] [PDF]

New research shows electronic cigarettes better for quitting, than no aid; over the counter NRT worse than no aid

 Grzegorz Kroł | 7 February 2014

New research presented by Jamie Brown and colleagues at the Society for Research on Nicotine and Tobacco conference, 20th Annual Meeting, held in Seattle on Saturday, February 8, 2014 shows that smokers wishing to quit who used electronic-cigarettes had best outcomes.

The study was conducted on a large representative sample of the English population, and was based on people who had smoked during the last 12 months. It looked at those who had made at least one quit attempt using only an electronic cigarette, used only over-the-counter NRT, or used no aid in their most recent quit attempt. The outcome assessed was abstinence from cigarettes up to the time of the survey.

Users of electronic cigarettes performed best – 19.9% had stopped smoking, better than the 15.1% success for those who used no aid. Surprisingly (perhaps for some public health experts) OTC NRT users came off worst, with only 10.0% abstinent.

Caution is needed: this is an abstract, and publication of the full paper will give further details. More details are needed about the length of abstinence from smoking. Those using NRT may be a different segment of the smoking population than those using electronic cigarettes: however the research team found that the difference persisted after adjusting for factors that might influence outcome such as smokers' levels of nicotine dependence.

The recent randomised controlled trial by Chris Bullen and colleagues showed that electronic cigarettes were equally as effective as NRT patches. It is difficult to extrapolate from RCTs to real world conditions. Hence the significance of the Jamie Brown study.

This study is complemented by growing evidence of the increasing *popularity* of e-cigarettes for switching from smoking. Robert West's Smoking Toolkit data shows that since 2013 electronic cigarette use has surpassed NRT; that almost 1 in 3 quit attempts involve the use of electronic cigarettes, that they are now the most commonly used resource for the last quit attempt (exceeding OTC NRT, varenicline, prescribed NRT, and behavioural support) and that there has been a decrease in use of other aids to smoking cessation.

The findings raise further questions about the effectiveness of OTC NRT. As recently reported, OTC NRT use in self-initiated quit attempts confers no advantage over stopping without any aid (Kotz, Brown, & West, 2013). At a population level, there is no measurable effect of OTC NRT on the overall prevalence of smoking.

Implications for public health experts and advisors

Gerry Stimson says: "This study adds to the growing scientific evidence about the effectiveness of electronic

cigarettes and the seemingly lesser effectiveness of over the counter NRT. It could be said that it is no longer ethical to give advice to smokers that discourages use of electronic cigarettes and that advises smokers who wish to quit to use only medically licensed products such as gums, tablets and patches.'

This is the full abstract of the study:

Abstract from Society for Research on Nicotine and Tobacco conference, 20th Annual Meeting

PA18-4

REAL-WORLD EFFECTIVENESS OF E-CIGARETTES: A POPULATION STUDY

Jamie Brown*, Ph.D., 1,2, Emma Beard, Ph.D., 1, Daniel Kotz, Ph.D., 1,3, Susan Michie, D.Phil., 2, 4, Robert West, Ph.D., 1, 4
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Background: Electronic cigarettes (e-cigarettes) are rapidly increasing in popularity. Two randomised controlled trials have suggested that e-cigarettes can aid smoking cessation but there are many factors that could influence their real-world effectiveness. This study aimed to assess, using an established methodology, the effectiveness of e-cigarettes compared with nicotine replacement therapy (NRT) bought over-the-counter and with unaided quitting in the general population.

Methods: A large survey of a representative sample of the English population. The study included 5726 adults who had smoked within the previous 12 months and made at least one quit attempt during that period with either an e-cigarette only (n=391), NRT bought over-the-counter only (n=2031) or no aid in their most recent quit attempt (n=3304). The primary outcome measure was self-reported abstinence up to the time of the survey, adjusted for key potential confounders including nicotine dependence.

Results: E-cigarette users were more likely still to be abstinent than either those who used NRT bought over-the-counter (OR=2.23, 95%CI=1.67- 2.97, 19.9% vs. 10.0%) or no aid (OR=1.40, 95%CI=1.07-1.82, 19.9% vs. 15.1%). The adjusted odds of non-smoking in users of e-cigarettes were 1.66 (95%CI=1.17-2.36) times higher compared with users of NRT bought over-the-counter and 1.60 (95%CI=1.15-2.23) times higher compared with those using no aid.

Conclusion: Among smokers stopping without professional support, those who use e-cigarettes appear more likely to be able to remain abstinent than those who use a licensed NRT product bought over-the-counter or no aid to cessation. This difference persists after adjusting for a wide range of smoker characteristics such as nicotine dependence.

FUNDING: JB's post is funded by a fellowship from the UK Society for the Study of Addiction. RW is

funded by Cancer Research UK. We are grateful to Cancer Research UK, the Department of Health and Pfizer for funding this study. This study is partly funded by Pfizer under an investigator initiated award.

SRNT abstracts can be found here – 2014 Rapid Response Abstract Book

Bullen, C., Howe, C., Laugesen, M., McRobbie, H., Parag, V., Williman, J., & Walker, N. (2013). Electronic cigarettes for smoking cessation: a randomised controlled trial. *Lancet*, 382(9905), 1629–37. doi:10.1016/S0140-6736(13)61842-5

Kotz, D., Brown, J., & West, R. (2013). "Real-world" effectiveness of smoking cessation treatments: a population study. *Addiction* doi:10.1111/add.12429

10 Comments Nicotine Science and Policy



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Joe • 6 months ago

1 year ago today since I have been cigarette free. I like many others did patches, gum, pills. None of those worked. 3 days after I got my ecig I have been smoke free. 2 to 2.5 pack a day habit easily taken care of with ecig. I'm 53 yrs old and yes the flavors are a big part of helping me quit. Started at 36 mg and in one year down to 12mg and sometimes 8mg and zero. If anyone reading this is on the fence about ecigs then please believe this. These can save you or a loved ones life. I was extremely addicted to smoking. I can go 2 or 3 hours without ecig and when smoking no more than 20 min. Support ecigs even if your not a smoker and help save some people.

2 ^ ▾ • Reply • Share >



Michael Reynolds • 8 months ago

NRT didn't work for me. I had tried for many years. using patches. gum. inhalators. nasal spray, mouth spray, Champix, cold turkey and counselling alongside NRT.

I had a heart attack in March 2013. I was rushed to hospital for emergency angioplasty and had a stent fitted. I was told that if I didn't stop smoking I could be dead within a year. That should be enough to make you want to quit smoking completely. Once again, I was given patches and nasal spray, starting while I was still in hospital.

I soon ended up smoking again as the cravings and withdrawal symptoms were too much to cope with. I even smoked while wearing patches.

A month ago, I bought an e-cigarette after a friend told me how they had helped her to stop smoking.

The day I bought my e-cigarette was the last time I smoked a tobacco cigarette. I have had zero cravings or withdrawal symptoms.

My breathing has improved vastly in the short time I've been vaping. While I smoked, I could hardly walk and keep up with people as I got so out of breath. Now I'm walking normally and

[see more](#)

8 ^ v • Reply • Share ›



keith stammers • 8 months ago

The forces against the electronic cigarettes are aligning, a motley group of unlikely allies, with questionable ethics and even more questionable motivations all with one aim in common - to fight off this young and vulnerable new technology that threatens to make them redundant. So who are this repugnant crew? Big Pharma with its NRT and tobacco related disease drugs [worth over \$289 billion per year worldwide], with their illegitimate father Big Tobacco still killing it's customers or driving them into arms of Big Pharma before they pass on, then you have the freeloader uncle, tobacco related harm groups and assorted bucket loads of charity's, that just love to live off misery of others [who else is going to pay for the new Mercedes if not those kind souls who think their pennies actually go to the victims?] The you have the abusive step- mother who lets it all happen as long as she gets hers, Government with it's tobacco taxes. "The customer be-damned is their mantra", these people will fight till the death because if the poor old electronic cigarette wins they will have to seek honest employment and this is something they dread. So what of the poor smoker looking for a healthier alternative to tobacco? Who is looking out for them, other than themselves? NO ONE!

10 ^ v • Reply • Share ›



Melody Chard ↗ keith stammers • 8 months ago

So true Keith! We are going to have to look out for ourselves....even if that means civil disobedience I think! I am prepared to go underground if that's what it takes! I am not going to let them snuff me out so they can make a buck of my suffering! I know there are plenty of us out here willing to start digging our tunnels. The "Powers that Be" can kiss my vaping ass!

6 ^ v • Reply • Share ›



dodderer1 • 8 months ago

Combining this result with the "Real-world" study conclusion

"After adjusting for major confounding variables such as tobacco dependence, smokers in England who use a combination of behavioural support and pharmacotherapy in their quit attempts have almost three times the odds of success than those with ~~neither pharmacotherapy nor~~ ²²⁸⁹

New research shows electronic cigarettes better for quitting, than no aid; over the counter NRT worse than no aid - Nicotine Science and Policy times the odds of success than those who use neither pharmacotherapy nor behavioural support. Smokers who buy nicotine replacement therapy over the counter with no behavioural support have similar odds of success in stopping as those who stop without any aid."

we conclude that NRT+behavioural support is more effective than anything - voila! Double the Smoking Cessation Services funding now.

I think the researchers' biases are the biggest confounding variable.

1 ^ v • Reply • Share >



castello → dodderer1 • 6 months ago

E-cigs work way better than any thing else! Quit wasting money on the smoking cessations services. They are feeding false info about e-cigs to the world!

1 ^ v • Reply • Share >



disqus_ovxuopQYu5 • 8 months ago

I do well on my vapor device or ecig to some. 35 years tobacco use I feel great being a non smoker for the past year. I am tired of the lies about this great invention it works several million people have switched to this over the world and we are fighting the right to have this alternative accepted and endorsed. If you smoke tobacco switch to ecigs and save your life. I will continue to use this device even if its illegal or banned everywhere. Because I know the science behind this device is positive despite the corruption of government and health groups. I don't want COPD or lung cancer or other cancers.

11 ^ v • Reply • Share >



Richard Thomas • 9 months ago

I've been saying that we are the most successful quit method out there. And soon will be more successful than all other methods combined. Critics use half truths and outright lies against us. So if my claim is not yet supported. Then oh well. Part of the success here is that the contents aren't limited by regulations. That is one thing that has screwed up other methods. Because all other FDA methods fail. I actually feel safer knowing Vaping is not approved.

10 ^ v • Reply • Share >



Melody Chard → Richard Thomas • 9 months ago

I agree that it has been a miracle for me and my hubby! I worry about the government getting its hands on e-cigs in any way, shape or form, but we know they are just itching to tax the living crap out of it somehow. I think it should not be sold to minors as far as regulation goes....but other than that, I want the government to stay away from something they didn't create for us, and we don't want to see them mess it up. If they regulate it as a medicine, that gives our e-juice to Big Pharma.....nightmare scenario for sure!!!!!! As a tobacco product....which it is not, would give the government the right to tax it out of existence. I know Big Pharma is losing money due to e-cigs and tobacco, but I really don't care about them

They have made enough money off of us over the years. They don't care about helping the health of Canadians any more than Health Canada.....everyone wants their cash cows back, and they all seem to feed from the same trough. Its time for them to go on a diet I think!

14 ^ v • Reply • Share >



Melody Chard • 9 months ago

I smoked for 45 years and I was able to break those chains with e-cigs. I have been vaping for almost 5 years now, and it was the easiest transition I ever could have imagined. I could never return to stinky tobacco. I had tried every stop smoking aid known to man and Health Canada, and failed every attempt until I found e-cigs. I feel amazing, and my hubby has finally kicked his tobacco habit this year using e-cigs. They have been a gift in our lives. I use e-cigs as a safer alternative to tobacco, and like that I can reap the health benefits of low nicotine usage too. I have no plans to stop vaping. I think Public Health organizations that demonize e-cigs should hang their heads in shame. There is so much real, peer reviewed and published research out there now, they can no longer say it is dangerous and to stay away. In my opinion, they have lost all credibility with the masses. I personally know I no longer trust anything they say, and I am not alone!! They no longer have my support or respect. I give e-cigs a hi five!!!!

19 ^ v • Reply • Share >



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Statement from specialists in nicotine science and public health policy

Dr Margaret Chan
Director General
World Health Organisation
Geneva

CC: FCTC Secretariat, Parties to the FCTC, WHO Regional Offices

26 May 2014

Dear Dr Chan

Reducing the toll of death and disease from tobacco – tobacco harm reduction and the Framework Convention on Tobacco Control (FCTC)

We are writing in advance of important negotiations on tobacco policy later in the year at the FCTC Sixth Conference of the Parties. The work of WHO and the FCTC remains vital in reducing the intolerable toll of cancer, cardiovascular disease and respiratory illnesses caused by tobacco use. As WHO has stated, up to one billion preventable tobacco-related premature deaths are possible in the 21st Century. Such a toll of death, disease and misery demands that we are relentless in our search for all possible practical, ethical and lawful ways to reduce this burden.

It is with concern therefore that a critical strategy appears to have been overlooked or even purposefully marginalised in preparations for FCTC COP-6. We refer to 'tobacco harm reduction' - the idea that the 1.3 billion people who currently smoke could do much less harm to their health if they consumed nicotine in low-risk, non-combustible form.

We have known for years that people 'smoke for the nicotine, but die from the smoke': the vast majority of the death and disease attributable to tobacco arises from inhalation of tar particles and toxic gases drawn into the lungs. There are now rapid developments in nicotine-based products that can effectively substitute for cigarettes but with very low risks. These include for example, e-cigarettes and other vapour products, low-nitrosamine smokeless tobacco such as snus, and other low-risk non-combustible nicotine or tobacco products that may become viable alternatives to smoking in the future. Taken together, these tobacco harm reduction products could play a significant role in meeting the 2025 UN non-communicable disease (NCD) objectives by driving down smoking prevalence and cigarette consumption. Indeed, it is hard to imagine major reductions in tobacco-related NCDs without the contribution of tobacco harm reduction. Even though most of us would prefer people to quit smoking and using nicotine altogether, experience suggests that many smokers cannot or choose not to give up nicotine and will continue to smoke if there is no safer alternative available that is acceptable to them.

We respectfully suggest that the following principles should underpin the public health approach to tobacco harm reduction, with global leadership from WHO:

Statement from specialists in nicotine science and public health policy

1. *Tobacco harm reduction is part of the solution, not part of the problem.* It could make a significant contribution to reducing the global burden of non-communicable diseases caused by smoking, and do so much faster than conventional strategies. If regulators treat low-risk nicotine products as traditional tobacco products and seek to reduce their use without recognising their potential as low-risk alternatives to smoking, they are improperly defining them as part of the problem.
2. *Tobacco harm reduction policies should be evidence-based and proportionate to risk, and give due weight to the significant reductions in risk that are achieved when a smoker switches to a low risk nicotine product.* Regulation should be proportionate and balanced to exploit the considerable health opportunities, while managing residual risks. The architecture of the FCTC is not currently well suited to this purpose.
3. *On a precautionary basis, regulators should avoid support for measures that could have the perverse effect of prolonging cigarette consumption.* Policies that are excessively restrictive or burdensome on lower risk products can have the unintended consequence of protecting cigarettes from competition from less hazardous alternatives, and cause harm as a result. Every policy related to low risk, non-combustible nicotine products should be assessed for this risk.
4. *Targets and indicators for reduction of tobacco consumption should be aligned with the ultimate goal of reducing disease and premature death, not nicotine use per se, and therefore focus primarily on reducing smoking.* In designing targets for the non-communicable disease (NCD) framework or emerging Sustainable Development Goals it would be counterproductive and potentially harmful to include reduction of low-risk nicotine products, such as e-cigarettes, *within these targets*: instead these products should have an important role in *meeting the targets*.
5. *Tobacco harm reduction is strongly consistent with good public health policy and practice and it would be unethical and harmful to inhibit the option to switch to tobacco harm reduction products.* As the WHO's Ottawa Charter states: "*Health promotion is the process of enabling people to increase control over, and to improve, their health*". Tobacco harm reduction allows people to control the risk associated with taking nicotine and to reduce it down to very low or negligible levels.
6. *It is counterproductive to ban the advertising of e-cigarettes and other low risk alternatives to smoking.* The case for banning tobacco advertising rests on the great harm that smoking causes, but no such argument applies to e-cigarettes, for example, which are far more likely to reduce harm by reducing smoking. Controls on advertising to non-smokers, and particularly to young people are certainly justified, but a total ban would have many negative effects, including protection of the cigarette market and implicit support for tobacco companies. It is possible to target advertising at existing smokers where the benefits are potentially huge and the risks minimal. It is inappropriate to apply Article 13 of the FCTC (Tobacco advertising, promotion and sponsorship) to these products.

Statement from specialists in nicotine science and public health policy

7. *It is inappropriate to apply legislation designed to protect bystanders or workers from tobacco smoke to vapour products.* There is no evidence at present of material risk to health from vapour emitted from e-cigarettes. Decisions on whether it is permitted or banned in a particular space should rest with the owners or operators of public spaces, who can take a wide range of factors into account. Article 8 of the FCTC (Protection from exposure to tobacco smoke) should not be applied to these products at this time.
8. *The tax regime for nicotine products should reflect risk and be organised to create incentives for users to switch from smoking to low risk harm reduction products.* Excessive taxation of low risk products relative to combustible tobacco deters smokers from switching and will cause more smoking and harm than there otherwise would be.
9. *WHO and national governments should take a dispassionate view of scientific arguments, and not accept or promote flawed media or activist misinterpretations of data.* For example, much has been made of 'gateway effects', in which use of low-risk products would, it is claimed, lead to use of high-risk smoked products. We are unaware of any credible evidence that supports this conjecture. Indeed, similar arguments have been made about the use of smokeless tobacco in Scandinavia but the evidence is now clear that this product has made a significant contribution to reducing both smoking rates and tobacco-related disease, particularly among males.
10. *WHO and parties to the FCTC need credible objective scientific and policy assessments with an international perspective.* The WHO Study Group on Tobacco Product Regulation (TobReg) produced a series of high quality expert reports between 2005 and 2010. This committee should be constituted with world-class experts and tasked to provide further high-grade independent advice to the WHO and Parties on the issues raised above.

The potential for tobacco harm reduction products to reduce the burden of smoking related disease is very large, and these products could be among the most significant health innovations of the 21st Century – perhaps saving hundreds of millions of lives. The urge to control and suppress them as tobacco products should be resisted and instead regulation that is fit for purpose and designed to realise the potential should be championed by WHO. We are deeply concerned that the classification of these products as tobacco and their inclusion in the FCTC will do more harm than good, and obstruct efforts to meet the targets to reduce non-communicable disease we are all committed to. We hope that under your leadership, the WHO and FCTC will be in the vanguard of science-based, effective and ethical tobacco policy, embracing tobacco harm reduction.

We would be grateful for your considered reaction to these proposals, and we would like to request a meeting with you and relevant staff and a small delegation of signatories to this letter. This statement and any related information will be available on the Nicotine Science and Policy web site (<http://nicotinepolicy.net>) from 29 May 2014.

Yours sincerely,

Statement from specialists in nicotine science and public health policy

Signatories this statement at 26 May 2014

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Owners of empty storefronts forced to rent or pay city fees

By Joshua Sabatini

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JESSICA CHRISTIAN/SPECIAL TO THE S.F. EXAMINER

A "For Rent" sign sits in the window of an empty storefront at 1918 Taraval Street in the Sunset District.

San Francisco loves to hate its empty storefronts.

For years merchants and residents have complained about how empty storefronts are a bane, attracting crime, graffiti and hampering economic activity. In 2009, empty storefronts were such a plague that The City got a little creative by launching an Art in Storefronts pilot program to try and bring a little life to the shuttered spaces in the Mid-Market and Tenderloin neighborhoods.

While empty storefronts are much maligned, the fact is that they are private property, and landlords can choose to rent them or not -- only now if they don't rent, it'll cost them. A new city law requires owners of any storefront left vacant for more than 270 days to pay \$765

2299

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annually and register with The City.

Supervisor Katy Tang, who introduced the legislation, which was approved by the Board of Supervisors, made her case for its need by pointing to city data showing there were more than 45 vacant ground floor commercial spaces in the Sunset District, with 24 on Taraval Street, which she represents. Also, she noted that there were 179 vacant storefronts counted recently in 25 commercial corridors citywide.

Judging by Tang's legislation, empty storefronts are sinister. "In addition to being eyesores, these vacant commercial storefronts have a detrimental impact on the economic viability of the commercial corridors in which they are located. Vacant storefronts often attract illegal activity, such as squatting, vandalism, and dumping," the legislation says. "Such activity not only repels would-be customers and patrons from commercial corridors, but also places an undue burden on city agencies."

The fee for empty storefronts builds on an existing requirement for owners of vacant buildings to pay a fee and register with the city, which began in 2009, but excluded buildings with residences above commercial space.

The list of vacant buildings "with the building boom still going, has actually fallen from 500 during the recession of a couple of years ago to about 240 today," Department of Building Inspection spokesman William Strawn said in June.

Storefront owners who are actively acquiring permits or trying to proactively lease space, such as by having hired a real estate agent or listing the property for lease, can receive an exemption.

The Small Business Commission has discussed the need for something like Tang's proposal for at least four years. "This legislation will patch a critical gap in the existing vacant building registration ordinance," Small Business Commission director Regina Dick-Endrizz said in a letter to the board.

Some who are working to revitalize commercial corridors see the registry as valuable assistance.

"An up-to-date registry of property owners and those responsible for maintaining vacant buildings will ensure that we know whom to contact to address problems and to facilitate negotiations with potential interested tenants," said Angela Minkin, chair of the Excelsior Action Group Advisory Board.

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Real-world effectiveness of e-cigarettes when used to aid smoking cessation: a cross-sectional population study

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ABSTRACT

Background and Aims Electronic cigarettes (e-cigarettes) are rapidly increasing in popularity. Two randomized controlled trials have suggested that e-cigarettes can aid smoking cessation, but there are many factors that could influence their real-world effectiveness. This study aimed to assess, using an established methodology, the effectiveness of e-cigarettes when used to aid smoking cessation compared with nicotine replacement therapy (NRT) bought over-the-counter and with unaided quitting in the general population. **Design and Setting** A large cross-sectional survey of a representative sample of the English population. **Participants** The study included 5863 adults who had smoked within the previous 12 months and made at least one quit attempt during that period with either an e-cigarette only ($n = 464$), NRT bought over-the-counter only ($n = 1922$) or no aid in their most recent quit attempt ($n = 3477$). **Measurements** The primary outcome was self-reported abstinence up to the time of the survey, adjusted for key potential confounders including nicotine dependence. **Findings** E-cigarette users were more likely to report abstinence than either those who used NRT bought over-the-counter [odds ratio (OR) = 2.23, 95% confidence interval (CI) = 1.70–2.93, 20.0 versus 10.1%] or no aid (OR = 1.38, 95% CI = 1.08–1.76, 20.0 versus 15.4%). The adjusted odds of non-smoking in users of e-cigarettes were 1.63 (95% CI = 1.17–2.27) times higher compared with users of NRT bought over-the-counter and 1.61 (95% CI = 1.19–2.18) times higher compared with those using no aid. **Conclusions** Among smokers who have attempted to stop without professional support, those who use e-cigarettes are more likely to report continued abstinence than those who used a licensed NRT product bought over-the-counter or no aid to cessation. This difference persists after adjusting for a range of smoker characteristics such as nicotine dependence.

Keywords Cessation, cross-sectional population survey, e-cigarettes, electronic cigarettes, nicotine replacement therapy, NRT, quitting, smoking.

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INTRODUCTION

Smoking is one of the leading risk factors for premature death and disability and is estimated to kill 6 million people world-wide each year [1]. The mortality and morbidity associated with cigarette smoking arises primarily from the inhalation of toxins other than nicotine contained within the smoke. Electronic cigarettes (e-cigarettes) provide nicotine via a vapour that is drawn into the mouth, upper airways and possibly lungs [2,3].

These devices use a battery-powered heating element activated by suction or manually to heat a nicotine solution and transform it into vapour. By providing a vapour containing nicotine without tobacco combustion, e-cigarettes appear able to reduce craving and withdrawal associated with abstinence in smokers [2,4,5], while toxicity testing suggests that they are much safer to the user than ordinary cigarettes [3].

E-cigarettes are increasing rapidly in popularity: prevalence of ever-use among smokers in the United

States appears to have increased from approximately 2% in 2010 to more than 30% in 2012, and the rate of increase appears to be similar in the United Kingdom [6–9]. Although there are concerns about their wider public health impact relating to the renormalization of smoking and promotion of smoking in young people, crucially two randomized controlled trials have suggested that e-cigarettes may aid smoking cessation [10,11]. However, there are many factors that influence real-world effectiveness, including the brand of e-cigarette, the way they are used and who chooses to use them [12]. Therefore, it is a challenge to establish probable contribution to public health through randomized efficacy trials alone. Moreover, this kind of evidence will take many years to emerge, and in the meantime the products are developing rapidly and countries require evidence on effectiveness to inform decisions on how to regulate them [13–19]. As a result, there is an urgent need to be able to make an informed judgement on the real-world effectiveness of currently popular brands as chosen by the millions of smokers across the world who are using them in an attempt to stop smoking [6–9].

Several studies have attempted to examine the relationship between the use of e-cigarettes and smoking status in the real world by surveying regular e-cigarette users [20–27]. These studies—including one using a longitudinal design [27]—have found that users consistently report that e-cigarettes helped them to quit or reduce their smoking. However, because the samples were self-selected, the results have to be interpreted with caution. In more general samples the evidence is less positive. One national study of callers to a quitline, which assessed the cross-sectional association of e-cigarette use and current smoking status at a routine follow-up evaluation of the quitline service, found that e-cigarette users compared with never users were less likely to be abstinent [28]. In a longitudinal study of a general population sample, e-cigarette users at baseline were no more likely to have quit permanently at a 12-month follow-up despite having reduced their cigarette consumption [29]. However, neither of these studies adjusted for important potential confounding variables and both evaluated the association between quitting and the use of e-cigarettes for any purpose, not specifically as an aid to quitting. It is crucial to distinguish between the issue of whether use of e-cigarettes in a quit attempt improves the chances of success of that attempt from the issue of whether the use of e-cigarettes, for whatever purpose, such as aiding smoking reduction or recreation, promotes or suppresses attempts to stop. In determining the overall effect on public health both considerations are important, but they require different methodologies to address them.

An ongoing national surveillance programme (the Smoking Toolkit Study) has been tracking the use of

e-cigarettes as a reported aid to cessation among the general population in England since July 2009 [30]. This programme has established a method of assessing real-world effectiveness of aids to cessation by comparing the success rates of smokers trying to quit with different methods and adjusting statistically for a wide range of factors that could bias the results, such as nicotine dependence [31]. The method has been able to detect effects of behavioural support and prescription medications to aid cessation and found a higher rate of success when using varenicline than prescription nicotine replacement therapy (NRT) [32,33], supporting findings from randomized controlled trials and clinical observation studies [34–37]. This method cannot achieve the same level of internal validity as a randomized controlled trial, but clearly has greater external validity, so both are important in determining the potential public health contribution of devices hypothesized to aid cessation, such as e-cigarettes.

Given that smokers already have access to licensed NRT products, it is important to know whether e-cigarettes are more effective in aiding quitting. This comparison is particularly important for two reasons. First, buying a licensed NRT product from a shop, with no professional support, is the most common way of using it in England, and secondly, previous research has found that this usage was not associated with greater success rates than quitting unaided in the real-world [33]. It is therefore important to know whether e-cigarettes can increase abstinence compared to NRT bought over-the-counter.

The current study addressed the question of how effective e-cigarettes are compared with NRT bought over-the-counter and unaided quitting in the general population of smokers who are attempting to stop.

METHODS

Study design

The design was cross-sectional household surveys of representative samples of the population of adults in England conducted monthly between July 2009 and February 2014. To examine the comparative real-world effectiveness of e-cigarettes, the study compared the self-reported abstinence rates of smokers in the general population trying to stop who used e-cigarettes only (i.e. without also using face-to-face behavioural support or any medically licensed pharmacological cessation aid) with those who used NRT bought over-the-counter only or who made an unaided attempt, while adjusting for a wide range of key potential confounders. The surveys are part of the ongoing Smoking Toolkit Study, which is designed to provide information about smoking

prevalence and behaviour in England [30]. Each month a new sample of approximately 1800 adults aged ≥ 16 years are selected using a form of random location sampling, and complete a face-to-face computer-assisted survey with a trained interviewer. The full methods have been described in detail and shown to result in a sample that is nationally representative in its socio-demographic composition and proportion of smokers [30]. Approval was granted by the ethics committee of University College London, UK.

Study population

For the current study, we used aggregated data from respondents to the survey in the period from July 2009 (the first wave to track use of e-cigarettes to aid cessation) to February 2014 (the latest wave of the survey for which data were available), who smoked either cigarettes (including hand-rolled) or any other tobacco product (e.g. pipe or cigar) daily or occasionally at the time of the survey or during the preceding 12 months. We included those who had made at least one quit attempt in the preceding 12 months, assessed by asking: 'How many serious attempts to stop smoking have you made in the last 12 months? By serious attempt I mean you decided that you would try to make sure you never smoked again. Please include any attempt that you are currently making and please include any successful attempt made within the last year'. We included respondents who used either e-cigarettes or NRT bought over-the-counter during their most recent quit attempt, and an unaided group defined as those who had not used any of the following: e-cigarettes; NRT bought over-the-counter; a prescription stop-smoking medication; or face-to-face behavioural support. We excluded those who used either e-cigarettes or NRT bought over-the-counter in combination with one another, a prescription stop-smoking medication or face-to-face behavioural support.

Measurement of effect: quitting method

The use of different quitting methods were assessed for the most recent attempt by asking: 'Which, if any, of the following did you try to help you stop smoking during the most recent serious quit attempt?' and included: (i) e-cigarettes; (ii) NRT bought over-the-counter; (iii) no aid (i.e. had not used any of e-cigarettes, NRT bought over-the-counter, a prescription stop-smoking medication or face-to-face behavioural support).

Measurement of outcome: self-reported non-smoking

Our primary outcome was self-reported non-smoking up to the time of the survey. Respondents were asked: 'How long did your most recent serious quit attempt last before

you went back to smoking?'. Those responding 'I am still not smoking' were defined as non-smokers. Previous research has shown that self-reported abstinence in surveys of this kind is not subject to the kind of biases observed in clinical trials where there is social pressure to claim abstinence [38].

Measurement of potential confounders

We measured variables potentially associated with the different quitting methods and that may also have an effect on the outcome. These potential confounders were chosen a priori. The most important factor was nicotine dependence, for which we used two questions. First, time spent with urges to smoke was assessed by asking all respondents: 'How much of the time have you felt the urge to smoke in the past 24 hours? Not at all (coded 0), a little of the time (i), some of the time (ii), a lot of the time (iii), almost all of the time (iv), all of the time (v)'. Secondly, strength of urges to smoke was measured by asking: 'In general, how strong have the urges to smoke been? Slight (i), moderate (ii), strong (iii), very strong (iv), extremely strong (v)'. This question was coded '0' for smokers who responded 'not at all' to the previous question. In this population these two ratings have been found to be a better measure of dependence (i.e. more closely associated with relapse following a quit attempt) than other measures [32,33,39]. The demographic characteristics assessed were age, sex and social grade (dichotomized into two categories: ABC1, which includes managerial, professional and intermediate occupations; and C2DE, which includes small employers and own-account workers, lower supervisory and technical occupations, and semi-routine and routine occupations, never workers and long-term unemployed). We also assessed the number of quit attempts in the last year prior to the most recent attempt, time since the most recent quit attempt was initiated (either more or less than 6 months ago), whether smokers had tried to quit abruptly or gradually and the year of the survey.

Analysis

Bivariate associations between the use of different quitting methods and potentially confounding socio-demographic and smoking history variables were assessed with χ^2 tests and one-way analyses of variance (ANOVA)s for categorical and continuous variables, respectively. Significant omnibus results were investigated further by *post-hoc* Sidak-adjusted χ^2 tests and *t*-tests.

Our measure of dependence (strength of urges to smoke) assumed that the score relative to other smokers would remain the same from pre- to post-quitting [32,33]. If a method of quitting reduced the strength of

urges to smoke more than another method, this would tend to underestimate the effectiveness of that intervention because the smokers using this method would appear to be less dependent. To test for this bias, we used an analysis of covariance (ANCOVA) to examine whether the difference in strength of urges to smoke in smokers versus non-smokers depended upon the method of quitting, adjusting for the time since the quit attempt started.

In the analysis of the associations between quitting method and abstinence, we used a logistic regression model in which we regressed the outcome measure (self-reported non-smoking compared with smoking) on the effect measure (use of e-cigarettes compared with either NRT bought over-the-counter or no aid). The primary analysis was an adjusted model that included the potential confounders listed above and two interaction terms: (i) between time since last quit attempt and time spent with urges, and (ii) between time since last quit attempt and strength of urges to smoke. These interaction terms were used to reflect the fact that urges to smoke following a quit attempt are influenced by whether an individual is currently abstinent and the duration of abstinence [32,33]. In addition to the model from the primary analysis ('fully adjusted model'; model 4), we constructed a simple model including only the effect measure ('unadjusted model'; model 1), a model that included the effect measure, year of the survey and all potential confounders except for the two measures of tobacco dependence, and a model that included all variables from the previous model and the two measures of tobacco dependence but without their interaction terms ('partially adjusted models'; models 2 and 3, respectively) to assess the extent of confounding by dependence. As *post-hoc* sensitivity analyses, the models were re-examined using different potential confounders from the ones specified a priori and reported in previous publications using the same methodology [32,33]. First, the time since the initiation of the quit attempt was included using the following six categories: 'in the last week'; 'more than a week and up to a month'; 'more than 1 month and up to 2 months'; 'more than 2 months and up to 3 months'; 'more than 3 months and up to 6 months'; and 'more than 6 months and up to a year'. Secondly, an additional index of dependence—the heaviness of smoking index (HSI) [40]—was included. The HSI was assessed by asking current smokers to estimate current cigarettes per day and time to first cigarette (the two items comprising HSI) and by asking non-smokers to recall these behaviours prior to their quit attempt. Finally, in *post-hoc* subgroup analyses all models were repeated (i) among those reporting smoking one or more than one cigarette per day (CPD) to determine whether inclusion of very light smokers might have had an influence on the results; (ii) among those completing the survey between 2012–14

once e-cigarette usage had become prevalent; and (iii) in the two subsamples of respondents who had started their most recent quit attempt less or more than 6 months ago, in order to assess the interplay between long-term effectiveness and the occurrence of differential recall bias. All analyses were performed with complete cases.

RESULTS

A total of 6134 respondents reported a most recent quit attempt in the last 12 months that was either unaided ($n = 3477$) or supported by NRT bought over-the-counter ($n = 2095$), e-cigarettes ($n = 489$) or both ($n = 73$). Those using both were excluded as were those using a prescription stop-smoking medication or face-to-face behavioural support in combination with either NRT bought over-the-counter ($n = 173$) or e-cigarettes ($n = 25$). Thus, the study population consisted of 5863 smokers who had made an attempt to quit in the previous year, of whom 7.9% (464) had used e-cigarettes, 32.8% (1922) had used NRT bought over-the-counter and 59.3% (3477) had used no aid to cessation. Quitting method did not differ by sex or the number of quit attempts in the past year but was associated with age, social grade, time since the quit attempt started, CPD, smoking less than one CPD, the measures of dependence (time with and strength of urges and HSI) and whether the attempt had begun abruptly (see Table 1). The *post-hoc* comparisons showed that those who used either e-cigarettes or no aid were younger than those using NRT over-the-counter, and that those who used NRT over-the-counter or no aid were more likely to hold a lower social grade than those using e-cigarettes. As would be expected, given the recent advent of e-cigarettes, the quit attempts of e-cigarette users were less likely to have begun more than 6 months previously than those using NRT over-the-counter or no aid. Those using NRT bought over-the-counter smoked more cigarettes and scored higher than either of the other two groups on all measures of dependence. E-cigarette users smoked more cigarettes, and were more dependent by the strength of urges measure and HSI than those using no aid. Finally, those using no aid were more likely to have smoked less than one CPD and stopped abruptly than the other two groups.

Strengths of urges to smoke were higher in smokers than in non-smokers (see Table 2). However, the mean differences in strength of urges between smokers and non-smokers were similar across method of quitting: the interaction between smoking status (smokers versus non-smokers) and method of quitting in an ANCOVA of the strength of urges adjusted for the time since quit attempt started was not significant ($F_{(2, 5856)} = 1.50, P = 0.22$).

Non-smoking was reported among 20.0% (93 of 464) of those using e-cigarettes, 10.1% (194 of 1922) using

Table 1 Associations between characteristics of the sample and use of different quitting methods.

	E-cigarettes (n = 464)	NRT over-the-counter [§] (n = 1922)	No aid (n = 3477)	P
Mean (SD) age	39.0 (15.6) ^a	41.2 (15.3) ^{ab}	37.5 (16.2) ^b	***
% (n) Female	47.2 (219)	51.1 (982)	48.9 (1699)	NS
% Social grade C2DE	59.3 (275) ^{ad}	65.9 (1266) ^c	65.5 (2277) ^d	*
Mean (SD) cigarettes per day [†]	12.6 (8.0) ^{ef}	13.8 (8.5) ^{ef}	10.9 (8.1) ^g	***
% (n) < 1 cigarettes per day [†]	0.7 (3) ^h	0.8 (15) ⁱ	2.8 (94) ^{hi}	***
% (n) Time since quit attempt started >26 weeks	23.7 (110) ^{jk}	36.4 (700) ^j	36.5 (1269) ^k	***
Mean (SD) quit attempts in the past year	1.6 (0.9)	1.6 (0.9)	1.5 (0.9)	NS
Mean (SD) time spent with urges to smoke (0–5)	1.9 (1.3) ^l	2.2 (1.3) ^{lm}	1.8 (1.3) ^m	***
Mean (SD) strength of urges to smoke (0–5)	2.0 (1.2) ^{no}	2.2 (1.1) ^{np}	1.8 (1.1) ^{op}	***
Mean (SD) heaviness of smoking index [†]	2.0 (1.5) ^{qr}	2.3 (1.5) ^{qr}	1.6 (1.5) ^{rs}	***
% (n) Abrupt attempt (no gradual cutting down first)	50.4 (234) ^t	52.5 (1010) ^u	59.0 (2051) ^u	***

Different pairs of superscript letters indicate a significant difference ($P < 0.05$) between two groups after Sidak adjustment for multiple comparisons. * $P < 0.05$; *** $P < 0.001$; NS = not statistically significant ($P \geq 0.05$). [§]A subgroup of those using nicotine replacement therapy (NRT) over-the-counter provided information about the form of NRT ($n = 975$): 60.0% (585) used a patch, 21.0% (205) gum, 14.9% (145) an inhalator, 6.2% (60) lozenges, 1.2% (12) microtabs and 1.0% (10) nasal spray. NB: response options were not mutually exclusive and 11.1% (108) reported using more than one form. [†]Data were missing for 156 respondents (e-cigarettes: 22; NRT over-the-counter: 34; no aid: 100). [‡]Data were missing for 172 respondents (e-cigarettes: 23; NRT over-the-counter: 36; no aid: 113). SD = standard deviation.

Table 2 Differences between smokers and non-smokers in strength of urges to smoke by method of quitting.

Method of quitting	n	Mean (SD) strength of urges to smoke in smokers	n	Mean (SD) strength of urges to smoke in non-smokers	Mean difference (95% CI) in strength of urges to smoke
E-cigarettes	371	2.3 (1.1)	93	0.8 (1.1)	1.4 (1.2–1.7)
NRT over-the-counter	1728	2.3 (1.0)	194	1.2 (1.3)	1.2 (1.0–1.3)
No aid	2942	2.0 (1.0)	535	0.7 (1.1)	1.3 (1.2–1.4)

NB: the mean differences are calculated from exact rather than the rounded figures presented in columns 3 and 5 of this table. The mean difference in strength of urges to smoke was not different across the methods of quitting ($F_{(2, 5856)} = 1.50$, $P = 0.22$ for the interaction term between smoking status and method of quitting adjusted for the time since the quit attempt started). SD = standard deviation; CI = confidence interval; NRT = nicotine replacement therapy.

NRT over-the-counter and 15.4% (535 of 3477) using no aid. The unadjusted analyses indicated that e-cigarette users were more likely to be abstinent than either those using NRT bought over-the-counter [odds ratio (OR) = 2.23, 95% confidence interval (CI) = 1.70–2.93] or those who used no aid (OR = 1.38, 95% CI = 1.08–1.76; see model 1, Table 3). The primary analyses revealed that the fully adjusted odds of non-smoking in users of e-cigarettes were 1.63 (95% CI = 1.17–2.27) times higher compared with users of NRT bought over-the-counter and 1.61 (95% CI = 1.19–2.18) times higher compared with those using no aid (see model 4, Table 3). The relative magnitudes of the ORs from the fully adjusted model with the other three unadjusted and partially adjusted models illustrate the confounding effects of dependence (see Table 3).

In *post-hoc* sensitivity analyses, the associations between quitting method and non-smoking were re-examined using models including different potential confounders. In a model including the more fine-grained assessment of time since the initiation of the quit attempt

than the measure presented in Table 1, the adjusted odds of non-smoking in users of e-cigarettes were 1.58 (95% CI = 1.13–2.21) times higher compared with users of NRT bought over-the-counter and 1.55 (95% CI = 1.14–2.11) times higher compared with those using no aid. In another model that included another measure of dependence (HSI; missing data 3%, $n = 172$), the adjusted odds of non-smoking in users of e-cigarettes were 1.63 (95% CI = 1.15–2.32) times higher compared with users of NRT bought over-the-counter and 1.43 (95% CI = 1.03–1.98) times higher compared with those using no aid.

In *post-hoc* subgroup analyses, very light smokers were shown to have little influence on the pattern of results: in repeated analyses among those 5595 smokers reporting smoking one or more than one CPD the adjusted odds of non-smoking in users of e-cigarettes were higher compared with users of NRT bought over-the-counter (OR = 1.59, 95% CI = 1.13–2.26) and compared with those using no aid (OR = 1.63, 95% CI = 1.18–2.24). Similarly, the exclusion of respondents

Table 3 Associations between quitting method and abstinence.

				(1) versus (2)	(1) versus (3)
				Model 1: OR (95% CI)	Model 1: OR (95% CI)
				Model 2: OR (95% CI)	Model 2: OR (95% CI)
				Model 3: OR (95% CI)	Model 3: OR (95% CI)
				Model 4: OR (95% CI)	Model 4: OR (95% CI)
	(1) e-Cigarettes	(2) NRT over-the-counter	(3) No aid		
Full sample (n = 5863)					
% (n) Self-reported non-smoking	20.0 (93/464)	10.1 (194/1922)	15.4 (535/3477)	2.23 (1.70–2.93)*** 1.88 (1.40–2.52)*** 1.63 (1.17–2.28)** 1.63 (1.17–2.27)**	1.38 (1.08–1.76)* 1.21 (0.92–1.58) 1.62 (1.19–2.19)** 1.61 (1.19–2.18)**
Subsample: quit attempt started ≤26 weeks (n = 3784)					
% (n) Self-reported non-smoking	20.3 (72/354)	11.0 (135/1222)	14.6 (323/2208)	2.06 (1.50–2.82)*** 1.80 (1.27–2.55)*** 1.56 (1.06–2.29)*	1.49 (1.12–1.98)** 1.39 (1.01–1.90)* 1.88 (1.32–2.68)***
Subsample: quit attempt started >26 weeks (n = 2079)					
% (n) Self-reported non-smoking	19.1 (21/110)	8.4 (59/700)	16.7 (212/1269)	2.56 (1.49–4.42)*** 1.98 (1.11–3.53)** 1.64 (0.83–3.24)	1.18 (0.72–1.94) 0.91 (0.54–1.55) 1.10 (0.59–2.06)

Model 1 = unadjusted; model 2 = adjusted for age, sex, social grade, time since quit attempt started, quit attempts in the past year, abrupt versus gradual quitting and year of the survey; model 3 = adjusted for the variables from model 2 and time spent with urges to smoke and strength of urges to smoke; model 4 = adjusted for the variables from model 3 and the interaction terms time since last quit attempt started × time spent with urges and time since last quit attempt started × strength of urges to smoke. NB: for the two subsample analyses, model 4 is redundant, as there is no variation in the time since quit attempt. * $P < 0.05$; ** $P < 0.01$; *** $P < 0.001$. OR = odds ratio; CI = confidence interval; NRT = nicotine replacement therapy.

during a time when e-cigarette usage was relatively rare (2009–11) had little effect on the results: among those 2306 smokers responding between 2012–14 the adjusted odds of non-smoking in users of e-cigarettes were higher compared with users of NRT bought over-the-counter (OR = 1.59, 95% CI = 1.05–2.42) and those using no aid (OR = 1.46, 95% CI = 1.04–2.05). In a final subgroup analysis the models were re-examined among those who started their quit attempt more or less than 6 months ago: there was only evidence among those who began their attempts less than 6 months ago of higher odds of non-smoking in users of e-cigarettes compared with users of NRT bought over-the-counter or those using no aid in the fully adjusted models (see Table 3).

DISCUSSION

Respondents who reported having used an e-cigarette in their most recent quit attempt were more likely to report still not smoking than those who used NRT bought over-the-counter or nothing. This difference remained after adjusting for time since the quit attempt started, year of the survey, age, gender, social grade, abrupt versus gradual quitting, prior quit attempts in the same year and a measure of nicotine dependence.

The unadjusted results have value in that they demonstrate self-reported abstinence is associated with quit-

ting method among those who use these methods to aid cessation in real-world conditions. However, this was not a randomized controlled trial and there were differences in the characteristics of those using different methods. For example, more dependent smokers tended to be more likely to use treatment, and smokers from lower social grades were less likely to use e-cigarettes. Although the adjustments go beyond what is typically undertaken in these types of real-world studies [28,29,41–44], it was not possible to assess all factors that may have been associated with the self-selection of treatment and we cannot rule out the possibility that an unmeasured confounding factor is responsible for the finding. For example, motivation to quit is likely to have been associated positively with the use of treatment. However, previous population studies have found that the strength of this motivation is not associated with success of quit attempts once started, so it is unlikely to explain our findings [45]. There are other variables which are typically related to abstinence that may also be related to the selection of treatment; for example, those using e-cigarettes may have been less likely to share their house with other smokers, had better mental health or greater social capital of a kind not measured by social grade. These possibilities mean the associations reported here must be interpreted with caution. Nevertheless, the data provide some evidence in forming a judgement as to whether the advent of e-cigarettes in the UK market is likely to be having a

positive or negative impact on public health, in a way that a randomized controlled trial is unable to do.

The finding that smokers who had used an e-cigarette in their most recent quit attempt were more likely to report abstinence than those who used NRT bought over-the-counter, and that the latter did not appear to give better results than not using any aid [33], contributes to the debate about how far medicine regulation can go in ensuring that products used for smoking cessation are or continue to be effective in the real world [14–17]. Randomized controlled trials are clearly important in identifying potential efficacy, but real-world effectiveness will depend upon a number of other contextual variables. The current study, together with previous randomized trials, suggests that e-cigarettes may prove to be both an efficacious and effective aid to smoking cessation [10,11]. In so far that this is true, e-cigarettes may substantially improve public health because of their widespread appeal [6–9] and the huge health gains associated with stopping smoking [46]. This has to be offset against any detrimental effects that may emerge, as the long-term effects on health have not yet been established. However, the existing evidence suggests the associated harm may be minimal: the products contain low levels of carcinogens and toxicants [3] and no serious adverse event has yet been reported in any of the numerous experimental studies. Regardless, the harm will certainly be less than smoking, and thus of greater importance is the possible long-term effect of e-cigarettes on cigarette smoking prevalence beyond helping some smokers to quit. For example, it has been suggested that e-cigarettes might re-normalize smoking, promote experimentation among young people who otherwise may not have tried smoking or lead to dual use together with traditional cigarettes, and thereby deter some smokers from stopping [47]. The current data do not address these issues. However, the rise in e-cigarette prevalence in England since 2010 has coincided with continued reduction in smoking prevalence [48].

If e-cigarette use is proving more effective than NRT bought over-the-counter, a number of factors may contribute to this [49]. A greater similarity between using e-cigarettes and smoking ordinary cigarettes in terms of the sensory experience could be one factor. Greater novelty is another. It is also possible that users of e-cigarettes use their products more frequently or for a longer period than those using NRT without professional support. These are all issues that need to be examined in future research.

This study was not designed to assess the comparative effectiveness of e-cigarettes and NRT or other medications obtained on prescription or behavioural support. The evidence still favours the combination of behavioural support and prescription medication as providing the

greatest chance of success [33,34,37], which is currently offered free at the point of access by the NHS stop smoking services in the United Kingdom.

A major strength of the current study is the use of a large, representative sample of the English population. Additionally, the study benefits from having begun to track the use of e-cigarettes as an aid to cessation at a time when e-cigarettes were only an emerging research issue. The importance of adjusting for nicotine dependence in real-world studies of smoking cessation is illustrated by the difference in the ORs between the models with and without this adjustment. The optimal method of adjusting for dependence would be to assess this in all participants prior to their quit attempt. However, in a wholly cross-sectional study, we believe the particular method used to adjust for dependence, established in two previous studies, is valid [32,33]. One of the most commonly used alternative measures of dependence—HSI—relies upon the number of cigarettes smoked and time to first cigarette of the day [40]. When smokers relapse they tend to do so with reduced consumption, which can lead to a false estimation of prior dependence in cross-sectional studies. This potential confound was avoided in the primary analysis by using a validated measure involving ratings of current urges to smoke and statistical adjustment of the urges for the time since the quit attempt was initiated [39]. The value of strength of urges as a measure of dependence in cross-sectional research would be limited if different methods of stopping were linked differentially to lower or higher levels of urges in abstinent compared with relapsed smokers. For example, a method of stopping that led to a relatively higher reduction in urges could underestimate the effectiveness of that method by making it seem that those using it were less dependent. However, we have not previously found evidence in this population data set that urges to smoke in smokers versus quitters differs as a function of method [33], and it was true again in this study. Regardless, the pattern of results remained the same in both a sensitivity analysis that also included HSI and in a subgroup analysis that excluded very light smokers. It is unlikely, therefore, that differential dependence between the users of different treatments has led to a substantial over- or underestimation of the relative effectiveness of e-cigarettes in the current study. Nevertheless, future studies may be able to draw stronger inferences by including a broader array of dependence measures or assessing dependence prior to a quit attempt.

The study had several limitations. First, abstinence was not verified biochemically. In randomized trials, this would represent a serious limitation because smokers receiving an active treatment often feel social pressure to report abstinence. However, in population surveys the

social pressure and the related rate of misreporting is low and it is generally considered acceptable to rely upon self-reported data [38]. A related issue is the assessment of abstinence by asking respondents whether they were 'still not smoking'. This definition classified as abstinent those who had one or more lapses but resumed not smoking. This limitation would be serious if the rate of lapsing was associated with method of quitting, and should be assessed in future studies. By contrast, advantages of this measure were the assessment of prolonged abstinence, as advocated in the Russell Standard, and a clear relationship to the quit attempt in question. An alternative approach, with a view to survival analysis, may have been to assess the length of abstinence since quit date among all respondents, including those who had relapsed by the time of the survey. However, this assessment would have added noise and potential bias with smokers needing to recall the time of relapse and having different interpretations of their return to smoking (i.e. first lapse, daily but reduced smoking, or smoking at pre-quit level). The strength of our approach is that smokers only needed to know whether they were currently still not smoking.

Secondly, there was a reliance upon recall data. The assessment of the most recent quit attempt involved recall of the previous 12 months and introduced scope for bias. The bias associated with recall of failed quit attempts would be expected to reduce the apparent effectiveness of reported aids to cessation because quit attempts using such aids would be more salient than those that were unaided [31]. Therefore, recall bias should militate against finding a benefit of e-cigarettes compared with no aid to cessation. Consistent with this explanation, the effect size for e-cigarettes compared with no aid appeared lower in smokers who started their quit attempt more than 6 months ago than in smokers who started their quit attempt less than 6 months ago. Although the power to detect the associations in these subgroups was limited, the explanation that the lack of effect in the more distant attempts was related to differential recall bias is also supported by the absolute rate of non-smoking being higher in those making unaided attempts more than 6 compared with less than 6 months ago. Alternatively, the finding may reflect a reduced long-term effectiveness of e-cigarettes. Future longitudinal studies of e-cigarettes as aids to cessation in the general population may differentiate these explanations and would represent a valuable improvement upon the current study.

Thirdly, NRT over-the-counter and e-cigarettes both represent heterogeneous categories. In particular, there is considerable variability in nicotine vaporization between different types of e-cigarette [50,51]. Similarly, the simple definition of using one or the other aid to support an attempt is likely to have masked variability in how heavily, frequently and how long either NRT over-the-counter or

e-cigarettes were used by different smokers [12,52–54]. It is also possible that there were differences between the groups in their experience of unanticipated side effects. It is precisely because of all these factors—type/brand of NRT over-the-counter or e-cigarette, intensity and frequency of usage and experience of unanticipated side effects—that it is important to examine real-world effectiveness. However, it also means that we cannot make more exact statements about relative effectiveness of different products and ways in which they may be used. Given this huge variability it may be many years before one could accumulate enough real-world data to address these questions. Finally, the prevalence of e-cigarettes has been increasing in England over the study period and this may affect real-world effectiveness. Although the evidence does not yet suggest an 'early adopters' effect—the current results persisted after adjusting for the year of survey and in a subgroup analysis limiting the data to a period when e-cigarette usage had become prevalent—these findings will need to be revisited to establish whether or not the apparent advantage of e-cigarettes is sustained.

In conclusion, among smokers trying to stop without any professional support, those who use e-cigarettes are more likely to report abstinence than those who use a licensed NRT product bought over-the-counter or no aid to cessation. This difference persists after adjusting for a range of smoker characteristics such as nicotine dependence.

Declaration of interests

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final role in the study design; in the collection, analysis and interpretation of data; in the writing of the report; or in the decision to submit the paper for publication. All researchers listed as authors are independent from the funders and all final decisions about the research were taken by the investigators and were unrestricted.

Transparency declaration

J.B. affirms that the manuscript is an honest, accurate, and transparent account of the study being reported; that no important aspects of the study have been omitted; and that any discrepancies from the study as planned have been explained.

STROBE statement

All authors declare that study hypotheses arose before any inspection of the data and that all STROBE recommendations were followed.

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Secondhand Exposure to Vapors From Electronic Cigarettes

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Abstract

Introduction: Electronic cigarettes (commonly referred as e-cigarettes) are designed to generate inhalable nicotine aerosol (vapor). When an e-cigarette user takes a puff, the nicotine solution is heated and the vapor taken into lungs. Although no sidestream vapor is generated between puffs, some of the mainstream vapor is exhaled by e-cigarette user. The aim of the study was to evaluate the secondhand exposure to nicotine and other tobacco-related toxicants from e-cigarettes.

Materials and Methods: We measured selected airborne markers of secondhand exposure: nicotine, aerosol particles (PM_{2.5}), carbon monoxide, and volatile organic compounds (VOCs) in an exposure chamber. We generated e-cigarette vapor from 3 various brands of e-cigarette using a smoking machine and controlled exposure conditions. We also compared secondhand exposure with e-cigarette vapor and tobacco smoke generated by 5 dual users.

Results: The study showed that e-cigarettes are a source of secondhand exposure to nicotine but not to combustion toxicants. The air concentrations of nicotine emitted by various brands of e-cigarettes ranged from 0.82 to 6.23 µg/m³. The average concentration of nicotine resulting from smoking tobacco cigarettes was 10 times higher than from e-cigarettes (31.60±6.91 vs. 3.32±2.49 µg/m³, respectively; $p = .0081$).

Conclusions: Using an e-cigarette in indoor environments may involuntarily expose nonusers to nicotine but not to toxic tobacco-specific combustion products. More research is needed to evaluate health consequences of secondhand exposure to nicotine, especially among vulnerable populations, including children, pregnant women, and people with cardiovascular conditions.

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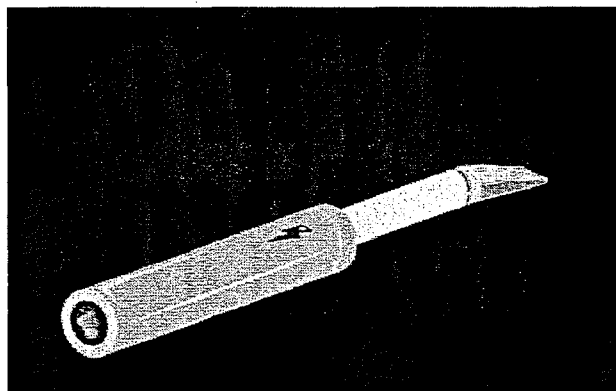
Smoking Kills, and So Might E-Cigarette Regulation

By Gilbert Ross, M.D.

Wednesday, November 20, 2013

Filed under: Health & Medicine, Science & Technology

Smoking is a leading cause of death, and cessation treatments are largely ineffective, yet regulation threatens a promising new technology that might help smokers quit.



Anyone with a modicum of knowledge regarding public health will agree that the most important, devastating, and preventable issue facing America is the human toll of cigarettes. Yet our nation's main health regulator, the Food and Drug Administration (FDA), will issue regulations within the next few weeks that could harm our nation's 45 million smokers.

Smokers trying to quit have an extremely difficult time, yet a new technology which might ease their path — electronic cigarettes, or e-cigarettes — is facing relentless opposition from public health agencies such as the Centers for Disease Control, the FDA, and the American Cancer Society (which sponsors this week's Great American Smokeout to encourage quitting) — and their antipathy is certainly not based on science.

We do not yet know what the long-term health effects of e-cigarettes are, nor the benefits for smokers who switch or cut down on their daily quota of smokes via "vaping" (using e-cigarettes) since there is no smoke involved. But simple common sense would dictate that inhaling the fewer, less harmful ingredients of e-cigarettes as compared to inhaling the thousands of chemicals in the smoke from burnt tobacco, many of which have been shown to be carcinogenic, is highly likely to be healthier.

A tragic 450,000 Americans die from smoking each year. While the fraction of adult smokers has been in gradual decline since the groundbreaking 1964 surgeon general's report confirmed the

evidence of manifold smoking-related illnesses, the total number has not changed much and the decline in teen smoking initiation has stalled over the past few years. Although “cigarette smoke” is not listed as a cause of death per se, smokers whose lives are cut short die from a wide spectrum of illnesses, some chronic (cancers of many organs, COPD/chronic obstructive pulmonary disease), and some cruelly brief (heart attacks and strokes). If those who die prematurely from smoking were lumped together, they would constitute the third leading cause of death in America, after heart disease and cancer.

Most smokers understandably desire to quit. About half try each year, but a pitiful few — maybe 5 percent — succeed unaided or “cold turkey.” The addiction to smoking is extremely powerful, largely (but not solely) due to nicotine’s power. However, it is often believed by smokers, and even by some doctors, that it is the nicotine that is toxic and lethal. This is a dangerous myth. It has been proven that smokers smoke for the nicotine — but they die from the smoke. The FDA has approved various treatments to help smokers quit — NRT (nicotine replacement therapy) patches, gum, inhalers, and non-nicotine drugs such as bupropion and varenicline (Zyban and Chantix, respectively). The unfortunate fact is that adding one or more of these treatments to a smoker’s stated desire to quit increases his or her success rate — abstinence from cigarettes for one year — by about two- to three-fold, i.e. to 15 percent or less. These methods, which fail almost 9 times out of 10, provide an unacceptably low level of assistance in aiding escape from smoking’s deadly grip.

Over the course of the past few years, e-cigarettes (or “electronic nicotine delivery systems,” ENDS) have provided a ray of hope for an increasing number of desperate smokers. These devices use a battery to vaporize water and nicotine, which the user (“vaper”) inhales, along with vegetable glycerin and/or propylene glycol and flavoring. They often have a cigarette-like LED tip which glows red, or some other color if preferred, but without tobacco, without combustion, and without smoke. The ingredients noted are generally recognized as safe by regulatory agencies, and have been in common use for decades — although no long-term health studies have been done on their safety in combination with inhalational use.

Since 2007, when e-cigarettes were first imported from China, smokers have at first gradually, and more recently enthusiastically, become vapers. Solid data on long-term trends are only beginning to be accumulated, but the sales of e-cigarettes have doubled in each of the past few years, to the extent that a recent survey found that an astounding one-fifth of smokers had tried them — millions of people, in other words. How many have switched completely from deadly cigarettes? How many smokers also vape — “dual users”? None of this has been determined yet by randomized clinical trials. Although there are scant data even from observational studies, several small studies support the contention that vaping is likely to be more effective than NRT for smoking cessation, as well as for reducing the number of cigarettes smoked among those who have not yet quit.

The Upcoming FDA Decision

The Family Smoking Prevention and Tobacco Control Act, which granted the FDA oversight of tobacco in 2009, outlines a complex process for “modified risk tobacco products” (MRTPs) to be approved by the FDA. Such a product must undergo a lengthy and expensive trial process requiring demonstration that the product submitted reduces the harm of tobacco exposure not merely for the person using it, but for the population as a whole. Given the nefarious behavior of the tobacco industry over the 20th century, any proposal submitted to the FDA related to tobacco is going to have to strongly support any assertions with data.

Unfortunately, the Tobacco Control Act may become a detriment to public health if it is implemented to effectively ban e-cigarettes from the market. The Office of Management and Budget is currently deciding whether to designate e-cigarettes as a tobacco product to be regulated under the TCA, as a drug or medical device, requiring regulation from a different department of the FDA, or as neither such product. If e-cigarettes are designated as tobacco products requiring proof of modified risk, it is likely that the ramifications for millions of American vapers, and many more potential future ex-smokers, will be disastrous. E-cigarettes (at least those containing the nicotine smokers crave) would be exiled from the market while expensive, lengthy testing took place. Ironically, the industry's small businesses would suffer while Big Tobacco would profit, since it has also gotten into the e-cigarette market, and since larger companies would be the only ones who could afford to cut through the regulatory thicket. Meanwhile, some ex-smokers who have become vapers will find a way to secure their e-cigarette nicotine, via online or black market sources. Many, however, will revert to the deadly, toxic cigarettes from which they thought they had, at last, escaped.

There is, however, a better approach: the government could decline to classify e-cigarettes as tobacco products and allow their continued marketing, with the states establishing reasonable oversight — as many have already — for age limits, manufacturing standards, accurate ingredient listing, and warning labels. As a result, many lives will be saved from cigarette-related disease and death.

The World Health Organization predicts that the death toll from cigarettes could reach 1 billion this century, if current trends continue. The European Union only last month flouted the anti-e-cigarette campaigners and gave millions of European vapers a pass to keep on vaping. Given the current abysmal rate of successful quitting with the approved methods, the FDA should take the courageous, science-based, and compassionate course.

Effectively excluding e-cigarettes from the market via stringent regulation would have the effect of killing smokers and protecting cigarette and pharmaceutical markets. E-cigarettes, a far safer form of nicotine delivery, should not be submitted to tougher regulation than cigarettes.

Americans should not have to die from misguided regulation.

Gilbert Ross, MD, is medical and executive director of the American Council on Science and Health.

FURTHER READING: Ross also writes "The Deadly Crusade Against E-cigarettes." Edward Tenner describes "Markets, Risk, and Fashion: The Hindenburg's Smoking Lounge." Roger Bates contributes "An Invaluable Insecticide" and "The Case for DDT." Mark J. Perry shares "Unintended Consequences of Cigarette Taxes" and "Markets in Everything: Roll-Your-Own Cigarettes."

Image by: Dianna Ingram / Bergman Group

Electronic Cigarettes As a Smoking-Cessation Tool

Results from an Online Survey

Michael B. Siegel, MD, MPH, Kerry L. Tanwar, BA, Kathleen S. Wood, MPH

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Background: Electronic cigarettes (e-cigarettes) are battery-powered devices that deliver nicotine without any combustion or smoke. These devices have generated much publicity among the smoking-cessation community and support from dedicated users; however, little is known about the efficacy of the device as a smoking-cessation tool.

Purpose: This study aimed to examine the effectiveness of e-cigarettes for smoking cessation using a survey of smokers who had tried e-cigarettes.

Methods: Using as a sampling frame a cohort of all first-time purchasers of a particular brand of e-cigarettes during a 2-week period, a cross-sectional, online survey was conducted in 2010 to describe e-cigarette use patterns and their effectiveness as a smoking-cessation tool. There were 222 respondents, with a survey response rate of 4.5%. The primary outcome variable was the point prevalence of smoking abstinence at 6 months after initial e-cigarette purchase.

Results: The primary finding was that the 6-month point prevalence of smoking abstinence among the e-cigarette users in the sample was 31.0% (95% CI=24.8%, 37.2%). A large percentage of respondents reported a reduction in the number of cigarettes they smoked (66.8%) and almost half reported abstinence from smoking for a period of time (48.8%). Those respondents using e-cigarettes more than 20 times per day had a quit rate of 70.0%. Of respondents who were not smoking at 6 months, 34.3% were not using e-cigarettes or any nicotine-containing products at the time.

Conclusions: Findings suggest that e-cigarettes may hold promise as a smoking-cessation method and that they are worthy of further study using more-rigorous research designs.

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Introduction

Electronic cigarettes (e-cigarettes) are battery-powered devices that deliver nicotine without any combustion or smoke. Use and awareness of e-cigarettes has dramatically increased over the past 3 years.¹⁻³ Ayers et al.,³ in this issue of the *American Journal of Preventive Medicine*, report that Internet searchers for e-cigarettes in the U.S. now exceed those for any other smoking alternative, nicotine replacement, or smoking-cessation product. Although e-cigarettes have generated much support from dedicated users, little is known about the efficacy of the device as a smoking-cessation tool.

Most smoking-cessation methods focus on one component of smoking: nicotine addiction. However, even with the assistance of medications that treat nicotine addiction, the success rate for quitting remains low. Based on a Cochrane review of seven studies⁴⁻⁹ that measured smoking cessation using nicotine replacement therapy (NRT), the average 6-month point prevalence of smoking abstinence is only 17.8%, and the 6-month point prevalence of smoking abstinence in the pooled data from these studies is only 11.9%.

Several studies^{10,11} have suggested that physical and behavioral stimuli—such as merely holding a cigarette—can reduce the craving to smoke, even in the absence of nicotine delivery. Given that both nicotine and smoking-related cues appear to influence cigarette craving, e-cigarettes may present a unique opportunity to promote smoking cessation. Two preliminary studies¹²⁻¹⁴ provide evidence that e-cigarette use suppresses the urge to smoke.

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Results from two recent surveys^{15,16} suggest that e-cigarettes may be effective in helping smokers quit. However, both of these surveys relied on convenience samples of e-cigarette users.

This paper reports the results of a survey conducted using a non-convenience sampling frame. Compared with previous studies, which used convenience samples, this survey is based on a sample of all first-time purchasers of a particular brand of e-cigarettes.

Methods

An anonymous Internet-based, cross-sectional survey was conducted among a cohort of first-time purchasers of e-cigarettes from a leading e-cigarette distributor to determine the effectiveness of e-cigarettes for smoking cessation.

Recruitment

A leading e-cigarette distributor (Blu) provided investigators with e-mail addresses of a consecutive sample of first-time Blu e-cigarette purchasers. This sample represented the first 5000 customers who purchased Blu e-cigarettes over a 2-week period beginning July 1, 2009, when Blu commenced its first, continuous operation. Subjects from this customer list were sent a recruitment e-mail. The e-mail invitation was sent to potential subjects in March 2010, that is, 7 months after their initial e-cigarette purchase.

Of the 5000 e-mail addresses to which the survey was sent, 4884 were valid. In total, 222 e-cigarette purchasers responded to the survey, resulting in a response rate of 4.5%. Of the 222 respondents, six were deleted because they did not meet the definition of a "smoker": having smoked 100 or more cigarettes in their lifetime. Therefore, the final sample consisted of 216 respondents, all of whom indicated that they had tried e-cigarettes.

Survey and Data Collection

Those who opted to participate in the study accessed the survey via a secure link in the recruitment e-mail. The current study was approved by the IRB at the Boston University Medical Center.

Data Analysis

The primary hypothesis tested in the present study was the effectiveness of e-cigarettes in smoking cessation, defined as the point prevalence of abstinence from cigarette smoking at 6 months after the first purchase of Blu e-cigarettes. For this estimate, 95% CIs were calculated using standard methods for the estimation of the variance of a proportion.¹⁷

Results

Participant Characteristics and Smoking History

There were more men (71.5%) than women (28.5%) in the study (Table 1). The majority of respondents had smoked for 6 or more years (81.1%), and nearly two

Table 1. Demographic information, smoking characteristics, and cessation/reduction of tobacco use after e-cigarette use

Variable	n (%)
DEMOGRAPHIC INFORMATION	
Gender	
Male	153 (71.5)
Female	61 (28.5)
Age (years)	
18–24	41 (19.1)
25–44	114 (53.0)
45–64	48 (22.3)
≥65	12 (5.6)
SMOKING CHARACTERISTICS	
Smoking history (years smoked)	
≤5	32 (14.7)
6–15	77 (35.5)
16–30	67 (30.9)
>30	41 (18.9)
Number of previous quit attempts	
0	17 (7.9)
1–2	59 (27.4)
3–5	90 (41.9)
>5	49 (22.8)
CESSATION/REDUCTION OF TOBACCO USE AFTER E-CIGARETTE USE	
Reported reducing nicotine use	
Yes	106 (49.3)
No	109 (50.7)
Reduced number of tobacco cigarettes per day after e-cigarette use	
Yes	143 (66.8)
No	71 (33.2)
Quit/abstained for a period of time	
Yes	104 (48.8)
No	109 (51.2)

thirds (64.7%) of participants reported having made three or more previous quit attempts.

Cessation or Reduction of Tobacco After E-Cigarette Use

More than two thirds of respondents (66.8%) reported having reduced the number of tobacco cigarettes they

smoked per day after trying e-cigarettes, and nearly half (49.3%) reduced their nicotine use (Table 1). Nearly half (48.8%) of respondents indicated that they quit smoking for a period of time after trying e-cigarettes.

E-Cigarette Use Patterns and 6-Month Smoking Status

Thirty-one percent (31.0%) of respondents were not smoking at the 6-month point (95% CI=24.8%, 37.2%; Table 2). Of those who were not smoking at 6 months, 56.7% were using e-cigarettes, 9.0% were using tobacco-free nicotine products, and 34.3% were completely nicotine-free.

Among subjects who were not using e-cigarettes at the time of the survey, only 26.8% were nonsmokers (Table 2). However, among current e-cigarette users, 34.5% were nonsmokers. Smoking abstinence rates generally increased with higher frequency of e-cigarette use, with more than two thirds (70.0%) of respondents using e-cigarettes more than 20 times per day being nonsmokers at 6 months.

Table 2. How e-cigarette use patterns relate to 6-month smoking status

Use pattern	% (95% CI) not smoking
Total: smoking status at 6-month point (n=216)	31.0 (24.8, 37.2)
Number of times used per day	
No current e-cigarette use (n=97)	26.8 (17.9, 35.7)
<5 (n=50)	28.0 (15.4, 40.6)
5–10 (n=31)	35.5 (18.4, 52.6)
11–15 (n=16)	31.3 (8.2, 54.3)
16–20 (n=12)	33.3 (6.3, 60.4)
>20 (n=10)	70.0 (41.2, 98.8)
Weekly pattern of e-cigarette use	
No current e-cigarette use (n=97)	26.8 (17.9, 35.7)
Only uses some days (n=71)	21.1 (11.5, 30.8)
Everyday use (n=48)	54.2 (39.9, 68.5)
Nicotine use of those who are not smoking at 6-month point (n=67) (n [%])	
Nicotine-free	23 (34.3)
Using tobacco-free nicotine products	6 (9.0)
Using only e-cigarettes	38 (56.7)

Discussion

The primary finding was a 6-month point prevalence of smoking abstinence among the e-cigarette users in the sample of 31.0%. This compares favorably to the average 6-month point prevalence of smoking abstinence of 17.8% in prior studies and to the 6-month point prevalence of smoking abstinence of 11.9% in the pooled data from these studies.^{4–9}

Of those respondents who were not smoking at the 6-month point, more than one third (34.3%) were also nicotine-free. This suggests that e-cigarettes can help decrease nicotine dependence, rather than maintain or increase nicotine addiction as some opponents have argued.¹

A large percentage of respondents reported a reduction in the number of cigarettes they smoked (66.8%) and almost half reported abstinence from smoking for a period of time (48.8%). These results are notable because smokers who reduce the amount of cigarettes smoked are more likely to quit smoking,¹⁸ and a reduction in the amount of cigarettes smoked can lower the individual's risk of smoking-related illnesses.¹⁹

There are a number of important limitations of this study. First, because of the low survey response rate, the sample is not representative of all smokers who have tried e-cigarettes. Further, because of lack of information on the survey non-respondents, the factors related to nonresponse could not be assessed. It is possible that smokers who had less success with e-cigarettes were also less likely to complete the survey. This would bias the results toward overestimating the 6-month abstinence rate. Second, self-reported abstinence was not verified using biochemical methods. It is possible that respondents over-reported smoking abstinence because of perceived social pressure. Third, only users of one brand of e-cigarettes were surveyed. Thus, these results cannot be generalized to the use of all e-cigarette brands.

Because of these study limitations, these findings must be viewed as suggestive, rather than definitive. Although the findings suggest that e-cigarettes may hold promise as a smoking-cessation method, further studies with more-rigorous research designs are warranted.

The distinct and unique advantage of e-cigarettes is that they allow individuals to utilize one device that can simultaneously address nicotine withdrawal, psychological factors, and behavioral cues that serve as barriers to smoking abstinence. The finding that most individuals who used e-cigarettes at least reduced the number of tobacco cigarettes they smoked suggests that if proven safe, e-cigarettes may be a potentially important tool for harm reduction, especially among smokers who have found currently available pharmaceutical smoking-cessation options to be ineffective. The present study suggests that

this alternative approach to smoking cessation is worthy of further investigation.

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Jacob Sullum Contributor

I cover the war on drugs from a conscientious objector's perspective.

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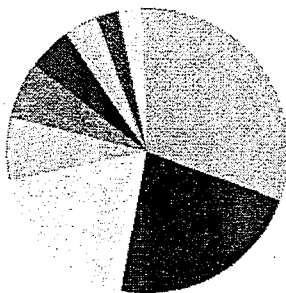
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Survey Shows Adults Who Use E-Cigarettes To Quit Smoking Prefer Supposedly Juvenile Flavors

Comment Now

At a Senate hearing last month, Jay Rockefeller noted that electronic cigarette fluid is available in a wide variety of flavors—conclusive evidence, to his mind, that e-cigarette companies want to hook children on nicotine. “I am an adult,” the West Virginia Democrat said. “Would I be attracted to Cherry Crush, Chocolate Treat, Peachy Keen, Vanilla Dreams? No, I wouldn’t.”

Call it the Rockefeller Rule: If an e-cigarette flavor does not appeal to this particular 77-year-old senator, it could not possibly appeal to anyone older than 17. Rebutting that claim, Jason Healy, founder and president of Blu eCigs, cited a customer survey that found “the average age of a cherry smoker is in the high 40s.” Survey results released today by E-Cigarette Forum, an online gathering spot for vaping enthusiasts, reinforce Healy’s point, showing that grownups prefer the flavors that Rockefeller insists are strictly for kids.



WHAT FLAVOR DO YOU USE MOST

30.55%	Fruit
22.3%	Tobacco
18.86%	Bakery/Dessert
7.10%	Other (inc. Flavorless & DIY)
6.50%	Menthol (Menthol/Mint/Peppermint etc...)
4.91%	Savoury/Spice
3.98%	Candy
2.66%	Menthol Tobacco
2.61%	Beverage flavors
0.55%	Whole Tobacco Alkaloid

 e-cigarette forum

(Image: E-Cigarette Forum)

The survey, conducted in late June and early July, included more than 10,000 members of E-Cigarette Forum, 78 percent of whom live in the United States. Their ages ranged from 18 to “65 and over,” with 74 percent between 22 and 54. When they were asked which flavor they used most, 22 percent said tobacco, while an additional 3 percent said menthol tobacco. In other words, three-quarters of these adult vapers favor flavors other than tobacco, including fruit (31 percent), bakery/dessert (19 percent), and savory/spice (5 percent).

That make sense, because the proliferation of flavors—*The New York Times* reports that “more than 7,000 flavors are now available and, by one estimate, nearly 250 more are being introduced every month”—is especially evident among vapers who, like most of the participants in this survey, use devices with refillable tanks, rather than e-cigarettes that are either entirely disposable or take disposable cartridges. Refillable vaporizers, available mainly online or in specialized outlets, are less likely to interest teenagers than the cheaper “cigalikes” sold in supermarkets and convenience stores.



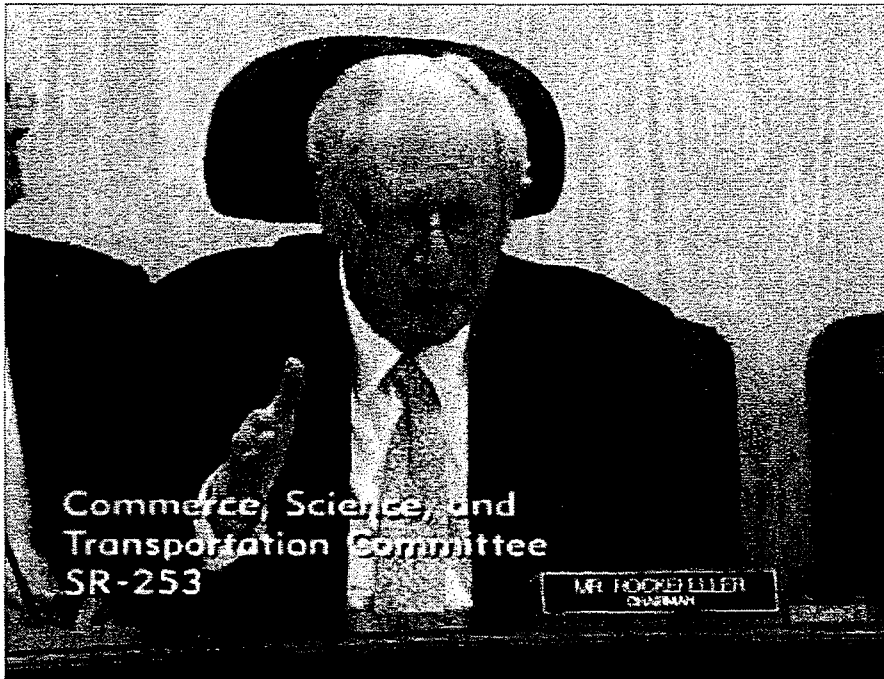
(Image: Vape Lounge)

The new survey also provides further evidence that e-cigarettes help smokers quit, a proposition that Rockefeller and other critics question. Eighty-nine percent of the respondents reported that they had smoked at least 10 cigarettes a day before they started vaping, and 88 percent said they were not currently smokers.

Those findings are similar to the results of another survey focusing on people who participate in online vaping forums, reported last April in the *International Journal of Environmental Research and Public Health*. That study, which included more than 19,000 vapers from around the world, found that almost all of them (99.5 percent) were smokers when they started vaping. Four-fifths of them had stopped smoking completely, while the rest had reduced their cigarette consumption, on average, from 20 to four per day.

It should be emphasized that neither of these studies was designed to capture a representative sample of all vapers. Instead they focus on the most enthusiastic among them, whom you would expect to have had especially

satisfying experiences with e-cigarettes. The high success rates in these surveys therefore are unlikely to be seen among the broader group of smokers who try to quit with e-cigarettes, let alone among smokers who merely try the product out. But these surveys do indicate that e-cigarettes have helped many smokers quit.



"You're what's wrong with this country." (Image: Senate Commerce, Science, & Transportation Committee)

It borders on bizarre that critics like Rockefeller continue to question the existence of those former smokers, even while arguing that e-cigarettes should be restricted or banned based on the entirely hypothetical risk that vaping will lead to smoking among teenagers who otherwise never would have tried tobacco. But what do you expect from a politician who thinks a sample of one—himself—is perfectly adequate to reach sweeping conclusions about a product's intended use?

Notably, two-thirds of the ex-smokers in the E-Cigarette Forum survey said nontobacco flavors were important in helping them quit. Survey data reported in the *International Journal of Environmental Research and Public Health* last December likewise indicate that flavor variety is important in quitting. That study, which involved about 4,500 vapers, found that they tended to prefer tobacco-flavored fluid initially but later switched to other flavors. Most reported using more than one flavor on a daily basis and said the variety made the experience more interesting and enjoyable.

Nontobacco flavors may assist in quitting because learning to associate your nicotine fix with a new taste creates an additional barrier to backsliding: Returning to conventional cigarettes would mean getting used to the flavor of tobacco smoke again. Alternatively, the flavor of tobacco may trigger an urge to smoke.

More than nine out of 10 vapers in the E-Cigarette Forum survey said they worried that government regulations demanded by save-the-children alarmists like Rockefeller will remove products they use from the market. It's not hard to see why. "Why in heaven's name are you going ahead and marketing these things and selling these things?" Rockefeller asked Healy and another e-cigarette executive during last month's hearing. "I don't know how you go to sleep at night....You're what's wrong with this country."

Rockefeller's research methods begin and end with his own prejudices. The Food and Drug Administration, in deciding how to regulate e-cigarettes, should aspire to higher standards.

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TESTS FOR THE CHRONIC TOXICITY OF PROPYLENE GLYCOL AND TRIETHYLENE GLYCOL ON MONKEYS AND RATS BY VAPOR INHALATION AND ORAL ADMINISTRATION

O. H. ROBERTSON, CLAYTON G. LOOSLI, THEODORE T. PUCK,
HENRY WISE, HENRY M. LEMON and WILLIAM LESTER, JR.

Author Affiliations

Abstract

With a view to determining the safety of employing the vapors of propylene glycol and triethylene glycol in atmospheres inhabited by human beings, monkeys and rats were exposed continuously to high concentrations of these vapors for periods of 12 to 18 months. Equal numbers of control animals were maintained under physically similar conditions. Long term tests of the effects on ingesting triethylene glycol were also carried out. The doses administered represented 50 to 700 times the amount of glycol the animal could absorb by breathing air saturated with the glycol.

Comparative observations on the growth rates, blood counts, urine examinations, kidney function tests, fertility and general condition of the test and control groups, exhibited no essential differences between them with the exception that the rats in the glycol atmospheres exhibited consistently higher weight gains. Some drying of the skin of the monkeys' faces occurred after several months continuous exposure to a heavy fog of triethylene glycol. However, when the vapor concentration was maintained just below saturation by means of the glycolstat this effect did not occur.

Examination at autopsy likewise failed to reveal any differences between the animals kept in glycolized air and those living in the ordinary room atmosphere. Extensive histological study of the lungs was made to ascertain whether the glycol had produced any generalized or local irritation. None was found. The kidneys, liver, spleen and bone marrow also were normal.

The results of these experiments in conjunction with the absence of any observed ill effects in patients exposed to both triethylene glycol and propylene glycol vapors for months at a time, provide assurance that air containing these vapors in amounts up to the saturation point is completely harmless.

Footnotes

Received June 4, 1947.

Articles citing this article

Electronic Cigarettes: A Policy Statement From the American Heart Association

Circulation October 14, 2014 130:1418-1436

Full Text Full Text (PDF)

Safety evaluation and risk assessment of electronic cigarettes as tobacco cigarette substitutes: a systematic review

Therapeutic Advances in Drug Safety April 1, 2014 5:67-86

Abstract Full Text (PDF)

Final Report on the Safety Assessment of Triethylene Glycol and PEG-4

International Journal of Toxicology March 1, 2006 25:121-138

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[Abstract](#) [Full Text](#) [Full Text \(PDF\)](#)

Ozone and Glycol Vapor Decontamination of Air in a Closed Room

JDR September 1, 1974 53:1132-1137

[Abstract](#) [Full Text \(PDF\)](#)



...Providing the whole story behind tobacco news.

Thursday, October 31, 2013

First Study to Examine E-Cigarette Gateway Hypothesis Can Find Only One Nonsmoker Who Initiated with E-Cigs and Went on to Smoke

In the first study to examine the hypothesis that electronic cigarettes are a gateway for youth to become addicted to cigarettes, Dr. Ted Wagener from the University of Oklahoma Health Sciences Center reports being able to find only one young person who initiated nicotine use with e-cigarettes and then went on to smoke cigarettes, out of a sample of 1,300 college students.

The study has not yet been published, but it was presented Tuesday at the annual meeting of the American Association for Cancer Research in Washington, D.C.

According to Brenda Goodman's *HealthDay* article summarizing the study: "E-cigarettes don't appear to entice teens to try smoking tobacco, a new study says. ... Last month, the U.S. Centers for Disease Control and Prevention warned that "vaping," or inhaling the nicotine vapors from e-cigarettes, might be a dangerous new fad that could set teens up for smoking. In just one year, the number of kids in grades six through 12 who said they'd ever tried an e-cigarette more than doubled, rising from 3.3 percent to 6.8 percent. Among the 2.1 percent who said they were current e-cigarette users, more than three-quarters said they also smoked regular cigarettes. Given that overlap, many health experts worried that e-cigarettes might be acting like a gateway drug, sucking kids more deeply into nicotine addiction, and law officials urged the U.S. Food and Drug Administration to regulate e-cigarettes as tobacco products."

"The new study suggests that may not be the case. Researchers surveyed 1,300 college students about their tobacco and nicotine use. The average age of study participants was 19. "We asked what the first tobacco product they ever tried was and what their current tobacco use looked like," said researcher Theodore Wagener, an assistant professor of general and community pediatrics at the University of Oklahoma Health Sciences Center, in Oklahoma City. Overall, 43 students said their first nicotine product was an e-cigarette. Of that group, only one person said they went on to smoke regular cigarettes. And the vast majority

2327

About Me

Michael Siegel

Dr. Siegel is a Professor in the Department of Community Health Sciences, Boston University School of Public Health. He has 25 years of experience in the field of tobacco control. He previously spent two years working at the Office on Smoking and Health at CDC, where he conducted research on secondhand smoke and cigarette advertising. He has published nearly 70 papers related to tobacco. He testified in the landmark Engle lawsuit against the tobacco companies, which resulted in an unprecedented \$145 billion verdict against the industry. He teaches social and behavioral sciences, mass communication and public health, and public health advocacy in the Masters of Public Health program.

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On the Same Day, Two More Tobacco Control Practiti...

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Campaign for Tobacco-Free Kids

who started with e-cigarettes said they weren't currently using any nicotine or tobacco."

"It didn't seem as though it really proved to be a gateway to anything," said Wagener, who presented his findings at a meeting of the American Association for Cancer Research, in National Harbor, Md."

The Rest of the Story

This study provides preliminary evidence that electronic cigarettes are not currently serving as a major gateway to cigarette smoking. Of course, more studies of this nature, as well as longitudinal studies, are necessary to firmly answer this question. And importantly, this only reflects the current situation and things can change at any time. It is important that we remain vigilant and closely monitor youth electronic cigarette use over time.

I should also make it clear that in no way am I arguing that sales and marketing restrictions are not needed. In fact, I am hoping that the FDA will promulgate regulations that do strictly regulate the sale and marketing of electronic cigarettes to youth.

What this evidence does highlight is how unfortunate it was that CDC Director Dr. Thomas Frieden disseminated to the public a conclusion about this research question, telling the public that we already know the answer and that electronic cigarettes are a gateway to tobacco addiction. Dr. Frieden stated that: *"many kids are starting out with e-cigarettes and then going on to smoke conventional cigarettes."*

Unfortunately, this premature speculation (or conclusion, as the above statement does not seem to be speculative) led to widespread media dissemination to the public of the news that electronic cigarettes are a gateway to tobacco addiction. These articles are already having an effect on policy makers throughout the country.

In a *Forbes* magazine online column today, Jacob Sullum explains how many tobacco control advocates, including Dr. Frieden, "jumped all over CDC survey data indicating that the percentage of teenagers who have tried e-cigarettes doubled (from 3.3 percent to 6.8 percent) between 2011 and 2012." Sullum writes: "Many teens who start with e-cigarettes may be condemned to struggling with a lifelong addiction to nicotine and conventional cigarettes," CDC Director Tom Frieden worried. But the survey data [the CDC data] provided no evidence that e-cigarettes are a gateway to the conventional kind, and a new study [the Wagener study] casts further doubt on that hypothesis."

The issue of whether electronic cigarettes serve as a gateway to youth tobacco addiction is a very serious one. It should not be taken lightly. If these products lead to increased cigarette smoking among youth then this harm would offset the benefits of enhanced smoking cessation and electronic cigarettes would no longer have net public health benefits. So this is a crucial research question.

Argues that Continu...

Four Years After Federal Ban on Flavored Cigarette...

Tobacco Control Practitioner Tells Public that Cig...

Sadly, American Lung Association Op-Ed Lies About ...

University of California System to Ban Smokeless T...

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Anti-Smoking Groups Calling for Evidence on E-Ciga...

► September (13)

► August (18)

► July (22)

► June (20)

► May (21)

► April (17)

► March (17)

► February (15)

► January (15)

► 2012 (214)

► 2011 (202)

► 2010 (220)

► 2009 (269)

► 2008 (196)


► 2007 (250)


► 2006 (395)

► 2005 (281)

But I emphasize that it is a "question." It does a disservice to the public to draw pre-determined conclusions, as Dr. Frieden did in telling the public that we already have the answer: kids **are** starting out with e-cigarettes and going on to smoke conventional cigarettes.

Our public policies must be science-based. But when one draws pre-determined conclusions, rather than rely on the scientific evidence, this does not lead to evidence-based policies. My fear is that because of a strong pre-existing ideology against electronic cigarettes because they simulate the physical actions of smoking, tobacco control groups are drawing conclusions based on ideology rather than on science.


Posted by Michael Siegel at 9:14 AM 22 Comments 

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22 Comments The Rest of the Story

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• a year ago

Good to see a follow up on yesterday's panel discussion with this recent study. It was unfair for Tim to question your commitment to public health and to suggest that you merely nit pick or drill down on isolated statements. I've never read your blog as an example of "gotcha politics/journalism" but rather a single minded focus on demanding accountability from both the industry and public health. That you give more attention to public health is a function of there being adequate criticism of the industry already and keeping one's own house in order.

Clearly, the words of the Director of the CDC hold a lot of weight with the public which is exactly why the CDC must be careful in its pronouncements. His carefully crafted statement echoed throughout most media channels for the past two months and it is the authoritative takeaway on e-cigs and youth that the public received.

Sure there may be some isolated sentence on your blog that could be stated better, but it was absurd to compare the Director's public comment to a professor's blog. As excellent as your writing and substance is, it doesn't have the same authority in the public's mind nor receive the same media coverage. (I'm sure you're aware of your relative status and recognize that this was not a put down.)

Hope to see an update once the study is released.

3 ^ ▾ • Reply • Share >



enemy_guest • a year ago

"Our public policies must be science-based. But when one draws pre-determined conclusions, rather than rely on the scientific evidence, this does not lead to evidence-based policies. My fear is that because of a strong pre-existing ideology against electronic cigarettes

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because
they simulate the physical actions of smoking, tobacco control
groups
are drawing conclusions based on ideology rather than on
science."

you believe in "science-based" policy on the e-cig thing a ma jig
yet ideology based when it comes to your SHS scam ??? you can't
have it both ways siegel....

3 ^ v • Reply • Share >



Derek Yach • a year ago

Important early evidence suggesting that the theoretical fear of
kids starting on e-cigs migrating to tobacco products may not be
warranted. More studies in different settings and if longer
duration will help.

^ v • Reply • Share >



shell's → Derek Yach • a year ago

Make sure the patch and gum pushers, who did the SHS
"studies" don't do the e cig "studies" or you are screwed.

12 ^ v • Reply • Share >



Herry • a year ago

Here's a fine bit of nonsense:

"Raising the minimum sales age to 21 would reduce smoking
among 14 to 17 year olds by two-thirds and cut rates by a little
over half for 18 to 20 year olds, the health department said."

It's as though the easily-persuaded have been so brainwashed by
lies that they'll now accept anything put out by an entity that goes
under the title Health Department.

<http://in.reuters.com/article/...>

3 ^ v • Reply • Share >



Sir_JayR → Herry • a year ago

So, 1/3 of the 14-17 year olds will still smoke.

The 18-20 year old young adults can go off and fight a
war, and 40% of them use tobacco on the battlefield to
increase vigilance and reduce combat stress and weight
gain. Trying to police tobacco use in the sandbox would tie
up too many scarce resources. But when these young
warriors return home the NYC Tobacco Police would have
them buy their smokes in New Jersey,

Welcome home,

7 ^ v • Reply • Share >



Herry • a year ago

"The issue of whether electronic cigarettes serve as a gateway to
youth tobacco addiction is a very serious one. It should not be
taken lightly. If these products lead to increased cigarette smoking
among youth then this harm would offset the benefits of
enhanced smoking cessation and electronic cigarettes would no
longer have net public health benefits. So this is a crucial research
question."

You can't possibly know, doctor, whether there'd be a net offset in
the direction you state. Or is that what you mean by "public
policies must be science-based"?

5 ^ v • Reply • Share >



Uma Kirk Harry • a year ago

That one is an easy study. In a controlled lab setting, of course, hand 10 new never smoked an eGo Twist, with a Kanger T3 clearomizers or a Kanger ProTank2 and an assortment of Flavors to try @ 0-mg). Do the same with 10 always smoked, except with 12-16mg. At the end of day 2, hand each groupie a cigarette. Repeat at the end of one week.

Be handy with a mop & bucket first though...

1 ^ v • Reply • Share >



Sir_JayR epiphany • a year ago

It's really time to start denormalizing the anti-smokers at Tobacco Control. The first step is to use language appropriate to the various whopper lies they use. In pointing out a lie, it is necessary to use descriptive language of both the liar and the lie he tells. So, here, you refer to Frieden as an ideologue. That word carries with it an impression that he has a lofty mission that is for the good of us all. Clearly, Frieden does not have a lofty mission. He has a financial mission with ties to the drug companies who pay for his research and support his self-serving mission. So, start there by calling the so-called scientist what he is: a liar. There is no idealism in this movement, just greed and a lust for power. The continuing popularity of e cigs is not a threat to health. It is a threat to funding, nothing more and nothing less.

9 ^ v • Reply • Share >



Sir_JayR epiphany • a year ago

The better term is "confabulator".

Just like (Insular) stroke patients who confabulate (make up stories) to justify their new perceptions.

2 ^ v • Reply • Share >



ladyraj • a year ago

Oh yes, the classic "gateway" argument. How does one defend against this nonsense association? By definition the association is made by pairing an initiating variable with a purported outcome variable. Using this logic I could proclaim that taking a bath is a gateway to drowning. lol

I can see it now....a child eats candy cigarettes and later in life that child begins using candy flavored e-cigs and eventually starts actually smoking cigarettes. Yep multiple gateways...they are everywhere, evidently!

6 ^ v • Reply • Share >



Epi ladyraj • a year ago

Marijuana was once the gateway drug to crack, cocaine and heroin. Makes me wonder what those in tobacco control is really smoking.

6 ^ v • Reply • Share >



FXR • a year ago

Public Health is a gateway to the dark ages.

The science is settled !

7 ^ v • Reply • Share >



Rehan Zaib • a year ago

eCig-Cigarette does not contain the over 4000 POISONOUS substances and harmful CHEMICALS found in real cigarettes that

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cause heart attack and cancer, such as nicotine, tar, carbon monoxide, acetone, sulfuric acid & more.

You can ENJOY the eCig Cigarette in places where regular cigarettes are PROHIBITED, even in bed.

Electronic Cigarettes

2 ^ v • Reply • Share ›



Rehan Zaib • a year ago

Electronic cigarettes are sparking lots of skepticism from public health types worried they may be a gateway to regular smoking.

But the cigarettes, which use water vapor to deliver nicotine into the lungs, may be as good as the patch when it comes to stop-smoking aids, a study finds.

Electronic Cigarette Pakistan

^ v • Reply • Share ›



Sean Ben • 7 months ago

The smoke free safe smoking alternative device that don't contain the tar ash carcinogens and any such harmful ingredients in it like the normal cigs.

<http://www.atmostechnology.com>

^ v • Reply • Share ›



thomas • 6 months ago

This blog post is really great; the standard stuff of the post is genuinely amazing.

<http://www.nitrovapes.com/prod...>

^ v • Reply • Share ›



sameer bhatia • 5 months ago

Superb blog i really like it thanks for share and visit this site its so wonderful sites.

electronic cigarette

Thank you

Sameer Bhatia

^ v • Reply • Share ›



Albert einstien • 4 months ago

It's my fortune to go to at this blog and realize out my required stuff that is also in the quality.

^ v • Reply • Share ›



Ques • 4 months ago

If somebody wants expert take on the main topic of blogging next I advise him/her to go to this site, continue the fussy job.

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Albert einstien • 4 months ago

<http://www.vividsmoke.com/ela-...>

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Daniel Kwok · 2 months ago

If you are being attentive to learn several strategies then you ought to browse this article, I am certain you'll get much additional from this article. electronic cigarettes
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Vapers Nightly News

Saturday, 19 January 2013

The Anti-Tobacco Activist's Foundation is a Lie

1. The Anti-Tobacco Activists Know that their Ulterior Motives are Flawed, and so they take advantage of a Complex Debate

Prof Stan Glantz and several of his colleagues submitted a public comment to the FDA docket regarding a "Report to Congress on Innovative Products and Treatments for Tobacco Dependence". Glantz and his colleagues made note of the fact that electronic cigarettes were successfully ruled by The US Courts in 2010 to be excluded from FDA regulations, and regulated as "tobacco products" specifically because electronic cigarettes were not being marketed with therapeutic claims.

However, companies such as Sottera (owner of NJOY), and SFATA (an ecig trade association founded by V2cigs), are claiming that their products are "treatments for nicotine dependence". This was criticised by TVECA, another ecig trade association that wishes to keep electronic cigarettes classified as tobacco products. Glantz argues that if electronic cigarette companies are marketing their products with therapeutic claims, the FDA should regulate electronic cigarettes as drug devices under the Food Drug and Cosmetic Act. Glantz also believes the FDA should restrict consumer advocate associations from making such claims, essentially aiming to stifle free political speech.

This is a very deceitful and insidious move by Glantz in attempt to restrict public access to knowledge about the usefulness of electronic cigarettes.

For decades, anti-tobacco activists and Governments have worked hard and spent a lot of money on social engineering, attempting to de-normalize the activity of tobacco smoking. Glantz's number one dilemma with electronic cigarettes, as has been argued by many anti-tobacco activists and the World Health Organization, is that the mere appearance of electronic cigarette usage looks like tobacco smoking. Electronic cigarette usage, despite an overwhelming number of individual testimonies claiming that it has been beneficial in smoking cessation, is therefore perceived by the anti-tobacco activists to be a severe threat to their efforts to de-normalize tobacco smoking. Anti-tobacco activists, when arguing this point, often attempt to persuade public opinion by using emotional claims regarding the persuasion of children to use electronic cigarettes, at which they ultimately lead to their "gateway to tobacco smoking" fallacy.

This argument by anti-tobacco activists is nothing less than absurd. As Michael Ryan, co-director of E-Lites, pointed out in a recent interview whilst holding up a glass of water,

"if somebody sees me drinking a glass of water, does that mean they're going to go out and drink a glass of vodka because it looks like it?"

The reality is that electronic cigarette use does not normalize tobacco smoking. It normalizes electronic cigarette use.

Glantz understands that his main argument against electronic cigarettes is flawed, and hence has no real foundation to argue against electronic cigarette use. So instead, Glantz is taking advantage of the internal dispute within the electronic cigarette industry over whether electronic cigarettes should be classified as medical devices or tobacco products. He is seeking to use this unresolved debate to his advantage in hindering the spread of public knowledge of electronic cigarettes as a safe and effective alternative to tobacco smoking, and prevent further growth of the industry and public consumption.

If electronic cigarettes are classified as medical devices, then, as Glantz claims, they will have to undergo extensive longitudinal studies. It was speculated by Prof Carl Phillips that possibly;

"Glantz's real motive is that a longitudinal study would take much longer than clinical trials, and he just wants to stall"

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Blog Archive

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The Anti-Tobacco Activists Foundation
is a Lie

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Vapers Nightly News

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Glantz also makes the outrageous claim that due to the overwhelming individual submissions to the FDA by electronic cigarette users about their use of the devices for smoking cessation, the companies that sold them their products, and political associations that aided their use, are engaging in false advertisement - that the publication of personal testimonies on successful smoking cessation by electronic cigarettes is not free political speech - it is commercial speech which can be regulated.

Glantz has essentially argued that the electronic cigarette users who have submitted their personal testimonies to the FDA, are merely pawns of the electronic cigarette industry and consumer advocate associations, brainwashed into falsely believing that the products they use are of benefit to their health.

If electronic cigarettes are classified as tobacco products, then they could be subject to strict regulations, including the banning of nicotine liquids (loose juice) and on-line sales, which would have a devastating impact of the industry. Companies that primarily sell via retail stores and sell only prefilled, non-refillable cartomizers won't be affected to the same extent. It should be noted that most of the companies that TVECA represent are companies that would not be affected by strict restrictions of the Tobacco regulations.

Either way, Glantz seeks to benefit by preserving his ideology that the only way to cease tobacco smoking is to use Nicotine Replacement Therapies (NRTs) or quit cold turkey - a very false and dangerous perception of the tobacco smoking epidemic.

2. There is no useful "Placebo" for Electronic Cigarettes

If one were to look closely at Glantz's reasoning that there is no scientific evidence that electronic cigarettes aid in smoking cessation, they would see that his grasp of science is indeed tenuous.

This week Glantz came under heavy criticism by two prominent pro-Tobacco Harm Reduction Public Health Professors, Micheal Siegel and Carl V Phillips, when he publicly announced that he believes that individual testimonies by electronic cigarette users are not evidence of electronic cigarettes as useful in smoking cessation. He has also begun censoring commentary from his university blog by individuals who contradict his arguments with their personal accounts on how electronic cigarettes have aided them in tobacco smoking cessation.

In his distorted reasoning Glantz references the "Placebo effect", indicating that since no studies have been conducted to test whether electronic cigarettes are more effective than the apparent 'placebo control' of the electronic cigarette, then there is no evidence yet that electronic cigarettes do work as smoking cessation aids.

Glantz then continued ;

"If and when there are high quality longitudinal studies showing that e-cigarettes as actually used actually help people quit smoking conventional cigarettes, I will modify my opinions on e-cigarettes as cessation aids".

This comment clearly demonstrates Glantz's lack of understanding about electronic cigarettes in aiding smoking cessation, and quite possibly science in general. Professors Phillips and Siegel wrote extensively on Glantz's referencing of a placebo control for testing electronic cigarette effectiveness.

Phillips wrote ;

"...while [clinical studies] are great for studying people's biology under fairly simple circumstances (e.g., for assessing most disease treatment options), they are generally quite poor for studying anything else, like behavior. Something like smoking cessation involves the effects of countless complicated real-world factors that are absent from an artificial clinical setting"

Phillips also makes note of what a placebo actually is, and explains the Hawthorn effect ;

"When a placebo is referred to without a research context, it generally refers to an actual treatment method, in which someone is cured of a disease by intentionally tricking them into believing they are receiving a treatment with known benefits..."

"...In clinical studies where some subjects are just given a sugar pill, there is perhaps some placebo effect. However, this is actually probably dwarfed by the "Hawthorne effect", the tendency of people to behave differently just because they know they are being studied, regardless of whether anything is being done to them."

Phillips also makes note that the Hawthorn effect would have most likely affected clinical studies of NRT products ;

"in the real clinical studies, extra cessation ... would mostly result from people who had been seriously thinking about quitting one of these days, and who — because they know that someone is watching them to see if it happens right now — go ahead and do it."

and noted that ;

"both placebo and Hawthorne effects are much more likely when the outcome of interest is decision-based rather than biological"

Phillip's also points out that Glantz was most likely confusing the placebo effect with the Hawthorn effect, and was claiming that electronic cigarette use in aid of smoking cessation was being subject to the same false positives as is thought to occur in NRT clinical trials.

Nevertheless, as Phillips mentions, that in NRT trials, people do become abstinent for a finite time at a much higher rate than smokers on average. But the effect is basically the same for those people on the NRT placebo.

And here lies the major difference between clinical testing of NRTs and Electronic cigarettes. Since NRTs are a chemical treatment, testing whether a particular drug being administered affects a particular behaviour, the subject being tested can be given a treatment that did not contain the substance (i.e a placebo).

With electronic cigarettes, you cannot administer a placebo control.

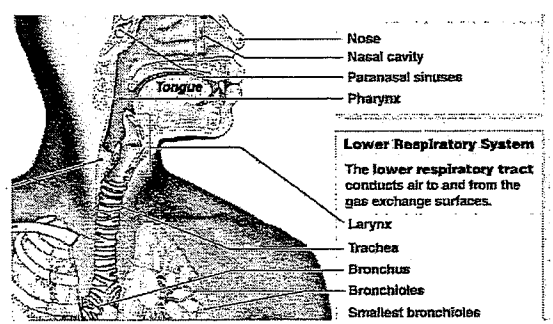
Electronic cigarette usage is far more complex than the administration of a drug. Electronic cigarette usage is behavioural and involves multiple factors such as the placing of a physical object in the mouth, the inhalation and exhalation of visible gas, the sensation of warm air in the mouth, the sensation of a throat hit, taste, smell, and obviously arm and hand movements. You cannot provide a fake alternative to test the effectiveness of this activity in smoking cessation.

In essence, the subjects cannot be *tricked* in the same manner that they can in an NRT trial.

3. Electronic cigarette use involves a number of factors, each as essential as each other

Of course, nicotine is a major aspect of electronic cigarette use, however, what most anti-tobacco/anti-e cig activists appear to be completely unaware of, is that apart from it's stimulative effects, nicotine contributes to another major and essential aspect of electronic cigarette use.

Part of the smoking simulation is what is called the "throat hit". It is the very brief sensation at the back of the throat as a person inhales the vapor or smoke. The science behind throat hit is still obscure. It may be caused by the sensation of the nicotine chemical reacting with the tissue lining of the Pharynx (back of the throat). Alternatively, it may be caused by the forcing of vaporised nicotine molecules into tighter spaces of the lower respiratory track (larynx and Trachea). In either case, the "throat hit" is an essential and critical aspect of a successful electronic cigarette product.



Nicotine is very much the main contributor to throat hit. An e-juice containing zero milligrams of nicotine will produce absolutely no throat hit. As a result, an electronic cigarette e-juice containing a zero nicotine could never be used as placebo control in a clinical setting.

There are, however, products on the market that have attempted to mimic the throat-hit provided by nicotine. These include FlavourArt's Flash, Totally Wicked' Diablo Loco, and Hangsen's Throat Hit E Liquid. It is suspected that these products use Capsaicin (chemical responsible for Chili spiciness) as their main component. Some electronic cigarette users have reported that Pure Grain alcohol can also be used to achieve a simulated nicotine-like throat hit.

Reviews of all these products however have not been very positive, as they appear to be providing more of a chemical burn sensation rather than the very unique kind of throat hit that nicotine provides. They also affect the flavor of the vapor, with some users claiming they can taste the peppery-ness of the Capsaicin.

Hence, as of yet, no suitable placebo exists to test whether nicotine *has* to be an essential part of electronic cigarette use. If a suitable throat hit replacement were to be designed or discovered, the stimulant effects of nicotine consumed via electronic cigarettes could be tested in double blind placebo controlled experiments. As of now, since only nicotine can provide the desired throat hit that electronic cigarette users desire, nicotine is therefore essential to electronic cigarette use.

The topic of nicotine alone is beside the point of this particular discussion, and in any case, the anti-tobacco/anti-e cig activist's real problem with electronic cigarettes use is the *appearance* of it, rather than the *substance being consumed*.

What's actually being questioned here is the evidence for electronic cigarette usage as a whole, as being effective in smoking cessation. As noted previously, electronic cigarette use involves a number of factors. Each factor is as essential as each other to making what is essentially *electronic cigarette use*. Factors such as flavor, cloudiness of the vapor exhaled, temperature of the vapor, as well as nicotine concentration, all make up what is essentially electronic cigarette use.

Most importantly, each factor's involvement varies depending on the product and/or user self-set ups. Even the color of the electronic cigarette device can be considered an essential part of the use. In other words, **Personal Customization is vital for electronic cigarettes to work**, which is why it is critical that products such as liquids containing various levels of nicotine (aka "loose juice"), various flavorings, various refillable cartridge types, and various battery types must remain available to consumers.

4. What is Currently being Tested?

This post is not to make light of what clinical studies could provide. As one of Phillips' responders (Rory Morrison) wrote;

"just having lots of success stories is enough to assess that something works, but is not that useful in quantifying how well it works, or how well it works compared to something else, which method is the one for a commissioner...to recommend? the one with the most success stories? the one with the best-written ones? the most entertaining ones?"

Further, as Siegel noted ;

"Obviously, we also need clinical studies that document the cessation rates and the amount of smoking reduction achieved with electronic cigarettes. But to deny that the case reports are part of the overall scientific evidence is to ignore the science"

Indeed, a clinical study (pg16) funded by Health Research Council of New Zealand is being conducted on electronic cigarettes. In this study, 653 Participants are being tested, whereby 290 participants will use electronic cigarettes containing 16mg/ml cartridges, 290 participants will use 21mg nicotine Patches, and 73 will use electronic cigarettes with cartridges containing 0mg nicotine, all over a 12 week period. The participants will be using electronic cigarette devices and cartridges provided by PGM international Ltd, which means they are most certainly using the Elusion 510 model.

Participants included in this study are smokers of 10 or more cigarettes per day, and who have been smoking for longer than one year. They are people over the age of 18 and who want to quit smoking. The primary test for smoking cessation of the participants will be by the measuring of carbon monoxide level exhaled, which is a marker for evaluating smoking abstinence. However, as a secondary measurement, self reports of continuous abstinence at 1, 3 and 6 months after quit day will be recorded.

This secondary measurement of electronic cigarette usage is interesting. In criticism of Glantz's claim that personal testimonies of successful smoking cessation with electronic cigarettes are not scientific evidence, Siegel writes ;

"While case reports are obviously not the highest standard of scientific evidence, they are undeniably a valid form of scientific evidence. In the case of electronic cigarettes, the fact that millions of vapers are using these products with success is undoubtedly a valid piece of scientific evidence that these

products are useful as alternatives to smoking"

Is this study actually a good test for electronic cigarette efficacy in smoking cessation? It is probably not the kind of study that tests electronic cigarettes to their full potential as most electronic cigarette enthusiasts would explain. The key challenges listed in this study include frequent battery failure and participant withdrawal from the trial. Most electronic cigarette enthusiasts would suspect that these challenges are due to the quality design of PGM's Elusion e-cigarette device. It might be speculated that perhaps the withdrawal of participants from the trial could be due to insufficient knowledge about electronic cigarettes, media publications falsely exaggerating the dangers of electronic cigarettes based on unpublished non-peer reviewed studies, and even a dislike of the electronic cigarette flavoring, battery charge time, and throat hit sensation - particularly in the sample of participants using the Omg cartridges.

Understandably, in order keep all samples consistent for testing purposes, Personal Customization of the electronic cigarettes is not part of this study, so as mentioned above, essential aspects of electronic cigarette use are not being properly tested.

However, it is a start. This is the only electronic cigarette efficacy trial to be embarked upon to date. By early September 2012, more than 50% of participants had been randomized. Prior to this study, there had been one published pilot study showing that 54% of smokers were able to quit smoking or to cut down their smoking by more than half. This is contrary to Glantz's claim that "*such studies simply do not exist*".

5. The False Dichotomy

The whole topic of *'evidence for the efficacy of electronic cigarettes as a smoking cessation aid'* is clearly obscure. As noted in a previous forum post, aside from studies that show the electronic cigarette vapor contains only minuscule amounts of toxins, and a few important medical studies on a small sample number of patients showing that electronic cigarettes are significantly safer than tobacco cigarettes, individual testimonies are perhaps the strongest evidence we have.

However, some may question the need for electronic cigarettes to be proven as smoking cessation aids in the first place. They may also ask why the devices and nicotine containing liquids can't simply be regulated as their own form of recreation product, just as caffeine or alcohol is.

There really is no need for electronic cigarettes and nicotine liquids to be classified as either a tobacco or medical product. This is a false dichotomy constructed by the anti-tobacco groups, and those who seek to profit by falsely labeling the behavior of tobacco smoking as a disease in and as itself.

As Carl Phillips notes;

Smoking causes disease, of course, but it is obviously a consumer behavior, not a disease.

Pharmaceutical NRT producers, particularly, profit from this, both with the sale of their *cure* for this *disease*, as well as by politically hindering the growth of their market competitors; the electronic cigarette industry.

There is really no need for electronic cigarettes to be proved as smoking cessation product. Smoking cessation is actually a product of electronic cigarette usage. Only in the false conception that tobacco smoking is a disease, does the electronic cigarette's smoking cessation property become a *therapeutic device*, and therefore subject to regulations imposed on therapeutics.

Perhaps it's not the numerous absurd and trivial arguments spouted by the anti-tobacco/anti-ecig activists that we should be focusing on, but the underlying cultural propaganda on which they survive. Their entire approach to solving the tobacco smoking epidemic is founded on a misconception, a lie, and it is this foundation that should be attacked, rather than the trivial arrows they keep firing at us.

Posted by Vapers Nightly News at 15:31

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4 comments:



Michael J. McFadden 20 January 2013 10:33

"There really is no need for electronic cigarettes and nicotine liquids to be classified as either a tobacco or medical product. This is a false dichotomy constructed by the anti-tobacco groups, and those who seek to profit by falsely labeling the behavior of tobacco smoking as a disease in and as itself."

Excellent article overall, but I want to focus on the importance of this particular statement near its end. This emphasis on "labeling," and in particular, "negative" labeling, is just a manifestation of the entire complex of Antismoker psychopathology.

Products like nicotine gum and e-cigarette nicotine liquids should not be labeled in such ways any more than coffee and Coca-Cola should be similarly labeled because of their caffeine content. The drive for derogatory language and labeling stems from the need to support the negative imagery that supports the general world of antismoking psychology.

While it's clearly a very superficial summary of a much more complex subject, Stephanie Stahl's analysis of ASDS (AntiSmokers' Dysfunction Syndrome) is wonderfully done and well worth reading. See:

<http://wisposmoke.net/recovery.html>

Aside from the psychological aspects of course there's also the practical end of things. Successfully labeling e-cigarettes as either "tobacco" or "medical" immediately puts them under a level of government control that will allow them to be heavily limited or taxed, thereby removing them from the reach of smokers who might like to switch to them or from people who might simply try them and enjoy them. For many Antismokers, the mere idea of people "looking" like they're doing something that resembles smoking sets off a wave of frantic concern, even if the activity is fairly or totally harmless and absent of annoying side effects for others. And the threat that their money streams could dry up as people avoid tobacco taxes in making such a switch is a profound threat for many of these so-called "activists" who depend on millions of dollars of grant money as well.

The motivations behind the antismoking movement are complex and multi-faceted in their basis, and need to be understood and appreciated by anyone working against them or in favor of substitutes such as e-cigarettes or snus. It would be simpler if it were a case of a unitary conspiracy with an easily targeted core (sort of like what Antismokers have tried to imagine with their rantings against "Big Tobacco" over the years) but it's not: it's a hydra-headed complex of many different people and groups with vastly different motivations ... "all" of which need to be addressed by those working to put it back into a reasonable box.

There's nothing inherently "wrong" with people "enjoying" cigarettes, e-cigarettes, or snus. There are pronouncedly concerning negative side-effects when they do so with cigarettes, far fewer such side-effects with snus, and quite possibly virtually "no" such negative side effects with e-cigarettes. People should have the freedom to make their own choices with regard to such enjoyments in life and the risks they entail without unreasonable government interference, and the current movement by the "establishment" regarding vaping is definitely one of setting the stage for such interference far into the future.

It needs to be stopped.

Michael J. McFadden
Author of "Dissecting Antismokers' Brains"

Reply



Vapers Nightly News 20 January 2013 19:17

Thank You for your comment MJM.

I think you are absolutely right about the so-called "activists" who depend on millions of dollars. It's blatant self-preservation. In fact, I think some of them see electronic cigarettes as a blessing to themselves, as they now have new fodder to play with and something new to write about in their grant applications.

I will say that, while I don't think electronic cigarettes and nicotine containing liquids should be classified as the tobacco or medical products, I do believe there should be some Governmental involvement, and that sales taxes are indeed required. Obviously, not to the same excessive tax levels as that placed on combustion tobacco products, but enough to regulate the industry and

uphold AEMSA's product standards (www.aemsa.org).

A small sales tax to pay for regulating against dodgy vendors is both beneficial and a small price to pay for legitimacy.

Lastly, a post on the ECF forum by Bill Godshall I believe is noteworthy in regards to the topic of labeling of smoking as "a disease".

Godshall writes :

"...I also think a competent lawyer for an e-cigarette company can convince the federal courts that since "smoking" is not a disease or disorder, claiming that an e-cigarette can help someone quit smoking is not a "therapeutic claim". In fact, that's why the FDA has approved drugs for treating "tobacco dependence", not for treating "smoking". And I'm not aware of any e-cigarette company that has ever claimed their products treat "tobacco dependence". "

<http://www.e-cigarette-forum.com/forum/legislation-news/371175-stan-glantz-attacks-e-cigarette-industry-because-thousands-vapers-sent-comments-fda.html#post8362646>

Reply



Michael J. McFadden 23 January 2013 08:56

VNN, yes, I've always found the Antis' ability to avoid cognitive dissonance through doublethink to be fascinating. The question of "addiction" is particularly notable for this. Note how they'll claim, in quick succession, without ever noticing the internal contradictions:

- 1) Nicotine is the most addictive drug on the face of the earth.
- 2) Smokers should have no difficulty at all simply skipping their regular doses while in smoke-banned facilities. What's the big deal, right?
- 3) The "treatment" to give up this most addictive drug is for Big Pharma to sell smokers MORE of the addictive drug in its NRT products.

That final point brought me to this idea that I plan to make millions from!

===

A NEW form of gum therapy:

c*H*ick-o-lets!

Heroin gum for those seeking to kick the comparatively mild habit of heroin! Available in candy flavors at your local pharmacy, and no prescription or age-limits involved! Buy a bagful now! Perfect for stocking stuffers! And, as Jessica Simpson might say, it's "like having a party in my mouth!"

- MJM

Reply

jessica robert 13 February 2013 02:44

Yes it is correct that Electronic Cigarettes INC are a great achievement as compare to traditional cigarette and it is best for those people who are addicted in smoking.

Reply

Enter your comment...

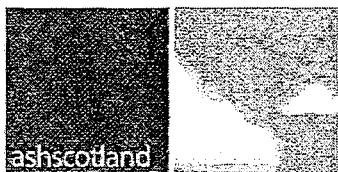
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10/22/2014

Vapers Nightly News: The Anti-Tobacco Activist's Foundation is a Lie
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Taking action on smoking and health

ASH Scotland Electronic cigarettes/E-cigarettes

May 2014

Key points:

- electronic cigarettes (e-cigarettes) are battery-powered devices that heat a liquid often containing nicotine and flavourings into an inhalable form – awareness and use of e-cigarettes among adult smokers and ex-smokers has risen rapidly in Scotland and the UK over recent years with negligible current use among adults who have never smoked
- because they are new products there is no direct evidence on the long-term safety of e-cigarettes themselves; analysis of the emissions from e-cigarettes finds many fewer potentially hazardous chemicals than in tobacco smoke, with those that exist typically in much lower quantities – most experts expect e-cigarettes to prove considerably less harmful to the user than tobacco smoking
- although e-cigarettes use does result in ‘second-hand vapour’ to some extent, these levels are likely to be very low and there is as yet no scientific consensus that such exposures pose a general risk to the health of bystanders
- e-cigarettes have been shown to deliver nicotine to the body effectively, though this varies by device type and configuration – current e-cigarettes seem to deliver nicotine more slowly than smoking tobacco
- there is little high-quality research on e-cigarette for stopping or as a substitute to smoking tobacco; one better quality randomised controlled trial from New Zealand found an e-cigarette with relatively poor nicotine delivery was about as effective as a medicinal nicotine patch, while a well-designed observational study from England found smokers who attempted to stop using an e-cigarette were more likely to be abstinent from smoking than those who quit using medicinal nicotine bought over-the-counter, or no aid
- the limited data on e-cigarette use among young people does not suggest a strong ‘gateway to smoking’ effect in the UK at present, but research on the issue is sparse and there is apparent disagreement and confusion over what a ‘gateway’ effect would look like were it to exist – researchers have recently highlighted the need for common standards and understanding in this area
- other issues to be addressed relating to e-cigarettes include adequate safety controls to prevent accidental injury, monitoring of trends in ‘dual use’ (e-cigarette use combined with continued smoking), regulation of marketing activity, and the involvement of the tobacco industry in the e-cigarette market
- Under new European regulations, by May 2016, e-cigarettes will be subject to either voluntary medicines regulation if they want to make claims to treat or prevent disease, or for products that do not seek to make therapeutic claims, a range of new controls on product quality, safety, and marketing.

What are e-cigarettes?

'Electronic cigarette' (e-cigarette) is the most commonly used term for a family of non-tobacco, non-medicinal, nicotine delivery devices that have become increasingly popular in recent years in Scotland and the rest of the UK. E-cigarettes come in a wide variety of different configurations, and are made and sold by many different manufacturers. Most e-cigarettes share common features of basic operation and have a battery (varying in size, type, capacity, and voltage) that is used to pass a current through a resistance coil (the atomiser) that is in contact with a fluid. The heat from the coil generates an aerosol from the fluid, without combustion, which is then able to be inhaled by the user (the aerosol is often referred to as 'vapour' hence the term 'vaping' is often used to describe e-cigarette use). The fluid used in most e-cigarettes normally consists of a carrier liquid of propylene glycol or glycerine (or a combination of the two), often nicotine (in a variety of concentrations), and frequently additives to enhance the palatability of the aerosol, such as flavourings¹.

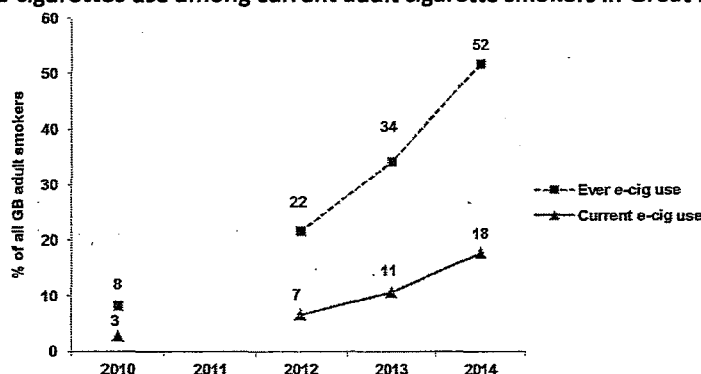
Physically, some types of e-cigarettes are made to resemble tobacco cigarettes with the 'filter' part of the e-cigarette being a cartridge containing the heating element and fluid (the 'cartomiser'), while the battery is typically made to look like the tobacco-containing part of a traditional cigarette. These are sometimes referred to in the UK as 'first generation' e-cigarettes or 'cigalikes'² and are either sold as disposable, or with replaceable pre-filled sealed cartridges. 'Second and third generation'² e-cigarettes typically do not resemble tobacco cigarettes and often have larger batteries and refillable liquid reservoirs (often called 'clearomisers' or 'tank' systems) or other more advanced features (such as variable voltage systems to alter the 'vaping' experience). In contrast to cigarette-like e-cigarettes where the whole cartridge normally needs to be replaced when it is empty, these e-cigarettes allow the user to refill the device with any of the different types of liquid (often referred to as 'e-liquid' or 'e-juice') themselves without replacing the reservoir each time, a practice users report as more economical.

E-cigarettes are relatively new products and the market changes rapidly, because of this terminology is also rapidly changing and different terms are often used colloquially or in marketing to refer to the same products, or substantively similar products. E.g. the different terms 'e-cigarettes', 'e-shisha', 'vape pens', 'personal vapourisers' 'shisha pens' can often refer to the same technology. Most e-cigarettes currently on the market are manufactured in China, imported to their target markets, and sold to the consumer via third party resellers³.

Who uses e-cigarettes in Scotland/Great Britain and what type of e-cigarette do they use?

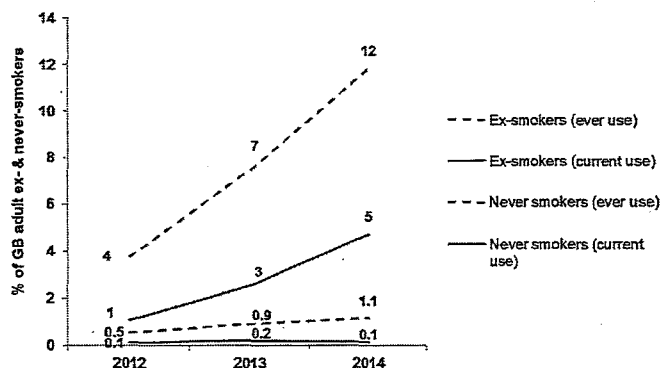
Adult awareness and use of e-cigarettes has increased rapidly in Scotland, as it has in the rest of the UK. In 2010 only 3% of adult (age 18+) smokers in Scotland reported using an e-cigarette, while by early 2014 this had risen to 17%⁴. The graphs below show patterns of e-cigarette use, by smoking status, among a large sample of adults in Great Britain⁵.

E-cigarettes use among current adult cigarette smokers in Great Britain (2010 -2014)



Unweighted base: GB adult smokers (2010, n=2297; 2012, n=2093; 2013, n=1895; 2014, n=1776)

E-cigarettes use among ex- and never smoking adults in Great Britain (2012 – 2014)

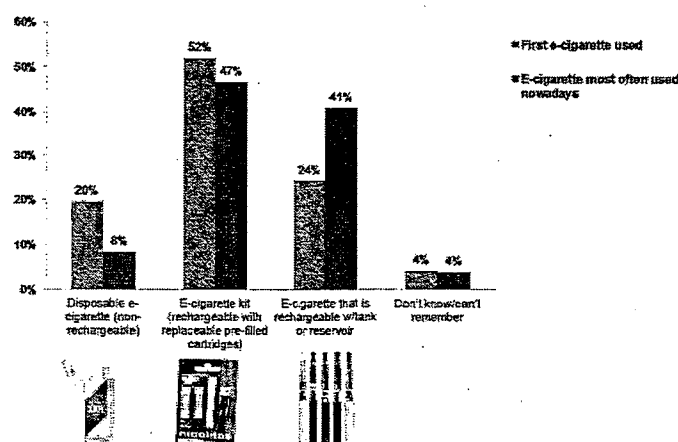


Unweighted base: GB adult ex-smokers (2012, n=4473; 2013, n=4303; 2014, n=4498), GB adult never smokers (2012, n=5886; 2013, n=5973; 2014, n=5995)

E-cig current use and experimentation among current and ex-smokers has increased rapidly over time, while current use among adult never tobacco cigarette smokers is, at present, negligible. This survey gives very similar estimates of e-cigarette use to the only other large general population survey of e-cigarette use among adults available at the present time⁶. The principal reasons e-cigarette users report for their use are as a stop-smoking aid, as an aid to prevent relapse to smoking, and to reduce smoking⁷. There are an estimated 2.1 million adult e-cigarette users in Great Britain in March 2014, approximately one-third being ex-smokers with the remaining two-thirds being current smokers⁷.

When looking at product choice among current e-cigarette users (both the type of e-cigarette they first used, and the type they are using now) in the graph below, most e-cigarette users started with a cigarette-like device (either disposable or rechargeable), but were more likely to report use of a rechargeable, refillable 'second generation' type device for the e-cigarette they are using now.

Type of e-cigarette first tried and type most often used now among current e-cigarette users in Great Britain (2014)



Unweighted base: GB adults who reported having tried e-cigarettes and still use them (n=498)

How hazardous are e-cigarettes to their users or bystanders?

E-cigarettes are new products, and as such there are no long term studies on the health effects of the products themselves. Because of this, judgements around the likely hazards of e-cigarettes are made from looking at chemical analysis and short-term studies on the products themselves and studies of long-term exposure to the chemicals present in e-cigarettes in other contexts.

Many e-cigarettes contain nicotine, the primary psychoactive dependence-inducing component of tobacco. Nicotine itself, in the doses smokers (or users of therapeutic nicotine replacement therapies – NRTs) are normally exposed to, is not considered especially harmful to health⁸. High quality controlled trials of short term treatment with therapeutic nicotine finds side-effects are common but normally mild and transient^{9,10}. Most trials only involve a short duration of NRT administration, with relatively short follow-up, however longer-term studies with extended duration of NRT use have not shown NRT to increase the risk of adverse cardiac outcomes¹¹ (when followed up for 5 years), nor cancer (when followed up for 12.5 years)¹².

Reviews of the many long-term studies of lower-toxicant smokeless tobacco products as used in some Scandinavian countries (that deliver nicotine, but also other chemicals such as tobacco-specific *N*-nitrosamines^{13,14,15}) find that use is not associated with cancer at most sites, or at sites where associations have been found, they are typically of lower magnitude than smoking^{16,17}. The use of these products may be associated with poorer cancer outcomes, once cancer has already been diagnosed¹⁸. Use of these products is not strongly associated with the incidence of cardiovascular disease^{19,20,21,22} though, as with cancer outcomes, it may be associated with greater likelihood of a fatal case^{19,20,22}.

Overall, nicotine delivered in forms other than via smoked tobacco does not have strong associations with disease, though there remains poor evidence in some groups (particularly during pregnancy, where there are potential developmental risks and a lack of good studies conducted in humans^{8,23,24}). Nicotine on its own is much less hazardous than smoking. Although public understanding of this in the UK appears to have improved over time, it remains poor as people tend to overestimate the risks posed by nicotine²⁵.

The carrier liquid used in many e-cigarettes is propylene glycol (PG). Toxicology reviews consider PG as presenting a low risk to human health²⁶, and its inclusion in other substances intended for human consumption (e.g. in food) has been approved by regulators for many years²⁷. Both PG and another commonly used carrier fluid vegetable glycerine (VG) are ingredients in an existing medical preparation of nicotine; the nicotine mouthspray²⁸. However, the type of exposure to PG/VG resulting from e-cigarettes use (long-duration high intensity inhalation of an aerosol generated by heat) does not have a precedent, and a review of the probable health effects of such exposure to PG/VG concludes that monitoring and surveillance of health outcomes is warranted²⁹.

Flavourings used in e-cigarettes to make use more palatable are often food additives³, that, while normally considered safe for oral consumption, may present health concerns when inhaled. A lab study of liquid cytotoxicity (being toxic to cells) of 35 e-liquids found that cytotoxicity was unrelated to nicotine content, but was correlated with the number and concentration of flavourings³⁰, suggesting this should be an area of continued investigation and monitoring.

As a result of the heating process, the constituents of the aerosol generated from e-cigarettes may be different from the constituents of the liquid. Because of this, the most informative analyses of the probable risk profile of e-cigarettes to the user are those that analyse the aerosol itself, as they examine levels of contaminants and other potentially harmful agents regardless of whether they come from a contamination of the liquid (or the use of a problematic flavourings), or arise as a by-product of heating. Several studies exist on this topic^{e.g. 31,32,33} including many unpublished lab reports, the results of which have been summarised in a recent systematic review²⁹.

These studies vary widely in methods, quality, and devices studies (and owing to the diversity and rapidly evolving nature of the e-cigarette market, cannot be taken to represent all devices). Substances tested for by these studies include polycyclic aromatic hydrocarbons (a family including several established carcinogens), volatile organic compounds (e.g. acrolein, acetaldehyde, formaldehyde) and metals (e.g. cadmium, lead). Overall, these studies tend to detect many fewer potentially hazardous chemicals than found in tobacco smoke with those that are found being at much lower quantities; however there is significant variation between devices³¹. Comparing the contaminants to commonly used standards for involuntary workplace exposures³⁴, the review²⁹ concludes that, based on studies to date, e-cigarette users are unlikely to be exposed to levels of contaminants that would warrant concern.

A recent study suggests that, when using higher voltage configurations e-cigarettes could be capable of producing similar levels of one carcinogen, formaldehyde, in comparable levels to those found in cigarette smoke³⁵. A commentary³⁶ on the research suggests that this is probably a result of the thermal breakdown of the carrier liquid that would be expected to occur at high temperatures, and notes that, when the devices are used at lower voltages, formaldehyde emissions are several magnitudes lower than tobacco smoke. These kind of analyses could have important implications for device design and safety.

Several studies^{e.g. 37,38,39} have attempted to examine likely exposure to bystanders from e-cigarette use (i.e. 'second-hand vapour'). These studies confirm that e-cigarette use results in emission and exposure to some toxins, as would be expected given the processes involved. Analyses of the emissions find pollutants are either at low concentrations compared to equivalent emissions from cigarette smoke, or below the limit of detection for

the measurement instruments used^{39,37}. In one study³⁷ nicotine in air was found at about one-tenth of the concentration present in second-hand tobacco smoke. Measurements of the concentration of respirable 'particulate matter' (often used as a marker of tobacco cigarette smoke^{e.g.40}) taken from these studies may not be directly comparable with the equivalent measurements of smoke generated by tobacco combustion. It is not clear if researchers working on the issue of 'second-hand vapour' have adequately calibrated measurement instruments to reflect differences in the physical properties of e-cigarette emissions (likely to be larger droplets in liquid state) when compared to the combustion generation carbon-based solid particles from traditional cigarettes⁴¹. While the small particles of second-hand smoke can linger for many hours in the air after a tobacco cigarette has been extinguished, it is likely the larger particles generated by e-cigarette use settle faster, which has implications for likely levels of bystander inhaled exposure⁴¹. Overall, there is not scientific consensus that second-hand exposure to e-cigarette emissions poses a general risk to the health of bystanders, though as with other forms of more common indoor air pollution it may cause irritation or other adverse reactions among some sensitive population sub-groups.

Do e-cigarettes help people quit smoking?

In order for e-cigarettes to be effective as an aid to help people stop smoking, or as a substitute for tobacco smoking, they should be able to deliver nicotine effectively. While an early study⁴² found the two brands tested did not deliver nicotine to their participants, subsequent studies^{43,44,45} have found e-cigarettes are capable of delivering nicotine (the early study involved first-time e-cigarette users and older technology, which is likely to explain its results). Comparison of different configuration of e-cigarettes in a recent evaluation⁴⁶ found that newer generation higher performance e-cigarettes were faster at delivering nicotine than older 'cigarette like' models, however both configurations of e-cigarettes were significantly slower at delivering nicotine than a conventional tobacco cigarette.

The evident commercial success of e-cigarettes has been driven by anecdotal reporting of many cases of successful smoking cessation and substitution among long-term tobacco smokers. This has also been found among surveys among (self-selecting) populations of dedicated e-cigarette users^{47,48} and a longitudinal study⁴⁹ has found low rates of relapse to smoking among this group (though this study has several weaknesses including very high loss to follow-up).

An issue common with these type of studies is their recruitment of participants from online e-cigarette enthusiast forums, where positive experiences with e-cigarettes will be over-represented. Several experimental studies enrolling participants from the general population (to overcome these issue of self-selection) have been conducted^{50,51,52,53,54}. These generally show favourable results for e-cigarettes in terms of cessation and cigarette reduction outcomes, however several of these studies are small, lack a control group, and are the product of only two research teams (one in Italy and another in New Zealand).

The most methodologically robust of these studies (from New Zealand⁵⁴) is a moderately sized randomised controlled trial that found approximate equivalency between the one brand of e-cigarette tested (an early model with relatively poor nicotine delivery⁵⁵) and a conventional NRT patch. While the primary analysis in this study was unable to conclude that e-cigarettes were superior to the NRT patch for cessation (in part due to the low overall cessation rates observed across all participants in the study), a secondary analysis of self-reported cessation suggested a marginally higher overall effect on cessation for e-cigarettes

compared to the NRT patch, with the time till relapse to smoking being twice as long in the e-cigarette group⁵⁵.

Outside of experimental studies that may impose artificial constraints on behaviour, the cessation effects of e-cigarettes have been examined in observational studies of e-cigarette use in the general population (i.e. examining outcomes in cessation between e-cigarette users and non-users in general health or tobacco control surveys)^{56,57,58,59}. These studies do not show strong associations between e-cigarette use and cessation from smoking. However, most of these studies were not designed with the intent of examining cessation outcomes, none adequately control for the many ways in which smokers who quit using a form of assistance differ from those who do not (e.g. differing nicotine dependence, a well-established issue in similar studies of medicinal NRT^{60,61}), or involve poor measurement of e-cigarette use (e.g. being unable to discriminate between the use of e-cigarettes in a concerted effort to stop/substitute for smoking and experimentation with no intent of sustained use). Recent research from a large general population survey England has made attempts to improve on the issues present in previous observational studies, and finds that smokers who attempted to stop using e-cigarettes were more likely to report abstinence from smoking compared to those who attempted to stop with NRT bought over-the-counter, or those who used no aid⁶².

Are e-cigarettes a gateway to smoking for young people?

A concern expressed around e-cigarettes is that they will act as an entry product to nicotine for children and young people – who would otherwise never have smoked – who would then go on to smoke tobacco due to their experiences with e-cigarettes. This is a difficult proposition to assess, and similar claims have been asserted, but also challenged, in relation to lower-risk smokeless tobacco^{63,64,65,66}. The difficulty arises because, although associations between starting one nicotine product use and subsequently going on to use another may be uncovered by research, the associations are not necessarily causal (i.e. it is the use of e-cigarettes that causes later smoking) and may be explained by shared risk factors that predispose individuals to engage in both behaviours⁶⁶.

Very limited data exists on e-cigarette use among young people in the UK, and no data currently exists for Scotland alone. One survey by ASH⁶⁷ of around 1,400 11 to 18 year olds in Great Britain in 2013 who were aware of e-cigarettes found that sustained use of e-cigarettes was rare, and, at the time of the survey, confined almost entirely to children who already have a history of use of tobacco cigarettes. However, because the sample was recruited via parents who were members of a commercial online survey panel, potential biases due to panel recruitment or accurate completion of the survey (e.g. if parents or householders were present while the survey was being completed by the young person) may exist. A convenience sample of 671 young people aged 13 to 18 in Wales that took part in an online survey for ASH Wales in late 2013/early 2014 found similar results⁶⁸.

A 2013 survey conducted with around 6,000 students aged 14 to 17 in Cheshire and Merseyside found around 13% of young people surveyed reported 'having accessed' e-cigarettes (this definition includes both 'having bought' and 'having tried' e-cigarette so gives no idea of intensity of usage) with most 'access' again concentrated in young people who have a history of smoking tobacco cigarettes. E-cigarette access was also strongly positively associated with another behavioural risk factor (alcohol consumption)⁶⁹. No data on e-cigarette use among young people in Scotland exists, though it will be reported in the large, nationally representative, SALSUS survey of 13 and 15 year olds which was conducted during 2013 and is due to report in November 2014⁷⁰.

Surveys from the United States conducted for the US Centres for Disease Control and Prevention (CDC)⁷¹ have shown an approximate doubling of both 'ever' and 'current' (within the last 30 days) use among middle and high school students between 2011 and 2012. CDC also report that, in 2012, around 7% of high school students who had ever used e-cigarettes reported never smoking conventional cigarettes. The same survey shows that tobacco cigarette smoking continued to decline during the 2011 and 2012 period⁷², and, as shown by a separate large survey of the US student population, has continued to decline throughout 2013⁷³, suggesting that, if a gateway effect does exist, it is not sizeable enough to change overall reductions in tobacco cigarette prevalence.

Recent cross-sectional surveys involving large datasets of e-cigarette use in Korean⁷⁴ and US⁷⁵ adolescents, found use was associated with cigarette smoking, attempts/intent to quit, but not with abstinence from conventional cigarettes. Because of the design and limitations of these studies, the findings are consistent with both the theory that e-cigarettes encourage tobacco cigarette use, and the opposing theory that e-cigarettes are being used as alternatives to smoking by the adolescent smokers that are most heavily addicted to nicotine or otherwise predisposed to engage in risky behaviours. Hence these findings are not enlightening as to whether gateway effects are happening in these populations.

Taken as a whole, the limited data available for the UK is not suggestive of a strong gateway effect at present as there appears to be limited sustained use among never smoking young people, though this should not be taken to conclude that such an effect could not exist (or even that it exists to some extent at present, but the current evidence is inadequate to detect it). Because the existence of 'gateway' effects is challenging to either confirm or deny and there is apparent disagreement on the issue, academics working in the area have recently made a call for clarity on the criteria needed for evidence to demonstrate either the existence or absence of a gateway effect, to set a standard upon which researchers could agree⁷⁶. Such an approach could facilitate a more balanced and evidence-led assessment of risks posed by a potential gateway effect to smoking, which could then be weighed against the potential benefits of e-cigarettes as a route away from smoking.

It is possible that the forthcoming 2013 SALSUS dataset in Scotland⁷⁰ – a large dataset containing rich information on other risk factors for smoking and substance use – could be used to help in setting this standard, by examining whether never smoking e-cigarette using young people possess many of the risk factors for tobacco smoking (i.e. to investigate whether, even if they did not currently smoke tobacco at the time they were trying e-cigarettes, they were nevertheless highly at risk for doing so).

Other issues

Accidental injury, quality control/product defects

The fatal adult human dose for nicotine was, until relatively recently, thought to be around 50 to 60mg⁷⁷. A current investigation into acute nicotine toxicity⁷⁸ suggests these values are too low by a substantial margin, and that the true value is likely to be instead in the region of 500 to 1,000mg. Even if these higher thresholds are accepted, the quantity of nicotine in a 10ml refill bottle of nicotine e-liquid at the higher strength end of currently available products still has the potential to be a hazard if ingested or otherwise absorbed, especially for children. In the US calls to poison centres involving e-cigarette liquid have increased in line with the increase in prevalence of e-cigarettes use⁷⁹. There is one suspected fatal case of poisoning from e-cigarette liquid in a child from Israel⁸⁰. This highlights the importance of proper packaging, labelling, and storage instructions for e-liquids.

As described previously, toxicant emissions from e-cigarettes appear to vary substantially by device configuration⁸¹. The quality of manufacture and materials used (e.g. in the quality of the wicking material used to supply liquid to the heating element, the composition of the metal heating element, purity of ingredients used in the liquid) are likely to impact on user exposure to undesirable toxicants, and there appears to be significant room for improvement in some devices⁸¹. As with other rechargeable battery-powered devices, safety during charging to avoid accidental fires and injury may be improved by the incorporation of adequate overcharge protection on the devices themselves, and the provision of clear instructions on charging by the manufacturer.

Dual use

'Dual use' – continued use of smoked tobacco alongside e-cigarettes – has been highlighted as a particular concern surrounding e-cigarettes. Because even low levels of continued smoking still confers substantial health risks, the magnitude of benefits that can be expected from reduced smoking alone (without cessation) are uncertain⁸². The introduction of e-cigarettes to the market could be problematic if it extended the duration of tobacco cigarette smoking in those who would otherwise have stopped entirely.

As this issue is related to the effectiveness of e-cigarettes as a cessation or substitute for tobacco smoking (because, if, on average, e-cigarettes cause more continued smoking than they prevent, this will start to become apparent in studies of e-cigarettes that examine cessation outcomes), the research already described in the section dealing with cessation applies to some extent to questions of dual use. Looking at other analogous products, in a systematic review of randomised controlled trials of medicinal NRT products among smokers who had no intention to quit smoking, dual use of NRT and smoking resulted in more, not less, abstinence from smoking at follow-up (approximately doubling quit rates⁸³). Continued monitoring of surveillance data and well-designed observational studies are necessary to determine if e-cigarettes are different in this regard from NRT.

At the population level, although the majority of e-cigarette use in Great Britain is dual use (approximately two-thirds of e-cigarette users being current smokers with the remainder being ex-smokers⁷), population level data from a large, regular survey in England⁶ shows that there has been a recent sharp decline in cigarette smoking prevalence, and an increase in quit attempts and success rates in quitting that correlate with the rise in popularity of e-cigarettes among smokers. While this cannot necessarily demonstrate that e-cigarettes are responsible for causing these outcomes, this data is inconsistent with a large effect of e-cigarette dual use in prolonging smoking.

Marketing and advertising

Concurrent with the growth of e-cigarette popularity has been a rapid growth in the general visibility of e-cigarette marketing through a variety of advertising channels^{84,85,86}. This has caused concern in that, even if the target of adverts are exclusively adult smokers, the relatively free rein that advertisers currently have regarding e-cigarettes means there are likely to be knock-on effects in generating interest in the product and e-cigarette brands among never smokers and young people. There is a well-established evidence base on the effects of tobacco advertising and promotion on adolescent smoking uptake⁸⁷, and given similarities in tone and technique of some e-cigarette advertising to tobacco cigarette advertising from previous decades, it is plausible widespread marketing of e-cigarettes will have the consequence (intended or unintended) of generating some degree of interest and trial in never smokers and young people. There are currently processes underway to attempt to bring more regulatory control to the marketing of e-cigarettes, see the section that follows on 'what regulations apply to e-cigarettes in the UK?'

The tobacco industry

The majority of the current e-cigarette market in the UK consists of a multitude of small and medium sized businesses and several larger companies that are independent of the tobacco industry. However, in recent years major international tobacco companies have either acquired existing e-cigarette companies, or brought new e-cigarette products to market themselves. This has provoked comment that tobacco industry motives in this field are unlikely to revolve around the sole goal of reducing health harms and saving lives⁸⁸. Analysis of tobacco industry documentation⁸⁹ has suggested that tobacco companies' involvement in harm reduction is an opportunistic tactical adaption to the shifting policy environment on tobacco that it foresees will secure reputational benefits with policy makers and public health groups. These developments can be expected to raise new challenges around limiting tobacco industry involvement in, and interference with, public health policy.

What regulations apply to e-cigarettes in the UK?

In 2010, the UK Medicines Regulator, the Medicines and Healthcare products Regulatory Agency (MHRA) consulted on bringing all unlicensed nicotine products (including e-cigarettes) into their medicines regulatory framework⁹⁰. Following responses to the consultation, the MHRA conducted a period of scientific and market research and announced in June 2013 that it wanted to proceed with medicinal regulation, and that it expected all e-cigarettes in the UK would be regulated as medicines in line with the (at the time ongoing) negotiations on the European Tobacco Products Directive⁹¹ by 2016. In October 2013 during a key vote on the Directive at the European Parliament, mandatory medicinal regulation was rejected and an alternative system was proposed. European lawmakers agreed upon a 'two-track' system whereby e-cigarettes that make a therapeutic claim to treat or prevent disease (including smoking cessation claims) will be subject to regulation as medicines. All other e-cigarettes may remain on the market provided they meet certain requirements, including:

- a maximum nicotine concentration and volume for e-cigarette devices and refill containers, with requirements for child and tamper-proofing
- mandatory consumer warnings on e-cigarettes packaging with information on ingredients
- a requirement for manufacturers to notify countries before placing new products on the market, to provide details on the ingredients and emission of the products, and to provide data of sales volumes and profile of product consumers
- a ban on many forms of advertising (most forms of advertising that have a cross-border effect including television and radio advertising) – advertising that only has a local effect such as point of sale advertising or billboards will not be covered

These measures are expected to come into force in May 2016. The European Tobacco Products Directive will not set age of sale limits on e-cigarettes at the European level; this is a matter that individual countries must take forward and the Scottish Government has indicated its intent to legislate on this matter once it has identified the most appropriate means.

The MHRA continues to encourage manufacturers to voluntarily submit products for medicines regulation in the intervening period. E-cigarettes sold on the market at present must also be in compliance with existing regulations, such as general products safety legislation and the Chemicals (Hazard Information & Packaging for Supply) Regulations 2002

(CHIP) (which together require electronic cigarettes to function as intended, and be supplied with child-resistant packaging and toxic warning labels). Trading Standards has enforcement responsibility for ensuring compliance with existing regulations. The Committees of Advertising Practice, who write and maintain the codes that govern advertising in the UK have also recently (April 2014) consulted on how to modify advertising rules on e-cigarettes in the interim period before the European regulations come into force.

As e-cigarettes do not burn tobacco or another 'lit substance or mixture' they do not come under the legislation governing Scotland's smoke-free public places⁹². Individual public and private sector bodies in Scotland are responsible for creating and implementing their own policies on e-cigarette use.

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- ⁵ All figures, unless otherwise stated, are from YouGov Plc. Total sample size (2014) was 12,269 adults. Fieldwork was undertaken between 5th to 14th March 2014. The survey was carried out online. The figures have been weighted and are representative of all GB adults (aged 18+). Unweighted bases from previous years: 2010 (12,597); 2012 (12,432); 2013 (12,171).
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RESEARCH ARTICLE

Open Access

Acute effects of using an electronic nicotine-delivery device (electronic cigarette) on myocardial function: comparison with the effects of regular cigarettes

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Abstract

Background: Electronic cigarettes have been developed and marketed in recent years as smoking substitutes. However, no studies have evaluated their effects on the cardiovascular system. The purpose of this study was to examine the immediate effects of electronic cigarette use on left ventricular (LV) function, compared to the well-documented acute adverse effects of smoking.

Methods: Echocardiographic examinations were performed in 36 healthy heavy smokers (SM, age 36 ± 5 years) before and after smoking 1 cigarette and in 40 electronic cigarette users (ECIG, age 35 ± 5 years) before and after using the device with "medium-strength" nicotine concentration (11 mg/ml) for 7 minutes. Mitral flow diastolic velocities (E, A), their ratio (E/A), deceleration time (DT), isovolumetric relaxation time (IVRT) and corrected-to-heart rate IVRT (IVRTc) were measured. Mitral annulus systolic (Sm), and diastolic (Em, Am) velocities were estimated. Myocardial performance index was calculated from Doppler flow (MPI) and tissue Doppler (MPIt). Longitudinal deformation measurements of global strain (GS), systolic (SRs) and diastolic (SRe, SRa) strain rate were also performed.

Results: Baseline measurements were similar in both groups. In SM, IVRT and IVRTc were prolonged, Em and SRe were decreased, and both MPI and MPIt were elevated after smoking. In ECIG, no differences were observed after device use. Comparing after-use measurements, ECIG had higher Em ($P = 0.032$) and SRe ($P = 0.022$), and lower IVRTc ($P = 0.011$), MPI ($P = 0.001$) and MPIt ($P = 0.019$). The observed differences were significant even after adjusting for changes in heart rate and blood pressure.

Conclusions: Although acute smoking causes a delay in myocardial relaxation, electronic cigarette use has no immediate effects. Electronic cigarettes' role in tobacco harm reduction should be studied intensively in order to determine whether switching to electronic cigarette use may have long-term beneficial effects on smokers' health.

Trial registration: Current Controlled Trials ISRCTN16974547

Keywords: Electronic cigarette, Smoking, Myocardial function, Diastolic function, Tobacco harm reduction, Nicotine

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Background

Smoking is a major risk factor for cardiovascular disease [1,2]. Although several pharmaceutical products are available for smoking cessation, long term quit-rates are relatively low [3]. Therefore, tobacco harm reduction strategy and products have been developed, with the main goal to reduce the amount of harmful substances administered to the human body.

Electronic cigarettes have been introduced to the market in recent years as an alternative-to-smoking habit. They consist of a battery-part, a cartridge containing liquid and an electrical resistance that is heated by activation of the battery and evaporates the liquid. The liquid usually contains glycerol, propylene glycol, water, nicotine and a variety of flavours that the user can choose. By using this device, nicotine is delivered to the upper and lower respiratory tract without any combustion involved. Millions of people are using electronic cigarettes worldwide; however, lack of clinical research has raised global debate, controversy and serious public health concerns [4].

Several studies have shown that, even in healthy smokers, acute smoking inhalation has significant adverse effects on left ventricular (LV) myocardial function that can be detected by echocardiography [5-7]. No study has ever evaluated the effects of electronic cigarette use on cardiac function; thus, the purpose of the current study was to investigate the acute effects of using an electronic cigarette *ad lib* for 7 minutes on haemodynamic parameters and myocardial function, compared to the effects of smoking a tobacco cigarette.

Methods

Study sample

The study sample consisted of consecutive healthy subjects visiting our hospital for routine examinations that volunteered to participate. All participants were asymptomatic, had normal physical examination and resting electrocardiogram and were not taking any medications. Smokers (group SM) were included if they were smoking for at least 5 years and were consuming at least 15 cigarettes per day. The reason for including only heavy smokers was that a study examining the characteristics of electronic cigarette consumers showed that most electronic cigarette users were formerly heavy smokers [8]. Electronic cigarette users (group ECIG) were included if they had quit smoking and were using electronic cigarettes with nicotine-containing liquid for at least 1 month, according to self-report. To avoid potential compensatory effects from using lower nicotine-containing liquid, participants were included if they were daily consumers of similar "strength" liquids (9-12 mg/ml nicotine concentration) to that used in the study (11 mg/ml). Exclusion criteria were: presence of any major risk factor for cardiovascular disease (i.e. diabetes, hypertension, hyperlipidemia and

family history of premature coronary artery disease), history of endocrine disorders, body-mass index > 30 kg/m² and more than occasional alcohol intake. Additional exclusion criteria were derived from the echocardiography studies: elevated LV mass index (> 115 g/m² for males and > 95 g/m² for females), abnormal LV function (LV ejection fraction $< 55\%$) and more than mild valve regurgitation.

In total, 81 subjects were eligible to participate. Three smokers did not present for the scheduled evaluation. One electronic cigarette user was excluded because of moderate aortic regurgitation and ascending aorta dilatation due to bicuspid aortic valve. One smoker was excluded due to mildly depressed ejection fraction and hypokinesia of LV lateral wall. The final study sample consisted of 76 subjects, 40 electronic cigarette users (3 females) and 36 smokers (3 females). Written informed consent was obtained from all subjects for participation in the study, and the protocol was approved by the ethics committee of Onassis Cardiac Surgery Center.

Materials

All smokers were asked to use one commercially-available tobacco cigarette of the same nicotine (1.0 mg), tar (10 mg) and carbon monoxide (10 mg) yields. Electronic cigarette users were asked to use a commercially-available device with liquid containing 11 mg/ml nicotine concentration. The device used was an eGo-T battery (Nobacco, Athens, Greece) with an eGo-C atomiser (Alter Ego, Athens, Greece). It is considered a "second-generation" device. Unlike cigarette-like devices which consist of a small battery and a polyfil-containing atomiser (commonly called "cartomiser"), the electronic cigarette used in this study is a multi-piece system (Figure 1). It consists of a 650 mAh rechargeable lithium battery, delivering 3.5 volts to the atomiser (measured by a volt-meter), and an atomiser consisting of 4 parts: the tank which stores the liquid (capacity of approximately 1.1 ml), the atomiser body, the atomiser head which includes the resistance, and the atomiser cap. It is a manually-activated device, by pressing a button; it does not produce any vapour when not activated by the user.

The electronic cigarette liquid used in the study contained 11 mg/ml nicotine and is considered "medium strength" according to manufacturer's report (USA Mix Med, formerly known as MLB-Med, Nobacco, Athens, Greece). It is sold in 20 ml bottles. It was the only liquid tested by an independent laboratory (National Center for Scientific Research "Demokritos", mass spectrometry and dioxin analysis laboratory) at the time of study initiation [9]. According to the laboratory report, the contents were: propylene glycol (α -propylene glycol or 1,2-propanediol) in a concentration $> 60\%$, linalool (3,7-dimethylocta-1,6-dien-3-ol) in a concentration $< 5\%$, nicotine ($< 10\%$), tobacco essence ($< 5\%$), and methyl vanillin (4-hydroxy-

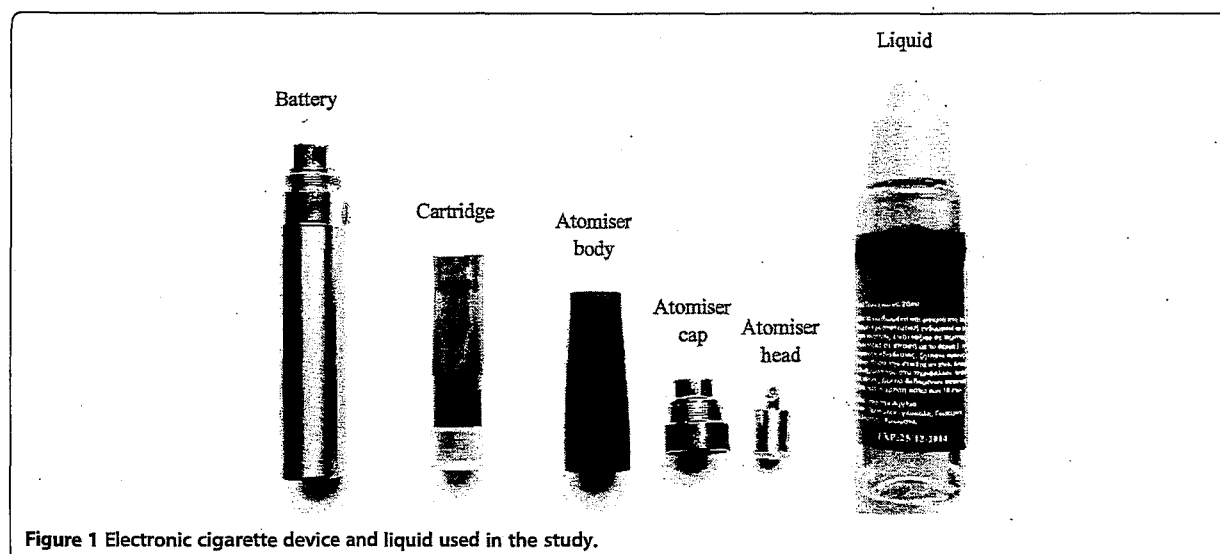


Figure 1 Electronic cigarette device and liquid used in the study.

3-methoxybenzaldehyde) at <1%. No tobacco-specific nitrosamines or polycyclic aromatic hydrocarbons were detected.

For every participant, a new cartridge and atomiser head was used. One of the researchers filled the cartridge with 1 ml of liquid; subsequently it was positioned in the atomiser and the participant started using it. The battery was fully charged before being used by each subject.

Study protocol

Participants presented to the echocardiographic laboratory after fasting and refraining from alcohol and caffeine consumption for 4 hours; they were also asked to refrain from smoking and electronic cigarette use for 4 hours before the study.

Participants were allowed to rest for 5 minutes before initiating the echocardiographic examination. A baseline echocardiographic examination was performed in smokers, who were then transferred to a room next to the echocardiography laboratory and smoked 1 tobacco cigarette. For electronic cigarette users, after the baseline echocardiogram they were asked to use the electronic cigarette device ad lib for 7 minutes in another room which was not used by smokers, to avoid environmental exposure to smoke. Subsequently, all participants returned to the echocardiography laboratory and, after 5 minutes of rest, a second echocardiogram was performed in both groups.

Heart rate and BP were measured before and during each echocardiographic examination. The Brinkman index was calculated (product of number of cigarettes smoked daily and years of smoking) according to participants' self-report. Echocardiograms were performed using a commercially available system (Vivid 7, GE Vingmed, Horten, Norway). Studies were digitally recorded on hard disk for

offline analysis using dedicated software (Echopac, GE Medical Systems, Horten, Norway) by a single, blinded to the protocol, experienced echocardiographer. Reported values represent the average of 3 consecutive beats.

Two-dimensional echocardiographic measurements

The echocardiographic examinations were performed according to recent guidelines [9]. LV dimensions, septal and posterior wall thickness were measured from standard 2-dimensional images at parasternal long-axis view. LV mass was indexed to body-surface area. Ejection fraction was evaluated from the apical four and two-chamber views using the Simpson's rule [10]. Left atrial (LA) antero-posterior diameter was also measured.

Doppler flow and tissue Doppler velocity measurements

From transmitral flow measurements, peak early (E) and late (A) velocities, their ratio (E/A) and E wave deceleration time (DT) were estimated. Ejection time was estimated by recording LV outflow tract velocity. By simultaneously recording aortic and mitral flows using continuous-wave Doppler the isovolumetric relaxation time (IVRT) was measured, and was then corrected to heart rate by dividing it with the square root of R-R interval (IVRTc).

Pulsed-wave Doppler tissue velocities were measured by placing a 1.5 mm sample volume at the lateral, septal, anterior and inferior insertion sites of the mitral leaflets. Systolic (Sm), early diastolic (Em) and late diastolic (Am) peak velocities were measured and averaged from the 4 sites. The ratio of early-to-late annular velocity (Em/Am) and early mitral flow to early diastolic mitral annular velocity (E/Em) were also determined.

Myocardial performance index was measured by two methods (Figure 2): using Doppler flow velocity

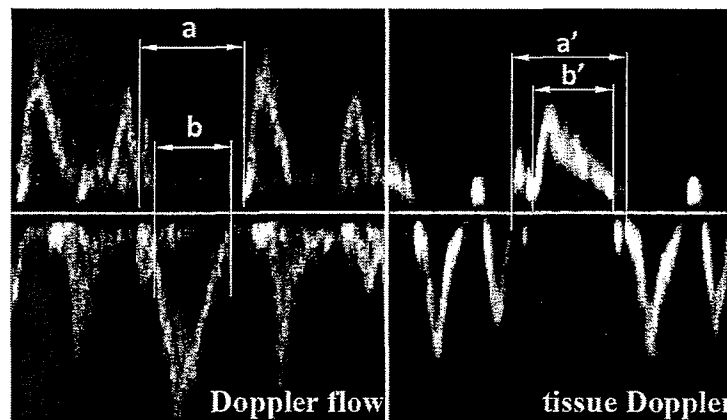


Figure 2 Myocardial performance index, measured by two methods: (1) Doppler flow velocity measurements of mitral inflow and left ventricular outflow tract; the index was derived by the formula: $MPI = (a-b)/b$, and (2) Pulsed-wave tissue Doppler measurements of mitral annulus velocity; the index was derived from the formula: $MPI_t = (a'-b')/b'$.

measurements as described by Tei et al. [11] (MPI) and using pulsed-wave tissue Doppler measurements of mitral annulus velocities (MPI_t) [12].

To check for reproducibility of measurements, the intraobserver mean percent error (the absolute difference between two measurements divided by their mean) was calculated from 10 randomly selected studies 15 days later, analyzed by the same blinded echocardiographer who performed all measurements. The results were $5.1 \pm 2.9\%$ for IVRT, $3.5 \pm 2.5\%$ for MPI, $3.6 \pm 2.2\%$ for MPI_t and $2.6 \pm 1.9\%$ for Em.

Longitudinal deformation measurements

Longitudinal deformation measurements were performed by analyzing two-dimensional echocardiographic images using the method of speckle tracking echocardiography [13]. End-diastole was defined as the peak of the R wave on the electrocardiographic trace; end-systole (aortic valve closure) was defined from pulsed-wave Doppler tracing at the LV outflow tract as the end of systolic forward flow. Subjects with inadequate tracking of more than one LV segment in each view were excluded from the analysis. By averaging segmental values in all views, end-systolic global strain (GS) was measured. Global peak longitudinal systolic (SRs), early diastolic (SRe) and late diastolic (SRA) strain rate were measured. The intraobserver mean percent error of longitudinal deformation measurements in our laboratory was $3.1 \pm 1.5\%$ for GS, $3.6 \pm 1.8\%$ for SRs, $3.9 \pm 1.9\%$ for SRe and $3.6 \pm 2.0\%$ for SRA.

Statistical analysis

The Kolmogorov-Smirnov tests were applied to assess the normality of data; all parameters were normally distributed except from daily cigarette consumption. Continuous variables were expressed as mean \pm SD or

median (interquartile range). Categorical variables were expressed as number (percentage). Inter-group comparisons of baseline characteristics data were made by unpaired Student's t-test and Mann-Whitney test; Fisher's exact test was used for categorical variables.

Repeated measurements analysis of variance (ANOVA) was used in order to evaluate changes in parameters before and after smoking one cigarette or using the electronic cigarette device (before-use and after-use measurements). Changes in echocardiographic and deformation parameters that were significantly different between the two study groups from analysis of variance were further analyzed using linear regression analyses, in order to find if the effect of smoking was significant after adjusting for changes in heart rate and systolic BP. For every parameter, a different linear regression analysis was performed. Change (Δ) in parameter was the dependent variable; group (SM vs. ECIG) and change in heart rate and systolic BP were the independent variables. All P values reported are two-tailed. Statistical significance was set at 0.05 and analyses were conducted using SPSS statistical software (version 18.0, SPSS Inc., Chicago, USA).

A repeated measures ANOVA power analysis was conducted. For this design, 76 participants (40 in the smokers group and 36 in the electronic cigarette users group) achieved a power of 0.90 for the between-subjects main effect at an effect size of 0.30; a power of 0.90 for the within-subjects main effect at an effect size of 0.15; and a power of 0.90 for the interaction effect at an effect size of 0.15.

Results

Both groups had similar baseline characteristics (Table 1). Electronic cigarette users had quit smoking for 97 ± 50 days and were using electronic cigarettes for $100 \pm$

Table 1 Baseline characteristics of the study population

Characteristic	Smokers (n = 36)	Electronic cigarette users (n = 40)	P-value
Males n (%)	32 (88.9)	36 (90)	1.000 ^a
Age (years)	36 ± 5	35 ± 5	0.764
Body mass index (kg/m ²)	24.8 ± 2.3	25.3 ± 2.4	0.304
Body surface area (m ²)	2.03 ± 0.15	2.00 ± 0.18	0.322
Smoking duration (years)	16 ± 5	17 ± 5	0.571
Cigarette consumption (n/d) ^b	20 (20–26)	30 (20–35)	0.004 ^c
Brinkman index	371 ± 132	493 ± 228	0.005
Electronic cigarette use duration ^d		6 ± 4	
Systolic BP (mmHg)	123.0 ± 9.8	123.9 ± 8.6	0.653
Diastolic BP (mmHg)	75.8 ± 5.6	75.6 ± 6.1	0.834
Heart rate (beats/m)	67.5 ± 7.9	67.1 ± 10.3	0.841
Pressure-rate product	8308 ± 1235	8312 ± 1363	0.989
Glucose (mmol/l)	4.51 ± 0.34	4.44 ± 0.35	0.410
Total cholesterol (mmol/l)	4.85 ± 0.21	4.77 ± 0.30	0.177
LDL cholesterol (mmol/l)	2.99 ± 0.23	2.91 ± 0.26	0.175
HDL cholesterol (mmol/l)	1.38 ± 0.15	1.38 ± 0.18	0.943
Triglycerides (mmol/l)	1.05 ± 0.14	1.04 ± 0.18	0.693
Ejection fraction (%)	63 ± 5	62 ± 4	0.463
LA diameter (mm)	35 ± 4	34 ± 3	0.359
LV mass index (g/m ²)	64 ± 10	65 ± 13	0.663

BP, blood pressure; LVEDV, left ventricular end-diastolic volume; LVESV, left ventricular end-systolic volume; LDL, low-density lipoprotein; HDL, high-density lipoprotein; LA, left atrium.

^aFisher's exact test; ^bValues expressed as median (interquartile range);

^cMann-Whitney test; ^dDuration expressed in months.

49 days. They had higher lifetime smoking exposure, with Brinkman index 33% higher compared to smokers, due to higher daily cigarette consumption when they were smokers.

Changes in haemodynamic, Doppler echocardiography and longitudinal deformation measurements for the study groups are presented in Tables 2 and 3. Baseline measurements were similar between groups for all parameters.

After-use values of systolic BP, heart rate and pressure-rate product were elevated in the SM group but not in the ECIG group (Table 2). The overall change from baseline was significantly different between the two groups. In contrast, diastolic BP increased equally in both groups.

From Doppler flow echocardiographic measurements (Table 2), E velocity and DT remained unchanged after use in both groups. A velocity was increased and E/A was decreased in SM, but the overall change was not significantly different between the two groups ($P = 0.317$ and $P = 0.053$, respectively). IVRT, IVRTc and MPI were increased after smoking one cigarette in the SM group, and the degree of change was significantly different

between the two study groups ($P = 0.001$, $P < 0.001$ and $P = 0.001$ respectively). The after-use levels of IVRTc and MPI were greater in SM compared to ECIG, as was shown by the between-groups analysis.

Concerning Doppler tissue velocity measurements (Table 3), Sm and Am remained unchanged after use in both groups. However, Em was significantly reduced in SM group after smoking. It was lower when compared to ECIG after using the device, and the degree of change was significantly different between the two groups ($P < 0.001$). Em/Am was reduced and E/Em was increased in SM, but the difference of the overall change between the two groups was statistically significant for Em/Am only ($P = 0.011$). MPIt increased after smoking in SM; the degree of change was significantly different between the two groups ($P < 0.001$), with after-use levels being significantly higher in SM compared to ECIG ($P = 0.019$).

Longitudinal deformation measurements (Table 3) were feasible in 37 electronic cigarette users and 34 smokers. No difference in GS, SRs and SRa was observed in ECIG and SM after use. However, SRe was significantly reduced in SM post-smoking, with the degree of change being statistically significant between groups ($P < 0.001$).

The results of multiple linear regression analyses are displayed in Table 4. Even after adjusting for changes in systolic BP and heart rate, changes in IVRT, IVRTc, MPI, Em, MPIt and SRe were significantly higher in SM group.

Discussion

This is the first study to examine the acute effects of electronic cigarette use on myocardial function. No adverse effects on LV myocardial function were observed after using electronic cigarette with nicotine-containing liquid for 7 minutes. On the contrary, significant changes in diastolic function parameters were found after smoking 1 tobacco cigarette.

The acute adverse effects of smoking on myocardial relaxation were originally observed in coronary artery disease patients [14], with acute impairment of coronary vasomotion implicated as the main cause [15]. Such effects on diastolic function are also detected in healthy smokers [5–7]. Cigarette smoke contains significant amounts of free radicals, promoting oxidative stress and inflammation [16]. At the cellular level, decreased function of myocardial mitochondria [17] and DNA damage [18] has been observed. These mechanisms may be implicated in delaying myocardial relaxation from acute use and promoting atherosclerosis and cardiovascular disease from chronic use. In this study, several parameters commonly used for evaluating diastolic function [19] and longitudinal deformation measurements which are considered more sensitive in detecting pathology [20] were significantly altered after smoking inhalation.

Electronic cigarettes were invented in 2003, but awareness and use has significantly increased over the past

Table 2 Haemodynamic and Doppler flow measurements in electronic cigarette users (ECIG, n = 40) and smokers (SM, n = 36), before and after device and cigarette use respectively

Parameter	Before use	After use	Change	P-value ^a	P-value ^b
Systolic BP (mmHg)					
ECIG	123.9 ± 8.6	124.6 ± 9.9	0.7 ± 4.6	0.374	< 0.001
SM	123.0 ± 9.8	129.6 ± 9.2	6.6 ± 5.2	< 0.001	
P-value ^c	0.653	0.025			
Diastolic BP (mmHg)					
ECIG	75.6 ± 6.1	78.5 ± 5.9	3.0 ± 3.6	< 0.001	0.079
SM	75.8 ± 5.6	80.2 ± 5.8	4.4 ± 3.3	< 0.001	
P-value ^c	0.834	0.209			
Heart rate (beats/m)					
ECIG	67.1 ± 10.3	67.5 ± 10.6	0.4 ± 4.8	0.649	< 0.001
SM	67.5 ± 7.9	73.5 ± 6.8	5.9 ± 4.7	< 0.001	
P-value ^c	0.841	0.005			
Pressure-rate product					
ECIG	8312 ± 1363	8397 ± 1462	84 ± 708	0.456	< 0.001
SM	8308 ± 1235	9556 ± 1084	1248 ± 840	< 0.001	
P-value ^c	0.989	< 0.001			
E (cm/s)					
ECIG	70.1 ± 12.5	71.4 ± 13.2	1.2 ± 5.0	0.130	0.132
SM	72.9 ± 8.5	72.2 ± 10.2	-0.6 ± 6.1	0.565	
P-value ^c	0.268	0.756			
A (cm/s)					
ECIG	51.1 ± 10.2	52.7 ± 9.8	1.6 ± 5.6	0.083	0.317
SM	50.4 ± 8.8	53.3 ± 9.1	2.9 ± 5.7	0.007	
P-value ^c	0.774	0.764			
E/A					
ECIG	1.41 ± 0.29	1.37 ± 0.26	-0.03 ± 0.14	0.171	0.053
SM	1.49 ± 0.32	1.39 ± 0.30	-0.10 ± 0.16	0.001	
P-value ^c	0.235	0.809			
DT (ms)					
ECIG	173 ± 11	174 ± 14	1 ± 8	0.581	0.570
SM	170 ± 16	172 ± 16	3 ± 10	0.086	
P-value ^c	0.448	0.719			
IVRT (ms)					
ECIG	74.6 ± 9.5	73.6 ± 9.9	-1.0 ± 5.7	0.275	0.001
SM	73.0 ± 8.7	77.7 ± 13.5	5.6 ± 9.2	< 0.001	
P-value ^c	0.450	0.132			
IVRTc (ms)					
ECIG	78.9 ± 11.8	77.7 ± 11.6	-1.2 ± 6.9	0.286	< 0.001
SM	77.3 ± 10.1	86.1 ± 16.4	10.4 ± 10.1	< 0.001	
P-value ^c	0.524	0.011			

Table 2 Haemodynamic and Doppler flow measurements in electronic cigarette users (ECIG, n = 40) and smokers (SM, n = 36), before and after device and cigarette use respectively (Continued)

MPI					
ECIG	0.39 ± 0.07	0.38 ± 0.06	-0.01 ± 0.04	0.330	0.001
SM	0.40 ± 0.05	0.43 ± 0.06	0.03 ± 0.04	0.002	
P-value ^c	0.355	0.001			

BP, blood pressure; E, mitral flow early diastolic velocity; A, mitral flow late diastolic velocity; DT, deceleration time of early mitral flow; IVRT, isovolumetric relaxation time; IVRT_c, IVRT corrected to heart rate; MPI, myocardial performance index estimated by Doppler flow echocardiography.

^aP-value for time effect.

^bRepeated measurements ANOVA. Effects reported are significant differences between the two groups in the degree of change in each particular variable.

^cP-value for group effect.

3 years [21]. They do not contain tobacco and their use does not involve combustion. However, lack of research on their health effects has generated significant controversy over their safety. FDA and WHO issued public statements in 2009, expressing concern and recommending that electronic cigarette use should be avoided. WHO has specifically asked for studies to be performed before regulation or even ban is imposed. Cahn and Siegel summarized the results of 16 studies evaluating the chemical composition of liquids used for electronic cigarettes [22]. Nitrosamines were found in only two of the studies, at levels similar to those present in nicotine patch; a recent review indicated that the levels of nitrosamines in electronic cigarettes were up to 1800 times lower compared to tobacco cigarettes [23]. The main constituents, besides nicotine, were propylene glycol and glycerine, which are also present in tobacco cigarettes; however, the combustion process from smoking leads to production of acrolein, acetaldehyde and formaldehyde, which promote oxidative stress and have cardiotoxic properties [24]. In electronic cigarettes, such chemicals may be formed from the heating process during liquid evaporation; however, the levels found were lower compared to tobacco cigarettes by orders of magnitude [25]. This may explain the results from laboratory studies, in which electronic cigarette vapour was significantly less cytotoxic compared to cigarette smoke on cultured cells [26,27]. Cardiotoxic substances like nitrosamines, heavy metals and polycyclic aromatic hydrocarbons were not detected in the liquid used in this study [9]. These parameters may explain the differences in diastolic function observed between smokers and electronic cigarette users after smoking and device use. Moreover, a study evaluating the effects of smoking compared to nicotine delivered by gum showed that nicotine alone did not cause acute changes in diastolic function [28]. It seems that nicotine absorption rate is lower from electronic compared to tobacco cigarette use [29], even when using new-generation devices [30]; the difference in haemodynamic response between the two groups may be attributed to this. However, haemodynamic parameters cannot explain the differences in diastolic function parameters,

since linear regression analyses revealed that changes in Doppler and deformation parameters were associated with cigarette smoking even after adjusting for changes in systolic BP and heart rate.

From a public health perspective, epidemiological studies have shown that tobacco harm reduction strategy and products may be promising regarding cardiovascular disease risk reduction [31]. Electronic cigarettes are unique since they are the only products that do not contain tobacco, while they mimic the act of smoking and provide motor and sensory stimulation. Thus, they may deal with both the chemical (nicotine delivery) and behavioural components of cigarette addiction [22] and studies indicate that they may be effective in promoting smoking cessation [32,33]. This study provides the first clinical evidence that electronic cigarettes have less acute adverse effects on myocardial function when compared to tobacco cigarettes.

Some limitations apply to this study. A small sample size was studied, and examination focused only on immediate effects. The results do not indicate that electronic cigarettes are absolutely safe for the cardiovascular system. Other parameters known to be adversely affected by acute smoking, such as coronary microvascular and endothelial function or vascular distensibility, were not examined. Moreover, the parameters examined are affected mainly by heart rate changes. Although heart rate was not included as a covariate in the repeated-measures ANOVA, the linear regression analysis showed that changes in diastolic function were significantly different between groups independently of the changes in heart rate and systolic BP. This can be explained by the small difference in post-use heart rate between groups of only 6 beats per minute. Studies on long-term effects are necessary; however, more time of use is needed before any such studies are published since electronic cigarettes were introduced to the market in recent years and there is a substantial delay between smoking initiation and development of clinically-evident disease. We asked subjects to use the electronic cigarette for 7 minutes. It is unknown whether more time of use could have had a different impact. However, timing was based on the approximate time of smoking 1 regular

Table 3 Tissue Doppler velocity and longitudinal deformation measurements in electronic cigarette users (ECIG, n = 40) and smokers (SM, n = 36), before and after device and cigarette use respectively*

Parameter	Before use	After use	Change	P-value ^a	P-value ^b
Sm (cm/s)					
ECIG	9.7 ± 1.6	9.9 ± 1.6	0.2 ± 0.7	0.171	0.613
SM	9.7 ± 1.4	9.7 ± 1.5	-0.8 ± 1.1	0.571	
P-value ^c	0.896	0.723			
Em (cm/s)					
ECIG	12.7 ± 1.9	12.9 ± 2.1	0.2 ± 0.7	0.095	< 0.001
SM	12.8 ± 2.1	11.9 ± 1.5	-0.7 ± 1.4	< 0.001	
P-value ^c	0.892	0.032			
Am (cm/s)					
ECIG	9.7 ± 1.7	9.9 ± 1.6	0.2 ± 0.8	0.122	0.441
SM	9.3 ± 1.2	9.4 ± 1.3	0.1 ± 0.6	0.801	
P-value ^c	0.212	0.099			
Em/Am					
ECIG	1.34 ± 0.29	1.33 ± 0.28	-0.01 ± 0.13	0.540	0.011
SM	1.40 ± 0.28	1.30 ± 0.24	-0.08 ± 0.13	0.004	
P-value ^c	0.408	0.655			
E/Em					
ECIG	5.60 ± 1.04	5.61 ± 1.11	0.01 ± 0.47	0.869	0.052
SM	5.83 ± 0.95	6.10 ± 0.98	0.29 ± 0.74	0.021	
P-value ^c	0.311	0.044			
MPIt					
ECIG	0.48 ± 0.08	0.47 ± 0.09	-0.01 ± 0.04	0.080	< 0.001
SM	0.49 ± 0.06	0.52 ± 0.07	0.03 ± 0.05	0.004	
P-value ^c	0.654	0.019			
GS (%)					
ECIG	-21.1 ± 1.9	-21.5 ± 1.6	-0.4 ± 1.2	0.059	0.087
SM	-21.0 ± 2.6	-20.7 ± 3.1	0.2 ± 1.7	0.441	
P-value ^c	0.769	0.192			
SRs (s⁻¹)					
ECIG	-1.13 ± 0.10	-1.14 ± 0.11	-0.01 ± 0.07	0.362	0.613
SM	-1.08 ± 0.13	-1.10 ± 0.13	-0.2 ± 0.1	0.150	
P-value ^c	0.059	0.115			
SRe (s⁻¹)					
ECIG	1.47 ± 0.25	1.49 ± 0.23	0.01 ± 0.08	0.347	< 0.001
SM	1.43 ± 0.25	1.35 ± 0.24	-0.08 ± 0.12	< 0.001	
P-value ^c	0.493	0.022			
SRa (s⁻¹)					
ECIG	0.88 ± 0.20	0.89 ± 0.18	0.01 ± 0.08	0.462	0.441
SM	0.86 ± 0.14	0.88 ± 0.14	0.03 ± 0.09	0.111	
P-value ^c	0.536	0.796			

*Longitudinal deformation measurements were performed in 37 electronic cigarette users and 34 smokers.

Sm, mitral annulus systolic velocity; Em, mitral annulus early diastolic velocity; Am, mitral annulus late diastolic velocity; MPIt, myocardial performance index estimated by tissue Doppler echocardiography; GS, global longitudinal strain; SRs, peak systolic strain rate; SRe, peak early diastolic strain rate; SRa, peak late diastolic strain rate.

^aP-value for time effect.

^bRepeated measurements ANOVA. Effects reported are significant differences between the two groups in the degree of change in each particular variable.

^cP-value for group effect.

Table 4 Results from linear regression analyses for the effect of group (smokers vs. electronic cigarette users) on changes (Δ) of Doppler echocardiography measurements, after adjusting for changes in systolic blood pressure and heart rate

Dependent variable	β^*	SE**	P-value
Δ IVRT (ms)	4.64	2.12	0.032
Δ IVRTc (ms)	5.46	2.34	0.022
Δ MPI	0.03	0.01	0.013
Δ Em (cm/s)	-0.87	0.25	0.001
Δ MPIt	0.04	0.01	0.001
Δ SRe (s^{-1})	-0.06	0.03	0.039

*Regression coefficient for the comparison of SM group to ECIG group, adjusted for changes in systolic blood pressure and heart rate.
**Standard Error.

cigarette; in fact, it took smokers 5 minutes to smoke one cigarette while electronic cigarette users were asked to use the device for a longer time. Additionally, experienced users were examined, who use the device more intensively than novice users [34]. Unfortunately, there are no other means of comparing electronic with tobacco cigarette use. Although plasma nicotine levels were not measured, the haemodynamic response observed suggests that the nicotine delivery rate from electronic cigarettes is lower and slower compared to tobacco cigarettes. This has been validated by studies performed recently [30,35]. The results of this study are not necessarily applicable to all liquids available in the market. If non-pharmaceutical grade nicotine is used, several tobacco impurities may be present and inhaled by the user. The same applies for other liquid constituents [21]. Finally, although all subjects were considered healthy based on history taking, clinical examination, resting ECG and echocardiogram, it cannot be excluded that some subjects may suffer from subclinical coronary artery disease. However, there was no indication to perform any additional examinations in the study population.

Conclusions

Although acute smoking inhalation caused a delay in LV myocardial relaxation in smokers, electronic cigarette use was found to have no such immediate effects in daily users of the device. This short-term beneficial profile of electronic cigarette compared to smoking, although not conclusive about its overall health-effects as a tobacco harm reduction product, provides the first evidence about the cardiovascular effects of this device. Since awareness and use of electronic cigarettes are continuously rising, more studies are urgently needed, focusing on the pathophysiological mechanisms of disease where smoking is implicated and ultimately on long-term effects. Such studies will provide additional scientific data to public health authorities so that they decide on the regulatory status of this product.

Competing interests

After this study was completed, the authors have performed studies using funds provided to the institution by e-cigarette companies.

Authors' contributions

KF was responsible for study conception and design. KF, DT and MS were responsible for data collection. SK was responsible for off-line measurements of echocardiographic parameters. KF, DT and W were responsible for statistical analysis and interpretation. KF, DT and W drafted the manuscript. All authors read and approved the manuscript.

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RESEARCH ARTICLE

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Peering through the mist: systematic review of what the chemistry of contaminants in electronic cigarettes tells us about health risks

Igor Burstyn

Abstract

Background: Electronic cigarettes (e-cigarettes) are generally recognized as a safer alternative to combusted tobacco products, but there are conflicting claims about the degree to which these products warrant concern for the health of the vapers (e-cigarette users). This paper reviews available data on chemistry of aerosols and liquids of electronic cigarettes and compares modeled exposure of vapers with occupational safety standards.

Methods: Both peer-reviewed and "grey" literature were accessed and more than 9,000 observations of highly variable quality were extracted. Comparisons to the most universally recognized workplace exposure standards, Threshold Limit Values (TLVs), were conducted under "worst case" assumptions about both chemical content of aerosol and liquids as well as behavior of vapers.

Results: There was no evidence of potential for exposures of e-cigarette users to contaminants that are associated with risk to health at a level that would warrant attention if it were an involuntary workplace exposures. The vast majority of predicted exposures are < <1% of TLV. Predicted exposures to acrolein and formaldehyde are typically <5% TLV. Considering exposure to the aerosol as a mixture of contaminants did not indicate that exceeding half of TLV for mixtures was plausible. Only exposures to the declared major ingredients – propylene glycol and glycerin – warrant attention because of precautionary nature of TLVs for exposures to hydrocarbons with no established toxicity.

Conclusions: Current state of knowledge about chemistry of liquids and aerosols associated with electronic cigarettes indicates that there is no evidence that vaping produces inhalable exposures to *contaminants* of the aerosol that would warrant health concerns by the standards that are used to ensure safety of workplaces. However, the aerosol generated during vaping as a whole (*contaminants plus declared ingredients*) creates personal exposures that would justify surveillance of health among exposed persons in conjunction with investigation of means to keep any adverse health effects as low as reasonably achievable. Exposures of bystanders are likely to be orders of magnitude less, and thus pose no apparent concern.

Keywords: Vaping, e-cigarettes, Tobacco harm reduction, Risk assessment, Aerosol, Occupational exposure limit

Background

Electronic cigarettes (also known as e-cigarettes) are generally recognized as a safer alternative to combusted tobacco products (reviewed in [1]), but there are conflicting claims about the degree to which these products warrant concern for the health of the vapers (e-cigarette users). A vaper inhales aerosol generated during heating

of liquid contained in the e-cigarette. The technology and patterns of use are summarized by Etter [1], though there is doubt about how current, complete and accurate this information is. Rather conclusive evidence has been amassed to date on comparison of the chemistry of aerosol generated by electronic cigarettes to cigarette smoke [2-8]. However, it is meaningful to consider the question of whether aerosol generated by electronic cigarettes would warrant health concerns on its own, in part because vapers will include persons who would not have been smokers and for whom the question of harm reduction

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from smoking is therefore not relevant, and perhaps more importantly, simply because there is value in minimizing the harm of those practicing harm reduction.

One way of approaching risk evaluation in this setting is to rely on the practice, common in occupational hygiene, of relating the chemistry of industrial processes and the emissions they generate to the potential worst case of personal exposure and then drawing conclusions about whether there would be interventions in an occupational setting based on comparison to occupational exposure limits, which are designed to ensure safety of unintentionally exposed individuals. In that context, exposed individuals are assumed to be adults, and this assumption appears to be suitable for the intended consumers of electronic cigarettes. "Worst case" refers to the maximum personal exposure that can be achieved given what is known about the process that generates contaminated atmosphere (in the context of airborne exposure considered here) and the pattern of interaction with the contaminated atmosphere. It must be noted that harm reduction notions are embedded in this approach since it recognizes that while elimination of the exposure may be both impossible and undesirable, there nonetheless exists a level of exposure that is associated with negligible risks. To date, a comprehensive review of the chemistry of electronic cigarettes and the aerosols they generate has not been conducted, depriving the public of the important element of a risk-assessment process that is mandatory for environmental and occupational health policy-making.

The present work considers both the contaminants present in liquids and aerosols as well as the declared ingredients in the liquids. The distinction between exposure to declared ingredients and contaminants of a consumer product is important in the context of comparison to occupational or environmental exposure standards. Occupational exposure limits are developed for unintentional exposures that a person does not elect to experience. For example, being a bread baker is a choice that does not involve election to be exposed to substances that cause asthma that are part of the flour dust (most commonly, wheat antigens and fungal enzymes). Therefore, suitable occupational exposure limits are created to attempt to protect individuals from such risk on the job, with no presumption of "assumed risk" inherent in the occupation. Likewise, special regulations are in effect to protect persons from unintentional exposure to nicotine in workplaces (<http://www.cdc.gov/niosh/docs/81-123/pdfs/0446.pdf>; accessed July 12, 2013), because in environments where such exposures are possible, it is reasonable to protect individuals who do not wish to experience its effects. In other words, occupational exposure limits are based on protecting people from involuntary and unwanted exposures, and thus can be seen as more stringent than the

standards that might be used for hazards that people intentionally choose to accept.

By contrast, a person who elects to lawfully consume a substance is subject to different risk tolerance, as is demonstrated in the case of nicotine by the fact that legally sold cigarettes deliver doses of nicotine that exceed occupational exposure limits [9]: daily intake of 20 mg of nicotine, assuming nearly 100% absorption in the lungs and inhalation of 4 m³ of air, corresponds to roughly 10 times the occupational exposure limit of 0.5 mg/m³ atmosphere over 8 hours [10]. Thus, whereas there is a clear case for applicability of occupational exposure limits to contaminants in a consumer product (e.g. aerosol of electronic cigarettes), there is no corresponding case for applying occupational exposure limits to declared ingredients desired by the consumer in a lawful product (e.g. nicotine in the aerosol of an electronic cigarette). Clearly, some limits must be set for voluntary exposure to compounds that are known to be a danger at plausible doses (e.g. limits on blood alcohol level while driving), but the regulatory framework should reflect whether the dosage is intentionally determined and whether the risk is assumed by the consumer. In the case of nicotine in electronic cigarettes, if the main reason the products are consumed is as an alternative source of nicotine compared to smoking, then the only relevant question is whether undesirable exposures that accompany nicotine present health risks, and the analogy with occupational exposures holds. In such cases it appears permissible to allow at least as much exposure to nicotine as from smoking before admitting to existence of new risk. It is expected that nicotine dosage will not increase in switching from smoking to electronic cigarettes because there is good evidence that consumers adjust consumption to obtain their desired or usual dose of nicotine [11]. The situation is different for the vapers who want to use electronic cigarettes without nicotine and who would otherwise not have consumed nicotine. For these individuals, it is defensible to consider total exposure, including that from any nicotine contamination, in comparison to occupational exposure limits. In consideration of vapers who would never have smoked or would have quit entirely, it must be remembered that the exposure is still voluntary and intentional, and comparison to occupational exposure limits is legitimate only for those compounds that the consumer does not elect to inhale.

The specific aims of this review were to:

1. Synthesize evidence on the chemistry of liquids and aerosols of electronic cigarettes, with particular emphasis on the contaminants.
2. Evaluate the quality of research on the chemistry of liquids and aerosols produced by electronic cigarettes.

3. Estimate potential exposures from aerosols produced by electronic cigarettes and compare those potential exposures to occupational exposure standards.

Methods

Literature search

Articles published in peer-reviewed journals were retrieved from *PubMed* (<http://www.ncbi.nlm.nih.gov/pubmed/>) available as of July 2013 using combinations of the following keywords: “electronic cigarettes”, “e-cigarettes”, “smoking alternatives”, “chemicals”, “risks”, “electronic cigarette vapor”, “aerosol”, “ingredients”, “e-cigarette liquid”, “e-cig composition”, “e-cig chemicals”, “e-cig chemical composition”, “e-juice electronic cigarette”, “electronic cigarette gas”, “electronic cigars”. In addition, references of the retrieved articles were examined to identify further relevant articles, with particular attention paid to non-peer reviewed reports and conference presentations. Unpublished results obtained through personal communications were also reviewed. The Consumer Advocates for Smoke-free Alternatives Association (CASAA) was asked to review the retrieved bibliography to identify any reports or articles that were missed. The papers and reports were retained for analysis if they reported on the chemistry of e-cigarette liquids or aerosols. No explicit quality control criteria were applied in selection of literature for examination, except that secondary reporting of analytical results was not used. Where substantial methodological problems that precluded interpretation of analytical results were noted, these are described below. For each article that contained relevant analytical results, the compounds quantified, limits of detection, and analytical results were summarized in a spreadsheet. Wherever possible, individual analytical results (rather than averages) were recorded (see Additional file 1). Data contained in Additional file 1 is not fully summarized in the current report but can be used to investigate a variety of specific questions that may interest the reader. Each entry in Additional file 1 is identified by a *Reference Manager ID* that is linked to source materials in a list in Additional file 2 (linked via *RefID*); copies of all original materials can be requested.

Comparison of observed concentrations in aerosol to occupational exposure limits

For articles that reported mass or concentration of specific compounds in the aerosol (generated by smoking machines or from volunteer vapers), measurements of compounds were converted to concentrations in the “personal breathing zone”,^a which can be compared to occupational exposure limits (OELs). The 2013 Threshold Limit Values (TLVs) [10] were used as OELs because they are the most up to date and are most widely recognized internationally when local jurisdictions do not establish their own regulations (see <http://www.ilo.org/safework/info/publications/>

WCMS_113329/lang-en/index.htm; accessed July 3, 2013). TLVs are more protective than of US Occupation Safety and Health Administration’s Permissible Exposure Limits because TLVs are much more often updated with current knowledge. However, all OELs generally agree with each other because they are based on the same body of knowledge. TLVs (and all other OELs) aim to define environmental conditions to which nearly all persons can be exposed to all day over many years without experiencing adverse health effects. Whenever there was an uncertainty in how to perform the calculation, a “worst case” scenario was used, as is the standard practice in occupational hygiene, where the initial aim is to recognize potential for hazardous exposures and to err on the side of caution. The following assumptions were made to enable the calculations that approximate the worst-case personal exposure of a vaper (Equation 1):

1. Air the vaper breathes consists of a small volume of aerosol generated by e-cigarettes that contains a specific chemical plus pristine air;
2. The volume of aerosols inhaled from e-cigarettes is small compared to total volume of air inhaled;
3. The period of exposure to the aerosol considered was 8 hours for comparability to the standard working shift for which TLVs were developed (this does not mean only 8 hours worth of vaping was considered but, rather, a day’s worth of exposure was modeled as being concentrated into just 8 hours);
4. Consumption of 150 puffs in 8 hours (an upper estimate based on a rough estimate of 150 puffs by a typical vaper in a day [1]) was assumed. (Note that if vaping over 16 hours “day” was considered then air into which contaminants from vaping are diluted into would have to increase by a factor of 2, thereby lowering estimated exposure; thus, the adopted approach is entirely still in line with “worst case” assessment);
5. Breathing rate is 8 liters per minute [12,13];
6. Each puff contains the same quantity of compounds studied.

$$[\text{mg}/\text{m}^3] = \text{mg}/\text{puff} \times \text{puffs}/(8 \text{ hr day}) \times 1/(\text{m}^3 \text{ air inhaled in 8 hr}) \quad (1)$$

The only exception to this methodology was when assessing a study of aerosol emitted by 5 vapers in a 60 m³ room over 5 hours that seemed to be a sufficient approximation of worst-case “bystander” exposure [6]. All calculated concentrations were expressed as the most stringent (lowest) TLV for a specific compound (i.e. assuming the most toxic form if analytical report is ambiguous) and

expressed as “percent of TLV”. Considering that all the above calculations are approximate and reflecting that exposures in occupational and general environment can easily vary by a factor of 10 around the mean, we added a 10-fold safety factor to the “percent of TLV” calculation. This safety factor accounts for considerable uncertainty about the actual number and volume of puffs since the number of puffs is hard to estimate accurately with reports as high as 700 puffs per day [14]. Details of all calculations are provided in an Excel spreadsheet (see Additional file 3).

No systematic attempt was made to convert the content of the studied liquids into potential exposures because sufficient information was available on the chemistry of aerosols to use those studies rather than making the necessary simplifying assumptions to do the conversion. However, where such calculations were performed in the original research, the following approach was used: under the (probably false – see the literature on formation of carbonyl compounds below) assumption of no chemical reaction to generate novel ingredients, composition of liquids can be used to estimate potential for exposure if it can be established how much volume of liquid is consumed in given 8 hours, following an algorithm analogous to the one described above for the aerosols (Equation 2):

$$\begin{aligned} [\text{mg}/\text{m}^3] &= \text{mg}/(\text{mL liquid}) \times (\text{mL liquid})/\text{puff} \\ &\quad \times \text{puffs}/(8 \text{ hr day}) \\ &\quad \times 1/(\text{m}^3 \text{ air inhaled in 8 hr}) \end{aligned} \quad (2)$$

Comparison to cigarette smoke was not performed here because the fact that e-cigarette aerosol is at least orders of magnitude less contaminated by toxic compounds is uncontroversial [2-8].

The study adhered to the PRISMA guidelines for systematic reviews (<http://www.prisma-statement.org/>).

Results and discussion

General comments on methods

In excess of 9,000 determinations of single chemicals (and rarely, mixtures) were reported in reviewed articles and reports, typically with multiple compounds per electronic cigarette tested [2-8,15-43]. Although the quality of reports is highly variable, if one assumes that each report contains some information, this asserts that quite a bit is known about composition of e-cigarette liquids and aerosols. The only report that was excluded from consideration was work of McAuley *et al.* [24] because of clear evidence of cross-contamination – admitted to by the authors – with cigarette smoke and, possibly, reagents. The results pertaining to non-detection of tobacco-specific nitrosamines (TSNAs) are potentially

trustworthy, but those related to polycyclic aromatic hydrocarbons (PAH) are not since it is incredible that cigarette smoke would contain fewer PAHs, which arise from incomplete combustion of organic matter, than aerosol of e-cigarettes that do not burn organic matter [24]. In fairness to the authors of that study, similar problems may have occurred in other studies but were simply not reported, but it is impossible to include a paper in a review once it is known for certain that its quantitative results are not trustworthy. When in doubt, we erred on the side of trusting that proper quality controls were in place, a practice that is likely to increase appearance of atypical or erroneous results in this review. From this perspective, assessment of concordance among independent reports gains higher importance than usual since it is unlikely that two experiments would be flawed in the same exact manner (though of course this cannot be assured).

It was judged that the simplest form of publication bias – disappearance of an entire formal study from the available literature – was unlikely given the exhaustive search strategy and the contested nature of the research question. It is clearly the case that only a portion of all industry technical reports were available for public access, so it is possible that those with more problematic results were systematically suppressed, though there is no evidence to support this speculation. No formal attempt was made to ascertain publication bias *in situ* though it is apparent that anomalous results do gain prominence in typical reviews of the literature: diethylene glycol [44,45] detected at non-dangerous levels (see details below) in one test of 18 of early-technology products by the US Food and Drugs Administration (FDA) [23] and one outlier in measurement of formaldehyde content of exhaled air [4] and aldehydes in aerosol generated from one e-cigarette in Japan [38]. It must be emphasized that the alarmist report of aldehydes in experiments presented in [38] is based on the concentration in generated aerosol rather than air inhaled by the vaper over prolonged period of time (since vapers do not inhale only aerosol). Thus, results reported in [38] cannot be the basis of any claims about health risk, a fallacy committed both by the authors themselves and commentators on this work [45].

It was also unclear from [38] what the volume of aerosol sampled was – a critical item for extrapolating to personal exposure and a common point of ambiguity in the published reports. However, in a personal exchange with the authors of [38] [July 11, 2013], it was clarified that the sampling pump drew air at 500 mL/min through e-cigarette for 10 min, allowing more appropriate calculations for estimation of health risk that are presented below. Such misleading reporting is common in the field that confuses concentration in the aerosol (typically measured

directly) with concentration in the air inhaled by the vaper (never determined directly and currently requiring additional assumptions and modeling). This is important because the volume of aerosol inhaled (maximum ~8 L/day) is small compared to the volume of air inhaled daily (8 L/min); this point is illustrated in the Figure 1.

A similar but more extreme consideration applies to the exposure of bystanders which is almost certainly several orders of magnitude lower than the exposure of vapers. In part this is due to the absorption, rather than exhalation, of a portion of the aerosol by the vapers: there is no equivalent to the “side-stream” component of exposure to conventional cigarettes, so all of the exposure to a bystander results from exhalation. Furthermore, any environmental contamination that results from exhalation of aerosol by vaper will be diluted into the air prior to entering a bystander’s personal breathing zone. Lastly, the number of puffs that affect exposure to bystander is likely to be much smaller than that of a vaper unless we are to assume that vaper and bystander are inseparable.

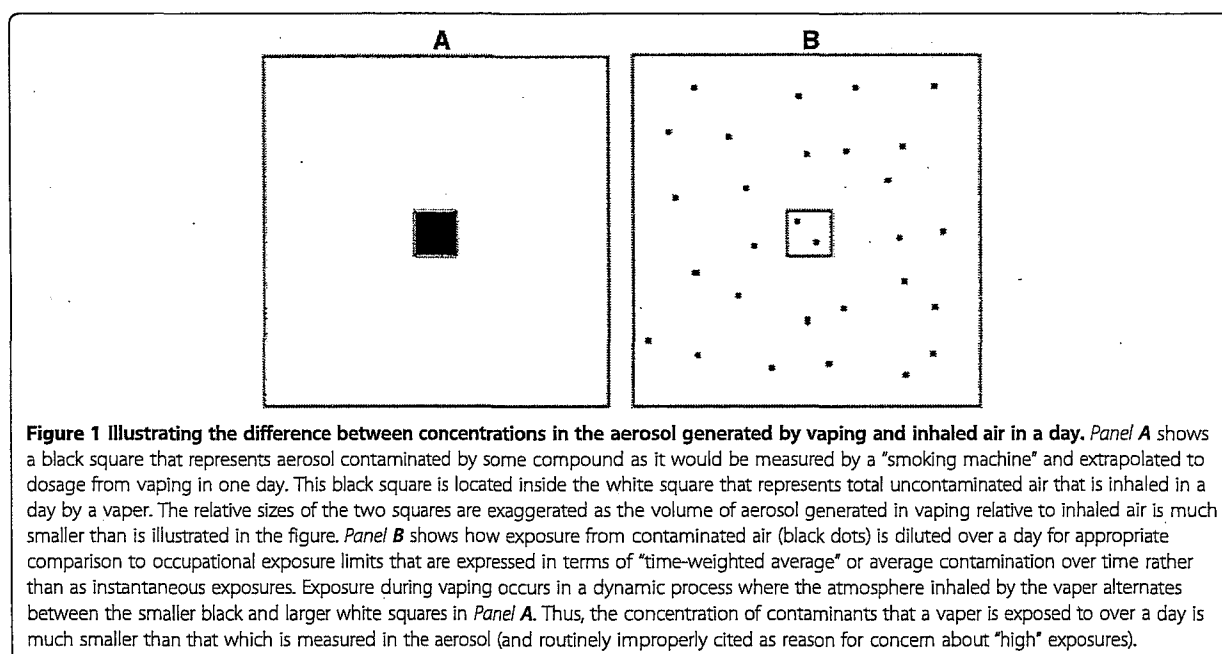
It is unhelpful to report the results in cigarette-equivalents in assessments that are not about cigarette exposure, as in [43], because this does not enable one to estimate exposures of vapers. To be useful for risk assessment, the results on the chemistry of the aerosols and liquids must be reported in a form that enables the calculations in Equations 1 and 2. It must be also be noted that typical investigations consisted of qualitative and quantitative phases such that quantitative data is available mostly on compounds that passed the qualitative screen. In the qualitative phase, presence of the

compounds above a certain limit of detection is determined. In the quantitative phase, the amount of only the compounds that are detected in the qualitative phase is estimated. This biased all reports on concentration of compounds towards both higher levels and chemicals which a particular lab was most adept at analyzing.

Declared Ingredients: comparison to occupational exposure limits

Propylene glycol and glycerin

Propylene glycol and glycerin have the default or precautionary 8-hour TLV of 10 mg/m³ set for all organic mists with no specific exposure limits or identified toxicity (http://www.osha.gov/dts/chemicalsampling/data/CH_243600.html; accessed July 5, 2013). These interim TLVs tend to err on the side of being too high and are typically lowered if evidence of harm to health accumulates. For example, in a study that related exposure of theatrical fogs (containing propylene glycol) to respiratory symptoms [46], “mean personal inhalable aerosol concentrations were 0.70 mg/m³ (range 0.02 to 4.1)” [47]. The only available estimate of propylene concentration of propylene glycol in the aerosol indicates personal exposure on the order of 3–4 mg/m³ in the personal breathing zone over 8 hours (under the assumptions we made for all other comparisons to TLVs) [2]. The latest (2006) review of risks of occupational exposure to propylene glycol performed by the Health Council of the Netherlands (known for OELs that are the most protective that evidence supports and based exclusively on scientific considerations rather than also accounting for feasibility as is the case for the



TLVs) recommended exposure limit of 50 mg/m³ over 8 hours; concern over short-term respiratory effects was noted [http://www.gezondheidsraad.nl/sites/default/files/200702OSH.pdf; accessed July 29, 2013]. Assuming extreme consumption of the liquid per day via vaping (5 to 25 ml/day and 50-95% propylene glycol in the liquid),^b levels of propylene glycol in inhaled air can reach 1-6 mg/m³. It has been suggested that propylene glycol is very rapidly absorbed during inhalation [4,6] making the calculation under worst case scenario of all propylene glycol becoming available for inhalation credible. It must also be noted that when consuming low-nicotine or nicotine-free liquids, the chance to consume larger volumes of liquid increases (large volumes are needed to reach the target dose or there is no nicotine feedback), leading to the upper end of propylene glycol and glycerin exposure. Thus, estimated levels of exposure to propylene glycol and glycerin are close enough to TLV to warrant concern. However, it is also important to consider that propylene glycol is certainly not all absorbed because visible aerosol is exhaled in typical vaping. Therefore, the current calculation is in the spirit of a worst case assumption that is adopted throughout the paper.

Nicotine

Nicotine is present in most e-cigarette liquids and has TLV of 0.5 mg/m³ for average exposure intensity over 8 hours. If approximately 4 m³ of air is inhaled in 8 hours, the consumption of 2 mg nicotine from e-cigarettes in 8 hours would place the vaper at the occupational exposure limit. For a liquid that contains 18 mg nicotine/ml, TLV would be reached upon vaping ~0.1-0.2 ml of liquid in a day, and so is achieved for most anyone vaping nicotine-containing e-cigarettes [1]. Results presented in [25] on 16 e-cigarettes also argue in favor of exceedance of TLV from most any nicotine-containing e-cigarette, as they predict >2 mg of nicotine released to aerosol in 150 puffs (daily consumption figure adopted in this report). But as noted above, since delivery of nicotine is the purpose of nicotine-containing e-cigarettes, the comparison to limits on unintended, unwanted exposures does not suggest a problem and serves merely to offer complete context. If nicotine is present but the liquid is labeled as zero-nicotine [25,44], it could be treated as a contaminant, with the vaper not intending to consume nicotine and the TLV, which would be most likely exceeded, is relevant. However, when nicotine content is disclosed, even if inaccurately, then comparison to TLV is not valid. Accuracy in nicotine content is a concern with respect to truth in advertising rather than unintentional exposure, due to presumed (though not yet tested) self-regulation of consumption by persons who use e-cigarettes as a source of nicotine.

Overall, the declared ingredients in the liquid would warrant a concern by standards used in occupational

hygiene, provided that comparison to occupational exposure limits is valid, as discussed in the introduction. However, this is not to say that the exposure is affirmatively believed to be harmful; as noted, the TLVs for propylene glycol and glycerin mists is based on uncertainty rather than knowledge. These TLVs are not derived from knowledge of toxicity of propylene glycol and glycerin mists, but merely apply to any compound of no known toxicity present in workplace atmosphere. This aspect of the exposure from e-cigarettes simply has little precedent (but see study of theatrical fogs below). Therefore, the exposure will provide the first substantial collection evidence about the effects, which calls for monitoring of both exposure levels and outcomes, even though there are currently no grounds to be concerned about the immediate or chronic health effects of the exposure. The argument about nicotine is presented here for the sake of completeness and consistency of comparison to TLVs, but in itself does not affect the conclusions of this analysis because it should not be modeled as if it were a contaminant when declared as an ingredient in the liquid.

Contaminants

Polycyclic aromatic hydrocarbons

Polycyclic aromatic hydrocarbons (PAH) were quantified in several reports in aerosols [5,6,43] and liquids [7,19,42]. These compounds include well-known carcinogens, the levels of which are not subject to TLV but are instead to be kept "as low as reasonably achievable" [10]. For PAH, only non-carcinogenic pyrene that is abundant in the general environment was detected at 36 ng/cartridge in 5 samples of liquid [7]; PAHs were not detected in most of the analyses of aerosols, except for chrysene in the analysis of the aerosol of one e-cigarette [43].

Tobacco-specific nitrosamines

The same risk assessment considerations that exist for PAH also hold for carcinogenic tobacco-specific nitrosamines (TSNAs) [48] for which no occupational exposure limits exist because (a) these exposures do not appear to occur in occupational settings often enough to warrant development of TLVs, and (b) it is currently accepted in establishing TLVs that carcinogens do not have minimal thresholds of toxicity. As expected, because the TSNAs are contaminants of nicotine from tobacco leaf, there is also evidence of association between nicotine content of the liquid and TSNA concentrations, with reported concentrations <5 ng/cartridge tested [7]. Smaller studies of TSNA content in liquids are variable, with some not reporting any detectable levels [18,33,35] and others clearly identifying these compounds in the liquids when controlling for background contamination (n = 9) [23]. Analyses of aerosols indicate that TSNAs are present in amounts that can result in doses of < ng/day [5,33] to

µg/day [8] (assuming 150 puffs/day) (see also [43]). The most comprehensive survey of TSNA content of 105 samples of liquids from 11 manufactures indicates that almost all tested liquids (>90%) contained TSNA in µg/L quantities [36]. This is roughly equivalent to 1/1000 of the concentration of TSNA in modern smokeless tobacco products (like snus), which are in the ppm range [48]. For example, 10 µg/L (0.01 ppm) of total TSNA in liquid [36] can translate to a daily dose of 0.025–0.05 µg from vaping (worst case assumption of 5 ml liquid/day); if 15 g of snus is consumed a day [49] with 1 ppm of TSNA [48] and half of it were absorbed, then the daily dose is estimated to be 7.5 µg, which is 150–300 times that due to the worst case of exposure from vaping. Various assumptions about absorption of TSNA alter the result of this calculation by a factor that is dwarfed in magnitude compared to that arising from differences considered above. This is reassuring because smokeless tobacco products, such as snus, pose negligible cancer risk [50], certainly orders of magnitude smaller than smoking (if one considers the chemistry of the products alone). In general, it appears that the cautious approach in face of variability and paucity of data is to seek better understanding of the predictors of presence of TSNA in liquids and aerosols so that measures for minimizing exposure to TSNA from aerosols can be devised. This can include considering better control by manufactures who extract the nicotine from tobacco leaf.

Volatile organic compounds

Total volatile organic compounds (VOC) were determined in aerosol to be non-detectable [3] except in one sample that appeared to barely exceed the background concentration of 1 mg/m³ by 0.73 mg/m³ [6]. These results are corroborated by analyses of liquids [19] and most likely testify to insensitivity of employed analytic methods for total VOC for characterizing aerosol generated by e-cigarettes, because there is ample evidence that specific VOC are present in the liquids and aerosols.^c Information on specific commonly detected VOC in the aerosol is given in Table 1. It must be observed that these reported concentrations are for analyses that first observed qualitative evidence of the presence of a given VOC and thus represent worst case scenarios of exposure when VOC is present (i.e. zero-level exposures are missing from the overall summary of worst case exposures presented here). For most VOC and aldehydes, one can predict the concentration in air inhaled by a vaper to be <1% of TLV. The only exceptions to this generalization are:

- (a) acrolein: ~1% of TLV (average of 12 measurements) [40] and measurements at a mean of 2% of TLV (average of 150 measurements) [41] and

- (b) formaldehyde: between 0 and 3% of TLV based on 18 tests (average of 12 measurements at 2% of TLV, the most reliable test) [40] and an average of 150 results at 4% of TLV [41].

Levels of acrolein in exhaled aerosol reported in [6] were below 0.0016 mg/m³ and correspond to predicted exposure of <1% of TLV (Table 2). It must re-emphasized that all calculations based on one electronic cigarette analyzed in [38] are best treated as qualitative in nature (i.e. indicating presence of a compound without any particular meaning attached to the reported level with respect to typical levels) due to great uncertainty about whether the manner in which the e-cigarette was operated could have resulted in overheating that led to generation of acrolein in the aerosol. In fact, a presentation made by the author of [38] clearly stated that the “atomizer, generating high concentration carbonyls, had been burned black” [40,41]. In unpublished work, [40] there are individual values of formaldehyde, acrolein and glyoxal that approach TLV, but it is uncertain how typical these are because there is reason to believe the liquid was overheated; considerable variability among brands of electronic cigarettes was also noted. Formaldehyde and other aldehydes, but not acrolein, were detected in the analysis one e-cigarette [43]. The overwhelming majority of the exposure to specific VOC that are predicted to result from inhalation of the aerosols lie far below action level of 50% of TLV at which exposure has to be mitigated according to current code of best practice in occupational hygiene [51].

Finding of an unusually high level of formaldehyde by Schripp *et al.* [4] – 0.5 ppm predicted vs. 15-minute TLV of 0.3 ppm (not given in Table 2) – is clearly attributable to endogenous production of formaldehyde by the volunteer smoker who was consuming e-cigarettes in the experimental chamber, since there was evidence of build-up of formaldehyde prior to vaping and liquids used in the experiments did not generate aerosol with detectable formaldehyde. This places generalizability of other findings from [4] in doubt, especially given that the only other study of exhaled air by vapers who were not current smokers reports much lower concentrations for the same compounds [6] (Table 2). It should be noted that the report by Romagna *et al.* [6] employed more robust methodology, using 5 volunteer vapers (no smokers) over an extended period of time. Except for benzene, acetic acid and isoprene, all calculated concentrations for detected VOC were much below 1% of TLV in exhaled air [6]. In summary, these results do not indicate that VOC generated by vaping are of concern by standards used in occupational hygiene.

Diethylene glycol and ethylene glycol became a concern following the report of their detection by FDA [44], but these compounds are not detected in the majority of

Table 1 Exposure predictions based on analysis of aerosols generated by smoking machines: volatile organic compounds

Compound	N [#]	Estimated concentration in personal breathing zone		Ratio of most stringent TLV (%)		Reference
		PPM	mg/m ³	Calculated directly	Safety factor 10	
Acetaldehyde	1	0.005		0.02	0.2	[5]
	3	0.003		0.01	0.1	[4]
	12	0.001		0.004	0.04	[8]
	1	0.00004		0.0001	0.001	[3]
	1	0.0002		0.001	0.008	[3]
	150	0.001		0.004	0.04	[40,41]
	1	0.008		0.03	3	[38]
Acetone	1	0.002		0.0003	0.003	[38]
	150	0.0004		0.0001	0.001	[40,41]
Acrolein	12	0.001		1	13	[8]
	150	0.002		2	20	[40,41]
	1	0.006		6	60	[38]
Butanal	150	0.0002		0.001	0.01	[40,41]
Crotonaldehyde	150		0.0004	0.01	0.1	[40,41]
Formaldehyde	1	0.002		0.6	6	[5]
	3	0.008		3	30	[4]
	12	0.006		2	20	[8]
	1	<0.0003		<0.1	<1	[3]
	1	0.0003		0.1	1	[3]
	150	0.01		4	40	[40,41]
	1	0.009		3	30	[38]
Glyoxal	1		0.002	2	20	[38]
	150		0.006	6	60	[40,41]
o-Methylbenzaldehyde	12		0.001	0.05	0.5	[8]
p,m-Xylene	12		0.00003	0.001	0.01	[8]
Propanal	3	0.002		0.01	0.1	[4]
	150	0.0006		0.002	0.02	[40,41]
	1	0.005		0.02	0.2	[38]
Toluene	12	0.0001		0.003	0.03	[8]
Valeraldehyde	150		0.0001	0.0001	0.001	[40,41]

*Average is presented when N > 1.

tests performed to date [3,15,17,19,23]. Ten batches of the liquid tested by their manufacture did not report any diethylene glycol above 0.05% of the liquid [42]. Methods used to detect diethylene glycol appear to be adequate to be informative and capable of detecting the compound in quantities < 1% of TLV [15,17,23]. Comparison to TLV is based on a worst case calculation analogous to the one performed for propylene glycol. For diethylene glycol, TLV of 10 mg/m³ is applicable (as in the case of all aerosols with no known toxicity by inhalation), and there is a recent review of regulations of this compound conducted for the Dutch government by the Health Council

of the Netherlands (jurisdiction with some of the most strict occupational exposure limits) that recommended OEL of 70 mg/m³ and noted lack of evidence for toxicity following inhalation [http://www.gezondheidsraad.nl/sites/default/files/200703OSH.pdf; accessed July 29; 2013]. In conclusion, even the quantities detected in the single FDA result were of little concern, amounting to less than 1% of TLV.

Inorganic compounds

Special attention has to be paid to the chemical form of compounds when there is detection of metals and other

Table 2 Exposure predictions for volatile organic compounds based on analysis of aerosols generated by volunteer vapors

Compound	N [#]	Estimated concentration in personal breathing zone (ppm)	Ratio of most stringent TLV (%)		Reference
			Calculated directly	Safety factor 10	
2-butanone (MEK)	3	0.04	0.02	0.2	[4]
	1	0.002	0.0007	0.007	[6]
2-furaldehyde	3	0.01	0.7	7	[4]
Acetaldehyde	3	0.07	0.3	3	[4]
Acetic acid	3	0.3	3	30	[4]
Acetone	3	0.4	0.2	2	[4]
Acrolein	1	<0.001	<0.7	<7	[6]
Benzene	3	0.02	3	33	[4]
Butyl hydroxyl toluene	1	4E-05	0.0002	0.002	[6]
Isoprene	3	0.1	7	70	[4]
Limonene	3	0.009	0.03	0.3	[4]
	1	2E-05	0.000001	0.00001	[6]
m,p-Xylen	3	0.01	0.01	0.1	[4]
Phenol	3	0.01	0.3	3	[4]
Propanal	3	0.004	0.01	0.1	[4]
Toluene	3	0.01	0.07	0.7	[4]

[#]Average is presented when N > 1.

elements by inductively coupled plasma mass spectrometry (ICP-MS) [8,26]. Because the parent molecule that occurs in the aerosol is destroyed in such analysis, the results can be misleading and not interpretable for risk assessment. For example, the presence of sodium (4.18 µg/10 puffs) [26] does not mean that highly reactive and toxic sodium metal is in the aerosol, which would be impossible given its reactivity, but most likely means the presence of the ubiquitous compound that contains sodium, dissolved table salt (NaCl). If so, the corresponding daily dose of NaCl that arises from these concentrations from 150 puffs is about 10,000 times lower than allowable daily intake according to CDC (<http://www.cdc.gov/features/dssodium/>; accessed July 4, 2013). Likewise, a result for presence of silica is meaningless for health assessment unless the crystalline form of SiO₂ is known to be present. When such ambiguity exists, a TLV equivalence calculation was not performed. We compared concentrations to TLVs when it was even remotely plausible that parent molecules were present in the aqueous solution. However, even these are to be given credence only in an extremely pessimistic analyst, and further investigation by more appropriate analytical methods could clarify exactly what compounds are present, but is not a priority for risk assessment.

It should also be noted that one study that attempted to quantify metals in the liquid found none above 0.1-0.2 ppm levels [7] or above unspecified threshold [19]. Table 3 indicates that most metals that were detected were present at <1% of TLV even if we assume that the

analytical results imply the presence of the most hazardous molecules containing these elements that can occur in aqueous solution. For example, when elemental chromium was measured, it is compared to TLV for insoluble chromium IV that has the lowest TLV of all chromium compounds. Analyses of metals given in [43] are not summarized here because of difficulty with translating reported units into meaningful terms for comparison with the TLV, but only mercury (again with no information on parent organic compound) was detected in trace quantities, while arsenic, beryllium, chromium, cadmium, lead and nickel were not. Taken as the whole, it can be inferred that there is no evidence of contamination of the aerosol with metals that warrants a health concern.

Consideration of exposure to a mixture of contaminants

All calculations conducted so far assumed only one contaminant present in clean air at a time. What are the implications of small quantities of various compounds with different toxicities entering the personal breathing zone at the same time? For evaluation of compliance with exposure limits for mixtures, Equation 3 is used:

$$OEL_{\text{mixture}} = \sum_{i=1}^n (C_i / TLV_i), \quad (3)$$

where C_i is the concentration of the i^{th} compound ($i = 1, \dots, n$, where $n > 1$ is the number of ingredients present in a mixture) in the contaminated air and TLV_i is the TLV for the i^{th} compound in the contaminated air; if

Table 3 Exposure predictions based on analysis of aerosols generated by smoking machines: inorganic compounds*

Element quantified	Assumed compound containing the element for comparison with TLV	N [#]	Estimated concentration in personal breathing zone (mg/m ³)	Ratio of most stringent TLV (%)		Reference
				Calculated directly	Safety factor 10	
Aluminum	Respirable Al metal & insoluble compounds	1	0.002	0.2	1.5	[26]
Barium	Ba & insoluble compounds	1	0.00005	0.01	0.1	[26]
Boron	Boron oxide	1	0.02	0.1	1.5	[26]
Cadmium	Respirable Cd & compounds	12	0.00002	1	10	[8]
Chromium	Insoluble Cr (IV) compounds	1	3E-05	0.3	3	[26]
Copper	Cu fume	1	0.0008	0.4	4.0	[26]
Iron	Soluble iron salts, as Fe	1	0.002	0.02	0.2	[26]
Lead	Inorganic compounds as Pb	1	7E-05	0.1	1	[26]
		12	0.000025	0.05	0.5	[8]
Magnesium	Inhalable magnesium oxide	1	0.00026	0.003	0.03	[26]
Manganese	Inorganic compounds, as Mn	1	8E-06	0.04	0.4	[26]
Nickel	Inhalable soluble inorganic compounds, as Ni	1	2E-05	0.02	0.2	[26]
		12	0.00005	0.05	0.5	[8]
Potassium	KOH	1	0.001	0.1	1	[26]
Tin	Organic compounds, as Sn	1	0.0001	0.1	1	[26]
Zinc	Zinc chloride fume	1	0.0004	0.04	0.4	[26]
Zirconium	Zr and compounds	1	3E-05	0.001	0.01	[26]
Sulfur	SO ₂	1	0.002	0.3	3	[26]

*The actual molecular form in the aerosol unknown and so worst case assumption was made if it was physically possible (e.g. it is not possible for elemental lithium & sodium to be present in the aerosol); there is no evidence from the research that suggests the metals were in the particular highest risk form, and in most cases a general knowledge of chemistry strongly suggests that this is unlikely. Thus, the TLV ratios reported here probably do not represent the (much lower) levels that would result if we knew the molecular forms.

**Average is presented when N > 1.

OE_{L-mixture} > 1, then there is evidence of the mixture exceeding TLV.

The examined reports detected no more than 5–10 compounds in the aerosol, and the above calculation does not place any of them out of compliance with TLV for mixture. Let us imagine that 50 compounds with TLVs were detected. Given that the aerosol tends to contain various compounds at levels, on average, of no more than 0.5% of TLV (Tables 1 and 3), such a mixture with 50 ingredients would be at 25% of TLV, a level that is below that which warrants a concern, since the “action level” for implementation of controls is traditionally set at 50% of TLV to ensure that the majority of persons exposed have personal exposure below mandated limit [51]. Pellerino *et al.* [2] reached conclusions similar to this review based on their single experiment: contaminants in the liquids that warrant health concerns were present in concentrations that were less than 0.1% of that allowed by law in the European Union. Of course, if the levels of the declared ingredients (propylene glycol, glycerin, and nicotine) are considered, the action level would be met, since those ingredients are present in the concentrations that are near the action level. There are no known synergistic actions of the examined mixtures, so Equation 3 is therefore applicable. Moreover, there is

currently no reason to suspect that the trace amounts of the contaminants will react to create compounds that would be of concern.

Conclusions

By the standards of occupational hygiene, current data do not indicate that exposures to vapors from contaminants in electronic cigarettes warrant a concern. There are no known toxicological synergies among compounds in the aerosol, and mixture of the contaminants does not pose a risk to health. However, exposure of vapors to propylene glycol and glycerin reaches the levels at which, if one were considering the exposure in connection with a workplace setting, it would be prudent to scrutinize the health of exposed individuals and examine how exposures could be reduced. This is the basis for the recommendation to monitor levels and effects of prolonged exposure to propylene glycol and glycerin that comprise the bulk of emissions from electronic cigarettes other than nicotine and water vapor. From this perspective, and taking the analogy of work on theatrical fogs [46,47], it can be speculated that respiratory functions and symptoms (but not cancer of respiratory tract or non-malignant respiratory disease) of the vapor is of primary interest. Monitoring upper airway irritation of vapors and experiences of

unpleasant smell would also provide early warning of exposure to compounds like acrolein because of known immediate effects of elevated exposures (<http://www.atsdr.cdc.gov/toxprofiles/tp124-c3.pdf>; accessed July 11, 2013). However, it is questionable how much concern should be associated with observed concentrations of acrolein and formaldehyde in the aerosol. Given highly variable assessments, closer scrutiny is probably warranted to understand sources of this variability, although there is no need at present to be alarmed about exceeding even the occupational exposure limits, since occurrence of occasional high values is accounted for in established TLVs. An important clue towards a productive direction for such work is the results reported in [40,41] that convincingly demonstrate how heating the liquid to high temperatures generates compounds like acrolein and formaldehyde in the aerosol. A better understanding about the sources of TSNA in the aerosol may be of some interest as well, but all results to date consistently indicate quantities that are of no more concern than TSNA in smokeless tobacco or nicotine replacement therapy (NRT) products. Exposures to nicotine from electronic cigarettes is not expected to exceed that from smoking due to self-titration [11]; it is only a concern when a vaper does not intend to consume nicotine, a situation that can arise from incorrect labeling of liquids [25,44].

The cautions about propylene glycol and glycerin apply only to the exposure experienced by the vapers themselves. Exposure of bystanders to the listed ingredients, let alone the contaminants, does not warrant a concern as the exposure is likely to be orders of magnitude lower than exposure experienced by vapers. Further research employing realistic conditions could help quantify the quantity of exhaled aerosol and its behavior in the environment under realistic worst-case scenarios (i.e., not small sealed chambers), but this is not a priority since the exposure experienced by bystanders is clearly very low compared to the exposure of vapers, and thus there is no reason to expect it would have any health effects.

The key to making the best possible effort to ensure that hazardous exposures from contaminants do not occur is ongoing monitoring of actual exposures and estimation of potential ones. Direct measurement of personal exposures is not possible in vaping due to the fact the aerosol is inhaled directly, unless, of course, suitable biomarkers of exposure can be developed. The current review did not identify any suitable biomarkers, though cotinine is a useful proxy for exposure to nicotine-containing liquids. Monitoring of potential composition of exposures is perhaps best achieved through analysis of aerosol generated in a manner that approximates vaping, for which better insights are needed on how to modify "smoking machines" to mimic vaping given that there are documented differences in inhalation patterns [52] that depend

on features of e-cigarettes [14]. These smoking machines would have to be operated under a realistic mode of operation of the atomizer to ensure that the process for generation of contaminants is studied under realistic temperatures. To estimate dosage (or exposure in personal breathing zone), information on the chemistry of the aerosol has to be combined with models of the inhalation pattern of vapers, mode of operation of e-cigarettes and quantities of liquid consumed. Assessment of exhaled aerosol appears to be of little use in evaluating risk to vapers due to evidence of qualitative differences in the chemistry of exhaled and inhaled aerosol.

Monitoring of liquid chemistry is easier and cheaper than assessment of aerosols. This can be done systematically as a routine quality control measure by the manufacturers to ensure uniform quality of all production batches. However, we do not know how this relates to aerosol chemistry because previous researchers did not appropriately pair analyses of chemistry of liquids and aerosols. It is standard practice in occupational hygiene to analyze the chemistry of materials generating an exposure, and it is advisable that future studies of the aerosols explicitly pair these analyses with examination of composition of the liquids used to generate the aerosols. Such an approach can lead to the development of predictive models that relate the composition of the aerosol to the chemistry of liquids, the e-cigarette hardware, and the behavior of the vaper, as these, if accurate, can anticipate hazardous exposures before they occur. The current attempt to use available data to develop such relationships was not successful due to studies failing to collect appropriate data. Systematic monitoring of quality of the liquids would also help reassure consumers and is best done by independent laboratories rather than manufacturers to remove concerns about impartiality (real or perceived).

Future work in this area would greatly benefit from standardizing laboratory protocols (e.g. methods of extraction of compounds from aerosols and liquids, establishment of "core" compounds that have to be quantified in each analysis (as is done for PAH and metals), development of minimally informative detection limits that are needed for risk assessment, standardization of operation of "vaping machine", etc.), quality control experiments (e.g. suitable positive and negative controls without comparison to conventional cigarettes, internal standards, estimation of % recovery, etc.), and reporting practices (e.g. in units that can be used to estimate personal exposure, use of uniform definitions of limits of detection and quantification, etc.), all of which would improve on the currently disjointed literature. Detailed recommendations on standardization of such protocols lie outside of scope of this report.

All calculations conducted in this analysis are based on information about patterns of vaping and the content

of aerosols and liquids that are highly uncertain in their applicability to “typical” vaping as it is currently practiced and says even less about future exposures due to vaping (e.g. due to development of new technology). However, this is similar to assessments that are routinely performed in occupational hygiene for novel technology as it relied on “worst case” calculations and safety margins that attempt to account for exposure variability. The approach adopted here and informed by some data is certainly superior to some currently accepted practices in the regulatory framework in occupational health that rely purely on description of emission processes to make claims about potential for exposure (e.g. [53]). Clearly, routine monitoring of potential and actual exposure is required if we were to apply the principles of occupational hygiene to vaping. Detailed suggestions on how to design such exposure surveillance are available in [54].

While vaping is obvious not an occupational exposure, occupational exposure standards are the best available option to use. If there were a standard for voluntary consumer exposure to aerosols, it would be a better fit, but no such standard exists. The only candidate standard is the occupational standard, which is conservative (more protective) when considered in the context of voluntary exposures, as argued above, and any suggestion that another standard be used needs to be concrete and justified.

In summary, analysis of the current state of knowledge about the chemistry of contaminants in liquids and aerosols associated with electronic cigarettes indicates that there is no evidence that vaping produces inhalable exposures to these contaminants at a level that would prompt measures to reduce exposure by the standards that are used to ensure safety of workplaces. Indeed, there is sufficient evidence to be reassured that there are no such risks from the broad range of the studied products, though the lack of quality control standards means that this cannot be assured for all products on the market. However, aerosol generated during vaping on the whole, when considering the declared ingredients themselves, if it were treated in the same manner as an emission from industrial process, creates personal exposures that would justify surveillance of exposures and health among exposed persons. Due to the uncertainty about the effects of these quantities of propylene glycol and glycerin, this conclusion holds after setting aside concerns about health effects of nicotine. This conclusion holds notwithstanding the benefits of tobacco harm reduction, since there is value in understanding and possibly mitigating risks even when they are known to be far lower than smoking. It must be noted that the proposal for such scrutiny of “total aerosol” is not based on specific health concerns suggested by compounds that resulted in exceedance of occupational exposure limits, but is instead a conservative posture in the face of unknown consequences of inhalation of appreciable

quantities of organic compounds that may or may not be harmful at doses that occur during vaping.

Key conclusions:

- Even when compared to workplace standards for involuntary exposures, and using several conservative (erring on the side of caution) assumptions, the exposures from using e-cigarettes fall well below the threshold for concern for compounds with known toxicity. That is, even ignoring the benefits of e-cigarette use and the fact that the exposure is actively chosen, and even comparing to the levels that are considered unacceptable to people who are not benefiting from the exposure and do not want it, the exposures would not generate concern or call for remedial action.
- Expressed concerns about nicotine only apply to vapers who do not wish to consume it; a voluntary (indeed, intentional) exposure is very different from a contaminant.
- There is no serious concern about the contaminants such as volatile organic compounds (formaldehyde, acrolein, etc.) in the liquid or produced by heating. While these contaminants are present, they have been detected at problematic levels only in a few studies that apparently were based on unrealistic levels of heating.
- The frequently stated concern about contamination of the liquid by a nontrivial quantity of ethylene glycol or diethylene glycol remains based on a single sample of an early-technology product (and even this did not rise to the level of health concern) and has not been replicated.
- Tobacco-specific nitrosamines (TSNA) are present in trace quantities and pose no more (likely much less) threat to health than TSNA from modern smokeless tobacco products, which cause no measurable risk for cancer.
- Contamination by metals is shown to be at similarly trivial levels that pose no health risk, and the alarmist claims about such contamination are based on unrealistic assumptions about the molecular form of these elements.
- The existing literature tends to overestimate the exposures and exaggerate their implications. This is partially due to rhetoric, but also results from technical features. The most important is confusion of the concentration in aerosol, which on its own tells us little about risk to health, with the relevant and much smaller total exposure to compounds in the aerosol averaged across all air inhaled in the course of a day. There is also clear bias in previous reports in favor of isolated instances of highest level of chemical detected

across multiple studies, such that average exposure that can be calculated are higher than true value because they are "missing" all true zeros.

- Routine monitoring of liquid chemistry is easier and cheaper than assessment of aerosols. Combined with an understanding of how the chemistry of the liquid affects the chemistry of the aerosol and insights into behavior of vapers, this can serve as a useful tool to ensure the safety of e-cigarettes.
- The only unintentional exposures (i.e., not the nicotine) that seem to rise to the level that they are worth further research are the carrier chemicals themselves, propylene glycol and glycerin. This exposure is not known to cause health problems, but the magnitude of the exposure is novel and thus is at the levels for concern based on the lack of reassuring data.

Endnotes

^aAtmosphere that contains air inhaled by a person.

^bThis estimate of consumption was derived from informal reports from vaping community; 5 ml/day was identified as a high but not rare quantity of consumption and 25 ml/day was the high end of claimed use, though some skepticism was expressed about whether the latter quantity was truly possible. High-quality formal studies to verify these figures do not yet exist but they are consistent with report of Etter (2012).

^cThe term "VOC" loosely groups together all organic compounds present in aerosol and because the declared ingredients of aerosol are organic compounds, it follows that "VOC are present".

Additional files

Additional file 1: Summary of chemical analyses of e-cigarettes extracted from the literature.

Additional file 2: Key to identifying articles listed in Additional file 1.

Additional file 3: Calculations conducted to compare reported results to threshold limit values. Spreadsheet that implemented calculations summarized in the article.

Competing interests

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Authors' information

IB is trained in both occupational hygiene and epidemiology and thus is an expert in bring information that these two fields contribute to risk assessment and policy-making. IB does not and never has used any tobacco products. Current research was completed by him as independent research contract during otherwise unpaid summer months. IB is an Associate Professor at Drexel University and felt obliged to disclose his primary academic appointment but this work was completed outside of the structures of Drexel University.

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Estimating the Harms of Nicotine-Containing Products Using the MCDA Approach

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Key Words

Smoked tobacco products · Oral tobacco products · Electronic cigarettes · Multi criteria decision analysis · Harm assessment · ENDS (electronic nicotine delivery systems)

Abstract

Background: An international expert panel convened by the Independent Scientific Committee on Drugs developed a multi-criteria decision analysis model of the relative importance of different types of harm related to the use of nicotine-containing products. **Method:** The group defined 12 products and 14 harm criteria. Seven criteria represented harms to the user, and the other seven indicated harms to others. The group scored all the products on each criterion for their average harm worldwide using a scale with 100 defined as the most harmful product on a given criterion, and a score of zero defined as no harm. The group also assessed relative weights for all the criteria to indicate their relative importance. **Findings:** Weighted averages of the scores pro-

vided a single, overall score for each product. Cigarettes (overall weighted score of 100) emerged as the most harmful product, with small cigars in second place (overall weighted score of 64). After a substantial gap to the third-place product, pipes (scoring 21), all remaining products scored 15 points or less. **Interpretation:** Cigarettes are the nicotine product causing by far the most harm to users and others in the world today. Attempts to switch to non-combusted sources of nicotine should be encouraged as the harms from these products are much lower.

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Introduction

The recreational use of tobacco remains one of the principal causes of chronic ill health and early death worldwide. The tobacco epidemic was largely reflected in more affluent Western countries but, increasingly, the illnesses associated with tobacco use have spread to the developing world [1]. Cigarettes are considered to be the most harm-

ful tobacco product although other forms of tobacco used recreationally may also result in harm to the user [2].

It is now widely accepted that the compulsive use of tobacco reflects the development of dependence upon the nicotine present in tobacco and many of the pharmacological interventions that are employed to aid smoking cessation target this dependence [3, 4]. However, in experimental animals, nicotine does not have the potent addictive properties that are required to explain the powerful addiction to tobacco experienced by many habitual smokers [5, 6]. Thus, it has been proposed that other pharmacologically active substances present in tobacco smoke and the conditioned sensory stimulation associated with inhaling tobacco smoke have a significant role in the development of dependence upon tobacco [7–10]. Pharmacological nicotine replacement products (NRT) were introduced as aids to smoking cessation in the late 1970s and continue to be used extensively in the treatment of tobacco dependence. Experience with these preparations suggests that their use is not associated with an increased risk of chronic obstructive pulmonary disease, lung cancer or cardiovascular disease [3, 11] although there are reports that nicotine may be metabolized to compounds that are potentially carcinogenic [12, 13]. Furthermore, studies with experimental animals suggest that the ingestion of nicotine during pregnancy can have adverse effects on the brain development of the fetus and the vulnerability of the progeny to nicotine dependence [14, 15]. Relatively little direct information is available for the effects of maternal nicotine on human development and behaviour. However, smokeless tobacco has been found to have a negative effect [16] and Bruin et al. [17] have argued that the possibility of adverse effects for both the mother and fetus of NRT use during pregnancy should not be disregarded. Thus, individual researchers have expressed differing opinions on the safety of pharmacological nicotine. Nevertheless, some 40 years' experience with NRT preparations suggest that they are safe and are not associated with significant adverse medical consequences [4]. This conclusion is consistent with the compelling evidence that many of the adverse health effects of inhaling tobacco smoke are caused by other components of the smoke such as nitrosamines, carbon monoxide and nitric oxide [18, 19]. Thus, despite some differences in opinion, it seems that tobacco use lends itself rather better than many other forms of addiction to a harm reduction approach using pharmacological interventions including therapeutic nicotine preparations.

Most attention with regard to the harmful effects of tobacco use has focused on cigarettes and the evidence that they cause chronic illness and early death is compelling.

However, other forms of tobacco use also need to be considered. There is good evidence, for example, that Swedish snus, a form of refined oral tobacco which is low in nitrosamines, is at worst only weakly associated with an increased risk of cancer or cardiovascular disease [20]. By contrast, other smokeless unrefined oral tobacco products seem to be associated with significantly more harm to the user [21]. For example, the chronic use of gutkha, a form of smokeless tobacco popular with members of the Asian community, is associated with the development of disorders of the oral mucosa and oral cancer [22]. Water pipes, widely used in the Middle East, are finding increasing favour in Western society. The potential toxic effects of water pipe smoke have not yet been fully evaluated although some concerns have been expressed about the potential adverse consequences for health of using this form of tobacco [23, 24]. Our understanding of the potential hazards associated with using electronic nicotine delivery systems (ENDS, e.g. E-cigarettes) is at a very early stage. These delivery systems are seen as an acceptable form of recreational nicotine use with a minimal potential for second-hand environmental contamination. Nevertheless, there is concern that these devices should not be introduced in an unregulated way until potential associated harms are adequately evaluated [25].

There remains a need for policy makers to become better informed of the relative harms of nicotine delivery systems in order to build a regulatory framework that minimizes harm. The aim of the current study was to convene a group of experts with expertise in the field of nicotine and tobacco research from different disciplines (animal and behavioural pharmacology, toxicology, medicine, psychiatry, policy and law) that could discuss and agree on the harmfulness of nicotine-containing products using a multi-criteria decision analysis (MCDA) model and, thus, provide a sound framework within which policy makers might work.

Methods

Study Design

The Independent Scientific Committee on Drugs selected experts from several different countries to ensure a diversity of expertise and perspective, as evident from the author list. The MCDA process [26] was conducted during a 2-day facilitated workshop held in London in July 2013. The MCDA model for the harm of psychoactive drugs developed by the Independent Scientific Committee on Drugs in 2010 [27] provided a starting point for this nicotine harm study, as it covered all the potential parameters of harm that might potentially be caused by any drug.

The MCDA process is a way to compare variables of harm in widely different areas where traditional metrics are not available. It works through a series of eight stages: (1) establishing context;

(2) agreeing on the products to be evaluated and producing definitions of these; (3) agreeing on the criteria on which the products were to be compared; (4) scoring the products on each criterion; (5) weighting the criteria; (6) calculating weighted scores to give an overall index of the harm of each product; (7) examining results and resolving any inconsistencies, and (8) exploring the sensitivity of the indices to different assessments of scores and weights.

The Context

The group recognized that there are regional and national differences in actual and perceived harm of nicotine products, so participants agreed to take a worldwide perspective and consider average harm.

The Nicotine Products

After considering many nicotine products and the criteria for comparing the products, the group discussed steps 2 and 3 above in a reciprocal and iterative way so that the final set of products was substantially different from one another in important ways. Table 1 gives the final agreement about the products and their definitions.

The Criteria of Harms

The group reviewed the 16 criteria that had first been agreed by the UK Advisory Council on the Misuse of Drugs [28] and used by the Independent Scientific Committee on Drugs in their 2010 decision conference on 20 psychoactive drugs [27]. All but two criteria were retained but where necessary were redefined to be relevant to nicotine products. The two that were dropped were drug-specific and drug-related mental impairment as it was thought that there was little evidence for these with any of the nicotine products.

The criteria against which the products were evaluated are shown at the extreme right of the harm tree in figure 1. The main objective was to determine an ordering of the products at the 'Product harms' node. The next level to the right provides separate harm groupings of the criteria: 'To users' (harm to those who are using the product) and 'To others' (harm as a consequence of the use of the product to others both directly and indirectly). Assessments of the harms for all products were made against the criteria given at the extreme right of the value tree. The final definitions are shown in table 2.

Scoring the Products

The group scored all products on all criteria. The scoring system used points out of 100, with 100 assigned to the most harmful product on a given criterion and zero representing 'no harm'.

In scaling the products, care is required to ensure that each successive point on the scale represents equal increments of harm. Thus, if a product is scored at 50, then it should be half as harmful as the product scored 100. Because zero represents no harm, this scale can be considered a ratio scale, which makes possible ratio comparisons of the weighted scales.

Weighting

Some criteria are more important expressions of harm than others, so weighting of the criteria is required. 'Swing weighting' provides weights that are meaningful in MCDA. As an analogy, both Fahrenheit and Celsius scales contain 0–100 portions, but the swing in temperature from 0 to 100 on the Fahrenheit scale is, of course, a smaller swing in temperature than 0–100 on a Celsius scale; it takes 5 Celsius units to equal 9 Fahrenheit units. The purpose of weighting is to ensure that the units of harm on the different harm

scales are equivalent, thus enabling weighted scores to be compared and combined across the criteria. Weights are scale factors.

To assess scale factors two steps in thinking must be separated. First, it is necessary to think about the difference in harm between the most and least harmful products on that criterion. The next step is to think about how much that difference in harm matters in a given context. 'How big is the difference in harm and how much do you care about that difference?' This is the question that was posed in comparing the 0-to-100 swing in harm on one scale with the 0-to-100 swing on another scale, assuming the harm is a worldwide average.

Swing weights for the User criterion were assessed first; the largest swing, on Product-specific morbidity, the difference between cigarettes and nasal sprays was assigned a weight of 100. Next, weights were judged for the criteria at the Other node: the largest swing, the difference between cigarettes and small cigars for Economic cost, was set at 100. Finally, those two 100's were compared by judging their swing weights. The swing for Product-re-

Table 1. The 12 products considered during the decision conference and their definitions

Cigarettes	manufactured and hand-rolled cigarettes in which the tobacco is wrapped in paper
Cigars	smoked cigars: roll of tobacco wrapped in tobacco leaf
Little and small cigars	used like a cigarette wrapped in tobacco leaf, sometimes with a filter (a product that has emerged in response to the US tobacco taxation system and would, in most jurisdictions be considered cigarettes)
Pipes	a tube with a small bowl at one end for smoking tobacco
Water pipe	a pipe where tobacco smoke is bubbled through water
Smokeless refined	non-snus (and other) smokeless refined tobacco products used orally, including moist chewing tobacco and snuff (common in USA)
Smokeless unrefined	non-snus (and other) smokeless unrefined tobacco products used orally, including chewing tobacco and dry snuff (products common in SE Asia)
Snus	a low nitrosamine and non-fermented smokeless tobacco product (popular in Scandinavia and now in USA)
ENDS	electronic nicotine delivery system products, e.g. e-cigs (electronic cigarettes either cigarette-like or personal vaporizers)
Oral products	oral nicotine delivery products (including NRT products)
Patch	dermal nicotine delivery products
Nasal sprays	nasal nicotine delivery products

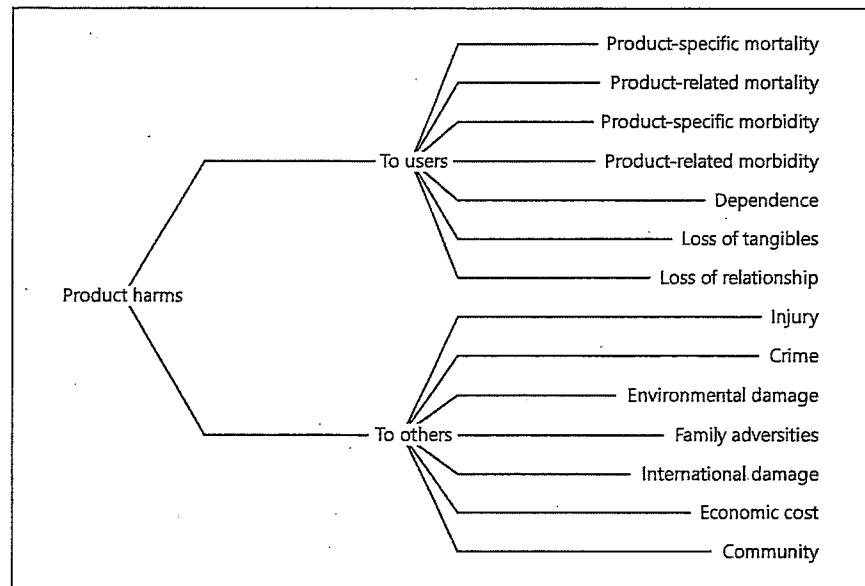


Fig. 1. Evaluation criteria organized by harms to users and harms to others.

Table 2. Definitions of the evaluation criteria for the nicotine products

Name	Description
Product-specific mortality	deaths directly attributed to product misuse or abuse as in the case of accidental and deliberate poisoning
Product-related mortality	deaths indirectly attributed to the product, e.g. death due to cancer, respiratory illness, cardiovascular disease and fire
Product-specific morbidity	damage (morbidity, chronic ill health) to physical health directly attributed to product misuse or abuse, e.g. ulcers, lung disease, heart disease
Product-related morbidity	damage to physical health indirectly attributed to product misuse or abuse, e.g. burns, allergies
Dependence	extent to which the product creates a propensity or urge to continue use despite adverse consequences and causes withdrawal symptoms on cessation
Loss of tangibles	extent of loss of tangible things (e.g. income, housing, job)
Loss of relationships	extent of loss of relationships with family and friends
Injury	the extent to which the product increases chances of injuries to others both directly and indirectly, e.g. traffic accident, fetal harm, second-hand smoke, accidental poisoning, burns
Crime	the extent to which the use of the product increases criminal behaviour (e.g. smuggling) directly or indirectly (at the population level, not the individual)
Environmental damage	the extent to which the use and production of this product causes environmental damage locally, e.g. fires, competition for arable land, cigarette stub pollution
Family adversities	the extent to which the use of the product causes family adversities, e.g. economic well-being, future prospects of children
International damage	the extent to which the use of the product contributes to damage at an international level, e.g. deforestation, contraband as criminal activity, counterfeiting
Economic cost	the extent to which the use of the product results in effects that create direct costs to countries (e.g. health-care costs, customs) and indirect costs (e.g. loss of productivity, absenteeism)
Community	the extent to which the use of the product creates decline in social cohesion and decline in the reputation of the community

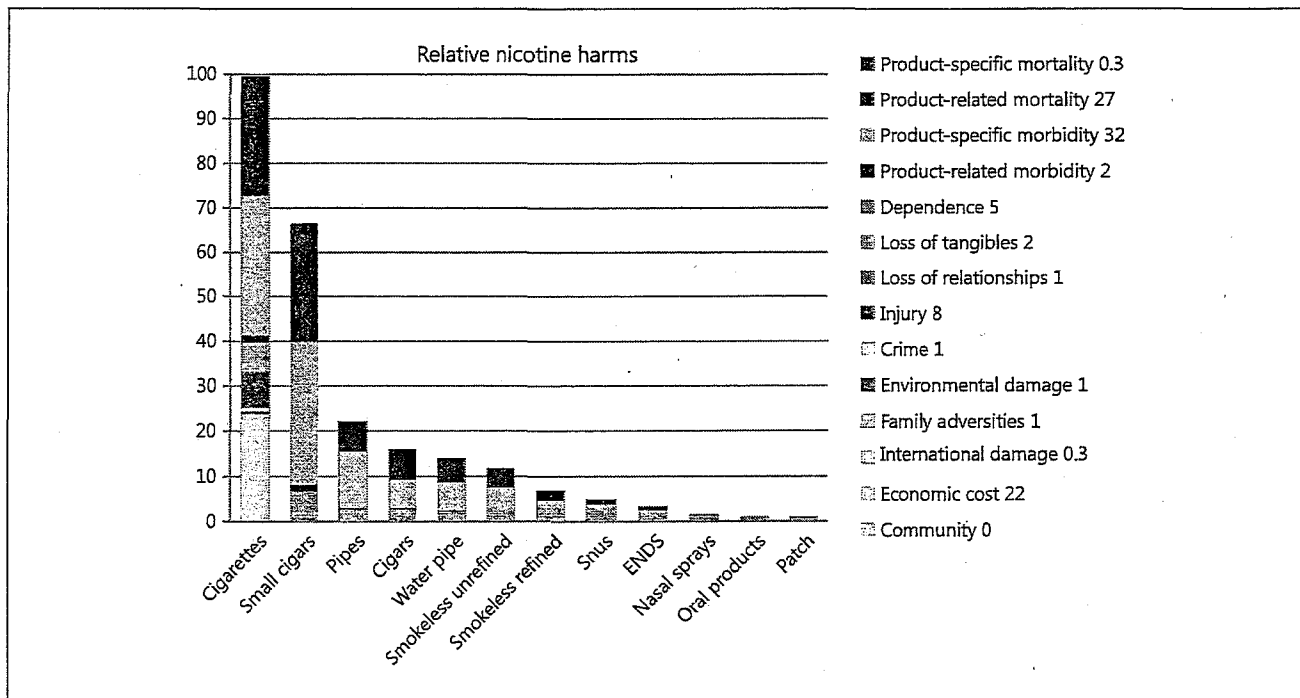


Fig. 2. Overall weighted scores for each of the products. Cigarettes, with an overall harm score of 99.6, are judged to be most harmful, and followed by small cigars at 67. The heights of the coloured portions indicate the part scores on each of the criteria. Product-related mortality, the upper dark red sections, are substantial contribu-

tors to those two products, and they also contribute moderately to cigars, pipes, water pipes, and smokeless unrefined. The numbers in the legend show the normalized weights on the criteria. Higher weights mean larger differences that matter between most and least harmful products on each criterion.

lated morbidity was weighted as the larger harm that matters, so its weight of 100 was retained. The swing for Economic cost was assessed as 70% of that, so the original weights for all the Economic criteria were multiplied by 0.70.

As scores and weights were agreed, they were input to the Hiview computer program¹, which normalized the weights so they summed to 100, calculated the weighted scores and displayed the results.

Results

Figure 2 shows the overall weighted scores of the nicotine products as stacked bar graphs. Cigarettes and small cigars are each several times more harmful than any of the other products. Similarly coloured sections of the bar graphs show a given criterion's weighted harm value as it contributes to the overall weighted scores of the nicotine products. Thus, Product-related mortality and Product-

specific morbidity are the main harms for cigarettes and small cigars, while Economic cost is also a substantial contributor to the overall harm for cigarettes.

The stacked bar graphs can also be shown for their separate contributions of harm 'To users' and harm 'To others'. Figure 3 gives the harm to users as the blue section, and harm to others as red. Harm to others makes a substantial contribution only to cigarettes, and virtually none to the other 11 products.

Why are cigarettes considered the most harmful? Figure 4 shows the contribution that each criterion makes to cigarettes' total weighted score. Each row in the display gives the part-score for that criterion (Wtd Diff), and it is the sum of those part scores that gives the overall score of 99.6. These part-scores determine the relative heights of each of the coloured bands for the cigarettes' bar graph in figure 4. Note that cigarettes were assigned harm scores of 100 on 12 of the 14 criteria, but that just five of those 14 collectively contribute a score of 92.7, nearly as much as the total of 99.6.

Both cigarettes and small cigars score 100 on three of the most important criteria: Product-specific morbidity-

¹ An MCDA computer program first developed at the London School of Economics and Political Science and now available from Catalyze Ltd., www.catalyze.co.uk.

Fig. 3. The products ordered by their overall harm scores, with the stacked bar graphs showing the contribution to the overall score of harms to users and harm to others. The numbers in the legend show the sums of the normalized weights at each node.

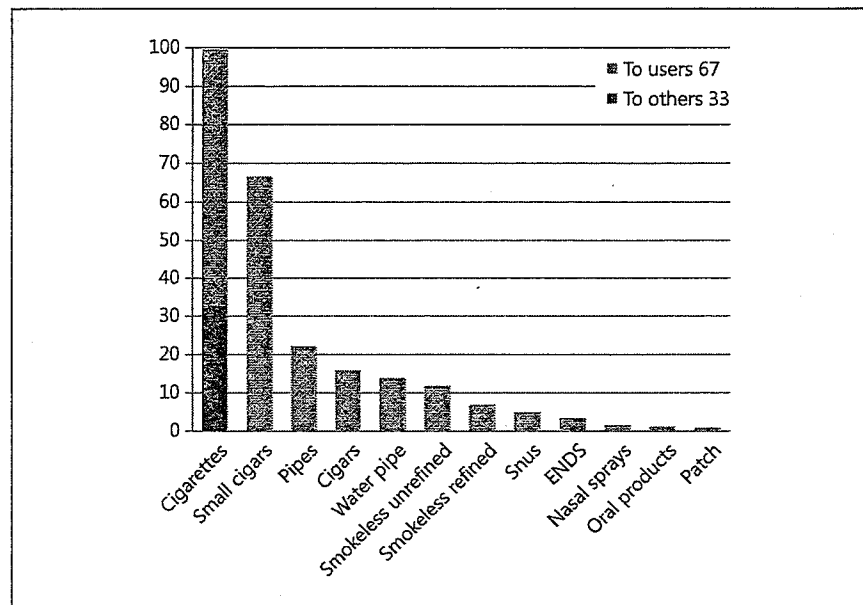


Fig. 4. The relative harms of cigarettes. The cumulative weight (Cum Wt) column shows the normalized weight for each criterion. The harm score for cigarettes, shown in the Diff column, on each criterion is multiplied by the cumulative weight of the corresponding criterion to give a weighted score (i.e., a part-score), shown in the Wtd Diff column. The lengths of the green bars are proportional to the weighted scores, so the longer the green bars, the more that harm matters for its effects from cigarettes.

Compare Cigarettes minus All at 0

	Model Order	Cum Wt	Diff	Wtd Diff	Sum
TO USERS	Product spec morb	31.5	100	31.5	31.5
TO USERS	Product rel morb	26.8	100	26.8	58.4
TO OTHERS	Economic cost	22.1	100	22.1	80.4
TO OTHERS	Injury	7.6	100	7.6	88.0
TO USERS	Dependence	4.7	100	4.7	92.7
TO USERS	Loss of tangibles	1.6	100	1.6	94.3
TO USERS	Product rel morb	1.6	95	1.5	95.8
TO OTHERS	Family adversities	1.3	100	1.3	97.1
TO OTHERS	Crime	0.9	100	0.9	98.0
TO USERS	Loss of relationship	0.6	100	0.6	98.7
TO OTHERS	Environmental damage	0.6	100	0.6	99.3
TO OTHERS	International damage	0.3	100	0.3	99.6
TO USERS	Product spec morb	0.3	0	0.0	99.6
TO OTHERS	Community	0.0	100	0.0	99.6
		100.0		99.6	

ty, Product-related mortality and Dependence. Those three are harms to the users, criteria which do not take account of the extent of usage worldwide. However, cigarettes also score 100 on Economic cost and Injury, which are harms to others that do take account of global usage. It is those two criteria that account for the difference in the total scores of cigarettes compared to small cigars.

DISCUSSION

Perhaps not surprisingly, given their massively greater use as compared with other products, cigarettes were ranked the most harmful, followed by small cigars as two thirds as harmful. It is only the relative lack of harm to others that positioned small cigars at two thirds the harm of cigarettes. For both these products the bulk of the

harm came from morbidity and mortality areas such as cancer, respiratory and cardiovascular disease, followed by Economic cost, Injury and Dependence. There was a big drop in harm from small cigars (67% of maximum relative harm, MRH) to pipes 22%. Within the tobacco products there was a gradual reduction in harm from water pipe, smokeless unrefined, smokeless refined to snus that has 5% of MRH. Among the purer non-tobacco vehicle products ENDS were rated to have only 4% of MRH and for the even purer NRTs the MRH was only rated at about 2%. Thus there is wide variability in harm among the combustible tobacco-based products, from cigarettes (100%) to water pipe (14%) and even more within the tobacco-based category, from cigarettes (100%) to snus (5%). Not surprisingly the purest products, NRTs, with few other ingredients than nicotine were the least harmful and pose little risk for intrinsic harm when used for the treatment of tobacco dependence. Indeed their use would bring significant benefits not just to users but also to non-smokers and society as a whole.

Clearly this exercise speaks to a continuum of harm from nicotine-containing products with cigarettes at one end and NRT products at the other end. The differences between the products are substantial and if policy actions could help to switch use away from cigarettes and other smoked products to purer nicotine products, such as NRT products, massive public health gains would occur.

There is also some evidence that the cigarettes are the most dependence-forming product and products with less harm also may be less dependence-forming [9]. An analogue can be found with alcohol where most countries have policies that steer consumption as much as possible to alcohol-containing beverages with a low alcohol content.

A limitation of this study is the lack of hard evidence for the harms of most products on most of the criteria. That is why we adopted the decision conferencing process: the group of experts worked face-to-face in a peer-review setting with impartial facilitation, sharing relevant data, knowledge and experience to ensure that all perspectives were heard. It is the combination of impartial facilitation, modelling (in this case, MCDA), and information technology (projecting the MCDA model for the group to observe as it was constructed and explored) that enables a group to outperform its members, thus providing the best collective expertise of the experts [28]. Another weakness might be the kind of sample of experts. There was no formal criterion for the recruitment of the

experts although care was taken to have raters from many different disciplines.

Even if data were available for all the harms of all the products on all the criteria, judgements would still be required to assess swing-weights. While the magnitude of harm of the most harmful product on each criterion can be informed by data, how much that worst-best difference matters requires an act of judgement. In this way, MCDA separates matters of fact from value judgements. As value judgements are at the heart of political debate, it might be instructive to engage in a public consultation exercise to allow different constituencies to express their views about the weights. This could be a first step in initiating a structured deliberative discourse about nicotine-containing products, as the politicians, the law and the public might weight the harm criteria differently [29]. In addition, including the benefits of using nicotine products along with the harmful criteria might provide insights into the nature of the benefit-harm balance.

The results of this study suggest that of all nicotine-containing products, cigarettes (and small cigars in the USA) are very much the most harmful. Interventions to reduce this pre-eminence are likely to bring significant benefits not just to users but also to non-smokers and society as a whole. Attempts to use other forms of nicotine such as ENDS and NRT to reduce cigarette smoking should be encouraged as the harms of these products are much lower.

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Disclosure Statement

The sponsor of the study had no role in any stage of the MCDA process or in the writing of this article, and was not present at the workshop. All authors had full access to all the data in the study, and had final responsibility for the decision to submit for publication.

K.F. has served as a consultant for most companies with an interest in tobacco dependence treatments. J.F. has served as a consultant to manufacturers of smoking cessation products (e.g. Pfizer, GSK, J & J, Novartis) and has received a research grant from Pfizer. R.P. has received lecture fees from Pfizer and GSK, a research grant from Pfizer, and he has served as a consultant for Pfizer, Global Health Alliance for treatment of tobacco dependence, and Arbi Group Srl, an e-cigarette distributor. All other authors have no conflicts of interest to declare.

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Editors' Note

The editors are aware that K.F. has connections with a company that is associated with one of the largest tobacco industries in the world (BAT: Nicoventures), but would like to notice that this stand-alone company produces smoking cessation products, i.e. electronic cigarettes, that are now in discussion to be regarded as a new form of NRT. NRT is widely accepted as a treatment of patients with tobacco dependence. Therefore, the editors decided that the potential conflict of interest of K.F. should not preclude acceptance and publication of this article. However, the scientific community has to discuss the demarcation between potential conflicts of interest related to companies producing addictive drugs and companies producing therapeutics.

Electronic cigarettes: achieving a balanced perspective

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ABSTRACT

Concerns have been raised that the advent of electronic cigarettes (e-cigarettes) may be harmful to public health, and smokers have been advised by important agencies such as the US Food and Drug Administration not to use them. This paper argues that, while more research is needed on the cost-benefit equation of these products and the appropriate level and type of regulation for them, the harms have tended thus far to be overstated relative to the potential benefits. In particular: concern over repeated inhalation of propylene glycol is not borne out by toxicity studies with this compound; risk of accidental poisoning is no different from many household devices and chemicals available in supermarkets; concern that e-cigarettes may promote continued smoking by allowing smokers to cope with no-smoking environments is countered by the observation that most smokers use these products to try to quit and their use appears to enhance quitting motivation; concerns over low nicotine delivery are countered by evidence that the products provide significant craving reduction despite this in some cases; and e-cigarettes may help reduce toxin exposure to non-smokers.

Keywords Electronic cigarette, harm reduction, nicotine.

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Electronic cigarettes, or 'e-cigarettes', look and feel like regular cigarettes but do not contain tobacco, require combustion or produce smoke. To date, they have not been manufactured by tobacco or pharmaceutical companies. e-Cigarettes are marketed to smokers as an alternative to regular cigarettes, offering the 'freedom to smoke anywhere'. e-Cigarettes are becoming increasingly popular, especially in locations with stronger tobacco control regulations [1]. The e-cigarette has been the cause of significant debate both in the United States and around the world. Although there are many staunch supporters of e-cigarettes, there appears to be even stronger and more powerful opposition from the US Food and Drug Administration (FDA) and many individuals in the tobacco control community who would prefer that e-cigarettes be regulated as drug-delivery devices or banned entirely from the market. In recent months, several commentaries on electronic cigarettes have been presented [2,3]. One recent paper [4] by Cobb & Abrams in the *New England Journal of Medicine* reviews many of the strongly held concerns of regulators and those in the tobacco control community regarding the potential perils

of e-cigarettes, but does little to examine the evidence of the potential promise of e-cigarettes.

The concerns of Cobb & Abrams focus on the limited evidence regarding both the safety and cessation benefit of e-cigarettes. They question the quality control standards of e-cigarette manufacturers, the impact of repeated propylene glycol (a major chemical component of some e-cigarettes) inhalation by humans, and the possibility of children (or adults) being harmed by inadvertently consuming large refill bottles or cartridges of e-cigarette liquid. Regarding quality control standards, Cobb & Abrams are correct, as the current standards of e-cigarette manufacturers have been quite variable, which could be a significant public safety concern. However, the impact of repeated propylene glycol vapor inhalation by humans, as it may be a throat irritant, though understandable, does not seem to be reason enough to remove these products from the market. Furthermore, animal studies on repeated propylene glycol vapor exposure indicate no deleterious effects [5], and the nicotine inhaler has similar side effects [6]. Finally, their concern regarding the possibility of accidental child

poisonings is also something that should be investigated and monitored. Currently, e-cigarette companies label their products with warnings to keep cartridges out of the reach of children. However, it is important to put this concern into context. Many household products are potentially dangerous to children if consumed, yet we do not ban these products. For example, if a child consumed a large bottle of cherry-flavored liquid acetaminophen, this too would be dangerous—if not deadly. Similar to e-cigarette labels, for consumer products that are hazardous to children we simply warn adults to keep them out of their reach.

On the topic of cessation benefit, Cobb & Abrams argue that there is no evidence that e-cigarettes are beneficial for cessation, and that there may be a risk that e-cigarettes will be used only in places where smoking is prohibited by current smokers (i.e. 'bridge products') or function as attractive starter products for young non-smokers. We agree that these concerns need to be addressed through continued thoughtful, rigorous scientific investigations. Current research investigating these concerns is limited, although not non-existent. Moreover, the research indicates some promising effects. For example, Cobb & Abrams argue that e-cigarettes are unlikely to be useful for smoking cessation because of ineffective nicotine delivery, as evidenced by low plasma levels of nicotine by the smokers who used them. However, the study [7] that they cite to support this argument actually showed that one e-cigarette brand was able to significantly reduce subjective craving for cigarettes *despite* low plasma levels of nicotine. Another study [8], not mentioned by Cobb & Abrams, found that e-cigarettes not only deliver nicotine effectively (more rapidly than a nicotine inhaler), but that they significantly reduce cigarette craving and number of cigarettes smoked at a level similar to that of nicotine replacement products. Furthermore, a recent clinical trial [9] published after the Cobb & Abrams article showed that e-cigarette use may motivate quitting. Among 40 smokers who were initially not interested in quitting but who were asked to use the e-cigarette *ad libitum*, 22.5% achieved sustained smoking abstinence (biochemically verified) at 6-month follow-up [9]. Furthermore, an additional 12.5% and 32.5% reduced their smoking by $\geq 80\%$ and $\geq 50\%$, respectively [9]. Several survey studies support these findings. In a large international survey of current, former or never users of e-cigarettes, 72% of users reported that e-cigarettes helped them to deal with cravings and withdrawal symptoms, 92% reported reductions in their smoking when using e-cigarettes, and only 10% reported that they experienced the urge to smoke tobacco cigarettes when using the e-cigarette [10]. Moreover, of more than 2000 former smokers in this survey, 96% reported that the e-cigarette helped them to stop smoking, and 79% reported fearing

that they would start smoking again if they stopped using it [10]. Consequently, removing e-cigarettes from the market or discouraging their use could harm public health by depriving smokers of a potentially important option for smoking cessation.

Although larger trials are needed to help answer questions regarding the possibility of dual use (i.e. smokers maintain current smoking levels and add e-cigarettes), the available evidence suggests that this is not the case. Research indicates that the vast majority of e-cigarette users use e-cigarettes for either complete (79%) or partial replacement (17%) of tobacco cigarettes [10]. In addition, fears that smokers will forego traditional cessation methods in favor of e-cigarettes has not been substantiated. A substantial number of current e-cigarette users report having tried to quit previously using nicotine replacement therapies (70%), bupropion (29%) and/or varenicline (18.6%) [10]. This finding, taken together with the Bullen *et al.* [8] finding that placebo e-cigarettes also reduced craving, withdrawal symptoms and number of cigarettes per day, suggests that e-cigarettes address an additional behavioral component (e.g. hand to mouth gesture, 'throat hit' of the vapor, exhaling visible vapor) beyond the pharmacological effect of nicotine provided by current FDA-approved therapies. As a result, for smokers who have failed to quit with current approved therapies, e-cigarettes offer an alternative method of quitting, or a method of supplementing these currently approved therapies. Moreover, withdrawing e-cigarettes from the market or discouraging ex-smokers who have quit by using these devices to discontinue their use and switch to approved forms of therapy is unlikely to be a boon for public health, as the current evidence suggests that e-cigarette users often have high levels of nicotine dependence and have tried and failed to quit smoking with multiple forms of approved cessation therapies [10]. It seems misguided to ask people to discontinue an approach that is working in favor of an approach that has already been ineffective for them.

Finally, an often unconsidered advantage of e-cigarettes is that they do not require combustion and therefore produce no second-hand smoke exposure (SHSe) to the user or to individuals in the smoker's environment. Second-hand smoke, especially in homes with children, poses a serious public health risk increasing the incidence of sudden infant death syndrome, respiratory illness, middle-ear disease and asthma [11,12]. Children aged between 3 and 11 years have the highest levels of SHSe, probably because they spend a majority of their time in close proximity to a caregiver who smokes [13–15]. Despite the strong national effort of introducing smoking bans in public spaces, children living with smokers have not experienced any reduction in their SHSe, as evidenced by serum cotinine levels [16].

Furthermore, clinical interventions aimed at reducing children's SHSe by targeting caregiver smoking behavior (i.e. cessation and/or smoking outside) often fail to produce long-term cessation and result in minimal to no reduction in SHSe for children, as measured by objective indicators such as urinary or serum cotinine or a child-worn passive smoke monitor [17]. A significant majority of parents return to smoking or do not maintain consistently smoke-free homes. As such, the current methods of reducing caregiver smoking behavior cannot be relied upon as the sole means of reducing children's SHSe. The use of e-cigarettes by caregivers who smoke and who are unable or unwilling to quit smoking by more traditional means may be a viable alternative method to reduce children's SHSe.

We contend that the initial evidence suggests that e-cigarettes offer more promise than peril, but more research needs to be conducted. The debate over e-cigarettes will no doubt continue. It is our hope that those participating in this debate report all sides of the issue, considering both the potential harm e-cigarettes could cause the user and the potential harm the tobacco control community could cause by dismissing the e-cigarette prematurely as a viable alternative for smoking cessation and second-hand smoke reduction. We also encourage e-cigarette investigators to draw conclusions within the appropriate context to prevent misleading conclusions. For example, the FDA held a press conference during which it warned consumers not to use e-cigarettes because of the presence of toxic chemicals, including diethylene glycol and carcinogens (tobacco-specific nitrosamines) [18]. What the FDA did not report was that it detected only trace levels of carcinogens (0.07–0.2% of the corresponding levels in cigarettes) [19,20] at levels similar to the nicotine patch and nicotine gum, and found diethylene glycol in only one of the 18 samples tested (a chemical that has not been found in any other brand since) [20]. Viewed in this context, instead of warning consumers not to use e-cigarettes we would argue that these data suggest that e-cigarettes may pose much lower carcinogenicity than regular cigarettes and are probably similar in carcinogenicity to FDA-approved nicotine replacement products. However, we recognize that stronger quality control standards need to be utilized by e-cigarette manufacturers to prevent human exposure to toxic chemicals, such as diethylene glycol. Indeed, some e-cigarette manufacturers are attending to safety concerns by making their products safer, such as using distilled water and glycerine instead of propylene glycol vapor. Overall, we hope that continued discussion about the promise and perils of e-cigarettes is based on a balanced view of the available science, rather than an ideology that opposes harm reduction without consideration of both sides of the issue, including potential public health benefits.

Declarations of interest

None.

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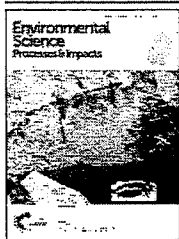
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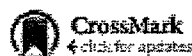


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Particulate metals and organic compounds from electronic and tobacco-containing cigarettes: comparison of emission rates and secondhand exposure

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In recent years, electronic cigarettes have gained increasing popularity as alternatives to normal (tobacco-containing) cigarettes. In the present study, particles generated by e-cigarettes and normal cigarettes have been analyzed and the degree of exposure to different chemical agents and their emission rates were quantified. Despite the 10-fold decrease in the total exposure to particulate elements in e-cigarettes compared to normal cigarettes, specific metals (e.g. Ni and Ag) still displayed a higher emission rate from e-cigarettes. Further analysis indicated that the contribution of e-liquid to the emission of these metals is rather minimal,



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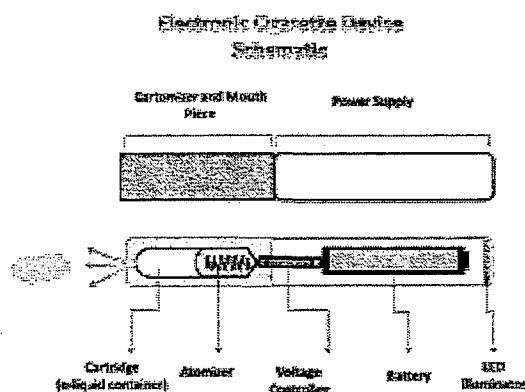
implying that they likely originate from other components of the e-cigarette device or other indoor sources. Organic species had lower emission rates during e-cigarette consumption compared to normal cigarettes. Of particular note was the non-detectable emission of polycyclic aromatic hydrocarbons (PAHs) from e-cigarettes, while substantial emission of these species was observed from normal cigarettes. Overall, with the exception of Ni, Zn, and Ag, the consumption of e-cigarettes resulted in a remarkable decrease in secondhand exposure to all metals and organic compounds. Implementing quality control protocols on the manufacture of e-cigarettes would further minimize the emission of metals from these devices and improve their safety and associated health effects.

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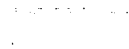
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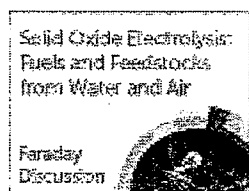
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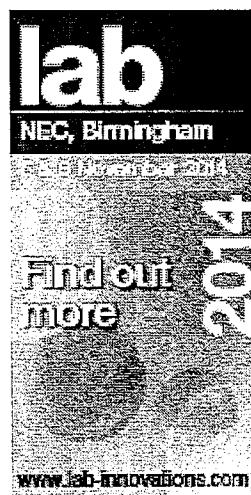
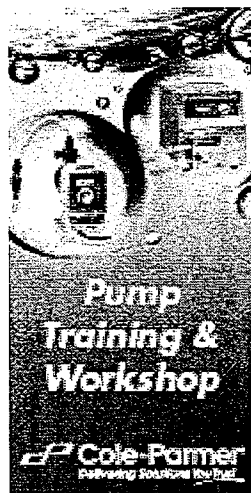
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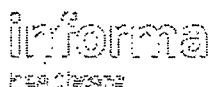
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Cytotoxicity evaluation of electronic cigarette vapor extract on cultured mammalian fibroblasts (ClearStream-LIFE): comparison with tobacco cigarette smoke extract

May 2013, Vol. 25, No. 6, Pages 354-361 (doi:10.3109/08958378.2013.793439)

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Abstract

Context: Electronic cigarettes (ECs) are used as alternatives to smoking; however, data on their cytotoxic potential are scarce.

Objective: To evaluate the cytotoxic potential of 21 EC liquids compared to the effects of cigarette smoke (CS).

Methods: Cytotoxicity was evaluated according to UNI EN ISO 10993-5 standard. By activating an EC device, 200 mg of liquid was evaporated and was extracted in 20 ml of culture medium. CS extract from one cigarette was also produced. The extracts, undiluted (100%) and in five dilutions (50%, 25%, 12.5%, 6.25% and 3.125%), were applied to cultured murine fibroblasts (3T3), and viability was measured after 24-hour incubation by 3-[4,5-dimethylthiazol-2-yl]-2,5-diphenyltetrazolium bromide assay. Viability of less than 70% was considered cytotoxic.

Results: CS extract showed cytotoxic effects at extract concentrations above 12.5% (viability: $89.1 \pm 3.5\%$ at 3.125%, $77.8 \pm 1.8\%$ at 6.25%, $72.8 \pm 9.7\%$ at 12.5%, $5.9 \pm 0.9\%$ at 25%, $9.4 \pm 5.3\%$ at 50% and $5.7 \pm 0.7\%$ at 100% extract concentration). Range of fibroblast viability for EC vapor extracts was 88.5–117.8% at 3.125%, 86.4–115.3% at 6.25%, 85.8–111.7% at 12.5%, 78.1–106.2% at 25%, 79.0–103.7% at 50% and 51.0–102.2% at 100% extract concentration. One vapor extract was cytotoxic at 100% extract concentration only (viability: $51.0 \pm 2.6\%$). However, even for that liquid, viability was 795% higher relative to CS extract.

Conclusions: This study indicates that EC vapor is significantly less cytotoxic compared tobacco CS. These results should be validated by clinical studies.

Keywords

Cytotoxicity, electronic cigarette, fibroblasts, in vitro, nicotine, smoking, tobacco harm reduction

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January 07, 2015

Blake He
Happy Vape
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San Francisco, CA 94127

2015 JAN -8 AM 11:35

[Signature]

CD/Video for Board of Supervisors File #141291
Re: Happy Vape at 1963 Ocean Avenue

Attached is the recommended viewing on this subject referenced in Project Sponsor Letter – 1/05/2015: Response to Fourth Claim, BBS video entitled “Trust me, I’m a Doctor.”

Thank you,

Blake He



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Thank you,

Blake He

(BOS)

From: Robert Karis [rckaris@gmail.com]
Sent: Wednesday, January 07, 2015 8:56 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Conditional Use Appeal - 1963 Ocean Avenue
Attachments: petition_pp1-4.pdf; petition_pp5-8.pdf
Categories: 141291

Dear Angela Calvillo, Clerk of the Board:

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

Petition_pp1-4.pdf and petition_pp5-8.pdf are copies of the petition containing over 100 signatures of neighbors opposing the proposed vape shop at 1963 Ocean Ave. The petitions were submitted to the Planning Commission at the hearing on Nov. 6, 2014.

Thank you.

Sincerely,

Robert Karis, M.D.
Appellant

Opposition to the opening of the Happy Vape Store at 1963 Ocean Avenue

Dear San Francisco Planning Commissioners:

We, the undersigned residents of the Ocean Avenue neighborhood, oppose the opening of a "vape shop" on Ocean Avenue. This type of business is unnecessary as there are already stores on Ocean Avenue that sell e-cigarettes and 21 "vape shops" in the City of San Francisco. We live in a residential neighborhood with nearby schools including middle schools, high schools, and the City College of San Francisco. A vape shop will encourage new young users and others to use e-cigarettes that contain addictive nicotine and other harmful chemicals in their fumes. We do not want ourselves, our neighbors, or our children to use or to be exposed to this type of product.

DATE.....NAME.....ADDRESS OR NEIGHBORHOOD.....

11/4/14 Zachary Austin Ingleside Terrace

11/4/14 Charles Benoit Ingleside Terrace

11.4.14 Kelly Cole Ingleside Terrace

11.4.14 R. D. [Signature] Ingleside Terrace

11/4/14 Shanti Jones Ingleside Terrace

11/4/14 Tanya O'Sullivan " "

11/4/14 Gerry O'Sullivan " "

11-4-14 Nicholas Massenkoff " "

11/-4-14 [Signature] Ingleside Terrace

11-4-14 [Signature] " "

11.4.14 [Signature] " "

11-4-14 Floyd A. Blum Ingleside Terrace

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DATE.....NAME.....ADDRESS OR NEIGHBORHOOD.....

11-4-14	Laurel Romaine	149 Urbano Dr
11-4-14	Judy Reynolds	6606 Victoria ^{Diabona}
11-4-14	Sharon P. [Signature]	610 Victoria St
11-4-14	Patricia J. Daff	60 DeSoto, S.F.
11-4-14	Susan Jung	184 Corona SF
11-04-14	Edmund Jong	184 Corona St SF 94127
11-04-14	Patricia S. Werthimer	45 Entrada St 94127
11-4-14	Julia Martin	85 Borica St 94127
11-5-14	Eda McNulty	311 Moncada St 94127
11-5-14	John McNulty	311 Moncada St. 94127
11/5/14	Kirk Schwader	Ingleside Terraces
11-5-14	Mary Brannon	130 De Soto, 94127
11-5-14	John Kinca	" "

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DATE.....NAME.....ADDRESS OR NEIGHBORHOOD.....

11/5/14	A. Miller	Ingleside Terraces
11/5/14	Dena McNulty	Ingleside Terraces
11/5/14	Michael McNulty	Ingleside Terraces
11/5/14	Jurate Paulinaitis	Ingleside Terraces
11/5/2014	Carlo McGallan	Ingleside Terraces
11/5/14	Keli B. Zitz	Ingleside Terraces
11/5/14	John A. Horn	Ingleside Terraces
11/5/14	Kendy Dwyer	Ingleside Terraces
11/5/14	Lisa Churchill	Ingleside Terraces
11/5/14	D. Horn	"
11/5/14	John	"
11/5/14	Arthur J. Schenker	"

11/3/2014

Opposition to the opening of the Happy Vape Store at 1963 Ocean Avenue

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DATE.....NAME.....ADDRESS OR NEIGHBORHOOD.....

11/3/2014 Pat Ryan 65 Urbano Dr, Ingleside Terraces

11/4/2014 Frances Hechinger 65 Urbano Dr. Ingleside Terraces

11/4/2014 Connie Fitzgerald 946 Junipero Serra Blvd

11/4/2014 Bill Fitzgerald 946 Junipero Serra

11/4/14 Michael Young 788 VICTORIA ST.

11/4/14 CHRISTINE YOUNG 788 VICTORIA ST.

11/4/14 - BRENDY YOUNG 788 VICTORIA ST.

11/4/14 LAWRENCE YOUNG 788 VICTORIA ST.

11/4/14 Jean-Marc Hechinger 65 Urbano Dr.

11/4/14 Nathalie Hechinger 65 Urbano Dr.

11/5/14 Danielle Hechinger 65 Urbano Dr.

11/5/14 Heather Lenellen Ingleside Terraces

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DATE.....NAME.....ADDRESS OR NEIGHBORHOOD.....

11-15-14	Ken W. K. K.	245 Corona St
11-15-14	Jim Kim	245 Corona St.
11-05-14	Scott Hernandez	215 Corona St.
11-05-14	Michelle Hernandez	215 Corona St.
11-5-14	Jacobs Park	447 Faxon Avenue
11-5-14	Cheryl Lin	447 Faxon Ave
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11/6/14	Rockland Michael Allen	21 Mercedes Way
11/6/14	Jan Bernard	21 Mercedes Way
11/6/14	Becky Ramos	2224 Ocean Ave
11/6/14	Mick Ramos	2224 Ocean Ave
11/6/14	Vicky Francisco	176 Lunado Ct.
11/6/14	Gil Francisco	176 Lunado Ct.
11/6/14	Sandra Fullerton	975 Darien Way, Balboa Terrace

Opposition to the opening of the Happy Vape Store at 1963 Ocean Avenue

Dear San Francisco Planning Commissioners:

We, the undersigned residents of the Ocean Avenue neighborhood, oppose the opening of a "vape shop" on Ocean Avenue. This type of business is unnecessary as there are already stores on Ocean Avenue that sell e-cigarettes and 20 "vape shops" in the City of San Francisco. We live in a residential neighborhood with several nearby schools including a middle school, high schools, and the City College of San Francisco. A vape shop will encourage new young users and others to use e-cigarettes that contain addictive nicotine and other harmful chemicals in their fumes. We do not want ourselves, our neighbors, or our children to use or to be exposed to this type of product.

DATE.....NAME.....ADDRESS OR NEIGHBORHOOD.....

Lakeside Neighborhood

Nov 5, 2014	Susan Ritchie	74 Lagonitas Dr SF 94132
11/5/2014	John Ritchie	74 Lagonitas Dr. SF 94132
11/5/2014	SUSAN WOOD	55 LAGONITAS DR SF 94132
11/5/2014	Claudia Delacruz-Murray	80 Cranleigh Pl. 94132
11/5/2014	Thomas McHarg	70 Lagonitas Dr SF 94132
11/5/2014	Doug Kilray	80 Lagonitas 94132
11/6/14	Mark Folger	775 Dorwin Way, Balboa Terrace
11/6/14	James McGullen	Volcano, Sycamore T.
11/6/14	Katrina Redica	Westwood Park Neighborhood
11/6/14	Ken Redica	Westwood Park "
11/6/14	Shauney Nicholson	Miramar Avenue
11/6/14	Sean Nicholson	Miramar Avenue
11.6.14.	KATHLEEN McDONOUGH	SAN LEANDROWAY BALBOA TERRACE
11.6.14.	KEVIN McDONOUGH	" "

Opposition to the opening of the Happy Vape Store at 1963 Ocean Avenue

Dear San Francisco Planning Commissioners:

We, the undersigned residents of the Ocean Avenue neighborhood, oppose the opening of a "vape shop" on Ocean Avenue. This type of business is unnecessary as there are already stores on Ocean Avenue that sell e-cigarettes and 21 "vape shops" in the City of San Francisco. We live in a residential neighborhood with nearby schools including middle schools, high schools, and the City College of San Francisco. A vape shop will encourage new young users and others to use e-cigarettes that contain addictive nicotine and other harmful chemicals in their fumes. We do not want ourselves, our neighbors, or our children to use or to be exposed to this type of product.

DATE.....NAME.....ADDRESS OR NEIGHBORHOOD.....

11/5/14	Ana Romero	875 Urbano Dr. SF CA 94127
11/5/14	Lynae Burrell	875 Urbano Dr. SF CA 94127
11/5/14	Adrienne Smith	883 Urbano Dr SF, CA 94127
11/5/14	Melinda Smith-Crepe	883 Urbano SF, CA 94127
11/5/14	By Frank Frank	763 Head ST. SF CA 94132
11/5/14	Frank	898 URBANO DR S.F. CA 94127
11/05/14	Frank Navarro	✓ ✓ ✓ ✓
11/5/14	Malysa Navarro	Ingleside Terrace
11/5/14	Gail G. Dent	265 Corona Ct 94127
11/5/14	Gail G. Dent	265 CORONA CT 94127
11/5/14	Gail G. Dent	265 Corona Ct. 94127
11/5/14	Li Li	245 CORONA ST, 94127

Opposition to the opening of the Happy Vape Store at 1963 Ocean Avenue

Dear San Francisco Planning Commissioners:

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DATE.....NAME.....ADDRESS OR NEIGHBORHOOD.....

11/5/14	Lynda Dunphy	Ingleside Terraces
11/5/14	Daniel Dunphy	Ingleside Terraces
11/5/14	Elba Navarro	Ingleside Terraces
11/5/14	Elvira Navarro	Ingleside Terraces
11/5/14	Rene Casis	Ingleside Terraces
11/5/14	Jenny Hayward	Ingleside Terraces
11/5/14	Amy Shen	Ingleside Terraces
11/5/14	FRANK SOEN	URBANO DRIVE SF
11/5/14	Mary Sherwood	I.T., Urbano
11/5/14	Drew Sherwood	I.T., Urbano
11/5/14	Charles Zetta Baker	Ingleside Terraces
11/5/14	Irene Creps	Urbano, I.T.

From: Thomas J LaLanne [tomlalanne@sbcglobal.net]
Sent: Monday, January 05, 2015 5:13 PM
To: Carroll, John (BOS); Lamug, Joy; BOS Legislation (BOS)
Cc: rckaris@gmail.com; blakehe@gmail.com; 'Stefano Cassolato'
Subject: BOS Appeal / 1963 Ocean Avenue Conditional Use Authorization
Attachments: Washington Examiner.Ross.pdf; Carroll.3.pdf

Categories: 141291

Gentlepeople:

Please excuse my error. The project sponsor's appellate response that I emailed minutes ago was incomplete. This revised version includes a last paragraph requesting denial of the appeal that was not included in the first version. Please accept this letter in its place.

Tom LaLanne

LAW OFFICES OF
THOMAS J. LALANNE

FAX (415) 434-1125

400 HARBOR DRIVE
SAUSALITO, CALIFORNIA 94965

TELEPHONE (415) 434-1122

January 5, 2015.

BY EMAIL ONLY
john.carroll@sfgov.org

Mr. John Carroll
Legislative Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102

Re: 1963 Ocean Avenue Conditional Use Authorization Appeal
Hearing: January 13, 2015 at 3:00 p.m.
Blake He / Happy Vape
Our File No. 1038

Dear Mr. Carroll:

I write on behalf of my client, project sponsor Blake He, who is the owner-operator of Happy Vape. Mr. He was granted a conditional use permit granted by the San Francisco Planning Commission on November 6, 2014, to open a tobacco paraphernalia establishment at 1963 Ocean Ave., San Francisco. The intended business of Happy Vape is the sale of electronic cigarettes.

The permit has now been appealed by an individual, Dr. Robert Karis. It must be understood that after considerable study and scrutiny, the conditional use permit was recommended by the San Francisco Planning Staff as a necessary, desirable and compatible use for the 1900 block of Ocean Avenue. Moreover, after a contested hearing, with opposition led by Dr. Karis, the permit was granted by a vote of 5-2 of the Planning Commission.

The purpose of this letter is to present to the Board of Supervisors a summary of the issues raised by the appellant, and the applicant's response.

First Claim of Appeal:

The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity.

Response to First Claim:

The project consists of an electronic cigarette retail and steam stone hookah lounge. Contrary to appellant's claims, neither such products have been determined to be detrimental to health or safety. In fact, there are many who argue exactly the opposite.

LAW OFFICES OF
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Project sponsor intends to comply fully with the terms of the conditional use permit to assure that the business will be beneficial to the general welfare of the community, including:

a. 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.

b. 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.

c. Signage at Front. Appropriate Identification scanning equipment should be installed and utilized at the entry for monitoring entry by individual's ages to ages 18 and older. Appropriate code-complying signage shall be affixed to entry door(s) indicating entry by individuals ages 18 and older. Sponsor with comply with and enforce the Board of Supervisors decision in March of 2014, for File 131208 – Ordinance amending Health Code Article 19N, Sections 19N.1 -19N.9 restricting e-cigarette use to the same regulations as cigarettes. We will not allow loitering or vaping on the sidewalk, we are required to install an odor control unit, and will have an ID reader along with checking ID to guarantee minors will not have access. Thus showing that we are required to be non-detrimental to the health, safety, convenience or general welfare of person residing or working in the vicinity. Improve the space to be compliant with city and county of San Francisco Codes.

d. Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated. This project is not a new development, this is an existing retail establishment that is currently applying for a special conditional use for a tobacco paraphernalia establishment. It will remain a retail establishment, concurrent with current use, and we are required by the conditional use to limit our influence on the neighborhood, with limited operating hours, e-cigarette use regulations, and age restrictions. The 1900 block of Ocean Avenue is unacceptably vacant and this establishment will fill in one of these vacant spaces creating a safer atmosphere for pedestrians and patrons.

e. 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. This space was a retail establishment and will remain a retail establishment. We are a unique retail store providing an electronic cigarette retail and a steam stone hookah lounge, unheard of in the San Francisco. There are no solely dedicated vape shops in the Ocean Avenue NCT and District 7, creating a destination place to attract pedestrian traffic to the Ocean Avenue Corridor.

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Without a vape shop in the area, cigarette smokers will be less likely to be introduced to a possible solution and therefore continue to pollute the atmosphere. Also, an e-cigarette user in the area would have to travel, by car, 15 minutes to the nearest Vape store to obtain similar service and products.

Second Claim of Appeal:

Nicotine containing e-cigarettes are addictive and the fumes from e-cigarettes and hookah are unhealthy.

Response to Second Claim:

Studies and research show that both sides of this claim are equally arguable, and all results are inconclusive of the benefits and harms of e-cigarettes. We know nicotine is addictive, we are here to provide an alternative to cigarettes. The fumes from e-cigarettes have been equated with taking a breath of air in a major metropolitan city. Steam stone hookah is believed to contain no nicotine, tar, or carcinogens. We encourage more studies to be done on both these new products, however we believe these products have the potential to do greater good than harm. We have communicated with hundreds of vape store operators and patrons, many who have turned to e-cigarettes as an alternative to traditional smoking. We have concluded that many current e-cigarette users have been able to quit smoking cigarettes. Also, many have quit both products after a period of time. Many have stated that e-cigarettes have saved their lives.

Third Claim of Appeal:

It is undesirable to have a business whose goal is to attempt to increase usage of these products and which will expose our children and students in our area to them. The use of e-cigarettes for smoking cessation is unapproved and they are not recommended by existing clinics for this purpose.

Response to Third Claim:

As stated previously, we are here to provide an alternative to smoking cigarettes, not addiction to e-cigarettes. We will post proper signage, utilize an ID reader, prohibit minors, and ban vaping on premise. This is all in compliance with the legislation sponsored by San Francisco Supervisor Eric Mar in March of 2014. We are in line with recent legislation, sponsored by Supervisor Eric Mar, which states that over a span of 10-15 years, it hopes to decrease by 50% the tobacco sales permits in San Francisco. Of the 1001 tobacco sales permits currently in San Francisco, 980 are traditional tobacco outlets. We are a part of the solution with this new legislation, by providing an alternative to cigarettes, and promoting a method of quitting cigarettes that we believe will eventually decrease the number of cigarette smokers and vendors in the city. Also,

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recommended reading on this subject is attached in the form of a December 11, 2014 article in the "Washington Examiner" written by Gilbert Ross, MD.

Fourth Claim of Appeal:

The use of e-cigarettes is unapproved as method of smoking cessation currently, since research has not shown any conclusive evidence to support otherwise.

Response to Fourth Claim:

This product is growing in acceptance and therefore more research and evidence is being developed to create a larger awareness of the existence of a possible alternative to traditional smoking. Although this product may not be personally desirable to some, it may be desirable to others. Recommended viewing on this subject is provided in the BBS video entitled "Trust Me, I'm a Doctor." The video can be reached at the following link, and will be delivered in CD form on January 6, 2015.

<http://info-electronic-cigarette.com/bbcs-trust-me-im-a-doctor-talks-about-e-cigarettes/>

Fifth Claim of Appeal:

The 1900 block of Ocean Avenue needs many other businesses that will better serve the neighbors.

Response to Fifth Claim:

The 1900 block of Ocean Avenue currently has 20% vacancies, which attract the derelicts and miscreants of the city. This completely undermines the Board of Supervisors decision in July 2014, on File #140284 – Ordinance amending the Building Code to establish a procedure for maintaining and registering a vacant or abandoned commercial storefronts, including imposition of a registration fee sponsored by Supervisor Katy Tang. New businesses are not currently lining up to enter the 1900 block area on Ocean Avenue. Although this area could better serve the neighborhood by providing other goods and services that are necessary, desirable, and compatible, we will provide a retail business that will attract these new businesses to open on the 1900 block of Ocean Avenue. We will install a security camera system and will remain a constant presence on Ocean Avenue. We will breathe some life to this corridor of Ocean Avenue and provide some sense of safety. There are currently no vape stores in either the Ocean Avenue NCT or District 7. We can show that this area is profitable and renew investment interest on Ocean Avenue, inviting new retail operators to open nearby.

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In summary, it is submitted that the appellant has failed to negate the well-reasoned recommendations of the San Francisco Planning Staff or the findings of the San Francisco Planning Commission in this matter. It is submitted that the appeal should be denied, and that the project sponsor be allowed to move forward with his project under the conditional use permit that was granted to him.

We remain open to question about any of the material contained herein.

Very truly yours,

/s/ Thomas J. LaLanne

THOMAS J. LaLANNE

TJL/jdl

Enclosures

cc: Clerk, Board of Supervisors (by email)
Ms. Joy Lamug (by email)
Mr. Blake He (by email)
Robert Karis, M.D. (by email)

The Examiner

WASHINGTON

Want to help smokers quit? Stop lying about e-cigs

GILBERT ROSS • | DECEMBER 11, 2014 | 5:00 AM

America's public health establishment, including big nonprofit organizations and many academics, is playing a shameful role in fighting our nation's most important health scourge: cigarette smoking. Without exception, our health leaders have proven reluctant to help smokers quit; although three-quarters of smokers wish to do so, only one in twenty succeed in any given year.

The reasons for the officials' dereliction in this area include a stubborn adherence to a worldview mired in the 20th century "tobacco wars." But more important is their inexcusable willful blindness to, or complicity with, the intentional manipulation of science.

The CDC trumpeted the recently-reported decline in smoking rate to 17.8 percent — a barely perceptible reduction from last year's figure. But behind this self-congratulatory façade stands the unpleasant reality: The number of American smokers stands at 42 million, about the same number as a decade ago. Worse, the latest estimates are that almost a half million of us die every year from smoking-related diseases.

While the official agencies urge smokers to use the FDA-approved methods to help them quit, they neglect to inform them that these methods — gums, nicotine patches, drugs — are not terribly effective. They actually warn smokers who want to quit against trying reduced-harm nicotine delivery devices such as e-cigarettes and vapor products ("e-cigs"). They go out of their way to alarm desperate smokers about hypothetical concerns — and their scare tactics work. More smokers are now fearful of trying these products than last year. Media comments by officials of the CDC and the big nonprofits (American Lung Association, American Cancer Society, among others) imply that the nascent, innovative e-cig industry is merely a ploy by "Big Tobacco" to lure young people into nicotine addiction.

Such assertions are mere propaganda, as their spokesmen well know. Rather than being pawns of tobacco companies, the harm-reduction "industry" consists of thousands of small businesses. Further, recent surveys — including the CDC's own — indicate that e-cigs are actually helping young smokers quit their deadly addiction by "vaping" (the term for using e-cigs) — just as their elders are doing. "Experts" based at academic centers, including especially the University of California-San Francisco, as well as highly-placed CDC officials, are widely quoted opposing the uptake of e-cigs, although millions of smokers have at last escaped their cigarette addiction by vaping.

While the long-term effects of e-cigs are unproven now, numerous published studies show that their efficacy in helping smokers quit is at least equal to the FDA-approved products, with fewer adverse effects. Those data are consistent with common sense, as e-cigs deliver only nicotine, water and a mist of safe humectants and (if preferred) flavors, as compared with the hundreds of toxins and carcinogens in cigarette smoke.

How can the drumbeat of official opprobrium directed against these miraculous, lifesaving devices be explained? One possibility: greed. The "Big Pharma" companies that market ineffective but highly lucrative nicotine-replacements are very generous donors to the same public health groups whose minions travel around the country regaling regulators and legislators to ban e-cigs. While their rationale ("protecting our children") sounds believable to the media and politicians, in fact their agendas are antithetical to public health. They never disclose their conflicts of interest involving millions of dollars of pharmaceutical company funding, believing themselves exempt from such ethical dicta.

This unethical breach of public trust will crush the burgeoning, decentralized e-cig "industry." It will effectively protect cigarette markets (whose excise taxes prop up many state and local budgets), and, lest we forget, it will keep smokers smoking. These officials know that addiction will eventually kill over one-half of smokers, and sicken twenty-fold that number. Isn't it time that smokers and the public heard the truth?

Gilbert Ross, M.D., is the medical director and acting president of The American Council on Science and Health, a public health nonprofit. ACSH accepts no-strings-attached funding from many corporations, trade associations and individual donors. A small portion of ACSH's funding comes from e-cigarette makers. Thinking of submitting an op-ed to the Washington Examiner? Be sure to read our guidelines on submissions for editorials, available at this link.

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 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.

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.



(Exhibit F - Appeal Document)

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/HCCommPubHlth/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, Rütther 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](http://www.sfgov.org/legistar.aspx?M=F&ID=3423953&GUID=42A94485-60D5-4D03-AF83-DC49520B69DD)
<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.



Exhibit A

SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

1650 Mission St.
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Fax:
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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 lightrail line and several bus lines on and connecting to Ocean Avenue.

- ii. The concentration of such establishments in the particular zoning district for which they are proposed does not appear to adversely impact the health, safety, and welfare of residents of nearby areas, including fear for the safety of children, elderly and disabled residents, and visitors to San Francisco;

The proposal is a new establishment, which proposes to utilize a vacant retail space for an electronic cigarette retail store and steam stone hookah lounge. There are no other Tobacco Paraphernalia Establishments within the Ocean Avenue NCT that have received Conditional Use authorization. The approximate concentration of establishments that sell e-cigarettes –

including as peripheral goods and the proposed business - within the Ocean Avenue NCT is 6% of commercial frontage. The project sponsor will maintain current contact information for a Community Liaison per Condition 6 in Exhibit A, will endeavor to create a safe business environment, discourage loitering and e-cigarette smoking outside the storefront, and maintain the public space in front of the storefront free from litter per Condition 4 in Exhibit A.

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

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

- 8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

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

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The Project will introduce a new commercial retail use and will enhance the diverse economic base of the City.

OBJECTIVE 6:

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

No commercial tenant would be displaced and the project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood. The proposed business seeks to occupy a vacant retail storefront with a diverse commercial use.

Policy 6.2:

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to the economic and technological innovation in the marketplace and society.

An independent entrepreneur is sponsoring the proposal. This is not a Formula Retail use.

BALBOA PARK STATION AREA PLAN

Objectives and Policies

OBJECTIVE 1.2:

STRENGTHEN THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

Policy 1.2.3:

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

An independent entrepreneur is seeking to bring a new retail use to the District. No retail use is being displaced as the storefront space is currently vacant.

9. Planning Code Section 101.1(b) establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The proposal would enhance the district by filling a vacant storefront and preserve a retail use. The business would be locally owned and it creates 2-4 employment opportunities for the community. The proposed alterations are within the existing building footprint.

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The existing units in the surrounding neighborhood would not be adversely affected.

- C. That the City's supply of affordable housing be preserved and enhanced,

No housing is removed for this Project.

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The site is on Ocean Avenue and is well served by transit. Street parking lines both sides of Ocean Avenue. Ocean Avenue has one MUNI light-rail (K-Ingleside) and several bus lines on and connecting to Ocean Avenue.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site.

H. That our parks and open space and their access to sunlight and vistas be protected from development.

The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2014.0206C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated October 30, 2014, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19271. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on November 6, 2014.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: November 6, 2014

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a Tobacco Paraphernalia Establishment (d.b.a. **Happy Vape**) located at 1963 Ocean Avenue, Block 6915, Lot 020, pursuant to Planning Code Section(s) 303, 737.69 within the Ocean Avenue NCT District and a 45-X Height and Bulk District; in general conformance with plans, dated **October 30, 2014**, and stamped "EXHIBIT B" included in the docket for Case No. 2014.0206C and subject to conditions of approval reviewed and approved by the Commission on **November 6, 2014** under Motion No 19271. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **November 6, 2014** under Motion No 19271.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19271 shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

PERFORMANCE

Validity. The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Expiration and Renewal. Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Diligent pursuit. Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Extension. All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Conformity with Current Law. No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Conditions of Approval, Compliance, Monitoring, and Reporting

1. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code

Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN – COMPLIANCE AT PLAN STAGE

3. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
4. **ID Reader and Signage at Front.** In order to ensure that the business owner maintains restrictions on entry to ages 18 and older, the building permit application to implement the project shall include an Identification reader installed at the entry door and signage at the entry door(s) indicating entry by individuals ages 18 and older.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

OPERATION

5. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>
6. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. Further the Project Sponsor shall ensure that e-cigarette and other Tobacco Paraphernalia is not tasted on the

sidewalk outside the establishment and that there is no loitering outside the establishment in relation to the subject business.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

7. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

8. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Community Liaison is Yong (Blake) He, at a business address of 1963 Ocean Avenue, San Francisco, CA 94127, and phone number 415-513-2620. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

9. **Hours of Operation.** The subject establishment is limited to the following hours of operation: 11 a.m. – 10 p.m. daily.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

10. **ID Reader and Signage at Front.** Appropriate Identification scanning equipment should be installed and utilized at the entry for monitoring entry by individuals ages 18 and older. Appropriate code-complying signage shall be affixed to entry door(s) indicating entry by individuals ages 18 and older.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

11. **Six-Month Monitoring.** Planning Commission shall be provided an update on operations six months after approval.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org



City and County of San Francisco
Mayor Edwin Lee

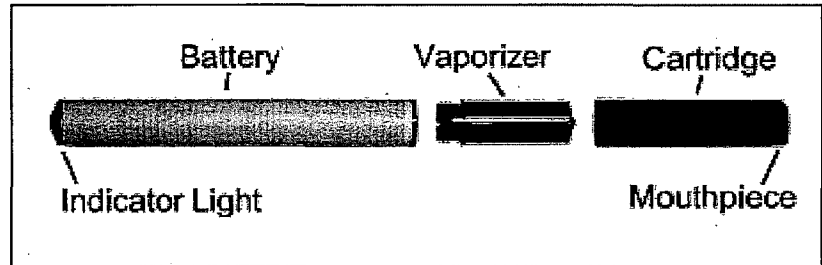
TOBACCO FREE PROJECT
Department of Public Health
Population Health and Prevention
Community Health Education Section
Community Health Promotion & Prevention Branch

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.



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.

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

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.

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

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

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

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

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

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

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 Aleeta 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

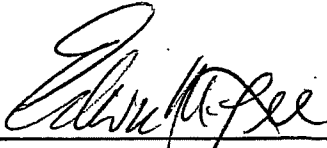
March 25, 2014 Board of Supervisors - FINALLY PASSED

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

Per Capita Cigarette Consumption (among U.S. adults)

The Atlantic, Nov. 13, 2014

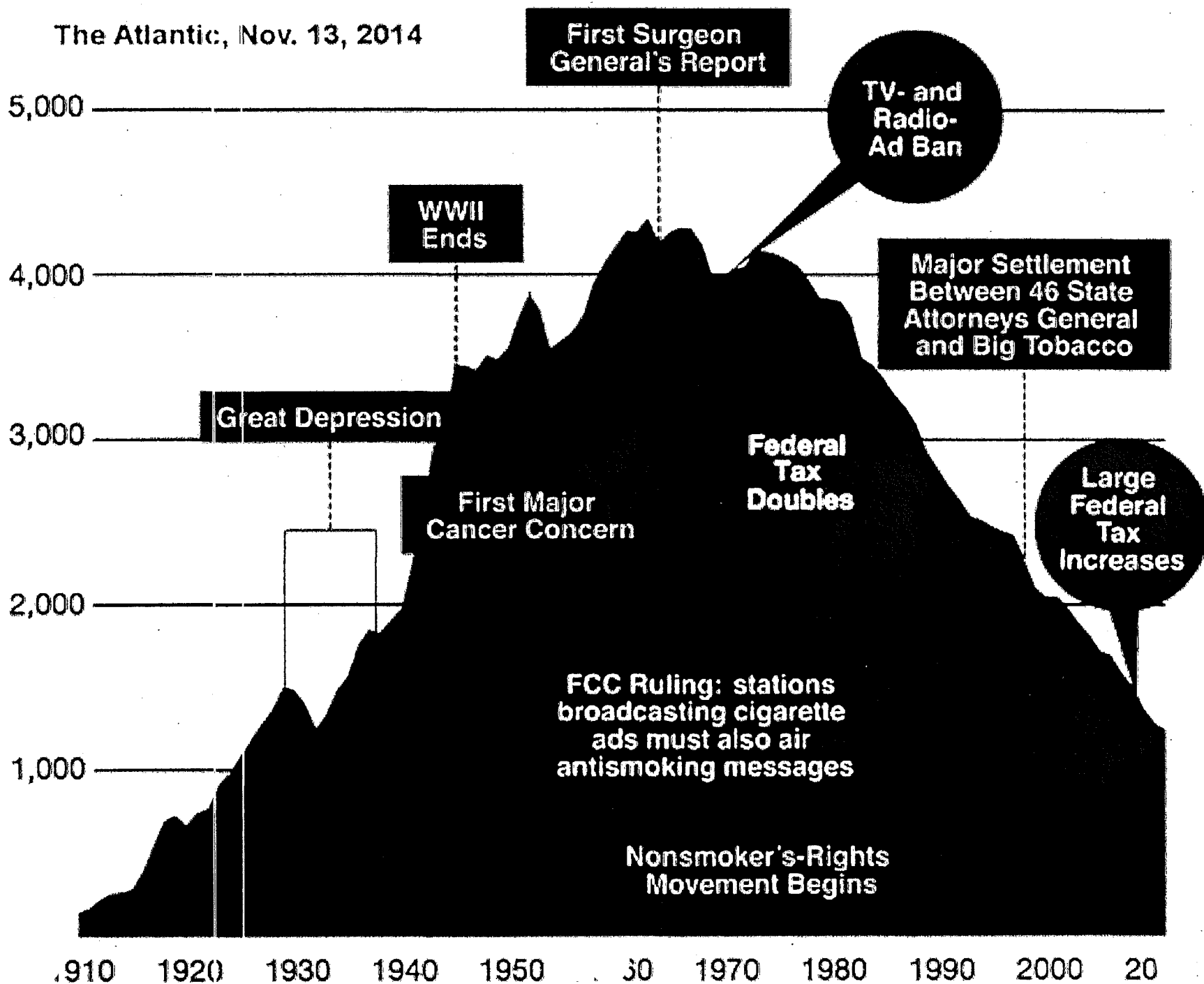
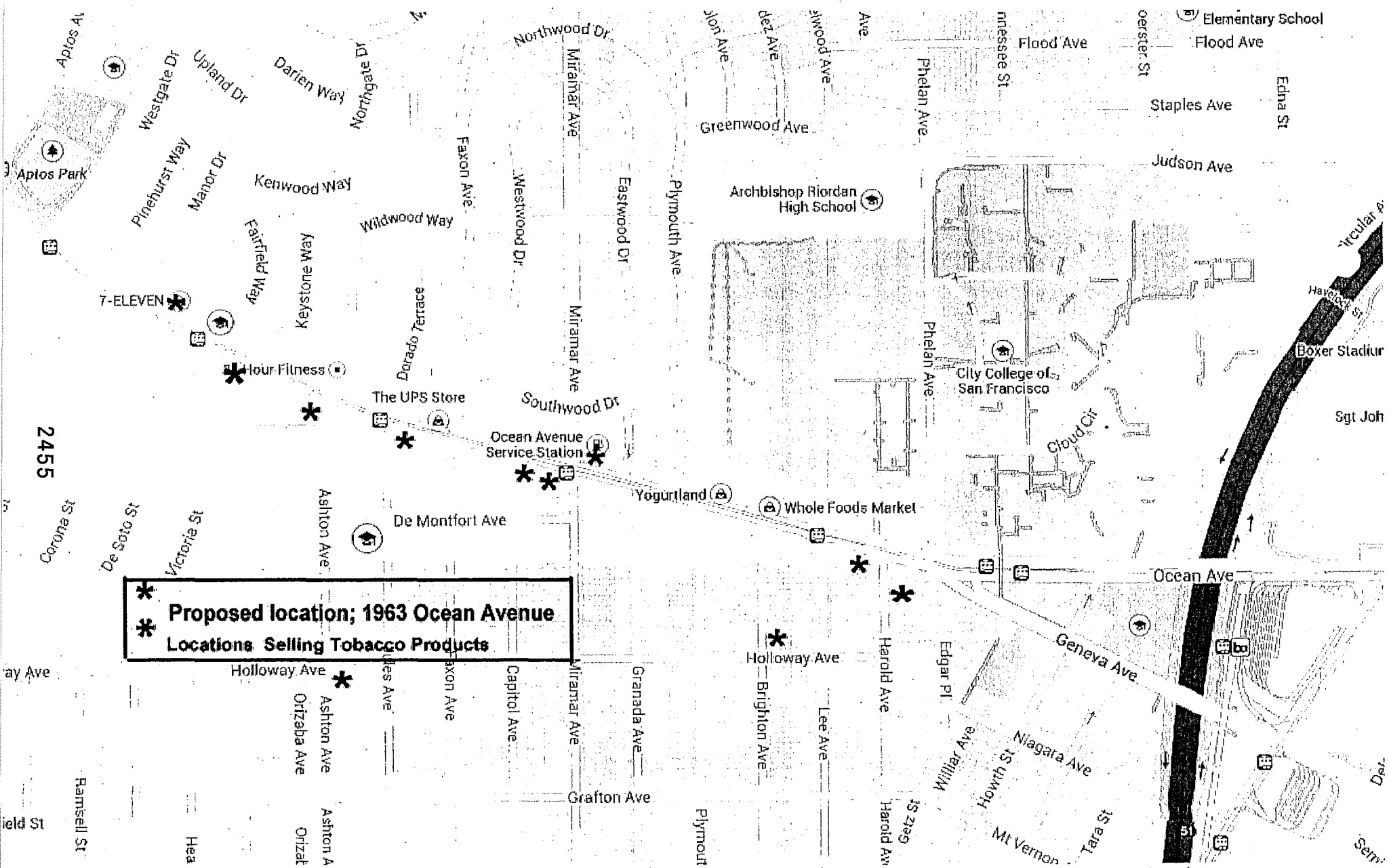


Exhibit D



*** Proposed location; 1963 Ocean Avenue**
*** Locations Selling Tobacco Products**

Exhibit E

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

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

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

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

Background:

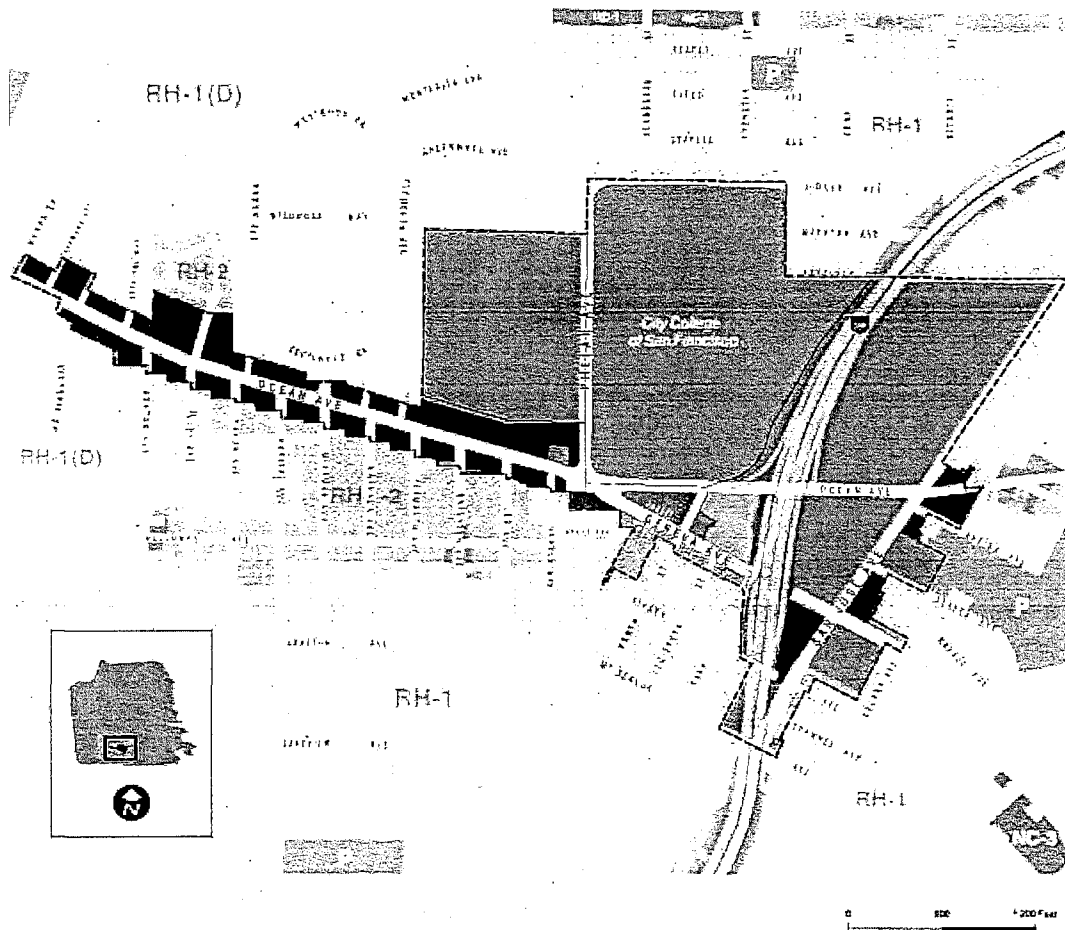
1963 Ocean Avenue is located at the western end of the Ocean Avenue NCT (Neighborhood Commercial Transit) District that extends from Phelan Avenue on the east to Manor Drive, a length of approximately $\frac{3}{4}$ mile. The site is within the **Balboa Park Station Plan Area. This plan states that the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

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

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

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

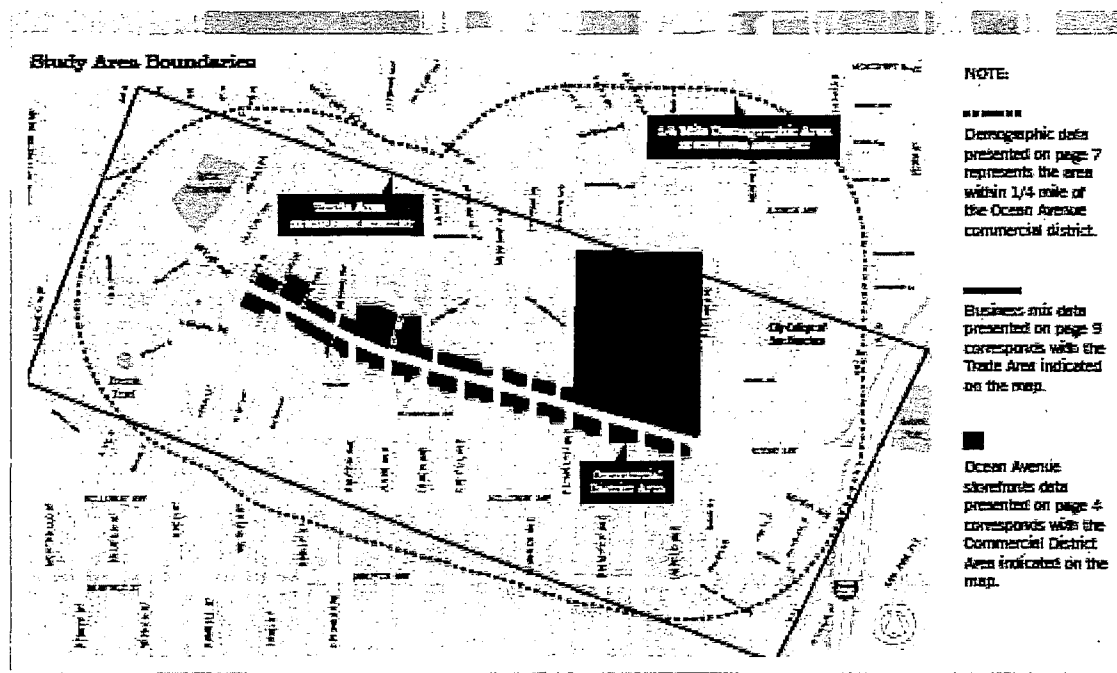


Land Use Districts

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

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

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



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

Reports on Ocean Avenue Corridor:

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

Balboa Park Station Area Plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Goals:

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

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

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

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

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

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

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

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

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

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

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

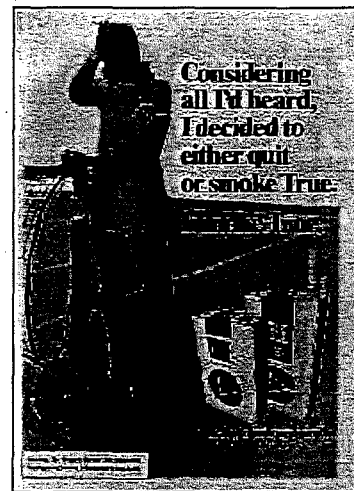
The project sponsor speaks many times about “harm reduction,” of providing a “safer” alternative to tobacco cigarettes, of offering products and goods to

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

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

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

7. Their ads say, "Switch, Don't Quit."



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

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

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

In its "E-cigarette Primer,"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

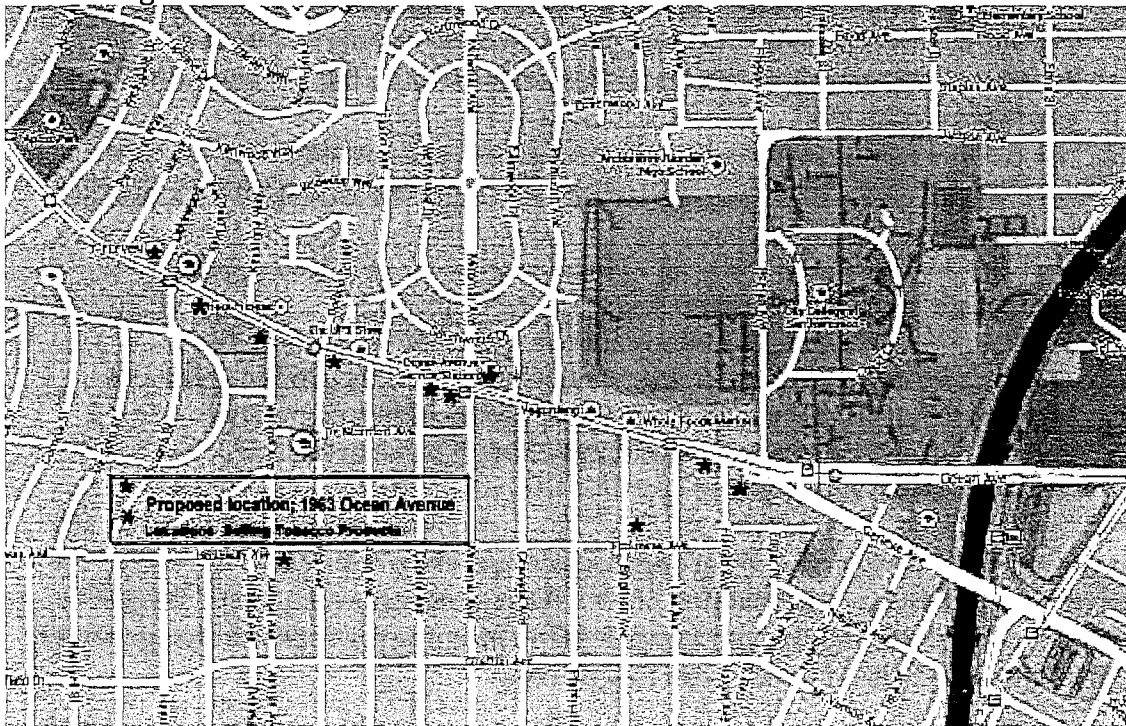
Several people noted that it is getting to the point where traditional businesses that have the option of locating elsewhere do not choose to open in the 1900 block of Ocean Avenue. They question how this block reached this situation, in which undesirable businesses came to predominate in the middle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

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

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

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

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



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

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

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

Conclusions:

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

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

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

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

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

The TIME article ends with these quotes:

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

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

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



The webpage concludes:

No wonder youth e-cigarette use is on the rise.

These developments underscore the need for the FDA to quickly regulate e-cigarettes and take steps to prevent their marketing and sale to kids.

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

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

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

Robert Karis M.D.

Robert Karis, M.D.



**SAN FRANCISCO
PLANNING DEPARTMENT**

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MEMO

Transmittal

**Planning Department Response to the
Appeal of Conditional Use Authorization for
1963 Ocean Avenue**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DATE: January 5, 2015
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Aaron D. Starr, Manager of Legislative Affairs – (415) 558-6362
Marcelle Boudreaux, Case Planner – Planning Department (415) 575-9140.
RE: BOS File No. 141291 [Case No. 2014.0206C]
Appeal of Conditional Use Authorization for 1963 Ocean Avenue
HEARING DATE: January 13, 2015

Pursuant to Planning Code Section 308.1, the Planning Department has prepared a response to the Appeal of the Conditional Use Authorization for 1963 Ocean Avenue. The Planning Department is transmitting one (1) hard copy of the appeal response. In compliance with San Francisco's Administrative Code Section 8.12.5 "Electronic Distribution of Multi-Page Documents", the Planning Department has submitted a multi-page response to the appeal of the Conditional Use Authorization for 1963 Ocean Avenue [BF 141291] in digital format.

If you have any questions regarding this matter, please contact Marcelle Boudreaux at 415.575.9140.



SAN FRANCISCO PLANNING DEPARTMENT

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2015 JAN -5 AM 11:45

Conditional Use Authorization Appeal *je* 1963 Ocean Avenue

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

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Information:
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DATE: January 5, 2015
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: John Rahaim, Planning Director - Planning Department (415) 558-6411
Aaron D. Starr, Manager of Legislative Affairs (415) 558-6362
Marcelle Boudreaux, Current Planner - Planning Department (415) 575-9140
RE: File No. 141291 Planning Case No. 2014.0206C - Appeal of the approval
of Conditional Use Authorization for 1963 Ocean Avenue
HEARING DATE: January 13, 2015
ATTACHMENTS:
A. Commission Packet (including final motion)
B. Appeal Letter (dated December 8, 2015)

PROJECT SPONSOR: Cong Phuong T Nguyen/Yong (Blake) He
948 Moscow Street
San Francisco, CA 94112
APPELLANTS: Robert Karis, M.D.
727 Victoria Street
San Francisco, CA 94127

INTRODUCTION

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (the "Board") regarding the Planning Commission's ("Commission") approval of the application for Conditional Use Authorization under Planning Code Section ("Section") 303 and 737.69 (Conditional Use Authorization) to open a Tobacco Paraphernalia Establishment ("Project").

This response addresses the appeal to the Board filed on December 8, 2015 by Robert Karis, an individual, referencing the proposed project in Case No. 2014.0206C. The decision before the Board is whether to uphold or overturn the Commission's approval of a Conditional Use Authorization to allow the Project.

SITE DESCRIPTION & PRESENT USE

The Project is located on the south side of Ocean Avenue, between Ashton Street and Victoria Avenue, on an approximately 4,500 square foot parcel. The subject property is located within the Ocean Avenue NCT (Neighborhood Commercial Transit) District and the 45-X Height and Bulk District. The property is developed with a one-story-over-partial-basement commercial building, with two of three tenant spaces full, including a travel agent and a massage/acupuncture establishment. The tenant space at 1963 Ocean Avenue, occupying the ground floor and the basement level, is currently vacant but was previously

Board of Supervisors Conditional Use Authorization Appeal

occupied by a retail aquarium store known as "Aquatic Central". The proposed Tobacco Paraphernalia Establishment occupies 20 feet of street frontage.

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 enrolled annually. 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. The subject site is within the Balboa Park Station Plan Area, adopted in 2009, with objectives to improve the public realm, enhance the transit experience and improve the economic vitality of the Ocean Avenue NCT.

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, several bus lines on or connecting to Ocean Avenue and the regionally-serving Balboa Park BART station at Geneva and San Jose Avenues approximately $\frac{3}{4}$ mile to the south. One private school (grades PK-12) is located within 150 feet from the proposed use; one private school (grades PK- 8) is located within 1,000 feet of the proposed use.

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.

PROJECT DESCRIPTION

The Project is 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 hookah¹ 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 includes minor interior tenant improvements and new signage, but otherwise no storefront alterations are proposed.

The project sponsor proposes a business that will sell devices (e-cigarettes/vaporizers), vaping liquids/e-juices and batteries in-store, with some accessory sales on-line. In the basement level, the project sponsor proposes establishing a steam stone hookah lounge with maximum occupancy of 21 people. Together, these activities are considered a Tobacco Paraphernalia Establishment uses because they account for more than 10% of the square footage of occupied floor area. Section 737.69 allows a Tobacco

¹ Steam stone hookah: flavored glycerin stones are heated, which gives off a steam vapor.

Board of Supervisors Conditional Use Authorization Appeal

Paraphernalia Establishment to operate with more than 10% of floor area dedicated to sales, marketing, and display area of tobacco products, if authorized as a Conditional Use by the Commission.

At the time of application, the proposed hours of operation were from 11 a.m. to 12 a.m. daily. No ABC license is being sought in conjunction with this Conditional Use authorization. Per the business plan for Happy Vape, no one under the age of eighteen will be allowed; the Project Sponsor plans to add a sign on the entrance door and check identification of patrons.

Originally, the Project included an outdoor activity area in the rear, which requires Conditional Use authorization. Prior to the hearing, the Sponsor modified the project to remove this outdoor activity component, and is thus reflected in the plans stamped "Exhibit B".

BACKGROUND

Tobacco Paraphernalia Establishments

On October 21, 2008, the Board of Supervisors (BOS) passed Ordinance No. 244-08, which created a new use category in the Planning Code for Tobacco Paraphernalia Establishments, defined as a retail use where more than 15% of the gross square footage of the establishment is dedicated to such sales. This use required Conditional Use Authorization in all Commercial and Industrial districts throughout San Francisco. Effective February 16, 2010 the BOS adopted Ordinance No. 03-10 that amended the definition of a Tobacco Paraphernalia Establishment where more than 10% of the square footage of occupied floor area or 10 linear feet of display area is dedicated to such sales. No restrictions were placed on the proximity of Tobacco Paraphernalia Establishments to each other or to other uses including schools. Per the Ordinance, Tobacco Paraphernalia Establishments were defined as separate and distinct from Medical Cannabis Dispensaries.

This Project is the first Conditional Use authorization request for a Tobacco Paraphernalia Establishment under Section 737.69, within the Ocean Avenue NCT zoning district, as established by Section 227(u) and as defined by Section 790.123.

E-Cigarettes

The Department of Public Health is the City's regulatory agency responsible for tobacco permits. Ordinance No. 030-14 amended the Health Code with restrictions on the sale and use of electronic cigarettes through Board of Supervisor action, effective March 25, 2014. The ordinance generally amended Article 19(N): to prohibit the use of e-cigarettes where smoking is otherwise prohibited; require a tobacco retail permit for the sale of e-cigarettes; and prohibit the sale of e-cigarettes where the sale of tobacco products is otherwise prohibited.

Conditional Use Authorization Hearing

At the November 6, 2014 public hearing, the Commission approved the Conditional Use Authorization for opening a Tobacco Paraphernalia Establishment. The Project proposes a retail area utilizing a floor area far greater than 10% for Tobacco Paraphernalia purposes.

Board of Supervisors Conditional Use Authorization Appeal

The Project originally proposed hours of operation until 12 a. m. daily. Permitted hours of operation in the district are between 6 a.m. and 2 a.m. At the hearing on November 6, 2014, the Commission limited the operating hours to 11 a.m. to 10 p.m. daily, which is reflected in the conditions of approval identified as "Exhibit A" in the Planning Commission's motion. At the Commission hearing, additional conditions of approval were added to "Exhibit A", and are discussed further in the next section.

CONDITIONAL USE AUTHORIZATION REQUIREMENTS

If a proposed Project meets the criteria outlined in Section 303, including additional findings for Tobacco Paraphernalia Establishments, then the Commission may grant Conditional Use Authorization to allow a Tobacco Paraphernalia Establishment to open.

Standard Conditional Use Findings

Section 303 states that the following criteria must be met in order for the Commission to grant approval of an application for Conditional Use Authorization:

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; and
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, and the proposed size, shape and arrangement of structures;
 - b. 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 and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166.
 - c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
 - d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and
3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan.

Tobacco Paraphernalia Establishment Findings

With respect to a Tobacco Paraphernalia Establishment, as defined in Section 790.123 and established in Section 227(u), and with Conditional Use authorization required by Section 737.69 for the Project, the Commission shall make the following findings:

- a) 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

Board of Supervisors Conditional Use Authorization Appeal

- associated with drug use, loitering, and littering, as well as traffic circulation, parking, and noise problems on the district's public streets and lots;
- 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, including fear for the safety of children, elderly and disabled residents, and visitors to San Francisco;
 - c) The proposed establishment is compatible with the existing character of the particular district for which it is proposed.

Planning Commission Imposed Conditions of Approval

At the hearing on November 6, 2014, the Commission determined that the Project with additional conditions of approval met the criteria outlined above. The additional conditions that the Commission added are as follows:

1. An ID reader and signage posted at the front entry to limit entry to individuals 18 years and older;
2. Efforts to be made by business owner to prevent outdoor tasting and/or loitering in the general vicinity of the storefront;
3. Limiting the business hours of operation to 10 p.m. daily;
4. Business owner to provide a Community Liaison with contact information for community concerns; and
5. A six month performance update to be provided to the Commission.

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

The following are the reasons the Appellant filed the appeal followed by the Department's response.

Issue 1: Nicotine containing e-cigarettes are addictive and the fumes from e-cigarettes and hookah are unhealthy. It is undesirable to have a business whose goal is to attempt to increase usage of these products and which will expose our children and students in our area to them.

Response 1: The health impacts related to using tobacco products are under the jurisdiction and expertise of the Department of Public Health (DPH) not the Planning Department or Planning Commission. DPH is the regulatory agency for matters related to smoking, e-cigarettes, health and smoking cessation. Finding 2, which seeks to limit undesirable development or uses in the City, is intended to ensure that a proposed development or use will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. It is not intended to protect the health or safety of someone who voluntarily decides to use a particular product.

Issue 2: The use of e-cigarettes for smoking cessation is unapproved and they are not recommended by existing clinics for this purpose.

Response 2: The Commission did not identify this as a reason to approve the proposed use, nor does this justification appear in the final motion.

Board of Supervisors Conditional Use Authorization Appeal

Issue 3: The 1900 block of Ocean Avenue needs many other businesses that will better serve the neighbors.

Response 3: The Neighborhood Commerce Element of the General Plan encourages diversity among districts. Furthermore, the Balboa Park Station Area Plan includes a Policy (1.2.3) to 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 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. The Project is the first use of its type in the District. The establishment of this business does not preclude other uses from coming in to the District.

Issue 4: The appellant referenced Standard Conditional Use Finding 2 - The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity.

Response 4: The Commission determined that the Project met the criterion outlined in Planning Code Section 303, in that 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 the following manner:

- 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;

Board of Supervisors Conditional Use Authorization Appeal

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.

Issue 5: The appellant referenced Policy 1.1 of the General Plan - Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Response 5: The Commission determined that 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.

Issue 6: The appellant referenced Policy 6.1 of the General Plan - 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.

Response 6: The Commission determined 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.

CONCLUSION

For the reasons stated above, the Planning Department recommends that the Board uphold the Commission's decision in approving the Conditional Use Authorization to allow a Tobacco Paraphernalia Establishment at a vacant retail storefront at 1963 Ocean Avenue, subject to the conditions of approval contained within "Exhibit A" of Planning Commission Motion No. 19271, and deny the appeal.



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

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

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

Reception:
415.558.6378

Fax:
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Planning
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PROJECT DESCRIPTION

The project sponsor proposes to open 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 and new signage, but otherwise no storefront alterations are proposed.

The project sponsor proposes a business that will sell devices (e-cigarettes/vaporizers), vaping liquids/e-juices and batteries both in-store, with some accessory sales on-line. In the basement level, the project sponsor proposes establishing a steam stone hookah lounge with maximum occupancy of 21 people. 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. Per the business plan for Happy Vape, no one under the age of eighteen will be allowed; this will be made clear through a sign on the entrance door and checking of identification.

E-cigarette smoking, or "vaping", is not allowed inside commercial establishments within San Francisco, or within 15 feet of entrances to commercial establishments.

SITE DESCRIPTION AND PRESENT USE

The project is located on the south side of Ocean Avenue, between Ashton Street and Victoria Avenue, on an approximately 4,500 square foot parcel. The subject property is located within the Ocean Avenue NCT (Neighborhood Commercial Transit) District and the 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 and a massage/acupuncture establishment. The tenant space at 1963 Ocean Avenue, occupying the ground floor and the basement level, is currently vacant but was previously occupied by a retail aquarium store known as "Aquatic Central". The proposed Tobacco Paraphernalia Establishment occupies 20 feet of street frontage.

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 enrolled annually. 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, several bus lines on or connecting to Ocean Avenue and the regionally-serving Balboa Park BART station at Geneva and San Jose Avenues approximately $\frac{3}{4}$ mile to the south. 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.

ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	October 17, 2014	October 15, 2014	22 days
Posted Notice	20 days	October 17, 2014	October 16, 2014	21 days
Mailed Notice	20 days	October 17, 2014	October 16, 2014	21 days

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

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.

ISSUES AND OTHER CONSIDERATIONS

- On October 21, 2008, the Board of Supervisors (BOS) passed Ordinance No. 244-08, which created a new use category in the Planning Code for Tobacco Paraphernalia Establishments, defined as a retail use where more than 15% of the gross square footage of the establishment is dedicated to such sales. This use required Conditional Use Authorization in all Commercial and Industrial districts throughout San Francisco. Effective February 16, 2010 the BOS adopted Ordinance No. 03-10 that amended the definition of a Tobacco Paraphernalia Establishment where more than 10% of the square footage of occupied floor area or 10 linear feet of display area is dedicated to such sales. No restrictions were placed on the proximity of Tobacco Paraphernalia Establishments to each other or to other uses. Per the Ordinance, Tobacco Paraphernalia Establishments were defined as separate and distinct from Medical Cannabis Dispensaries.
- The Department of Public Health is the City's regulatory agency for tobacco permits. Ordinance No. 030-14 amended the Health Code with restrictions on the sale and use of electronic cigarettes through Board of Supervisor action, effective March 25, 2014. The ordinance generally amended Article 19(N): to prohibit the use of e-cigarettes where smoking is otherwise prohibited; require a tobacco permit for the sale of e-cigarettes; and prohibit the sale of e-cigarettes where the sale of tobacco products is otherwise prohibited.
- On August 5, 2014, the Director of SF Department of Public Health sent a letter to the Federal Drug Administration urging regulation of new noncombustible products, including e-cigarettes. The focus of the recommendations was that the FDA require: regulation of e-cigarettes (and other noncombustibles) in the same manner as existing tobacco products, including to be properly labeled and tested; regulation of marketing/advertising; and restriction of flavorings; and to require child-resistant packaging.
- There are no other retail shops completely dedicated to e-cigarette sales in the Ocean Avenue NCT, nor are there other Tobacco Paraphernalia Establishments that have been through the conditional use process. The approximate concentration of establishments that sell e-cigarettes – as peripheral goods and the proposed business – within the Ocean Avenue NCT is 6% of commercial frontage. This represents seven stores, including the subject proposal, out of 144 storefronts in the Ocean Avenue NCT. The two other nearest retail stores dedicated to e-cigarette sales appear to be located approximately 1.5 miles away from the subject site. However, the Planning Code does not outline restrictions on concentration percentage or proximity to other Tobacco Paraphernalia Establishments.

- Although not required for purposes of this Conditional Use Authorization process, the Planning Department requested that the project sponsor host a Pre-Application meeting according to Department standards. Adjacent property owners and occupants to the subject property, and neighborhood organizations from the Ocean View and West of Twin Peaks areas were invited. Nine people attended two Pre-Application meetings, hosted by Blake He (agent and co-owner) on May 5 and May 21, 2014, at the subject site. In addition, the project sponsor has presented at an Ocean Avenue Association monthly board meeting, presented at an Ocean Avenue Street Life Committee meeting, and attended an Ingleside Terraces Homes Association board meeting to field questions.
- The Invest in Neighborhoods (IIN) program of the Mayor's Office of Economic and Workforce Development prepared a neighborhood snapshot of Ocean Avenue corridor from Phelan Avenue to Manor Drive in February 2013. Out of 144 storefronts, the report's analysis determined an 11% vacancy rate – a "relatively low commercial vacancy rate". However, according to a map produced of vacancy locations, the concentration of vacancies appear located at the northern end of the commercial district between Ashton Avenue and Manor Drive which were considered "dead blocks" through a survey conducted for this IIN report.
- The project sponsor had initially proposed an outdoor activity area for sampling e-cigarettes that required conditional use authorization; this request has been removed from the project.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow the establishment of a Tobacco Paraphernalia Establishment, pursuant to Planning Code Sections 737.69.

BASIS FOR RECOMMENDATION

- The project promotes a locally-owned business and contributes to the commercial diversity of Ocean Avenue NCT.
- The project fills a vacant retail storefront and would not displace a retail tenant providing convenience goods and services to the neighborhood.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding commercial neighborhood.
- The business is not a Formula Retail use and would serve the immediate and surrounding neighborhood.
- This type of retail sales must meet obtain other agency permits prior to occupancy and opening.

RECOMMENDATION:	Approval with Conditions
------------------------	---------------------------------

Attachments:

Block Book Map
Sanborn Map
Aerial Photographs
Public Correspondence (see also Project Sponsor Submittal)
Reduced Plans

Executive Summary
Hearing Date: November 6, 2014

CASE NO. 2014.0206C
1963 Ocean Avenue

Project Sponsor Submittal, including:

- Letter to Commissioners
- Letters of Support
- Business Plan
- Information and research about e-cigarettes
- Photographs

Attachment Checklist

- | | |
|--|--|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input checked="" type="checkbox"/> Context (Rear Yard) Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input type="checkbox"/> Housing Documents |
| | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

Exhibits above marked with an "X" are included in this packet

MWB

Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

1650 Mission St.
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Planning
Information:
415.558.6377

Planning Commission Draft Motion

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.
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.

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. The proposal includes the use of the outside activity area but restricts the hours of this space to between 11 a.m. and 8 p.m. daily.

- 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. XXXXX. 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, and 737.24 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 XXXXXX. 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 XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX 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

OPERATION

4. **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>

5. **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.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

6. **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

7. **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

8. **Hours of Operation.** The subject establishment is limited to the following hours of operation: 11 a.m. – 12 a.m. daily.

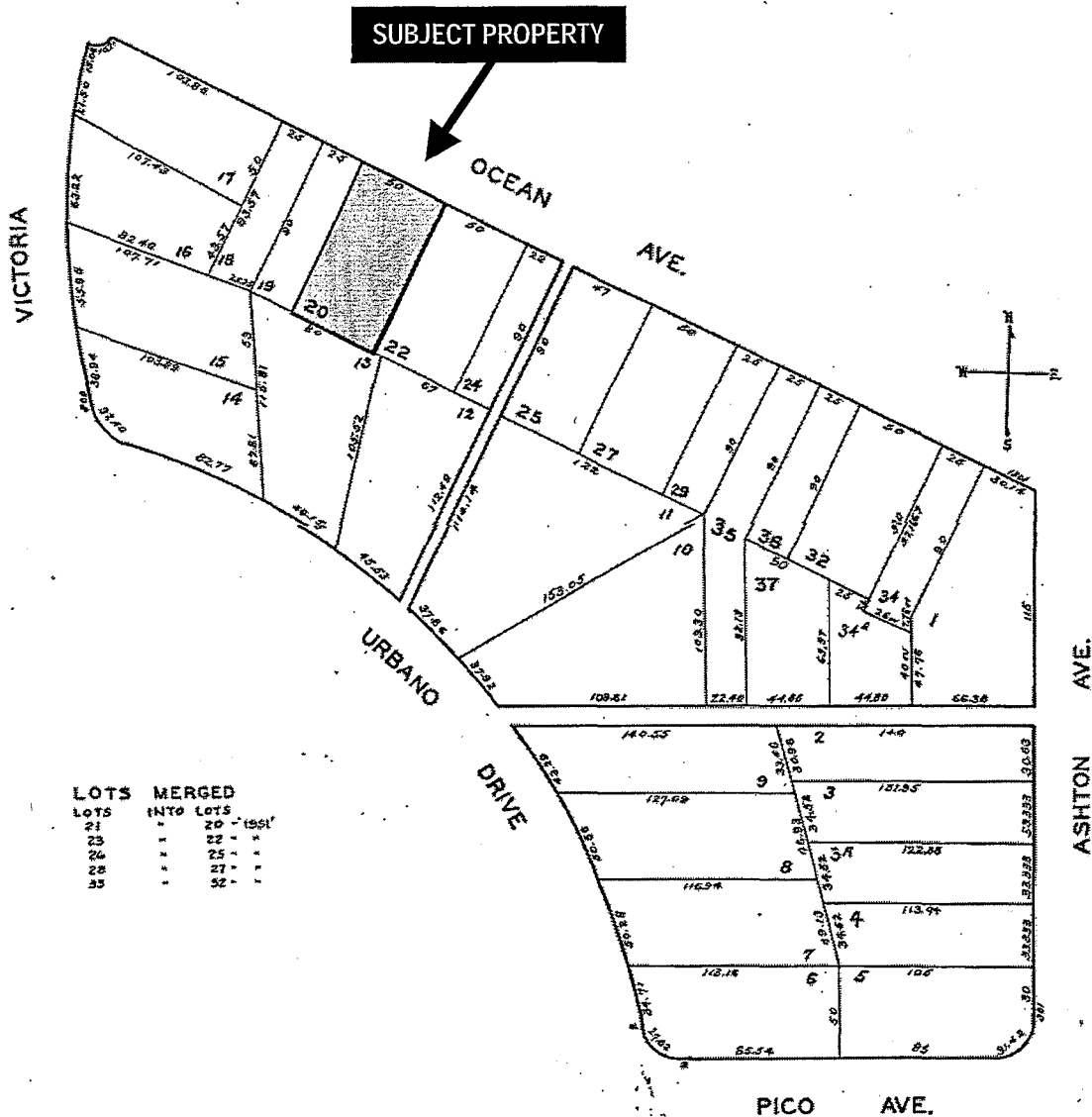
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Parcel Map

© COPYRIGHT SAN FRANCISCO
CITY & COUNTY ASSESSOR 1995

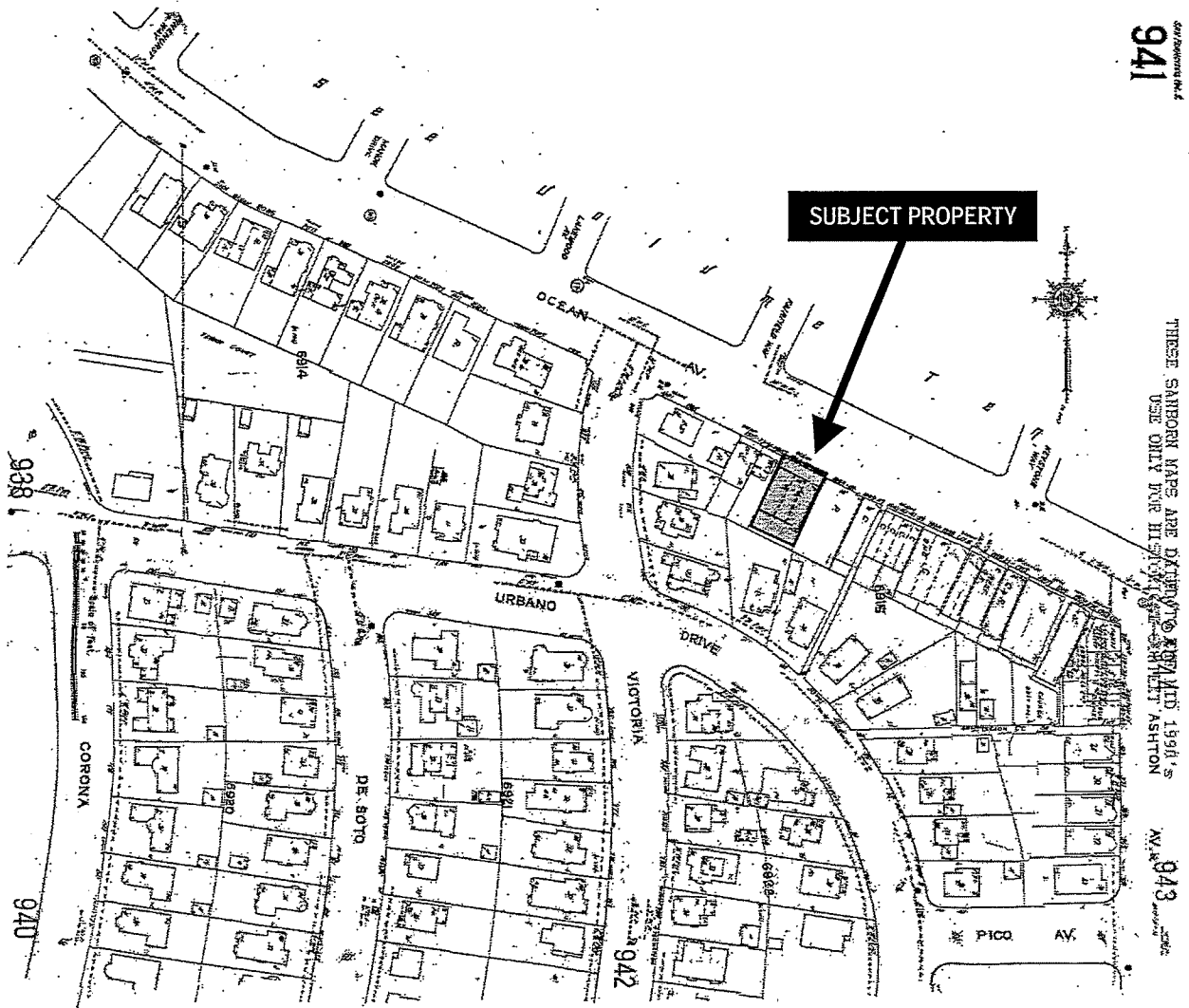
6915
INGLESIDE TER. BLK. 12

REVISED '53
167



Conditional Use Authorization Hearing
Case Number 2014.0206C
1963 Ocean Avenue

Sanborn Map*



941

THESE SANBORN MAPS ARE DATED TO 1991 AND 1996'S
USE ONLY FOR HISTORICAL INFORMATION

943

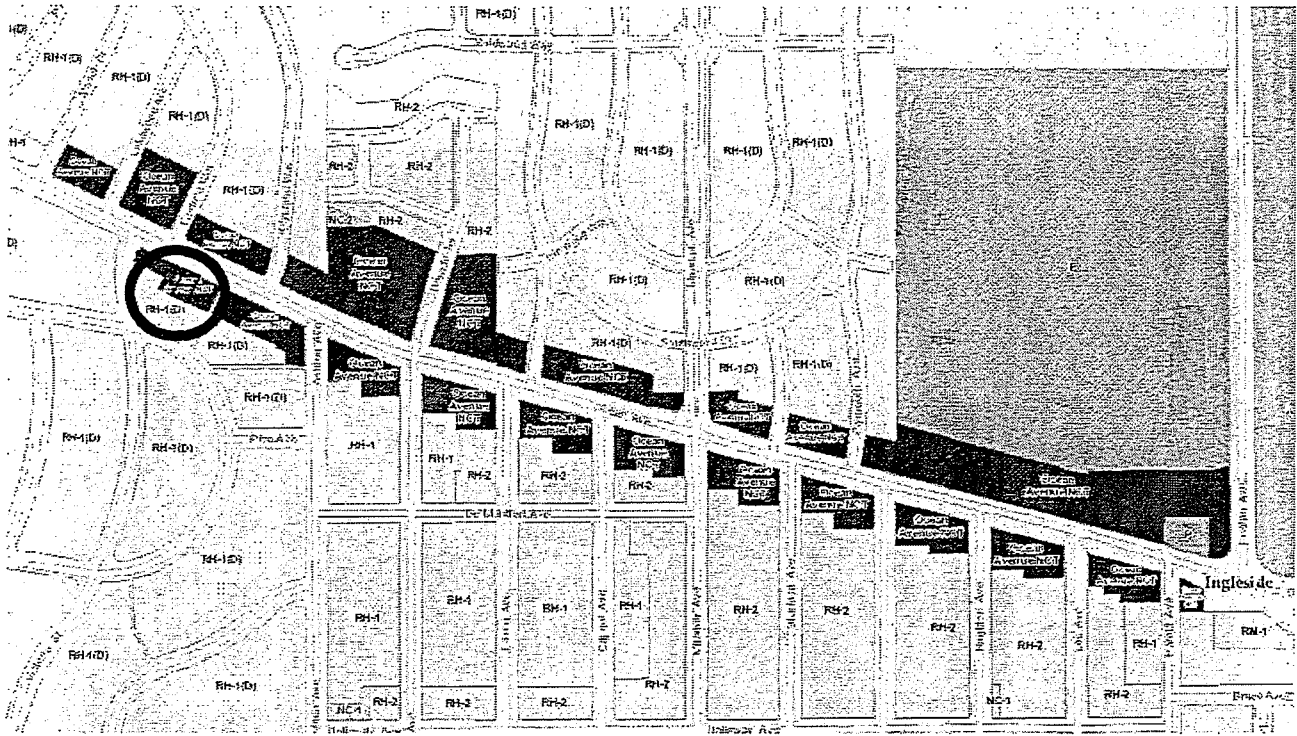
*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Authorization Hearing
Case Number 2014.0206C
1963 Ocean Avenue

SAN FRANCISCO
PLANNING DEPARTMENT

Zoning Map



Conditional Use Authorization Hearing
Case Number 2014.0206C
1963 Ocean Avenue

Aerial Photo



SUBJECT PROPERTY



Conditional Use Authorization Hearing
Case Number 2014.0206C
1963 Ocean Avenue

Site Photo



SUBJECT PROPERTY

Conditional Use Authorization Hearing
Case Number 2014.0206C
1963 Ocean Avenue



Ocean Avenue Association
1728 Ocean Ave PMB 154
San Francisco, CA 94112

October 20, 2014

Marcelle Boudreaux
San Francisco Department of City Planning
marcelle.boudreaux@sfgov.org
415..575.9140

Dear Marcelle,

The Ocean Avenue Association supports Mr. Blake He's proposal to open the Happy Vape on Ocean Avenue.

The OAA's decision to support the Happy Vape conditional use application should not be construed as an endorsement of the applicant's chosen business nor its compatibility with the surrounding neighborhood. The Board has no position on the matters of public policy raised by members of the community with regard to the nature of the applicant's business. We do not doubt the sincerity of those views. The OAA's purview, however, does not extend to making choices among lawful business that otherwise comply with the City's licensing and regulatory process.

OAA's support is based on the board's view that Happy Vape's operations are consistent with the objectives of the OAA to promote vibrant business along the Ocean Avenue commercial corridor. The management team has shown a commitment to supporting the Ocean Avenue retail district and improving the cleanliness and safety of the commercial area. The OAA board also believes that Mr. He is receptive to the concerns and input of neighbors.

Please contact me if your have questions about this recommendation.

Daniel Weaver
Executive Director

From: deltabear
To: Boudreaux, Marcelle (CPC)
Subject: 1963 Ocean Ave - Conditional Use Permit Application -- Tobacco Paraphernalia
Date: Monday, October 20, 2014 10:21:06 AM

Thank you for the notice of public hearing for this project.

I reside at 50 Urbano Dr. I am opposed to this project. There are already plenty of shops on Ocean Ave offering tobacco, e-cigarettes, hookah, and medical marijuana. It is creating an atmosphere on Ocean Ave that is not conducive to pedestrian traffic or business. The smells make me cross the street. My children are uncomfortable walking along these blocks of Ocean Avenue.

Adrienne Go

From: SMGraz2001@aol.com
To: [Boudreaux, Marcelle \(CPC\)](#); [Yee, Norman \(BOS\)](#); [Secretary, Commissions \(CPC\)](#)
Cc: smgraz2001@aol.com; calbearsph@gmail.com; rckaris@gmail.com; board@balboaterrace.org
Subject: 1963 Ocean Ave. Proposed Vape Shop
Date: Wednesday, October 22, 2014 12:45:54 PM

Hello SF Planning Commission, Mr. Norman Yee and Ms. Marcelle Boudreaux,

I would like to state my OPPOSITION to the proposed new Vape Shop at 1963 Ocean Ave. I realize that the Vape Shop is applying for a conditional use. At this point, I do not think that this type of business is necessary or desirable on Ocean Ave. corridor. E-Cigarettes can be purchased on Taraval and 19th Ave, which is quite close. On the health issue, E-Cigarettes contain nicotine and the vaporized byproducts include unhealthy chemicals, heavy metals and nanoparticles that accumulate in the lungs. Nicotine is addictive and habit forming. Ingestion of the non-vaporized concentrated ingredients in the cartridges can be poisonous.

There is a garden area in the back that the business wants to use for smokers. Homes are directly located on the other side of the fence. Is this fair to the neighbors?

Lastly, this proposed location is across from a school with children. So, I would appreciate your consideration in not approving this Vape Shop.

Sincerely, Susan Grazioli
Balboa Terrace Director

From: Maria S Flaherty
To: Boudreaux, Marcelle (CPC); Secretary, Commissions (CPC)
Cc: Terraces@googlegroups.com
Subject: 1963 Ocean avenue Happy Vape
Date: Monday, October 27, 2014 7:22:54 PM

I am an adjacent neighbor to the project and member of ITHA residential group. I strongly OPPOSE the Conditional Use authorization to sell tobacco paraphernalia, e-cigarette sales, and oppose to a Stream Stone Hookah Lounge at basement level. Additionally I strongly OPPOSE to any OUTDOOR ACTIVITY for sampling e-cigarettes PERIOD!

In addition, I oppose to any outdoor activity or sampling. This is a nuisance to adjacent neighbors. The vapors are toxic and a health hazard to the public. The lights, noise, sampling are absolutely not welcome in the backyard of neighbors nor our neighborhood! This would set a negative precedence.

Please include my e-mail and document in the planning dept. packet for review by the Planning Commission.

John and Maria Flaherty
Ingleside Terraces
ITHA member

Sent from my iPad

From: John Stacey
To: Boudreaux, Marcelle (CPC); Yee, Norman (BOS); Secretary, Commissions (CPC)
Subject: 1963 Ocean Avenue Vape Shop
Date: Monday, October 20, 2014 8:47:39 AM

I am writing to let you know of my opposition to the proposed Vape Shop, requesting to be located at 1963 Ocean Ave in San Francisco.

My reasons are fairly straight-forward:

- Ocean Avenue merchants appear to be moving in without much interest from the city on what the street is *becoming*. There are two relatively new tattoo parlors, about six nail shops, at least three massage parlors, two marijuana distributors, a bong shop, and (wait for it...) soon to be a VAPE shop!
- The neighbors deserve better. The (few) upstanding merchants on the street deserve better. Our community deserves better than having our main street turn into San Francisco's location for cheap sex, legal drugs, and various inhaled stimulants
- I realize I probably sound like a staunchy old republican, but I'm not: I am a 47 year old democrat - and own a home just off of Ocean. We have two teen-aged children that walk and drive through the "circus" daily. My wife and I call Ocean "Bangkok."
- In the 15 years that we've lived in our house, we've seen crime rise (including a shooting about 100 yards from this proposed shop). We've seen fast food litter pile up. We've seen drunken and disorderly behavior. We hear the sub-woofers. We listen to the sounds of inebriates fighting on the sidewalks.
- It should stop. The city of San Francisco owes it to the local residents to do it's job... and have a commercial zoning plan for Ocean that is more calculated than "we'll rent to anyone the law allows."
- We pay substantial property taxes, and we vote.
- Please carefully consider my plea, as well as those from the neighbors in the community.

I live at 25 Cerritos, and I oppose the permitting of the Vape Shop.

Thank you for your time.

John Stacey
mobile 415-218-3431

From: Robert Karis
To: Boudreaux, Marcelle (CPC); Secretary, Commissions (CPC)
Cc: Yee, Norman (BOS); Low, Jen (BOS)
Subject: 1963 Ocean Avenue, Case No.: 2014.0206C
Date: Monday, September 22, 2014 10:43:56 AM

Dear Ms. Boudreaux,

The proposed Happy Vape store at 1963 is a Conditional Use, which means it has to demonstrate that it is necessary or desirable. This business is neither necessary or desirable.

I am opposed to the vape store for several reasons:

1) They are part of an effort by tobacco companies and others to addict young people, 20 somethings, to nicotine, which is a harmful substance
http://www.cdc.gov/media/releases/2014/p0825-e-cigarettes.html?s_cid=cdc_homepage_whatsnew_002 E-cigarette ads are targeted towards young people, as is easily demonstrated by googling images of e-cigarette ads.

2) The vapors from e-cigarettes can be harmful, even when they don't contain nicotine http://www.nytimes.com/2014/05/04/business/some-e-cigarettes-deliver-a-puff-of-carcinogens.html?_r=1

E-liquids use propylene glycol as a solvent. In ordinary usage, propylene glycol is safe. But when it is heated, as it is in e-cigarettes, propylene glycol is oxidized and gives rise to a variety of toxic substances, particularly formaldehyde in unsafe amounts. Some earlier studies reported only low doses of formaldehyde, but they may not have used a high enough voltage, 4.8 volts in this study. 4.8 volts is easily and frequently obtained with the devices sold in vape shops, as the higher voltage also results in more nicotine and more effect from the e-cigarette. It is not surprising that heating propylene glycol (P.G.) $C_3H_8O_2$ yields formaldehyde CH_2O , or, to show the chain structure of P.G.,: $CH_2OH-CHOH-CH_3 + 2O_2 > 2CH_2O + 2H_2O + CO_2$. In addition, e-cigarettes contain toxic metals and nanoparticles which result in disease causing inflammation.

3) E-cigarettes may be useful in a few cases as part of a comprehensive stop smoking program <http://www.cdc.gov/tobacco/campaign/tips/quit-smoking/> but the purpose of a stand alone vape shop is to to increase, not decrease, nicotine usage.

As the Planning Department and Commission have a duty to benefit our neighborhoods, I trust they will agree that a vape shop on Ocean Avenue is not necessary or desirable.

Yours truly,
Robert Karis
Ingleside Terraces

From: Mary Swope
To: Boudreaux, Marcelle (CPC)
Cc: Yee, Norman (BOS)
Subject: anti Happy Vape
Date: Wednesday, October 29, 2014 3:42:59 PM

Dear Mr. Yee and Marcelle Boudreaux, and Planning Commission,
As a resident of the Ingleside, I am strongly opposed to the issuance of a Conditional Use authorization to 'Happy Vape' to sell e-cigaettes. I also oppose any outdoor area dedicated to sampling the product. There are other businesses in the vicinity where e-cigarettes are available. Merchants have been and are continuing to improve the neighborhood. 'Happy Vape' would be a negative to this effort.
Sincerely,
Mary Swope alphogal@sonic.net

From: Carolyn Karis
To: Boudreaux, Marcelle (CPC)
Cc: Secretary, Commissions (CPC); Yee, Norman (BOS)
Subject: vape store at 1963 Ocean Ave., Letter of Opposition
Date: Tuesday, October 28, 2014 5:44:09 PM
Attachments: SFBOS e-cigarettes.pdf

Dear Ms. Boudreaux:

I am attaching a copy of San Francisco Ordinance No. 030-14, Restrictions on Sale and Use of Electronic Cigarettes. Harmful chemicals that may be found in the fumes from e-cigarettes are listed on Page 2. Page 3 states that "electronic cigarettes can increase nicotine addiction among young people, may lead youth to try conventional tobacco products" and the fumes released into the air present a danger to others who breathe them. This ordinance was passed unanimously, 11 to 0, by the Board of Supervisors and signed by Mayor Ed Lee on 3/27/14.

E-cigarettes are not a proven method to stop smoking. Although e-cigarettes may replace cigarettes in a few cases, they may not be any healthier. Happy Vape states that they are interested in harm reduction; however, they are a vape shop, not a stop smoking clinic. If they are allowed to open their doors, they will sell e-cigarettes and e-liquids, with and without nicotine, to anyone over the age of 18.

The San Francisco Department of Public Health has asked the FDA to limit advertising for e-cigarettes. The San Francisco Board of Supervisors unanimously passed restrictions on the sale and use of electronic cigarettes. The vape store is a Conditional Use. Because of the harmful effects, listed above and in many other documents, the proposed use is not necessary or desirable to the neighborhood and may have a negative impact on the surrounding neighborhood. I ask that the San Francisco Planning Commission vote against allowing this business to open on Ocean Avenue.

Yours truly,
Carolyn Karis
Ingleside Terraces

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

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.

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

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

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

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

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

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

1 (j) 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 //

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:
DENNIS J. HERRERA, City Attorney

19
20 By:


Aleeta M. Van Runkle
Deputy City Attorney

21
22
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

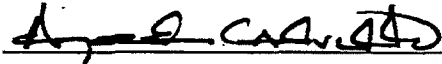
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

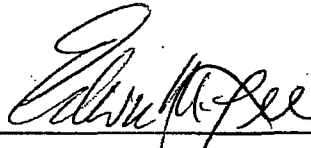
March 25, 2014 Board of Supervisors - FINALLY PASSED

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


DAVID M. LEE
Mayor

3/27/14
Date Approved

From: Wendy Portnuff
To: Boudreaux, Marcelle (CPC)
Subject: Conditional Use Permit for Tobacco Paraphernalia at 1963 Ocean Avenue
Date: Saturday, May 10, 2014 3:44:33 PM

Dear Ms. Boudreaux,

I live in Ingleside Terraces, which is adjacent to the location above on Ocean Avenue. Furthermore, I walk past the location almost daily. I object strongly to the introduction of Tobacco Products to this part of our neighborhood. These electronic cigarettes are highly suspect for health reasons. They contain known carcinogens. I do not wish to be exposed to them, and I do not want them to be readily available to neighborhood youth in this part of the city. It's bad enough that there are marijuana stores and tatoo parlors here. Please do not approve yet another storefront that challenges our ability to remain healthy and to be role models for our children.

Wendy Portnuff

The Professional Woman's Guide to Healthy Travel

www.wendypornuff.com

415-269-4398

From: [Dan Hambali](#)
To: [Boudreaux, Marcelle \(CPC\); Secretary, Commissions \(CPC\)](#)
Cc: [Yee, Norman \(BOS\)](#)
Subject: Happy Vape Shop on Ocean Avenue (Planning Commission 2014.0206 C)
Date: Sunday, October 26, 2014 8:59:19 AM
Attachments: [1963 Ocean Avenue.pdf](#)
[ATT00001.htm](#)
[SmokingEnforcementAlert.pdf](#)
[ATT00002.htm](#)

Dear Sir:

I have received a Notice of Public Hearing regarding the planned operation of a Tobacco Paraphernalia and Cigar Bar in my neighborhood, Ingleside Terraces. The site is located at 1963 Ocean Avenue.

I would like to protest the opening of such an establishment for the following reasons.

1. There are already several vendors of such E-Cigarettes on Ocean Avenue. Through a simple Google search one can find this product sold in these establishments. There are likely more.

- * MMM Smoke Shop - 1936 Ocean Avenue (literally across the street)
- * 1944 Ocean Collective - 1944 Ocean Avenue (literally across the street)
- * Waterfall Wellness Health Center - 1545 Ocean Ave

2. I'm well acquainted with the former site of operations as it used to be an aquarium store that I frequented. The proposed business would have a hookah lounge in the basement and allow its customers to use the back yard area. The back yard is visible from Urbano drive. In no documents that I have seen has the proposed business declared their hours of operation. I've attached a document from SFDPH that states that tobacco products may not be consumed within any enclosed areas without DPH approval. This makes me believe that the business will move its consumption into the back yard—possibly at late hours. As a resident of Ingleside Terraces, I concerns me greatly that we will have late night activity in our neighborhood which would become a nuisance.

3. The nearby businesses and in particular the medicinal marijuana shop, 1944 Ocean Collective, create a parking burden from 1 Urbano (@Ashton to 90 Urbano (@Victoria) where customers of shops on Ocean Avenue avoid the parking meters by parking on Urbano. I regularly see and smell who I presume to be the customers of the medicinal marijuana shop smoke their medicine in their vehicles, and then drive off. Aside from being DUI, it's also creates a traffic burden to a residential neighborhood with young families. It concerns me that this new shop will attract similar customers at late hours as it is being treated as a "cigar bar" (see attached Letter of Determination).

Thank you for your time on this matter,

Daniel Hambali
715 Victoria St.
San Francisco, CA 94127

Attachments: 2



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

September 26, 2014

Marsha Garland
Garland Public & Community Relations
535 Green Street
San Francisco, CA 94133

Site Address:	1963 Ocean Avenue
Assessor's Block/Lot:	6915/020
Zoning District:	Ocean Avenue Neighborhood Commercial Transit
Staff Contact:	Marcelle Boudreaux, (415) 575-9140 or marcelle.boudreaux@sfgov.org

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

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415.558.6378

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415.558.6409

Planning
Information:
415.558.6377

Dear Ms. Garland:

This letter is in response to your request for a Letter of Determination regarding the property at 1963 Ocean Avenue, a vacant retail use with proposal to establish a retail use selling e-cigarettes and related materials and steam stone hookah lounge with outdoor activity area (dba "Happy Vape"). This parcel is located in the Ocean Avenue Neighborhood Commercial Transit (NCT) Zoning District and 45-X Height and Bulk District.

CURRENT PROPOSAL

Per Planning Code Section 790.123, Tobacco Paraphernalia Establishment is defined as an establishment with greater than 10 linear feet or 10% of sales area devoted to display and sales of tobacco paraphernalia and (per Section 737.69) requires Conditional Use Authorization. Additionally, per Section 737.24, an outdoor activity area also requires a Conditional Use Authorization.

On February 7, 2014, the Project Sponsor submitted a Conditional Use Authorization application (Case No. 2014.0206C) for the subject property to establish a Tobacco Paraphernalia Establishment on the ground floor, a steam stone hookah lounge on the basement level and an outdoor activity area at the rear to allow sampling of e-cigarettes.

LETTER OF DETERMINATION REQUEST

The request seeks answers to the following: are steam stone hookahs allowed for indoor and outdoor use; is vaping allowed for indoor and outdoor use; are sales of packaged snacks and soft drinks allowed on the premises; and, would the use be considered a "cigar bar."

RESPONSE

In regards to allowed areas for steam stone hookahs, note that while the Planning Department would consider the hookah use as part of the overall Tobacco Paraphernalia Establishment use, the Department of Public Health (DPH) is responsible for regulating hookah establishments.

Marsha Garland
Garland Public & Community Relations
535 Green Street
San Francisco, CA 94133

September 26, 2014
Letter of Determination
1963 Ocean Avenue

In regards to allowed areas for vaping, it is the Planning Department's understanding of recent legislation enacted by DPH that vaping/e-cigarette smoking is now regulated in a similar manner to tobacco smoking. Please review Public Health Code Sections 19(N) and 19(F) and note that DPH is responsible for regulating such activity.

In regards to packaged drinks and snacks (food handling) being sold on the same premises as the Tobacco Paraphernalia Establishment and hookah use, please note that DPH is responsible for regulating such activity.

In regards to whether the proposed hookah use would be considered a "cigar bar"; this use would be considered as part of the Tobacco Paraphernalia Establishment use.

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

Sincerely,



Scott F. Sanchez
Zoning Administrator

cc: Marcelle Boudreaux, Planner
Business Contacts: *Owner* - Cong Phuong Nguyen (948 Moscow St, San Francisco, CA 94112);
Manager - Blake He (blakehe@gmail.com)
Property Owner: Timoleon and Corinne Zaracotas
Neighborhood Groups

Garland Public & Community Relations

535 Green Street

San Francisco, CA 94133

marshagarland@att.net 415/531/2911

stefanocassolato@att.net 415/875/0818

June 24, 2014

Mr. Scott Sanchez, Zoning Administrator
San Francisco Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

ID # 12004 (SW)

D. WASHINGTON

OK # 5003 \$ 625. -

Re: 1963 Ocean Avenue, Happy Vape 6915/020

Dear Mr. Sanchez:

This letter is to request a Letter of Determination for an innovative concept called Happy Vape at 1963 Ocean Avenue. The business plan for Happy Vape includes selling e-cigarettes, e-cigarette liquids with and without nicotine, packaged snacks, soft drinks and other peripherals associated with e-cigarettes as well as steam stone hookahs. Happy Vape would like to dedicate some of its leased area to lounge space in which customers can vape and socialize.

Happy Vape will occupy a 2,000 square foot commercial space with 1,000 feet on ground level and 1,000 feet below ground. There is also an adjacent outdoor area. Drawings and an aerial photograph are enclosed.

According to the Internet, "Hookah Steam Stones are a new concept in the hookah world. Instead of smoking Steam Stones allow you to inhale vapor. Hookah Steam Stones are available in a variety of flavors. Steam stones are know to produce huge clouds and are a great way to smoke without the nicotine".

On May 5 and May 21, 2014 the project sponsor held pre-application meetings at 1963 Ocean Avenue for the community. In total eight people attended. Attached are copies of their questions and our responses.

The project sponsor has been in touch with Marcelle Boudreaux of the Planning Department and was scheduled for a conditional use permit hearing on July 24. That date has now been continued.

We understand that there is pending legislation regarding e-cigarettes but this is a new concept that has helped many smokers reduce their nicotine intake, if not quit smoking altogether, improve their health risks, and live in a cleaner environment.

Additionally Happy Vape will fill a vacancy on Ocean Avenue, create two or three new jobs, and, with the on site vaping component, will allow patrons the opportunity to taste and sample various flavors in order to make an informed product purchase. The new social activity of sharing a common experience will bring people together and create an opportunity for people to connect and interact.

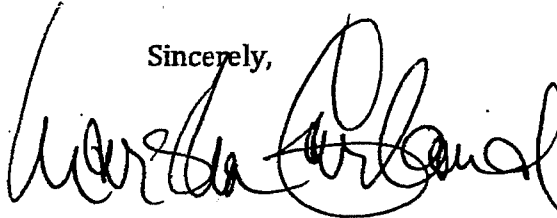
We need to know if steam stone hookahs are legal for indoor use and outdoor use, are packaged snacks and soft drinks allowed on the premises, is vaping allowed inside the premises, and is vaping allowed in the outdoor patio area?

As far as the question of tobacco goes (and tobacco is not in all of the products) would Happy Vape be deemed akin to cigar bars? The project sponsor has been in touch with the Department of Public Health but no one seems to be able to fit them into a suitable category, which is why they are wondering about the comparison to cigar bars.

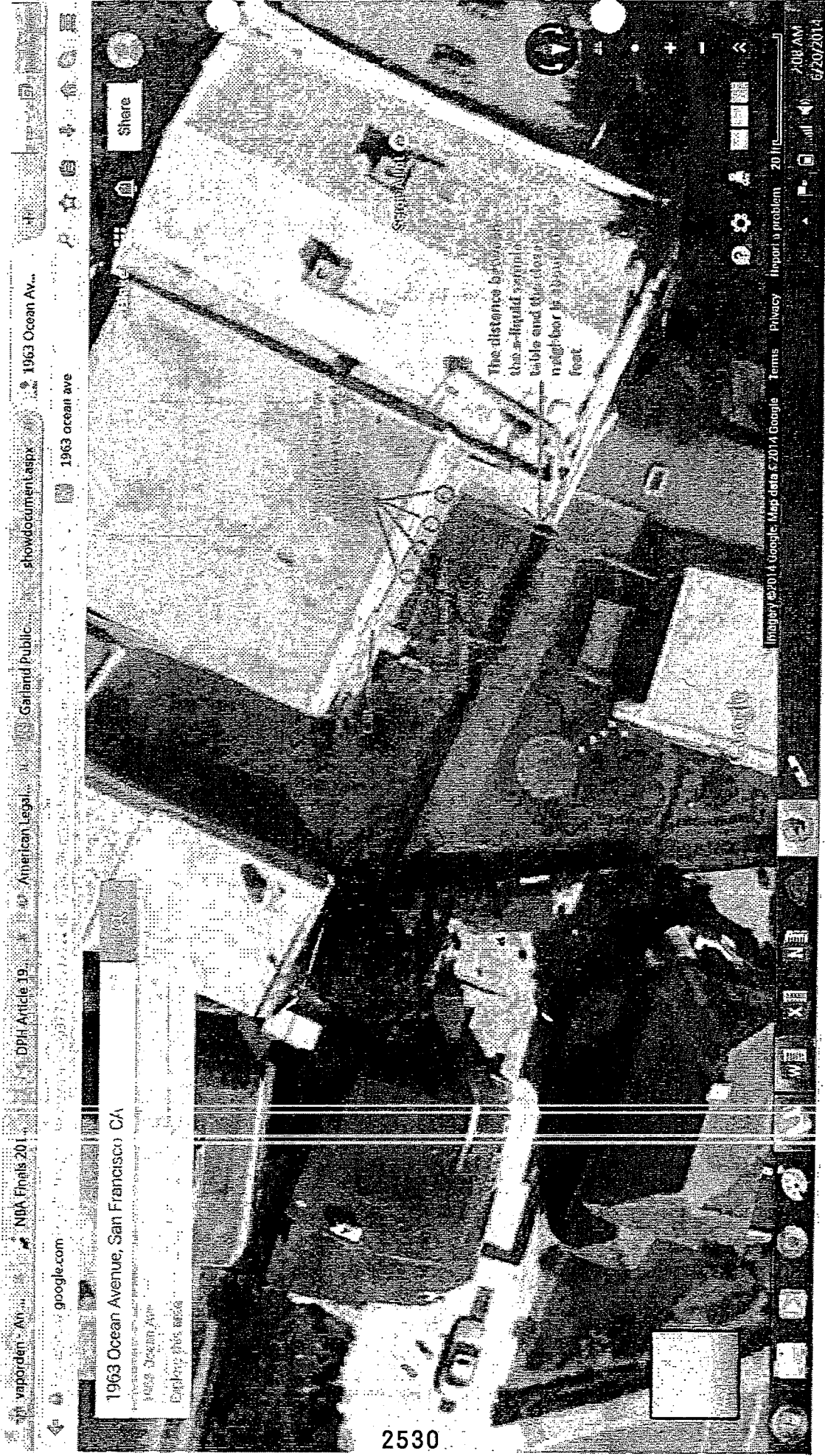
It is, therefore, the reason they have decided to request a Letter of Determination. Please advise exactly what it is they do need in order for this new business concept to be in compliance with the city's zoning laws.

A check for \$625 made payable to SF Planning is enclosed. We look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Marsha Garland", written in a cursive style.

Marsha Garland



2530



San Francisco City and County
Department of Public Health
Environmental Health
Occupational & Environmental Health

Edwin M. Lee, Mayor
Barbara A. Garcia, MPA, Director of Health
Rajiv Bhatia, M.D., M.P.H., Director

Smoking Prohibition Enforcement Alert

Attention All Restaurants, Bars, Night Clubs, Lounges, and Hookah Business Operators

On September 27, 1996, the State of California passed a law that prohibited smoking in all enclosed places of employment including restaurants and bars (California Labor Code § 6404.5).

The City and County of San Francisco also passed a similar law, Article 19F San Francisco Health Code (SFHC 19F), in 1994 and amended this law on March 25, 2010 to prohibit smoking of any tobacco products, plants, or other weeds in all restaurants, bars, lounges, and outdoor dining areas even when food is no longer served in the dining areas (SFHC 19F §§ 1009.21(s); 1009.22(a)).

Except as follows:

- For Businesses that operate only as a bar or tavern at all times and have a side or rear outdoor patio, smoking is allowed in the side or rear outdoor patio portion of the bar except within 10 feet of doors, windows, or vents of the bar. (SFHC 19F §§ 1009.21(m), 1009.22(a) (14)).

Outdoor dining areas of restaurants, including sidewalk dining tables, are not considered outdoor patios even if food is no longer being served or if a bar is located outside. Smoking is not permitted in all outdoor dining areas (SFHC 19F § 1009.21(m)).


- For Bar or Tavern Operators that have received approved DPH exemptions (SFHC 19F §§ 1009.21(a) (14); 1009.23(c) or (d)). Exemption applications for DPH approval expired July 31, 2010. DPH does not have authority to issue exemption approvals for applications submitted after July 31, 2010. For Businesses without an exemption approval from DPH, smoking is not allowed in any enclosed areas of the business.

There are no other exemptions in SFHC 19F.

If your business is affected as described above, you are to immediately **cease and desist** all smoking activities that violate SFHC 19F. Failure to comply may result in enforcement action against the Business Operator and/or Property Owner including, but not limited to, penalties, cost recovery, suspension or revocation of Environmental Health permit(s), or referral to City Attorney's Office.

For more information about SFHC 19F, please contact Senior Inspector Janine Young, Secondhand Smoke Ordinance Compliance and Enforcement Program Coordinator, at (415) 252-3903.

For complaints about businesses violating SFHC 19F, please call 311 (within San Francisco) or (415) 701-2311 (outside San Francisco).



Oct. 20, 2014

To: Marcelle Boudreau,

I am writing in regard to the proposed Tobacco Paraphernalia Establishment on 1963 Ocean Avenue at the cross streets of Ashton and Victoria. This business intends to include e-cigarette sales, a hookah lounge - and even an area for cigarette sampling in the rear yard. Everyone in our neighborhood is furious about this. What can they be thinking! Surely you won't approve this.

Nationally, for the sake of everyone's health, we, as a country, are attempting to stamp out smoking. Now this group is trying to encourage it - especially among young people, for this location is almost adjacent to a church-run school and is only a few blocks from Aptos Junior High School. It is indefensible!

There are already four other locations on Ocean Avenue that sell e-cigarettes - and homes can be harmful - to anyone, even passersby.

Please realize that this Establishment is an affront to the neighborhood - and our young people, as this atmosphere can lead to substance abuse and addiction. Surely San Francisco - and City Planners should work to protect its citizens.

Sincerely,





October 28, 2014

Marcelle Boudreaux, AICP
Planner, Southwest Quadrant
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

By E-mail Only: marcelle.boudreaux@sfgov.org

RE: 1963 Ocean Avenue; 2014.0206C - Hearing Date: November 6, 2014

Dear Ms. Boudreaux:

On behalf of the Ingleside Terraces Homes Association ("ITHA"), I am writing to express concern about "Happy Vape," the proposed business at 1963 Ocean Avenue, San Francisco, in particular the business owners' plan to use the rear yard for daily sampling of its retail products. The store hours are proposed for 11 a.m. to 12 a.m., with the outdoor activity conducted voluntarily limited from 11 a.m. to 8 p.m. There are serious noise and environmental issues for our neighborhood in this proposal.

As described in the Conditional Use application, "Happy Vape" is an electronic vaporizer retailer and steam stone hookah lounge. In the retail store, customers can purchase electronic vaporizers and e-liquids, both nicotine and non-nicotine. The business owners want to use the site's rear yard as the e-liquid sampling area where customers sample products before purchase. The use of the rear yard is requested because indoor "vaping," the recently-regulated equivalent of indoor smoking, is prohibited by the San Francisco Health Code.

A primary purpose of ITHA, as a non-profit homeowner's association, is to promote the "collective and individual property and civic interests and rights" of the homeowners and residents of Ingleside Terraces. The Happy Vape proposal to use the store's rear yard for vaping will create noise daily from mid-day to evening. And e-cigarettes, whether nicotine-filled or not, pose still-unknown potential health risks to those who breathe the vapors. This business proposal jeopardizes our residents' property and health rights, particularly those residents who live at 70 Urbano Drive, 90 Urbano Drive, and 816 Victoria Street, homes adjacent to or abutting the rear yard of 1963 Ocean Avenue.

The "Happy Vape" proposal does not comply with the Planning Code criteria for Conditional Use approval as set forth in Planning Code section 303. Specifically, the proposed use of the rear yard for vaping (1) is not necessary or desirable for or compatible with the neighborhood, and (2) is detrimental to the health, safety, and general welfare of persons residing in the vicinity of the site, particularly the residents of Ingleside Terraces whose

residences about the proposed site. For this reason, on October 16, 2014, the Board of Directors of ITHA passed the following resolution:

"ITHA opposes the outdoor use, during any business hours, of electronic cigarettes or apparatus unless the business owners and operators of Happy Vape are able to contain or filter the vapors and noise so as to control their effect on adjacent property owners. Outdoor hours should be limited to 8 p.m. as a conditional use condition."

1. The Project As Proposed Is Not Necessary or Desirable or Compatible With the Neighborhood.

If the requested Conditional Use is approved, there will be sampling and vaping of e-cigarettes in the rear yard of the site every evening until at least 8 p.m. This means 3 - 9 people (a number provided by the Happy Vape business manager at our meeting), at any given time, socializing, talking, laughing, and trying the various products that Happy Vape intends to sell. The noise of so many people in the rear yard each afternoon and evening is the equivalent of a daily party interfering with the peace and quiet of the homes along Victoria Street and Urbano Drive adjacent to and near the rear yard of 1963 Ocean Avenue. The re-purposing of the rear yard by Happy Vape, to transact commerce outside the store because the San Francisco Health Code prohibits such transaction inside the store, should not transcend the right of the Ingleside Terraces neighbors to the peaceful and quiet enjoyment of their homes and yards.

2. The Proposed Use Is Detrimental to the Health and Welfare of the Neighbors In Ingleside Terraces.

Article 19N of the San Francisco Health Code prohibits the use of electronic cigarettes where smoking is otherwise prohibited and the sale of electronic cigarettes where the sale of tobacco products is otherwise prohibited. As support for the Health Code restrictions on the sale and use of electronic cigarettes, the San Francisco Board of Supervisors, when legislating Article 19N, included the following in their Findings and Statement of Purpose:

"(c) The FDA's center for Drug Evaluation and Research, Division of Pharmaceutical Analysis (DPA) analyzed the cartridges from . . . electronic cigarettes for nicotine and for the presence of other tobacco constituents. . . The DPA's analysis of the electronic cigarette samples showed:

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

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

* * * * *

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

Marcelle Boudreaux, Planner

October 27, 2014

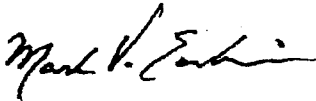
3

The San Francisco Health Commission, in its Resolution 7-11 passed June 21, 2011, declared "[t]here is no evidence that the vapors released into the air through the use of an electronic cigarette do not present a danger to others who breathe them." Recent scientific studies include findings of a total of 22 elements in vapors produced by electronic smoking devices, and three of these elements (lead, nickel, and chromium) appear on the FDA's "Harmful and Potentially Harmful Chemicals List."¹ No one should be exposed to the potentially harmful chemicals that the e-cigarette emits without his or her consent. If the rear yard at 1963 Ocean Avenue is used for vaping and sampling, our residents are involuntary exposed to this environmental risk. Cities throughout California, including our own, recognize this health risk in larger venues - Concord, California has declared a 17-block downtown business district to be 100% smoke-free (including use of e-cigarettes), the City of Los Angeles prohibits electronic smoking devices at the beaches, and electronic smoking devices are prohibited AT&T Park. A San Francisco resident should also be free of these risks in his/her own backyard. The harm done by e-cigarettes may be significant, both to direct users and to those exposed to the smoke and vapors secondhand. The residents of Ingleside Terraces should not be put at risk to potential or actual health risks of the developing, and mostly unregulated, e-cigarette market.

ITHA requests that its residents not be exposed to this potential, or actual health hazard at Happy Vape, 1963 Ocean Avenue, and that the Planning Commission withhold conditional use approval of the proposed rear yard vapor area unless noise is minimal and regulated filter and air quality controls are installed.

Sincerely,

INGLESIDE TERRACES HOMES ASSOCIATION



Mark V. Scardina, President

copy: Project Applicant, blakehe@gmail.com
Ocean Avenue Association, info.oachd@gmail.com

¹Rachel Grana, Neal Benowitz, Stanton A. Glantz. "E-Cigarettes: A Scientific Review." Circulation. 2014; 129: 1972-1986; <http://circ.ahajournals.org/content/129/19/1972.full>



From: Robert Karis
To: Boudreaux, Marcelle (CPC)
Cc: Yee, Norman (BOS); Secretary, Commissions (CPC)
Subject: 1963 Ocean Avenue, Case No.: 2014.0206C, letter of opposition
Date: Thursday, October 23, 2014 12:18:55 PM
Attachments: FDA-Deeming-Comments-San Francisco DPH.pdf

Dear Ms. Boudreaux:

The attached document demonstrates why the San Francisco Planning Commission should deny the Conditional Use application for a vape shop at 1963 Ocean Avenue.

The document by Barbara A. Garcia, MPA, Director of Health, San Francisco Department of Public Health, is dated August 5, 2014. This letter was written on behalf of the SFDPH in response to regulations proposed by the United States Food and Drug Administration. Please include the document "FDA-Deeming-Comments-San Francisco-DPH.pdf" and my email in the case report for project 2014.0206C. Comments in the document pertaining to e-cigarettes, which I have highlighted, include the following:

Section 3, p.2:

FDA and other independent scientists have found numerous potentially dangerous chemicals and carcinogens as well as varying levels of nicotine that are inconsistent with the amount indicated on the labels of e-cigarette solutions....there is a lack of credible information on the full range of chemicals being produced by the large number of different e-cigarettes currently on the market.

Section 3, p.3:

CDC reported that e-cigarette use more than doubled among U.S. middle and high school students between 2011-2012. There is evidence that e-cigarettes help youth to initiate smoking habits – only 20% of middle school e-cigarette users reported never having smoked conventional cigarettes. Youth are also impressionable and can succumb to marketing ploys such as the numerous fruity and candy flavored e-cigarettes and to youth-oriented company advertising.

We recognized that these products pose a threat to the public health and are clearly serving as starter products for young people in our community....Surveys of local youth and adults show that the industry has created a great deal of confusion about these products and the general public repeats back the unsubstantiated claims made by e-cigarette marketers- eerily similar to claims made by the tobacco industry a generation earlier.

Current e-cigarette advertisements target youth with marketing strategies such as celebrity endorsements, and messaging that promote freedom, rebelliousness, and glamour with e-cigarette use.

Section 5, p.3:

Currently, e-cigarette liquid refill containers are not required to be sold in child-resistant packaging and that may encourage children to ingest the product's

poisonous content. Some e-cigarette refill product packaging features cartoons, colorful labeling, or illustrates edible ingredients representing particular flavors, such as cherry, chocolate, or bubble gum. The contents themselves can have the aroma of the edible ingredient pictured on the label. Any of these factors can prompt a child to investigate and the contents can be extremely dangerous, if not lethal.

CDC analyzed calls to U.S. Poison Centers from 2010 to 2014 related to e-cigarette exposures. The results showed that e-cigarettes accounted for an increasing proportion of the calls, 0.3% in September 2010 to 41.7% in February 2014. Half of the calls made regarding exposure were for incidents involving children ages 0-5. The prevalence of poisonings and the potential danger to children promoted the American Association of Poison Control Centers and its member centers to issue a statement warning e-cigarette users to keep the devices and liquids away from children. One teaspoon (5 ml) of a 1.8% nicotine solution can be lethal for a person weighing 200 pounds. Most nicotine solutions range between 1.8% and 2.4%, and the refill bottles contain 10-30 ml of solution.

It is obvious from reading this document why a vape store, whose purpose is to increase the use of e-cigarettes, vaporizing devices, and e-liquids, and to addict our relatives and neighbors to nicotine and to expose them and people near them to the harmful chemicals contained in the e-cigarette vapors (actually fumes), is not desirable in our neighborhood. The letter from the SFDPH focuses on youth, but college students and older residents of our neighborhood are also adversely affected by the advertising, availability, and unhealthy effects of these products. E-cigarettes result in previous non-smokers using e-cigarettes and possibly cigarettes.

E-cigarettes are reported to be about as effective as nicotine patches for smoking cessation. However, e-cigarettes contain a coil heated to 600 degrees Fahrenheit (which, of course, is not true of nicotine gum or patches), resulting in the emission of harmful fumes that have been found to contain formaldehyde, heavy metal nanoparticles, and other breakdown products which are deposited in the lungs. Vape shops sell devices with larger batteries than e-cigarettes. This allows higher voltages than found in e-cigarettes, which results in higher temperatures, more nicotine delivered to the user, more production of harmful breakdown products from the propylene glycol solvent, and very likely more metallic nanoparticles from the coil.

Due to insightful legislation passed by the San Francisco Board of Supervisors in recent years, with input from the DPH, tobacco paraphernalia establishments, including e-cigarettes and e-liquids, require Conditional Use Authorization. This allows neighborhoods in San Francisco to limit the number of these stores. Ocean Avenue has four stores nearby that sell e-cigarettes; the three liquor stores and the 7-Eleven. There are two vape stores within a 1.5 mile radius of 1963 Ocean Ave.

I ask that the Planning Commission agree that the health of our neighbors is infinitely more important than the interests of a new business, and vote to deny this Conditional Use Application. A vape shop on Ocean Avenue is not necessary or desirable.

Yours truly,
Robert Karis
Ingleside Terraces

Addendum:

The four stores on Ocean Avenue that sell e-cigarettes are:

No Limit Liquor & Food Mart, 1015 Ocean Ave.

A & N Liquors, 1521 Ocean Ave.

Homrun Liquors, 1551 Ocean Ave.

7-Eleven, 2000 Ocean Ave.

The two vape shops within a 1.5 mile radius of 1963 Ocean Ave. are:

Juicebox Vapor, 907 Taraval St. at 19th Ave.

Dream Cloud Vapors, 4971 Mission St., near Geneva Ave.



City and County of San Francisco
Edwin M. Lee
Mayor

San Francisco Department of Public Health

Barbara A. Garcia, MPA
Director of Health

August 5, 2014

The Honorable Margaret Hamburg, Commissioner
United States Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Re: Deeming Tobacco Products to be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act
Docket No. FDA-2014-N-0189, RIN 0970-AG38

Dear Commissioner Hamburg,

On behalf of the San Francisco Department of Public Health I am writing to provide comments on the proposed rule "Deeming Tobacco Products to be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act." The City and County of San Francisco has long recognized the need to tackle tobacco addiction head-on, leading the country in some of the earliest and strongest regulations of the use, sale, and marketing of tobacco products in our community. Even with our investment in our proven community-engagement policy development model and ongoing innovative educational and quitting programs, we continue to see the substantial impact of the tobacco industry negatively affecting the health of San Franciscans.

San Francisco Department of Public Health applauds the Food and Drug Administration (FDA) for proposing this rule to identify additional products to be deemed as tobacco and subject to the requirements of the Family Smoking Prevention and Tobacco Control Act. Many cities and counties across the country such as San Francisco have passed our own legislation regulating these products in order to protect their communities. Federal regulation is absolutely needed to unite efforts already begun at the local level, provide a uniform set of standards and take action where local jurisdictions are prohibited from doing so. We can only take the regulation so far at the local level, and there are considerable gaps in our system that only FDA action is empowered to resolve.

In response to the proposed rule, San Francisco Department of Public Health offers the following comments and recommendations.

1. Cigar regulation option

San Francisco Department of Public Health recommends use of Option 1 regarding cigar deeming; to include all types of cigars. Our agency does not recommend Option 2, which excludes premium cigars from the proposed rule, defeating the intention of regulating various cigar products equally under the law. This is important, as producers have skirted the intention of various laws by claiming their youth-marketed products are technically cigars. We need a consistent application of the law around cigars. Both premium and non-premium cigars contain cancer causing chemicals that increase the smoker and non-smoker risk for lung disease, chronic bronchitis, and oral cavity, larynx, esophagus, pancreas, bladder, and lung cancers.^{1,2} Both types of cigars

negatively affect the public's health. The differences between these cigar types speak to the ingredients and price, but not to their effects on health. Thus, if the FDA's intent for this proposed rule is to take action to address the public health risk associated with the use of tobacco products, premium cigars should not receive an exemption. Exempting premium cigars may set back the FDA's work to reduce tobacco use and disease risk in the United States.

Cigar use is popular among youth. The Centers for Disease Control and Prevention (CDC) reported that cigarette and cigar use in high school students was nearly identical in 2012. This similarity is also seen in middle schools students who smoked cigarettes and cigars.³ When youth are faced with premium cigars and cigarettes of the same price, premium cigars may be the product of choice because premium cigars are not subject to accessibility restrictions as promulgated for cigarettes. For example, cigars can be sold in self-service displays and sold individually.

2. Flavored products

San Francisco Department of Public Health urges the FDA to apply the same flavor restrictions promulgated by the Tobacco Control Act on cigarettes to newly-deemed tobacco products. As flavors such as cherry, vanilla, and apple contribute to the increasing popularity of e-cigarettes, hookah, and cigars among youth, regulation is critical for the same reasons the FDA restricted flavor options for cigarettes. The FDA's *Parental Advisory on Flavored Tobacco Products* states that flavored tobacco products:⁴

- Appeal to kids.
- Disguise the bad taste of tobacco, easing adoption by youth.
- Are just as addictive as regular tobacco products.
- Have the same harmful health effects as regular tobacco products.

Local and state health departments have already taken the initiative to regulate the sale of non-regulated flavored tobacco products in their jurisdictions. Maine banned the sale and distribution of flavored cigarettes and cigars in the state in 2009.⁵ In 2011, New York City banned the sale of flavored tobacco products.⁶ Providence (RI) banned sale of flavored tobacco products and redemption of tobacco industry coupons and discounts in 2013.⁷ In 2014, Chicago banned the sale of all flavored tobacco products, including e-cigarettes (regulated as tobacco products), within a 500-foot radius of any elementary, middle, or secondary school.⁸ Our community continues to examine options for addressing how the harsh flavors of cigarettes can be masked by candy and sweet flavorings. Prior generations became addicted to cigarettes in large numbers despite the harsh taste and difficulty initiating the smoking habit. With cherry and cotton candy and vanilla starter products now, the current generation of youth face fewer barriers to initiation of nicotine addiction and are more targeted by the industry than ever before.

3. Regulation of the new noncombustible products

San Francisco Department of Public Health urges FDA to regulate the newly-deemed tobacco products, including e-cigarettes, dissolvables, hookah, and cigars, in the same manner as existing tobacco products. Federal regulation offers an opportunity to more fully assess the public health risks of these products, which have grown in popularity since the passage of the Tobacco Control Act. There are currently no federal consumer protections in place to ensure that e-cigarettes are properly labeled and tested. FDA and other independent scientists have found numerous potentially dangerous chemicals and carcinogens as well as varying levels of nicotine that are inconsistent with the amount indicated on the labels of e-cigarette solutions. For example, a recent study of e-cigarette refill fluids found that the majority (65%) of nicotine fluids tested deviated by more than ten percent from the nicotine concentrations on the label.⁹ Furthermore, because e-cigarettes are unregulated, there is a lack of credible information on the full range of chemicals being produced by the large number of different e-cigarettes currently on the market. The same flavoring, marketing, and self-service access rules should apply to newly-deemed products because they also pose risk to the public and can spur initiation or joint use of multiple tobacco products.

CDC reported that e-cigarette use more than doubled among U.S. middle and high school students between 2011-2012. There is evidence that e-cigarettes help youth to initiate smoking habits—only 20% of middle school e-cigarette users reported never having smoked conventional cigarettes.¹⁰ Youth are also impressionable and can succumb to marketing ploys such as the numerous fruity and candy flavored e-cigarettes and to youth-oriented company advertising.

It is these startling facts about youth use of e-cigarettes and alternative products that caused San Francisco to join Los Angeles, Chicago, Philadelphia, and New York early this year in regulating e-cigarettes locally. We recognized that these products pose a threat to the public health and are clearly serving as starter products for young people in our community. Without regulation of advertising, content of the product, claims made by the industry, and flavors available, the proliferation of this product will likely continue exponentially. Surveys of local youth and adults show that the industry has created a great deal of confusion about these products and the general public repeats back the unsubstantiated claims made by e-cigarette marketers—eerily similar to claims made by the tobacco industry a generation earlier.

San Francisco Department of Public Health calls on the FDA to restrict the flavor offerings as in cigarettes for the same reasons that the agency restricted cigarette flavor offerings. Current e-cigarette advertisements target youth with marketing strategies such as celebrity endorsements, and messaging that promote freedom, rebelliousness, and glamour with e-cigarette use. The FDA should also restrict new product advertising in the same way that cigarette and smokeless tobacco advertising is restricted.

4. New product warnings

Product warning labels are incredibly useful tools in FDA's effort to protect public health. However, the proposed warning labels for newly covered tobacco products can be strengthened to be more effective.

Since the first warning labels appeared on cigarette packages in 1965, warning labels have been an important source of information for tobacco users.¹¹ While there is evidence that warning labels can become stale,¹² and the need for large graphic warning labels is clear,^{13,14,15} the newly covered products will be marketed with minimal warning. This may contribute to confusion about the health effects of the newly covered products. The proposed textual warnings for cigars are fairly strong, but the single warning for the remaining products is weak and does not convey the potential extent of health risk associated with use of the products. The FDA should require large graphic warnings for all tobacco products, similar to those required for combustible cigarettes. There is significant evidence of the specific health harms of the new products and those caused by nicotine that support stronger, more specific warnings in the "2014 U.S. Surgeon General's Report: The Health Consequences of Smoking—50 Years of Progress." The City of San Francisco cannot introduce a mandate for packaging with striking graphic images that tells consumers the truth about the health impacts of tobacco (similar to those required in nearly every country in the world), but we very much support the move by FDA to require those warnings.

5. Additional opportunities

The proposed rule presents an opportunity to require child-resistant packaging for e-cigarette liquids to prevent child poisonings. Currently, e-cigarette liquid refill containers are not required to be sold in child-resistant packaging and that may encourage children to ingest the product's poisonous content.¹⁶ Some e-cigarette refill product packaging features cartoons, colorful labeling, or illustrates edible ingredients representing particular flavors, such as cherry, chocolate, or bubble gum. The contents themselves can have the aroma of the edible ingredient pictured on the label.¹⁷ Any of these factors can prompt a child to investigate and the contents can be extremely dangerous, if not lethal.

CDC analyzed calls to U.S. Poison Centers from 2010 to 2014 related to e-cigarette exposures. The results showed that e-cigarettes accounted for an increasing proportion of the calls, 0.3% in September 2010 to 41.7% in February 2014.¹⁸ Half of the calls made regarding exposure were for incidents involving children ages 0-5.¹⁸ The prevalence of poisonings and the potential danger to children promoted the American Association of Poison Control Centers and its member centers to issue a statement warning e-cigarette users to keep the devices and

liquids away from children.¹⁹ One teaspoon (5 ml) of a 1.8% nicotine solution can be lethal for a person weighing 200 pounds.¹⁶ Most nicotine solutions range between 1.8% and 2.4%, and the refill bottles contain 10-30 ml of solution.²⁰ Due to the dramatic increase in calls to poison control centers, some states have taken precautions through new regulations. Minnesota and Vermont created statutes that require child protective packaging on all liquid nicotine refill bottles, and some retailers have voluntarily begun selling their refills with child-resistant caps.²⁰ While those who oppose such requirements note there have been no confirmed poisoning deaths in the United States due to the ingestion of liquid nicotine, the FDA must not wait for tragic consequences before acting.

San Francisco Department of Public Health is pleased to support the deeming of additional products as tobacco as proposed in the rule and urges FDA to do the following: include premium cigars in cigar regulations; apply the same requirements of the Family Smoking Prevention and Tobacco Control Act for combustible cigarettes to all of the newly deemed products regarding flavors, marketing, and self-service access; strengthen the content and requirements for the warning labels on newly deemed products; and create a requirement for child-resistant packaging for e-cigarette liquids. Thank you for your attention to these recommendations.

Sincerely,



Barbara A. Garcia, MPA
Director of Health
San Francisco Department of Public Health

¹ National Cancer Institute. (2010). Fact sheet: Cigar smoking and cancer. Retrieved Jul. 16, 2014, from <http://www.cancer.gov/cancertopics/factsheet/Tobacco/cigars>.

² American Cancer Society. (2014). Cigar smoking: Tobacco and cancer. Retrieved Jul. 16, 2014, from <http://www.cancer.org/cancer/cancercauses/tobaccocancer/cigarsmoking/cigar-smoking-cancer-and-health>.

³ Centers for Disease Control and Prevention. Youth and tobacco use webpage. Retrieved Jul. 22, 2014, from http://www.cdc.gov/tobacco/data_statistics/fact_sheets/youth_data/tobacco_use/index.htm.

⁴ U.S. Food and Drug Administration. (2013). FDA parental advisory on flavored tobacco products - what you need to know. Retrieved Jul. 22, 2014, from <http://www.fda.gov/TobaccoProducts/ProtectingKidsfromTobacco/FlavoredTobacco/ucm183196.htm>.

⁵ State of Maine. (2007, September 25). News: Governor celebrates ban on flavored cigarettes. Retrieved Jul. 16, 2014, from <http://www.maine.gov/tools/whatsnew/index.php?topic=Portal+News&id=42524&v=article-2006>.

⁶ New York City Department of Health and Mental Hygiene. Smoking legislation webpage. Retrieved Jul. 22, 2014, from <http://www.nyc.gov/html/doh/html/environmental/smoke-law.shtml>.

⁷ City of Providence, Rhode Island. (2013). Providence tobacco laws go into effect January 3. Retrieved Jul. 16, 2014, from <http://www.providenceri.com/healthy-communities/providence-tobacco-laws-go-into-effect-january-3>.

⁸ City of Chicago. Tobacco regulations webpage. Retrieved Jul. 16, 2014, from http://www.cityofchicago.org/city/en/depts/bacp/supp_info/tobaccoregulations.html.

⁹ Davis, B., Dang, M., Kim, J., Talbot, P. (2014, May 26). Nicotine concentrations in electronic cigarette refill and do-it-yourself fluids. *Nicotine & Tobacco Research* (published online). doi: 10.1093/ntr/ntu080.

¹⁰ Centers for Disease Control and Prevention. (2013, September 6). Notes from the field: Electronic cigarette use among middle and high school students – United States, 2011-2012. *MMWR*, 62(35), 729-730. Retrieved on Jul. 7, 2014, from <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6235a6.htm>.

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- ¹¹ U.S. Department of Health and Human Services. (2000). *Reducing tobacco use: A report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health.
- ¹² Institute of Medicine (U.S.). Committee on Reducing Tobacco Use: Strategies, Barriers, and Consequences. (2007). *Ending the tobacco problem: A blueprint for the nation*. R. J. Bonnie, K. Stratton, R. B. Wallace (Eds.) Washington, DC: National Academies Press.
- ¹³ Azagba, S., & Sharaf M.F. (2013). The effect of graphic cigarette warning labels on smoking behavior: Evidence from the Canadian experience. *Nicotine & Tobacco Research*, 15(3), 708-17. doi: 10.1093/ntr/nts194.
- ¹⁴ Cantrell, J., Vallone, D. F., Thrasher, J. F., Nagler, R. H., Feirman, S. P., Muenz, L. R., et al. (2013). Impact of tobacco-related health warning labels across socioeconomic, race and ethnic groups: Results from a randomized web-based experiment. *PLoS One*, 8(1), e52206. doi: 10.1371/journal.pone.0052206.
- ¹⁵ Strasser, A. A., Tang, K. Z., Romer, D., Jepson, C., & Cappella, J. N. (2012). Graphic warning labels in cigarette advertisements: Recall and viewing patterns. *American Journal of Preventive Medicine*, 43(1), 41-7. doi: 10.106/j.ameprev.2012.02.026.
- ¹⁶ Bassett, R. A., Osterhoudt, K., & Brabazon, T. (2014). Nicotine poisoning in an infant. *New England Journal of Medicine*, 370(23), 2249–50. doi: 10.1056/NEJMc1403843.
- ¹⁷ Leys, T. (2014, March 25). Iowa Poison Control Center: E-cigarette liquid refill warning. Retrieved Jul. 7, 2014, from <http://www.iowapoisn.org/news-and-recalls/e-cigarette-liquid-refill-warning/>.
- ¹⁸ Chatham-Stephens, K., Law, R., Taylor, E., Melstrom, P., Bunnell, R., Wang, B., et al. (2014, April 4). Notes from the field: Calls to Poison Centers for exposures to electronic cigarettes. *MMWR*, 63(13), 292–293. Retrieved on Jul. 7, 2014, from <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6313a4.htm>.
- ¹⁹ American Association of Poison Control Centers. (2014, March 25). News Release: AAPCC and Poison Centers issue warning about electronic cigarette devices and liquid nicotine. Retrieved Jul. 7, 2014, from https://aapcc.s3.amazonaws.com/pdfs/releases/E-cigarette_Release.pdf.
- ²⁰ Richtel, R. (2014, March 23). Selling a poison by the barrel: Liquid nicotine for e-cigarettes. *The New York Times*. Retrieved Jul. 4, 2014, from <http://www.nytimes.com/2014/03/24/business/selling-a-poison-by-the-barrel-liquid-nicotine-for-e-cigarettes.html?module=Search&mabReward=relbias%3Aw>.

From: a.infusino
To: Boudreaux, Marcelle (CPC); Yee, Norman (BOS); Secretary, Commissions (CPC)
Subject: Neighbor OPPOSING 1963 Ocean Avenue Vape Shop
Date: Tuesday, October 28, 2014 9:56:17 PM

Dear Planning Commission, Mr. Norman Yee, and Ms. Marcelle Boudreaux:

I am writing to strongly oppose the proposed Conditional Use Authorization for 'Happy Vape' at 1963 Ocean Avenue. As the neighbor who lives directly behind this proposed business, I do not support the retail Tobacco Paraphernalia Establishment, the steam stone hookah lounge at the basement level, or the outdoor activity area for e-cigarette sampling. Please see the following reasons why this business is not a good fit for our neighborhood:

1. There are at least 4 businesses just on Ocean Avenue that already sell e-cigarettes. By walking 10 minutes or less, I can purchase a variety of different e-cigarettes at each of these stores.
2. E-cigarettes are unregulated and under researched and the full risks on human health have yet to be determined.
 1. As the neighbor that lives directly behind this proposed "outdoor activity area for cigarette sampling," my family and I will be adversely affected by the chemicals in these e-cigarettes.
 2. The proposed outdoor activity space in the backyard at 1963 Ocean Avenue, is approximately 20 feet from my property line (measurements taken from the back wall of proposed business to my property line). Depending on where the owners of the business decide to place the "tables, awning or tent," customers will be smoking even closer to my property line. The proposed "Outdoor activity area" is too close to surrounding residents. (Please see attached picture of the back of 1963 Ocean Avenue where the smoking section will be and my property line)
 3. Moreover, as an asthma sufferer and as someone who will be starting a family soon, having people smoke approximately 20 feet from my property will in turn make my backyard an unusable space unless I choose to subject my future child or myself to chemicals that will irritate, harm, or otherwise affect our bodies.
 4. Additionally, there are many children living in the houses surrounding the backyard of this business. Each of these children will be subject to the unregulated and under-researched chemicals emitted from these e-cigarettes.
3. This business will bring nuisance to the neighborhood.
 1. The outdoor space and hookah lounge will add outdoor lights and additional noise from people talking and smoking in the backyard. The hookah lounge is marketed to be a place where people can hang out

and socialize. Given that this part of the business will be open until 12am, this will be an additional noise disturbance to the surrounding neighbors. Overall, it will ruin the peaceful, quiet neighborhood we currently live in.

2. Ocean avenue is a neighborhood where outdoor backyard retail spaces are uncommon. This is because the surrounding neighborhoods are quiet, peaceful, family friendly neighborhoods.
 3. This proposed business will decrease the home values of the surrounding neighbors. Who would want to pay the market neighborhood rate and move into a home which is adjacent to an outdoor smoking patio?
4. This business is not favorable for the surrounding family communities and undesirable considering the 8 schools that are less than 1 mile from the proposed business.
1. E-cigarette have a high appeal to youth due to their high tech design and availability in child friendly flavors like cotton candy, bubble gum, chocolate chip cookie dough, and cookie and cream milkshake.
 1. According to the U.S. Centers for Disease Control and Prevention (CDC), 250,000 youths who had never before smoked, tried e-cigs in 2013 — a threefold increase since 2011.
 2. Within a 1 mile radius of the proposed business, there are 8 schools, including 4 high schools, and 3 schools with middle school aged children.
 2. According to recent census demographics for Ingleside terrace 40.6% of households in this neighborhood have children. The same census demographics show that in Mount Davison Manor, the neighborhood directly across from this business on Ocean Avenue, 69.7% of households have children. Moreover, a few blocks down from Mount Davison Manor, in Westwood park the census data states that 71.3% of their households have children. How is this a desirable business for this neighborhood?
 3. All in all, considering the percentage of households with children in the nearby communities adjacent to Ocean Avenue, in addition to the other businesses that already sell e-cigarettes, this additional business is unneeded and unwelcome.

As a strong supporter to revitalize Ocean Avenue, I wholeheartedly see the changes that are possible. These changes however, will not happen if we continue to promote businesses that do not add to the neighborhood. In the past 2 years that I have lived here, I have seen Champa Gardens, Whole Foods, the new hardware store, The Dailey Method, Yoga Flow, and a few other businesses open their doors. Adding more businesses that will be patronized and supported by people in the surrounding communities is what will make Ocean Avenue a nice place to walk, shop, and stay. Adding another place to buy e-cigarettes is not going to attract other desirable businesses or shoppers.

Please include my e-mail and attached picture in the Planning Dept. packet for review by the Planing Commission.

Respectfully submitted,

Angela Button
70 Urbano Drive
San Francisco, CA 94127

From: Michelle Schulze
To: Boudreaux, Marcelle (CPC); Yee, Norman (BOS); Secretary, Commissions (CPC)
Subject: Neighboring Residents OPPOSED to 1963 Ocean Ave Happy Vape
Date: Tuesday, October 28, 2014 1:34:56 PM

Dear Planning Commission, Mr. Yee and Ms. Marcelle Boudreaux:

We are adjacent neighbors to the project at 1963 Ocean Ave. (Happy Vape). We are also members of the ITHA residential group. We **strongly OPPOSE** the Conditional Use Authorization to sell tobacco paraphernalia, e-cigarette sales. There are already two other 'vape' shops within a 1.5 mile distance of the proposed site. Tobacco and tobacco products can be found at various stores along the Ocean Avenue Corridor. There is no need for this business in this location. We are also strongly opposed to a Steam Stone Hookah Lounge at basement level and especially **OPPOSED to ANY OUTDOOR ACTIVITY** that samples or promotes e-cigarettes or Hookah or for that matter ANY type of smoking. The latter is planned to be across the street from our home, backing directly adjacent to our neighbor's back yard. **This is a FAMILY NEIGHBORHOOD.** There are many families with small children in this area. We are strongly opposed to any type of outdoor sampling or activity regarding this type of business. The vapors are toxic and a health hazard to the public. The lights, noise, and sampling are **absolutely not welcome** in the backyard of our neighbors nor of our neighborhood! The proposed business of HAPPY VAPE is not consistent with the 'beautifying' of Ocean Avenue, nor is it wanted in **a family neighborhood**. This would set a very negative precedence.

We are aware of the empty store fronts along Ocean Avenue. Simply because it is empty does not mean it needs to be filled with businesses such as Happy Vape. Our neighborhood would love to see more positive, family friendly businesses such as Fog Lifter Café, YogaFlow, Whole Foods and Elevate Fitness-these are the types of businesses that our locals deserve & desire. They would attract similar businesses that our families can walk to and shop at.

Please include my email and document in the Planning Department packet for review by the Planning Commission.

Sincerely,

Derek & Michelle Schulze
Ingleside Terraces

From: James Spalding Jr.
To: Boudreaux, Marcelle (CPC)
Subject: No Vape shop on Ocean Avenue
Date: Monday, October 27, 2014 2:47:19 PM

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James H. Spalding Jr. CPA/MSTax
180 De Soto Street
San Francisco CA 94127-2183
cpaspalding@gmail.com
415-337-6799, cel 415-517-2539

Word of mouth is the best source of new business for Spalding and Company.
Thanks for your good word referrals.

From: Donna Howe
To: Boudreaux, Marcelle (CPC)
Subject: Opposition to proposed permit for 1963 Ocean Ave
Date: Thursday, May 15, 2014 2:23:52 AM

To: Marcelle Boudreaux
From: Donna Howe, 85 Entrada Court

Message:

I am a long time resident of the Ingleside Terraces. I am the third generation of our family to have lived at Entrada Court, and my son and his family are the fourth and fifth generations and currently reside nearby on Urbano Drive. That being said, **I wish to voice my strong opposition to the permit application reference the establishment of a business offering tobacco paraphernalia at the vacant retail space at 1963 Ocean Avenue.**

There are several schools (Commodore Sloat Elementary School, St. Francis Preschool, Straford Academy, Voice of Pentecost Academy, Aptos Junior HS, and Lick-Wilmerding) nearby. I have serious concerns about the negative social and health impact a tobacco shop will have on the neighborhood.

There are already several cannabis dispensaries along the Ocean Ave. corridor between Junipero Serra and Howth. So far, the city has not seen fit to honor the wishes of our neighbors by failing to discourage the clustering of dispensaries; **if a tobacco shop were to be permitted to open and operate nearby it would be a clear indication that "the City" Planning Department does not support efforts to draw residents and family-friendly businesses to our historic neighborhood.**

For a number of years I maintained a residence in the east bay city of Fremont. The Smoke Shop there was a constant source of problems in the Niles District. That was in the days before ecigarettes, so it was full of such products as rolling papers, "doobie clips", scales, drug kits, bongs, and other assorted tobacco paraphernalia.

Establishing a similar business on Ocean Avenue can only bring negative outcomes that will far outweigh the generation of any commercial revenue for this city that I love. It would be naive to think the proposed business would offer only ecigarettes, cigarettes, cigars, snuff, chew and loose tobacco; all of which, I believe, are easily procured at a variety of other locations. There is no need for such a business in our neighborhood. Although I am sure it would be popular with college students from City College of San Francisco and San Francisco State University, it would also be a distraction from their educational pursuits and not likely to be popular with their parents

I hope my work schedule will permit me to attend any community outreach meetings regarding this proposal, but I do wish to go on record now with the Planning Commission as being **opposed** to permitting the proposed business.

From: Gail Dent
To: Boudreaux, Marcelle (CPC)
Subject: proposed "Vape"shop on Ocean Ave
Date: Monday, October 20, 2014 1:01:09 PM

This proposal is of concern to my family and me. I understand smoking an e cigarette is not allowed in a public indoor space in San Francisco and that is why an area in the back of the store is to serve as an outdoor smoking area. Everyday I walk my dog around Urbano and pass the home which abuts the proposed smoking area. Many other people pass this way on their way to other places on Ocean Ave. Does anyone know if the second hand vapor is dangerous? Will this shop be allowed to sell to minors? If not, why are there flavors which would attract children? How much research on e cigarettes will the committee do before they make a decision? Will they look at the actions other cities in California have taken?

I hope our planning commissioners will do their due diligence before voting.

From: Mary Schembri
To: Boudreaux, Marcelle (CPC); Yee, Norman (BOS); Secretary, Commissions (CPC)
Cc: Bob Karis
Subject: RE: <OPPOSED to 1963 Ocean Ave Happy Vape Conditional Use and business!
Date: Wednesday, October 29, 2014 12:04:48 PM

Dear Planning Commission Members, Supervisor Norman Yee and Ms. Marcelle Boudreaux:

I am a member of the Ingleside Terraces Homeowners Association (ITHA) and have lived in the Terraces all of my life. I strongly OPPOSE the Conditional Use authorization to sell tobacco paraphernalia, e-cigarette sales, and oppose to a Steam Stone Hookah Lounge at any location on Ocean Avenue corridor. Additionally, I strongly OPPOSE to any OUTDOOR ACTIVITY for sampling e-cigarettes.

This type of business is not necessary on Ocean Avenue. E-cigarettes can be purchased at 7-Eleven-2000 Ocean Ave, Homrun Liquors-1551 Ocean, A& N Liquors-1521 Ocean, No Limit Liquor & Food Mart-1015 Ocean. Two Vape shops are within a 1.5 mile distance of 1963 Ocean: Juice box Vapor, 907 Taraval St. Dream Cloud Vapors, 4971 Mission St near Geneva Ave.

This type of business is not desirable in our neighborhood as it concentrates in addicting our neighbors to nicotine, and expose them and people near them to harmful chemicals contained in the e-cigarette vapors.

After many years of vacant store fronts, we finally have some businesses that are making a positive difference, such as Whole Foods, CVS, and coffee shops.

Please support the health of our neighborhood and deny this permit.

Thank you,

Mary Male Schembri
84 De Soto Street
San Francisco, CA 94127
415-420-9448

From: Linda McGilvray
To: Boudreaux, Marcelle (CPC)
Subject: Re: the Vape Shop at 1963 Ocean. . .
Date: Wednesday, October 22, 2014 5:56:43 PM

Dear Ms. Boudreaux,

The neighbors in Ingleside Terraces are very concerned about this proposed shop. It has been researched and found that these vapors and e cigarettes are not all that harmless to people. The neighbors with adjoining properties are certainly opposed to such activities that would pollute the air right outside the back of their homes. There also are a couple of private schools in the area that might be influenced by the wares. Trying to improve the quality of retail establishments on Ocean Avenue has been the focus, even though a few questionable shops have opened. Please consider the plight of the neighbors in considering licensing this shop.

Thanks for your consideration.

Linda McGilvray
Board member of ITHA
Oct. 22, 2014

From: steve@steveholm.com
To: [Boudreaux, Marcelle \(CPC\)](#); [Yee, Norman \(BOS\)](#); [Secretary, Commissions \(CPC\)](#)
Subject: regarding Conditional Use at 1963 Ocean Avenue - Happy Vape
Date: Monday, October 27, 2014 9:26:36 PM

Hello,
I'm a board member on the Ocean Avenue Association. I'm also a business owner on Ocean Avenue; Yoga Flow SF.

Although our board supported Happy Vape, I did not vote in support. I do believe this store has a demand in this neighborhood; therefore it is necessary and desirable; so, I do support the proposal for Conditional Use authorization to allow establishment of a Tobacco Paraphernalia Establishment retail use (d.b.a. Happy Vape) to include e-cigarette sales at the ground floor.

However, **I do NOT support** The Conditional Use authorization to establish an **outdoor activity area** for e-cigarette sampling within the existing **rear yard**. This yard is adjacent to a detached single family residence, so it does not seem fit for an outdoor smoking area. My business is far enough away, we would not smell this, but the families living adjacent would be negatively affected.

Thank you,
Steven Holm
Yoga Flow SF

From: Rene Casis
To: Yee, Norman (BOS); Boudreaux, Marcelle (CPC); Secretary, Commissions (CPC)
Subject: Regarding proposed vape shop at 1963 Ocean Ave.
Date: Monday, October 27, 2014 2:53:59 PM

To Supervisor Yee, Mr. Boudreaux, and Planning Commission Secretary,

I am writing in **opposition** to the proposed vapor tobacco shop at 1963 Ocean Avenue.

To put it plainly, this business has no positive impact to the community. Tobacco products (including the vapor variety) are currently available in the already established liquor stores/convenience markets. In addition, the close proximity of schools and hence the high concentration of youth traffic in the area is of great concern to me as a parent. I have no problem with the products as an alternative for cigarette smokers but I also do not believe that vapor products are a 100% healthy alternative. The promotion of vapor products via a store front will undoubtedly have a negative impact on highly impressionable children. Our children face enough peer pressure in the world without having a store front openly promoting the "benefits" and "allure" of tobacco vapor products.

Furthermore, I would like to state that I am extremely disappointed with Supervisor Yee and Planning Department's current business expansion efforts this area. First there is the push for additional medical cannabis distribution centers and now the proposal for a tobacco vapor shop. I do not feel like the community is being appropriately represented. The neighborhoods comprising of the community West of Twin Peaks is one of the few remaining areas where San Franciscans can remain in the City while raising families in a positive and safe environment. Interesting that neighborhoods like Glen Par, West Portal, and Miraloma Park do not have MCDs and vapor shops. For me, this really calls into question Supervisor Yee's ability to represent **all** of District 7.

This is a call for you take action and do what is right for everyone, especially the children, in this neighborhood and that is to see to it that there is no tobacco vapor shop at 1963 Ocean Avenue or anywhere else in this neighborhood.

Sincerely,
Rene Casis

From: Pat R
To: Secretary, Commissions (CPC); Boudreaux, Marcelle (CPC)
Cc: Yee, Norman (BOS)
Subject: Neighboring Residents OPPOSED to 1963 Ocean Ave Happy Vape Conditional Use and business!
Date: Monday, October 27, 2014 1:53:28 PM

 DPH_FactSheetFeb2013.pdf

Dear Planning Commission, Mr. Norman Yee and Ms. Marcelle Boudreaux:

I am an adjacent neighborhood to the project and a member of ITHA residential group. I strongly OPPOSE the Conditional Use authorization to sell tobacco paraphernalia, e-cigarette sales, and oppose to a steam stone hookah lounge at basement level. Additionally I strongly OPPOSE to any OUTDOOR ACTIVITY for sampling e-cigarettes PERIOD!

I am opposing this type of business to operate on Ocean Ave corridor. This type of business is not necessary in Ocean Ave. E-cigarettes can be purchased at 7-Eleven-2000 Ocean Ave, Homrun Liquors-1551 Ocean, A& N Liquors-1521 Ocean, No Limit Liquor & Food Mart-1015 Ocean. Two Vape shops are within a 1.5 mile distance of 1963 Ocean: Juice box Vapor, 907 Taraval St. Dream Cloud Vapors, 4971 Mission St near Geneva Ave.

This type of business is not desirable in our neighborhood as it concentrates in addicting our neighbors to nicotine, and expose them and people near them to harmful chemicals contained in the e-cigarette vapors.

I have included Mayor Edwin Lee's *E-cigarettes fact sheet by the Dept. of Public Health: "E-cigarette turn nicotine and other chemicals into a vapor that is inhaled by the user." "The FDA conducted a preliminary analysis of 18 various types of cartridges from 2 leading brands of e-cigs, labeled as flavored, nicotine and no-nicotine. Following were findings of the samples tested.":

- Diethylene glycol, an ingredient used in anti-freeze 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 B-nicotyrine.
- Cartridges labeled as "no nicotine" had low levels of nicotine, with the exception of one.
- e-cigarettes available in chocolate, strawberry and mint flavors would appeal to children.
- NOT a SMOKING CESSATION DEVICE. These products have not been tested for safety of efficacy in helping people quit smoking.

* E-Cigarette Fact Sheet, Mayor Edwin Lee, Dept. of Public Health, Population Health and Prevention, February 4, 2013.

In Addition, I oppose to any outdoor activity or sampling. This is a nuisance to adjacent neighbors. The vapors are toxic and a health hazard to the public. The lights, noise, sampling are absolutely not welcome in the backyard of neighbors nor

our neighborhood! This would set a negative precedence.

Let's keep the beautification of Ocean Ave Corridor that the City has invested. Let's continue with stores like Whole Foods, CVS Pharmacy, Fog Lifter Cafe, Elevate Fitness, and Yoga Flow that will attract similar businesses that residents can walk and shop to. I, along with other neighbors, attended and spoke at the most recent Ocean Ave Assoc Board and ITHA board meetings. We experience that those Board Presidents were more focused on supporting the landlord's interest in renting the "empty locations" than hearing neighbor's concerns. This is our opportunity for residents and SF citizens for non-smoking rights to be heard!

Please include my e-mail and document in the Planning Dept. packet for review by the Planing Commission.

Sincerely,
Pat H. Ryan
Ingleside Terraces
ITHA member



City and County of San Francisco
Mayor Edwin Lee

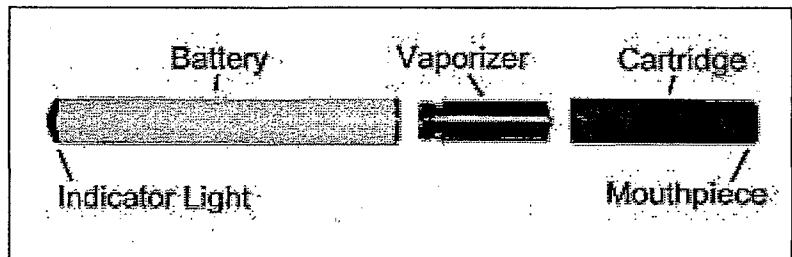
TOBACCO FREE PROJECT
Department of Public Health
Population Health and Prevention
Community Health Education Section
Community Health Promotion & Prevention Branch

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: creps4@aol.com
To: [Boudreaux, Marcelle \(CPC\)](#)
Subject: vape shop at 1963 Ocean Avenue
Date: Saturday, October 25, 2014 6:10:15 PM

Please come and look at the 1900 block of Ocean and at the surrounding neighborhoods- lovely detached family homes. The 1900 commercial block does not serve our families-cannabis dispensary, billiard parlor, a "massage parlor" that advertises on "adult" websites and tattoo businesses. Many of us have children who walk from Aptos Middle School down Ocean Avenue. As you know vape shops sell devices in flavors such as "bubble gum" and candy flavors to attract middle and high schoolers. On top of everything else the backyard of this shop would be open every night until 8PM for customers to try the merchandise. Are you aware how close people would be exhaling these vapors to the nearest neighbor's back windows? This business is neither necessary nor desirable to our neighborhood. Come and look for yourself. It is unbelievable. Sincerely, Adrienne Sciutto

From: George Wu
To: Boudreaux, Marcelle (CPC)
Subject: Vape shops
Date: Saturday, October 18, 2014 7:00:15 PM

These Vape shops requesting conditional use permitting are neither necessary nor desirable. Addictive drugs including nicotine and marijuana have no place in family friendly neighborhoods.

What message are we sending to our children?!!!! Are our supervisors THAT desperate to find tax revenues?!!!!

George Wu, MD

Sent from my iPad

From: Wendy Portnuff
To: Boudreaux, Marcelle (CPC); Yee, Norman (BOS)
Subject: Vapor Shop Conditional Use Permit
Date: Friday, October 17, 2014 11:32:22 PM

I am writing to indicate one more time that I am opposed to the presence of a Vape shop on Ocean Avenue adjacent to The Terraces. I understand that to obtain a permit, the shop must demonstrate that it is necessary or desirable. I see no way that either of these is fulfilled in the case of a vape shop. Such a shop is only necessary or desirable to the owner. There are other vape shops close enough that people who see sucking in toxic fumes to be advantageous can purchase electronic cigarettes. However, there is enough significant scientific evidence that these electronic cigarettes are dangerous that the City of San Francisco, which has such good anti-smoking laws, should not be duped into supporting the expanded use of electronic cigarettes.

Wendy Portnuff

The Professional Woman's Guide to Healthy Travel

www.wendyportnuff.com

415-269-4398

WESTWOOD PARK



July 3, 2014

Marcelle Boudreaux, AICP
Planner, Southwest Quadrant
Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103

RE: Letter of Opposition – Vaporizer Lounge and Store located at 1963 Ocean Avenue

Dear Ms. Boudreaux,

I am writing on behalf of the Westwood Park Association Board in opposition to the proposed vaporizer lounge and store at 1963 Ocean Avenue.

Members of our diverse communities surrounding Ocean Avenue have been working for many years to revitalize Ocean Avenue and to attract much needed neighborhood businesses and services to the Ocean Avenue retail corridor. We recently had a number of community meetings on the Ocean Avenue Corridor where residents were asked about what businesses and services they wanted to see on the Ocean Avenue. I can assure you that a vaporizer lounge and store was *not* on the list. By way of reference, the Planning Department representative on this effort is Lily Langlois.

It is our understanding that e-cigarette smoking devices and cartridges as well as nicotine cartridges will be sold, and, there will be a smoking lounge with vaporizing devices for smoking. Food, music and videos/movies will be shown in the lounge area to attract customers.

Currently, we have 4 locations where e-cigarettes and nicotine products are sold – 7-Eleven, Homrun, A&N Liquors, and No Limit – more than adequate for this area. Although the business owners have indicated that smoking nicotine will not be allowed on the premises, enforcement will be difficult.

We have precious few store fronts for the size of our neighborhoods. A vaporizer lounge and store does not propel our revitalization efforts forward nor does it provide the much needed and requested businesses and services to benefit our community.

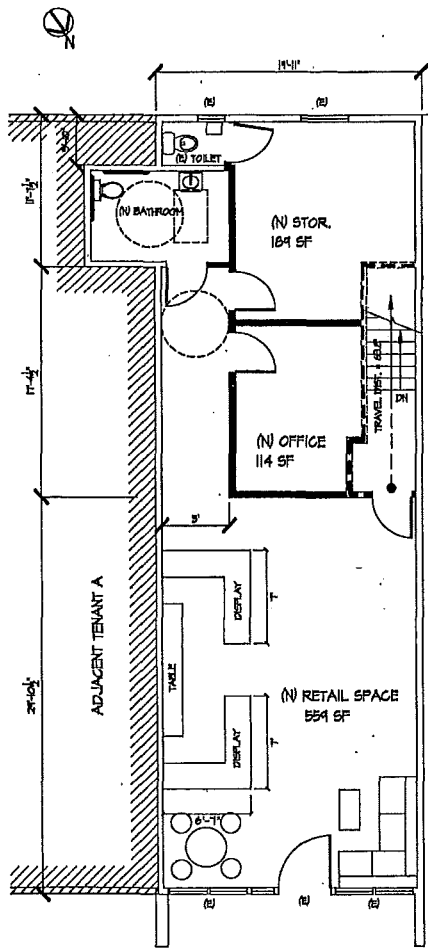
I am joined by the Westwood Park Association Board members Kathy Beitiks, Anne Chen, Greg Clinton, Tim Emert, Caryl Ito and Anita Theoharis in opposing the proposed vaporizer lounge and store at 1963 Ocean Avenue.

Sincerely,

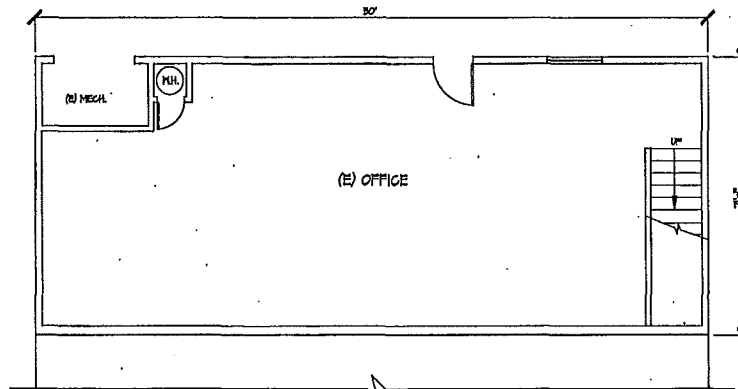
Kate Favetti, President
Westwood Park Association

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

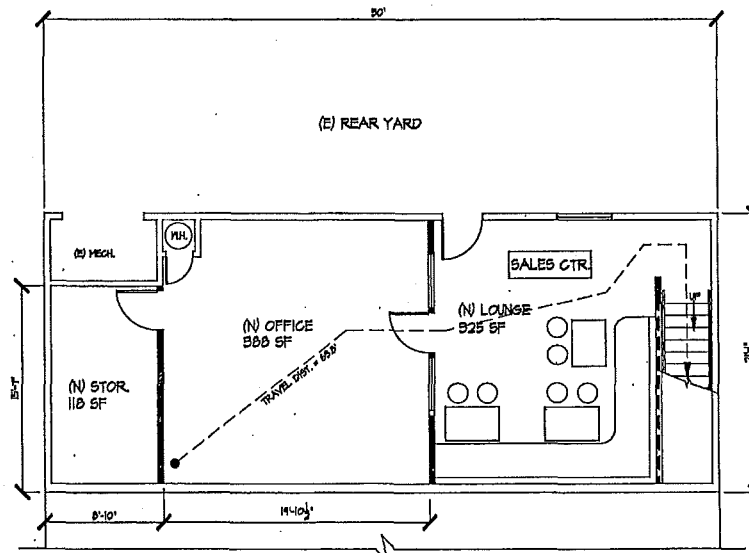
2567



1 PROPOSED 1ST FLOOR PLAN
Scale: 1/4" = 1'-0"



2 EXIST. BASEMENT FLOOR PLAN
Scale: 1/4" = 1'-0"



3 PROPOSED BASEMENT FLOOR PLAN
Scale: 1/4" = 1'-0"

- LEGEND
- ACCESS DISTANT OF BASEMENT TO 1' 10"
 - == (N) WALL
 - (N) WALL
 - WALL TO BE DEMOLISHED
 - ONE HOUR PARTITION



ARCHITECTURE
& PLANNING
81101 1st Ave. Suite 100
3750 San Francisco
415-391-3313
Fax: 391-3418

Project Title:

HAPPY VAPE

1963 OCEAN AVE.

Consultant:

JOB NO. 2014-14

Date: 7/10/14
Checked By: SK
Drawn By: YK

ISSUANCES & REVISIONS:

No.	Date	Description
1	4/4/14	DESIGN REVISION
2	10/22/14	DESIGN REVISION

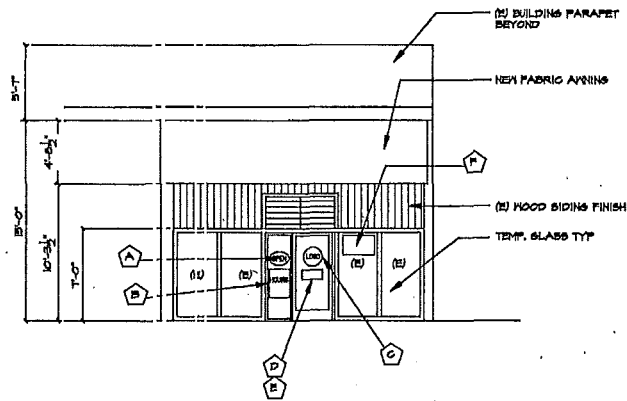
Stamps:



Sheet Title
PROPOSED 1ST
FLOOR PLAN
EXIST. + NEW
BASEMENT PLAN

Sheet No.

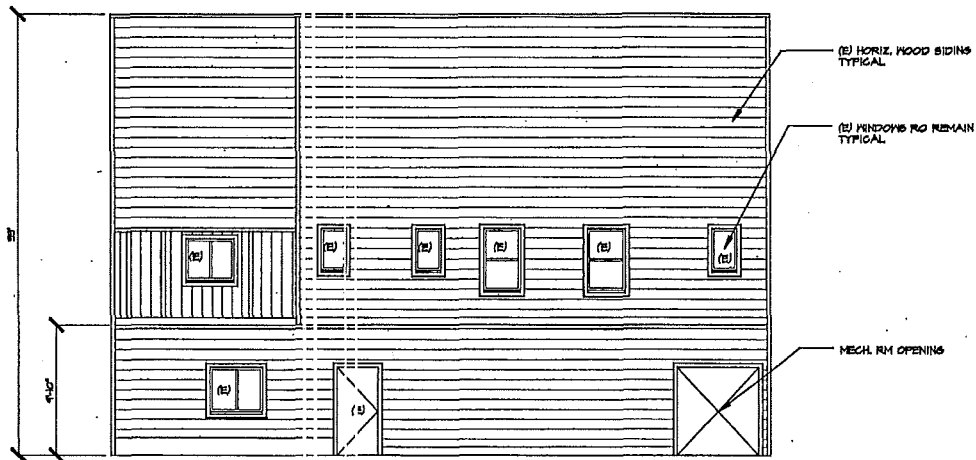
A-2



① FRONT ELEVATION

SC 1/4" = 1'-0"

SIGNAGE SCHEDULE	
A	OPEN "LED" SIGN
B	HOURS OF OPERATION
C	LOGO
D	18 AND OVER SIGN
E	WE CHECK ID AND NO VAPING/SMOKING ON PREMISE
F	SP HEALTH CODE ARTICLE 19F SIGN SIGN AT EACH ENTRY NO HIGHER THAN 8' AND LOWER THAN 5', WITHIN 10' OF DOOR TO READ. "SMOKING ONLY 1) AT CURB OR 2) IF NO CURB, AT 10' FROM ENTRANCES, EXITS, OPERABLE WINDOWS, AND VENTS.



② REAR ELEVATION

SC 1/4" = 1'-0"



ARCHITECTURE
& PLANNING
81 Market U. Lane #1
2/F. San Francisco
94102-1001 CA
U S A
(415) 391-3313
(Fax) 391-3849

ARCUS ARCHITECTURE, PLLC, is a registered professional architectural firm in the State of California, License No. C-45678. The project shown on this drawing is the property of ARCUS ARCHITECTURE, PLLC.

Project Title:

HAPPY VAPE

1963 OCEAN AVE.

Consultants:

JOB NO. 2014-14

Date: 7/10/14
Checked By: SK
Drawn By: YK

ISSUANCES & REVISIONS:

No.	Date	Description
1	10/22/14	DESIGN REVISION

Stamp:



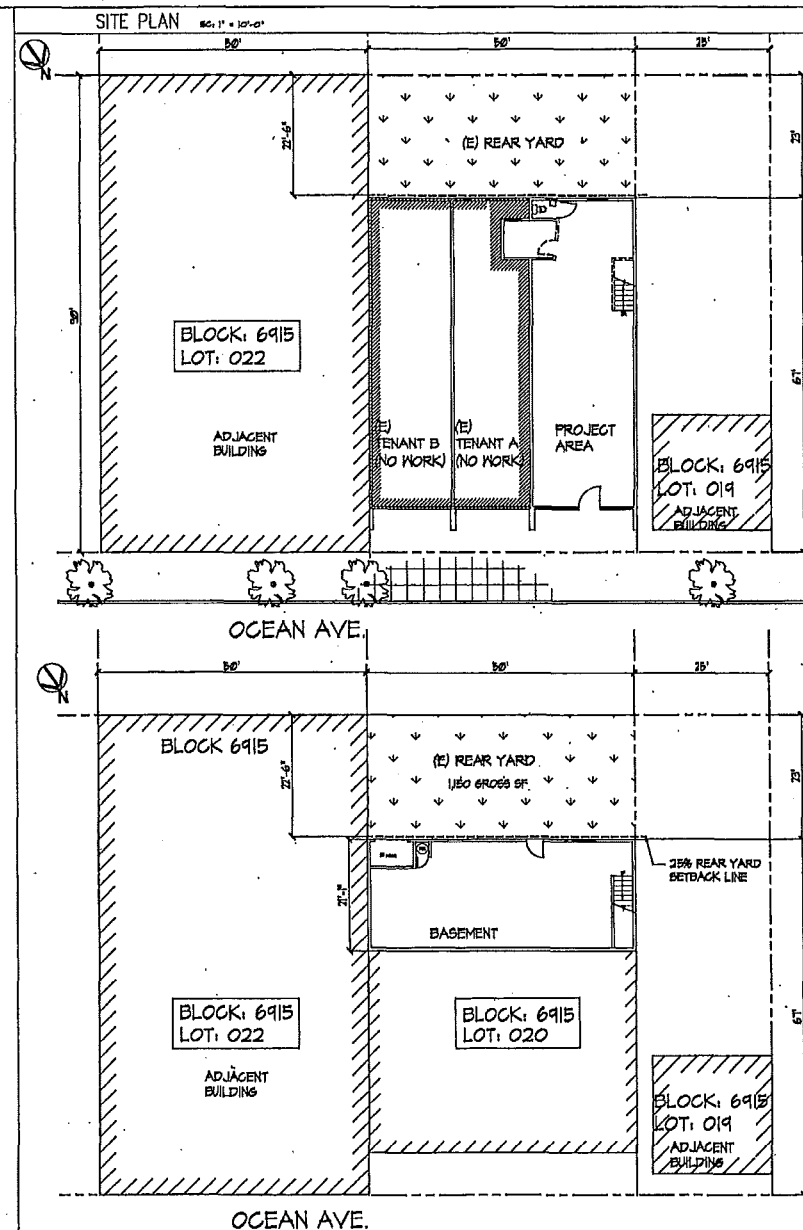
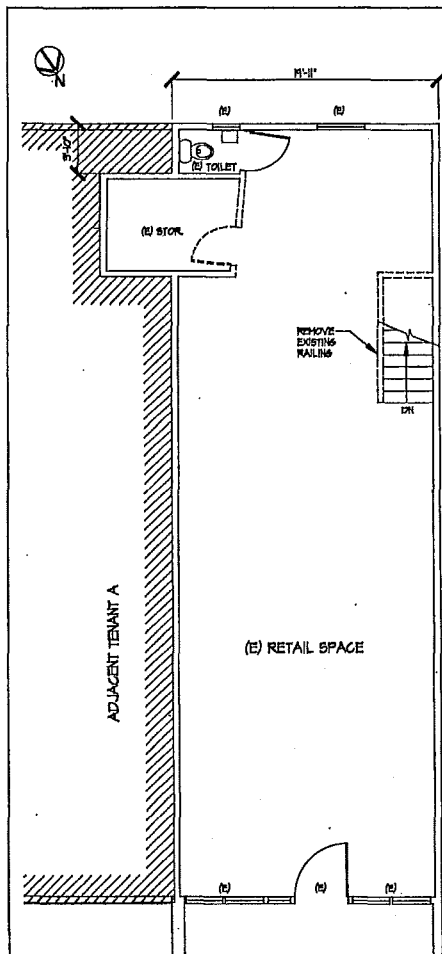
Sheet Title

FRONT AND
REAR ELEV.
SIGNAGE

Sheet No.

A-3

2569



BUILDING INFORMATION

ADDRESS: 1463 OCEAN AVE, SAN FRANCISCO CA 94127
 BLOCK: 6915 LOT: 20
 BUILT: 1948
 LOT AREA: 50'x70' = 4300 SF
 ZONING: 10T - OCEAN AVE. NEIGHBORHOOD COMMERCIAL TRANSIT
 FLOOR: 1ST / BASEMENT
 BUILDING TYPE: T-6

		OCCUPANCY AREA (SF)	OCCUPANT LOAD
EXISTING	1ST FLOOR RETAIL	M 1160.4	88
	1ST FLOOR STORAGE	B-2 25.5	0
	BASEMENT OFFICE	B 45	4
PROPOSED	1ST FLOOR RETAIL	M 554	16
	1ST FLOOR OFFICE	B 104	1
	1ST FLOOR STORAGE	B-2 115	1
	BASEMENT LOUNGE	B 825	21
	BASEMENT STORAGE	B-2 115	1
	BASEMENT OFFICE	B 550	5
PROPOSED TOTAL OCCUPANT LOAD = 41			

TOTAL OCCUPANT LOAD 48 < 50
 PER PLUMBING CODE 422.2, 1 UNIBOX BATHROOM IS OK

SCOPE OF WORK

1. ESTABLISH RETAIL OFFERING TOBACCO
 PARAPHERNALIA (E-CIGARETTES & SUPPLIES)

CODE INFORMATION

2018 CALIF. BLDG. CODE AND SAN FRANCISCO BUILDING CODE AMENDMENTS
 2018 CALIF. ELEC. CODE AND SAN FRANCISCO ELECTRICAL CODE AMENDMENTS
 2018 CALIF. PLUMBING CODE AND SAN FRANCISCO PLUMBING CODE AMENDMENTS
 2018 CALIF. MECH. CODE AND SAN FRANCISCO MECH. CODE AMENDMENTS
 2018 CALIF. GREEN BLDG. CODE AND SAN FRANCISCO GREEN BUILDING CODE AMENDMENTS
 2018 CALIFORNIA ENERGY CODE

SCHEDULE OF DRAWINGS

A-1: BUILDING INFO, SITE PLAN, EXIST. GROUND FLOOR PLAN
 A-2: EXISTING BASEMENT FLOOR PLAN, PROPOSED BASEMENT FLOOR PLAN & GROUND FLOOR PLAN
 A-3: FRONT AND REAR ELEVATION AND SIGNAGE



ARCHITECTURE
 & PLANNING
 81 Taylor St. Suite 100
 377 San Francisco
 94102-1001 CA
 U S A
 (415) 391-3319
 (Fax) 391-3946

Project Title:
 HAPPY VAPE

1963 OCEAN AVE.
 SAN FRANCISCO

Consultant:

JOB NO. 2014-14

Date: 7/10/14
 Checked By: YK
 Drawn By: YK

ISSUANCES & REVISIONS:

No.	Date	Description
1	4/4/14	DESIGN REVISION
2	10/22/14	DESIGN REVISION
3		
4		
5		

Stamp:



Sheet Title
 BLDG. INFO,
 SITE PLAN,
 EXIST. 1ST
 FLOOR PLAN

Sheet No.

A-1

Dear Commissioner,

My wife and I decided to open a small business on 1963 Ocean Ave, the former Aquatic Central, after conducting extensive market research. We found that there was a void in the new vaping industry. Although vaping products are available in various distribution outlets, the experience of vaping is not permitted in the interior premise; however, the health department does not regulate outdoor or backyard areas. By allowing patrons the unique experience of vaping outdoors, the customer is able to sample various flavors. This allows the customer to make a more informed purchase. In addition, with the health department's enforcement of hookah activity in eateries throughout San Francisco, it created a void for people who wanted the hookah experience as well but could no longer get it at a restaurant.

While conducting our community outreach in the Ocean Avenue area over a nine month period, we found many people were happy to see that we would be filling a vacant storefront in an area that the City and County of San Francisco refers to as "dead block." The Ocean Avenue Association Community Benefit District "...supports our proposal to open The Happy Vape on Ocean Avenue. Notably we also have the support of Reverend Gordon of the Ingleside Presbyterian Church and he has stated that "...the project will fill a vacancy with a retail store on the block with 5 vacancies, which will provide more pedestrian traffic to the Ocean Ave corridor..." In addition there are 20 other neighbors who have submitted support letters stating that this project is necessary, desirable and compatible with its surroundings.

Project sponsors also have a "letter of determination" completed by the planning department, which states that vaping enforcement is under the jurisdiction of the health department.

Unfortunately, there are some myths and inaccurate information circulating, which has instilled fear in some of our neighbors. We feel this negative energy to be irresponsible on the part of a few obstructionists. There is no conclusive scientific data that confirms vaping is harmful to the health of the vaper and bystanders. Other concerned neighbors have some valid points and we are willing to compromise with them.

Although there are less than ten letters of opposition, we have respected their opinions and have responded to each one via email. We have also met with many community groups: OMI Cultural Participation Project, Ingleside Terrace Home Association, Street Life Committee, and Ocean Avenue Association, some of which are in support and some of which choose to stay neutral. Citizens of Ocean Avenue feel that this business will improve the quality of life and the safeguards put in place will negate any negative impact. We propose to limit the hours of operation in the outdoor area to 8pm daily. We propose to limit the capacity in the outdoor area to 10 people. Most sampling will only take 5 to 10 minutes. We will also raise the age of entry to 21 years of age. We will provide educational material and notification material so that customers will be more sensitive to the immediate surroundings and respect the neighbors who reside nearby.

Please approve this and let's move upwards and onwards together.

Studies and research links for your information.

Vapor emission studies:

<http://ipet.aspetjournals.org/content/91/1/52.abstract>

<http://www.biomedcentral.com/content/pdf/1471-2458-14-18.pdf>

<http://www.clivebates.com/?p=2300#more-2300>

<http://www.ncbi.nlm.nih.gov/pubmed/23033998#>

http://clearstream.flavourart.it/site/wp-content/uploads/2012/09/CSA_ItaEng.pdf

<http://www.healthnz.co.nz/ECigsExhaledSmoke.htm>

<http://pubs.rsc.org/en/content/articlelanding/2014/em/c4em00415a#!divAbstract>

<http://informahealthcare.com/doi/abs/10.3109/08958378.2013.793439>

<http://tobaccocontrol.bmj.com/content/early/2013/03/05/tobaccocontrol-2012-050859.short>

E-cigarette as a gateway to tobacco smoking:

<http://tobaccoanalysis.blogspot.com.au/2013/10/first-study-to-examine-e-cigarette.html>

<http://www.forbes.com/sites/jacobsullum/2014/07/17/survey-shows-adults-who-use-e-cigarettes-to-quit-smoking-prefer-allegedly-juvenile-flavors/>

E-cigarettes Helping people quit and as an effective smoking cessation tool studies:

<http://www.addictionjournal.org/press-releases/e-cigarette-use-for-quitting-smoking-is-associated-with-improved-success-rates->

<http://www.plosone.org/article/info:doi/10.1371/journal.pone.0103462>

<http://link.springer.com/article/10.1007/s11606-014-2889-7>

<http://stop->

[tabac.ch/fra/images/stories/documents/stop_tabac/seigel%20e%20cigs%20am%20j%20prev%20med%202011.pdf](http://stop-tabac.ch/fra/images/stories/documents/stop_tabac/seigel%20e%20cigs%20am%20j%20prev%20med%202011.pdf)

<http://nicotinepolicy.net/commentary/86-g-krol/861-new-research-shows-electronic-cigarettes-better-for-quitting-than-no-aid-over-the-counter-nrt-worse-than-no-aid>

<http://onlinelibrary.wiley.com/enhanced/doi/10.1111/add.12623/http://onlinelibrary.wiley.com/enhanced/doi/10.1111/add.12623/>

E-cigarette studies:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311887/Ecigarettes_report.pdf

<http://www.ashscotland.org.uk/media/6093/E-cigarettesbriefing.pdf>

<http://www.american.com/archive/2013/november/smoking-kills-and-so-might-e-cigarette-regulation>

<http://vaping.com/data/vaping-survey-2014-initial-findings>

<http://www.bbc.com/news/health-28554456>

<http://ecigaretterevuewed.com/wp-content/uploads/2013/11/Research-on-Safety-of-Electronic-Cigarettes-Dr.-Konstantinos-Farsalinos-E-Cigarette-Summit.pdf>

<http://www.legaliser.nu/sites/default/files/files/Electronic%20cigarettes%20achieving%20a%20balanced%20perspective.pdf>

Long term studies of e-cigarette use:

<http://www.sciencedirect.com/science/article/pii/S0306460313003304?np=y>

<http://www.ncbi.nlm.nih.gov/pubmed/25301815>

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Katy Tang's Legislation on Empty Storefronts

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Email Correspondences between Us and Oppositions

Studies and Research



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

September 26, 2014

Marsha Garland
Garland Public & Community Relations
535 Green Street
San Francisco, CA 94133

Site Address:
Assessor's Block/Lot:
Zoning District:
Staff Contact:

1963 Ocean Avenue
6915/020
Ocean Avenue Neighborhood Commercial Transit
Marcelle Boudreaux, (415) 575-9140 or
marcelle.boudreaux@sfgov.org

Dear Ms. Garland:

This letter is in response to your request for a Letter of Determination regarding the property at 1963 Ocean Avenue, a vacant retail use with proposal to establish a retail use selling e-cigarettes and related materials and steam stone hookah lounge with outdoor activity area (dba "Happy Vape"). This parcel is located in the Ocean Avenue Neighborhood Commercial Transit (NCT) Zoning District and 45-X Height and Bulk District.

CURRENT PROPOSAL

Per Planning Code Section 790.123, Tobacco Paraphernalia Establishment is defined as an establishment with greater than 10 linear feet or 10% of sales area devoted to display and sales of tobacco paraphernalia and (per Section 737.69) requires Conditional Use Authorization. Additionally, per Section 737.24, an outdoor activity area also requires a Conditional Use Authorization.

On February 7, 2014, the Project Sponsor submitted a Conditional Use Authorization application (Case No. 2014.0206C) for the subject property to establish a Tobacco Paraphernalia Establishment on the ground floor, a steam stone hookah lounge on the basement level and an outdoor activity area at the rear to allow sampling of e-cigarettes.

LETTER OF DETERMINATION REQUEST

The request seeks answers to the following: are steam stone hookahs allowed for indoor and outdoor use; is vaping allowed for indoor and outdoor use; are sales of packaged snacks and soft drinks allowed on the premises; and, would the use be considered a "cigar bar."

RESPONSE

In regards to allowed areas for steam stone hookahs, note that while the Planning Department would consider the hookah use as part of the overall Tobacco Paraphernalia Establishment use, the Department of Public Health (DPH) is responsible for regulating hookah establishments.

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Marsha Garland
Garland Public & Community Relations
535 Green Street
San Francisco, CA 94133

September 26, 2014
Letter of Determination
1963 Ocean Avenue

In regards to allowed areas for vaping, it is the Planning Department's understanding of recent legislation enacted by DPH that vaping/e-cigarette smoking is now regulated in a similar manner to tobacco smoking. Please review Public Health Code Sections 19(N) and 19(F) and note that DPH is responsible for regulating such activity.

In regards to packaged drinks and snacks (food handling) being sold on the same premises as the Tobacco Paraphernalia Establishment and hookah use, please note that DPH is responsible for regulating such activity.

In regards to whether the proposed hookah use would be considered a "cigar bar"; this use would be considered as part of the Tobacco Paraphernalia Establishment use.

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

Sincerely,



Scott F. Sanchez
Zoning Administrator

cc: Marcelle Boudreaux, Planner
Business Contacts: *Owner* - Cong Phuong Nguyen (948 Moscow St, San Francisco, CA 94112);
Manager - Blake He (blakehe@gmail.com)
Property Owner: Timoleon and Corinne Zaracotas
Neighborhood Groups

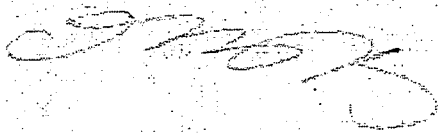
Chris Phung, Business Owner
1910 Ocean Ave (Linda's Ocean Nails)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit
Application

Dear Ms Chris Phung,

I urge you to support the conditional use permit application for 1963 Ocean Avenue for the following reasons:

- 1.) The project will fill a vacancy with a retail store, which will provide more pedestrian traffic to the Ocean Avenue Corridor;
- 2.) The establishment is an upscale electronic vaporizer retail and steam stone hookah lounge that will be adult only and most of the activities will be in the sub-level and outdoor patio. It eliminate the impact on the people that walks by the establishment.
- 3.) The new social activity of sharing a common experience brings people together and creates an opportunity for people to connect and interact;
- 4.) The project aims to provide alternatives to smoking.
- 4.) The establishment will not be a smokeshop and it will not sell tobacco products or paraphernalia such as rolling papers, doobie clips, scales, drug kits, bongs and other assorted paraphernalia.



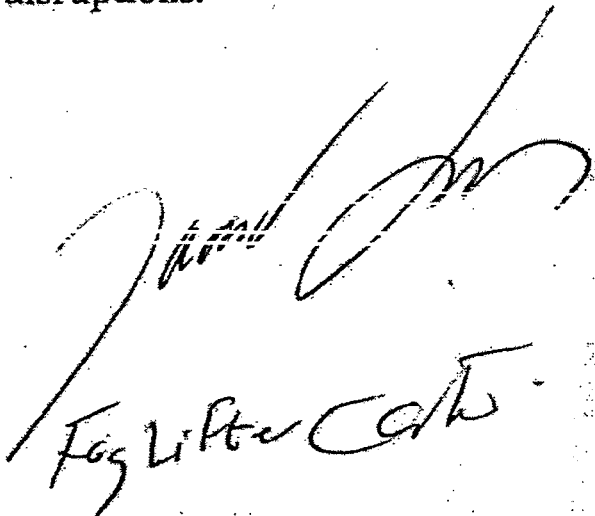
Fog Lifter, Business Own.
1901 Ocean Ave (Fog Lifter Cafe)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit Application

Dear Fog Lifter Owners,

I urge you to support the conditional use permit application for 1963 Ocean Avenue for the following reasons:

- 1.) The establishment will provide an alternative to smoking;
- 2.) The project will fill a vacancy with a retail store, which will provide more pedestrian traffic to the Ocean Avenue Corridor;
- 3.) The new social activity of sharing a common experience brings people together and creates an opportunity for people to connect and interact;
- 4.) The establishment will not be a smokeshop and it will not sell tobacco products or paraphernalia such as rolling papers, doobie clips, scales, drug kits, bongs and other assorted paraphernalia.
- 5.) The establishment will have carbon coal filter in the Steam Stone Hookah lounge to eliminate odor emissions.
- 6.) The establishment will have a tent over the outdoor patio sample vaping area to reduce disruptions.


Fog Lifter Cafe

9/17/2014

Gary, Business Owner
393 Ashton Ave (Ingleside Barber shop)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit Application

Dear Mr. Gary,

I urge you to support the conditional use permit application for 1963 Ocean Avenue for the following reasons:

- 1.) The project will fill a vacancy with a retail store, which will provide more pedestrian traffic to the Ocean Avenue Corridor;
- 2.) The establishment will not be a smokeshop and it will not sell tobacco products or paraphernalia such as rolling papers, doobie clips, scales, drug kits, bongs and other assorted paraphernalia;
- 3.) The establishment is an upscale electronic vaporizer retail and steam stone hookah lounge that will be adult only;
- 4.) The establishment will have carbon coal filter in the lounge to eliminate odor emissions.

Mary J. Curran

Helen He, Business Owner

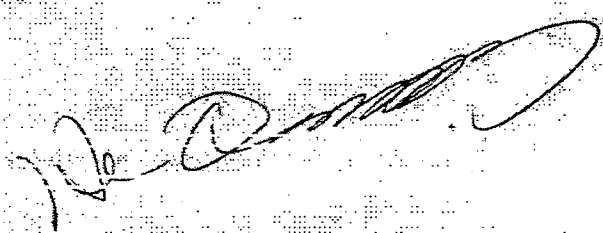
1930 Ocean Ave (Helen Beauty Skin Care)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit Application

Dear Ms He,

I urge you to support the conditional use permit application for 1963 Ocean Avenue for the following reasons:

- 1.) The establishment will provide an alternative to smoking;
- 2.) The project will fill a vacancy with a retail store, which will provide more pedestrian traffic to the Ocean Avenue Corridor;
- 3.) The establishment will not be a smokeshop.
- 4.) The business can in theory help reduce cigarette butts in the neighborhood.
- 5.) The establishment is an upscale electronic vaporizer retail and steam stone hookah lounge.
- 6.) Everything that will be vaped or smoked in the establishment are tobacco free and nicotine free, it will not have carcinogens.

A handwritten signature in black ink, appearing to read "H. He", is located at the bottom right of the page.

JJ, Business Owner
1907 Ocean Ave (Cut to Contrast Barbershop)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit Application

Dear Mr. JJ,

I urge you to support the conditional use permit application for 1963 Ocean Avenue for the following reasons:

- 1.) The establishment will provide an alternative to smoking;
- 2.) The project will fill a vacancy with a retail store, which will provide more pedestrian traffic to the Ocean Avenue Corridor;
- 3.) With the on site "vaping" component in the outdoor patio area, it will allow patrons to taste and sample various flavors in order to make an informed product purchase;
- 4.) The new social activity of sharing a common experience brings people together and creates an opportunity for people to connect and interact;
- 5.) The establishment will not be a smokeshop and it will not sell tobacco products or paraphernalia such as rolling papers, doobie clips, scales, drug kits, bongs and other assorted paraphernalia;
- 6.) The establishment is an upscale electronic vaporizer retail and steam stone hookah lounge that will be adult only and most of the activities will be in the sub-level and outdoor patio. It eliminate the impact on the people that walks by the establishment.

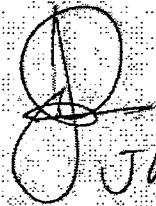
Joey Cassina, Business Owner
Ocean Avenue Tattoo
1907 Ocean Ave

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit
Application

Dear Mr. Cassina:

I urge you to support the conditional use permit application for 1963 Ocean Avenue
for the following reasons:

- 1.) The establishment will provide a healthy alternative to smoking;
- 2.) The project will fill a vacancy with a retail store, which will provide more
pedestrian traffic to the Ocean Avenue Corridor;
- 3.) The new social activity of sharing a common experience brings people together
and creates an opportunity for people to connect and interact.


JOEY
CASSINA
OCEAN
AVENUE
TATTOO
7/24/14

Johnston Yau
Legend Billiards
1948 Ocean Ave
San Francisco, CA 94127
(415) 335-9228
yaujs@hotmail.com

August 5th 2014

Blake He.
Happy Vape
1963 Ocean Ave
San Francisco, CA 94127
(415) 513-2620

Dear Mr. Blake He,

Thank you for contacting me with your business proposal to open an electronic vaporizer retail store and steaming stone hookah lounge. After watching your presentation at the meeting of the Ingleside Association, I am convinced that your business will do well at the desired location. Rest assured that you have our full support.

Good Luck!

Sincerely yours,


Johnston Yau

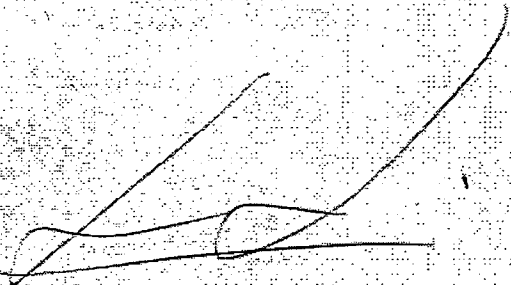
Mr. Larry & Mr. Rory, Business Owner
Bay Area Gold & Silver (Neighbor to the right)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit
Application

Dear Mr. Larry & Mr. Rory:

I urge you to support the conditional use permit application for 1963 Ocean Avenue
for the following reasons:

- 1.) We will have security cameras surveillance and we will be the extra sets of eyes
and ears for the neighborhood. Increase security.
- 2.) Bring a new culture to the ocean ave corridor.



LARRY LI

7/8/14

Li Zhi Song, Business Owner
Ocean Acupuncture and Health Center (neighbor to doors to the left)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit
Application

Dear Ms. Li Zhi Song

I urge you to support the conditional use permit application for 1963 Ocean Avenue
for the following reasons:

- 1.) The establishment will provide a healthy alternative to smoking;
- 2.) The project will fill a vacancy with a retail store, which will provide more
pedestrian traffic to the Ocean Avenue Corridor;
- 3.) The new social activity of sharing a common experience brings people together
and creates an opportunity for people to connect and interact.

Li Zhi Song

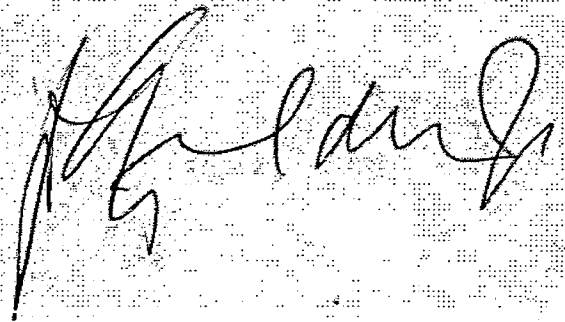
Manual De Vera, Business Owner
1735 Ocean Ave (Allstate)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit Application

Dear Mr. De Vera,

Please support the conditional use permit application for 1963 Ocean Avenue for the following reasons:

- 1.) The establishment will provide a healthy alternative to smoking;
- 2.) The establishment will not be a smokeshop and it will not sell tobacco products or paraphernalia such as rolling papers, doobie clips, scales, drug kits, bongs and other assorted paraphernalia;
- 3.) The project will fill a vacancy with a retail store on the street that has 5 vacancies and 2 storefronts that are used as storage, which will bring more traffic and new economic interest into the neighborhood;
- 4.) The business will create 3-4 jobs;
- 5.) Everything that will be vaped or smoked in the establishment are tobacco free and nicotine free, it will not have carcinogens.

A handwritten signature in black ink, appearing to read 'Manual De Vera', is written in a cursive style.



October 23, 2014

Marcelle Boudreaux

Re: Happy Vap/Blake He

Dear Marcelle,

I was approached by Blake He to write a letter stating that I had spoken to my Board of Directors regarding support for his potential business, Happy Vap. My board voted and we've decided to stay neutral at this time. We respect Blake's entrepreneurial spirit and his desire to occupy a space on Ocean Avenue, but we feel as an Arts and Culture non-profit, we would not be able to contribute or collaborate effectively with a business of this nature. Our mission statement is to collaborate with other organizations that promote the arts in the OMI.

We wish him luck with his endeavors and look forward to supporting possible projects or business in the future.

Sincerely,

Maria Fe Picar
The OMI Cultural Participation Project
Executive Director

Ray, Kevin, Kelvin, Business Owners

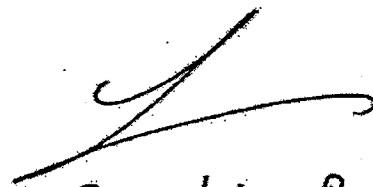
1725 Ocean Ave (Midas Collection)

Re: Approval for 1963 Ocean Avenue "Happy Vape" Conditional Use Permit Application

Dear Commissioners:

Please approve the conditional use permit application for 1963 Ocean Avenue for the following reasons:

- 1.) The establishment will provide an alternative to smoking.
- 2.) The project will fill a vacancy with a retail store on the street that has 7 vacancies, which will bring more traffic and new economic interest into the neighborhood
- 3.) The business will create 4 new jobs.
- 4.) With the on site "vaping" component in the outdoor patio area, it will allow patrons to taste and sample various flavors in order to make an informed product purchase.
- 5.) The establishment will have an awning over the outdoor patio sample vaping area to reduce disruptions.



Ben Li Business owner.

Mr. Ye, Business Owner

~~1900 Ocean Ave (Pho Ha Tien)~~

395 Ashton Ave. (E-C Mart) Y.F

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit Application

Dear Mr. Ye,

我願意支持1963 Ocean Avenue conditional use permit的申請, 而原因有幾個:

- 1.) 該商店將會提供非香煙的產品選擇
- 2.) 該計畫將會採用一個Ocean Avenue上空了很久的商業埔位, 而且還會有助增加稍費者到這段的Ocean Avenue
- 3.) 這計畫是一個高尚的電子煙店及steam stone lounge的概念, 而針對的客戶群全都是已成年的人, 並不會批准或容許未滿18歲的青年在店內
- 4.) 這商店已計畫使用靜炭過濾器來確保店裡排出的空氣不會帶有味道而影響論居

Yi Feng Ye



Ocean Avenue Association
1728 Ocean Ave PMB 154
San Francisco, CA 94112

October 20, 2014

Marcelle Boudreaux
San Francisco Department of City Planning
marcelle.boudreaux@sfgov.org
415..575.9140

Dear Marcelle,

The Ocean Avenue Association supports Mr. Blake He's proposal to open the Happy Vape on Ocean Avenue.

The OAA's decision to support the Happy Vape conditional use application should not be construed as an endorsement of the applicant's chosen business nor its compatibility with the surrounding neighborhood. The Board has no position on the matters of public policy raised by members of the community with regard to the nature of the applicant's business. We do not doubt the sincerity of those views. The OAA's purview, however, does not extend to making choices among lawful business that otherwise comply with the City's licensing and regulatory process.

OAA's support is based on the board's view that Happy Vape's operations are consistent with the objectives of the OAA to promote vibrant business along the Ocean Avenue commercial corridor. The management team has shown a commitment to supporting the Ocean Avenue retail district and improving the cleanliness and safety of the commercial area. The OAA board also believes that Mr. He is receptive to the concerns and input of neighbors.

Please contact me if your have questions about this recommendation.

Daniel Weaver
Executive Director

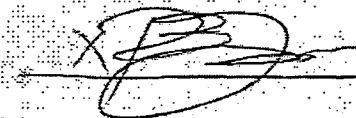
Randy Tagle, Renowned Barber
Cut To Contrast Barbershop
1907 Ocean Ave (b/t Ashton Ave & Keystone Way)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit
Application

Dear Mr. Tagle:

I urge you to support the conditional use permit application for 1963 Ocean Avenue
for the following reasons:

- 1.) The establishment will provide a healthy alternative to smoking;
- 2.) The project will fill a vacancy with a retail store, which will provide more
pedestrian traffic to the Ocean Avenue Corridor;
- 3.) The new social activity of sharing a common experience brings people together
and creates an opportunity for people to connect and interact.

 7/24/14

Reverend Roland Gordon, Pastor & OAA Board Member
1345 Ocean Ave (Ingleside Presbyterian Church)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit
Application

Dear Reverend Gordon,

Please support the conditional use permit application for 1963 Ocean Avenue for
the following reasons:

- 1.) The establishment will provide a healthy alternative to smoking;
- 2.) The project will fill a vacancy with a retail store on the block with five
vacancies, which will provide more pedestrian traffic to the Ocean Avenue
Corridor;
- 3.) The business will create two - three more jobs;
- 4.) With the on site "vaping" component in the outdoor patio area, it will allow
patrons to taste and sample various flavors in order to make an informed product
purchase;
- 5.) The establishment will not be a smokeshop and it will not sell tobacco
products or paraphernalia such as rolling papers, doobie clips, scales, drug kits,
bongs and other assorted paraphernalia;
- 6.) The establishment is an upscale electronic vaporizer retail and steam stone
hookah lounge that will be adult only and most of the activities will be in the
sub-level and outdoor patio. It eliminate the impact on the people that walks by
the establishment;
- 7.) The establishment will have a tent over the outdoor patio sample vaping area
to reduce disruptions;
- 8.) Everything that will be vaped or smoked in the establishment are tobacco free
and nicotine free, it will not have carcinogens.

Sincerely,

Blake He

Blake,
You have my support. Blessings!

Rev. G

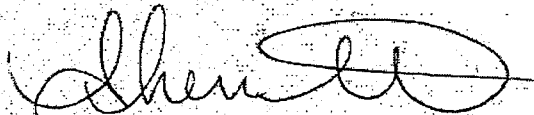
Sherri Stratton, Business Owner
Serge-A-Lot
1949 Ocean Ave

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit
Application

Dear Ms. Stratton:

I urge you to support the conditional use permit application for 1963 Ocean Avenue
for the following reasons:

- 1.) The establishment will provide a healthy alternative to smoking;
- 2.) The project will fill a vacancy with a retail store, which will provide more
pedestrian traffic to the Ocean Avenue Corridor;
- 3.) The business will create two - three more jobs;
- 4.) With the on site "vaping" component in the outdoor patio area, it will allow
patrons to taste and sample various flavors in order to make an informed product
purchase;
- 5.) The new social activity of sharing a common experience brings people together
and creates an opportunity for people to connect and interact.



7-24-14

Tim Zaracotas, Business Owner
Aster Travel (Neighbor to the left)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit
Application

Dear Mr. Zaracotas:

I urge you to support the conditional use permit application for 1963 Ocean Avenue
for the following reasons:

- 1.) The establishment will provide a healthy alternative to smoking;
- 2.) The project will fill a vacancy with a retail store, which will provide more
pedestrian traffic to the Ocean Avenue Corridor.

This is to confirm that I do
support the opening of the
Happy Vape, my next door to my
business of Aster Travel Inc. -

S.F. 7-8-14

Tim L. Zaracotas



Tito Nuila, Business Owner
1719 Ocean Ave (Daytona Auto Body Shop)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit Application

Dear Mr. Nuila,

Please support the conditional use permit application for 1963 Ocean Avenue for the following reasons:

- 1.) The establishment will provide a healthy alternative to smoking;
- 2.) The project will fill a vacancy with a retail store, which will provide more pedestrian traffic to the Ocean Avenue Corridor;
- 3.) With the on site "vaping" component in the outdoor patio area, it will allow patrons to taste and sample various flavors in order to make an informed product purchase;
- 4.) The establishment will not be a smokeshop and it will not sell tobacco products or paraphernalia such as rolling papers, doobie clips, scales, drug kits, bongs and other assorted paraphernalia;
- 5.) The establishment is an upscale electronic vaporizer retail and steam stone hookah lounge that will be adult only and most of the activities will be in the sub-level and outdoor patio. It eliminates the impact on the people that walk by the establishment;
- 6.) Everything that will be vaped or smoked in the establishment are tobacco free and nicotine free, it will not have carcinogens.

TITO NUILA

Tom Phan, Business Owner
1947 Ocean Avenue

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit
Application

Dear Mr. Phan:

I urge you to support the conditional use permit application for 1963 Ocean Avenue
for the following reasons:

- 1.) The establishment will provide a healthy alternative to smoking;
- 2.) With the on site "vaping" component in the outdoor patio area, it will allow
patrons to taste and sample various flavors in order to make an informed product
purchase;
- 3.) The project will fill a vacancy with a retail store, which will provide more
pedestrian traffic to the Ocean Avenue Corridor;
- 4.) The new social activity of sharing a common experience brings people together
and creates an opportunity for people to connect and interact.

Tom Phan
7-24-19


Walee Gon, Business Owner & OAA Board Member
545 Faxon Ave (Faxon Garage)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit Application

Dear Mr. Gon,

Please support the conditional use permit application for 1963 Ocean Avenue for the following reasons:

- 1.) The establishment will provide a healthy alternative to smoking;
- 2.) The project will fill a vacancy with a retail store on the street that has 5 vacancies and 2 storefronts that are used as storage, which will bring more traffic and new economic interest into the neighborhood;
- 3.) The business will create 3-4 jobs;
- 4.) With the on site "vaping" component in the outdoor patio area, it will allow patrons to taste and sample various flavors in order to make an informed product purchase;
- 5) The establishment will not be a smokeshop and it will not sell tobacco products or paraphernalia such as rolling papers, doobie clips, scales, drug kits, bongs and other assorted paraphernalia;
- 6) The establishment will have carbon coal filter in the lounge to eliminate odor emissions;
- 7) The establishment will have a tent over the outdoor patio sample vaping area to reduce disruptions;
- 8) Everything that will be vaped or smoked in the establishment are tobacco free and nicotine free, it will not have carcinogens.


Walee Gon 7/29/14

Mr. Louie and Ms. Louie, Business Owner
Dri-Clean Express (Neighbor 2 doors to the right)

Re: Support for Happy Vape, 1963 Ocean Avenue, Conditional Use Permit
Application

Dear Mr. Louie & Ms. Louie:

I urge you to support the conditional use permit application for 1963 Ocean Avenue
for the following reasons:

- 1.) The project will fill a vacancy with a retail store, which will provide more
pedestrian traffic to the Ocean Avenue Corridor;
- 2.) The new social activity of sharing a common experience brings people together
and creates an opportunity for people to connect and interact.

A handwritten signature in black ink, consisting of a stylized 'H' followed by a large, loopy 'O' and a horizontal line extending to the right.

We were asked that “With four other stores selling electronic cigarettes, why should you be here?”

- We offer a unique experience and services to the neighbors and the people of San Francisco that no other stores are offering.
- We are not only providing products for sale, but a unique experience for our patrons whether it be shopping, relaxing in the lounge or trying flavors in the outdoor sampling area, bringing people together to create greater economic interest to the area.
- We are the only store in the area dedicated to only e-cigarettes.
- Any and all persons under 18 will be removed from the premise.
- Our mission is to provide products that will help cigarette smokers reduce their nicotine intake levels gradually, that is an appealing replacement for traditional cigarettes.
- We carry a much wider selection and better quality products than the liquor stores in the area.
- We are not just selling e-cigarettes just as another item, each and every item is tested personally by the staff to deem whether it is qualified to be on the shelf or not.
- We are planning for incentive programs to encourage customers trying to quit cigarettes stay on track.
- We provide our patrons with information and demonstrations on safe handling and upkeep of various products to ensure their safety.
- The Steam Stone Hookah lounge is also an integral part of our business plan and is one of few in existence in the city.
- The other stores are 3 liquor store and a 7-Eleven, electronic cigarettes are accessory sales for these stores. Anyone could go into these stores including kids and they get exposed to cigarettes along with electronic cigarettes because the stores put them in the same area. Kids associate the electronic cigarettes with traditional cigarettes and that could really confuse kids.

Liquor Stores and Vape Stores In the area:

Homrun Liquors

1551 Ocean Ave, San Francisco, CA 94112 (0.3 mile away)

Wiley's Liquor

1015 Ocean Ave, San Francisco, CA 94112 (0.6 mile away)

A & N Liquor

1521 Ocean Ave, San Francisco, CA 94112 (0.3 mile away)

7-Eleven

2000 Ocean Ave, San Francisco, CA 94127

Juicebox Vapor

Parkside

907 Taraval St, San Francisco, CA 94116

1.7 miles away from 1963 Ocean Ave.

Dream Cloud Vapors

Excelsior

4971 Mission St, San Francisco, CA 94112

1.6 miles away from 1963 Ocean Ave.

Boudreaux, Marcelle (CPC)

From: Donna Howe <donna.howe@comcast.net>
Sent: Thursday, May 15, 2014, 2:24 AM
To: Boudreaux, Marcelle (CPC)
Subject: Opposition to proposed permit for 1963 Ocean Ave.

Follow Up Flag: Flag for follow up
Flag Status: Flagged

To: Marcelle Boudreaux
From: Donna Howe, 85 Entrada Court

Message:

I am a long time resident of the Ingleside Terraces. I am the third generation of our family to have lived at Entrada Court, and my son and his family are the fourth and fifth generations and currently reside nearby on Urbano Drive. That being said, I wish to voice my **strong opposition to the permit application** reference the establishment of a business offering tobacco paraphernalia at the vacant retail space at 1963 Ocean Avenue.

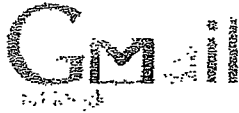
There are several schools (Commodore Sloat Elementary School, St. Francis Preschool, Stratford Academy, Voice of Pentecost Academy, Aptos Junior HS, and Lick-Wilmerding) nearby. I have serious concerns about the negative social and health impact a tobacco shop will have on the neighborhood.

There are already several cannabis dispensaries along the Ocean Ave. corridor between Junipero Serra and Howth. So far, the city has not seen fit to honor the wishes of our neighbors by failing to discourage the clustering of dispensaries. If a tobacco shop were to be permitted to open and operate nearby it would be a clear indication that "the City" Planning Department does not support efforts to draw residents and family-friendly businesses to our historic neighborhood.

For a number of years I maintained a residence in the east bay city of Fremont. The Smoke Shop there was a constant source of problems in the Niles District. That was in the days before e-cigarettes, so it was full of such products as rolling papers, "doobie clips", scales, drug kits, bonges, and other assorted tobacco paraphernalia.

Establishing a similar business on Ocean Avenue can only bring negative outcomes that will far outweigh the generation of any commercial revenue for this city that I love. It would be naive to think the proposed business would offer only e-cigarettes, cigarettes, cigars, snuff, chew and loose tobacco, all of which, I believe, are easily procured at a variety of other locations. There is no need for such a business in our neighborhood. Although I am sure it would be popular with college students from City College of San Francisco and San Francisco State University, it would also be a distraction from their educational pursuits and not likely to be popular with their parents.

I hope my work schedule will permit me to attend any community outreach meetings regarding this proposal, but I do wish to go on record now with the Planning Commission as being **opposed to permitting the proposed business**.



Blake He <blakehe@gmail.com>

1963 Ocean Ave

Blake He <blakehe@gmail.com>
To: donna.howe@comcast.net

Thu, Jul 31, 2014 at 11:24 PM

Dear Ms. Howe:

Your correspondence of May 15, 2014 to Planner Marcelle Boudreaux regarding my project at 1963 Ocean Avenue has just been forwarded to me. I appreciate your input and would like to mitigate your concerns.

I, too, have a vested interest in the Ocean Avenue community. I live in the area, went to school in the area and actually immigrated directly to the area with my family as a child. Now I am raising my own child in the neighborhood.

Many people misunderstand vape shops and think they are also "head" shops, marijuana dispensaries and/or tobacconists, which is not the case especially in my situation.

I was once a heavy smoker and e-cigarettes have helped me reduce my smoking enormously. As the father of a toddler they have further benefitted me and my family by providing a smoke free environment for my son to grow up in. I am very conscious of a healthy environment, have been a swimming coach, and curse the day I started smoking. Now I am grateful for vaping and know many others who feel the same way. Vaping is leading them and me to a healthier life style, one that eventually will be totally free of tobacco.

Rest assured the products that will be available in my store, as well as the sample vaping in the outdoor area, will not contain nicotine nor carcinogens. It is because of my own concern for healthy living that I want to start this business.

We will not be selling to children and there will be signs posted throughout our space saying that no one under 18 will be allowed in. We will also have a well-trained staff.

Happy Vape, which is to be the name of my business, is in the business of **harm reduction**. We have no intention of selling snuff, rolling papers, doobie clips, scales, drug kits, bongs and other tobacco and drug paraphernalia. We do not want to create problems; we want to help solve problems and I do not understand how my business would be a distraction from educational pursuits for students from SF State and City College.

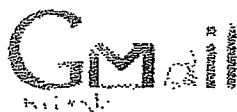
There are many vacancies along Ocean Avenue and my goal is to fill one of them. I will be happy to share my business plan with you if that would be helpful and can forward that via e-mail.

I am available to meet with you any time that is convenient and, as I said, am happy to forward my business plan should you deem that necessary.

Blake He

Happy Vape

Electronic vaporizer retail &
Steaming stone hookah lounge
(415)513-2620
1963 Ocean Ave.
San Francisco, CA 94127



Blake He <blakehe@gmail.com>

1963 Ocean Ave

Donna Howe <donna.howe@comcast.net>

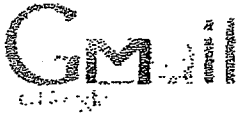
Fri, Aug 1, 2014 at 3:06 PM

To: Blake He <blakehe@gmail.com>

Thanks for your reply and the clarification. I have forwarded it to the participants in the Ingleside Terrace googlegroup. I do not need to see your business plan but appreciate your transparency.

Donna Howe

[Quoted text hidden]



Blake He <blakehe@gmail.com>

1963 Ocean Ave

Blake He <blakehe@gmail.com>
To: sfwendy@gmail.com

Thu, Jul 31, 2014 at 11:15 PM

Dear Wendy:

Your e-mail of May 10, 2014 to Planner Marcelle Boudreaux regarding my project as 1963 Ocean Avenue was forwarded to me.

First of all thank you for taking the time to express your concerns.

Rest assured the products that will be available, as well as the sample vaping in the outdoor area, will not contain nicotine nor carcinogens. It is because of my own concern for healthy living that I want to start this business.

We will not be selling to children and there will be signs posted throughout saying that no one under 18 will be allowed in. We will also have a well-trained staff.

With regard to the marijuana dispensaries and tattoo parlors, it is a matter of choice as to whether or not to patronize those businesses just as it is to patronize a vaping store.

I was once a heavy smoker and this product has helped me reduce my smoking enormously. As the father of a toddler it has further benefitted me and my family by providing a smoke free environment for my son to grow up in. I am very conscious of a healthy environment, have been a swimming coach, and curse the day I started smoking. Now I am grateful for vaping and know many others who feel the same way. Vaping is leading them and me to a healthier life style, one that eventually will be totally free of tobacco.

I commend you for a healthy lifestyle. I simply want to provide an alternative to smoking. Many people have said it has helped and we don't want to ignore those people who find vaping works.

If you would like additional information, we could meet or discuss this further through e-mails.

Thank you.

Blake He

Happy Vape

Electronic vaporizer retail &
Steam stone hookah lounge
(415)513-2620
1963 Ocean Ave.
San Francisco, CA 94127

Boudreaux, Marcelle (CPC)

From: Wendy Portnuff <sfwendy@gmail.com>
Sent: Saturday, May 10, 2014 3:44 PM
To: Boudreaux, Marcelle (CPC)
Subject: Conditional Use Permit for Tobacco Paraphernalia at 1963 Ocean Avenue

Dear Ms. Boudreaux,

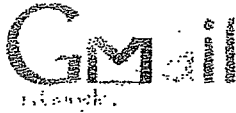
I live in Ingleside Terraces, which is adjacent to the location above on Ocean Avenue. Furthermore, I walk past the location almost daily. I object strongly to the introduction of Tobacco Products to this part of our neighborhood. These electronic cigarettes are highly suspect for health reasons. They contain known carcinogens. I do not wish to be exposed to them, and I do not want them to be readily available to neighborhood youth in this part of the city. It's bad enough that there are marijuana stores and tatoo parlors here. Please do not approve yet another storefront that challenges our ability to remain healthy and to be role models for our children.

Wendy Portnuff

The Professional Woman's Guide to Healthy Travel

www.wendypornuff.com

415-269-4398



Blake He <blakehe@gmail.com>

1963 Ocean Ave

Blake He <blakehe@gmail.com>
To: board@westwoodpark.com

Thu, Jul 31, 2014 at 11:19 PM

Dear Ms. Favetti:

Your July 3 letter on behalf of the Westwood Park Association regarding my project at 1963 Ocean Avenue has just been forwarded to me by planner Marcelle Boudreaux.

Like you and your members I, too, have a vested interest in the Ocean Avenue community. I live in the area, went to school in the area and actually immigrated directly to the area with my family as a child. Now I am raising my own child in the neighborhood.

There are many vacancies along Ocean Avenue and my goal is to fill one of them. I will be happy to share my business plan with you if that would be helpful and can forward that via e-mail. Ideally, I would like an opportunity to present to your association at one of your meetings.

Many people misunderstand vape shops and think they are also "head" shops and/or tobacconists, which is not always the case.

I was once a heavy smoker and e-cigarettes have helped me reduce my smoking enormously. As the father of a toddler they have further benefitted me and my family by providing a smoke free environment for my son to grow up in. I am very conscious of a healthy environment, have been a swimming coach, and curse the day I started smoking. Now I am grateful for vaping and know many others who feel the same way. Vaping is leading them and me to a healthier life style, one that eventually will be totally free of tobacco.

Rest assured the products that will be available in my store, as well as the sample vaping in the outdoor area, will not contain nicotine nor carcinogens. It is because of my own concern for healthy living that I want to start this business.

We will not be selling to children and there will be signs posted throughout our space saying that no one under 18 will be allowed in. We will also have a well-trained staff.

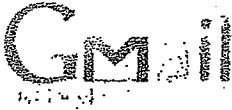
Happy Vape, which is to be the name of my business, is in the business of harm reduction. Based on this perhaps we can start a fresh dialog that will allow me to present directly to your association.

I look forward to hearing from you.

Blake He

Happy Vape

Electronic vaporizer retail &
Steam stone hookah lounge
(415)513-2620
1963 Ocean Ave.
San Francisco, CA 94127



Blake He <blakehe@gmail.com>

1963 Ocean Ave

r and k favetti <woloso1@yahoo.com>

Thu, Aug 7, 2014 at 7:49 PM

To: Blake He <blakehe@gmail.com>

Cc: Marcelle Boudreaux@sfgov.org, Dan Weaver <info.oacbd@gmail.com>

Dear Mr. He,

The Westwood Park Board has thoroughly reviewed your email dated July 31, 2014 and has not changed its position. I have attached our letter for reference.

Sincerely,
Kate Favetti, President
Westwood Park Association

On Thu, 7/31/14, Blake He <blakehe@gmail.com> wrote:

Subject: 1963 Ocean Ave
To: board@westwoodpark.com
Date: Thursday, July 31, 2014, 11:19 PM

Dear Ms.
Favetti:
Your July 3 letter on behalf of the
Westwood Park Association regarding my project at 1963
Ocean Avenue has
just been forwarded to me by planner Marcelle Boudreaux.

Like
you and your members I, too, have a vested interest in the
Ocean Avenue
community. I live in the area, went to school in the area
and actually
immigrated directly to the area with my family as a child.
Now I am
raising my own child in the neighborhood.
There
are many vacancies along Ocean Avenue and my goal is to
fill one of
them. I will be happy to share my business plan with you
if that would
be helpful and can forward that via e-mail. Ideally, I
would like an
opportunity to present to your association at one of your
meetings.
Many people misunderstand vape shops and think
they are also "head" shops and/or tobaccoconists,
which is not always the case.

I
was once a heavy smoker and e-cigarettes have helped me

WESTWOOD PARK



July 3, 2014

Marcelle Boudreaux, AICP
Planner, Southwest Quadrant
Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103

RE: Letter of Opposition – Vaporizer Lounge and Store located at 1963 Ocean Avenue

Dear Ms. Boudreaux,

I am writing on behalf of the Westwood Park Association Board in opposition to the proposed vaporizer lounge and store at 1963 Ocean Avenue.

Members of our diverse communities surrounding Ocean Avenue have been working for many years to revitalize Ocean Avenue and to attract much needed neighborhood businesses and services to the Ocean Avenue retail corridor. We recently had a number of community meetings on the Ocean Avenue Corridor where residents were asked about what businesses and services they wanted to see on the Ocean Avenue. I can assure you that a vaporizer lounge and store was *not* on the list. By way of reference, the Planning Department representative on this effort is Lily Langlois.

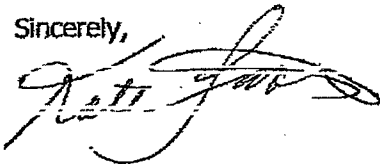
It is our understanding that e-cigarette smoking devices and cartridges as well as nicotine cartridges will be sold, and, there will be a smoking lounge with vaporizing devices for smoking. Food, music and videos/movies will be shown in the lounge area to attract customers.

Currently, we have 4 locations where e-cigarettes and nicotine products are sold – 7-Eleven, Homrun, A&N Liquors, and No Limit – more than adequate for this area. Although the business owners have indicated that smoking nicotine will not be allowed on the premises, enforcement will be difficult.

We have precious few store fronts for the size of our neighborhoods. A vaporizer lounge and store does not propel our revitalization efforts forward nor does it provide the much needed and requested businesses and services to benefit our community.

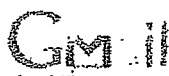
I am joined by the Westwood Park Association Board members Kathy Beltiks, Anne Chen, Greg Clinton, Tim Emert, Caryl Ito and Anita Theoharis in opposing the proposed vaporizer lounge and store at 1963 Ocean Avenue.

Sincerely,



Kate Favetti, President
Westwood Park Association

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



Blake He <blakehe@gmail.com>

1963 Ocean Ave(Happy Vape)

Blake He <blakehe@gmail.com>
To: staceyinteractive@gmail.com

Wed, Oct 22, 2014 at 7:09 PM

Dear Mr. Stacey,

I am send you a fact sheet regarding our project. Our business plan is well thought out and has been shared with the community over a nine month period. Our benefits far outweigh any possible negative impacts. Please contact me so I may share with you our vision for providing synergy to this desolate area the city refers to as a "Dead Block". Thank you very much.

Blake He

Happy Vape

Electronic vaporizer retail &
Steam stone hookah lounge
(415)513-2620
1963 Ocean Ave.
San Francisco, CA 94127

2 attachments

Fact Sheet.pdf
709K

Happy Vape Business Plan.docx
41K

From: John Stacey
To: Boudreaux, Marcelle (CPC); Yee, Norman (BOS); Secretary, Commissions (CPC)
Subject: 1963 Ocean Avenue Vape Shop
Date: Monday, October 20, 2014 8:47:39 AM

I am writing to let you know of my opposition to the proposed Vape Shop, requesting to be located at 1963 Ocean Ave in San Francisco.

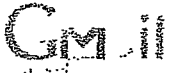
My reasons are fairly straight-forward:

- Ocean Avenue merchants appear to be moving in without much interest from the city on what the street is *becoming*. There are two relatively new tattoo parlors, about six nail shops, at least three massage parlors, two marijuana distributors, a bong shop, and (wait for it...) soon to be a VAPE shop!
- The neighbors deserve better. The (few) upstanding merchants on the street deserve better. Our community deserves better than having our main street turn into San Francisco's location for cheap sex, legal drugs, and various inhaled stimulants
- I realize I probably sound like a staunchy old republican, but I'm not: I am a 47 year old democrat - and own a home just off of Ocean. We have two teen-aged children that walk and drive through the "circus" daily. My wife and I call Ocean "Bangkok."
- In the 15 years that we've lived in our house, we've seen crime rise (including a shooting about 100 yards from this proposed shop). We've seen fast food litter pile up. We've seen drunken and disorderly behavior. We hear the sub-woofers. We listen to the sounds of inebriates fighting on the sidewalks.
- It should stop. The city of San Francisco owes it to the local residents to do it's job... and have a commercial zoning plan for Ocean that is more calculated than "we'll rent to anyone the law allows."
- We pay substantial property taxes, and we vote.
- Please carefully consider my plea, as well as those from the neighbors in the community.

I live at 25 Cerritos, and I oppose the permitting of the Vape Shop.

Thank you for your time.

John Stacey
mobile 415-218-3431



Blake He <blakehe@gmail.com>

1963 Ocean Ave(Happy Vape)

Blake He <blakehe@gmail.com>
To: delfabear88@gmail.com

Wed, Oct 22, 2014 at 7:05 PM

Dear Ms. Go,

Thank you for your interest in our project. However you may have some misinformation, I will send you a fact sheet with pertinent information regarding our project. We do not offer tobacco products. Our diversity of products and services will stimulate pedestrian traffic. The Vaping will be designated to our outdoor backyard area enclosed by a tent. Thus there is no need to cross the street because of any adverse impact caused by our establishment. If you have additional concerns please share them with me. Thank you very much.

Blake He

Happy Vape

Electronic vaporizer retail &
Steam stone hookah lounge
(415)513-2620
1963 Ocean Ave.
San Francisco, CA 94127

2 attachments

Fact Sheet.pdf
709K

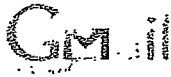
Happy Vape Business Plan.docx
41K

From: deltabear
To: Boudreaux, Marcelle (CPC)
Subject: 1963 Ocean Ave - Conditional Use Permit Application -- Tobacco Paraphernalia
Date: Monday, October 20, 2014 10:21:06 AM

Thank you for the notice of public hearing for this project.

I reside at 50 Urbano Dr. I am opposed to this project. There are already plenty of shops on Ocean Ave offering tobacco, e-cigarettes, hookah, and medical marijuana. It is creating an atmosphere on Ocean Ave that is not conducive to pedestrian traffic or business. The smells make me cross the street. My children are uncomfortable walking along these blocks of Ocean Avenue.

Adrienne Go



Blake He <blakehe@gmail.com>

1963 Ocean Ave(Happy Vape)

Blake He <blakehe@gmail.com>
To: Robert Karis <rckaris2@gmail.com>

Wed, Oct 22, 2014 at 7:35 PM

Dear Mr. Karis,

E-cigarette does not lead young people (20 something) to be addicted to nicotine or cigarettes. "First Study to Examine E-Cigarette Gateway Hypothesis Can Find Only One Nonsmoker Who Initiated with E-Cigs and Went on to Smoke" is a study that directly counters the article you included from the CDC.

<http://tobaccoanalysis.blogspot.com.au/2013/10/first-study-to-examine-e-cigarette.html>

I am also curious and concerned about the vapors from e-cigarettes, so I did some research. The result of the research is that the vapors from e-cigarettes are far below the standard what scientists are consider as toxic. I have also included a research article that explored the long term effects of the vapors.

<http://www.healthnz.co.nz/ECigsExhaledSmoke.htm>

http://clearstream.flavourart.it/site/wp-content/uploads/2012/09/CSA_ItaEng.pdf

<http://www.ncbi.nlm.nih.gov/pubmed/23033998#>

<http://tobaccocontrol.bmj.com/content/early/2013/03/05/tobaccocontrol-2012-050859.short>

<http://pubs.rsc.org/en/content/articlelanding/2014/em/c4em00415a#divAbstract>

<http://jpet.aspetjournals.org/content/91/1/52.abstract>

<http://www.biomedcentral.com/content/pdf/1471-2458-14-18.pdf>

<http://ntr.oxfordjournals.org/content/early/2013/12/10/ntr.ntl203.short?rss=1>

<http://www.ecigarette-research.com/web/index.php/2013-04-07-09-50-07/2014/167-no-ecigs>

We are in the business of harm reduction. Many surveys and researches shows that E-Cigarette is a great way for people to fight their cigarette addiction. Some researchers are saying that e-cigarettes are the most effective way of helping people quit smoking cigarettes.

<http://www.sciencedirect.com/science/article/pii/S0306460313003304>

<http://vaping.com/data/vaping-survey-2014-initial-findings>

<http://www.plosone.org/article/info:doi/10.1371/journal.pone.0103462>

<http://www.addictionjournal.org/press-releases/e-cigarette-use-for-quitte-smoking-is-associated-with-improved-success-rates>

<http://nicotinepolicy.net/documents/letters/MargaretChan.pdf>

<http://link.springer.com/article/10.1007/s11606-014-2889-7>

Sincerely,

Blake He

Happy Vape

Electronic vaporizer retail &
Steam stone hookah lounge
(415)513-2620
1963 Ocean Ave.
San Francisco, CA 94127

2 attachments

Fact Sheet.pdf
709K

Happy Vape Business Plan.docx
41K

From: Robert Karis
To: Boudreaux, Marcelle (CPC); Secretary, Commissions (CPC)
Cc: Yee, Norman (BOS); Low, Jan (BOS)
Subject: 1963 Ocean Avenue, Case No.: 2014.0206C
Date: Monday, September 22, 2014 10:43:56 AM

Dear Ms. Boudreaux,

The proposed Happy Vape store at 1963 is a Conditional Use, which means it has to demonstrate that it is necessary or desirable. This business is neither necessary or desirable.

I am opposed to the vape store for several reasons:

1) They are part of an effort by tobacco companies and others to addict young people, 20 somethings, to nicotine, which is a harmful substance
http://www.cdc.gov/media/releases/2014/p0825-e-cigarettes.html?s_cid=cdc_homepage_whatsnew_002 E-cigarette ads are targeted towards young people; as is easily demonstrated by googling images of e-cigarette ads.

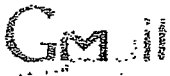
2) The vapors from e-cigarettes can be harmful, even when they don't contain nicotine http://www.nytimes.com/2014/05/04/business/some-e-cigarettes-deliver-a-puff-of-carcinogens.html?_r=1

E-liquids use propylene glycol as a solvent. In ordinary usage, propylene glycol is safe. But when it is heated, as it is in e-cigarettes, propylene glycol is oxidized and gives rise to a variety of toxic substances, particularly formaldehyde in unsafe amounts. Some earlier studies reported only low doses of formaldehyde, but they may not have used a high enough voltage, 4.8 volts in this study. 4.8 volts is easily and frequently obtained with the devices sold in vape shops, as the higher voltage also results in more nicotine and more effect from the e-cigarette. It is not surprising that heating propylene glycol (P.G.) $C_3H_8O_2$ yields formaldehyde CH_2O , or, to show the chain structure of P.G.,: $CH_2OH-CHOH-CH_3 + 2O_2 > 2CH_2O + 2H_2O + CO_2$. In addition, e-cigarettes contain toxic metals and nanoparticles which result in disease causing inflammation.

3) E-cigarettes may be useful in a few cases as part of a comprehensive stop smoking program <http://www.cdc.gov/tobacco/campaign/tips/quit-smoking/> but the purpose of a stand alone vape shop is to to increase, not decrease, nicotine usage.

As the Planning Department and Commission have a duty to benefit our neighborhoods, I trust they will agree that a vape shop on Ocean Avenue is not necessary or desirable.

Yours truly,
Robert Karis
Ingleside Terraces



Blake He <blakehe@gmail.com>

1963 Ocean Ave(Happy Vape)

Blake He <blakehe@gmail.com>
To: drgeorgewumd@aol.com

Wed, Oct 22, 2014 at 7:07 PM

Dear Mr. Wu,

We are not vaping any nicotine on our premises. We have no affiliation with medical marijuana. Enclosed is a fact sheet of what we actually offer. Please feel free to contact us if you have any additional concerns. Thank you very much.

Blake He

Happy Vape

Electronic vaporizer retail &
Steam stone hookah lounge
(415)513-2620
1963 Ocean Ave.
San Francisco, CA 94127

2 attachments

Fact Sheet.pdf
709K

Happy Vape Business Plan.docx
41K

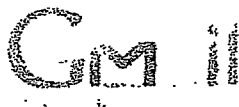
From: George Wu
To: Boudreaux, Marcelle (CPC)
Subject: Vape shops
Date: Saturday, October 18, 2014 7:00:15 PM

These Vape shops requesting conditional use permitting are neither necessary nor desirable. Addictive drugs including nicotine and marijuana have no place in family friendly neighborhoods.

What message are we sending to our children?!!!! Are our supervisors THAT desperate to find tax revenues?!!!!

George Wu, MD

Sent from my iPad



Blake He <blakehe@gmail.com>

1963 Ocean Ave (Happy Vape)

1 message

Blake He <blakehe@gmail.com>

Fri, Oct 24, 2014 at 3:47 AM

To: smgraz2001@aol.com

Dear Susan,

First and foremost we would like to thank you for your interest in our project. Our project offers a unique experience that no other vape store in the city offers. The project will also directly benefit the Ocean Avenue corridor whereas the suggested store on Taraval and 19th do not.

Studies and research shows that the toxicity level from the emission of e-cigarettes are comparable to the air in big cities. Also no products used on the premise will contain nicotine. One of our project's mission is to wean customers off of nicotine products.

We are aware of the negative effects caused by the mishandling and misuse of these products, which is why educating our patrons on proper handling and usage of these products is part of our mission.

The outdoor activity area which is over twenty feet away from our closest neighbor's deck is not a smoking area, it is strictly for sampling products only, which again will not contain nicotine.

We will not have any external advertising and serving only adults.

Please feel free to contact me if you have any additional questions or concerns. I would be happy to meet you and your board if you desire to do so.

Blake He

Happy Vape

Electronic vaporizer retail &
Steam stone hookah lounge
(415)513-2620
1963 Ocean Ave.
San Francisco, CA 94127

2 attachments

 **Fact Sheet.pdf**
709K

 **Happy Vape Business Plan.docx**
41K

From: SMGraz2001@aol.com
To: [Boudreaux, Marcelle \(CPC\)](#); [Yee, Norman \(BOS\)](#); [Secretary, Commissions \(CPC\)](#)
Cc: smgraz2001@aol.com; calbearsph@gmail.com; rcclaris@gmail.com; board@balboaterrace.org
Subject: 1963 Ocean Ave. Proposed Vape Shop
Date: Wednesday, October 22, 2014 12:45:54 PM

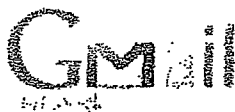
Hello SF Planning Commission, Mr. Norman Yee and Ms. Marcelle Boudreaux,

I would like to state my OPPOSITION to the proposed new Vape Shop at 1963 Ocean Ave. I realize that the Vape Shop is applying for a conditional use. At this point, I do not think that this type of business is necessary or desirable on Ocean Ave. corridor. E-Cigarettes can be purchased on Taraval and 19th Ave, which is quite close. On the health issue, E-Cigarettes contain nicotine and the vaporized byproducts include unhealthy chemicals, heavy metals and nanoparticles that accumulate in the lungs. Nicotine is addictive and habit forming. Ingestion of the non-vaporized concentrated ingredients in the cartridges can be poisonous.

There is a garden area in the back that the business wants to use for smokers. Homes are directly located on the other side of the fence. Is this fair to the neighbors?

Lastly, this proposed location is across from a school with children. So, I would appreciate your consideration in not approving this Vape Shop.

Sincerely, Susan Grazioli
Balboa Terrace Director



Blake He <blakehe@gmail.com>

1963 Ocean Ave (Happy Vape)

1 message

Blake He <blakehe@gmail.com>

Fri, Oct 24, 2014 at 3:53 AM

To: linda.mcgilvray@gmail.com

Dear Linda,

First and foremost we would like to thank you for the opportunity to present our business model to your organization. Current research indicates that e-cigarettes being harmful is inconclusive. The vaping component will be conducted in an enclosed tent in the outdoor activity area and therefore there is no adverse impact to worry about. Minors are not allowed on premise and we will not be doing external advertising, please be assured that many of your worries will not happen. Regarding the cluster of businesses needed to synergize that Ocean street corridor, we feel that we are part of the solution and not the problem. Our business model is sustainable, where many business have tried to open and have closed shortly after opening because of the lack of pedestrian traffic.

Please feel free to contact me in the future if you desire to do so.

Sincerely,

Blake He

Happy Vape

Electronic vaporizer retail &
Steam stone hookah lounge
(415)513-2620
1963 Ocean Ave.
San Francisco, CA 94127

2 attachments

 **Fact Sheet.pdf**
709K

 **Happy Vape Business Plan.docx**
41K

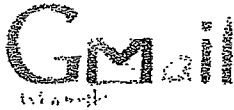
From: Linda McGilvray
To: Boudreaux, Marcelle (CPC)
Subject: Re: the Vape Shop at 1963 Ocean. . .
Date: Wednesday, October 22, 2014 5:56:43 PM

Dear Ms. Boudreaux,

The neighbors in Ingleside Terraces are very concerned about this proposed shop. It has been researched and found that these vapors and e cigarettes are not all that harmless to people. The neighbors with adjoining properties are certainly opposed to such activities that would pollute the air right outside the back of their homes. There also are a couple of private schools in the area that might be influenced by the wares. Trying to improve the quality of retail establishments on Ocean Avenue has been the focus, even though a few questionable shops have opened. Please consider the plight of the neighbors in considering licensing this shop.

Thanks for your consideration.

Linda McGilvray
Board member of ITHA
Oct. 22, 2014



Blake He <blakehe@gmail.com>

1963 Ocean Ave (Happy Vape)

1 message

Blake He <blakehe@gmail.com>
To: Robert Karis <rckaris2@gmail.com>

Fri, Oct 24, 2014 at 3:57 AM

Dear Robert,

Thank you for your interest in our project. Research suggests that non-tobacco flavored e-liquids help adults quit tobacco products, because the taste and smell does not remind them of traditional tobacco products.

We are aware of the negative effects presented in the document which is caused by mishandling and misusing of these products. Which is why educating our patrons on proper handling and usage of these products is a part of our mission. We agree with you that manufacturers need to implement child proof caps in their packaging for their e-liquids. We are in the business of harm reduction and serve only adults 18 years old and over.

Our project's primary mission is to provide the products to help ween customers off of nicotine products. Current studies and research are inconclusive on the subject of whether e-cigarettes is a gateway to tobacco products.

Studies and research also shows that the toxicity level from the emission of e-cigarettes are comparable to the air in big cities. Also no products used on the premise will contain nicotine.

This project is unique not only to the Ocean Avenue corridor, but to the entire San Francisco currently, because of the proposed outdoor product sampling area and the steam stone hookah lounge.

According to "Invest in San Francisco neighborhoods Ocean Ave Profile", Ocean Ave "...residents complain about the lack of diverse offerings; many don't patronize shops and instead shop at West Portal, Stonestown..." Ocean Avenue also suffers from "...high retail leakage..." The project is compatible with the city's intent to revitalize the neighborhood on this "...dead block..." We are a unique business in line with the alternative lifestyle and small business culture that is on the rise in the Ocean Avenue corridor.

Sincerely,

Blake He

Happy Vape

Electronic vaporizer retail &
Steam stone hookah lounge
(415)513-2620
1963 Ocean Ave.
San Francisco, CA 94127

From: Robert Karis
To: Boudreaux, Marcelle (CPC)
Cc: Yee, Norman (BOS); Secretary, Commissions (CPC)
Subject: 1963 Ocean Avenue, Case No.: 2014.0206C, letter of opposition
Date: Thursday, October 23, 2014 12:18:55 PM
Attachments: FDA-Deeming-Comments-San Francisco DPH.pdf

Dear Ms. Boudreaux:

The attached document demonstrates why the San Francisco Planning Commission should deny the Conditional Use application for a vape shop at 1963 Ocean Avenue.

The document by Barbara A. Garcia, MPA, Director of Health, San Francisco Department of Public Health, is dated August 5, 2014. This letter was written on behalf of the SFDPH in response to regulations proposed by the United States Food and Drug Administration. Please include the document "FDA-Deeming-Comments-San Francisco-DPH.pdf" and my email in the case report for project 2014.0206C. Comments in the document pertaining to e-cigarettes, which I have highlighted, include the following:

Section 3, p.2:

FDA and other independent scientists have found numerous potentially dangerous chemicals and carcinogens as well as varying levels of nicotine that are inconsistent with the amount indicated on the labels of e-cigarette solutions....there is a lack of credible information on the full range of chemicals being produced by the large number of different e-cigarettes currently on the market.

Section 3, p.3:

CDC reported that e-cigarette use more than doubled among U.S. middle and high school students between 2011-2012. There is evidence that e-cigarettes help youth to initiate smoking habits – only 20% of middle school e-cigarette users reported never having smoked conventional cigarettes. Youth are also impressionable and can succumb to marketing ploys such as the numerous fruity and candy flavored e-cigarettes and to youth-oriented company advertising.

We recognized that these products pose a threat to the public health and are clearly serving as starter products for young people in our community....Surveys of local youth and adults show that the industry has created a great deal of confusion about these products and the general public repeats back the unsubstantiated claims made by e-cigarette marketers- eerily similar to claims made by the tobacco industry a generation earlier.

Current e-cigarette advertisements target youth with marketing strategies such as celebrity endorsements, and messaging that promote freedom, rebelliousness, and glamour with e-cigarette use.

Section 5, p.3:

Currently, e-cigarette liquid refill containers are not required to be sold in child-resistant packaging and that may encourage children to ingest the product's

poisonous content. Some e-cigarette refill product packaging features cartoons, colorful labeling, or illustrates edible ingredients representing particular flavors, such as cherry, chocolate, or bubble gum. The contents themselves can have the aroma of the edible ingredient pictured on the label. Any of these factors can prompt a child to investigate and the contents can be extremely dangerous, if not lethal.

CDC analyzed calls to U.S. Poison Centers from 2010 to 2014 related to e-cigarette exposures. The results showed that e-cigarettes accounted for an increasing proportion of the calls, 0.3% in September 2010 to 41.7% in February 2014. Half of the calls made regarding exposure were for incidents involving children ages 0-5. The prevalence of poisonings and the potential danger to children promoted the American Association of Poison Control Centers and its member centers to issue a statement warning e-cigarette users to keep the devices and liquids away from children. One teaspoon (5 ml) of a 1.8% nicotine solution can be lethal for a person weighing 200 pounds. Most nicotine solutions range between 1.8% and 2.4%, and the refill bottles contain 10-30 ml of solution.

It is obvious from reading this document why a vape store, whose purpose is to increase the use of e-cigarettes, vaporizing devices, and e-liquids, and to addict our relatives and neighbors to nicotine and to expose them and people near them to the harmful chemicals contained in the e-cigarette vapors (actually fumes), is not desirable in our neighborhood. The letter from the SFDPH focuses on youth, but college students and older residents of our neighborhood are also adversely affected by the advertising, availability, and unhealthy effects of these products. E-cigarettes result in previous non-smokers using e-cigarettes and possibly cigarettes.

E-cigarettes are reported to be about as effective as nicotine patches for smoking cessation. However, e-cigarettes contain a coil heated to 600 degrees Fahrenheit (which, of course, is not true of nicotine gum or patches), resulting in the emission of harmful fumes that have been found to contain formaldehyde, heavy metal nanoparticles, and other breakdown products which are deposited in the lungs. Vape shops sell devices with larger batteries than e-cigarettes. This allows higher voltages than found in e-cigarettes, which results in higher temperatures, more nicotine delivered to the user, more production of harmful breakdown products from the propylene glycol solvent, and very likely more metallic nanoparticles from the coil.

Due to insightful legislation passed by the San Francisco Board of Supervisors in recent years, with input from the DPH, tobacco paraphernalia establishments, including e-cigarettes and e-liquids, require Conditional Use Authorization. This allows neighborhoods in San Francisco to limit the number of these stores. Ocean Avenue has four stores nearby that sell e-cigarettes; the three liquor stores and the 7-Eleven. There are two vape stores within a 1.5 mile radius of 1963 Ocean Ave.

I ask that the Planning Commission agree that the health of our neighbors is infinitely more important than the interests of a new business, and vote to deny this Conditional Use Application. A vape shop on Ocean Avenue is not necessary or desirable.

Yours truly,
Robert Karis
Ingleside Terraces

Addendum:

The four stores on Ocean Avenue that sell e-cigarettes are:

No Limit Liquor & Food Mart, 1015 Ocean Ave.

A & N Liquors, 1521 Ocean Ave.

Homrun Liquors, 1551 Ocean Ave.

7-Eleven, 2000 Ocean Ave.

The two vape shops within a 1.5 mile radius of 1963 Ocean Ave. are:

Juicebox Vapor, 907 Taraval St. at 19th Ave.

Dream Cloud Vapors, 4971 Mission St., near Geneva Ave.



Happy Vape
1963 Ocean Avenue
San Francisco, CA 94127
415/513/2620

Owner: Blake He, Cong Phuong Nguyen

Hours of Operation: Monday - Sunday 11 am - 12 am
(Proposed)

Location: 1963 Ocean Avenue, San Francisco, CA 94127

General Information: Happy Vape is a yet to open electronic vaporizer retailer and steam stone hookah lounge. Our goal is to provide a healthier alternative to tobacco products, share information about the safe handling of our products, and to provide a positive engaging experience for our customers.

Happy Vape plans to achieve both the retail and lounge idea through the use of its 2 story building. We are proposing that the ground level of Happy Vape will be used as the retail floor for electronic vaporizers and e-liquids and bottom floor be used as the steam stone hookah lounge.

After much research and speaking with the city health and planning department, in order to sale electronic vaporizers and e-liquids and contain the steam stone hookah lounge, Happy Vape has applied for the required

conditional use permit for tobacco paraphernalia. The owners found that their plans was permissible, that the property at 1963 Ocean Ave. is zoned Ocean Ave NCT. As per planning code section 790.123, tobacco paraphernalia establishment is permitted use within this zoning district, subject to section 227 procedure.

Happy Vape has also checked with Janine Young, senior inspector of the Health department and Lieutenant Mary Tse from fire department and was told that the steam stone hookah complies with city requirements in the space suggested.

The steam stone hookah lounge is where we hope people can come together and share an experience. Whether that be enjoying the range of flavors available while listening to music, watching sports, chatting with friends, or just a place to kill time in between classes for college students.

Happy Vape is happy to comply with the current regulations not allowing indoor vaping, signs stating "No Vaping Indoors" will be posted throughout the store. But in order to provide our customers a chance to sample the products before purchasing, Happy Vape is proposing the use of its outdoor patio area as the e-liquid sampling area, hopefully providing a better experience for our customers.

Happy Vape has no interests in selling to minors nor allowing minors to be on the premise. In order to do this, signs for "18 and over" will be posted throughout the store.

Happy Vape will have ADA compliant counters and bathroom for patrons with special needs.

Happy Vape has four support letters from our commercial neighbors, two from the left and two from the right of our store. Happy Vape has tried to engage the neighbors in the back on two occasions. The neighbor has yet to respond, but we will continue to reach out to them.

Please send support letters and/or e-mails to:

Cc: blakehe@gmail.com

Cc: marshagarland@att.net

Consultants:

Garland Public & Community Relations
535 Green Street
San Francisco, CA 94133

Questions: Marsha Garland 415/531/2911
Stefano Cassolato 415/875/0818

Happy Vape
1963 Ocean Avenue, San Francisco, CA 94127

Business Plan
Executive Summary

Description of the Company:

Happy Vape will be a destination space, both a retail and a lounge, for people who have made a commitment to quit smoking and/or to significantly reduce their consumption of tobacco. Collaterally Happy Vape will help non-smokers live in a cleaner and better smelling environment. Happy Vape will sell e-cigarettes and vaping liquids, also known as juices.

Uniquely, the business will feature a relaxing lounge area where people can socialize and discuss their progress at curtailng and overcoming their tobacco addiction.

Associated with the lounge area Happy Vape plans to serve healthy packaged all natural or organic snacks and healthy packaged drinks. Also Happy Vape wants to sell instant coffee fused with ganoderma extract. (See below for information on ganoderma, a mushroom extract.)

There will be no alcohol sales and no food prepared on the premises.

Periodically Happy Vape will sponsor seminars on quitting smoking and addictive behavior.

Happy Vape is in the business of *harm reduction*.

Products and Services:

Our goal is to sell the best available vaporizers, e-juices, e-cigarettes and batteries.

Happy Vape plans to carry a wide variety of e-juice flavors, re-buildable atomizers and drip tips.

We are also planning to sell t-shirts with graphic designs to inspire and motivate people to do things outside their norm.

Hookah Steam Stones & Hookah Lounge

Hookah Steam Stones are a new concept in the hookah world. Instead of smoking, Steam Stones allow you to inhale vapor. Hookah Steam Stones are available in a variety of flavors. Steam stones are a great way to smoke without the nicotine.

Happy Vape will have a hookah lounge on the lower level of the premises. There will be an attendant at all times. There will be couches along the walls and all genres of music playing in the background. There will be televisions mounted on the walls, with baseball, basketball and football games and occasional movie nights.

The lounge will be a place where patrons will socialize and practice an ancient culture in a modern way with the steam stones. The steam stones as pointed out above have no tobacco and no carcinogens.

We have no plans to sell cigarettes, snuff, rolling papers, doobie clips, scales, drug kits, bongs and other tobacco and drug paraphernalia.

Testimonials:

Gavin Wagner: "Very easy to use, convenient, effective and the different flavor choices are great."

Yuan Ning: "I was on the e-cigarette with the black cherry flavor for about 3-4 months and now I am not smoking or vaping."

Albert Lau: "I got off cigarettes and used e-cigs for about 7 months, now I vape on and off."

Jame Ching: "I use e-cigarettes to help me quit smoking, I mix using e-cigarettes and cigarettes throughout my days and it has help me go from a pack a day to half a pack a day."

Justin Cheuck: "E-cigarettes drastically cut down my consumption of cigarettes. I use e-cigarettes only in the day time and I have 2-3 cigarettes in the evening time."

Hyoweon Yang: "It was so much easier than cold turkey, so easy to quit anyone can do it."

Lisa Dungan: I've struggled with my nicotine addiction for 45 years. ecigs have enabled me to completely stop smoking for over 3 years. NO more coughing or any ill effects that cigarettes had caused. So thankful to have rid myself of the habit!

Marketing and Sales Techniques:

In store sales and online through our website. We will offer same day delivery. Sell through E-Bay and Google and have regular shipping.

The Competition:

Dream Cloud Vapors, 4971 Mission Street, San Francisco, CA 94112, 1.6 miles away

Juicebox Vapor, 907 Taraval Street, San Francisco, CA 94116, 1.7 miles away

7-Eleven, 2000 Ocean Avenue (E-Cigarettes only), one block away

Target Market:

All ages except no one under 18. Smokers.

Operations:

Open Daily, 11 am - 12 midnight.

Outdoor Activity Area 11 am – 8 pm.

Handicapped Access

Brands:

Joyetech, KangerTech, iTaste, Vision, Aspire. The E-juice/e-liquid we will carry is Virgin Vapor, one of the few companies that supplies organic e-juices. We are looking into carrying other brands also.

Owners' Bios:

Blake He was born in Canton China. His family moved to the United States on May 14, 1998. Blake attended Aptos Middle School at 105 Aptos Avenue just off Ocean Avenue. Blake grew up in the Ocean Avenue area because the cousin who sponsored his family lived there. Blake has seen a lot of positive changes in the neighborhood and wants to contribute. He truly feels Ocean Avenue has a lot of potential because it's right off the freeway and there's a lot of foot and car traffic, especially with colleges on both ends. It creates wide range of race and economic diversity.

After middle school Blake started working for the Mayor's Youth Employment and Education Program (MYEEP) teaching kids how to swim. He continued working for MYEEP throughout his time at the Philip & Sala Burton High School teaching kids how to swim in the summer and tutoring kids after school. Blake attended San Francisco City College Phelan Campus after high school.

Blake He is married and has a small child. He and his family live in the Ocean Avenue neighborhood. His previous employment was working for D & J Engineering and Air Conditioning. There he obtained his Universal HVAC Permit and Fire Director Certificate, joined the Local 39 Union and worked at Charles Schwab as an Utility Engineer.

Cong Phuong T Nguyen, co-owner of Happy Vape, is the wife of Blake He. She was an international student from Hanoi, Vietnam. She attended San Francisco State University where she majored in International Business. After college and various part-time jobs she started her career in the banking industry where she worked with both Wells Fargo and Chase.

Cong is now a stay at home mother to the He's baby boy Jayce. They decided to open a business hoping that she can remain a stay at home mother and dedicate herself to raising their son the way they envision.

Health Benefits of Ganoderma:

Ganoderma curbs high blood pressure, tames inflammation, builds stamina, and supports the immune system.

Ganoderma shows promise in reducing cholesterol levels and easing allergy-related inflammation of the airways, according to preliminary evidence from animal-based studies. Here's a look at more of the science behind ganoderma's health-enhancing effects.

1) Cancer and the Immune System

Often used as an immune stimulant by people with cancer, ganoderma has been shown to strengthen immunity as well as combat cancer-cell proliferation. In a 2003 study of 34 people with advanced-stage cancer, for instance, taking ganoderma in supplement form three times daily for 12 weeks led to a significant increase in T-cells (known to play a central role in immune defense).

2) Antioxidant Benefits

Several small studies have suggested that regular use of ganoderma supplements may increase your levels of antioxidants, compounds thought to protect against disease and aging.

3) Relief of Urinary Tract Symptoms

In a 2008 study of 88 men with urinary tract symptoms, researchers found that ganoderma was significantly superior to a placebo in providing symptom relief.

Other Common Uses

Acne, Allergies, Adrenal Fatigue, Arthritis, Candida, Common Cold, Herpes, HIV, Hair Loss, Lyme Disease, Ulcerative Colitis, Uterine Fibroids, Vitiligo, Weight Loss

BBC World News July 30, 2014 Report:

30 July 2014 Last updated at 19:34 ET

E-cigarettes 'less harmful' than cigarettes

Researchers say national policies need to be made once all evidence is reviewed

E-cigarettes are likely to be much less harmful than conventional cigarettes, an analysis of current scientific research suggests.

Scientists argue replacing conventional cigarettes with electronic ones could reduce smoking-related deaths even though long-term effects are unknown.

In the journal *Addiction*, researchers suggest e-cigarettes should face less stringent regulations than tobacco.

But experts warn encouraging their use without robust evidence is "reckless". Instead of inhaling tobacco smoke, e-cigarette users breathe in vaporised liquid nicotine.

About two million people use electronic cigarettes in the UK, and their popularity is growing worldwide.

'Fewer toxins'

The World Health Organization and national authorities are considering policies to restrict their sales, advertising and use.

An international team examined 81 studies, looking at:

- safety concerns
- chemicals in the liquids and vapours
- use among smokers and non-smokers

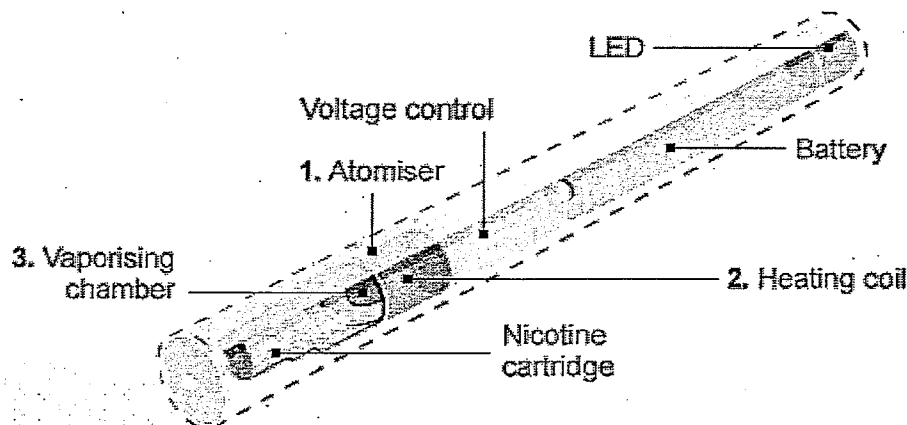
Scientists say risks to users and passive bystanders are far less than those posed by cigarette smoke, but caution that the effects on people with respiratory conditions are not fully understood

And they say electronic cigarettes contain a few of the toxins seen in tobacco smoke, but at much lower levels.

They report there is no current evidence that children move from experimenting with e-cigarettes to regular use, and conclude the products do not encourage young people to go on to conventional smoking habits.

And their analysis suggests switching to e-cigarettes can help tobacco smokers quit or reduce cigarette consumption.

What's inside an e-cigarette?



Prof Peter Hajek, of Queen Mary University in London, an author on the paper, told the BBC: "This is not the final list of risks, others may emerge.

"But regulators need to be mindful of crippling the e-cigarette market and by doing so failing to give smokers access to these safer products that could save their lives.

"If harsh regulations are put in place now, we will damage public health on a big scale." Researchers conclude there should be more long-term studies comparing the health of smokers with e-cigarette users.

'Proportionate regulations'

Prof Martin McKee, of the London School of Hygiene and Tropical Medicine, who was not involved in this analysis, told the BBC: "Health professionals are deeply divided on e-cigarettes.

"Those who treat smokers with severe nicotine addiction see them as offering a safer alternative to cigarettes.

"In marked contrast, many others, such as the 129 health experts who recently wrote to the World Health Organization, are extremely worried given the serious concerns that remain about their safety, the absence of evidence that they help smokers quit, and the way they are being exploited by the tobacco industry to target children.

"This report concedes there are huge gaps in our knowledge - yet, incredibly, encourages use of these products. This seems little short of reckless."

Martin Dockrell, at Public Health England, said: "Increasing numbers of smokers are turning to these devices as an aid to quitting and there is emerging evidence that they are effective for this purpose.

"In order to maximise the benefits to public health while managing the risks, regulation of e-cigarettes needs to be proportionate and designed to ensure the availability of safe and effective products, and to prevent the marketing of e-cigarettes to young people and non-smokers."

Neighborhood Outreach

We had 2 pre-application meetings at the project site. We invited all the neighbors within 300 feet radius of the project site, all the neighborhood groups in the Ocean View area and the West of Twin Peaks area.

We presented to the OAA board members on July 16, 2014 and we attended on Aug 20, 2014 and Oct 15, 2014 to participate and answer questions.

We presented our proposed project at the Ocean Avenue Street Life Committee on July 8, 2014 and August 13, 2014.

We attended the Ingleside Terraces Homes Association board meeting on Oct 16, 2014 to participate and answer questions.

We met with Kate Favetti and Caryl Ito from Westwood Park Association on Oct 27, 2014.

During our outreach, we reached out to all the schools and churches around the area in August (24th-29th).

List of schools:

Lick Wilmerding High School

Aptos Middle School

Commodore Sloat Elementary School

St. Francis Preschool

Straford Academy

Voice of the Pentecost Academy

**Why should Ocean Avenue be deprived of a retail vape store,
when there are 21 vape stores in the city serving other districts.**

List of all the Vape Stores in San Francisco (21 Vape Stores):

Vapor Smoke Shop

Union Square

435 Stockton St, San Francisco, CA 94108

7.5 miles away from 1963 Ocean Ave.

It Is Vapor 13

1347 Polk St, San Francisco, CA 94109

7.7 miles away from 1963 Ocean Ave.

Vape Tech

Russian Hill

1042 Columbus Ave, San Francisco, CA 94133

9 miles away from 1963 Ocean Ave.

Frisco Vapor - Electronic Cigarette Store

Marina/Cow Hollow

1881 Lombard St, San Francisco, CA 94123

7.5 miles away from 1963 Ocean Ave.

Juicebox Vapor

Parkside

907 Taraval St, San Francisco, CA 94116

1.7 miles away from 1963 Ocean Ave.

Gone With The Smoke Vapor

Tenderloin

569 Geary St, San Francisco, CA 94102

6.6 miles away from 1963 Ocean Ave.

Viper Vapor

Lower Haight

260 Divisadero St, San Francisco, CA 94117

4.8 miles away from 1963 Ocean Ave.

Vapor Den

Mission

16 Guerrero St, San Francisco, CA 94103

4.9 miles away from 1963 Ocean Ave.

Dream Cloud Vapors

Excelsior

4971 Mission St, San Francisco, CA 94112

1.6 miles away from 1963 Ocean Ave.

Vapeguyz

Union Square, SoMa

865 Market St, San Francisco, CA 94103

7.3 miles away from 1963 Ocean Ave.

Cloud City Vapors

Corona Heights

376 Castro St, San Francisco, CA 94114

4.3 miles away from 1963 Ocean Ave.

Vape Supreme

Japantown, Lower Pacific Heights

1630 Post St, San Francisco, CA 94115

6.1 miles away from 1963 Ocean Ave.

Vapory Shop

Mission

2707 Folsom St, San Francisco, CA 94110

4.1 miles away from 1963 Ocean Ave.

SF Vapor

Mission Terrace, Outer Mission

4994 Mission St, San Francisco, CA 94112

1.7 miles away from 1963 Ocean Ave.

Big Bam Vapes

North Beach/Telegraph Hill, Russian Hill

752 Vallejo St, San Francisco, CA 94133

8.8 miles away from 1963 Ocean Ave.

Vapor Smoke Shop

Union Square

435 Stockton St, San Francisco, CA 94108

7.9 miles away from 1963 Ocean Ave.

Tower Vapor

SoMa

1601 Mission St, San Francisco, CA 94102

5.2 miles away from 1963 Ocean Ave.

It Is Vapor San Francisco

Nob Hill

1347 Polk St, San Francisco, CA 94109

7.7 miles away from 1963 Ocean Ave.

SOS Vapes

Inner Richmond

3829 Geary Blvd, San Francisco, CA 94118

5.2 miles away from 1963 Ocean Ave.

DTSF VAPORS

Chinatown

515 Grant Ave, San Francisco, CA 94108

7.4 miles away from 1963 Ocean Ave.

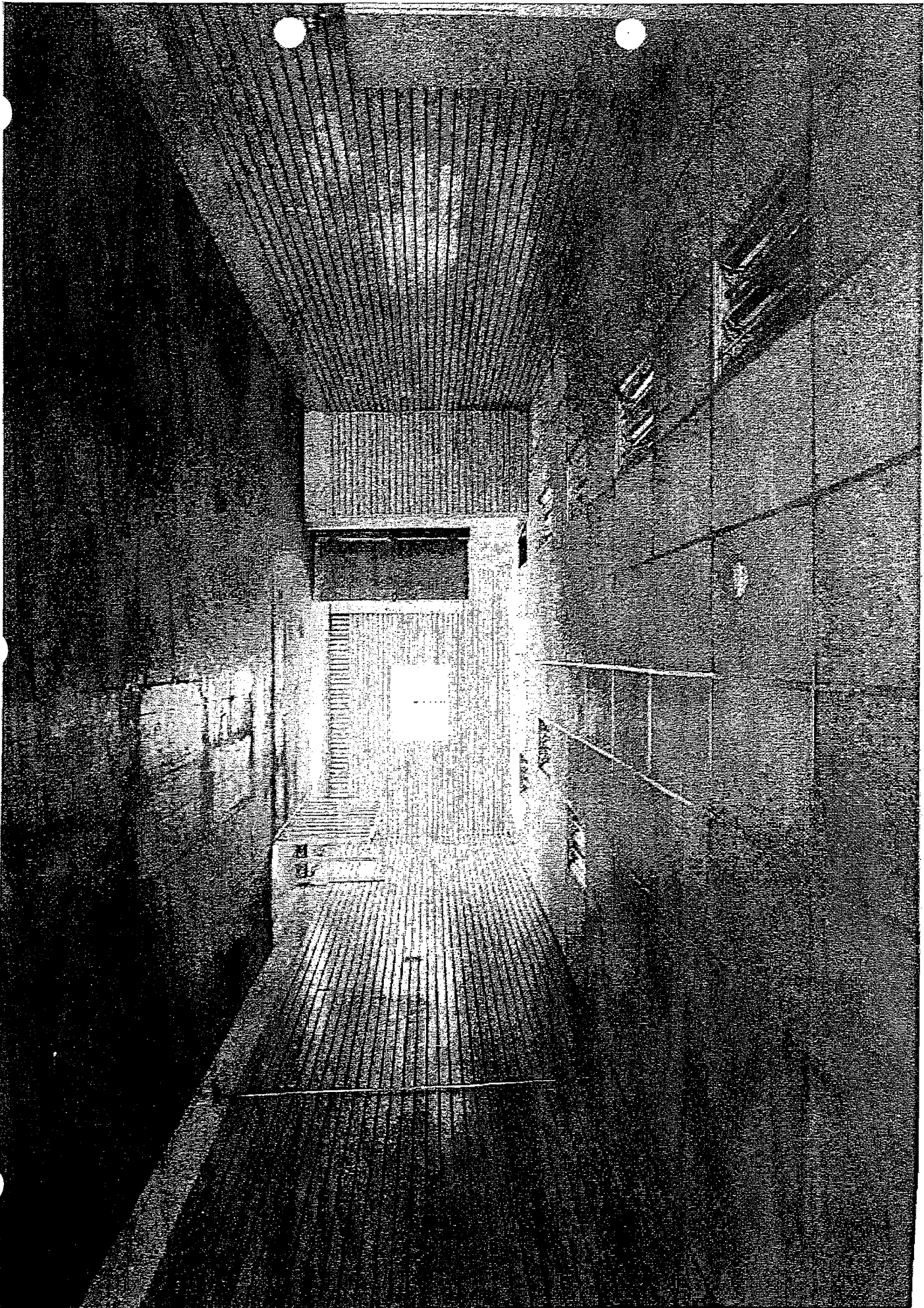
Vapor Den Cow Hollow

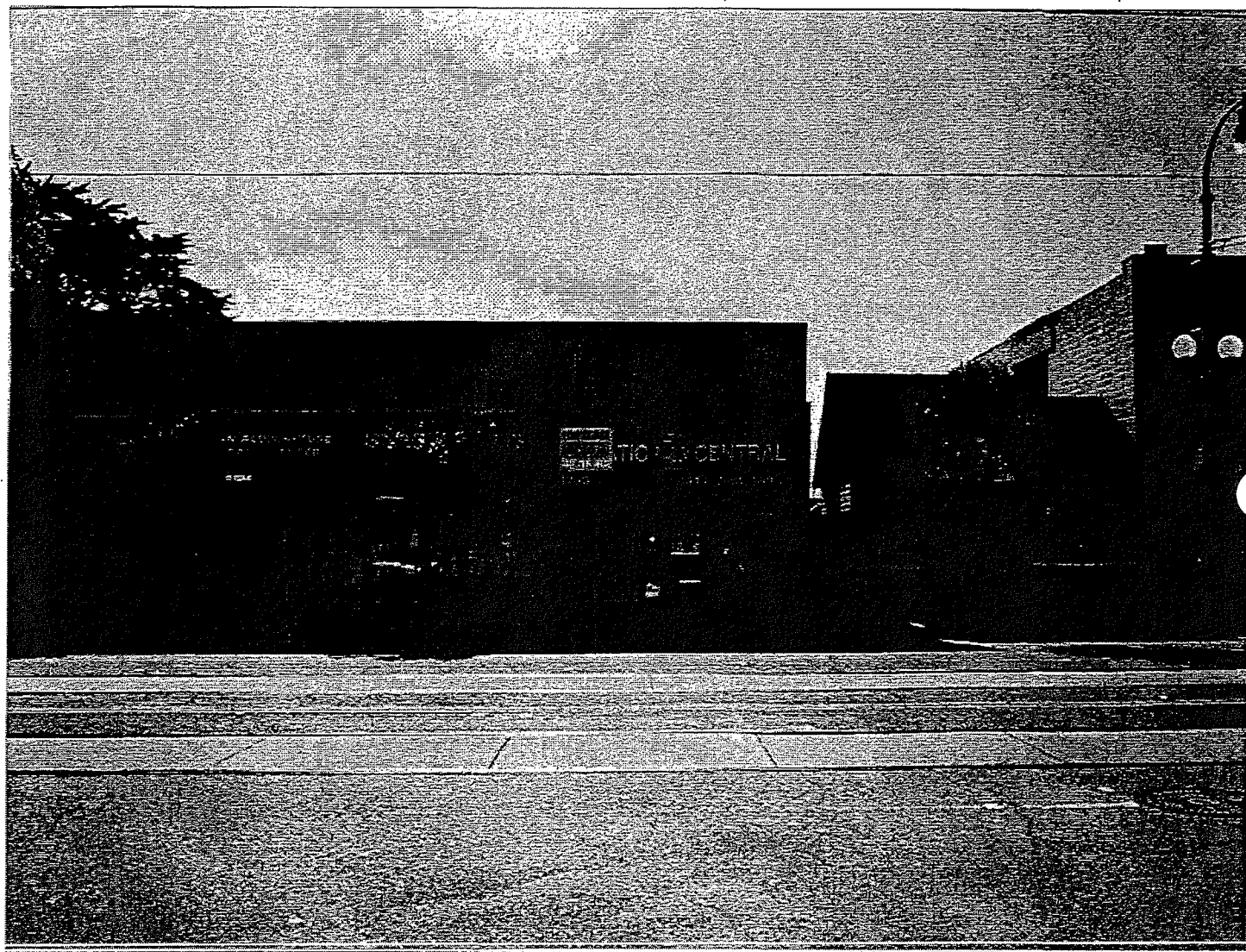
Marina/Cow Hollow

2764 Octavia, San Francisco, CA 94123

7.1 miles away from 1963 Ocean Ave.







Neighborhood Vacancy Problem

There are a total of 34 commercial storefronts on the 1900 block of Ocean Ave. 5 of them are vacant and 2 are use as storage. That's 20.6% vacancy on the 1900 block of Ocean Ave.

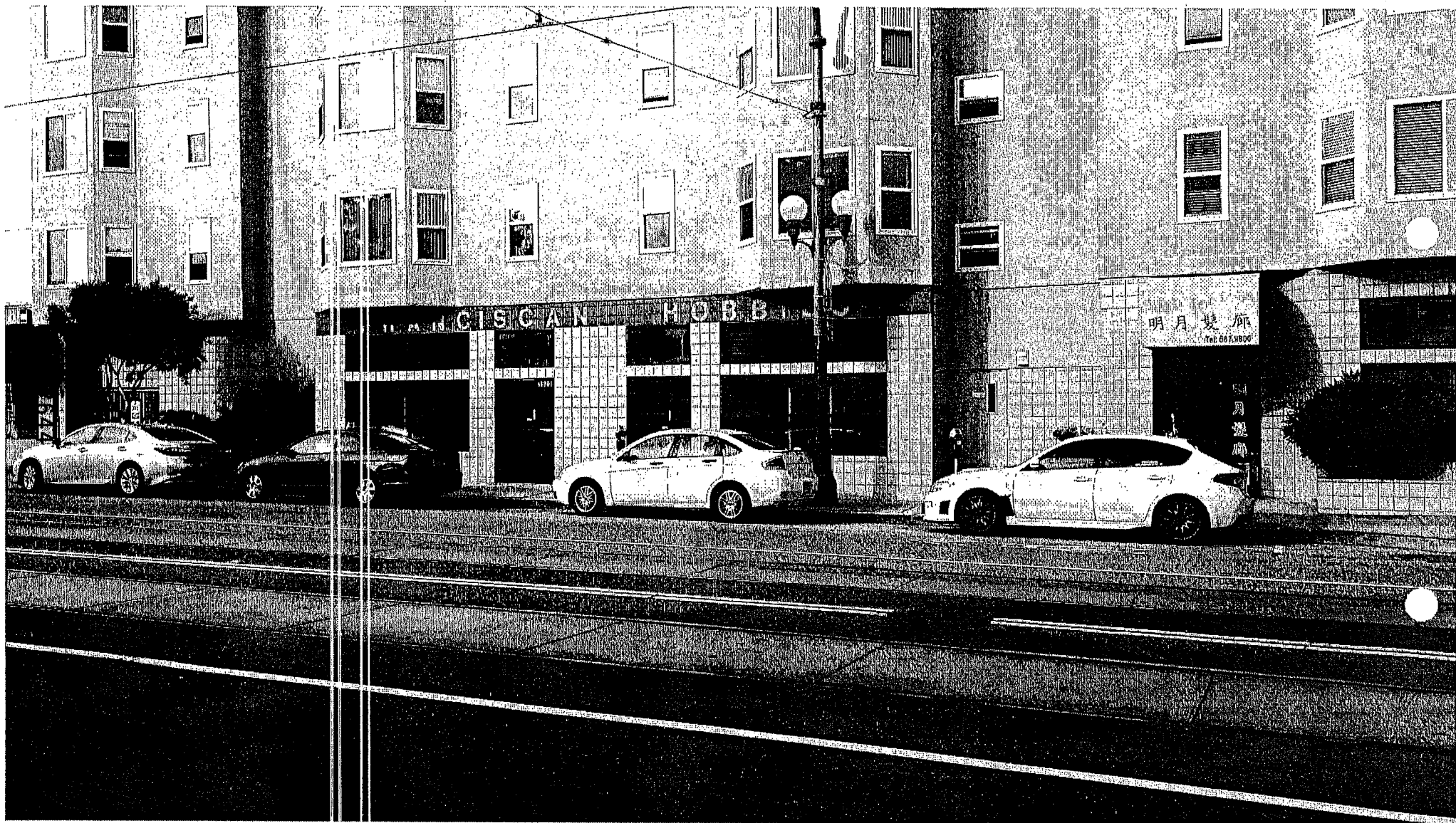
-According to Invest In Neighborhoods San Francisco, Ocean Avenue Profile:

- Ocean Ave from Ashton to Manor are mostly "dead blocks"; few businesses bring foot traffic. (That is 1900 block and 2000 block of Ocean Avenue)
- High Retail Leakage.
- Lack of public space to congregate.
- Residents complain about lack of diverse offerings; many don't patronize shops and instead shop at West Portal, Stonestown.

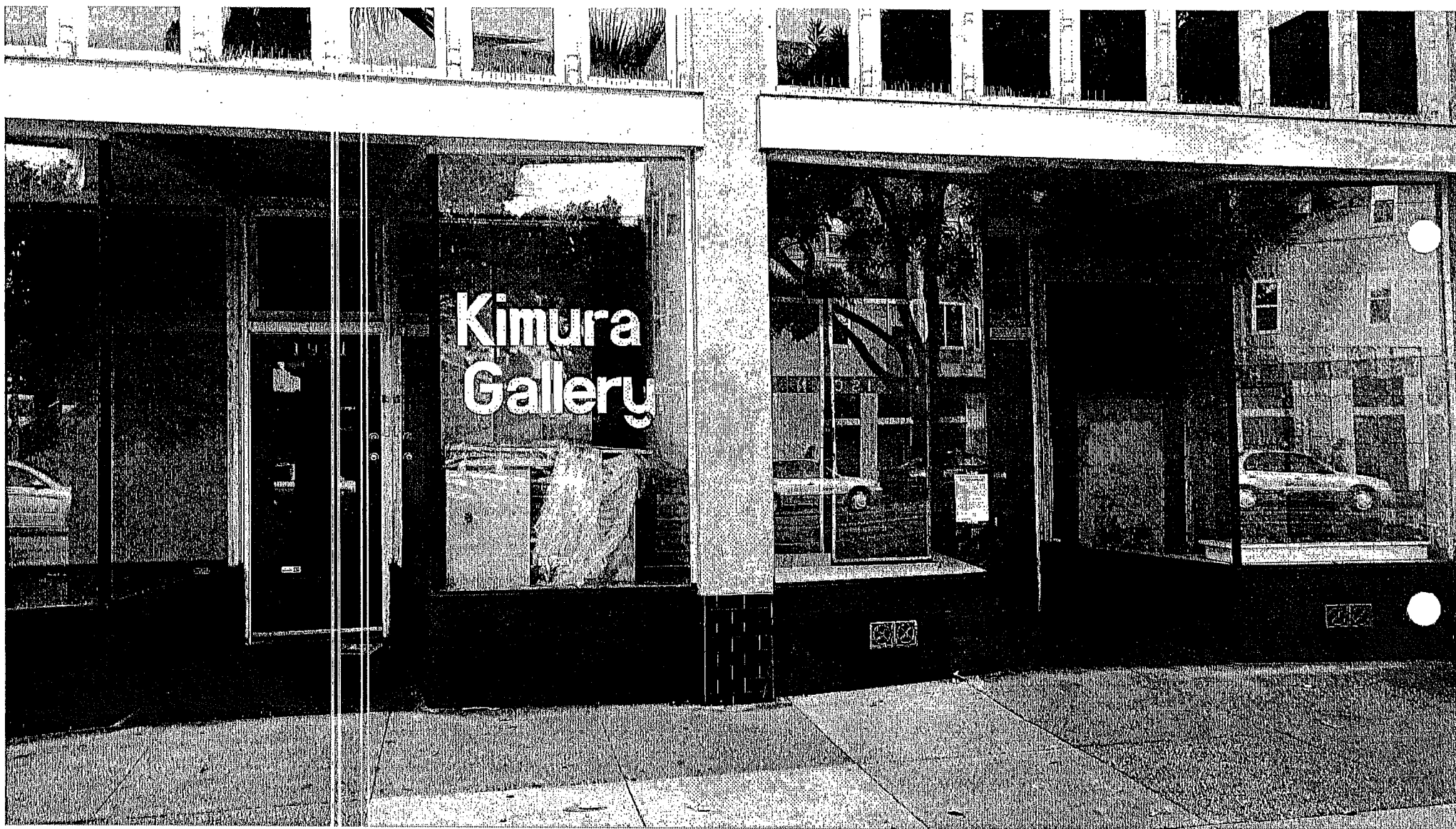
-Supervisor Katy Tang introduced a legislation that if a storefront is vacant for more than 270 days must now pay a \$765 annual fee to The City.

-According to Katy Tang's legislation:

- "Empty storefronts are sinister. In addition to being eyesores these vacant commercial storefronts have a detrimental impact on the economic viability of the commercial corridors in which they are located."
- "Vacant storefronts often attract illegal activity, such as squatting, vandalism, and dumping."
- "Such activity not only repels would-be customers and patrons from commercial corridors, but also places an undue burden on city agencies."









2647







OCEAN AVENUE

**BEEP'S
BURGERS**

INVEST
IN
NEIGHBORHOODS
SAN FRANCISCO

NEIGHBORHOOD
PROFILE

OCEAN AVENUE
FROM PHELAN
AVENUE TO
MANOR DRIVE



OCEAN AVENUE SUMMARY

Neighborhood Features

SEE MORE ON PAGE 3

The OMI (Oceanview, Merced Heights and Ingleside neighborhoods) is located between City College of San Francisco and San Francisco State University in the southwestern part of San Francisco. It is a middle-class district of single-family, owner-occupied homes. Approximately 75% percent of the land area in the OMI is residential. While the population has been mostly African-American, in recent years the neighborhood has witnessed an influx of Asian-American and other ethnic groups, making it one of San Francisco's most diverse neighborhoods. The neighborhood is served by the Balboa Station BART, Interstate-280, three Muni Metro lines and several bus lines.

Ocean Avenue, the main street of the OMI, has over 160 storefronts and was recently transformed by Avalon Bay's 173 unit market rate housing with a new Whole Foods market on the ground floor. Pending development projects include the Municipal Transit Agency's redevelopment of the Phelan Bus Loop and City College's new Performing Arts Center. The district is beginning to attract new tenants while continuing to offer a range of affordable shopping and dining options.

In 2010, Ocean Avenue Association became a Community Benefit District (CBD) with a management focusing on cleaning and maintenance, safety, marketing, and streetscape improvements. The CBD also serves as an advocate for the 11-block district. Other nonprofit organizations in the area provide an array of programs supporting youth development, the arts and culture, education and advocacy for residents in the community.

Commercial District Health

SEE MORE ON PAGE 4

Ocean Avenue has a relatively low commercial vacancy rate. Sales tax captured in the district has grown 32% since 2006, compared with 17% growth citywide. The corridor's growth opportunities include lawn and garden supplies, home furnishings, general merchandise, clothing, shoes, and jewelry, luggage and leather goods.

Between 2009 and 2012 vehicle theft/theft from vehicles increased by 86%, while robbery and assault incidents showed slight increases. Hot spots of criminal activity existed on Ocean Avenue at the intersections at Jules Ave and at Phelan Ave. (Source: SFPD incidents data, November 2009-October 2012) Community stakeholders report that prostitution is a major issue.

Demographics

SEE MORE ON PAGE 7

Over 15,160 people live within a one-quarter mile radius of the Ocean Avenue corridor. Its population is older than San Francisco's but similarly diverse. It has both a higher proportion of residents young residents under 18 years old and older residents over 60 years old. The Ocean Avenue corridor has a majority of Asian residents. Its proportion of white residents is lower and its proportion of Latino residents is the same as found in San Francisco overall. The majority of Ocean Avenue corridor's 5,060 residential structures are single-family. Homeowning households predominate and most households are family households. Households income in the Ocean Avenue corridor are higher than that of the City overall and most households own cars.



Invest in Neighborhoods is a City initiative to provide focused, customized assistance to meet the specific needs of San Francisco's neighborhood commercial corridors.

This assessment is a snapshot of existing conditions in Ocean Avenue as of February 2013. It will help to inform the City's investments in the neighborhood, and provide a resource for neighborhood stakeholders.

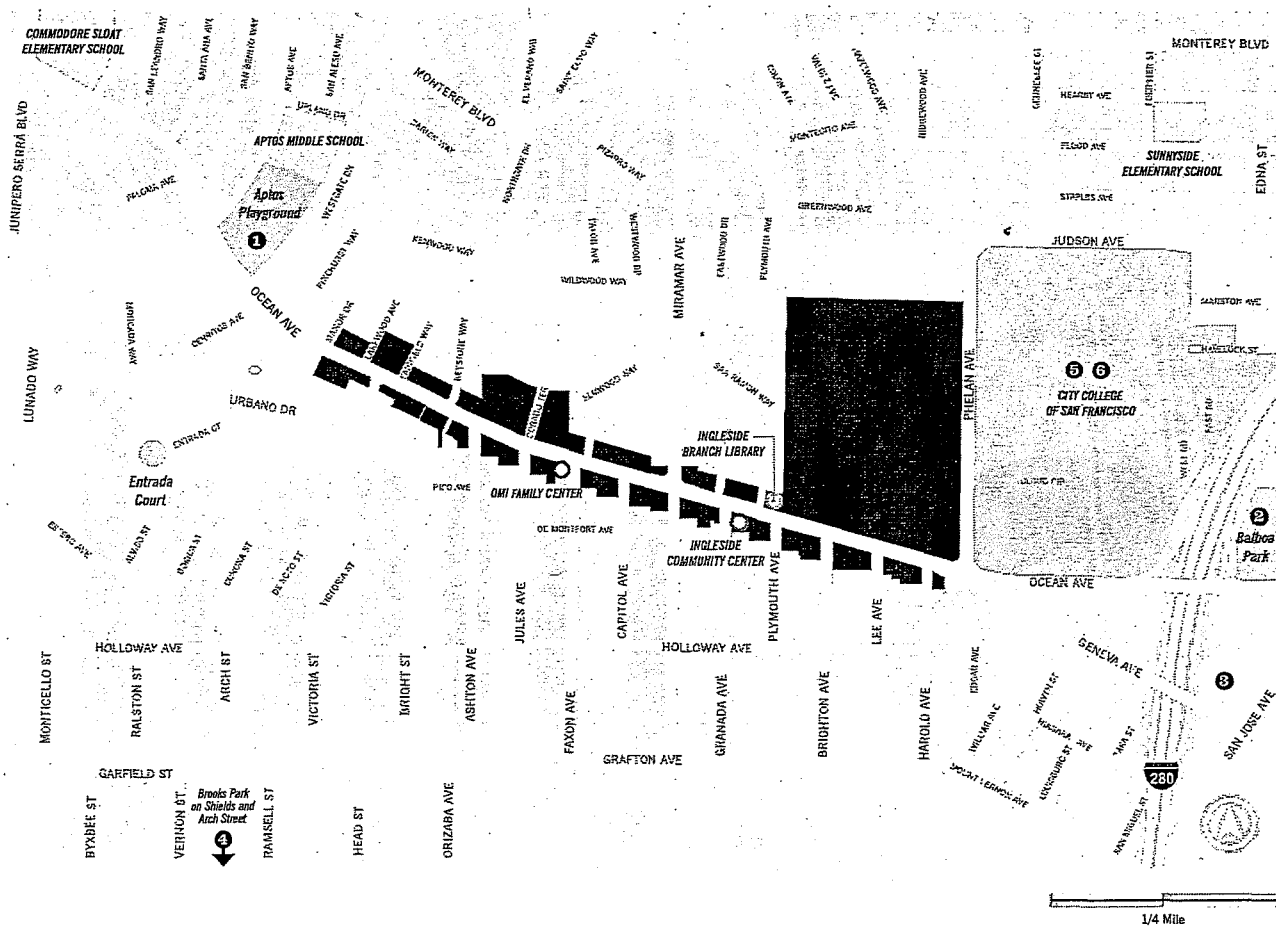
Contents include:

- Neighborhood Features
- Commercial District Health
- Key Takeaways
- Demographics
- Land Use
- Business Mix
- Transportation
- Existing Plans & Interventions

Note: This document includes some subjective descriptions of the neighborhood based on findings gathered through direct observation and interviews with key neighborhood stakeholders.

NEIGHBORHOOD FEATURES

READ NEIGHBORHOOD FEATURES SUMMARY ON PAGE 2



Notable Places

- 1 Aptos Park
- 2 Balboa Park
- 3 BART and Muni Stations at Balboa Park
- 4 Brooks Park
- 5 City College of San Francisco
- 6 Diego Rivera Theatre at City College

Pipeline Projects

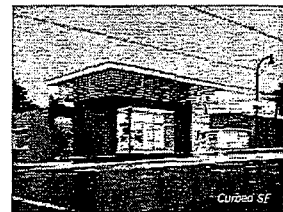
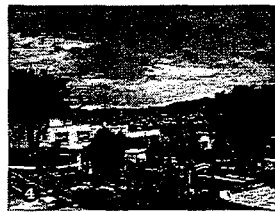
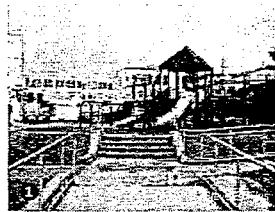
- A 50 Phelan Way 71 units
- B 1415 Ocean Avenue 6 units
- C 1446 Ocean Avenue 13 units

Cultural Events

Annual OMI-NIA Family Festival

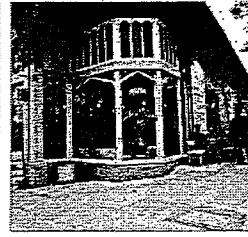
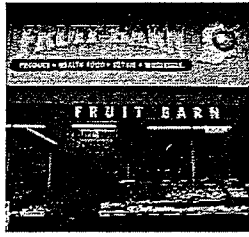
Merchant & Resident Groups

Ocean Avenue Association
OMI-NIA Neighbors in Action
Westwood Park Neighbors Association



COMMERCIAL DISTRICT HEALTH

READ COMMERCIAL DISTRICT HEALTH SUMMARY ON PAGE 2



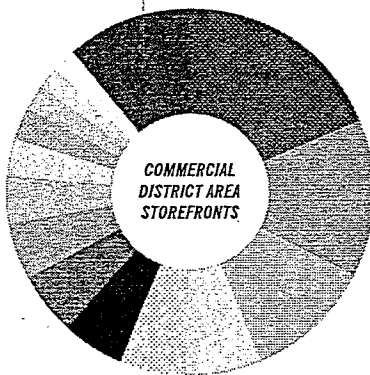
Ocean Avenue Storefronts

TOTAL STOREFRONTS

% VACANT

144

11%



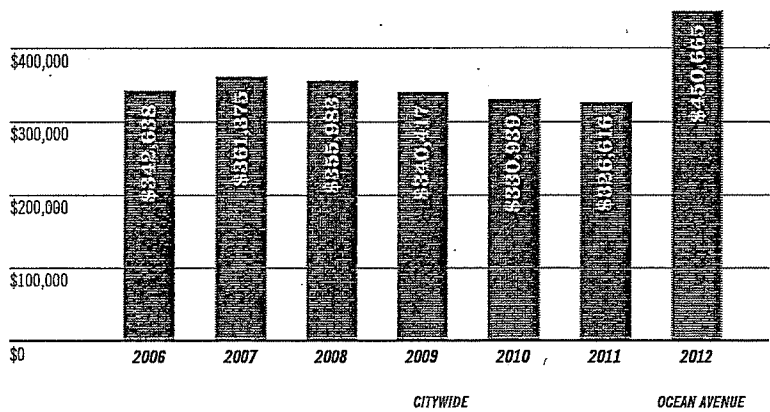
Eating and Drinking Places	27
Personal Services	20
Other Retail	16
Medical Services	10
Business or Professional Services	8
Other Non-Retail Services	8
Trade Shops (with Retail Component)	8
Churches	7
Dry Cleaners, Laundry	6
Grocery Stores / Small Markets	5
Fitness / Gyms	4
Auto Repair	3
Gas Station / Service Station	3
Liquor Store	3
Vacant Storefronts	16

Source: November 2012 parcel inventory within Commercial District Area (see boundary map on page 6) conducted by Planning Department / OEWD.

Sales Tax

OCEAN AVENUE TRADE AREA

\$500,000



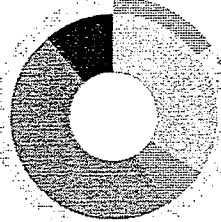
Sales Tax Change
2006-2012

▲ 17%

▲ 32%

Demographics

OCEAN AVENUE 1/4 MILE DEMOGRAPHIC AREA



White	34%
Black	7%
Asian	47%
Native American / Hawaiian or Pacific Islander	1%
Other / Two or More	10%
% Latino	15%

District Population

No. of Households

Median Household Income

15,180

5,060

\$86,304

Observations About Physical Conditions

Storefronts look rundown.

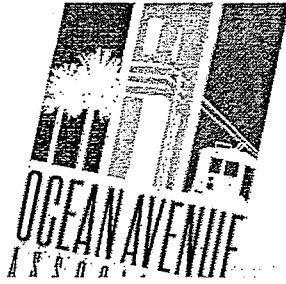
Fast pace of car traffic; drivers do not slow down.

Lack of public space to congregate.

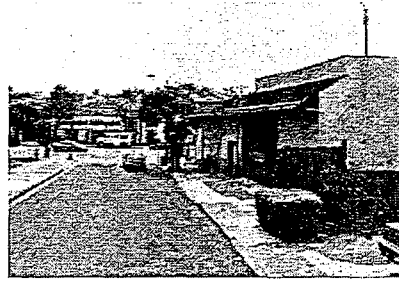
Lack of street level parking.

KEY TAKEAWAYS

Recent Accomplishments



Launch of Ocean Avenue Association in 2011 provides organizational structure and a voice for the neighborhood.



The City helped attract and finance Champa Garden, a full-service restaurant that will open in the district in summer 2013.



New national retailers serve longstanding community needs (Chase Bank, Whole Foods).

“Long term we want more attractive streets to bring out more street life. We want to help improve store facades, plant more trees and sidewalk landscaping and improve the quality of our public spaces... as well as providing more children-friendly places.”

Neighborhood Advocate

STRENGTHS

- Economically diverse; low, middle and high income families and professionals.
- High rates of homeownership and many multi-generational households.
- One of the most ethnically diverse communities in the city.
- Active residents; long time neighborhood associations and organizations.
- Creation of Ocean Avenue CBD has given businesses and property owners a voice.
- Library is an anchor that attracts foot traffic.
- Over \$350 million in public/private investment in new development projects.
- Low commercial vacancy rate.
- Regional and national retailers and banks are interested in the area.
- Over 35,000 students attending nearby campuses of City College and SFSU.
- Wide sidewalks and bike lanes for most of the district.
- Excellent access to public transportation (BART, K Muni, Buses) and Interstate 280.

OPPORTUNITIES

- Opportunity to capture more local purchasing power by attracting businesses that meet local needs.
- Façade improvements could improve the pedestrian and shopping environment.
- Create public spaces for people to gather; triangles at Geneva (dog park).
- A number of opportunity sites for additional development.
- Attract stores and services that focus on large student population.

CHALLENGES

- Ocean Ave from Ashton to Manor are mostly “dead blocks”; few businesses bring foot traffic.
- High retail leakage.
- Storefronts look run down.
- Residents complain about lack of diverse offerings; many don't patronize shops and instead shop at West Portal, Stonestown.
- Nonprofit service providers occupy valuable ground floor retail.
- Fast pace of car traffic negatively affects the pedestrian environment.
- Lack of public space to congregate.
- Lack of street level parking.

OCEAN AVENUE

The map displays a section of San Francisco, California, with a focus on the area around Ocean Avenue. A dashed line delineates the "1/4 Mile Demographic Area" centered on Ocean Avenue. Key features include:

- Streets:** Major streets shown include Broadway, Market Street, and the Golden Gate Bridge. Other streets include Broadway, Market Street, and the Golden Gate Bridge.
- Landmarks:** The City College of San Francisco is located near the center of the map. The Commercial District Area is marked with a black square.
- Demographic Area:** A dashed line outlines the "1/4 Mile Demographic Area" centered on Ocean Avenue.
- Orientation:** The map is oriented with North at the top.

Ocean Avenue storefronts data presented on page 4 corresponds with the Commercial District Area indicated on the map.

OCEAN AVENUE: DEMOGRAPHICS

READ DEMOGRAPHICS SUMMARY ON PAGE 2

Population

15,180

vs. 605,240 Citywide

Population Density

26 ↑ per acre

vs. 27 Citywide

Median Age

46.1

vs. 38.5 Citywide

No. of Households

5,060 🏠

vs. 345,810 Citywide

Median Household Income

\$86,304

vs. \$71,420 Citywide

Education

A higher percentage of college graduates or more.

No. of Housing Units

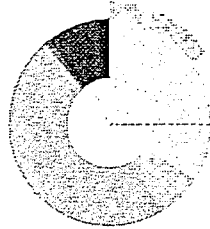
5,300

vs. 376,940 Citywide

Residential Density

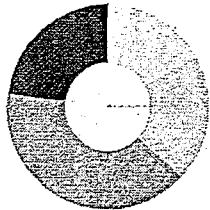
8 ↑ units per acre

vs. 12 Citywide



Race / Background

	CITYWIDE	OCEAN AVENUE
White	48%	34%
Black	6%	7%
Asian	33%	47%
Native American / Hawaiian or Pacific Islander	1%	1%
Other / Two or More	11%	10%
% Latino	15%	15%
Male / Female Ratio	51/49%	51/49%
Foreign Born	36%	35%
Linguistic Isolated Households	14%	19%



Age

	CITYWIDE	OCEAN AVENUE
Under 5	4%	4%
5 to 17	9%	13%
18 to 34	30%	20%
35 to 59	37%	40%
60 and over	19%	23%

% of Households Without a Car

6%

vs. 29% Citywide

Households

	CITYWIDE	OCEAN AVENUE
Family Households	44%	66%
Single-Person Households	39%	17%
Non-Family Households	17%	17%
Average Household Size	2.3	3.3
Average Family Household Size	3.1	3.5

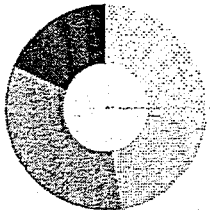
Unemployment

7.8%

vs. 7% Citywide

Income

	CITYWIDE	OCEAN AVENUE
Median Family Household Income	\$86,670	\$102,300
Per Capita Income	\$45,478	\$35,461
% Poverty	12%	6%
Unemployment	7.0%	7.8%



Education

	CITYWIDE	OCEAN AVENUE
High School or Less	29%	27%
Some College / AA Degree	20%	20%
College Degree	31%	34%
Post Graduate	20%	18%

Housing

	CITYWIDE	OCEAN AVENUE
Renting Households	62%	27%
Rental Vacancy Rate	3.4%	4.2%
Median Rent	\$1,260	\$1,936



Housing Type

	CITYWIDE	OCEAN AVENUE
Single Family Housing	33%	84%
2 - 4 Units	21%	7%
5 - 9 Units	10%	2%
10 units or more	35%	7%




OCEAN AVENUE: LAND USE

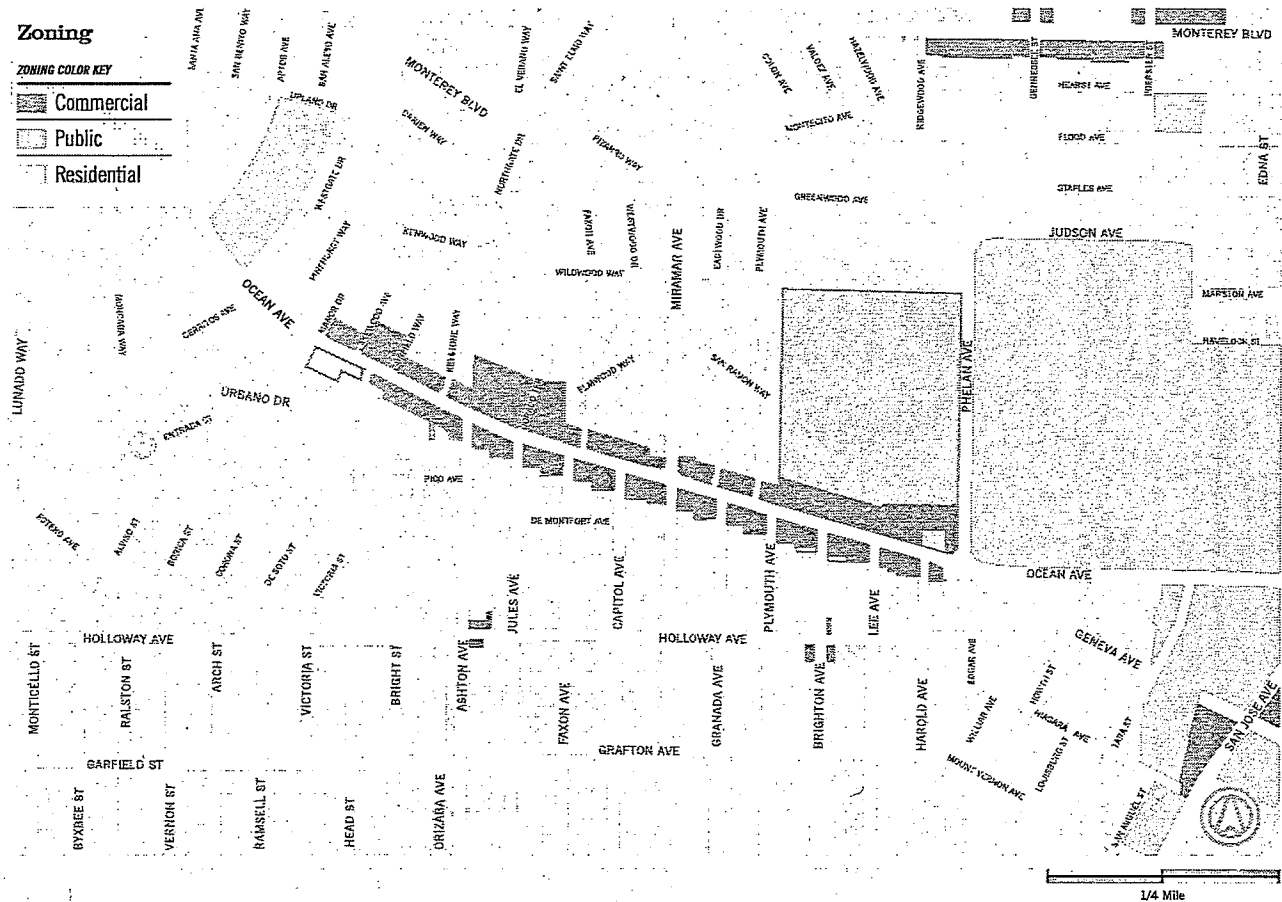
Neighborhood Zoning

NC-T OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT



Zoning

ZONING COLOR KEY

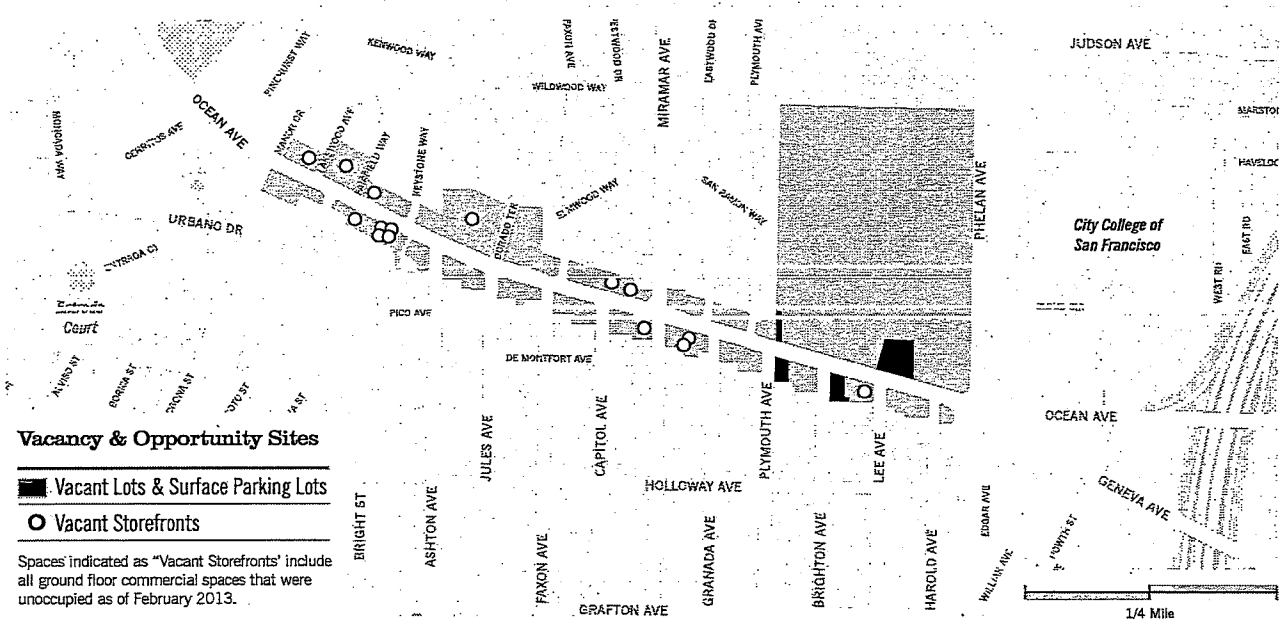
-  Commercial
-  Public
-  Residential



Vacancy & Opportunity Sites

-  Vacant Lots & Surface Parking Lots
-  Vacant Storefronts

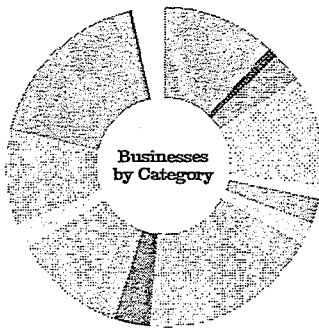
Spaces indicated as "Vacant Storefronts" include all ground floor commercial spaces that were unoccupied as of February 2013.



OCEAN AVENUE: BUSINESS MIX

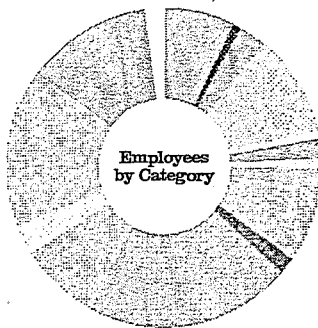
Summary of Business by Categories, 2011

Source: Business data provided by Infogroup, Omaha NE Copyright 2012, all rights reserved. ESRI forecasts for 2011.



No. of Businesses

308



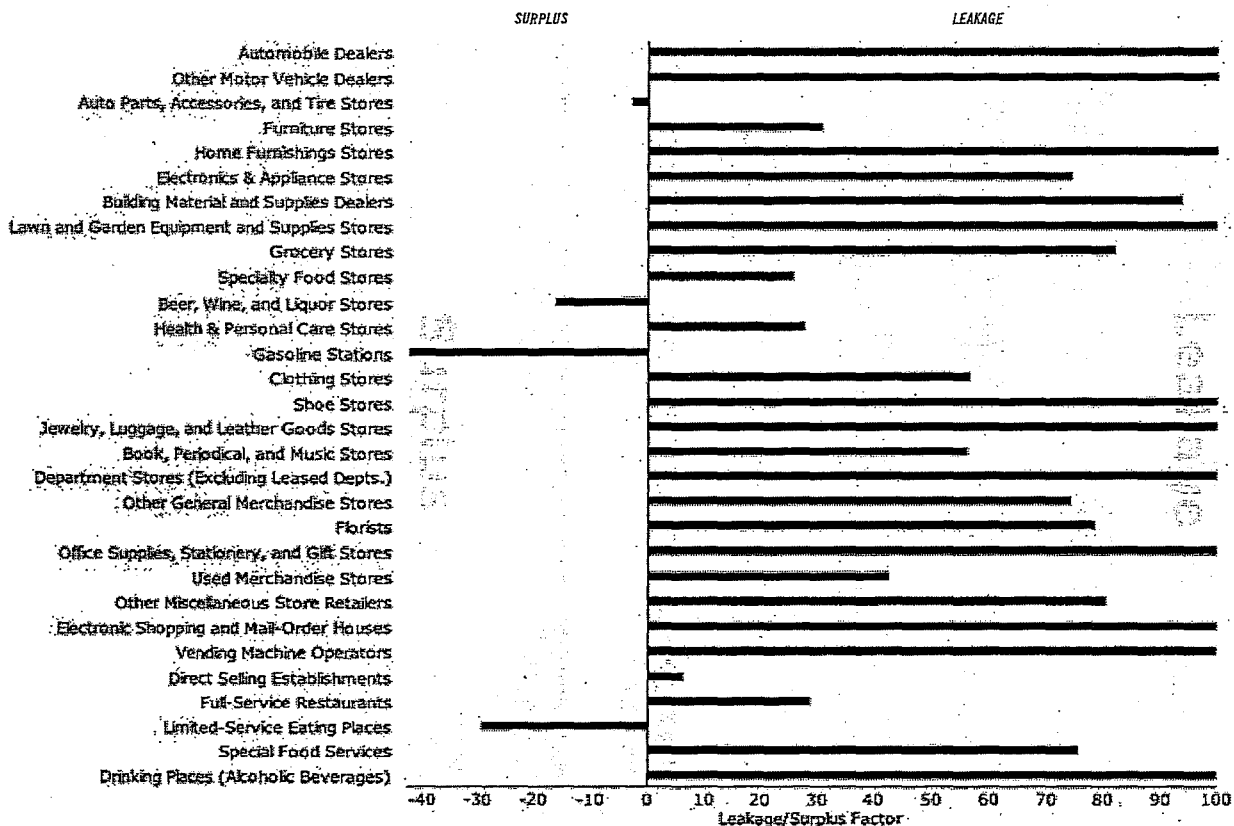
No. of Employees

1,452

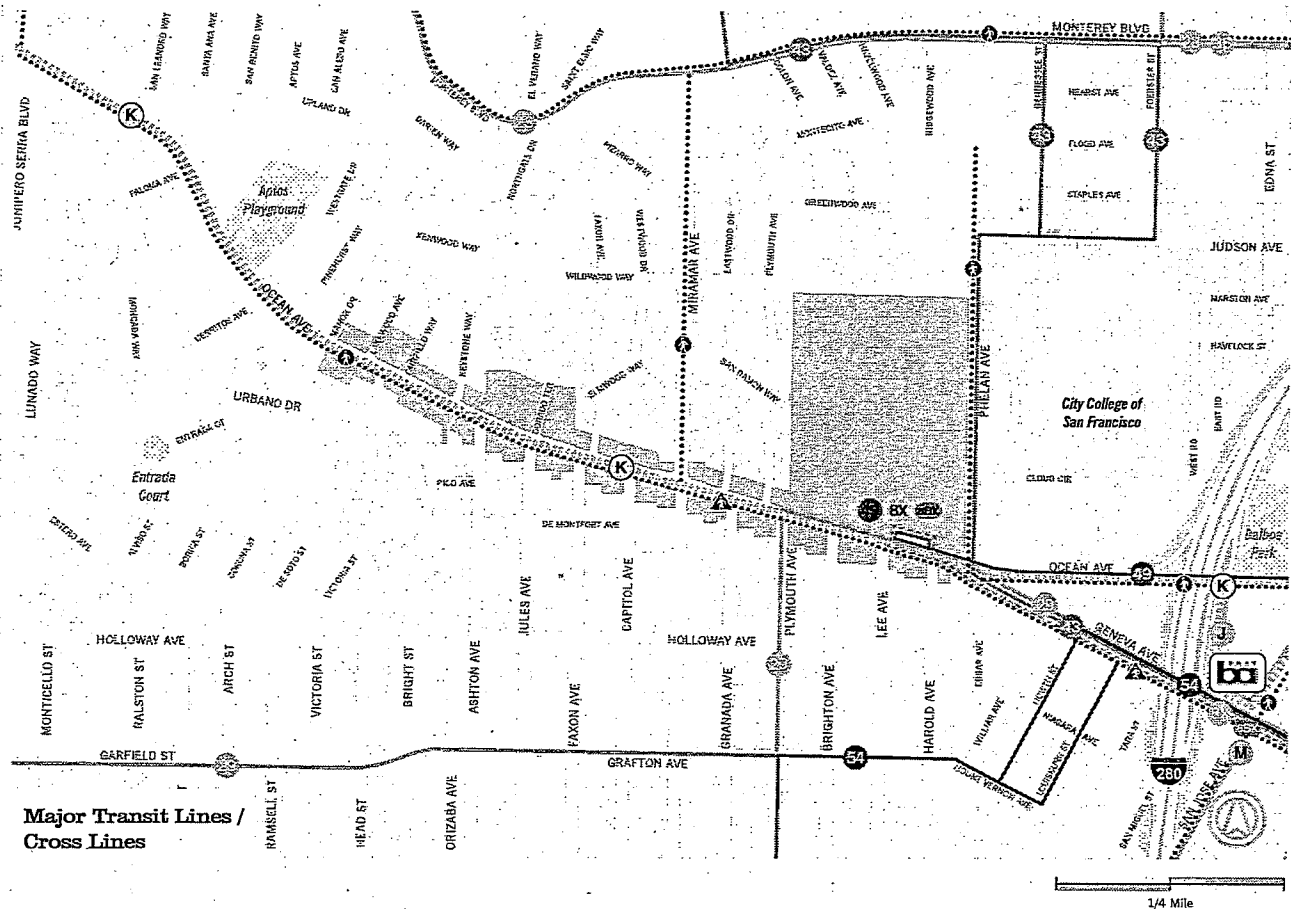
NAICS BUSINESS CATEGORY	BUSINESSES	EMPLOYEES
Construction	36	107
Manufacturing	4	13
Wholesale Trade	9	38
Retail Trade	34	154
Transportation & Warehousing	4	13
Information	8	28
Finance & Insurance	7	17
Real Estate, Rental & Leasing	9	27
Professional, Scientific & Tech Services	47	111
Admin. Support, Waste Mgmt. & Remediation Services	11	24
Educational Services	10	308
Health Care & Social Assistance	25	118
Arts, Entertainment & Recreation	8	43
Accommodation & Food Services	30	238
Other Services (except Public Administration)	54	183
Public Administration	1	2
Unclassified Establishments	10	29

Leakage / Surplus Factor by Industry Group, Ocean Avenue

The *Leakage / Surplus Factor* summarizes the relationship between supply (retail sales by businesses in the commercial district) and demand (consumer spending by households within a quarter-mile radius of the commercial district). As the *Leakage / Surplus Factor* trends toward +100, the market is experience leakage, meaning there is less retail activity relative to local demand. As the factor trends toward -100, this means that the market is in surplus and retail activity is in excess of local demand.



OCEAN AVENUE: TRANSPORTATION



Major Transit Line

K Ingleside

Cross Lines

8, 8BX, 49	on Ocean and Phelan Avenue
43	on Phelan Avenue
29	on Plymouth Street

Walking

Key Walking Streets	(see map)
High Priority Segments	(see map)

Parking

Metered Spaces	120
Unmetered Spaces	43

Bicycling

Bicycle Racks	15
---------------	----



OCEAN AVENUE: EXISTING PLANS & INTERVENTIONS

Ocean Avenue Community Benefit District Management District Plan

DATE: 2010

SOURCE: Office of Economic and Workforce Development

SUMMARY: This document lists and describes information for the Ocean Avenue Community Benefit District.

Property owners establish community benefit districts or business improvement districts to provide a constant funding source for various improvements, services and activities that benefit properties within a defined geographical area. The improvements, services and activities include providing enhanced cleaning and maintenance services, improving security, providing for economic development to promote and revitalize the area and other programs found to benefit the area. The ongoing revenue stream for the improvements, services and activities comes from the annual assessments that are levied upon properties within the area.

URL: <http://www.oewd.org/media/docs/CBD%20docs/Ocean%20Avenue/OceanAvenueManagementPlan.pdf>

Balboa Park Station Area Plan

DATE: 2000

SOURCE: SF Planning

SUMMARY: This document sets forth objectives and policies informed by three key principles;

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

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

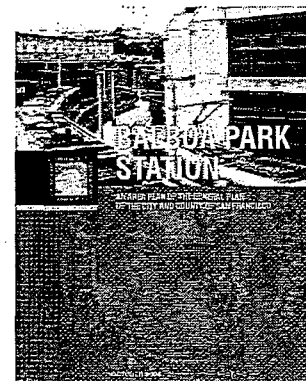


City and County of San Francisco
Ocean Avenue
Community Benefits District
Management District Plan
Revised September 2010

Prepared by

NIBS

On behalf of the Ocean Avenue Revitalization Collaborative and community stakeholders of the Ocean Avenue area of San Francisco





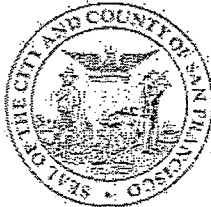
Mayor

Edwin M. Lee



District Supervisor

Norman Yee
District 7, Ocean Avenue



Board of Supervisors

David Chiu, *President*

John Avalos

London Breed

David Campos

Malia Cohen

Mark Farrell

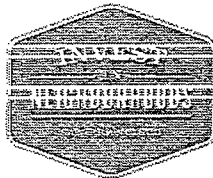
Jane Kim

Eric Mar

Katy Tang

Scott Wiener

Norman Yee



To learn more about Invest in Neighborhoods please visit our website at <http://newd.org/IIIN.aspx>, or contact the Office of Economic and Workforce Development at (415) 554-6969 or moewa@stgov.org and ask to speak with a member of the Invest in Neighborhoods team.

The *Invest in Neighborhoods* Commercial District Profiles have been brought to you by:



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ADVANCE ACCESS

Nicotine Tob Res. 2014 Oct 9. pii: ntu200. [Epub ahead of print]

A Longitudinal Study of Electronic Cigarette Use in a Population-based Sample of Adult Smokers: Association with Smoking Cessation and Motivation to Quit.

Biener L¹, Hargraves JL².

Author information

Abstract

Aims: Increasingly popular electronic cigarettes (e-cigarettes) may be the most promising development yet to end cigarette smoking. However, there is sparse evidence that their use promotes cessation. We investigated whether e-cigarette use increases smoking cessation and/or has a deleterious effect on quitting smoking and motivation to quit. **Methods:** Representative samples of adults in two U.S. metropolitan areas were surveyed in 2011/2012 about their use of novel tobacco products. In 2014, follow-up interviews were conducted with 695 of the 1374 baseline cigarette smokers who had agreed to be re-contacted (retention rate: 51%). The follow-up interview assessed their smoking status and history of electronic cigarette usage. Respondents were categorized as intensive users (used e-cigarettes daily for at least one month), intermittent users (used regularly, but not daily for more than one month), and non-users/tryers (used e-cigarettes at most once or twice). **Results:** At follow-up, 23% were intensive users, 29% intermittent users, 18% had used once or twice, and 30% hadn't tried e-cigarettes. Logistic regression controlling for demographics and tobacco dependence indicated that intensive users of e-cigarettes were 6 times as likely as non-users/tryers to report that they quit smoking (O.R. 6.07, 95% C.I. 1.11, 33.2). No such relationship was seen for intermittent users. There was a negative association between intermittent e-cigarette use and one of two indicators of motivation to quit at follow-up. **Conclusions:** Daily use of electronic cigarettes for at least one month is strongly associated with quitting smoking at follow up. Further investigation of the underlying reasons for intensive versus intermittent use will help shed light on the mechanisms underlying the associations between e-cigarette use, motivation to quit and smoking cessation.

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Highlights

Abstract

Keywords

1. Introduction

2. Material and methods

3. Results

4. Discussion

Role of funding sources

Contributors

Conflict of interest

Acknowledgment

References

Figures and tables

Table 1

Table 2

ADVERTISEMENT

XII World Congress on Parkinson's
Disease and Related DisordersMilan, Italy
5-9 December 2015

Addictive Behaviors

Volume 39, Issue 2, February 2014, Pages 491–494



Short Communication

A longitudinal study of electronic cigarette users

Jean-François Etter^{a,*}, Chris Bullen^b

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DOI: 10.1016/j.addbeh.2013.10.028

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Highlights

- Little is known about change in the behaviour of users of electronic cigarettes over time.
- We followed 477 users of electronic cigarettes during one month and 367 users over one year.
- We found that electronic cigarette use had no deleterious effects on smoking behaviour.

Abstract

Objective

To assess behavior change over 12 months in users of e-cigarettes ("vapers").

Methods

Longitudinal Internet survey, 2011 to 2013. Participants were enrolled on websites dedicated to e-cigarettes and smoking cessation. We assessed use of e-cigarettes and tobacco among the same cohort at baseline, after one month ($n = 477$) and one year ($n = 367$).

Results

Most participants (72%) were former smokers, and 76% were using e-cigarettes daily. At baseline, current users had been using e-cigarettes for 3 months, took 150 puffs/day on their e-cigarette and used refill liquids containing 16 mg/ml of nicotine, on average. Almost all the daily vapers at baseline were still vaping daily after one month (98%) and one year (89%). Of those who had been vaping daily for less than one month at baseline, 93% were still vaping daily after one month, and 81% after one year. In daily vapers, the number of puffs/day on e-cigarettes remained unchanged between baseline and one year. Among former smokers who were vaping daily at baseline, 6% had relapsed to smoking after one month and also 6% after one year. Among dual users (smokers who were vaping daily at baseline), 22% had stopped smoking after one month and 46% after one year. In dual users who were still smoking at follow-up, cigarette consumption decreased by 5.3 cig/day after one month (from 11.3 to 6.0 cig./day, $p = 0.006$), but remained unchanged between baseline and 1-year follow-up.

Conclusions

E-cigarettes may contribute to relapse prevention in former smokers and smoking cessation in current smokers.

Keywords

Electronic cigarette; E-cigarette; Nicotine; Smoking

Corresponding author at: Institute of social and preventive medicine, University of Geneva, CMU, case postale, CH-1211 Geneva 4, Switzerland. Tel.: + 41 22 379 04 59; fax: + 41 22 379 04 52.

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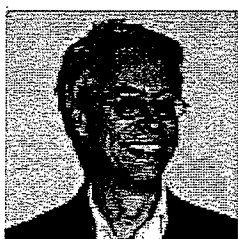
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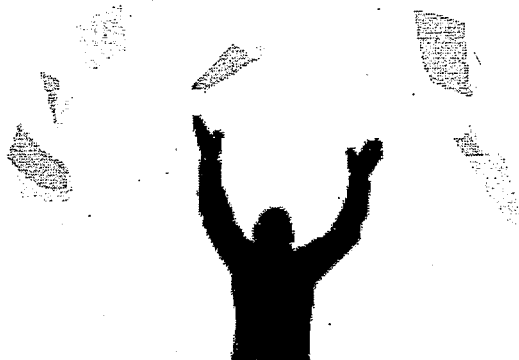
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A message from Robert West, Editor-in-Chief



E-cigarette use for quitting smoking is associated with improved success rates

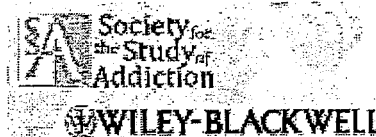
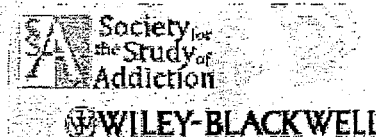
People attempting to quit smoking without professional help are approximately 60% more likely to report succeeding if they use e-cigarettes than if they use willpower alone or over-the-counter nicotine replacement therapies such as patches or gum, finds a large UCL survey of smokers in England [1]. The results were adjusted for a wide range of factors that might influence success at quitting, including age, nicotine dependence, previous quit attempts, and whether quitting was gradual or abrupt.

The study, published in *Addiction*, surveyed 5,863 smokers between 2009 and 2014 who had attempted to quit smoking without the aid of prescription medication or professional support. 20% of people trying to quit with the aid of e-cigarettes reported having stopped smoking conventional cigarettes at the time of the survey.

The research, chiefly funded by Cancer Research UK, suggests that e-cigarettes could play a positive role in reducing smoking rates. "E-cigarettes could substantially improve public health because of their widespread appeal and the huge health gains associated with stopping smoking," says Professor Robert West of UCL's Department of Epidemiology & Public Health, senior author of the study. "However, we should also recognise that the strongest evidence remains for use of the NHS stop-smoking services. These almost triple a smoker's odds of successfully quitting compared with going it alone or relying on over-the-counter products." [2]

Another survey by the same team found that most e-cigarette

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use involves first generation 'cigalike' products rather than second generation ones that use refillable cartridges and a wider choice of nicotine concentrations and flavours [3]. Dr Jamie Brown of UCL's Department of Clinical, Educational and Health Psychology, lead author of both reports, says: "We will continue to monitor success rates in people using e-cigarettes to stop smoking to see whether there are improvements as the devices become more advanced."

Some e-cigarette users may want to continue using them indefinitely. "It is not clear whether long-term use of e-cigarettes carries health risks but from what is known about the contents of the vapour these will be much less than from smoking," says Professor West.

"Some public health experts have expressed concern that widespread use of e-cigarettes could 're-normalise' smoking. However, we are tracking this very closely and see no evidence of it. Smoking rates in England are declining, quitting rates are increasing and regular e-cigarette use among never smokers is negligible." [4]

-Ends-

Notes to Editors

Paper reference: Brown J, Beard E, Kotz D, Michie S, and West R (2014) Real-world effectiveness of e-cigarettes when used to aid smoking cessation: A cross-sectional population study. *Addiction* 109: [doi: 10.1111/add.12623](https://doi.org/10.1111/add.12623).

For a copy of the paper, or to speak to Dr Brown or Professor West, contact Harry Dayantis in the UCL press office, T: +44(0)20 3108 3844, M: +44(0)7747 565056, E: h.dayantis@ucl.ac.uk

Information about the free services provided by the NHS to help people stop smoking can be found at the following URL: <http://www.nhs.uk/smokefree>

Professor West is author of a new guide to stopping smoking called *The SmokeFree Formula* (Orion Books). See www.smokefreeformula.com for more information.

References

- 1 Brown, Beard, Kotz, Michie & West, 'Real-world effectiveness of e-cigarettes when used to aid smoking

cessation: a cross-sectional population study', will be published in *Addiction* on Wednesday 21 May at 00:01 London time / Tuesday 20 May at 19:01 US Eastern time.

2 The previous study investigating the effectiveness of NHS services is as follows: Kotz, Brown & West, 'Real-world effectiveness of smoking cessation treatments: a population study', published in *Addiction* on 20 December 2013: <http://dx.doi.org/10.1111/add.12429>, which was in line with meta-analysis of a large number of randomised controlled trials: Stead LF, Lancaster T. 'Combined pharmacotherapy and behavioural interventions for smoking cessation.' *Cochrane Database of Systematic Reviews*. 2012;10:CD008286: <http://dx.doi.org/10.1002/14651858.CD008286.pub2>

3 The 2012 survey on e-cigarette usage is: Brown, West, Beard, Michie, Shahab & McNeill, 'Prevalence and characteristics of e-cigarette users in Great Britain: Findings from a general population survey of smokers', published in *Addictive Behaviours* on 11 March 2014: <http://dx.doi.org/10.1016/j.addbeh.2014.03.009>

4 The data for the study come from The Smoking Toolkit Study which tracks smoking habits in adults over the age of 16 every month and publishes the results online at <http://www.smokinginengland.info/latest-statistics/> Each month a new sample of approximately 1800 adults are selected using a form of random location sampling and complete a face-to-face computer-assisted survey with a trained interviewer. The method has been shown to result in a sample that is nationally representative in its socio-demographic composition and proportion of smokers.

Funding

The Smoking Toolkit Study is currently funded by Cancer Research UK. Since its inception it has also been co-funded at various times by The Department of Health, Pfizer, Glaxo-SmithKline and J&J (who manufacture stop-smoking medicines and nicotine replacement therapy but not e-cigarettes). Jamie Brown's salary is funded by The Society for the Study of Addiction. Robert West's salary is funded by Cancer Research UK. The study team has not received, and has a policy of not accepting, funding from any e-cigarette manufacturers.

About UCL (University College London)

Founded in 1826, UCL was the first English university established after Oxford and Cambridge, the first to admit students regardless of race, class, religion or gender and the first to provide systematic teaching of law, architecture and medicine.

We are among the world's top universities, as reflected by our performance in a range of international rankings and tables. According to the Thomson Scientific Citation Index, UCL is the second most highly cited European university and the 15th most highly cited in the world.

UCL has nearly 25,000 students from 150 countries and more than 9,000 employees, of whom one third are from outside the UK. The university is based in Bloomsbury in the heart of London, but also has two international campuses – UCL Australia and UCL Qatar. Our annual income is more than £900 million.

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About Addiction

Addiction is the world's leading scientific journal dealing with drug addiction, alcohol dependence, smoking and gambling. It is published monthly by Wiley-Blackwell and owned by the Society for the Study of Addiction.

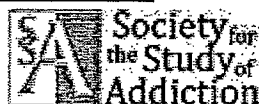
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<http://www.addictionjournal.org/pages/key-findings>

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big survey 2014 - initial findings general

17 Jul 2014 – By Neil McLaren ([/author/2](#))

As many of you will know, ECF conducted its annual big survey recently, and had a huge amount of responses, over 10,000 in just 2 weeks! What's more we had a completion rate of 97%, which is no mean feat when you consider there were 75 questions. We thank each and everyone of you for taking part and doing your bit to help the community, this data is extremely useful and helps paint a true picture of what vaping is like in 2014.

We are currently working on a research paper to give this data the weight it deserves, but it is our opinion that it needs to be released into the public domain immediately, and especially before the end of the FDA deeming regulation commenting period.

The picture it paints is contrary to many popularly held beliefs across the media and government, that we as vapers face on a daily basis, and many people won't want to hear it.

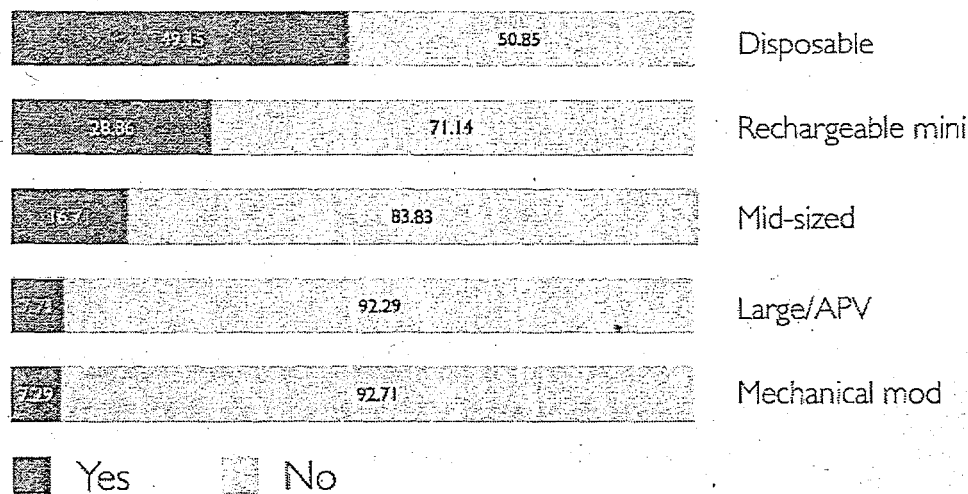
We encourage you to share and use this data wherever you can, especially the next time somebody says adults don't like flavours.

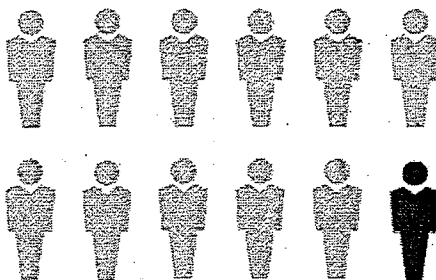
What you see here is some broad initial findings and points that stood out, some we suspected to be true, but didn't know for sure, others more surprising.

We will be updating [vaping.com/data](http://www.vaping.com/data) (<http://www.vaping.com/data>) over the coming days as we go deeper into the results. If there is anything you would like us to look more closely at for you please contact us on [info @vaping.com](mailto:info@vaping.com)

There are separate initial findings posts for **E-liquids** (<http://vaping.com/data/big-survey-2014-initial-findings-eliqid>) and **Hardware**. (<http://vaping.com/data/big-survey-2014-initial-findings-hardware>)


DO YOU CURRENTLY SMOKE CIGARETTES (IN ADDITION TO VAPING)?

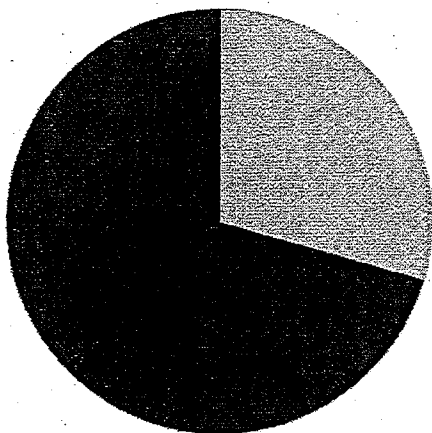




92%

of vapers are worried that government regulations will remove products they use from the market

 e-cigarette forum



WOULD YOU KNOWINGLY PURCHASE A DEVICE MADE BY ONE OF THE MAJOR TOBACCO COMPANIES?

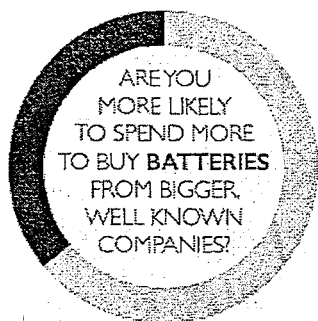
- 29.45% Yes
- 70.55% No

Current smokers vs quitters.

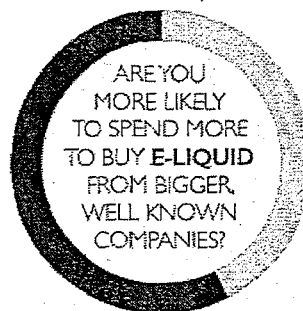
The dual user group are 53.85% unlikely to knowingly purchase a product from a tobacco company. Suggesting the successful act of quitting pushes a vaper further away in almost every respect from their former smoker behaviour.

 e-cigarette forum

VAPERS FEARS



65% YES



57.4% NO



e-cigarette forum

VAPERS FEARS

Do negative vaping stories in the media concern you?

DUAL USERS



Both sets of vapers are concerned about the perception of vaping in the media.

However, it is the dual users who are most worried.

QUITTERS

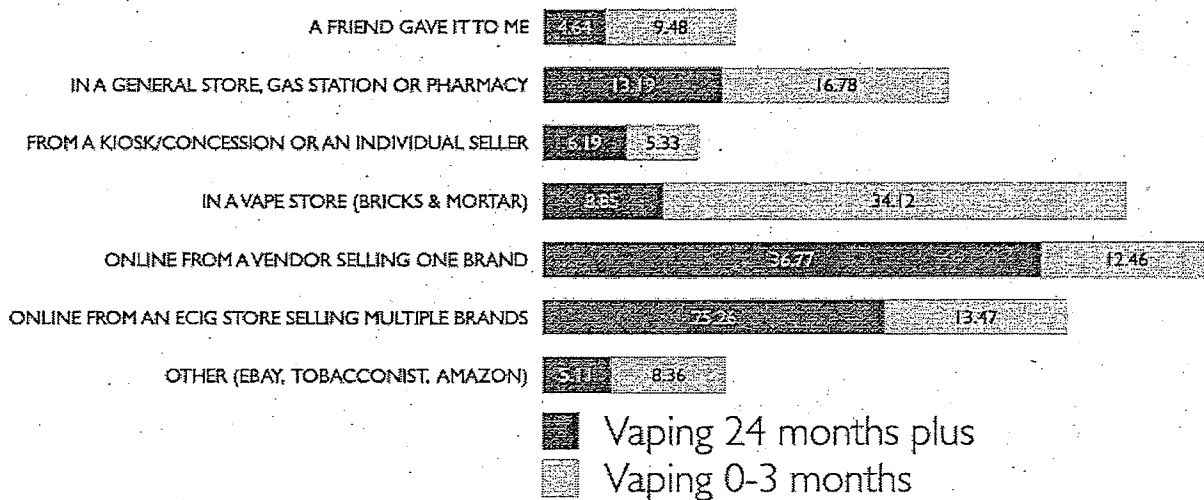


Yes

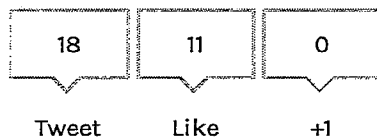
No

THE RISE OF THE VAPESTORE

Where did you purchase your first e-cigarette?





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Oliver Kershaw — Another thing they've not acknowledged (and probably don't know about) is that there is an annual dip which

70,000 is a lot of comments

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Debra Knop Babski — if it wasn't for vaping I would of never stopped smoking. and I smoked for 40 years thank god for the vape

Docs Recommend Vaping to Quit Smokes

1 comment • 2 months ago



Bond d'Ananta — happy vaping everybody.....

Help Defeat Rep. Liz Thomson & strike a blow for Vapers everywhere

9 comments • 2 days ago



Ellie Choate — I was apalled and shocked by the angry attack on Dr Nitzgen who did nothing more than attempt to educate and

recently

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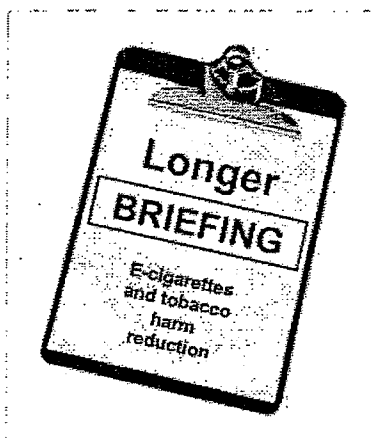


WARNING: You must be over the legal age to purchase and/or use an electronic cigarette. Do not use an e-cigarette if you are below the legal smoking age or do not already smoke tobacco. If you have any allergy to nicotine or any combination of inhalants, or if you are pregnant or breast-feeding, or if you have heart disease, diabetes, high blood

pressure or asthma, please consult with your doctor before using any electronic cigarette products. Please note that nicotine is addictive and toxic by direct swallowing or in contact with the skin. Nicotine is known to cause birth defects and reproductive harm. Please keep it out of reach of children or pets.

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Briefing on e-cigarettes for policy makers



I am occasionally asked for a briefing on e-cigarettes and related policy issues – so here's one I produced recently, that I hope some readers of this blog might find useful – for example in talking to Directors of Public Health, NHS officials etc. This is the longer one... I also did a [shorter one with more recommendations](#).

E-cigarettes briefing – a disruptive public health technology threatened by excessive regulation

What are they? E-cigarettes generally consist of a battery, a heating coil and a liquid containing nicotine. A switch triggered by hand or by sucking pressure activates the battery to heat the coil, which vaporises the liquid. This is then inhaled and the nicotine absorbed into the blood via mouth, throat and lungs. The liquids contain nicotine, water, a 'diluent' such as propylene glycol or glycerol, and a flavouring, such as tobacco, mint, vanilla or fruit. There are now hundreds of flavours and these are an intrinsic part of the appeal. The devices and the liquids can be sold as integrated units or separately. Some look like cigarettes (1st generation 'cig-a-likes' in the jargon), some look like pens (2nd generation 'Ego' type), and the larger ones with tanks can look very distinctively different (3rd generation 'tanks' or 'mods'). The products have emerged only recently due to advances in batteries, which can now provide sufficient power and battery life in a small unit.

Public health case. There are 10 million smokers in the UK (~20% adults), about 110 million in the EU and around 1.3 billion worldwide – the current annual premature death toll attributed to smoking is 100,000, 700,000 and 6 million respectively. WHO estimates one billion premature deaths from smoking in the 21st Century on current trends. The public health proposition is that: e-cigarettes can substitute for cigarette use through market-based competition; provide a satisfactory alternative to smoking; and, in doing so, dramatically reduce risks to health, perhaps by 97-100% among those who switch. The alternative public health approach is to quit smoking and nicotine altogether – this is much slower and harder to achieve, and may leave ex-smokers with cravings and withdrawal and a sense of loss. Global tobacco sales are variously estimated at \$700-800 billion (Bloomberg), mainly cigarettes, whereas sales of vapour products are likely to be \$5 billion in 2014 (Euromonitor) – there is scope for a major structural change in the market for recreational nicotine.

The benefits to the smoker. From the smoker's perspective, e-cigarettes create a new value proposition: they offer many of the experiences of smoking (a nicotine hit, something to hold and gesture with, sensory experience etc) with few of the harms (long term risk much lower, less social disapproval, minimal odour nuisance) and at a lower cost. Prior to the emergence of e-cigarettes, the alternatives were broadly cast as 'quit or die' – this new value proposition fits between the two.

Harm arising from vaping. No-one claims vaping is entirely benign. Nor does it need to be to make very large inroads into the risks of disease if people switch. Studies of liquids and vapour chemistry reveal traces of contaminants and thermal breakdown products that are potentially harmful, but at levels generally two orders of magnitude lower than in cigarette smoke and unlikely to pose a material threat. The most comprehensive literature review so far concluded:

Current state of knowledge about chemistry of liquids and aerosols associated with electronic cigarettes indicates that there is no evidence that vaping produces inhalable exposures to contaminants of the aerosol that would warrant health concerns by the standards that are used to ensure safety of workplaces. ... Exposures of bystanders are likely to be orders of magnitude less, and thus pose no apparent concern.

(Burstyn I. 2013) Peering through the mist: systematic review of what the chemistry of contaminants in electronic cigarettes tells us about health risks.

Legitimate regulatory agenda. Burstyn rightly recommends continued surveillance and measures to reduce exposures to residual harmful substances

in vapour and e-liquids, and this would make a worthwhile regulatory agenda. There is no basis for believing that bystanders are at any material risk: in public places the issue is one of norm-setting and etiquette and should be a matter for owners and operators, not the law

Current use in the UK. A recent GB survey by ASH showed that 2.1 million people are using e-cigarettes and about one third are now ex-smokers – this represents a very substantial health gain. The Department of Health estimates a value of £74,000 per successful quit attempt (£60,000 health value per life-year and 1.24 life-years gained), so 700,000 switchers gives approximately £52 billion welfare benefit – with possibly a small deduction (1-3%) for detriments arising from extra vaping. More information of use of e-cigarettes is given at Appendix 1.

What is the potential? One Wall Street analyst projects that vapour use will surpass smoking (in the US) within a decade (by which she means 2023). Much will depend on whether regulation encourages or suppresses innovation – and her forecast is contingent on an effective pro-innovation regulatory framework. Other analysts are less bullish, but all see great potential. If half of smokers convert to vaping, it would be one of the most remarkable public health phenomena ever: in UK, 5 million smokers switching would create a health benefit of ~£370 billion, on the basis given above.

What are critics concerned about? Most opponents of e-cigarettes are slowly giving up the argument that 'we don't know what's in them' or concerns about the safety of the products themselves. They are instead concentrating on 'population' arguments. This is the idea that though vaping is very much less hazardous than smoking, at population level it could be *more dangerous* because it causes changes in the way people smoke, for example:

- It could be a 'gateway' to smoking for adolescents;
- It might divert people from quitting smoking because they don't feel under so much social pressure if they can avoid smoking restrictions by vaping;
- By visible displays of smoking-like behaviour it might 'renormalise' smoking.

There is no basis to believe any of these effects are real rather than contrived tactical campaign arguments. The UK's foremost expert in smoking cessation, Professor Robert West, puts it thus:

Evidence conflicts with the view that electronic cigarettes are undermining tobacco control or 'renormalizing' smoking, and they may be contributing to a reduction in smoking prevalence through increased success at quitting smoking (Electronic cigarettes in England – latest trends 6 July 2014)

Fear of the tobacco industry. A further source of critics' concern is the possible negative role of the tobacco industry. In practice it is hard to see what this could be: they are threatened by e-cigarettes, and will need to produce high quality attractive alternatives or risk losing share in the recreational nicotine market to other tobacco companies or non-tobacco e-cigarette companies. It is more likely that they will become important drivers of a wholesale switch from smoking to vaping.

The case of snus – a cautionary tale. Many of the same 'population' arguments were made on a precautionary basis in the case to ban 'oral tobacco' in 1992 throughout the EU, even though it is 95-98% less hazardous than smoking. On accession, Sweden was granted an exemption from the ban. In fact, this product – 'snus' or oral snuff – has become popular in Sweden and is the reason why Sweden has by far the lowest rate of smoking in the EU: 13% Swedish adults vs 28% EU average (Eurobarometer, 2012). Snus has three main effects in Sweden and Norway: it is used to quit smoking; it is used to substitute for smoking; it diverts young people from onset of smoking. Despite overwhelming evidence to justify lifting the EU ban on snus, the ban was re-affirmed in 2014.

To summarise: a market based public health phenomenon. The electronic cigarette has emerged through the interplay between consumers and innovative suppliers, with no public sector involvement or endorsement, no call on the taxpayer or NHS resources, and minimal regulation. Yet this product is already providing very substantial health benefits as a relatively benign alternative to smoking. It has empowered smokers to take control of their risks and has greatly enhanced the welfare of hundreds of thousands of UK citizens. It has challenged the tobacco industry, but also interests in the public sector and civil society who have played no role – or a hostile role – in its rise.

Regulatory issues

The primary risk to these otherwise highly positive developments is poor and excessive regulation. At the heart of the regulatory challenge there is a 'double negative': being tough on e-cigarettes is being tough on the competitive alternative to cigarettes. There is a danger that loss-averse regulators and officials will place excessive focus on the residual risks associated with vapour products, but in doing so render them less effective and appealing as alternatives to smoking and thereby potentially increase total health risks through the unintended consequence of continuing smoking. All the regulatory proposals advanced so far suffer from this weakness.

- **The UK's favoured approach has been to regulate these vapour products as medicines.** This onerous regime applies costs, burdens and restrictions that would dramatically contract the range of products and number of suppliers, whilst acting as a barrier to innovation. It creates very high barriers to entry and is unsuitable for an evolving disruptive fast moving consumer goods industry. It is likely that only the largest companies could make and pass these requirements – so far only one, the subsidiary of British American Tobacco, has attempted it. The regime is wholly unnecessary: the products are not medicines in law or common sense, the vendors are not healthcare providers and users do not regard themselves as in treatment.
- **The EU's favoured approach is to regulate using measures designed for tobacco products.** After the European Parliament rejected the

Council's proposal to regulate e-cigarettes as medicines (for many of the reasons given above), a closed trilogue process created 5,000 words of new regulation in three months – with no consultation or impact assessment and inadequate justification – with scientists pointing out numerous errors of fact and interpretation. The resulting directive (2012/40/EC – Article 20) has numerous flaws of arbitrary and unscientific policy and poor policy-making process, and is likely to be found in breach of key treaty principles if challenged in the European Court of Justice. The UK will now offer both the medical route and the approach negotiated under this directive as alternatives. The directive has entered into force and its provisions apply from 2016/17.

- **The US favoured approach is to treat e-cigarettes as tobacco products on the basis that the pure nicotine used is originally extracted from tobacco.** In April, the FDA announced its intention to apply tobacco legislation to e-cigarettes – that was designed with the primary purpose of slowing innovation and creating burdens for the cigarette manufacturers.
- **The WHO's favoured approach is to classify these products as tobacco and to apply the restrictive measure of the WHO's tobacco treaty (the Framework Convention on Tobacco Control).** The WHO would also include these products in UN targets to reduce tobacco consumption by 30% by 2025. In practice the only hope of coming close to meeting this target is to use vapour products to meet the targets, not to reduce them. 53 of the world's top experts in the field recently wrote to WHO to implore them to take a more positive approach. Their letter is appended at Appendix 2.

The best outcome would be an amendment or legal challenge to the EU directive to remove its most egregious features. The EU directive offers the best promise for a decent regulatory regime, but contains some absurd and unjustified measures, notably:

- **A ban on most advertising sponsorship and promotion.** The anti-competitive ban protects the incumbents from a disruptive challenger and is unjustified in a directive with a single market legal base, and disproportionate relative to tobacco. Most tobacco advertising is banned in the EU, but tobacco kills 700,000 per year. In contrast, vaping is likely to *reduce* premature deaths.
- **Limiting the strength of nicotine liquids to 20mg/mL.** Approximately 25-30% of consumers use liquids stronger than this. They may be more important for more heavily dependent smokers and those just switching. The threshold is arbitrary and pointless.
- **Limiting liquid container sizes.** We manage hazardous liquids (like bleach) by having packaging and labelling standards not by limiting the containers to tiny inconvenient sizes.
- **Requiring large warnings.** The directive requires cigarette-like warnings that contain misleading and off-putting information covering 30% of the pack. The warnings are not proportionate.
- **Numerous technical measures** that would fail a reasonable risk-benefit assessment.
- **A continuing ban on snus** – despite it being the reason, beyond doubt, for the best tobacco-related health outcomes in Europe in Sweden, it will remain banned throughout the rest of the EU. It is unscientific, unethical and probably unlawful to ban this product.

Conclusion: too big and too bossy. The tobacco products directive, at least as it applies to reduced risk alternative to smoking, is poor policy made in a poor process. The directive, and the way it was created, fits the Prime Minister's characterisation of the EU being 'too big and too bossy'. It is also a useful case study in the challenges for 'open policy-making'. It is not strictly an EU problem: UK officials have been closely involved in forming this policy and there are many lessons to be learned from the experience.

Appendices

1. [Data briefing by Professor Robert West and colleagues \(2 pages\)](#)
2. [Letter by 53 scientists and experts to WHO \(3-page letter + signatures\)](#)

5/25

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July 31st, 2014 | Category: [Uncategorized](#)

4 comments to Briefing on e-cigarettes for policy makers



John Chamley

August 2, 2014 at 1:30 pm · Reply

Considering that most e liquids are no longer 'toxic' according to EU CLP, the proposed EU regulations are even more disproportionate.

The press release below links to the BIBRA study on classification.

<http://www.ecita.org.uk/blog/index.php/how-toxic-is-e-liquid/>



John Chamley

August 2, 2014 at 1:34 pm · Reply

I should have added:

Safety evaluation and risk assessment of electronic cigarettes as tobacco cigarette substitutes: a systematic review

Konstantinos E. Farsalinos (corresponding author) and Riccardo Polosa.

Read the full text, now available.

This is the most comprehensive report I have read and will reinforce the tidal turn.

Chapeau to Konstantinos and Riccardo!



David Bareham

August 6, 2014 at 9:37 am · Reply

John: Response re: A6 from Correspondence contact for Kosmider paper; reads:

"There are data in our paper on ingredients in fluid A6. Please see Table 1. It contained PEG. There is also a note under the Table 2, showing that this sample was different, since it contained PEG. Unfortunately, I don't think we have any sample left as we used it for the study."

Dave.



Roger Hall

August 10, 2014 at 10:56 am · Reply

Taking just two of your stated egregious features it's highly pertinent to add that the Commission on Human Medicines Working Group on NCPs when drawing up their recommendations concluded that "The commission noted that the use of (nicotine threshold) levels was not evidence based, unscientific, difficult to enforce and likely to be confusing" and "would likely be detrimental to public health" and were also against the use of warning labels for similar reasons citing the fact that "the requirement to state that nicotine can damage your health is unlikely to be true".

<http://www.mhra.gov.uk/home/groups/comms-ic/documents/websitesresources/con286849.pdf>

The same arguments equally apply with the TPD in relation to ecigs surely?

Carbonyl Compounds in Electronic Cigarette Vapors—Effects of Nicotine Solvent and Battery Output Voltage

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• Received November 4, 2013.

• Accepted April 7, 2014.

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Abstract

Introduction: Glycerin (VG) and propylene glycol (PG) are the most common nicotine solvents used in e-cigarettes (ECs). It has been shown that at high temperatures both VG and PG undergo decomposition to low molecular carbonyl compounds, including the carcinogens: formaldehyde and acetaldehyde. The aim of the study was to evaluate how various product characteristics, including nicotine solvent and battery output voltage, affect the levels of carbonyls in EC vapor.

Methods: Twelve carbonyl compounds were measured in vapors from 10 commercially available nicotine solutions and from three control solutions composed of pure glycerin, pure propylene glycol, or a mixture of both solvents (50:50). EC battery output voltage was gradually modified from 3.2 to 4.8V. Carbonyl compounds were determined using HPLC/DAD method.

Results: Formaldehyde and acetaldehyde were found in 8 of 13 samples. The amounts of formaldehyde and acetaldehyde in vapors from lower voltage EC were on average 13- and 807-fold lower than in tobacco smoke, respectively. The highest levels of carbonyls were observed in vapors generated from PG-based solutions. Increasing voltage from 3.2 to 4.8V resulted in 4 to over 200 times increase in formaldehyde, acetaldehyde, and acetone levels. The levels of formaldehyde in vapors from high-voltage device were in the range of levels reported in tobacco smoke.

Conclusions: Vapors from EC contain toxic and carcinogenic carbonyl compounds. Both solvent and battery output voltage significantly affect levels of carbonyl compounds in EC vapors. High-voltage EC may expose users to high levels of carbonyl compounds.

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INTRODUCTION

Electronic cigarettes (e-cigarettes; ECs) have been gaining increasing popularity as nicotine delivery tools. It has been shown that number of EC users is growing rapidly (Ayers, Ribisi, & Brownstein, 2011; Kosmider, Knysak, Goniewicz, & Sobczak, 2012). Scientific evidence is urgently needed to develop the best regulatory approach to ECs. The U.S. Food and Drug Administration (FDA) has authority to regulate ECs as tobacco or medicinal products, and such regulation is expected to be announced soon (Benowitz & Goniewicz, 2013). Recently, the European Parliament has voted that ECs will be regulated as tobacco products, but the U.K. Medicines and Healthcare products Regulatory Agency (MHRA) has announced that EC will be regulated as medicinal devices in the United Kingdom by 2016 (Hajek, Foulds, Le Houezec, Sweanor, & Yach, 2013). Studies are urgently needed to evaluate the presence of potentially toxic and hazardous compounds in vapors generated by ECs and which are inhaled by product users. Vapors are generated from solutions, commonly known as e-liquids or e-juices, which contain solvents (so-called e-liquid base), various concentrations of nicotine, water, additives, and flavorings. The most popular solvents used in e-liquids are glycerin (most commonly of vegetable origin, VG), propylene glycol (PG), or their mixture in various ratios. The “base” usually constitutes 70% to 80% of all components in the e-liquid.

When an EC user takes a puff, it activates heating element that vaporizes the e-liquid. This vaporization process occurs at various temperature ranges. It has been estimated that theoretical vaporization temperature of the heating element may reach up to 350°C (Balhas et al., 2014; Schripp, Markewitz, Uhde, & Salthammer, 2013). This temperature is sufficiently high to induce physical changes of e-liquids and chemical reactions between the constituents of e-liquids. At this temperature, solvents may undergo thermal decomposition leading to formation of potentially toxic compounds. Both VG and PG have been shown to decompose at high temperatures generating low molecular weight carbonyl compounds with established toxic properties (e.g., formaldehyde, acetaldehyde, acrolein, and acetone) (Paschke, Scherer, & Heller, 2002). Moreover, carbonyls such as formaldehyde and acetaldehyde may be present in the e-liquid (Farsalinos, Spyrou, Tsimopoulou, Romagna, & Voudris, 2014). Formaldehyde is classified by the International Agency for Research of Cancer (IARC) as a human carcinogen (Group 1), and acetaldehyde is classified as possibly carcinogenic to humans (Group 2B) (IARC, 2012). Acrolein causes irritation of the nasal cavity, damages the lining of the lung (U.S. EPA, 2003), and has been shown to contribute to cardiovascular disease (Park & Taniguchi, 2008). Acetone is a mucous membrane irritant that has been shown to induce damage on olfactory neuroepithelium in mice after inhalation (Buron, Hacquemand, Pourié, & Brand, 2009). It has been hypothesized that exposure to carbonyls may cause mouth and throat irritation, one of the most commonly reported side-effects of ECs (Bullen et al., 2010).

We previously evaluated 12 various brands of ECs and found that the generated vapors contained various carbonyls (Goniewicz et al., 2014). The limited literature to date described the presence of formaldehyde, acetaldehyde, acetone, acrolein, propanal, butanal, glyoxal, and methylglyoxal in EC vapors (Goniewicz et al., 2014; Laugesen, 2008; Schripp et al., 2013; Uchiyama, Inaba, & Kunugita, 2010). The studies reported that the levels of carbonyls in EC vapors are significantly lower than those found in tobacco smoke. However, these studies used early models of EC (also referred as “first generation”).

EC product categories have been evolving very rapidly and a “second generation” was recently introduced to the market. New products include “tank systems” that can be refilled by users with various e-liquids (Supplementary Figure 1). Some new EC models allow users to increase vaporization temperature by changing battery output voltage (Supplementary Figure 1). An EC generates vapor by heating an atomizing device normally containing a heater coil. To produce more heat, the device needs more power. Variable voltage EC are power control devices that allow the user to control the voltage that is applied to the atomizer. Variable voltage EC allows user to change the voltage of the device to increase the vapor production and nicotine delivery. There is also a huge variety of e-liquids on the market, which are manufactured and distributed by various companies. The aim of the study was to evaluate the extent to which nicotine solvent and battery output voltage affect the levels of carbonyls in the vapors of these second generation products.

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MATERIALS AND METHODS

Electronic Cigarette

The most popular device available on the Polish market as on January 2013 was selected for the study. Because the Internet is currently the main distribution channel for EC, we searched google.pl web browser and tracked the number of EC sell offers on Allegro.pl, which is the most popular online auction service in Poland. Based on the number of search hits and sell offers, we chose and purchased the eGo-3 brand (Volish, Ltd, Poland). The device has controlled maximum time for single puff of 10 s. We chose a model composed of a Crystal 2 clearomizer (Supplementary Figure 1), with a heating element with resistance of 2.4 ohms, a 900 mAh battery with voltage of 3.4V, and a battery voltage stabilization system. All batteries were charged for 24hr before each test. Only fully charged batteries were used for liquid generation, and batteries were replaced when the devices indicated a decrease in charging level from 100%–50% (white diode color) to 50%–10% (light blue diode color). In order to test the effect of battery output voltage on carbonyl levels delivered to vapor, we used eGo-3 Twist battery. This 900 mAh battery has a dial that allows for gradually changing its voltage from 3.2 to 4.8V with precision of $\pm 0.07V$ (Supplementary Figure 1).

Nicotine Solutions (E-liquids)

Ten kinds of commercially available e-liquids with nicotine concentration from 18 to 24mg/ml were used to fill up the clearomizer (tank). All products except one had the labels or inserts that provided information about source of manufacturing, name of distributor, and ingredients (A1–A10; Table 1). However, only half of the product labels showed the concentrations of solvents and flavorings. Based on the labeling information, we grouped the products into VG based (only VG; A1–A3), VG:PG based (both VG and PG mixed in various ratios; A4–A6), and PG based (only PG; A7–A10). We collected 1ml of each e-liquid and refilled 10 clearomizers of the same type 24hr before aerosol generation. Each clearomizer was used only for one e-liquid. We followed instructions in the user’s manual and stored the clearomizers at room temperature in a horizontal position to equally distribute the solution inside the clearomizer.

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Table 1.
Characteristics of Nicotine Refill Solutions

In addition to commercially available products, we prepared three sets of control e-liquids (C1–C3; Table 1). The control e-liquids were prepared by dissolving pure nicotine (>99%, Acros) in analytical-grade solvents and vortexing for 10min. The following control solutions were prepared: C1 with VG (88.2%), redistilled water (10.0%), and nicotine (1.8%); C2 with VG (44.1%), PG (44.1%), redistilled water (10.0%), and nicotine (1.8%); and C3 with PG (88.2%), redistilled water (10.0%), and nicotine (1.8%). None of the control e-liquid contained any flavorings or additives. These control e-liquids were used in experiments with adjustable battery voltage.

Generation of EC Vapors

Vapors from ECs were generated using the automatic smoking machine Palaczbot (University of Technology, Lodz, Poland) as described previously (Goniewicz, Kuma, Gawron, Knysak, & Kosmider, 2013). In the current study, all tests were performed with the following puffing conditions: puff duration 1.8 s, puff volume 70ml, and puff intervals 17 s as described previously (Goniewicz et al., 2013). A total of 30 puffs were taken from each EC in two series of 15 puffs with a 5-min interval between series. ECs were kept in a horizontal position in order to maintain natural conditions of puffing on EC. Because the device used in this study was manually activated, an operator of the smoking machine pressed the button manually 1 s before each puff was taken and released it immediately after the puff was completed. Vapors from each e-liquid were tested three times.

In experiments with adjustable battery voltage, vapors were generated using three different battery voltages: 3.2, 4.0, and 4.8V. Three tests were conducted for each of nine solvent:voltage combinations. We used new clearomizers of the same type per each voltage setting. Because we did not use the same battery for all tests, differences in carbonyl levels in vapors generated at 3.2V were compared with the levels in vapors generated at 4.8V using a *t* test. For statistical analysis, results below lower limits of quantitation (LLOQ; see below) were estimated as LLOQ/ $\sqrt{2}$.

Analysis of Carbonyl Compounds

The method recommended by the U.S. Environment Protection Agency (EPA) was applied for determination of carbonyl compounds (U.S. EPA, 2003). Briefly, it involves direct extraction of these compounds from aerosol to solid phase, that is, silica gel saturated with 2,4-dinitrophenylhydrazine (DNPH). The silica sorbent tubes (300/150mg; SKC Inc.) were placed between EC mouthpieces and smoking machine to trap carbonyls from freshly generated vapors. The sorbent tubes were placed directly behind the EC mouthpiece to avoid potential losses of analyzed compounds. DNPH derivatives of carbonyl compounds were desorbed from sorbent tubes using 1ml of acetonitrile. Ten microliters of the extract was analyzed using high-performance liquid chromatography (HPLC) with Eclipse PAH chromatographic column (4.5×250mm, 5 μ m, Zorbax, Agilent Technologies) and a diode array detector (DAD; 365nm wavelength) (AT 1200, Agilent Technologies, USA). An elution gradient with acetonitrile:water mobile phase was used, and chromatographic separation was performed at a constant temperature of 40°C. The method was calibrated and validated as per the International Conference on Harmonization guideline Q2 R1 (International Conference on Harmonization, 2005). All calibration and control samples were prepared by spiking the sorbent tubes with various amounts of stock solution of carbonyls and proceeding with whole analytical procedures. Blank samples were prepared by sampling air from the laboratory where all tests were performed. If any of the analyzed carbonyls were detected in blank samples, the background levels were subtracted from the levels detected in vapor samples. Precision and accuracy of the method varied from 4% to 12% and from 96% to 108%, respectively. In order to compare levels of carbonyls found in vapors with levels reported for tobacco smoke, results were recalculated per one series of 15 puffs from ECs. The LLOQ of the carbonyls were as follows: (ng/15 puffs): formaldehyde, 30; acetaldehyde, 15; acrolein, 30; acetone, 30; propionaldehyde, 20; crotonaldehyde, 40; butanal, 30; benzaldehyde, 40; isovaleric aldehyde, 20; valeric aldehyde, 20; o-methylbenzaldehyde, 35; and m-methylbenzaldehyde, 35.

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RESULTS

Levels of Carbonyl Compounds Released From Commercially Available Refill Solutions

Table 2 shows amounts of each analyzed carbonyl compounds in 15 puffs of vapor from 10 commercially available e-liquids. The values presented in Table 2 are means with SD from three tests performed at the same voltage of 3.4V. All samples contained at least one carbonyl compound. Formaldehyde, acetaldehyde, acetone, and butanal were found in most of the analyzed samples. However, not all commercially available e-liquids emitted all these four carbonyls. Crotonaldehyde was detected in only one sample (A10), whereas acrolein was not detected in any sample.

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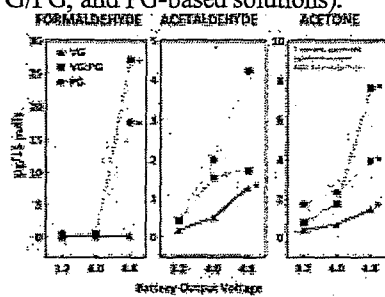
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Table 2.

Levels of Carbonyl Compounds in Vapors Generated From EC Refilled With Commercially Available (A1–A10) and Control (C1–C3) Nicotine Solutions (ng/15 puffs; mean \pm SD; $N=3$)

Effect of Solvent and Battery Output Voltage on Carbonyl Yields Released to Vapors

Figure 1 shows the effect of solvent and battery output voltage on amounts of formaldehyde, acetaldehyde, and acetone released to vapors with 15 puffs from EC refilled with three different control solutions (C1–C3). In general, PG-based e-liquids generated significantly higher levels of carbonyls than VG-based e-liquids ($p < 0.05$). Increased battery output voltage resulted in the higher levels of carbonyls in vapor. When low battery output voltage (3.2V) was used, the average amounts of formaldehyde released with 15 puffs from VG, VG/PG, and PG were (mean \pm SD) 0.02 ± 0.02 , 0.13 ± 0.11 , and 0.53 ± 0.19 μg , respectively. When battery output voltage was increased to 4.8V, the amounts of formaldehyde were 0.15 ± 0.06 ($p = .03$), 27.0 ± 7.9 ($p < .01$), and 17.6 ± 19.7 μg ($p = .21$), respectively. When low battery output voltage (3.2V) was used, the average amounts of acetaldehyde released with 15 puffs from VG, VG/PG, and PG were 0.17 ± 0.09 , 0.43 ± 0.50 , and 0.41 ± 0.28 μg , respectively. However, when the battery output voltage was increased to 4.8V, the amounts of acetaldehyde increased to 1.24 ± 0.12 ($p < .01$), 1.73 ± 1.21 ($p = .16$), and 4.23 ± 3.23 μg ($p = .11$), respectively. Levels of acetone also increased with increased battery output voltage (from 0.34 ± 0.09 , 0.73 ± 0.52 , 1.68 ± 0.30 to 1.43 ± 0.14 [$p < .01$], 7.59 ± 2.14 [$p = .01$], 3.94 ± 0.47 [$p < .01$] $\mu\text{g}/15$ puffs, respectively, for VG, VG/PG, and PG-based solutions).



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Figure 1.

Effects of nicotine solvent and battery output voltage on levels of carbonyl compounds released from ECs ($\mu\text{g}/15$ puffs; $N=3$; puff duration 1.8 s, puff volume 70ml, puff intervals 17 s).

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DISCUSSION

We present novel findings on levels of carcinogenic and toxic carbonyl compounds in vapors from second generation of EC. Our findings show that vapors generated from various commercial and reference solutions expose EC users to toxic carbonyls, including the carcinogens formaldehyde and acetaldehyde. Our findings are consistent with previously published reports reporting presence of formaldehyde, acetaldehyde, acrolein, propanal, acetone, and butanal in EC vapors (Goniewicz et al., 2014; Laugesen, 2008; McAuley, Hopke, Zhao, & Babaian, 2012; Schripp et al., 2013).

Our study found that the amounts of formaldehyde and acetaldehyde in vapors from lower voltage tank system ECs were on average 13- and 807-fold lower than in tobacco smoke, respectively. We previously reported that levels of these toxicants in vapors from the first generation of EC were 9- and 450-fold lower than in tobacco smoke, respectively (Goniewicz et al., 2014). Schripp et al. (2013) found that the levels were 7- and 59-fold lower compared with tobacco smoke. Our findings suggest only a slight reduction in toxicant emission from the second generation low-voltage EC compared with first generation ECs. Despite findings from chemical analysis, *in vitro* studies of the effects of EC vapor on cultured cells have shown that cell survival was not associated with the nicotine solvent (Farsalinos Romagna, Alliffranchini, et al., 2013). Therefore, clinical studies are needed in order to determine whether such levels of carbonyls may have the potential to cause disease to EC users. We also showed that levels of carbonyl compounds in EC vapors are strongly affected by product characteristics, like type of nicotine solvent and battery voltage. In general, the highest levels of carbonyls were observed in vapors generated from PG-based solutions. This finding suggests that PG in ECs is more susceptible to thermal decomposition than VG. The presence of carbonyls in flavor-free control solutions indicates that the primary sources of these toxicants are nicotine solvents. An interesting finding of our study is that no toxic carbonyls were detected in a single sample with reduced content of VG and PG. In this product (A6), the primary solvent was polyethylene glycol (PEG). It would suggest that PEG-based e-liquids might have reduced toxicity from decomposition products. Further research should explore this hypothesis.

The striking finding of our study is that levels of carbonyls rapidly increase with increased battery output voltage. Increasing battery output voltage leads to higher temperature of the heating element inside EC. In addition, the increased battery output voltage results in more e-liquid consumed per puff. Our findings show that increasing voltage from 3.2 to 4.8V resulted in 4 to over 200 times increase in formaldehyde, acetaldehyde, and acetone levels. The levels of formaldehyde in vapors from high-voltage devices were in the range of levels reported in tobacco smoke (1.6–52 µg/cigarette; [Counts, Morton, Laffoon, Cox, & Lipowicz, 2005](#)). This finding suggests that in certain conditions ECs might expose their users to the same or even higher levels of carcinogenic formaldehyde than tobacco smoke. This finding is essential for the product safety and in the light of forthcoming regulation of the devices.

We also noted some inconsistency in results related to acrolein presence in vapor with previously published findings. In our study, we did not find acrolein in any products. However, our previous research as well as research published by other authors suggest the presence of acrolein in EC vapor. However, in current study, we measured carbonyls only in two series of 15 puffs, whereas in previous report, we used much larger samples (150 puffs). Thus, this inconsistency might be attributed to differences in detection limits. The other explanation would be that generation of acrolein increases with the duration of EC use. Extensive puff-by-puff analysis would facilitate verification of this hypothesis.

The present study have some important limitations. We only looked at two factors that might affect toxicity of EC, namely nicotine solvent and battery output voltage. More research is needed to describe how other product characteristics affect toxicity of ECs. Future studies should examine the types of heating elements, flavorings and additives, and product storage conditions. Secondly, recent studies showed significant variations in puffing topography among users of various EC models ([Edmiston et al., 2014](#); [Farsalinos, Romagna, Tsiapras, Kyrzopoulos, & Voudris, 2013](#); [Vansickel et al., 2014](#)). Puffing topography may affect levels of carbonyls released from different ECs. There are some discrepancies between puffing regime used in our study and the results of clinical studies ([Farsalinos, Romagna, Tsiapras, et al., 2013](#)). Future studies should examine the effect of puffing on carbonyl levels released to EC vapors. The other limitation of this study is that we used the SKC sorbent tubes to trap carbonyl compounds. These tubes are meant to capture gas-phase, rather than particle-phase carbonyls. It is likely that at least some of the carbonyls (e.g., formaldehyde) are partitioned between the gas and particle phase in EC aerosol and may not have been trapped efficiently in the sorbent tubes. It is possible that what was measured actually represents a lower bound of what could have been emitted by the ECs.

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CONCLUSIONS

Vapors from ECs contain toxic and carcinogenic carbonyl compounds. Both solvent and battery output voltage significantly affect levels of carbonyl compounds in EC vapors. Levels of carbonyls rapidly increase with increased battery output voltage. New generation of high-voltage ECs may put their users in increased health risk from exposure to high levels of carbonyl compounds although the risk will still probably be much lower compared with smoking.

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SUPPLEMENTARY MATERIAL

Supplementary [Figure 1](#) can be found online at <http://www.ntr.oxfordjournals.org>

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DECLARATION OF INTERESTS

MLG received research funding from Pfizer, manufacturer of stop smoking medication. AS received research funds and travel expenses from Chic Group LTD, manufacturer of electronic cigarettes in Poland. Other authors declare no conflict of interest.








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







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Characterization of chemicals released to the environment by electronic cigarettes use (ClearStream-AIR project): is passive vaping a reality?³

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September 1, 2012

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³ Abstract was accepted and presented as poster at the SRNT meeting 2012 in Helsinki.

Abstract

Background Electronic cigarettes (e-CIG) have been marketed as a safer alternative habit to tobacco smoking. We have developed a group of research protocols to evaluate the effects of e-CIG on human health, called ClearStream. No studies have adequately evaluated the effects of e-CIG use on the release of chemicals to the environment. The purpose of this study was to identify and quantify the chemicals released on a closed environment from the use of e-CIG (ClearStream-AIR).

Methods A 60 m³ closed-room was used for the experiment. Two sessions were organized, the first using 5 smokers and the second using 5 users of e-CIG. Both sessions lasted 5 h. Between sessions, the room was cleaned and ventilated for 65 h. Smokers used cigarettes containing 0.6 mg of nicotine while e-CIG users used commercially available liquid (FlavourArt) with nicotine concentration of 11 mg/ml. We measured total organic carbon (TOC), toluene, xylene, carbon monoxide (CO), nitrogen oxides (NO_x), nicotine, acrolein, poly-aromatic hydrocarbons (PAHs) glycerin and propylene glycol levels on the air of the room.

Results During the smoking session, 19 cigarettes were smoked, administering 11.4 mg of nicotine (according to cigarette pack information). During the e-CIG session, 1.6 ml of liquid was consumed, administering 17.6 mg of nicotine. During the smoking session we found: TOC=6.66 mg/m³, toluene=1.7 µg/m³, xylene=0.2 µg/m³, CO=11 mg/m³, nicotine=34 µg/m³, acrolein=20 µg/ml and PAH=9.4 µg/m³. No glycerin, propylene glycol and NO_x were detected after the smoking session. During the e-CIG session we found: TOC=0.73 mg/m³ and glycerin=72 µg/m³. No toluene, xylene, CO, NO_x, nicotine, acrolein or PAHs were detected on room air during the e-CIG session.

Conclusions Passive vaping is expected from the use of e-CIG. However, the quality and quantity of chemicals released to the environment are by far less harmful for the human health compared to regular tobacco cigarettes. Evaporation instead of burning, absence of several harmful chemicals from the liquids and absence of sidestream smoking from the use of the e-CIG are probable reasons for the difference in results.

Introduzione

La rapida espansione, negli ultimi anni, del mercato della sigaretta elettronica, legata in parte alla possibilità di utilizzarla anche nei luoghi in cui è vietato fumare, ha fatto sorgere alcune perplessità sulla sua sicurezza in questi contesti. Ad oggi però queste perplessità si basano più su ragionamenti di tipo ipotetico che su valutazioni scientifiche. Scopo di questo esperimento, è quello di iniziare a comprendere e misurare qual è l'impatto del fumo elettronico sull'atmosfera di un ambiente chiuso, confrontandolo con il fumo tradizionale.

Protocollo

Per l'esperimento è stata predisposta una stanza, con un volume pari a circa 60 m³, all'interno della quale sono stati allestiti dei sistemi di campionamento dell'aria.

Al fine di garantire una maggiore sensibilità e per rimuovere la variabile legata al ricircolo d'aria, l'esperimento è stato condotto in un ambiente senza rinnovo d'aria esterna.

I parametri analizzati sono stati:

- CO
- NO_x
- Acroleina
- Idrocarburi Policiclici Aromatici (IPA)
- Carbonio Organico Totale (COT)
- Sostanze Organiche Volatili (SOV)
- Nicotina
- Glicerina
- Glicole Propilenico

Alcuni di questi parametri (CO, NO_x, COT) sono stati monitorati in continuo. Per tutti gli altri sono state impiegate delle fiale e delle membrane specifiche per catturare le varie famiglie di composti in esame in modo cumulativo.

Procedura

L'esperimento si è svolto in 2 sessioni, una per i fumatori ed una per i *vaper*¹, della durata di 5 h ciascuna ed ha coinvolto, per ogni sessione, 5 volontari.

¹ Termine anglosassone gergale, utilizzato per indicare un utilizzatore abituale di sigaretta elettronica.

Introduction

The rapid expansion of the e-cigarette market in recent years, due in part to the fact that they can be used also in no smoking areas, has given rise to perplexities on their safety in these contexts. However, thus far, these perplexities are based more on hypothetical reasons rather than scientific evaluations. The aim of this experiment is to understand and to measure what kind of impact e-cigarettes use has on a closed environment atmosphere compared to traditional cigarette smoking.

Protocol

A 60 m³ volume room was used for the experiment. This room was fitted with air sampling systems.

In order to guarantee a higher sensitivity and remove air recirculation-dependant variables, the experiment was performed without renewal of indoor air.

The following parameters were analyzed:

- CO
- NO_x
- Acrolein
- Polycyclic Aromatic Hydrocarbons (PAHs).
- Total Organic Carbon (TOC)
- Volatile Organic Compounds (VOCs)
- Nicotine
- Glycerine
- Propylene Glycol

Some of these parameters (CO, NO_x, TOC) were monitored continuously. For all the other parameters, in order to capture the various types of compounds cumulatively, vials and specific membranes were used.

Procedures

The experiment was divided in two sessions: one for vapers¹ and one for smokers. Each session lasted 5 h and involved 5 volunteers.

Between the sessions the room was cleaned and ventilated for 65 h, in order to restore the original

¹ English slang term indicating an electronic cigarette user.

Tra le due sessioni la stanza è stata pulita ed arieggiata per complessive 65 h al fine di ripristinare le condizioni di neutralità iniziali.

Sessioni di Campionamento

Nel corso delle due prove, dopo aver allestito la stanza per il campionamento e rilevato i parametri di partenza, 5 volontari hanno fumato le loro sigarette o usato la loro personale sigaretta elettronica, a seconda della sessione in corso.

Ai volontari è stato spiegato che avrebbero potuto fumare/*svapare*² nelle quantità e nei tempi più adatti alle loro personali esigenze, a condizione di svolgere questa attività sempre all'interno del locale predisposto per l'esperimento.

La permanenza nel locale è stata tassativamente limitata al tempo strettamente necessario a fumare/*svapare*.

L'accesso e la permanenza nel locale sono stati consentiti ad un massimo di 3 volontari contemporaneamente.

La porta della stanza è rimasta chiusa se non per il tempo necessario ad entrare o ad uscire.

Tutti i volontari hanno firmato un consenso informato prima di prendere parte allo studio.

Per la sessione fumatori, si è provveduto ad annotare il numero di sigarette fumate, mentre per la sessione *vaper* è stato valutato il peso del liquido consumato, con una bilancia di precisione.

Volontari

I volontari fumatori avevano un'età media di circa 21 anni con una storia media di 6.5 anni di fumo ed un consumo medio giornaliero di circa 17 sigarette. Il contenuto di nicotina delle sigarette fumate era pari a 0.6 mg per sigaretta. Nel corso della sessione di campionamento sono state fumate complessivamente 19 sigarette, che hanno dispensato ai fumatori circa 11.4 mg di nicotina, basandosi su quanto riportato sul pacchetto.

I *vaper* hanno dichiarato di usare la sigaretta elettronica in maniera esclusiva da circa 3 mesi (min 1, max 6) con un consumo giornaliero di liquido³ pari a 1.5 ml e un contenuto di nicotina medio di 11 mg/ml. Tutti i volontari, hanno usato un liquido commerciale (*Heaven Juice* tradizionale) prodotto

²Termine gergale largamente usato, derivato dall'inglese *to vape*, ed impiegato per indicare l'azione di chi fuma una sigaretta elettronica.

³Tutti i liquidi per sigaretta elettronica utilizzati nell'esperimento erano del tipo *Heaven Juice Tradizionale* di FlavourArt, contenenti circa il 40% di glicerolo USP, circa il 50% di glicole propilenico USP, da 0.9% a 1.8% di nicotina USP, <1% di componente aromatica, acqua depurata, secondo quanto ricavato dalla documentazione fornita del produttore.

neutral conditions.

Sampling Sessions

For the two tests, the room was initially prepared for the sampling and analyzed for baseline conditions. Then, 5 volunteers smoked their cigarettes or e-cigarettes, depending on the session.

Volunteers were allowed to smoke/vape² as much as and whenever they wanted, provided that they used the room set for the experiment.

The time that volunteers spent in the room was strictly limited to smoking/vaping.

Only a maximum of 3 volunteers were allowed in the room at the same time.

The door of the room was opened only to let volunteers in or out.

Informed consent was obtained by all subjects before participating to the study.

During the smokers' session, the number of smoked cigarettes was noted down. During the vapers' session, the weight of consumed liquid, was evaluated using a precision scale.

Volunteers

The mean age of smokers was about 21 years and they were smoking on average 17 cigarettes per day for 6.5 years. The nicotine content in the smoked cigarettes was 0.6 mg per cigarette. During the sampling session, a total of 19 cigarettes were smoked which dispensed about 11.4 mg of nicotine, according to the information on cigarette packs.

Vapers declared that they had been using e-cigarettes exclusively for about 3 months (min 1, max 6), with a liquid³ daily intake of 1.5 ml, and an average nicotine content of 11 mg/ml.

For e-cigarette users, a commercially available liquid (*Heaven Juice* traditional) produced by FlavourArt was used, and a commercial EGO Pulse device by Smokie's®.

During the sampling session, 1760 mg of liquid were vaporized, which is equal to 1.6 ml containing

²English term *to vape* indicating the act of e-smoking.

³Heaven Juice Traditional e-cigarette liquids by FlavourArt were used during the experiment. They contained about 40% of USP glycerol, 50% of USP propylene glycol, from 0.9% to 1.8% of USP nicotine, <1% aromatic component, purified water, according to the information provided by the producer.

Composti Analizzati Analyzed compounds	Supporto di campionamento Sampling medium	Litri campionati (teorici) Sampled liters (theoretical)	Metodo Method
Nicotina Nicotine	Fiala XAD-2 XAD-2 vial	600	NIOSH 2544
Glicoli - Glicerina Glycols - Glycerine	Filtro in fibra di vetro + fiala XAD-7 Glass fiber filter + XAD-7 vial	600	NIOSH 5523
Idrocarburi Policiclici Aromatici (IPA) Polycyclic Aromatic Hydrocarbons (PAHs)	Filtro in fibra di vetro + fiala XAD-2 Glass fiber filter + XAD-2 vial	600	NIOSH 5515
Acroleina Acrolein	Fiala di Silica gel + DPNH Silica gel vial + DPNH	60	NIOSH 2018
SOV VOCs	Fiala di carbone attivo Activated carbon vial	60	UNI EN 13649

Tab. 1: Metodi utilizzati per il campionamento dei composti. / Methods used for substances sampling.

to da *FlavourArt* e un dispositivo EGO Pulse di about 17.6 mg of nicotine.
Smokie's®.

Durante la sessione di campionamento, sono stati vaporizzati 1760 mg di liquido, pari a circa 1.6 ml e contenenti circa 17.6 mg di nicotina.

Materiali e Metodi

Per le metodiche di campionamento sono state adottate diverse procedure sia della normativa UNI che NIOSH, impiegando differenti fiale SKC specifiche per i diversi componenti da ricercare. Per alcune molecole sono state utilizzate anche delle membrane filtranti in fibra di vetro o in PTFE con porosità di 0.8 µm (Tab. 1).

Ogni fiala è stata collegata ad un campionatore aspirante portatile, calibrato e impostato per aspirare uno specifico volume, in funzione della durata dell'esperimento e delle specifiche della metodica in uso.

A questi sistemi di campionamento cumulativo, sono stati affiancati, un rilevatore di CO, CO₂, NO_x, e un rilevatore di COT a ionizzazione di fiamma FID.

A fine esperimento, le fiale e le membrane sono state sigillate e trasportate presso i laboratori ABICH S.r.l.⁴ per le analisi.

Risultati

Le analisi dei campioni hanno evidenziato numerose e sostanziali differenze tra fumo di sigaretta e fumo elettronico, sia in termini di impatto sulla qualità dell'aria, sia anche in termini di tossicità. (Tab. 2).

Per il campionamento sono state impiegate delle membrane in PTFE e siamo rimasti colpiti dal co-

Materials and Methods

Considering the sampling methodologies different procedures both from UNI and NIOSH have been used. Different SKC vials specific for the different components to search were used. For some molecules, also fiberglass or PTFE 0.8 µm porosity membrane filters were used (Tab. 1).

Each vial was linked with a portable suction sampler, calibrated and set to aspirate a specific volume, depending on the duration of the experiment and on the method details.

In addition to these cumulative sampling systems, a CO and CO₂ and NO_x detector and a FID flame ionization TOC detector were used.

At the end of the experiment, the vials and the membranes were sealed and taken to the ABICH S.r.l.⁴ labs for the analysis.

Results

The sampling analysis underlined many and fundamental differences between cigarette smoking and e-cigarette smoking, both in terms of impact on air quality and also on toxicity. (Tab. 2).

PTFE membranes have been used for the sampling. We were surprised by the colour of the mem-

⁴ABICH S.r.l., Verbania (VB), Italia

⁴ABICH S.r.l., Verbania (VB), Italy

Parametro Parameter	Volume Campionato* Sampled Volume* [L]	Concentrazione Media* Mean Concentration* [mg/m ³]	
		Sigaretta Tradizionale Traditional Cigarette	Sigaretta Elettronica Electronic Cigarette
Nicotina / Nicotine	600	0.034	< 0.001**
Glicerina / Glycerine	600	< 0.001**	0.072
Glicolene Propilenico / Propylene Glycol	600	< 0.01**	< 0.01**
Acroleina / Acrolein	60	0.020	< 0.0016**

Tempo di campionamento: 300 minuti. / Sampling time: 300 minutes.

* dati relativi alle condizioni operative di riferimento (20°C e 0.101 MPa) riprodotte dall'attrezzatura / values refer to ideal working conditions (20°C and 0.101 MPa) simulated by the equipment

** inferiore alla soglia rilevabile dalla metodica / below the instrument sensitivity

Tab. 2: Sostanze rilevate. / Detected substances.

lore assunto dalle membrane alla fine delle sessioni. Questo, pur non costituendo un dato analitico di per sé, in qualche modo ci ha dato un'idea dei risultati che avremmo ottenuto (Fig. 3 e 4).

branes at the end of the sessions. Even if this does not constitute analytic data as such, it has given us an idea of the results that we could expect (Fig. 3 and 4).

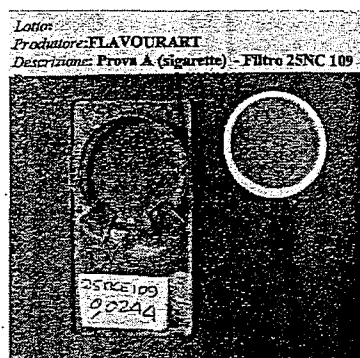


Fig. 3: Membrana in PTFE al termine della sessione di fumo tradizionale. / PTFE membrane at the end of the cigarette smoking session.



Fig. 4: Membrana in PTFE al termine della sessione di fumo elettronico. / PTFE membrane at the end of the e-cigarette session.

CO (Monossido di Carbonio) [12] Il monossido di carbonio non ha mostrato alcuna variazione con il fumo elettronico, rimanendo al di sotto dei limiti di rilevabilità dello strumento, mentre il fumo di sigaretta ha prodotto un costante incremento della sua concentrazione durante tutta la durata del campionamento, raggiungendo un picco di 11 mg/m³, valore questo, al di sopra della soglia di legge (10 mg/m³)⁵ (Fig. 5).

Il monossido di carbonio è un gas tossico con una elevata affinità per l'emoglobina, compromettendo

CO (Carbon Monoxide) [12] The levels of carbon monoxide did not show any variation during e-cigarette smoking, remaining below the detection limits of the tool. On the contrary cigarette smoking produced a steady elevation in CO throughout the sampling period. It reached a peak of 11 mg/m³, which is above the legal threshold (10 mg/m³)⁵ (Fig. 5).

Carbon monoxide is a toxic gas with a high affinity for haemoglobin, compromising its ability to transport oxygen. Smokers, continue to exhale out high levels of CO several hours after smoking their

⁵Decreto Legislativo 13 agosto 2010, n. 155. Attuazione della direttiva 2008/50/CE relativa alla qualità dell'aria ambiente e per un'aria più pulita in Europa.

⁵Legislative decree 13th August 2010, n.155. Application of the directive 2008/50/CE concerning the quality air in the environment for a clearer air in Europe.

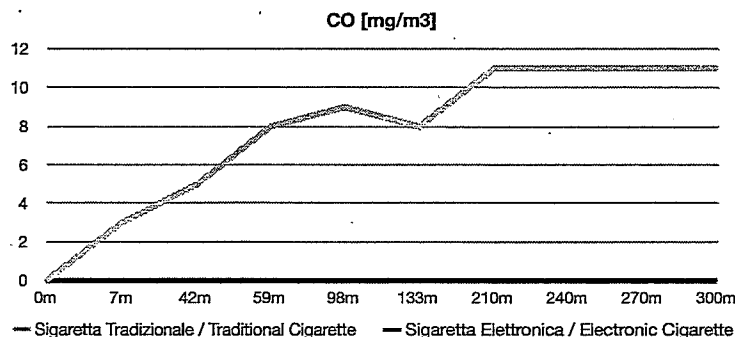


Fig. 5: Concentrazione di CO durante l'esperimento. / CO concentration during the experiment.

la sua capacità di trasportare ossigeno. Un fumatore continua ad emettere elevati livelli di monossido di carbonio, anche molte ore dopo aver fumato l'ultima sigaretta [5].

Nicotina Tra gli aspetti più interessanti, abbiamo osservato che la nicotina, pur presente nei liquidi utilizzati per l'esperimento, non è stata rilevata durante la sessione relativa al fumo elettronico. Per contro sono stati dosati $34 \mu\text{g}/\text{m}^3$ di nicotina, con il fumo tradizionale. Va precisato che, stando a quanto riportato sui pacchetti, la quota di nicotina inalata dai fumatori, ammonta complessivamente a circa 11.4 mg, mentre i *vaper* hanno inalato nicotina per un totale di 17.6 mg. Tuttavia la quota di nicotina indicata sul pacchetto tiene conto solo della quota inalata, senza fornire alcuna informazione relativa a quella effettivamente presente nella sigaretta e liberata nell'aria durante la sua combustione.

Basandosi sui risultati osservati è possibile dedurre che il fumo di sigaretta produce una contaminazione da nicotina nell'aria, almeno 35 volte superiore a quella del fumo elettronico, il che equivale a dire che servono almeno 35 *vaper* per produrre un livello di nicotina equivalente a quello prodotto da un singolo fumatore.

Se inoltre avessimo bilanciato le prove, chiedendo ai fumatori, di consumare sigarette, in quantità tali da eguagliare il consumo di nicotina dei *vaper*, questi avrebbero dovuto fumare circa 29 sigarette, producendo una concentrazione di nicotina stimata in circa $52 \mu\text{g}/\text{m}^3$.

Argomentare sulle ragioni di questi risultati è estremamente difficile, si potrebbe ipotizzare che esista per i *vaper* una differente cinetica di assorbimento della nicotina, o più semplicemente che le quantità in gioco siano estremamente contenute se paragonate a quelle effettivamente liberate dal fumo tradizionale. Ma al di là di queste ipotesi, tutte da verificare, il risultato in sé rimane un fatto: 5 *vaper* che utilizzano la sigaretta elettronica, per 5 h, in una

last cigarette, even if the last cigarette was put out many hours before [5].

Nicotine Among all, the most interesting aspects we observed was that nicotine was not detected in air during the e-smoking session, although liquids used for experiments contained it. On the other hand, $34 \mu\text{g}/\text{m}^3$ of nicotine were found during the smoking session. It should be made clear that, according to the information on packs, the amount of nicotine inhaled by smokers was about 11.4 mg, while the amount of nicotine inhaled by vapers was about 17.6 mg. However the amount of nicotine reported on packs is the inhaled amount. This information does not give details about the real amount of nicotine inside the cigarettes and released in the air during combustion and from side stream smoke.

Based on the observed results, we can conclude that cigarette smoking produces nicotine contamination in the air at least 35 times higher than e-smoking. This means that we need at least 35 vapers to produce nicotine level in air similar to the level produced by a single smoker.

Moreover if we had balanced the tests, asking cigarette smokers to consume the amount of cigarettes necessary to match the amount of nicotine used by vapers, the latter should have smoked about 29 cigarettes, producing an expected nicotine concentration of about $52 \mu\text{g}/\text{m}^3$.

It's extremely difficult to discuss about the reasons for these results. We could suppose that there is a different absorption kinetics for nicotine. Or maybe the amount in play is extremely low, when compared to the nicotine amount released during traditional smoking. However beyond all these hypotheses, which have not been verified, there is one fact: 5 vapers using e-cigarettes for 5 h in a small room without renewal of indoor air do not produce detectable levels of nicotine in the air.

Parametro Parameter	Volume Campionato* Sampled Volume* [L]	Concentrazione Media* Mean Concentration* [µg/m³]	
		Sigaretta Tradizionale Traditional Cigarette	Sigaretta Elettronica Electronic Cigarette
Metiletilchetone / Methyl ethyl ketone	60	4.2	4.4
1-etil-3-metil benzene / 1-ethyl-3-methylbenzene	60	0.2	3.4
Limonene / Limonene	60	12.5	0.1
Decano / Decane	60	0.4	4.2
Undecano / Undecane	60	4.2	0.7
Dodecano / Dodecane	60	3.7	0.3
Cedrene / Cedrene	60	0.3	0.9
Longifolene / Longifolene	60	18.3	30.3
Toluene / Toluene	60	1.7	-
O,m,p - Xilene / o,m,p - Xylene	60	0.2	-
1-etil-2-metil benzene / 1-ethyl-2-methylbenzene	60	4.9	-
1,2,4-trimetil benzene / 1,2,4-Trimethylbenzene	60	0.3	-
Mentene / Mentene	60	0.5	-
BHT (Butilidrossitoluene / Butylhydroxytoluene)	60	-	0.4
Terpene / Terpene (u.s.)	60	-	2.3
Longiciclene / Longicyclene	60	-	2.2
Cariofillene / Caryophyllene	60	-	1.0
n.i. totali / total u.s.	60	14.7	12.6

n.i. sostanza non identificabile / u.s. unidentifiable substance

Tempo di campionamento: 300 minuti. / Sampling time: 300 minutes.

* dati relativi alle condizioni operative di riferimento (20°C e 0.101 MPa) riprodotte dall'attrezzatura / values refer to ideal working conditions (20°C and 0.101 MPa) simulated by the equipment

** inferiore alla soglia rilevabile dalla metodica / below the instrument sensitivity

Tab. 6: Sostanze Organiche Volatili. / Volatile Organic Compounds.

stanza di piccole dimensioni e senza rinnovo d'aria, non producono livelli rilevabili di nicotina nell'aria.

Glicole Propilenico Altro parametro inatteso è il glicole propilenico, che non è stato rilevato durante la prova con il fumo elettronico, pur costituendo il 50% del liquido³.

Questo curioso fenomeno è stato osservato anche in un altro studio simile [11]. Anche questo studio non ha rilevato nicotina nel vapore passivo di una stanza sperimentale (significativamente più piccola della stanza da noi utilizzata). Alcuni esperimenti suggeriscono che l'assorbimento del glicole propilenico per via inalatoria sia estremamente rapido [17] e questo potrebbe spiegare perché questa molecola pur così abbondante non è stata rilevata.

Glicerina e Acroleina Non è stata rilevata glicerina relativamente al fumo di sigaretta, mentre ne è stata rilevata una traccia con il fumo elettronico, pari a 72 µg, valore molto al di sotto della soglia di

Propylene Glycol Results on propylene glycol were also unexpected. During e-smoking tests, propylene glycol was not detected, although 50% of liquid³ consisted of propylene glycol.

This curious phenomenon has also been observed in a similar study [11]. Even in that case, nicotine was not detected in an experimental room of the passive vaping (which was significantly smaller than the room we used). Some studies suggest that propylene glycol absorption via inhalation is extremely rapid [17]. This could explain why this molecule has not been detected even though it was present in significant amounts in the liquid used.

Glycerine and Acrolein No glycerine was detected in air during cigarette smoking. On the other hand, 72 µg/m³ were detected during e-smoking. This amount is much lower than the threshold safety

Parametro Parameter	Volume Campionato* Sampled Volume* [L]	Concentrazione Media* Mean Concentration* [$\mu\text{g}/\text{m}^3$]	
		Sigaretta Tradizionale Traditional Cigarette	Sigaretta Elettronica Electronic Cigarette
Naftalene / Naphthalene	600	2.78	< 0.02**
Acenafilene / Acenaphthylene	600	< 0.02**	< 0.02**
Acenafene / Acenaphthene	600	0.19	< 0.03**
Fluorene / Fluorene	600	0.47	< 0.06**
Fenantrene / Phenanthrene	600	0.37	< 0.08**
Antracene / Anthracene	600	< 0.04**	< 0.04**
Fluorantene / Fluoranthene	600	0.13	< 0.02**
Pirene / Pyrene	600	< 0.01**	< 0.01**
Benzo(a)antracene / Benzo(a)anthracene	600	< 0.16**	< 0.16**
Crisene / Chrysene	600	5.46	< 0.14**
Benzo(b)fluorantene / Benzo(b)fluoranthene	600	< 0.33**	< 0.33**
Benzo(k)fluorantene / Benzo(k)fluoranthene	600	< 0.74**	< 0.74**
Benzo(a)pirene / Benzo(a)pyrene	600	< 0.62**	< 0.62**
Indeno(1,2,3-cd)pirene / Indeno(1,2,3-cd)pyrene	600	< 1.47**	< 1.47**
Dibenzo(a,h)antracene / Dibenzo(a,h)anthracene	600	< 1.47**	< 1.47**
Benzo(ghi)perilene / Benzo(g,h,i)perylene	600	< 1.60**	< 1.60**

Tempo di campionamento: 300 minuti. / Sampling-time: 300 minutes.

* dati relativi alle condizioni operative di riferimento (20°C e 0.101 MPa) riprodotte dall'attrezzatura / values refer to ideal working conditions (20°C and 0.101 MPa) simulated by the equipment

** inferiore alla soglia rilevabile dalla metodica / below the instrument sensitivity

Tab. 7: Idrocarburi Policiclici Aromatici. / Polycyclic Aromatic Hydrocarbons.

azione (TWA-TLV 10 mg/m³) e ben al di sotto della soglia definita di rischio moderato o irrilevante [4].

Tuttavia, bisogna rilevare che l'acroleina, molecola che si forma dalla disidratazione ad elevate temperature della glicerina, era presente e ben rilevabile nell'aria della stanza, durante la prova dei fumatori (20 $\mu\text{g}/\text{m}^3$).

È noto infatti che la glicerina viene spesso aggiunta ai tabacchi come umettante, e durante la combustione si trasforma in acroleina [3]. L'assenza di processi di combustione nel fumo elettronico, è di fondamentale importanza per comprendere come mai l'acroleina non sia stata rilevata nell'aria durante la prova.

L'acroleina è una sostanza notoriamente molto tossica e irritante, inoltre è attualmente sospetta per avere un ruolo nei processi di cancerogenesi [1].

SOV Dall'analisi delle sostanze organiche volatili, sono state evidenziate fondamentalmente componenti aromatiche, in particolare il longifolene, tipico dell'aroma di pino, era presente in entrambe le prove. È probabile che questo composto facesse parte dei prodotti detergenti o deodoranti impiegati per pulire la stanza prima dell'esperimento. In merito

limit (TWA-TLV 10 mg/m³) and much lower than the threshold for moderate risk [4].

However, it's important to note that acrolein, a molecule formed by dehydration of glycerine due to high temperatures, was present in the air of the room during cigarette smoking test (20 $\mu\text{g}/\text{m}^3$).

In fact, it is well known that glycerine is often added to moisten tobacco. During combustion glycerine is transformed into acrolein [3]. The fact that no combustion is involved when using e-cigarettes probably plays a fundamental role in the absence of acrolein from indoor air during their use.

As everyone knows, acrolein is a very toxic and irritating substance. Moreover it is currently suspected of having a fundamental role in the carcinogenic process [1].

VOCs During the analysis of volatile organic compounds, aromatic components were detected, in particular longifolen, typical of pine aroma, in both tests. One of the detergents used to clean the room before the test could have contained this compound. Regarding cigarette smoking, xylene and toluene were detected. These are two very common toxic

al fumo di sigaretta, si rilevano comunque tracce di xilene e toluene, due composti tossici, normalmente presenti nel fumo di sigaretta. Il limonene, terpene dell'olio essenziale di limone, è stato rilevato solo durante la prova con il fumo tradizionale ed in effetti questa molecola è stata riscontrata anche da altri studi come componente del fumo di sigaretta [11] (Tab. 6).

IPA Tra i composti più rilevanti, in termini di tossicità cronica del fumo di tabacco, ci sono certamente gli idrocarburi policiclici aromatici. Questi composti, prodotti durante il processo di combustione, sono noti per gli effetti cancerogeni e mutageni.

La prova ha identificato 6 dei 16 IPA ricercati, durante la sessione con il fumo tradizionale, mentre non è stato rilevato nulla con il fumo elettronico (Tab. 7).

COT [15] L'analisi del carbonio organico totale, non ci dà informazioni specifiche sulla tossicità. È un modo per valutare globalmente la quantità di materia organica immessa nell'aria, senza distinguere tra sostanze tossiche e non tossiche. Tuttavia questo parametro ci fornisce una visione globale del grado di contaminazione dell'aria, durante tutta la durata dell'esperimento.

Nel grafico è possibile osservare l'andamento dei livelli di COT nell'aria durante le 5 h di campionamento.

Dal grafico è stato sottratto il valore di fondo presente all'inizio del campionamento (1 mg/m^3).

Due aspetti sono interessanti a mio parere. In primo luogo i livelli massimi con il fumo di sigaretta sono oltre 9 volte più alti che con il fumo elettronico, in secondo luogo, il fumo impiega appena 11 minuti, a raggiungere il valore massimo raggiunto dalla sigaretta elettronica (0.73 mg/m^3), nel tempo di 5 h (Fig. 8).

Conclusioni

L'esperimento su descritto ha evidenziato, limitatamente ai parametri osservati, che il fumo elettronico non comporta l'immissione nell'aria di un ambiente chiuso, di sostanze tossiche o cancerogene in quantità rilevabili. Ulteriori studi sono necessari, per approfondire e meglio definire tutti gli aspetti coinvolti, ma questa valutazione preliminare suggerisce che l'impatto del fumo elettronico passivo, se confrontato con quello del fumo di sigaretta, è talmente ridotto da essere appena rilevabile e non presenta le caratteristiche di tossicità e di cancerogenicità rilevate nel fumo di sigaretta. L'assenza di combustione e la mancanza di fumo secondario (*sidestream smoke*), noto per i suoi effetti tossici [2, 6], sono probabilmen-

compounds in cigarette smoking. Limonene which is an oil lemon terpene, was detected only during the traditional smoking test. In fact this molecule was found as a component in cigarette smoke even in other studies [11] (Tab. 6).

PHAs Polycyclic aromatic hydrocarbons are, without doubt, among the most important compounds in terms of chronic toxicity caused by tobacco smoking. These substances, which are produced during the combustion process, are well known for their carcinogenic and mutagenic effects.

During the traditional cigarette smoking session, 6 out of 16 PAHs were identified. Nothing was identified during the e-cigarette session (Tab. 7).

TOC [15] The total organic carbon analysis does not give us specific information about toxicity. It is a measure of the overall amount of organic matter released in the air. There is no distinction between toxic and non-toxic substances. However this parameter gives us a global view of the degree of contamination of air, throughout the whole experiment.

The chart shows the TOC level trends in the air during the 5 h sampling.

The chart does not contain the original value of air at the beginning of the sample (1 mg/m^3).

In my opinion there are two interesting aspects which should be underlined. Firstly, the maximum levels during cigarette smoking sessions are 9 times higher than the e-smoking session. Secondly, cigarette smoking takes just 11 minutes to reach a value similar to the maximum value measured for the e-cigarette (0.73 mg/m^3), in 5 h (Fig. 8).

Conclusions

The above experiment, within the limits of the observed parameters, has underlined that e-smoking does not produce detectable amounts of toxic and carcinogenic substances in the air of an enclosed space. Further studies are needed to better understand all the involved aspects. However this preliminary assessment indicates that passive vaping impact, when compared to the traditional cigarette smoking, is so low that it is just detectable, and it does not have the toxic and carcinogenic characteristics of cigarette smoking. The absence of combustion and the lack of sidestream smoking, with its known toxic effects [2, 6] are probably the main reasons for the differences observed in air pollution characteristics

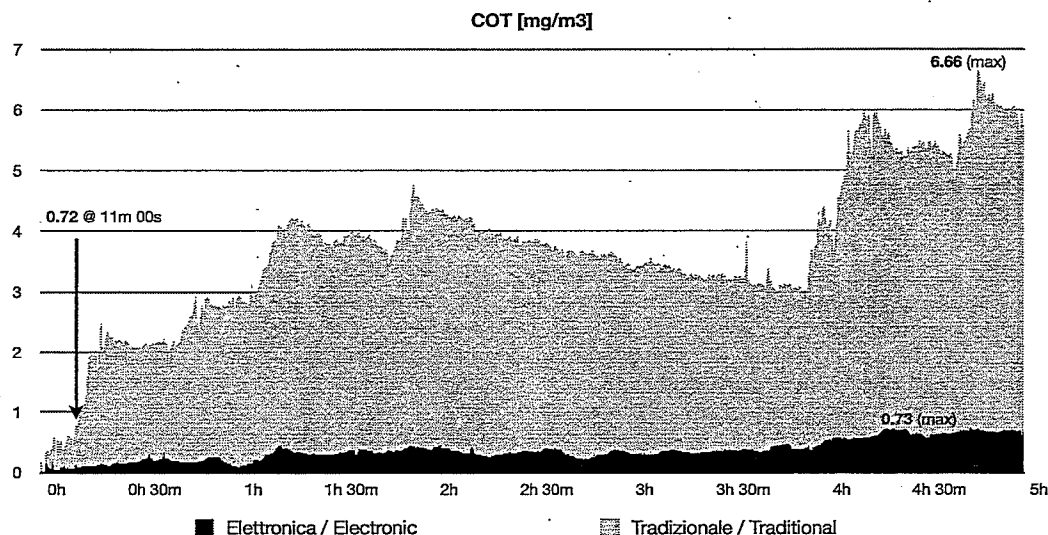


Fig. 8: Carbonio Organico Totale. / Total Organic Carbon.

te alla base delle differenze osservate, in termini di inquinamento dell'aria, tra fumo di tabacco e fumo elettronico.

Come considerazione finale, basandosi sui risultati ottenuti e sui dati dell'ARPA in materia di inquinamento urbano, potrebbe essere meno salutare, respirare l'aria di una grande città nell'ora di punta, piuttosto che sostare in una stanza con qualcuno che usa una sigaretta elettronica.

between e-cigarettes and tobacco smoking.

On the base of the obtained results and on ARPA data about urban pollution, we can conclude by saying that could be more unhealthy to breath air in big cities compared to staying in the same room with someone who is vaping.

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Inhal Toxicol. 2012 Oct;24(12):850-7. doi: 10.3109/08958378.2012.724728.

Comparison of the effects of e-cigarette vapor and cigarette smoke on indoor air quality.

McAuley TR¹, Hopke PK, Zhao J, Babaian S.

Author information

Abstract

CONTEXT: Electronic cigarettes (e-cigarettes) have earned considerable attention recently as an alternative to smoking tobacco, but uncertainties about their impact on health and indoor air quality have resulted in proposals for bans on indoor e-cigarette use.

OBJECTIVE: To assess potential health impacts relating to the use of e-cigarettes, a series of studies were conducted using e-cigarettes and standard tobacco cigarettes.

METHODS AND MATERIALS: Four different high nicotine e-liquids were vaporized in two sets of experiments by generic 2-piece e-cigarettes to collect emissions and assess indoor air concentrations of common tobacco smoke by products. Tobacco cigarette smoke tests were conducted for comparison.

RESULTS: Comparisons of pollutant concentrations were made between e-cigarette vapor and tobacco smoke samples. Pollutants included VOCs, carbonyls, PAHs, nicotine, TSNAs, and glycols. From these results, risk analyses were conducted based on dilution into a 40 m³ room and standard toxicological data. Non-cancer risk analysis revealed "No Significant Risk" of harm to human health for vapor samples from e-liquids (A-D). In contrast, for tobacco smoke most findings markedly exceeded risk limits indicating a condition of "Significant Risk" of harm to human health. With regard to cancer risk analysis, no vapor sample from e-liquids A-D exceeded the risk limit for either children or adults. The tobacco smoke sample approached the risk limits for adult exposure.

CONCLUSIONS: For all byproducts measured, electronic cigarettes produce very small exposures relative to tobacco cigarettes. The study indicates no apparent risk to human health from e-cigarette emissions based on the compounds analyzed.

PMID: 23033998 [PubMed - indexed for MEDLINE]

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8 September 2009

E-cigarettes: harmless inhaled or exhaled

No second hand smoke

CHEMICALS IN SMOKE and E-cigarette MIST

Leading chemicals only	Cigarette SMOKE	E-cigarette MIST
Nicotine per puff	YES 0.1 mg/puff	YES 0.01 mg/puff
Propylene glycol	NO 0 mg/puff	YES 0.7 mg/puff
Carbon monoxide	YES	NONE
Acrolein	YES	NONE
Hydrogen cyanide	YES	NONE
CARCINOGENS	1,3-Butadiene and 20+ others:	Trace amounts of a few only:
Acetaldehyde	YES	TRACE
Acrylonitrile	YES	NONE
Arsenic	YES	NONE
Benzaldehyde	YES	NONE
Benzene	YES	NONE
Cadmium	YES	NONE
NNN, NNK (nitrosamines)	YES	TRACE

Second hand *cigarette* smoke is a mixture of mainstream and sidestream smoke. It contains the same toxicants as mainstream smoke, but at reduced levels. It is responsible for about 8% of the deaths caused by direct smoking.

Second hand mist from an *e-cigarette* is not smoke at all, and does not contain any substance known to cause death, short or long term, in the quantities found. It becomes invisible within a few seconds, and is not detectable by smell.

Exhaled breath after e-cigarette use has been tested for CO only. No increase in CO was found.

The e-cigarette does not create side-stream smoke. Exhaled breath after e-smoking contains even less nicotine per puff, as much of the nicotine inhaled is absorbed. Similarly, propylene glycol is largely absorbed and little is exhaled.

No harm found in e-cigarette mist

Nicotine is not harmful in the quantities mentioned.¹

Propylene glycol is harmless – it is used in making theatrical fog and as an ingredient in soaps, personal lubricants and intravenous medicines.

1. Murray RP, Bailey WC, Daniels K. et al. Safety of nicotine polacrilex gum used by 3,094 participants in the Lung Health Study. LHS Research Group. Chest 1996; 102: 438-45.

Some smokers need satisfying replacement products to help them quit smoking

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Journal of General Internal Medicine

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Date: 15 May 2014

E-Cigarette Versus Nicotine Inhaler: Comparing the Perceptions and Experiences of Inhaled Nicotine Devices

ABSTRACT

BACKGROUND

Novel nicotine delivery products, such as electronic cigarettes (e-cigarettes), have dramatically grown in popularity despite limited data on safety and benefit. In contrast, the similar U.S. Food and Drug Administration (FDA)-approved nicotine inhaler is rarely utilized by smokers. Understanding this paradox could be helpful to determine the potential for e-cigarettes as an alternative to tobacco smoking.

OBJECTIVE

To compare the e-cigarette with the nicotine inhaler in terms of perceived benefits, harms, appeal, and role in assisting with smoking cessation.

DESIGN

A cross-over trial was conducted from 2012 to 2013

PARTICIPANTS/INTERVENTIONS

Forty-one current smokers age 18 and older used the e-cigarette and nicotine inhaler each for 3 days, in random order, with a washout period in between. Thirty-eight participants provided data on product use, perceptions, and experiences.

MAIN MEASURES

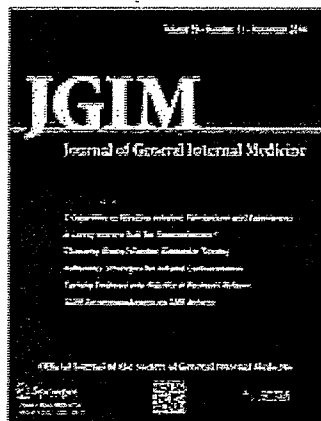
The Modified Cigarette Evaluation Questionnaire (mCEQ) measured satisfaction, reward, and aversion. Subjects were also asked about each product's helpfulness, similarity to cigarettes, acceptability, image, and effectiveness in quitting smoking. Cigarette use was also recorded during the product-use periods.

KEY RESULTS

The e-cigarette had a higher total satisfaction score (13.9 vs. 6.8 [$p < 0.001$]; range for responses 3–21) and higher reward score (15.8 vs. 8.7 [$p < 0.001$]; range for responses 5–35) than the inhaler. The e-cigarette received higher ratings for helpfulness, acceptability, and “coolness.” More subjects would use the e-cigarette to make a quit attempt (76 %) than the inhaler (24 %) ($p < 0.001$). Eighteen percent (7/38) of subjects abstained from smoking during the 3-day periods using the e-cigarette vs. 10 % (4/38) using the inhaler ($p = 0.18$).

CONCLUSION

The e-cigarette was more acceptable, provided more satisfaction, and had higher perceived benefit than the inhaler during this trial. E-cigarettes have the potential to be important nicotine delivery products owing to their high acceptance and perceived benefit, but more data are needed to evaluate their actual efficacy and safety. Providers should be aware of these issues, as patients will increasingly inquire about them.



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3. RESULTS
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E-Cigarette Versus Nicotine Inhaler: Comparing the Perceptions and Experiences of Inhaled Nicotine Devices

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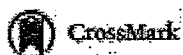
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**EU Classification of nicotine mixtures
under CLP Regulation 1272/2008
(as amended and corrected)**

Bibra Proposal

30 June 2014

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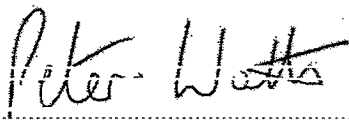


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EU classification of nicotine mixtures under CLP Regulation 1272/2008 (as amended and corrected)

Bibra Proposal

INTRODUCTION

Bibra was asked for independent advice on the appropriate EU classification of mixtures containing nicotine, for acute toxicity by the oral and dermal exposure routes. The client asked that the classification be carried out according to current EU legislation as laid down in EU Regulation 1272/2008, as amended. In particular, the client asked about the concentration-related category transitions for nicotine mixtures (where the other components were not acutely toxic).

KEY LEGISLATIVE REFERENCES

The overarching EU regulation for classification of substances and mixtures is EU Regulation 1272/2008¹. Tables 3.1 and 3.2 of Annex VI of 1272/2008 set out the official EU classifications for numerous substances. This Regulation has been amended by five Adaptations to Technical Progress (Regulations EC 790/2009², EU 286/2011³, EU 618/2012⁴, EU 487/2013⁵ and EU 944/2013⁶). A correction to Annex VI has also been published (Regulation EU 758/2013⁷). A consolidated version available on the ECHA website⁸ takes into account 790/2009 and 286/2011, but not the third, fourth and fifth adaptations, or 758/2013.

¹ Regulation 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation 1907/2006. Official Journal of the European Union L353, 1-1355 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:353:0001:1355:en:PDF>.

² Commission Regulation (EC) 790/2009 of 10 August 2009 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:235:0001:0439:en:PDF>

³ Commission Regulation (EU) No 286/2011 of 10 March 2011 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (Text with EEA relevance). <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:083:0001:0053:en:PDF>

⁴ Commission Regulation (EU) No 618/2012 of 10 July 2012 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (Text with EEA relevance). <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:179:0003:0010:EN:PDF>

⁵ Commission Regulation (EU) No 487/2013 of 9 May 2013 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (Text with EEA relevance). <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:142:0001:0059:EN:PDF>

⁶ Commission Regulation (EU) No 944/2013 of 2 October 2013 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (Text with EEA relevance). <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:261:0005:0022:EN:PDF#>

⁷ Commission Regulation (EU) No 758/2013 of 7 August 2013 correcting Annex VI to Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (Text with EEA relevance). <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:216:0001:0058:EN:PDF>

⁸ Consolidated version: Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (Text with EEA relevance) as amended by Regulations EC 790/2009 and EU 286/2011. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2008R1272:20110419:EN:PDF>

HARMONISED ACUTE TOXICITY CLASSIFICATION OF NICOTINE (SUBSTANCE)

Acute oral toxicity

EU experts on classification have reviewed the acute oral toxicity data on nicotine. Although the specific data that were reviewed are unknown to bibra, the experts agreed a classification as: Toxic if swallowed (T; R25). This implies a rat acute oral LD50 of between 25 and 200 mg/kg bw.

Under 1272/2008, this 67/548/EEC classification has been translated to its modern equivalent, which is: Toxic if swallowed. Acute Toxicity Category 3 (H301). This classification implies a rat acute oral LD50 value of between 50 and 300 mg/kg bw (i.e. slightly modified from 67/548/EEC criteria). Generically, this Category is assigned a "converted acute toxicity point estimate" (ATE) of 100 mg/kg bw (for use in the calculation of the ATE for classification of a mixture based on its components).

Acute dermal toxicity

EU experts on classification have reviewed the acute dermal toxicity data on nicotine. Although the specific data that were reviewed are unknown to bibra, the experts agreed a classification as: Very toxic in contact with skin (T+; R27). This implies a rat or rabbit acute dermal LD50 of <50 mg/kg bw (24-hr contact time).

Under 1272/2008, this 67/548/EEC classification has been translated to its modern equivalent, which is: Fatal in contact with skin. Acute Toxicity Category 1 (H310). This classification implies a rat acute dermal LD50 value of 0-50 mg/kg bw (i.e. unchanged from 67/548/EEC criteria). Generically, this Category is assigned a "converted acute toxicity point estimate" (ATE) of 0.5 mg/kg bw (for use in the calculation of the ATE for classification of a mixture based on its components).

ACUTE ORAL AND DERMAL TOXICITY VALUES FOR NICOTINE

Summary of acute oral lethal values

In classification for acute toxicity, laboratory animal data (notably rat LD50s) are generally critical. For nicotine, reported rat oral LD50 values range from 50-188 mg/kg bw, with most between 50-83 mg/kg bw (DECOS, 2004; Gaines, 1960; Lazutka et al. 1969; Sine, 1993; Trochimowicz et al. 1994; Vernot et al. 1977; Yam et al. 1991). Mice may be slightly more sensitive, with most reported values lying between 16-60 mg/kg bw (DECOS, 2004; Trochimowicz et al. 1994; Vernot et al. 1977). A lower LD50 value (3.3 mg/kg bw) was reported in an early Eastern European study (Lazutka et al. 1969) of uncertain reliability.

[Reviews have reported estimated mean lethal acute oral doses in children and adults of about 10 mg (about 0.5 mg/kg bw) and about 30-60 mg (about 0.4-0.9 mg/kg bw), respectively (Arena, 1974; Gosselin, 1988; Lazutka et al. 1969). However, the scientific validity of these figures is unclear, and they do not seem to have played any role in the nicotine-classification deliberations of the EU expert group on harmonised classification.]

Summary of acute dermal lethal values

In rats, acute dermal LD50 values of 140-285 mg/kg bw have been reported (Gaines, 1960; Trochimowicz et al. 1994), with rabbits (LD50 50 mg/kg bw) seemingly more sensitive (Trochimowicz

et al. 1994). In cats, doses of about 66-100 mg/kg bw caused clinical toxicity (vomiting, CNS effects and deaths (Travell, 1960).

Tabulated acute oral lethal studies

Species, Sex, Number	Brief study description (if available)	LD50	Reference
Mouse, strain, sex and number not specified	LD50 study using nicotine base	3.3 mg/kg bw	Lazutka et al. 1969
Mouse, CF-1, male, number not specified	LD50 study using nicotine sulphate	16 mg/kg bw	Vernot et al. 1977
Mouse, strain, sex and number not specified	LD50 study	24 mg/kg bw	DECOS, 2004 (cited as Ray91); Trochimowicz et al. 1994
Mouse, strain, sex and number not specified	LD50 study	50-60 mg/kg bw	Trochimowicz et al. 1994
Rat, strain, sex and number not specified	LD50 study	50 mg/kg bw	Sine, 1993
Rat, strain, sex and number not specified	LD50 study	50-60 mg/kg bw	Trochimowicz et al. 1994
Rat, strain, sex and number not specified	LD50 study using nicotine base	53 mg/kg bw	Lazutka et al. 1969
Rat, Sprague-Dawley, male and female	LD50 estimated by fixed-dose procedure or the up-and-down method. In the fixed-dose procedure, groups of 5 males and 5 females were treated with one of four predetermined dose levels. In the up-and-down method, females were dosed, one at a time, starting with an estimate of the LD50 and adjusting the dose until 4 rats were treated. In both protocols, rats were observed for 14 days	70-71 mg/kg bw	Yam et al. 1991
Rat, Sprague-	LD50 study using nicotine	75 mg/kg bw	Vernot et al. 1977

Species, Sex, Number	Brief study description (if available)	LD50	Reference
Dawley, male, number not specified	sulphate		
Rat, Sherman, adult, female, 80/group	LD50 study using nicotine sulphate, rats observed for 4 days only	83 mg/kg bw	Gaines, 1960
Rat, strain, sex and number not specified	LD50 study	188 mg/kg bw	DECOS, 2004 (cited as Ray91).

Tabulated acute dermal lethal studies

Species, Sex, Number	Brief study description (if available)	LD50	Reference
Rat, strain, sex and number not specified	LD50 study	140 mg/kg bw	Trochimowicz et al. 1994
Rat, Sherman, adult, female, 70/group	LD50 study on nicotine sulphate [Note: rats were only observed for 5 days]	285 mg/kg bw	Gaines, 1960
Rat, Sprague-Dawley, 5 male and 5 female	A mixture of 18% nicotine and 82% of an ion-exchange resin applied at 2 g/kg bw to the covered skin for 24 hr, followed by rinsing with water OECD Guideline study No. 402	>360 mg/kg bw [no deaths were seen]	Guerriero et al. 2001
Rabbit, strain, sex and number not specified	LD50 study	50 mg/kg bw	Trochimowicz et al. 1994
Rabbit, strain, sex and number not specified	LD50 study	140 mg/kg bw	UK PSD, 2008
Cat, 21/group, sex not specified	Application of 200 mg nicotine or nicotine sulphate (providing approximately 66-100 mg nicotine/kg bw) to the uncovered skin.	The nicotine base produced overt CNS toxicity, vomiting, and 17/21 cats died in 21-195	Travell, 1960

Species, Sex, Number	Brief study description (if available)	LD50	Reference
		min. The sulphate caused milder effects and all 21 cats survived.	
Cat, 5 treated with free nicotine and 3 treated with nicotine sulphate, sex not specified	2-10 ml "Nico-Fume Liquid" (containing 40% free nicotine) or 10 ml "Black Leaf 40" (containing 40% nicotine sulphate) was applied under cover to the clipped skin. In the free nicotine experiment, the skin of one cat was washed after 3 hours. [Travell (1960) stated that the free nicotine doses causing death were 280-1500 mg/kg bw, and the nicotine sulphate dose was about 1100 mg/kg bw.]	Nicotine caused CNS effects and vomiting, loss of consciousness and death. No effects were reported with the sulphate.	Faulkner, 1933

SELECTION OF KEY LD50 VALUES FOR MIXTURE CLASSIFICATION

When multiple options are available for a rather simple and crude endpoint such as median lethality, selection of the most appropriate value for use in classification can be challenging.

According to Regulation 1272/2008 "The preferred test species for evaluation of acute toxicity by the oral and inhalation routes is the rat, while the rat or rabbit are preferred for evaluation of acute dermal toxicity". The original harmonised expert classification (under 67/548/EEC) for acute oral toxicity (Toxic if swallowed; T; R25) implies that the committee selected an acute oral LD50 of between 25 and 200 mg/kg bw as being key to classification. This indicates that the experts either dismissed or were unaware of three of the mouse studies. Under 1272/2008, the earlier 67/548/EEC classification has been translated to its modern equivalent (Toxic if swallowed; Acute Toxicity Category 3. H301), which is associated with an acute oral LD50 between 50-300 mg/kg bw. Without a detailed assessment of each LD50, it is not entirely clear which reports should be set aside. Nevertheless, the fact that all of the rat LD50 figures are 50 mg/kg bw or above supports the experts' choice of Category 3.

For the dermal classification, there seems to be a good case for the selection of the rabbit dermal LD50 of 50 mg/kg bw and a precautionary choice of assigning to the more toxic class (Category 1) when a value falls on the class boundary.

Rat oral LD50: >50 mg/kg bw.

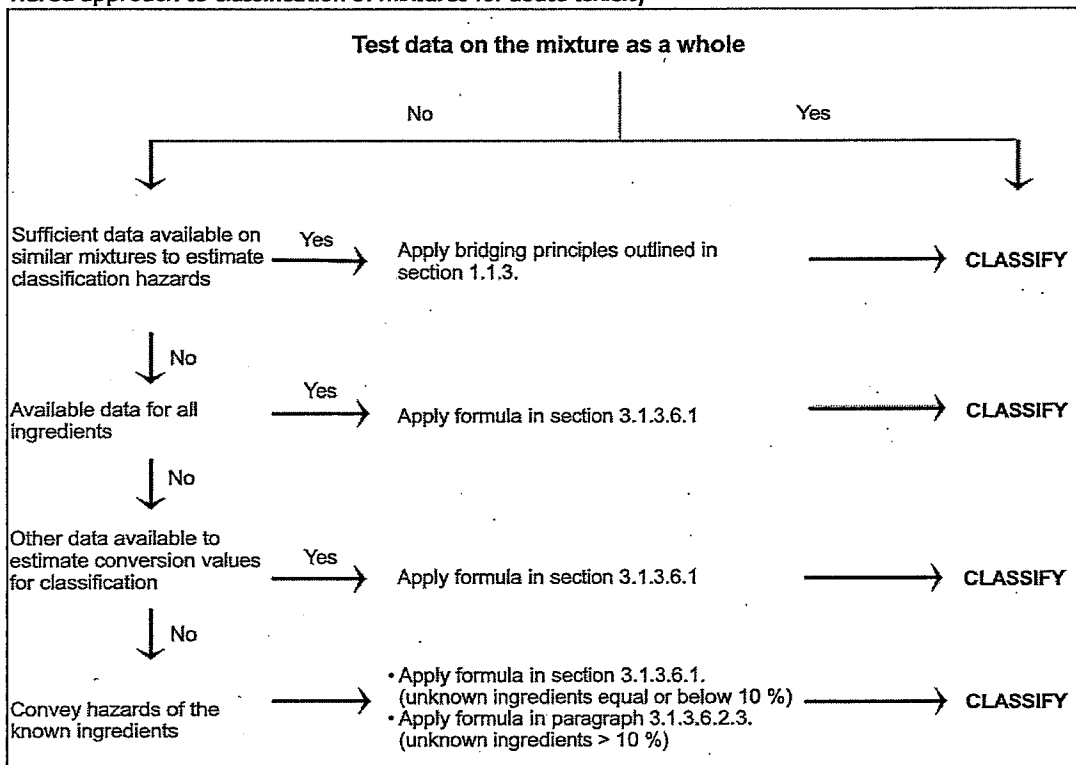
Rabbit dermal LD50: 50 mg/kg bw.

CLASSIFICATION OF NICOTINE MIXTURES

Mixtures should be classified in line with EC 1272/2008 (as amended). Guidance is given in section 3.1.3. **Criteria for classification of mixtures as acutely toxic.** This states that “For mixtures, it is necessary to obtain or derive information that allows the criteria to be applied to the mixture for the purpose of classification.” Such information would include LD50 or ATE figures, for example. The approach to classification for acute toxicity is tiered, and is dependent upon the amount of information available for the mixture itself and for its ingredients.

A flow chart (Figure 3.1.1 in 1272/2008) outlines the process to be followed.

Tiered approach to classification of mixtures for acute toxicity



In this instance, “Test data on the mixture as a whole” are not available, nor are there “Sufficient data available on similar mixtures”. However, there are “Available data for all ingredients”, allowing classification by applying the formula in section 3.1.3.6.1.

Section 3.1.3.6. **Classification of mixtures based on ingredients of the mixture (Additivity formula)** provides guidance on such classification.

"3.1.3.6.1. Data available for all ingredients

In order to ensure that classification of the mixture is accurate, and that the calculation need only be performed once for all systems, sectors, and categories, the acute toxicity estimate (ATE) of ingredients shall be considered as follows:

- (a) include ingredients with a known acute toxicity, which fall into any of the acute toxicity categories shown in Table 3.1.1.1;
- (b) ignore ingredients that are presumed not acutely toxic (e.g., water, sugar);
- (c) ignore ingredients if the oral limit test does not show acute toxicity at 2000 mg/kg bodyweight.

Ingredients that fall within the scope of this paragraph are considered to be ingredients with a known acute toxicity estimate (ATE).

The ATE of the mixture is determined by calculation from the ATE values for all relevant ingredients according to the following formula for Oral, Dermal or Inhalation Toxicity:

$$(100/ATE_{mix}) = \sum n (C_i/ATE_i)$$

where:

C_i = concentration of ingredient i (% w/w or % v/v)

i = the individual ingredient from 1 to n

n = the number of ingredients

ATE $_i$ = Acute Toxicity Estimate of ingredient i ."

In the current exercise, bibra was told to assume that the non-nicotine ingredients of the mixtures are not acutely toxic, and nicotine is the only ingredient with a known acute toxicity.

Acute oral classification

The boundary range for Categories 3 and 4 are 50-300 and 500-2000 mg/kg bw, respectively. This means that mixtures containing nicotine can be classified as follows:

Nicotine concentration (%)	Estimated oral LD50 (mg/kg bw)	CLP Category
100	>50	3
16.6-100	50-300	3
2.5-<16.6	300-2000	4
<2.5	>2000	Not classified

Acute dermal classification

The boundary range for Categories 1, 2, 3 and 4 are <50, 50-200, 200-1000 and 1000-2000 mg/kg bw, respectively. This means that mixtures containing nicotine can be classified as follows:

Nicotine concentration (%)	Estimated dermal LD50 (mg/kg bw)	CLP Category
100	50	1
25-100	50-200	2
5-<25	200-1000	3
2.5-<5	>1000-2000	4
<2.5	>2000	Not classified

NOTE

This bibra proposal focuses on the classification of mixtures, accepting the literature LD50 figures and the existing classification views of the harmonised experts. It did not attempt to critically evaluate the reliability of the actual LD50 figures. It is possible that a critical evaluation of the existing LD50 literature might lead to a more confident identification of the best LD50 figures to use in substance and mixture classification.

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Details

Created on Friday, 13 June 2014 19:54

Latest Comments

Effects of e-cigarette use on exhaled nitric oxide

By Dr Farsalinos

A study was recently published in Toxicology and Applied Pharmacology examining the effects of using e-cigarettes and tobacco cigarettes on exhaled nitric oxide (FeNO). They found that similar reductions in FeNO are observed after e-cigarette and tobacco cigarette use. The authors concluded that in the aspect of FeNO, e-cigarettes are not safer than tobacco cigarettes, and mentioned that this finding is indicative that lung function is affected by e-cigarette use.

The conclusions of the authors are arbitrary and completely wrong. FeNO is a marker of inflammation to the lungs, most commonly used in asthmatics. However, inflammation is characterized by high levels of FeNO. Reductions in FeNO are observed in asthmatics after corticosteroid therapy, indicating that there is a response to the therapy and inflammation is reduced. Low levels are indicative of either no inflammation at all, or is a false negative finding of non-eosinophilic inflammation in patients with symptoms of respiratory disease. In any case, all participants in the study had normal FeNO levels, while a further reduction means absolutely nothing. By definition, it does not mean that there is a decline in lung function, because FeNO cannot be used as a marker of respiratory function; it just measures inflammation. Moreover, a significant problem in the statistical analysis should be mentioned. In a study evaluating different interventions in the same population, you do NOT use student t-tests but you perform repeated measures ANOVA. I would not expect the journal to accept such an analysis. Finally, it should be mentioned that while this study is inline with findings from Vardavas et al., it is contradictory to findings by Schober et al. and Flouris et al. Schober found elevation in FeNO levels after e-cigarette use. As we explained in a letter to the editor, it is controversial to expect that both a reduction and an elevation of any biomarker mean the same thing!!

Of course, FeNO levels have nothing to do with NO production and effects on the endothelium of the arteries and on cardiovascular disease incidence, and, as mentioned above, do not indicate lung dysfunction. Anyone, making such statements, such as Stanton Glantz, is probably confused and is ignoring some basic facts. For the current study he mentions: "... the fact that exposure to e-cigarette aerosol reduces exhaled NO in the lungs may help explain why people who use e-cigarettes have a drop in lung function. (The fact that smoke reduces NO production in arteries is an important reason that smoking and passive smoking contribute to heart attacks)". Amazing statements for a study that **did not find any drop in lung function**, because they **did not measure lung function**. Moreover, they **did not assess NO production or effects on the endothelium of blood vessels** and thus the results are completely irrelevant to the cardiovascular system. Obviously, he is underestimating the intellectual abilities of regulators because he submitted his theories to the FDA as "scientific evidence".

In the past Glantz was once again shouting about the adverse effects of e-cigarette use when the Schober et al. study was published, which showed the exact opposite results compared to the current study (Schober showed elevated FeNO after e-cigarette use). In that case he mentioned: "They also found increased measures of inflammatory processes in the people using e-cigarettes, which could indicate lung irritation. (Increase levels of inflammation could also have effects on blood and blood vessels in

Letter to New York Councilman concerning a proposal to ban flavored electronic cigarette liquids

Nicotine absorbed from "passive vaping" is minimal and with no health implications

Politics over science: unprecedented distortion of evidence by a prestigious medical journal

Disgraceful propaganda by WHO staff against e-cigarettes in social media

WHO revises its previous proposal (and plans) to ban electronic cigarettes

ways that increase the risk of triggering a heart attack)".

In reality the data are completely irrelevant to his arguments. No study evaluated any cardiovascular effects and FeNO is not a marker of systemic inflammation. Still, he jumps from the respiratory to the cardiovascular system and back. Finally, he needs to decide what he considers as problem arising from e-cigarette use? Elevated or reduced FeNO?

I must regretfully say that this is not science...



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#8 Dr Farsalinos

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is just one specific server which (for an
en.
has no access, perhaps the webmaster will figure out why

Quote

#7 dave 2014-06-14 21:29

This site is blocked in Germany. Any reason for this?

Quote

#6 Margaret Hermon 2014-06-14 16:04

Quoting Laurie Carlson:

If the lungs are supposed to be irritated or inflamed, then how did my severe asthma go AWAY, as documented by my doctors, once I quit smoking tobacco cigarettes and switched over to electronic cigarettes? The asthma still has NOT come back! It was BAD! I sat here and my lungs gurgled and gurgled while smoking tobacco cigarettes - that has gone COMPLETELY AWAY thanks to electronic cigarettes! Again, it is medically documented!

Same here - just had bad infection which has affected most of my bts, but no asthma attack. Stan seems to be suffering a great deal of confusion, a few ml of nicotine might help?

Quote

#5 Spazmelda 2014-06-14 11:47

Fabulous example of illogic ID. Reduced FeNO is bad, and increased FeNO is bad, therefore e-cigs are bad. Very convenient interpretation for the ANTZ. One must assume that no changes in FeNO would also somehow be interpreted as bad with enough diligence and twisted reasoning. ANTZ say, "Conflicting evidence, no problem, it's all BAD."

Quote

#4 Mick Wright 2014-06-14 11:44

I'm not really sure that all of this in-depth analysis of chemistry is needed when there are so many vapers.

To all vapers, who experience the effects of vapers in a confined and controlled environment. There are indeed things we do not know and need to find out. Usually this sort of experimentation is done in response to an emerging health concern that manifests in the general population. To find out what's happening.

That's what is occurring with obesity...we know who the culprits are and experiments and studies are a response to the real world increase in obesity.

The first question I'd ask Ghintz is 'so what is the estimate you have for increased visits to hospitals of folks suffering from vaping induced lung conditions?'

And he better get that right because it can be counted based on A&E admission reports.

Quote

#3 Laurie Carlson 2014-06-14 10:42

If the lungs are supposed to be irritated or inflamed, then how did my severe asthma go AWAY, as documented by my doctors, once I quit smoking tobacco cigarettes and switched over to electronic cigarettes? The asthma still has NOT come back! It was BAD! I sat here and my lungs gurgled and gurgled while smoking tobacco cigarettes - that has gone COMPLETELY AWAY thanks to electronic cigarettes! Again, it is medically documented!

Quote

#2 Robert Innes 2014-06-14 09:58

+4

"Starting Glantz, is probably confused." We need accuracy with this type of statement. Take out "probably".

Once again thank you so much for providing the explanations and details which at times, we so desperately need.

Quote

#1 Michael 2014-06-14 02:31

+2

If this is the best you have against vaping, maybe you should pick a new target to smolder. You are really bad at this one.

Quote

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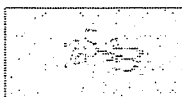
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Details

Created on Monday, 05 May 2014 05:30

**Latest
Comments**

Formaldehyde release in e-cigarette vapor

The New York Times story explained in detail

Dr Farsalinos

A study to be published in *Nicotine and Tobacco Research* was featured in the New York Times and has generated a lot of interest. The article mentioned that e-cigarette vapor can be the source of carcinogens, depending on the heating process.

The article is true and expected. We know that thermal degradation can lead to the release of toxic chemicals. And we know that formaldehyde, acetaldehyde and acrolein have been found in vapor. There is nothing new to it. However, this study found that levels may approach those present in tobacco cigarettes. Of course there some inaccuracies in the NYT article, such as that nicotine gets overheated (which means nothing).

Herein, I present with more detail the results of this study. Researchers used an EGO Twist battery (variable voltage) and a top-coil clearomizer (with unknown resistance, thus unknown wattage delivery). At 3.2 and 4.0 volts, formaldehyde levels were 13-807 times lower compared to tobacco cigarettes!! At 4.8 volts, formaldehyde levels were increased by up to 200 times, and reached to levels similar to tobacco cigarettes.

The main criticism to this study is that in my opinion it is highly unlikely that a top-coil atomizer like the one used in this study would be used at 4.8 volts. At a resistance of 2.2 Ohms that would represent 10.4 watts of energy delivery to the atomizer. I tried 10 watts with an EVIC battery in a Vivi Nova top-coil atomizer (for a clinical study i performed few months ago), and many vapers were unable to use it due to the dry puff phenomenon. Unfortunately, the researchers did not measure and could not provide any information about the resistance of the atomizers, thus it is unknown how much energy was delivered to the atomizer. In my opinion, this is crucial. Moreover, it is very important to examine new-generation (rebuildable or bottom coil) atomizers at similar conditions, since it is more likely for vapers to use such advanced atomizers for high-wattage vaping. I am certain that, due to better liquid resupply to the resistance and wick, the results will be much more favorable.

Another important point is that, although formaldehyde levels can be similar to tobacco, several other toxic chemicals are completely absent from e-cigarette vapor. For example, acrolein was completely absent although they used liquids with glycerol as the main ingredient. In fact, glycerin-based liquids had much lower formaldehyde levels in vapor compared to PG or PG/VG liquids, suggesting that they are much safer to use. As a general remark, finding few chemicals at similar levels does not mean that the risk is equivalent to tobacco cigarettes. Of course, all this information was not presented in the NYT article.

Concerning the remarks about dripping, we should admit that dripping does not allow the user to see how much liquid is present in the atomizer. The same happens with cartomizers. We currently do not know whether the elevation in formaldehyde levels happens just at the time of dry puff phenomenon, or it happens earlier (before being detected by the vaper). Clearomizer-type atomizers (also called tank systems) seem to be the future in e-cigarette use, giving consumers the ability to know when they need to resupply the atomizer with liquid.

**Letter to New York
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**Disgraceful propaganda by
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cigarettes in social media**

**WHO revises its previous
proposal (and plans) to ban
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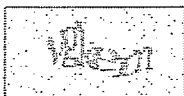
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Good Neighbor Operations Plan for the Outdoor Activity Area

-During our outreach, after talking to some neighbors we have decided to cut back the hours to 8PM for the outdoor activity area.

-The outdoor activity area is strictly for sampling flavors and devices.

-We will have 3 standing tables and there will be no more than 10 people in the outdoor activity area.

-The duration each user may spend in the outdoor activity area will be 5 to 15 minutes.

-We will have signage stating "Be respectful of our neighbors!"

-We will have trained employee to monitor the outdoor activity area.

-We will provide the owners and managers' contact information to our neighbors and we will take their complaints into consideration and come up with solutions.

High Percentage of Vacancy

-According to Invest In Neighborhoods San Francisco, Ocean Avenue Profile:

- "Ocean Ave from Ashton to Manor are mostly "dead blocks"; few businesses bring foot traffic. (That is 1900 block and 2000 block of Ocean Avenue)
- High Retail Leakage.
- Lack of public space to congregate.
- Residents complain about lack of diverse offerings; many don't patronize shops and instead shop at West Portal, Stonestown.

-There are a total of 34 commercial storefronts on the 1900 block of Ocean Ave. 5 of them are vacant and 2 are use as storage. That's 20.6% vacancy on the 1900 block of Ocean Ave.

-Supervisor Katy Tang introduced a legislation that if a storefront is vacant for more than 270 days must now pay a \$765 annual fee to The City.

Electronic cigarettes (e-cigarettes) are not currently approved or recommended by the Food and Drug Administration (FDA) or various medical organizations; yet, they appear to play a substantial role in tobacco users' cessation attempts. This study reports on a physician survey that measured beliefs, attitudes, and behavior related to e-cigarettes and smoking cessation. To our knowledge this is the first study to measure attitudes toward e-cigarettes among physicians treating adult smokers.

Using a direct marketing company, a random sample of 787 North Carolina physicians were contacted in 2013 through email, with 413 opening the email and 128 responding (response rate = 31%). Physicians' attitudes towards e-cigarettes were measured through a series of close-ended questions. Recommending e-cigarettes to patients served as the outcome variable for a logistic regression analysis.

Two thirds (67%) of the surveyed physicians indicated e-cigarettes are a helpful aid for smoking cessation, and 35% recommended them to their patients. Physicians were more likely to recommend e-cigarettes when their patients asked about them or when the physician believed e-cigarettes were safer than smoking standard cigarettes.

Many North Carolina physicians are having conversations about e-cigarettes with their patients, and some are recommending them. Future FDA regulation of e-cigarettes may help provide evidence-based guidance to physicians about e-cigarettes and will help ensure that patients receive evidence-based recommendations about the safety and efficacy of e-cigarettes in tobacco cessation.

Physician Characteristics	%
Emergency medicine or specialty in general internal medicine	
Family	11.1%
Oncology	17.9%
The majority of specialty physicians practicing	
Internal medicine	84.1%
Family medicine	9.9%
Emergency medicine or other specialty	5.0%
Medical trainees	1.0%
Nonphysician providers	4.9%
Non-physicians	
Physicians	2.9%
Nurses	79.9%
Age	
At least 40 years old	47.9%
At least 60 years old	12.9%
Physicians 50 years old and medical residents	
Physicians	30.9%
Medical trainees	5.9%
Nurses	36.9%
Non-physicians	17.9%
Median age represents greater risk of violence	
Yes	44.9%
No	45.9%

Fig. 1. Table 2 in text (continued).

doi:10.1371/journal.pone.0170892.t002

Significant Interactions	OR	95% CI	p-value
Emergency medicine (physician)	1.5	0.871	0.038
Level of responsibility (non-physician)	2	1.057	0.033
Emergency which patients are most at risk of violence	4	0.64	0.001
Physician or non-physician (non-emergency) (physician)	2	0.157	0.001

Fig. 2. Table 3 in text (continued).

doi:10.1371/journal.pone.0170892.t003

Citation: Kandra KL, Ranney LM, Lee JGL, Goldstein AO (2014) Physicians' Attitudes and Use of E-Cigarettes as Cessation Devices, North Carolina, 2013. PLoS ONE 9(7): e103462. doi:10.1371/journal.pone.0103462

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Competing interests: The authors have declared that no competing interests exist.

Introduction

The 2008 Treating Tobacco Use and Dependence Clinical Practice Guideline recommends that clinicians ask all patients about tobacco use, offer strong cessation messages, and provide assistance to those patients who use tobacco [1]. Recommended treatments for tobacco cessation include counseling and/or medications such as Bupropion SR or nicotine replacement (e.g., nicotine patch, gum, or inhaler). The combination of behavioral counseling with pharmacotherapy is also strongly recommended [1]. These guidelines do not discuss the use of electronic cigarettes (e-cigarettes), as the guidelines were written before e-cigarettes were widely available in the U.S. Since then, however, e-cigarettes have become a cessation tool for some tobacco users' cessation attempts [2], despite their use not being approved or recommended by the FDA [3] or various medical organizations, including the American Lung Association [4], the American Medical Association [5]–[6], the American Thoracic Society [7], and the Center for Public Health and Tobacco Policy [8]. The purpose of the current study is to report on a physician survey that measured beliefs, attitudes, and behavior related to e-cigarettes as a tool for smoking cessation. To our knowledge, only one study thus far has sought to measure e-cigarettes from the perspective of physicians, and that study focused on adolescent providers [9]–[10]. This study is unique in that it measures e-cigarettes from the perspective of physicians who treat adult patients.

Methods

Ethics Statement

- a. This submission was reviewed by the UNC Biomedical IRB and Office of Human Research Ethics, which has determined that this submission does not constitute human subjects research as defined under federal regulations [45 CFR 46.102 (d or f) and 21 CFR 56.102(c)(e)(I)] and does not require IRB approval.
- b. This study was deemed as non-human subjects research, which is similar to an exemption. As a result, federal regulations for consent are not applicable and a waiver for participation was not required from participants.

Recruitment and Sample

A random sample of North Carolina (NC) physicians were recruited to participate. From July–August, 2013, Infocus Marketing, Inc., a direct marketing company with access to the American Medical Association mailing list, attempted to contact 156 family medicine physicians, 161 internal medicine physicians, 159 obstetricians/gynecologists, 160 psychiatrists, and 151 surgeons (total recruitment, 787 providers) through three different waves of emails. From these emails, which invited physicians to participate in a survey on attitudes and use of QuitlineNC services for patients who use tobacco, 14 addresses were invalid or emails returned, 413 were opened, and 128 responded (28 family medicine physicians, 24 internal medicine physicians, 21

obstetricians/gynecologists, 27 psychiatrists, and 28 surgeons) for an overall response rate of 31%. Physicians were offered a \$100 gift card as an incentive for participation, and every physician contacted had the opportunity to decline participation by unsubscribing from the survey. Physicians were assured their responses would remain anonymous.

Survey Measures

A series of close-ended questions measured physicians' attitudes towards e-cigarettes. Specifically, physicians were asked if they believe e-cigarettes are approved by the FDA for smoking cessation; if they believe e-cigarettes lower the risk of cancer for patients who use them instead of smoking cigarettes; if they believe e-cigarettes are a helpful aid for smoking cessation; and if they recommend use of e-cigarettes to their patients. Response options provided were *yes* and *no*. Physicians were also asked how often their tobacco-using patients ask about e-cigarettes, with response options given as *frequently*, *sometimes*, *rarely*, and *never*. In addition, the survey contained items measuring personal and professional demographics (e.g., gender, age, years in practice, specialty), as well as items measuring clinic behaviors and attitudes (e.g., how often they document counseling in clinic notes after offering tobacco use treatment to their patients and how confident they are in their ability to prescribe optimal doses of tobacco cessation medications). Physicians rated these items using a 4-point response scale with varying labels such as *most times* to *never* and *strongly agree* to *strongly disagree*.

Analysis

Data were analyzed using SPSS version 21. Missing data were excluded from analysis, as were physicians who are not actively involved in clinical practice ($n = 6$). A positive response to recommending e-cigarettes to patients served as the outcome variable for a backward stepwise logistic regression analysis. After conducting a series of bivariate analyses, response categories were collapsed into two categories to ensure an adequate sample size within each category, and the following variables served as predictors: *agreement* with being extremely confident in ability to prescribe optimal doses (*disagreement* served as reference group); those who offer intensive counseling to those who use tobacco *most/sometimes* (*rarely* served as reference group); those who document counseling in clinic notes *most times* (*sometimes/rarely* served as reference group); *psychiatry* specialty (*others* served as reference group); *45 and older* (*44 and younger* served as reference group); frequency of patients asking about e-cigarettes (left as continuous); and *agreement* that e-cigarettes lower the risk of cancer for patients who use them instead of smoking cigarettes (*no* served as reference group). All variables used in the analysis may be found in [Dataset S1](#). Nonstatistically significant predictors were removed from the model so that the final model included only those variables statistically significant at $p < .05$.

Results

Demographics

Of the $n = 122$ physicians who were active in clinical practice, 64.7% had 10 or more years in their field, 85.2% saw 26 or more patients in a typical week, and 56.6% lived in towns with a population greater than 100,000. In addition, a majority of physicians were male, white, and had never been smokers. Group settings accounted for 36.7% of the sample; however, many physicians practiced in a hospital or academic setting, 24.2% and 21.1%, respectively.

E-cigarettes in Clinical Practice

Over two-thirds (67.2%) of the physicians indicated that e-cigarettes are a helpful aid for smoking cessation, and 35.2% recommended them to their patients. A majority (64.8%) believed that e-cigarettes lower the risk of cancer for patients who use them instead of smoking cigarettes. E-cigarettes were also frequently part of the

Predictors of Recommending E-cigarettes

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Table 1. Variables Included in Logistic Regression, 2013, n = 122.

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Table 2. Significant Predictors of Recommending E-cigarettes, 2013, n = 122.

doi:10.1371/journal.pone.0103462.t002

Conclusions

Principal findings

Previous reviews have found that e-cigarettes are viewed by the general public as effective strategies for quitting and reducing harm, [9] and research suggests some smokers use e-cigarettes for cessation purposes [11]. The question remains of whether physicians share those same attitudes regarding e-cigarettes.

To date, only one study of adolescent providers has sought to answer this question [9–10–12], and this research suggests that physicians who treat adolescents lack professional education when it comes to e-cigarettes and often learn about e-cigarettes directly from their patients [10]. In our study, approximately four out of five participating physicians reported being asked about e-cigarettes from their patients who used tobacco. Interest in e-cigarettes appears high, and, despite an absence of evidence regarding the long-term health impact of e-cigarettes [13], over one-third of physicians in this sample reported recommending their use for patients, and over two-thirds believed e-cigarettes are a helpful aid for smoking cessation. Although some evidence suggests e-cigarettes can be effective for cessation [2]–[14], they are not included in current guidelines that recommend combination nicotine replacement therapy or varenicline as first-line therapy [15]. Because current smokers who have tried e-cigarettes do not report an increased intention to quit smoking [16] and concerns exist over dual use of these products [17], physicians should remain cautious until more data is available about recommending e-cigarettes as tobacco cessation tools in clinical practice in favor of more effective modalities. Behavioral counseling about tobacco use cessation should also remain prominent in all quit attempts [1]. Furthermore, there is insufficient research on the relationship between e-cigarettes and nicotine dependence, including whether or not e-cigarettes could actually increase dependence [13]. To what extent e-cigarettes work more or less effectively than FDA approved pharmacotherapy remains unclear.

Our results also suggest that physicians who document counseling in their clinic notes after offering tobacco use treatment to their patients are more likely to recommend e-cigarettes. This relationship suggests that physicians may be interested in continuing the e-cigarette conversation with their patients in future appointments, as advising patients to quit smoking is the most often utilized intervention by physicians [18]. However, it is then imperative that physicians stay current with evidence-based research on e-cigarettes because discrepancies already exist among physicians when it comes to tobacco use treatment options [19]. Our results are no different in that older physicians were more likely to recommend e-cigarettes than younger physicians, and some physicians incorrectly believed they are already approved by the FDA for smoking cessation. Without widespread dissemination of clear, evidence-based research on e-cigarettes, it is likely these discrepancies will continue and patients could potentially be given inaccurate information [10].

Limitations

This research has several limitations. As results are specific to a small sample of NC physicians, they may not generalize to other populations. Also, the response rate is relatively low and there is the potential for nonresponse bias. It is possible that our sample includes physicians who are more positive towards e-cigarettes than other non-participating physicians. However, our sample was recruited for a survey on the North Carolina Quitline without any indication there would be questions related to attitudes or behaviors regarding e-cigarettes as cessation devices. Furthermore, 31% for physicians participating in an email survey can be considered quite good [20–21–22]. Finally, results are descriptive in nature. Causality and directionality should not be inferred. Given the preliminary nature of this survey, it is recommended that ongoing surveillance of e-cigarettes as a tobacco use treatment option continues with a much larger, diverse, random sample of physicians.

Conclusion

This research provides a first look at how e-cigarettes are being used as cessation devices among physicians who treat adult patients. Our results suggest that physicians see potential in these products as a cessation device and that some make recommendations for their use. As e-cigarettes become more mainstream, physicians may be called on to engage in conversations with their patients about the safety and efficacy of these products. It is essential that the FDA critically review the current evidence on e-cigarettes and provide clear guidance about e-cigarettes and tobacco cessation.

Supporting Information

Dataset_S1.xlsx

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Dataset S1.

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(XLSX)

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Author Contributions

Conceived and designed the experiments: AG LR. Performed the experiments: AG JL LR. Analyzed the data: KK AG. Contributed reagents/materials/analysis tools: AG KK. Wrote the paper: KK. Review and editing of manuscript: AG LR JL KK.

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Public Health
England

Electronic cigarettes

A report commissioned by Public Health
England

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1. The public health impact of tobacco smoking in the UK

1.1 Background: Mortality and morbidity from smoking in adults, children, and the fetus

Smoking is the largest avoidable cause of death and serious disability in the UK and most other developed countries, and a global health threat. There are about one billion smokers worldwide, of whom about half will die prematurely as a direct consequence of their smoking, unless they quit.^[1] In the UK around one in five adults, or about ten million people, are current smokers,^[2, 3] five million of whom are expected to die prematurely from smoking, losing a total of around 100 million years of life.^[4] Smoking currently accounts for around 100,000, or about one in six, deaths each year in the UK.^[5]

Smoking causes around 85% of the approximately 40,000 cases of (and deaths from) lung cancer in the UK each year,^[6] and contributes to the development of many other cancers, including oral cavity cancer, oesophageal and gastric cancer, kidney and bladder cancers, and pancreatic cancer.^[7] Smoking also accounts for about 85% of the 23,000 deaths from chronic obstructive pulmonary disease (COPD) each year in the UK, and about 25,000 of the more than 200,000 deaths from cardiovascular disease.^[5] Smoking also increases the risk of pneumonia, asthma exacerbation,^[7] and a wide range of other adverse health effects.^[8]

Exposure to second-hand smoke (also referred to as passive smoking) also causes significant harm. Among adults, passive smoking causes thousands of deaths from lung cancer, cardiovascular disease and COPD.^[9] Passive exposure of children increases the risk of sudden infant death syndrome, lower respiratory infections, asthma and wheezing illness, meningitis and middle ear disease.^[10] Smoking during pregnancy harms the fetus, increasing the risk of premature birth, low birth weight, fetal anomalies, and fetal mortality.^[10]

1.2 Contribution of smoking to social inequalities in health and poverty

Smoking is strongly associated with socioeconomic disadvantage, and in most high income countries the prevalence of smoking is considerably higher among more deprived people than in those from affluent backgrounds.^[11] In the UK, the unemployed are twice as likely to be smokers compared to employed people,^[12] and smoking is highly prevalent among the homeless,^[13] those in prison,^[14] and other marginalised or otherwise highly disadvantaged groups. Smoking is also more than twice as prevalent among people with mental disorders than in the general population, and has changed little over the past 20 years, in contrast to the progressive decline in smoking

prevalence in the general population.^[15] Smokers in disadvantaged groups have also typically started to smoke at a younger age, smoke more cigarettes per day, and take in more nicotine from each cigarette.^[16] Smoking thus strongly exacerbates health inequalities.^[17]

2. Electronic cigarettes

2.1 Short history and description of products on the market

Electronic cigarettes (also known as e-cigarettes or electronic nicotine delivery systems (ENDS)) were invented in China in 2003^[18] and designed to provide inhaled doses of vaporized nicotine.^[19] Electronic cigarettes were first introduced to Europe in about 2005 and become increasingly popular since. The products have evolved and improved considerably, such that while most early models resembled cigarettes in shape and size^[19] (sometimes referred to a 'cigalikes', figure 1), many later ENDS models are larger, at about the size of a conventional fountain pen, and are known (among other terms) as 'personal vapourisers', or PVs (figure 2).

Electronic cigarettes typically comprise a re-chargeable lithium ion battery, and a battery powered atomiser which produces vapour by heating a solution of nicotine, usually in propylene glycol or glycerine, held in a (often refillable) cartridge in the device (figure 1). Drawing air through the e-cigarette triggers the heater to create vapour which contains nicotine and is inhaled by a smoker the same way as smoke from conventional cigarettes. Producing nicotine vapour from a solution rather than by burning tobacco means that electronic cigarette vapour is free from almost all of the many toxic chemicals that accompany nicotine in cigarette smoke. Not all electronic cigarettes include nicotine; some simply produce vapour for inhalation, but these are not popular among users.^[20]

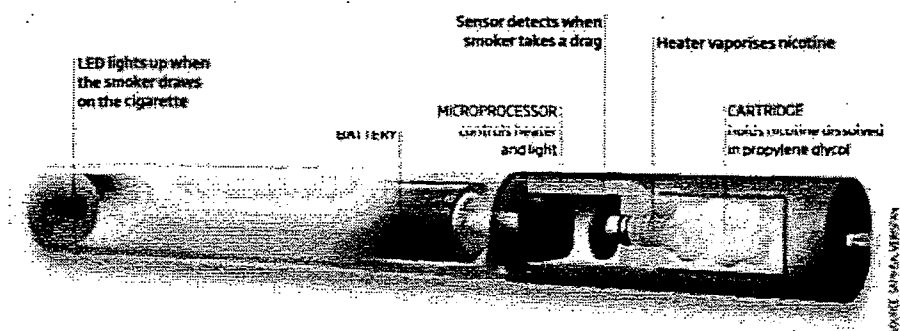


Figure 1: An electronic cigarette (reproduced from Polosa et al. A fresh look at tobacco harm reduction: the case of electronic cigarettes^[19])

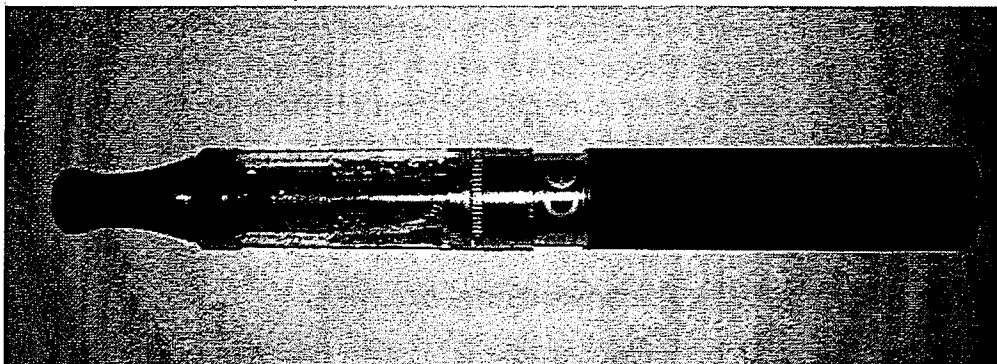


Figure 2: an example of a personal vapouriser (from Wikipedia, <http://en.wikipedia.org/wiki/File:E-cigarette.jpg>)

2.2 Nicotine content, delivery and pharmacokinetics

Evidence on the content and emission of electronic cigarettes is limited. As nicotine is the addictive substance in tobacco cigarettes, nicotine delivery from electronic cigarettes is essential if these products are to be effective for smoking cessation or harm reduction. There are three key elements that influence nicotine delivery from e-cigarette vapour to human body: the nicotine content in the cartridge, which determines the amount of nicotine vapourised; the efficacy of vaporization, which affects levels of nicotine transferred from a cartridge into aerosol; and the bioavailability of nicotine, which determines the dose and speed of absorption of nicotine from the aerosol and subsequent transfer into the blood stream and hence to nicotine receptors in the brain.

^[21] All of these characteristics vary across brands, manufacturers, and product designs.

Smoking a cigarette delivers nicotine throughout the lung and leads to absorption into both the systemic venous circulation from the oropharynx and large airways, and the pulmonary circulation from the small airways and alveoli. The latter route of absorption generates a rapid peak in systemic arterial nicotine levels and hence rapid delivery to the brain.^[22] No other nicotine product has yet been demonstrated to mimic the speed and high dose delivery characteristics of cigarettes. Since nicotine absorbed from the intestine is heavily metabolised on first pass through the liver, conventional nicotine replacement therapy (NRT) products rely on venous absorption from skin, nose or mouth, which avoid this hepatic metabolism but produce relatively low plasma levels, relatively slowly.^[23] It is not yet clear whether electronic cigarettes produce vapour that is sufficiently fine to reach the alveoli, but available pharmacokinetic data suggests that absorption is primarily from the upper airway, that is, slower than a cigarette, and achieving systemic venous blood levels of similar order of magnitude to a conventional NRT inhalator.^[24] Data on the arterial nicotine levels achieved by electronic cigarettes is not available.

It is also evident however that different electronic cigarette products are highly variable in the amount of nicotine they deliver in vapour,^[21, 25] and that the nicotine content indicated on a cartridge is not a reliable guide to likely nicotine delivery.^[25] Although there have been concerns that use of electronic cigarettes could lead to an overdose of nicotine, a study carried out using electronic cigarette brands available in the UK suggests that there is low risk of overdose of nicotine or even inhaling toxic doses of nicotine using electronic cigarettes.^[25] Newer generation PV devices may deliver higher doses of nicotine, but the absorption kinetics still indicate that absorption remains almost, if not completely, via the systemic rather than pulmonary vasculature.^[26]

2.3 Likely health effects relative to conventional cigarettes

The principal addictive component of tobacco smoke is nicotine. However, aside from minor and transient adverse effects at the point of absorption, nicotine is not a significant health hazard. Nicotine does not cause serious adverse health effects such as acute cardiac events, coronary heart disease or cerebrovascular disease,^[27, 28] and is not carcinogenic.^[29] The doses of nicotine delivered by electronic cigarettes are therefore extremely unlikely to cause significant short or long-term adverse events.

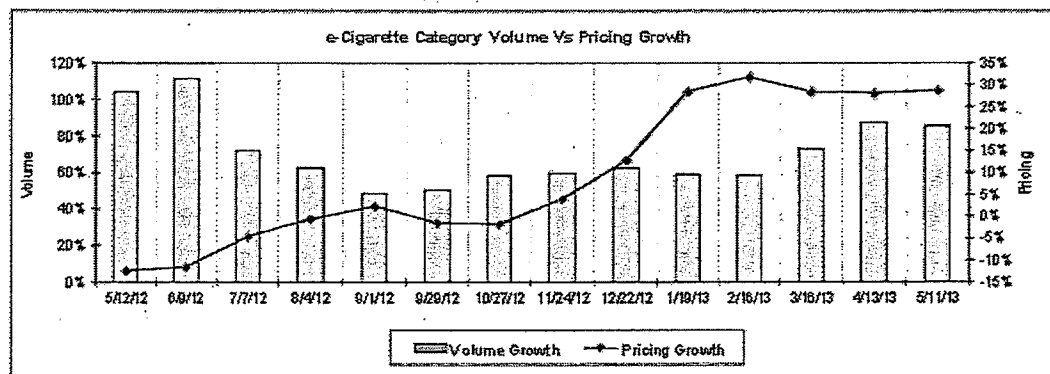
Cigarettes deliver nicotine in conjunction with a wide range of carcinogens and other toxins contained in tar, including nitrosamines, acetone, acetylene, DDT, lead, radioactive polonium, hydrogen cyanide, methanol, arsenic and cadmium,^[30] and vapour phase toxins such as carbon monoxide.^[7] In contrast, electronic cigarettes do not burn tobacco, so any toxins in vapour arise either from constituents and contaminants of the nicotine solution, and products of heating to generate vapour. The principal component other than nicotine is usually propylene glycol, which is not known to have adverse effects on the lung^[31] but has not to our knowledge been tested in models that approximate the repeated inhalation, sustained over many years, that electronic cigarettes involve. We are aware of two cases of lipoid pneumonia attributed to inhalation of electronic cigarette vapour, one in the peer-review literature^[32] the other a news report.^[33]

Despite some manufacturers' claims that electronic cigarettes are harmless there is also evidence that electronic cigarettes contain toxic substances, including small amounts of formaldehyde and acetaldehyde, which are carcinogenic to humans,^[34] and that in some cases vapour contains traces of carcinogenic nitrosamines, and some toxic metals such as cadmium, nickel and lead.^[34] Although levels of these substances are much lower than those in conventional cigarettes,^[34] regular exposure over many years is likely to present some degree of health hazard, though the magnitude of this effect is difficult to estimate.

2.4 Current trends in prevalence of electronic cigarette use

Worldwide use of electronic cigarettes has increased significantly over recent years, but varies markedly between countries. In a recent study carried out in four countries,

rates of ever use of electronic cigarettes were 15% in the US, 10% in the UK, 4% in Canada and 2% in Australia, typically with higher rates among younger age groups.^[35] In another representative study carried out in the US in 2010-11, 21% of adult smokers had ever used an electronic cigarette.^[36] Increasing use of electronic cigarettes in the US is also demonstrated clearly in data on trends in sales of electronic cigarettes which, in the US for example, demonstrated strong growth in volume and value of sales between 2012 and 2013 (figure 3).^[37]



Source: Nielsen C-Track Database and Wells Fargo Securities, LLC

Figure 3: Electronic cigarette market changes in the US (adapted from Wells Fargo Securities)

There is evidence that in the US, use of electronic cigarettes has become more popular among young people with ever use doubling between 2011 and 2012 from 3.3% to 6.8%, and current use increasing from 1.1% to 2.1%.^[38, 39] Most of this increase has occurred as a result of use by people who already use some form of tobacco product.^[38, 39] In a more recent analysis of 2011-12 data from young people in the US,^[40] reported widely (including by the British Medical Journal)^[41] to demonstrate gateway effects into smoking, use was again almost entirely restricted to young people who already smoked tobacco.^[40]

The most recent survey in the European Union (EU) demonstrates lower levels of use than in the US, with that in 2012, 7% of adults reporting in 2012 that they had tried an electronic cigarette, though most respondents reported awareness of the product.^[42] Data for the UK demonstrates trends in use similar to those in the US, with data from the Smoking Toolkit Study, a monthly survey of about 1800 adults including around 450 smokers, led by Professor Robert West at University College London.^[43] Data released in March 2014 demonstrates that electronic cigarette use, having increased rapidly over the past two years, has now stabilised at around 17%.^[44] *Action on Smoking and Health* (ASH) has estimated that currently about 1.3 million people in the UK use electronic cigarettes, and around 400,000 people have completely replaced smoking with electronic cigarettes.^[45] Electronic cigarettes are primarily used by current and former smokers, and only about 0.5% of never smokers in Great Britain have tried the product.^[46] Use of electronic cigarettes is equally common across age and socioeconomic groups.^[47]

3. Harm reduction

3.1 What is harm reduction, and how does it apply to tobacco use?

Harm reduction is a strategy used widely in health policy to reduce harm to an individual or society by modifying hazardous behaviours that are difficult, and in some cases impossible, to prevent. Examples include requiring drivers to wear seatbelts, promoting safer sexual practices, providing methadone to opiate addicts, and needle exchanges to reduce the risk of blood-borne infection in intravenous drug users.^[48]

Harm reduction policies have not to date been widely used in tobacco control, in which policies have to date tended to be centred on promoting complete cessation of all tobacco and nicotine use, with harm reduction limited to the introduction of cigarette filters, and (largely discredited) limits on machine-smoked tar yields. While this overall approach has achieved substantial success, with smoking prevalence having fallen among adults from 45% to 20% over the past four decades,^[49] the current 20% prevalence translates into about ten million smokers at immediate and sustained risk of premature death and disability. Conventional tobacco control approaches have by definition failed in these people, for whom harm reduction approaches, to minimise health harms until complete cessation can be achieved, are essential. The options for harm reduction in tobacco control include cutting down on smoking, use of modified cigarettes, smokeless tobacco products, nicotine replacement therapies, and more recently electronic cigarettes.

3.1.1 Cutting down on smoking

Cutting down on smoking, that is, reducing the number of cigarettes smoked each day, has been popular among smokers to reduce harm caused by cigarette smoking. However, smokers who cut down typically compensate by changing their smoking behaviour to extract higher doses of nicotine (and hence tar) from the cigarettes they smoke, by taking more and/or deeper puffs of smoke from each cigarette.^[50] This, and the fact that the exposure-response curves for harm are not all linear (for example, for cardiovascular disease risk increases dramatically with just one cigarette per day),^[4, 51] means that cutting down on the number of cigarettes smoked per day does not lead to proportionate reductions in harm to health, if indeed to any.^[52-55] There is benefit from cutting down on the number of cigarettes smoked, but this arises primarily from the fact that those who do so are more likely to make a quit attempt in the future.^[56]

3.1.2 Modified cigarettes

Modified cigarettes, sometimes referred to as potentially reduced exposure products (PREPS) have been promoted by the tobacco industry as an option to reduce risk. Low tar and low nicotine cigarettes, which promised enjoyment of smoking and lower risk to

health^[57] were an early example of this, though in practice the low tar yields were achieved by technologies such as filter ventilation which reduced machine-measured tar yields rather than 'real life' tar delivery, and were in any case undermined by compensatory smoking.^[50] Marketed as an alternative to quitting,^[57] low tar cigarettes proved to be counterproductive to public health.

In addition to conventional filters, which may have led to a modest reduction in cancer risk,^[58] other potential modifications include more effective (activated charcoal) filters, and heating rather than burning tobacco.^[59-61] To date however, non-combustion products have not proved commercially successful, and the extent to which minor reductions in toxin exposure translate into tangible reductions in health hazard to smokers remain far from certain.

3.1.3 Smokeless tobacco

Smokeless tobacco products, usually in the form of oral tobacco or nasal snuff, are widely available and used around the world. Although some are associated with significant health harms, including increased risks of nasal, oral or gastrointestinal cancer, none causes lung cancer or COPD and all are substantially less hazardous than smoked tobacco.^[62] Since smokers who switch from smoked to smokeless tobacco substantially reduce the hazard to their health from tobacco use, smokeless products have great potential as a harm reduction option for smokers. The least hazardous smokeless tobacco product in widespread use is Swedish snus, an oral product that has been used in Sweden for decades.^[62] However, with the exception of Sweden, supply of snus or similar products is prohibited throughout the European Union.

3.1.4 Nicotine replacement therapies (NRTs)

NRT comprises a group of medicinal nicotine products intended for use by smokers as a substitute for tobacco while attempting to quit smoking. Historically their use has been recommended in a reducing dose schedule over about three months from quitting smoking, but NRT products are also effective as a short- or long- term substitute for tobacco, that is, as a harm reduction option. UK medicines regulators have approved NRT for harm reduction indications including cutting down on smoking through dual use (which often leads to complete smoking cessation)^[63] and as a temporary or long-term abstinence from smoking, and in 2013 the National Institute for Health Care Excellence (NICE) issued guidance recommending use of NRT as a harm reduction substitute for smokers who are not ready or able to quit all tobacco and nicotine use.^[27, 64] However, NRT products have been designed to deliver low doses of nicotine, and most products to do so relatively slowly, in relation to absorption from cigarettes.^[23] This, and the fact that the products can be expensive relative to cigarettes at the point of sale, provide few if any of the behavioural characteristics of cigarettes that contribute to addiction,^[7] lack social acceptability as an alternative to smoking, and medicalise the act of trying to quit smoking, limits their attractiveness to smokers.

3.1.5 Electronic cigarettes

Electronic cigarettes offer nicotine delivery in a format that mimics smoking, have a socially acceptable non-medical image which enables users to retain their smoker identity but without the risk of smoke, are relatively inexpensive (start-up costs can be high, but running costs much lower than smoking), and despite (to date) nicotine delivery that is low relative to cigarettes,^[24] have proved popular with the current minority of smokers who use them. Consumer support for the product is evident from the user sites that a brief internet search on electronic cigarettes or vaping generates. To our knowledge, no users of NRT have ever felt sufficiently passionate about the product to establish a user website. Unlike NRT therefore, and particularly if nicotine delivery can be improved to mimic that of cigarettes more closely, these products have the potential mass appeal to challenge the primacy of smoked tobacco as the product of choice for nicotine users.

3.2 Evidence on effectiveness of harm reduction approaches

The experience of the availability of snus in Sweden provides a unique natural experiment in the impact of a socially accepted, non-medical, affordable and easily accessible reduced harm product on the prevalence of tobacco smoking.^[62] Snus is an oral moist tobacco which contains relatively low levels of tobacco specific nitrosamines^[65] and has a risk profile that includes possible increases in risk of oesophageal and pancreatic cancer,^[66] and of fatal (but not non-fatal) myocardial infarction,^[67, 68] but not COPD or lung cancer.^[62]

Although over recent decades the prevalence of any tobacco use has changed little in Sweden,^[65] the prevalence of smoking in Sweden, which has fallen from 30% in the 1980s^[69] to 13% today,^[42] is now the lowest in Europe. This in part reflects the effect of existing smokers switching to snus, and partly the effect of new tobacco users initiating snus use but not smoking.^[62, 65, 70, 71] One result is that Sweden now has an extremely low and decreasing lung cancer mortality rate.^[72] Similar trends and effects on smoking prevalence have been observed in Norway, where use of snus is a much more recent phenomenon, and both snus use has risen and smoking prevalence fallen markedly since the year 2000 (figure 4):

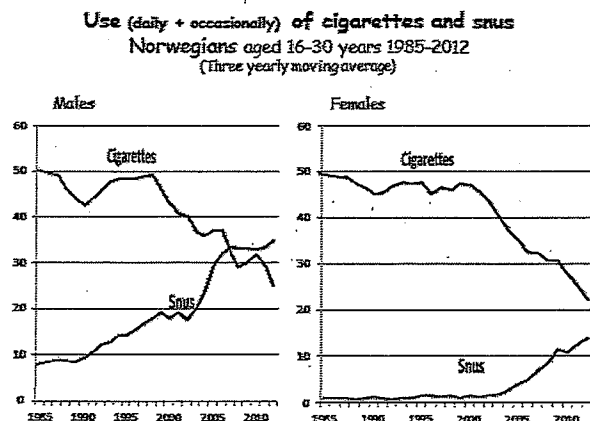


Figure 4: Trends in use of cigarettes and snus in Norwegian adults 1985-2012 (data presented to the Society for Research on Nicotine Conference 2013, figure provided by lead author)^[73]

Although controversial, the Swedish natural experiment demonstrates that despite dual use and primary uptake of the reduced-harm product by young people, availability of reduced-harm alternatives for tobacco smokers can have a beneficial effect. While snus is not likely to become a legal or indeed politically viable option in the UK, this data proves the concept that harm reduction strategies can contribute to significant reductions in smoking prevalence.^[62]

3.3 Where does harm reduction fit into UK policy and practice

Although historically in the UK, NRT was licensed for smoking cessation only, over recent years licencing regulations have become more relaxed, and in 2009 the UK Medicines and Healthcare products Regulatory Agency (MHRA) approved an extension to include harm reduction as an indication for the *Nicorette* inhalator, and suggested extending this indication to other nicotine containing products.^[74] In recent NICE guidelines, which cover licensed nicotine-containing products, long term use of medicinal nicotine has been recommended to help with quitting smoking, cutting down on smoking, or temporary abstinence.^[64] Harm reduction was also promoted in tobacco control white papers produced by both the previous Labour administration^[75] and the current coalition government.^[76] Many of these changes were encouraged in a report by the Royal College of Physicians, published in 2007.^[7] Harm reduction was also endorsed by Action on Smoking and Health in 2008 report endorsed by over 60 national organisations.^[77] In these respects UK tobacco policy leads the world. No other country, to our knowledge, has embraced the concept of harm reduction so strongly.

3.4 How do electronic cigarettes fit into a harm reduction strategy

Electronic cigarettes emerged on the UK market at around the time of the 2007 Royal College of Physicians report, which advocated making alternative sources of medicinal nicotine available to smokers as a competitive and non-medical alternative to tobacco. The rapid uptake of electronic cigarettes since then, despite uncertainties over their

purity and performance, demonstrates that, as has been the case with Swedish snus, many smokers welcome the availability of choice in nicotine products, and if provided with products that are attractive, affordable and easily available, will use them either in conjunction with, or in the longer term instead of, tobacco cigarettes. Electronic cigarettes also appeal to smokers by mimicking the sensation and appearance of smoking a cigarette, and by their market positioning as lifestyle rather than medical products. Electronic cigarettes, and the various new generation nicotine devices in development, clearly have potential to reduce the prevalence of smoking in the UK. The challenges are to harness that potential, maximise the benefits, and minimise risks.

4. Potential hazards of electronic cigarettes

As use of electronic cigarettes is a relatively recent phenomenon and evidence to date is scarce, there are still some major concerns about these products: those related to product itself, those about relation between use of electronic cigarettes and smoking, and concerns about renormalization and regulation of electronic cigarettes.

4.1 Hazards from the product itself

Potential hazards of electronic cigarettes relate primarily to the purity of nicotine emissions, and the effects of long-term exposure to vapour. Evidence on these is summarised in section 2.3 above, but relate primarily to the effects of substances other than nicotine in the vapour. Overall however the hazards associated with use of products currently on the market is likely to be extremely low, and certainly much lower than smoking. They could be reduced further still by applying appropriate product standards.

Electronic cigarettes do not produce smoke so the well-documented effects of passive exposure of others to cigarette smoke^[9, 10] are clearly not relevant. Exposure of non-smokers to electronic cigarette vapour poses a concern, though laboratory work suggests that electronic cigarette use in an enclosed space exposes others to nicotine at levels about one tenth generated by a cigarette, but little else^[78]. The health risks of passive exposure to electronic cigarette vapour are therefore likely to be extremely low.

4.2 Potential hazards, unintended consequences, harms to public health

Electronic cigarettes have caused controversy among public health professionals due to three main reasons: concerns about the relation between smoking and use of electronic cigarettes; regulations on advertising and promotion of electronic cigarettes; and involvement of the tobacco industry.

4.2.1 The relation with smoking

There have been some suggestions that among non-smokers, electronic cigarettes might be used as a gateway to smoking and promote smoking uptake and nicotine addiction, particularly among children and young people. However, to date there is no data supporting this claim. Experimentation with electronic cigarettes among non-smoking children in the UK is currently rare, and only about 1% of 16 to 18-year-old never smokers have experimented to electronic cigarettes and few if any progress to sustained use.^[47] Furthermore, experimentation with electronic cigarettes should be considered in the context of current levels of experimentation with tobacco cigarettes, which in Great Britain currently generates a prevalence of smoking of 15% among 16 to

19-year olds, and 29% in 20 to 24-year olds.^[79] Experimentation with electronic cigarettes is most likely to occur predominantly in the same group that currently experiment with tobacco, as indeed is suggested by recent US data.^[40] It is therefore relatively unlikely that availability and use of electronic cigarettes causes or will cause significant additional numbers of young people to become smokers than do at present. It has been suggested that there is a risk of sustained dual use among smokers who might otherwise have quit smoking completely, representing missed opportunities to achieve complete cessation. This concern clearly applies equally to NRT, which is licensed for what is in effect dual use and recommended on the grounds that dual use is likely to increase quit attempts. The concern is therefore inconsistent; if dual use is good as a pathway to quitting, that surely applies to dual use involving either NRT or electronic cigarettes.

Some argue that use of electronic cigarettes, which to a degree resembles cigarette smoking, in places where smoking is currently prohibited might re-normalize smoking and undermine tobacco control efforts.^[80] However, although similar in appearance, even cigalike products are easily distinguishable, both in appearance and smell, from tobacco cigarettes. Therefore, use of electronic cigarettes in smoke free places is more likely to lead to normalisation of nicotine devices than to smoking, and hence potential benefit as a support to existing well smoke-free policies.

4.2.2 Advertising and promotion

A potential greater concern over the similarity in appearance between the use of electronic and tobacco cigarettes relates to advertising, sponsorship, celebrity endorsement and portrayals in film and other media. In this area there is considerable scope for promotion of nicotine use to young people, representing a significant concern. Advertising will be controlled in future by developments in regulation of these products (see below), and the Committee of Advertising Practice is currently consulting on restricting the advertising of electronic cigarettes. Marketing of electronic cigarettes is covered in further detail in the parallel paper to this one, produced by Professor Linda Bauld.

4.2.3 Involvement of the tobacco industry

Although originally developed and marketed independently from the tobacco industry, all of the four transnational tobacco companies now own at least one electronic cigarette product, or has competitor products in development. In addition to sharing the commercial gains from electronic cigarettes, the tobacco industry is no doubt eager to exploit opportunities for advertising and promotion that might increase either electronic or tobacco cigarette use, and also, by becoming involved in the production of alternatives to smoking, circumvent current restrictions on engagement in policy imposed by the Framework Convention on Tobacco Control (FCTC).^[81] Given the ethical record of tobacco industry activity in promoting and defending smoked tobacco, this is an obvious and significant potential threat, but also one that needs to be

addressed across the board as all nicotine suppliers are driven primarily by commercial rather than public health interests. While those commercial and public health interests largely coincide in the promotion and sale of electronic cigarettes to smokers, they do not in the non-smoking population. This is a key argument for regulation to prevent abuse of the electronic cigarette market.

5. Potential benefits of electronic cigarettes

The potential benefits of electronic cigarettes lie in their role as a reduced-hazard competitor for cigarettes.

5.1 Who uses electronic cigarettes and why?

The great majority of the more than one million users of electronic cigarettes in the UK are current or former smokers.^[46] Most users use them to either replace cigarettes in places where smoking is prohibited or discouraged, to cut down on smoking, to reduce harm from smoking, or to quit smoking.^[20] As the nicotine delivery kinetics of electronic cigarettes improves with technological developments, these products may prove to be more effective than conventional NRT as a tobacco substitute as their physical and behavioural characteristics replace many of the co-stimulatory factors that contribute to nicotine addiction.^[7] Availability in convenience stores, competitive pricing, non-medical image and social acceptability also probably contribute significantly to use. Prevalence of use is similar between genders and socio-economic groups, though higher in younger than in older smokers.^[20, 46]

According to the Smoking Toolkit Study, use of electronic cigarettes is much more common among heavier smokers and ex-smokers (figure 5), and more recent ex-smokers report current use of electronic cigarettes than conventional NRT (figure 5).

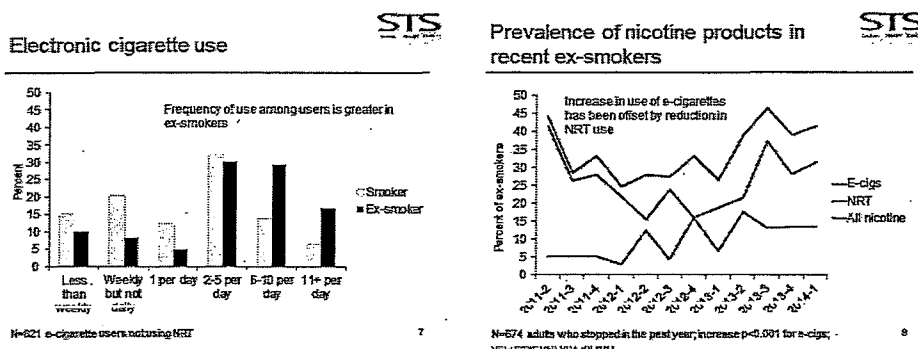


Figure 5: Use of electronic cigarettes by current and ex-smokers (left panel) and of nicotine products in recent ex-smokers (right panel; data from Smoking Toolkit Study[44])

The increase in electronic cigarette use over recent years appears to reflect in part, smokers using electronic cigarettes instead of NRT; and in part, users who would not otherwise have used NRT. This is particularly true of smokers attempting to quit, among whom electronic cigarettes are now the first choice. In this group, increasing

use of electronic cigarettes has been associated with reductions in numbers using NHS stop smoking support, or buying over-the-counter NRT, but there has also been an increase in the total number of smokers using any form of support to quit (figure 6). The net result appears to be an increase in the proportion of smokers who have quit within the past year (figure 6).

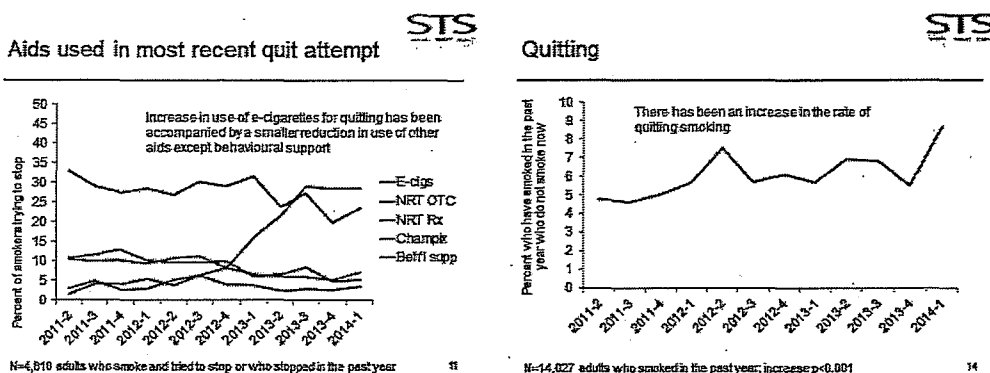


Figure 6: Aids used in most recent quit attempts (left panel) and proportion of smokers who have quit in the past year (right panel; data from Smoking Toolkit Study[44])

5.2 Effectiveness of electronic cigarettes as cessation aids

Evidence from clinical trials on the effectiveness of electronic cigarettes is limited, though results from observational and randomised trial data suggests that efficacy of first generation electronic cigarettes is similar to that of the transdermal NRT patches^[82] or the *Nicorette* NRT inhalator^[24]; findings that are consistent with the apparently low dose delivery and upper airway absorption of early generation products. Low nicotine delivery, or just the non-nicotine behavioural components of electronic cigarette use may explain why, in a trial comparing electronic cigarettes used to deliver either a constant nicotine dose, or a reducing dose, or no nicotine over 12 weeks demonstrated a decrease in tobacco consumption in all groups, but little difference between them.^[83] An observational study has also documented significant reductions in smoking among smokers with schizophrenia using electronic cigarettes.^[84] A recent study revealed that about 6% of former smokers who used electronic cigarettes daily relapsed to smoking after one month, and 6% after one year, and nearly a half of dual users stopped smoking after one year, indicating that electronic cigarette use might be effective in relapse prevention and smoking cessation.^[85] Dual users who used electronic cigarettes to cut down on smoking have lower levels of respiratory symptoms which is likely to be due to reduced smoking.^[20]

These studies indicate that electronic cigarettes are moderately effective as smoking cessation and harm reduction aids, but that a significant component of that effect is due to the behavioural rather than nicotine delivery characteristics of the devices. However, most of the available evidence relates to early generation devices of unknown but

almost certainly low nicotine delivery. More recent and future devices may prove much more effective.

5.3 Population-level impact of electronic cigarettes

The most effective way to quit smoking is to use a combination of pharmacotherapy and behavioural support, as for example provided in England by NHS Stop Smoking Services (SSS). However, while a majority of smokers report that they want to quit smoking, less than 10% access SSS each year.^[86] Most smokers attempt to quit without help ('cold turkey') or use over-the-counter NRT; and now electronic cigarettes.

The advantage of electronic cigarettes in this context is that, as shown in figure 6, they result in more smokers using some kind of medication or substitute for cigarettes to quit, and this appears to be increasing the proportion of smokers who quit. However the probability of quitting successfully without behavioural support, even with some form of nicotine replacement, is much lower than the quit rate among people who use SSS.^[87] Although this may reflect differences in motivation to engage fully with services, many of those who pass up on SSS to quit in other ways, and fail, represent missed opportunities.

Electronic cigarettes therefore increase smoking cessation to the extent that they draw in smokers who would not otherwise use a nicotine substitute in an attempt to quit, but reduce it to the extent that they take smokers away from SSS. The optimum solution for population health is to maximise both the use of electronic cigarettes among smokers, and the proportion of users who engage with SSS. This will require some changes to current SSS practice.

6. Regulation of electronic cigarettes in the UK

6.1 Current UK regulation

Electronic cigarettes are currently marketed in the UK under general product safety regulations which do not impose specific standards of purity or efficacy, and control advertising through voluntary codes of practice,^[88] which are now being reviewed,^[89] but deal with breaches reactively, in response to complaints, rather than proactively, through pre-screening. Proponents of this approach maintain that it minimises regulatory barriers and costs to product development and innovation, and that freedom to advertise maximises reach across the smoking population. Opponents hold that general product regulation does not ensure that products deliver nicotine reliably or without unnecessary and potentially hazardous components or contaminants, and allows inappropriate marketing, for example, to children or to non-smoking adults.

6.2 UK MHRA regulation

In 2013, after a consultation process that began in 2010, the UK MHRA announced that from 2016, it intended to regulate electronic cigarettes and other nicotine-containing products as medicines by function, and thus require manufacture to medicinal purity and delivery standards, and proactive controls on advertising.^[88] The proposed regulation, described as 'right touch', is intended to provide a relatively streamlined route to licensing, particularly by deeming any nicotine device that is proved to deliver nicotine to be effective as a smoking substitute or cessation aid, thus obviating the need for expensive clinical trials. Manufacturing to medicines standards does however represent a challenge and inevitably increases costs. On the positive side however, licensed NRT products currently enjoy a preferential 5% VAT rate, which to some extent offsets these additional costs, and will benefit from being prescribable on NHS prescriptions in the UK. Proponents of this approach welcome the quality and delivery standards imposed, and the advertising controls which should prevent marketing abuses before rather than after the event. Opponents argue that this level of regulation will stifle innovation and delay development of innovative products that could save lives.

These MHRA proposals were published before the revision of the EU Tobacco Products Directive in 2014 (see section 6.3), one consequence of which is to close off the option of deeming all nicotine products as medicines by function. MHRA regulation will therefore no longer be obligatory in the UK from 2016, but option of applying for a medicines licence remains open.

6.3 EU regulation

In March 2014 the European Parliament and Council moved to end marketing under general product safety regulations under the terms of the new Tobacco Product Directive (TPD).^[90] Under this directive, advertising of nicotine-containing devices that are not licensed as medicines will be prohibited, products will be required to carry health warnings, meet purity and emissions standards that are yet to be defined, provide data on nicotine uptake, be subject to restrictions on total nicotine content, and suppliers will be required to bear full responsibility for quality and safety when used 'under normal or reasonably foreseeable conditions'.^[90] Dates for enactment are yet to be specified, but legislation is expected to be required in member states by 2016, and full compliance by 2017. In practice, this means that from 2017 at the latest, suppliers will have to choose between the probably lower manufacturing costs but greater marketing restrictions imposed by the TPD, or to accept the higher manufacturing costs but other benefits of medicines licensing.

7. New developments

7.1 Technological developments

This is a rapidly developing field, and although this article has dealt predominantly with electronic cigarettes, there are many other novel nicotine devices in development likely to come to market in the relatively near future. British American Tobacco, for example, is bringing to market (via a wholly-owned subsidiary company, *Nicoventures*), a novel 'cigalike' device that is a nicotine metered dose inhaler, not an electronic cigarette.^[91] Philip Morris has also invested in a patented novel nicotine device, and other tobacco companies, the pharmaceutical industry and indeed electronic cigarette companies may elect to do the same. It is therefore likely that over the near term future, in addition to improvements and developments in the performance of electronic cigarette technology, novel devices that have similar or greater potential to appeal to smokers, and offer significantly greater purity and efficacy, and a lower hazard profile, will become available.

7.2 Licensing developments

It is now apparent that companies intending to market electronic cigarettes are now going to have to meet either medicines or TPD regulations, and probably from 2017 at the latest. Until the current draft of the TPD was circulated, applications to the MHRA in the public domain were few, but more manufacturers may now be considering opting for the clarity, albeit at a cost, of medicines regulation rather than the uncertainty and advertising restrictions of TPD regulation. The *Nicoventures* inhaler product is expected to be licensed by the MHRA, and marketed in the UK, within the year, and the same company has also applied for a medicines license for an electronic cigarette.^[91] Other tobacco companies may follow suit, while pharmaceutical companies, concerned by the loss of over-the-counter sales of NRT to electronic cigarettes, may also decide to enter this market. It is thus likely that by this time next year, health professionals will be able to prescribe, and patients will be asking them for, prescriptions of novel nicotine products. Some of those are likely to be produced by tobacco companies or wholly funded subsidiaries.

8. Research priorities

The world literature on harm reduction practice is extremely limited. Such data as is available on the content and emission characteristics of products currently on the UK market has been produced almost entirely by independent researchers, not by suppliers. Absorption characteristics are virtually unknown. However, this is data that can and should be required of manufacturers or suppliers, and will be as a result of medicines or TPD regulation, but for up to three years will not be required. While a clearly important area of research, it seems inappropriate to use scarce public research funding to provide this data. This responsibility should be placed, as soon as possible, on suppliers.

There is also questionable value in clinical trials of these products relative to NRT or placebo, if they are shown to deliver nicotine. There is a mass of evidence demonstrating that products that deliver nicotine help people stop smoking, which is why the MHRA, in its proposal for medicines licensing, does not require trial information. Requiring suppliers to demonstrate nicotine delivery and uptake will therefore obviate the need for placebo-controlled trials.

However, at a population level there is no experience of proactive introduction of a harm reduction strategy based on provision of alternative nicotine products anywhere in the world, and hence no direct evidence on the practical benefits, harms, opportunity costs or consequences of this approach. The key requirement of harm reduction research, in our view, is to monitor and where necessary identify opportunities to intervene to ensure that uptake and use follow patterns most likely to benefit public health; and act to prevent loopholes or practices that run counter to this objective. Priorities in this regard therefore include:

- frequent surveys to monitor trends in use of harm reduction products, to enable prompt corrective action where necessary
- monitoring of advertising, product placement, celebrity endorsement, and other direct or indirect marketing approaches, to prevent promotion likely to work against public health (particularly, marketing to children and other non-nicotine users)
- surveillance and reporting systems to identify potential long-term adverse effects of use, both of nicotine and of the carriers (such as propylene glycol) used in these devices
- methods of integrating electronic cigarette or other nicotine devices into health services, in general and particularly in mental health settings, where conventional approaches have failed
- studies of the economic impact of electronic cigarettes on health and wider economic and societal costs

9. Summary and conclusions

Smoking kills, and millions of smokers alive today will die prematurely from their smoking unless they quit. This burden falls predominantly on the most disadvantaged in society. Preventing this death and disability requires measures that help as many of today's smokers to quit as possible. The option of switching to electronic cigarettes as an alternative and much safer source of nicotine, as a personal lifestyle choice rather than medical service, has enormous potential to reach smokers currently refractory to existing approaches. The emergence of electronic cigarettes and the likely arrival of more effective nicotine-containing devices currently in development provides a radical alternative to tobacco, and evidence to date suggests that smokers are willing to use these products in substantial numbers. Electronic cigarettes, and other nicotine devices, therefore offer vast potential health benefits, but maximising those benefits while minimising harms and risks to society requires appropriate regulation, careful monitoring, and risk management. However the opportunity to harness this potential into public health policy, complementing existing comprehensive tobacco control policies, should not be missed.

Declaration of interests

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Research paper**Levels of selected carcinogens and toxicants in vapour from electronic cigarettes**

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Abstract

Significance Electronic cigarettes, also known as e-cigarettes, are devices designed to imitate regular cigarettes and deliver nicotine via inhalation without combusting tobacco. They are purported to deliver nicotine without other toxicants and to be a safer alternative to regular cigarettes. However, little toxicity testing has been performed to evaluate the chemical nature of vapour generated from e-cigarettes. The aim of this study was to screen e-cigarette vapours for content of four groups of potentially toxic and carcinogenic compounds: carbonyls, volatile organic compounds, nitrosamines and heavy metals.

Materials and methods Vapours were generated from 12 brands of e-cigarettes and the reference product, the medicinal nicotine inhaler, in controlled conditions using a modified smoking machine. The selected toxic compounds were extracted from vapours into a solid or liquid phase and analysed with chromatographic and spectroscopy methods.

Results We found that the e-cigarette vapours contained some toxic substances. The levels of the toxicants were 9–450 times lower than in cigarette smoke and were, in many cases, comparable with trace amounts found in the reference product.










Conclusions Our findings are consistent with the idea that substituting tobacco cigarettes with e-cigarettes may substantially reduce exposure to selected tobacco specific toxicants. E cigarettes as a harm reduction strategy among smokers unwilling to quit, warrants further study. (To view this abstract in Polish and German, please see the supplementary files online.)



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[Abstract] [PDF]

New research shows electronic cigarettes better for quitting, than no aid; over the counter NRT worse than no aid

 Grzegorz Krol | 7 February 2014

New research presented by Jamie Brown and colleagues at the Society for Research on Nicotine and Tobacco conference, 20th Annual Meeting, held in Seattle on Saturday, February 8, 2014 shows that smokers wishing to quit who used electronic-cigarettes had best outcomes.

The study was conducted on a large representative sample of the English population, and was based on people who had smoked during the last 12 months. It looked at those who had made at least one quit attempt using only an electronic cigarette, used only over-the-counter NRT, or used no aid in their most recent quit attempt. The outcome assessed was abstinence from cigarettes up to the time of the survey.

Users of electronic cigarettes performed best – 19.9% had stopped smoking, better than the 15.1% success for those who used no aid. Surprisingly (perhaps for some public health experts) OTC NRT users came off worst, with only 10.0% abstinent.

Caution is needed: this is an abstract, and publication of the full paper will give further details. More details are needed about the length of abstinence from smoking. Those using NRT may be a different segment of the smoking population than those using electronic cigarettes: however the research team found that the difference persisted after adjusting for factors that might influence outcome such as smokers' levels of nicotine dependence.

The recent randomised controlled trial by Chris Bullen and colleagues showed that electronic cigarettes were equally as effective as NRT patches. It is difficult to extrapolate from RCTs to real world conditions. Hence the significance of the Jamie Brown study.

This study is complemented by growing evidence of the increasing *popularity* of e-cigarettes for switching from smoking. Robert West's Smoking Toolkit data shows that since 2013 electronic cigarette use has surpassed NRT; that almost 1 in 3 quit attempts involve the use of electronic cigarettes, that they are now the most commonly used resource for the last quit attempt (exceeding OTC NRT, varenicline, prescribed NRT, and behavioural support) and that there has been a decrease in use of other aids to smoking cessation.

The findings raise further questions about the effectiveness of OTC NRT. As recently reported, OTC NRT use in self-initiated quit attempts confers no advantage over stopping without any aid (Kotz, Brown, & West, 2013). At a population level, there is no measurable effect of OTC NRT on the overall prevalence of smoking.

Implications for public health experts and advisors

Gerry Stimson says: 'This study adds to the growing scientific evidence about the effectiveness of electronic

cigarettes and the seemingly lesser effectiveness of over the counter NRT. It could be said that it is no longer ethical to give advice to smokers that discourages use of electronic cigarettes and that advises smokers who wish to quit to use only medically licensed products such as gums, tablets and patches.'

This is the full abstract of the study:

Abstract from Society for Research on Nicotine and Tobacco conference, 20th Annual Meeting

PA18-4

REAL-WORLD EFFECTIVENESS OF E-CIGARETTES: A POPULATION STUDY

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Background: Electronic cigarettes (e-cigarettes) are rapidly increasing in popularity. Two randomised controlled trials have suggested that e-cigarettes can aid smoking cessation but there are many factors that could influence their real-world effectiveness. This study aimed to assess, using an established methodology, the effectiveness of e-cigarettes compared with nicotine replacement therapy (NRT) bought over-the-counter and with unaided quitting in the general population.

Methods: A large survey of a representative sample of the English population. The study included 5726 adults who had smoked within the previous 12 months and made at least one quit attempt during that period with either an e-cigarette only (n=391), NRT bought over-the-counter only (n=2031) or no aid in their most recent quit attempt (n=3304). The primary outcome measure was self-reported abstinence up to the time of the survey, adjusted for key potential confounders including nicotine dependence.

Results: E-cigarette users were more likely still to be abstinent than either those who used NRT bought over-the-counter (OR=2.23, 95%CI=1.67-2.97, 19.9% vs. 10.0%) or no aid (OR=1.40, 95%CI=1.07-1.82, 19.9% vs. 15.1%). The adjusted odds of non-smoking in users of e-cigarettes were 1.66 (95%CI=1.17-2.36) times higher compared with users of NRT bought over-the-counter and 1.60 (95%CI=1.15-2.23) times higher compared with those using no aid.

Conclusion: Among smokers stopping without professional support, those who use e-cigarettes appear more likely to be able to remain abstinent than those who use a licensed NRT product bought over-the-counter or no aid to cessation. This difference persists after adjusting for a wide range of smoker characteristics such as nicotine dependence.

FUNDING: JB's post is funded by a fellowship from the UK Society for the Study of Addiction. RW is

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SRNT abstracts can be found here – 2014 Rapid Response Abstract Book

Bullen, C., Howe, C., Laugesen, M., McRobbie, H., Parag, V., Williman, J., & Walker, N. (2013). Electronic cigarettes for smoking cessation: a randomised controlled trial. *Lancet*, 382(9905), 1629–37. doi:10.1016/S0140-6736(13)61842-5

Kotz, D., Brown, J., & West, R. (2013). "Real-world" effectiveness of smoking cessation treatments: a population study. *Addiction* doi:10.1111/add.12429

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Joe • 6 months ago

1 year ago today since I have been cigarette free. I like many others did patches, gum, pills. None of those worked. 3 days after I got my ecig I have been smoke free. 2 to 2.5 pack a day habit easily taken care of with ecig. I'm 53 yrs old and yes the flavors are a big part of helping me quit. Started at 36 mg and in one year down to 12mg and sometimes 8mg and zero. If anyone reading this is on the fence about ecigs then please believe this. These can save you or a loved ones life. I was extremely addicted to smoking. I can go 2 or 3 hours without ecig and when smoking no more than 20 min. Support ecigs even if your not a smoker and help save some people.

2 ^ ▾ • Reply • Share >



Michael Reynolds • 8 months ago

NRT didn't work for me. I had tried for many years, using patches, gum, inhalators, nasal spray, mouth spray, Champix, cold turkey and counselling alongside NRT.

I had a heart attack in March 2013. I was rushed to hospital for emergency angioplasty and had a stent fitted. I was told that if I didn't stop smoking I could be dead within a year. That should be enough to make you want to quit smoking completely. Once again, I was given patches and nasal spray, starting while I was still in hospital.

I soon ended up smoking again as the cravings and withdrawal symptoms were too much to cope with. I even smoked while wearing patches.

A month ago, I bought an e-cigarette after a friend told me how they had helped her to stop smoking.

The day I bought my e-cigarette was the last time I smoked a tobacco cigarette. I have had zero cravings or withdrawal symptoms.

My breathing has improved vastly in the short time I've been vaping. While I smoked, I could hardly walk and keep up with people as I got so out of breath. Now I'm walking normally and

[see more](#)

8 ^ v • Reply • Share ›



keith stammers • 8 months ago

The forces against the electronic cigarettes are aligning , a motley group of unlikely allies, with questionable ethics and even more questionable motivations all with one aim in common - to fight off this young and vulnerable new technology that threatens to make them redundant. So who are this repugnant crew ? Big Pharma with its NRT and tobacco related disease drugs [worth over \$289 billion per year worldwide] , with their illegitimate father Big Tobacco still killing it's customers or driving them into arms of Big Pharma before they pass on , then you have the freeloader uncle, tobacco related harm groups and assorted bucket loads of charity's, that just love to live off misery of others [who else is going to pay for the new Mercedes if not those kind souls who think their pennies actually go to the victims?] The you have the abusive step- mother who lets it all happen as long as she gets hers, Government with it's tobacco taxes. "The customer be-damned is their mantra", these people will fight till the death because if the poor old electronic cigarette wins they will have to seek honest employment and this is something they dread . So what of the poor smoker looking for a healthier alternative to tobacco? Who is looking out for them, other than themselves? NO ONE !

10 ^ v • Reply • Share ›



Melody Chard → keith stammers • 8 months ago

So true Keith! We are going to have to look out for ourselves....even if that means civil disobedience I think! I am prepared to go underground if that's what it takes! I am not going to let them snuff me out so they can make a buck of my suffering! I know there are plenty of us out here willing to start digging our tunnels. The "Powers that Be" can kiss my vaping ass!

6 ^ v • Reply • Share ›



dodderer1 • 8 months ago

Combining this result with the "Real-world" study conclusion

"After adjusting for major confounding variables such as tobacco dependence, smokers in England who use a combination of behavioural support and pharmacotherapy in their quit attempts have almost three

times the odds of success than those who use neither pharmacotherapy nor

New research shows electronic cigarettes better for quitting, than no aid; over the counter NRT worse than no aid - Nicotine Science and Policy
 times the odds of success than those who use neither pharmacotherapy nor
 behavioural support. Smokers who buy nicotine replacement therapy over
 the counter with no behavioural support have similar odds of success in
 stopping as those who stop without any aid."

we conclude that NRT+behavioural support is more effective than anything - voila! Double
 the Smoking Cessation Services funding now.

I think the researchers' biases are the biggest confounding variable.

1 ^ v • Reply • Share ›



castello → dodderer1 • 6 months ago

E-cigs work way better than any thing else! Quit wasting money on the smoking
 cessations services. They are feeding false info about e-cigs to the world!

1 ^ v • Reply • Share ›



disqus_ovxuopQYu5 • 8 months ago

I do well on my vapor device or ecig to some. 35 years tobacco use I feel great being a non
 smoker for the past year. I am tired of the lies about this great invention it works several
 million people have switched to this over the world and we are fighting the right to have this
 alternative accepted and endorsed. If you smoke tobacco switch to ecigs and save your life.
 I will continue to use this device even if its illegal or banned everywhere. Because I know the
 science behind this device is positive despite the corruption of government and health
 groups. I don't want COPD or lung cancer or other cancers.

11 ^ v • Reply • Share ›



Richard Thomas • 9 months ago

I've been saying that we are the most successful quit method out there. And soon will be
 more successful than all other methods combined. Critics use half truths and outright lies
 against us. So if my claim is not yet supported. Then oh well. Part of the success here is
 that the contents aren't limited by regulations. That is one thing that has screwed up other
 methods. Because all other FDA methods fail. I actually feel safer knowing Vaping is not
 approved.

10 ^ v • Reply • Share ›



Melody Chard → Richard Thomas • 9 months ago

I agree that it has been a miracle for me and my hubby! I worry about the
 government getting its hands on e-cigs in any way, shape or form, but we know they
 are just itching to tax the living crap out of it somehow. I think it should not be sold to
 minors as far as regulation goes....but other than that, I want the government to stay
 away from something they didn't create for us, and we don't want to see them mess
 it up. If they regulate it as a medicine, that gives our e-juice to Big
 Pharma.....nightmare scenario for sure!!!! As a tobacco product....which it is not,
 would give the government the right to tax it out of existence. I know Big Pharma is
 losing money due to e-cigs and so is tobacco, but I really don't care about them

They have made enough money off of us over the years. They don't care about helping the health of Canadians any more than Health Canada.....everyone wants their cash cows back, and they all seem to feed from the same trough. Its time for them to go on a diet I think!

14 ^ v • Reply • Share ›



Melody Chard • 9 months ago

I smoked for 45 years and I was able to break those chains with e-cigs. I have been vaping for almost 5 years now, and it was the easiest transition I ever could have imagined. I could never return to stinky tobacco. I had tried every stop smoking aid known to man and Health Canada, and failed every attempt until I found e-cigs. I feel amazing, and my hubby has finally kicked his tobacco habit this year using e-cigs. They have been a gift in our lives. I use e-cigs as a safer alternative to tobacco, and like that I can reap the health benefits of low nicotine usage too. I have no plans to stop vaping. I think Public Health organizations that demonize e-cigs should hang their heads in shame. There is so much real, peer reviewed and published research out there now, they can no longer say it is dangerous and to stay away. In my opinion, they have lost all credibility with the masses. I personally know I no longer trust anything they say, and I am not alone!! They no longer have my support or respect. I give e-cigs a hi five!!!!

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Privacy

Statement from specialists in nicotine science and public health policy

Dr Margaret Chan
Director General
World Health Organisation
Geneva

CC: FCTC Secretariat, Parties to the FCTC, WHO Regional Offices

26 May 2014

Dear Dr Chan

Reducing the toll of death and disease from tobacco – tobacco harm reduction and the Framework Convention on Tobacco Control (FCTC)

We are writing in advance of important negotiations on tobacco policy later in the year at the FCTC Sixth Conference of the Parties: The work of WHO and the FCTC remains vital in reducing the intolerable toll of cancer, cardiovascular disease and respiratory illnesses caused by tobacco use. As WHO has stated, up to one billion preventable tobacco-related premature deaths are possible in the 21st Century. Such a toll of death, disease and misery demands that we are relentless in our search for all possible practical, ethical and lawful ways to reduce this burden.

It is with concern therefore that a critical strategy appears to have been overlooked or even purposefully marginalised in preparations for FCTC COP-6. We refer to 'tobacco harm reduction' - the idea that the 1.3 billion people who currently smoke could do much less harm to their health if they consumed nicotine in low-risk, non-combustible form.

We have known for years that people 'smoke for the nicotine, but die from the smoke': the vast majority of the death and disease attributable to tobacco arises from inhalation of tar particles and toxic gases drawn into the lungs. There are now rapid developments in nicotine-based products that can effectively substitute for cigarettes but with very low risks. These include for example, e-cigarettes and other vapour products, low-nitrosamine smokeless tobacco such as snus, and other low-risk non-combustible nicotine or tobacco products that may become viable alternatives to smoking in the future. Taken together, these tobacco harm reduction products could play a significant role in meeting the 2025 UN non-communicable disease (NCD) objectives by driving down smoking prevalence and cigarette consumption. Indeed, it is hard to imagine major reductions in tobacco-related NCDs without the contribution of tobacco harm reduction. Even though most of us would prefer people to quit smoking and using nicotine altogether, experience suggests that many smokers cannot or choose not to give up nicotine and will continue to smoke if there is no safer alternative available that is acceptable to them.

We respectfully suggest that the following principles should underpin the public health approach to tobacco harm reduction, with global leadership from WHO:

Statement from specialists in nicotine science and public health policy

1. *Tobacco harm reduction is part of the solution, not part of the problem.* It could make a significant contribution to reducing the global burden of non-communicable diseases caused by smoking, and do so much faster than conventional strategies. If regulators treat low-risk nicotine products as traditional tobacco products and seek to reduce their use without recognising their potential as low-risk alternatives to smoking, they are improperly defining them as part of the problem.
2. *Tobacco harm reduction policies should be evidence-based and proportionate to risk, and give due weight to the significant reductions in risk that are achieved when a smoker switches to a low risk nicotine product.* Regulation should be proportionate and balanced to exploit the considerable health opportunities, while managing residual risks. The architecture of the FCTC is not currently well suited to this purpose.
3. *On a precautionary basis, regulators should avoid support for measures that could have the perverse effect of prolonging cigarette consumption.* Policies that are excessively restrictive or burdensome on lower risk products can have the unintended consequence of protecting cigarettes from competition from less hazardous alternatives, and cause harm as a result. Every policy related to low risk, non-combustible nicotine products should be assessed for this risk.
4. *Targets and indicators for reduction of tobacco consumption should be aligned with the ultimate goal of reducing disease and premature death, not nicotine use per se, and therefore focus primarily on reducing smoking.* In designing targets for the non-communicable disease (NCD) framework or emerging Sustainable Development Goals it would be counterproductive and potentially harmful to include reduction of low-risk nicotine products, such as e-cigarettes, *within these targets*: instead these products should have an important role in *meeting the targets*.
5. *Tobacco harm reduction is strongly consistent with good public health policy and practice and it would be unethical and harmful to inhibit the option to switch to tobacco harm reduction products.* As the WHO's Ottawa Charter states: "*Health promotion is the process of enabling people to increase control over, and to improve, their health*". Tobacco harm reduction allows people to control the risk associated with taking nicotine and to reduce it down to very low or negligible levels.
6. *It is counterproductive to ban the advertising of e-cigarettes and other low risk alternatives to smoking.* The case for banning tobacco advertising rests on the great harm that smoking causes, but no such argument applies to e-cigarettes, for example, which are far more likely to reduce harm by reducing smoking. Controls on advertising to non-smokers, and particularly to young people are certainly justified, but a total ban would have many negative effects, including protection of the cigarette market and implicit support for tobacco companies. It is possible to target advertising at existing smokers where the benefits are potentially huge and the risks minimal. It is inappropriate to apply Article 13 of the FCTC (Tobacco advertising, promotion and sponsorship) to these products.

Statement from specialists in nicotine science and public health policy

7. *It is inappropriate to apply legislation designed to protect bystanders or workers from tobacco smoke to vapour products.* There is no evidence at present of material risk to health from vapour emitted from e-cigarettes. Decisions on whether it is permitted or banned in a particular space should rest with the owners or operators of public spaces, who can take a wide range of factors into account. Article 8 of the FCTC (Protection from exposure to tobacco smoke) should not be applied to these products at this time.
8. *The tax regime for nicotine products should reflect risk and be organised to create incentives for users to switch from smoking to low risk harm reduction products.* Excessive taxation of low risk products relative to combustible tobacco deters smokers from switching and will cause more smoking and harm than there otherwise would be.
9. *WHO and national governments should take a dispassionate view of scientific arguments, and not accept or promote flawed media or activist misinterpretations of data.* For example, much has been made of 'gateway effects', in which use of low-risk products would, it is claimed, lead to use of high-risk smoked products. We are unaware of any credible evidence that supports this conjecture. Indeed, similar arguments have been made about the use of smokeless tobacco in Scandinavia but the evidence is now clear that this product has made a significant contribution to reducing both smoking rates and tobacco-related disease, particularly among males.
10. *WHO and parties to the FCTC need credible objective scientific and policy assessments with an international perspective.* The WHO Study Group on Tobacco Product Regulation (TobReg) produced a series of high quality expert reports between 2005 and 2010. This committee should be constituted with world-class experts and tasked to provide further high-grade independent advice to the WHO and Parties on the issues raised above.

The potential for tobacco harm reduction products to reduce the burden of smoking related disease is very large, and these products could be among the most significant health innovations of the 21st Century – perhaps saving hundreds of millions of lives. The urge to control and suppress them as tobacco products should be resisted and instead regulation that is fit for purpose and designed to realise the potential should be championed by WHO. We are deeply concerned that the classification of these products as tobacco and their inclusion in the FCTC will do more harm than good, and obstruct efforts to meet the targets to reduce non-communicable disease we are all committed to. We hope that under your leadership, the WHO and FCTC will be in the vanguard of science-based, effective and ethical tobacco policy, embracing tobacco harm reduction.

We would be grateful for your considered reaction to these proposals, and we would like to request a meeting with you and relevant staff and a small delegation of signatories to this letter. This statement and any related information will be available on the Nicotine Science and Policy web site (<http://nicotinepolicy.net>) from 29 May 2014.

Yours sincerely,

Statement from specialists in nicotine science and public health policy

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News » Government & Politics

August 11, 2014

Owners of empty storefronts forced to rent or pay city fees

By Joshua Sabatini



JESSICA CHRISTIAN/SPECIAL TO THE S.F. EXAMINER

A "For Rent" sign sits in the window of an empty storefront at 1918 Taraval Street in the Sunset District.

San Francisco loves to hate its empty storefronts

For years merchants and residents have complained about how empty storefronts are a bane, attracting crime, graffiti and hampering economic activity. In 2009, empty storefronts were such a plague that The City got a little creative by launching an Art in Storefronts pilot program to try and bring a little life to the shuttered spaces in the Mid-Market and Tenderloin neighborhoods.

While empty storefronts are much maligned, the fact is that they are private property, and landlords can choose to rent them or not -- only now if they don't rent, it'll cost them. A new city law requires owners of any storefront left vacant for more than 270 days to pay \$765

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By Joshua Sabatini

annually and register with The City.

Supervisor Katy Tang, who introduced the legislation, which was approved by the Board of Supervisors, made her case for its need by pointing to city data showing there were more than 45 vacant ground floor commercial spaces in the Sunset District, with 24 on Taraval Street, which she represents. Also, she noted that there were 179 vacant storefronts counted recently in 25 commercial corridors citywide.

Judging by Tang's legislation, empty storefronts are sinister. "In addition to being eyesores, these vacant commercial storefronts have a detrimental impact on the economic viability of the commercial corridors in which they are located. Vacant storefronts often attract illegal activity, such as squatting, vandalism, and dumping," the legislation says. "Such activity not only repels would-be customers and patrons from commercial corridors, but also places an undue burden on city agencies."

The fee for empty storefronts builds on an existing requirement for owners of vacant buildings to pay a fee and register with the city, which began in 2009, but excluded buildings with residences above commercial space.

The list of vacant buildings "with the building boom still going, has actually fallen from 500 during the recession of a couple of years ago to about 240 today," Department of Building Inspection spokesman William Strawn said in June.

Storefront owners who are actively acquiring permits or trying to proactively lease space, such as by having hired a real estate agent or listing the property for lease, can receive an exemption.

The Small Business Commission has discussed the need for something like Tang's proposal for at least four years. "This legislation will patch a critical gap in the existing vacant building registration ordinance," Small Business Commission director Regina Dick-Endrizz said in a letter to the board.

Some who are working to revitalize commercial corridors see the registry as valuable assistance.

"An up-to-date registry of property owners and those responsible for maintaining vacant buildings will ensure that we know whom to contact to address problems and to facilitate negotiations with potential interested tenants," said Angela Minkin, chair of the Excelsior Action Group Advisory Board.

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Real-world effectiveness of e-cigarettes when used to aid smoking cessation: a cross-sectional population study

Jamie Brown^{1,2}, Emma Beard¹, Daniel Kotz^{1,3}, Susan Michie^{2,4} & Robert West^{1,4}

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ABSTRACT

Background and Aims Electronic cigarettes (e-cigarettes) are rapidly increasing in popularity. Two randomized controlled trials have suggested that e-cigarettes can aid smoking cessation, but there are many factors that could influence their real-world effectiveness. This study aimed to assess, using an established methodology, the effectiveness of e-cigarettes when used to aid smoking cessation compared with nicotine replacement therapy (NRT) bought over-the-counter and with unaided quitting in the general population. **Design and Setting** A large cross-sectional survey of a representative sample of the English population. **Participants** The study included 5863 adults who had smoked within the previous 12 months and made at least one quit attempt during that period with either an e-cigarette only ($n = 464$), NRT bought over-the-counter only ($n = 1922$) or no aid in their most recent quit attempt ($n = 3477$). **Measurements** The primary outcome was self-reported abstinence up to the time of the survey, adjusted for key potential confounders including nicotine dependence. **Findings** E-cigarette users were more likely to report abstinence than either those who used NRT bought over-the-counter [odds ratio (OR) = 2.23, 95% confidence interval (CI) = 1.70–2.93, 20.0 versus 10.1%] or no aid (OR = 1.38, 95% CI = 1.08–1.76, 20.0 versus 15.4%). The adjusted odds of non-smoking in users of e-cigarettes were 1.63 (95% CI = 1.17–2.27) times higher compared with users of NRT bought over-the-counter and 1.61 (95% CI = 1.19–2.18) times higher compared with those using no aid. **Conclusions** Among smokers who have attempted to stop without professional support, those who use e-cigarettes are more likely to report continued abstinence than those who used a licensed NRT product bought over-the-counter or no aid to cessation. This difference persists after adjusting for a range of smoker characteristics such as nicotine dependence.

Keywords Cessation, cross-sectional population survey, e-cigarettes, electronic cigarettes, nicotine replacement therapy, NRT, quitting, smoking.

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INTRODUCTION

Smoking is one of the leading risk factors for premature death and disability and is estimated to kill 6 million people world-wide each year [1]. The mortality and morbidity associated with cigarette smoking arises primarily from the inhalation of toxins other than nicotine contained within the smoke. Electronic cigarettes (e-cigarettes) provide nicotine via a vapour that is drawn into the mouth, upper airways and possibly lungs [2,3].

These devices use a battery-powered heating element activated by suction or manually to heat a nicotine solution and transform it into vapour. By providing a vapour containing nicotine without tobacco combustion, e-cigarettes appear able to reduce craving and withdrawal associated with abstinence in smokers [2,4,5], while toxicity testing suggests that they are much safer to the user than ordinary cigarettes [3].

E-cigarettes are increasing rapidly in popularity: prevalence of ever-use among smokers in the United

States appears to have increased from approximately 2% in 2010 to more than 30% in 2012, and the rate of increase appears to be similar in the United Kingdom [6–9]. Although there are concerns about their wider public health impact relating to the renormalization of smoking and promotion of smoking in young people, crucially two randomized controlled trials have suggested that e-cigarettes may aid smoking cessation [10,11]. However, there are many factors that influence real-world effectiveness, including the brand of e-cigarette, the way they are used and who chooses to use them [12]. Therefore, it is a challenge to establish probable contribution to public health through randomized efficacy trials alone. Moreover, this kind of evidence will take many years to emerge, and in the meantime the products are developing rapidly and countries require evidence on effectiveness to inform decisions on how to regulate them [13–19]. As a result, there is an urgent need to be able to make an informed judgement on the real-world effectiveness of currently popular brands as chosen by the millions of smokers across the world who are using them in an attempt to stop smoking [6–9].

Several studies have attempted to examine the relationship between the use of e-cigarettes and smoking status in the real world by surveying regular e-cigarette users [20–27]. These studies—including one using a longitudinal design [27]—have found that users consistently report that e-cigarettes helped them to quit or reduce their smoking. However, because the samples were self-selected, the results have to be interpreted with caution. In more general samples the evidence is less positive. One national study of callers to a quitline, which assessed the cross-sectional association of e-cigarette use and current smoking status at a routine follow-up evaluation of the quitline service, found that e-cigarette users compared with never users were less likely to be abstinent [28]. In a longitudinal study of a general population sample, e-cigarette users at baseline were no more likely to have quit permanently at a 12-month follow-up despite having reduced their cigarette consumption [29]. However, neither of these studies adjusted for important potential confounding variables and both evaluated the association between quitting and the use of e-cigarettes for any purpose, not specifically as an aid to quitting. It is crucial to distinguish between the issue of whether use of e-cigarettes in a quit attempt improves the chances of success of that attempt from the issue of whether the use of e-cigarettes, for whatever purpose, such as aiding smoking reduction or recreation, promotes or suppresses attempts to stop. In determining the overall effect on public health both considerations are important, but they require different methodologies to address them.

An ongoing national surveillance programme (the Smoking Toolkit Study) has been tracking the use of

e-cigarettes as a reported aid to cessation among the general population in England since July 2009 [30]. This programme has established a method of assessing real-world effectiveness of aids to cessation by comparing the success rates of smokers trying to quit with different methods and adjusting statistically for a wide range of factors that could bias the results, such as nicotine dependence [31]. The method has been able to detect effects of behavioural support and prescription medications to aid cessation and found a higher rate of success when using varenicline than prescription nicotine replacement therapy (NRT) [32,33], supporting findings from randomized controlled trials and clinical observation studies [34–37]. This method cannot achieve the same level of internal validity as a randomized controlled trial, but clearly has greater external validity, so both are important in determining the potential public health contribution of devices hypothesized to aid cessation, such as e-cigarettes.

Given that smokers already have access to licensed NRT products, it is important to know whether e-cigarettes are more effective in aiding quitting. This comparison is particularly important for two reasons. First, buying a licensed NRT product from a shop, with no professional support, is the most common way of using it in England, and secondly, previous research has found that this usage was not associated with greater success rates than quitting unaided in the real-world [33]. It is therefore important to know whether e-cigarettes can increase abstinence compared to NRT bought over-the-counter.

The current study addressed the question of how effective e-cigarettes are compared with NRT bought over-the-counter and unaided quitting in the general population of smokers who are attempting to stop.

METHODS

Study design

The design was cross-sectional household surveys of representative samples of the population of adults in England conducted monthly between July 2009 and February 2011. To examine the comparative real world effectiveness of e-cigarettes, the study compared the self-reported abstinence rates of smokers in the general population trying to stop who used e-cigarettes only (i.e. without also using face-to-face behavioural support or any medically licensed pharmacological cessation aid) with those who used NRT bought over-the-counter only or who made an unaided attempt, while adjusting for a wide range of key potential confounders. The surveys are part of the ongoing Smoking Toolkit Study, which is designed to provide information about smoking

prevalence and behaviour in England [30]. Each month a new sample of approximately 1800 adults aged ≥ 16 years are selected using a form of random location sampling, and complete a face-to-face computer-assisted survey with a trained interviewer. The full methods have been described in detail and shown to result in a sample that is nationally representative in its socio-demographic composition and proportion of smokers [30]. Approval was granted by the ethics committee of University College London, UK.

Study population

For the current study, we used aggregated data from respondents to the survey in the period from July 2009 (the first wave to track use of e-cigarettes to aid cessation) to February 2014 (the latest wave of the survey for which data were available), who smoked either cigarettes (including hand-rolled) or any other tobacco product (e.g. pipe or cigar) daily or occasionally at the time of the survey or during the preceding 12 months. We included those who had made at least one quit attempt in the preceding 12 months, assessed by asking: 'How many serious attempts to stop smoking have you made in the last 12 months? By serious attempt I mean you decided that you would try to make sure you never smoked again. Please include any attempt that you are currently making and please include any successful attempt made within the last year'. We included respondents who used either e-cigarettes or NRT bought over-the-counter during their most recent quit attempt, and an unaided group defined as those who had not used any of the following: e-cigarettes; NRT bought over-the-counter; a prescription stop-smoking medication; or face-to-face behavioural support. We excluded those who used either e-cigarettes or NRT bought over-the-counter in combination with one another, a prescription stop-smoking medication or face-to-face behavioural support.

Measurement of effect: quitting method

The use of different quitting methods were assessed for the most recent attempt by asking: 'Which, if any, of the following did you try to help you stop smoking during the most recent serious quit attempt?' and included: (i) e-cigarettes; (ii) NRT bought over-the-counter; (iii) no aid (i.e. had not used any of e-cigarettes, NRT bought over-the-counter, a prescription stop-smoking medication or face-to-face behavioural support).

Measurement of outcome: self-reported non-smoking

Our primary outcome was self-reported non-smoking up to the time of the survey. Respondents were asked: 'How long did your most recent serious quit attempt last before

you went back to smoking?'. Those responding 'I am still not smoking' were defined as non-smokers. Previous research has shown that self-reported abstinence in surveys of this kind is not subject to the kind of biases observed in clinical trials where there is social pressure to claim abstinence [38].

Measurement of potential confounders

We measured variables potentially associated with the different quitting methods and that may also have an effect on the outcome. These potential confounders were chosen a priori. The most important factor was nicotine dependence, for which we used two questions. First, time spent with urges to smoke was assessed by asking all respondents: 'How much of the time have you felt the urge to smoke in the past 24 hours? Not at all (coded 0), a little of the time (i), some of the time (ii), a lot of the time (iii), almost all of the time (iv), all of the time (v)'. Secondly, strength of urges to smoke was measured by asking: 'In general, how strong have the urges to smoke been? Slight (i), moderate (ii), strong (iii), very strong (iv), extremely strong (v)'. This question was coded '0' for smokers who responded 'not at all' to the previous question. In this population these two ratings have been found to be a better measure of dependence (i.e. more closely associated with relapse following a quit attempt) than other measures [32,33,39]. The demographic characteristics assessed were age, sex and social grade (dichotomized into two categories: ABC1, which includes managerial, professional and intermediate occupations; and C2DE, which includes small employers and own-account workers, lower supervisory and technical occupations, and semi-routine and routine occupations, never workers and long-term unemployed). We also assessed the number of quit attempts in the last year prior to the most recent attempt, time since the most recent quit attempt was initiated (either more or less than 6 months ago), whether smokers had tried to quit abruptly or gradually and the year of the survey.

Analysis

Bivariate associations between the use of different quitting methods and potentially confounding socio-demographic and smoking history variables were assessed with χ^2 tests and one-way analyses of variance (ANOVA)s for categorical and continuous variables, respectively. Significant omnibus results were investigated further by *post-hoc* Sidak-adjusted χ^2 tests and *t*-tests.

Our measure of dependence (strength of urges to smoke) assumed that the score relative to other smokers would remain the same from pre- to post-quitting [32,33]. If a method of quitting reduced the strength of

urges to smoke more than another method, this would tend to underestimate the effectiveness of that intervention because the smokers using this method would appear to be less dependent. To test for this bias, we used an analysis of covariance (ANCOVA) to examine whether the difference in strength of urges to smoke in smokers versus non-smokers depended upon the method of quitting, adjusting for the time since the quit attempt started.

In the analysis of the associations between quitting method and abstinence, we used a logistic regression model in which we regressed the outcome measure (self-reported non-smoking compared with smoking) on the effect measure (use of e-cigarettes compared with either NRT bought over-the-counter or no aid). The primary analysis was an adjusted model that included the potential confounders listed above and two interaction terms: (i) between time since last quit attempt and time spent with urges, and (ii) between time since last quit attempt and strength of urges to smoke. These interaction terms were used to reflect the fact that urges to smoke following a quit attempt are influenced by whether an individual is currently abstinent and the duration of abstinence [32,33]. In addition to the model from the primary analysis ('fully adjusted model'; model 4), we constructed a simple model including only the effect measure ('unadjusted model'; model 1), a model that included the effect measure, year of the survey and all potential confounders except for the two measures of tobacco dependence, and a model that included all variables from the previous model and the two measures of tobacco dependence but without their interaction terms ('partially adjusted models'; models 2 and 3, respectively) to assess the extent of confounding by dependence. As *post-hoc* sensitivity analyses, the models were re-examined using different potential confounders from the ones specified a priori and reported in previous publications using the same methodology [32,33]. First, the time since the initiation of the quit attempt was included using the following six categories: 'in the last week'; 'more than a week and up to a month'; 'more than 1 month and up to 2 months'; 'more than 2 months and up to 3 months'; 'more than 3 months and up to 6 months'; and 'more than 6 months and up to a year'. Secondly, an additional index of dependence—the heaviness of smoking index (HSI) [40]—was included. The HSI was assessed by asking current smokers to estimate current cigarettes per day and time to first cigarette (the two items comprising HSI) and by asking non-smokers to recall these behaviours prior to their quit attempt. Finally, in *post-hoc* subgroup analyses all models were repeated (i) among those reporting smoking one or more than one cigarette per day (CPD) to determine whether inclusion of very light smokers might have had an influence on the results; (ii) among those completing the survey between 2012–14

once e-cigarette usage had become prevalent; and (iii) in the two subsamples of respondents who had started their most recent quit attempt less or more than 6 months ago, in order to assess the interplay between long-term effectiveness and the occurrence of differential recall bias. All analyses were performed with complete cases.

RESULTS

A total of 6134 respondents reported a most recent quit attempt in the last 12 months that was either unaided ($n = 3477$) or supported by NRT bought over-the-counter ($n = 2095$), e-cigarettes ($n = 489$) or both ($n = 73$). Those using both were excluded as were those using a prescription stop-smoking medication or face-to-face behavioural support in combination with either NRT bought over-the-counter ($n = 173$) or e-cigarettes ($n = 25$). Thus, the study population consisted of 5863 smokers who had made an attempt to quit in the previous year, of whom 7.9% (464) had used e-cigarettes, 32.8% (1922) had used NRT bought over-the-counter and 59.3% (3477) had used no aid to cessation. Quitting method did not differ by sex or the number of quit attempts in the past year but was associated with age, social grade, time since the quit attempt started, CPD, smoking less than one CPD, the measures of dependence (time with and strength of urges and HSI) and whether the attempt had begun abruptly (see Table 1). The *post-hoc* comparisons showed that those who used either e-cigarettes or no aid were younger than those using NRT over-the-counter, and that those who used NRT over-the-counter or no aid were more likely to hold a lower social grade than those using e-cigarettes. As would be expected, given the recent advent of e-cigarettes, the quit attempts of e-cigarette users were less likely to have begun more than 6 months previously than those using NRT over-the-counter or no aid. Those using NRT bought over-the-counter smoked more cigarettes and scored higher than either of the other two groups on all measures of dependence. E-cigarette users smoked more cigarettes, and were more dependent by the strength of urges measure and HSI than those using no aid. Finally, those using no aid were more likely to have smoked less than one CPD and stopped abruptly than the other two groups.

Strengths of urges to smoke were higher in smokers than in non-smokers (see Table 2). However, the mean differences in strength of urges between smokers and non-smokers were similar across method of quitting: the interaction between smoking status (smokers versus non-smokers) and method of quitting in an ANCOVA of the strength of urges adjusted for the time since quit attempt started was not significant ($F_{(2, 5856)} = 1.50, P = 0.22$).

Non-smoking was reported among 20.0% (93 of 464) of those using e-cigarettes, 10.1% (194 of 1922) using

Table 1 Associations between characteristics of the sample and use of different quitting methods.

	E-cigarettes (n = 464)	NRT over-the-counter ^b (n = 1922)	No aid (n = 3477)	P
Mean (SD) age	39.0 (15.6) ^a	41.2 (15.3) ^{ab}	37.5 (16.2) ^b	***
% (n) Female	47.2 (219)	51.1 (982)	48.9 (1699)	NS
% Social grade C2DE	59.3 (275) ^{cd}	65.9 (1266) ^c	65.5 (2277) ^d	*
Mean (SD) cigarettes per day ^f	12.6 (8.0) ^{cd}	13.8 (8.5) ^{ce}	10.9 (8.1) ^c	***
% (n) < 1 cigarettes per day ^f	0.7 (3) ^h	0.8 (15) ⁱ	2.8 (94) ^{hi}	***
% (n) Time since quit attempt started >26 weeks	23.7 (110) ^k	36.4 (700) ^j	36.5 (1269) ^k	***
Mean (SD) quit attempts in the past year	1.6 (0.9)	1.6 (0.9)	1.5 (0.9)	NS
Mean (SD) time spent with urges to smoke (0–5)	1.9 (1.3) ^j	2.2 (1.3) ^{lm}	1.8 (1.3) ^m	***
Mean (SD) strength of urges to smoke (0–5)	2.0 (1.2) ^{no}	2.2 (1.1) ^{op}	1.8 (1.1) ^{op}	***
Mean (SD) heaviness of smoking index ^f	2.0 (1.5) ^{qr}	2.3 (1.5) ^{qs}	1.6 (1.5) ^{rs}	***
% (n) Abrupt attempt (no gradual cutting down first)	50.4 (234) ^t	52.5 (1010) ^u	59.0 (2051) ^{tu}	***

Different pairs of superscript letters indicate a significant difference ($P < 0.05$) between two groups after Sidak adjustment for multiple comparisons. * $P < 0.05$; *** $P < 0.001$; NS = not statistically significant ($P \geq 0.05$). ^aA subgroup of those using nicotine replacement therapy (NRT) over-the-counter provided information about the form of NRT ($n = 975$): 60.0% (585) used a patch, 21.0% (205) gum, 14.9% (145) an inhalator, 6.2% (60) lozenges, 1.2% (12) microtabs and 1.0% (10) nasal spray. NB: response options were not mutually exclusive and 11.1% (108) reported using more than one form. ^fData were missing for 156 respondents (e-cigarettes: 22; NRT over-the-counter: 34; no aid: 100). ^tData were missing for 172 respondents (e-cigarettes: 23; NRT over-the-counter: 36; no aid: 113). SD = standard deviation.

Table 2 Differences between smokers and non-smokers in strength of urges to smoke by method of quitting.

Method of quitting	n	Mean (SD) strength of urges to smoke in smokers	n	Mean (SD) strength of urges to smoke in non-smokers	Mean difference (95% CI) in strength of urges to smoke
E-cigarettes	371	2.3 (1.1)	93	0.8 (1.1)	1.4 (1.2–1.7)
NRT over-the-counter	1728	2.3 (1.0)	194	1.2 (1.3)	1.2 (1.0–1.3)
No aid	2942	2.0 (1.0)	535	0.7 (1.1)	1.3 (1.2–1.4)

NB: the mean differences are calculated from exact rather than the rounded figures presented in columns 3 and 5 of this table. The mean difference in strength of urges to smoke was not different across the methods of quitting ($F_{(2, 5856)} = 1.50$, $P = 0.22$ for the interaction term between smoking status and method of quitting adjusted for the time since the quit attempt started). SD = standard deviation; CI = confidence interval; NRT = nicotine replacement therapy.

NRT over-the-counter and 15.4% (535 of 3477) using no aid. The unadjusted analyses indicated that e-cigarette users were more likely to be abstinent than either those using NRT bought over-the-counter [odds ratio (OR) = 2.23, 95% confidence interval (CI) = 1.70–2.93] or those who used no aid (OR = 1.38, 95% CI = 1.08–1.76; see model 1, Table 3). The primary analyses revealed that the fully adjusted odds of non-smoking in users of e-cigarettes were 1.63 (95% CI = 1.17–2.27) times higher compared with users of NRT bought over-the-counter and 1.61 (95% CI = 1.19–2.18) times higher compared with those using no aid (see model 4, Table 3). The relative magnitudes of the ORs from the fully adjusted model with the other three unadjusted and partially adjusted models illustrate the confounding effects of dependence (see Table 3).

In *post-hoc* sensitivity analyses, the associations between quitting method and non-smoking were re-examined using models including different potential confounders. In a model including the more fine-grained assessment of time since the initiation of the quit attempt

than the measure presented in Table 1, the adjusted odds of non-smoking in users of e-cigarettes were 1.58 (95% CI = 1.13–2.21) times higher compared with users of NRT bought over-the-counter and 1.55 (95% CI = 1.14–2.11) times higher compared with those using no aid. In another model that included another measure of dependence (HSI; missing data 3%, $n = 172$), the adjusted odds of non-smoking in users of e-cigarettes were 1.63 (95% CI = 1.15–2.32) times higher compared with users of NRT bought over-the-counter and 1.43 (95% CI = 1.03–1.98) times higher compared with those using no aid.

In *post-hoc* subgroup analyses, very light smokers were shown to have little influence on the pattern of results: in repeated analyses among those 5595 smokers reporting smoking one or more than one CPD the adjusted odds of non-smoking in users of e-cigarettes were higher compared with users of NRT bought over-the-counter (OR = 1.59, 95% CI = 1.13–2.26) and compared with those using no aid (OR = 1.63, 95% CI = 1.18–2.24). Similarly, the exclusion of respondents

Table 3 Associations between quitting method and abstinence.

				(1) versus (2)	(1) versus (3)
				Model 1: OR (95% CI)	Model 1: OR (95% CI)
				Model 2: OR (95% CI)	Model 2: OR (95% CI)
				Model 3: OR (95% CI)	Model 3: OR (95% CI)
				Model 4: OR (95% CI)	Model 4: OR (95% CI)
	(1) e-Cigarettes	(2) NRT over-the-counter	(3) No aid		
Full sample (n = 5863)					
% (n) Self-reported	20.0 (93/464)	10.1 (194/1922)	15.4 (535/3477)	2.23 (1.70–2.93)***	1.38 (1.08–1.76)*
non-smoking				1.88 (1.40–2.52)***	1.21 (0.92–1.58)
				1.63 (1.17–2.28)**	1.62 (1.19–2.19)**
				1.63 (1.17–2.27)**	1.61 (1.19–2.18)**
Subsample: quit attempt started ≤26 weeks (n = 3784)					
% (n) Self-reported	20.3 (72/354)	11.0 (135/1222)	14.6 (323/2208)	2.06 (1.50–2.82)***	1.49 (1.12–1.98)**
non-smoking				1.80 (1.27–2.55)***	1.39 (1.01–1.90)*
				1.56 (1.06–2.29)*	1.88 (1.32–2.68)***
				—	—
Subsample: quit attempt started >26 weeks (n = 2079)					
% (n) Self-reported	19.1 (21/110)	8.4 (59/700)	16.7 (212/1269)	2.56 (1.49–4.42)***	1.18 (0.72–1.94)
non-smoking				1.98 (1.11–3.53)**	0.91 (0.54–1.55)
				1.64 (0.83–3.24)	1.10 (0.59–2.06)
				—	—

Model 1 = unadjusted; model 2 = adjusted for age, sex, social grade, time since quit attempt started, quit attempts in the past year, abrupt versus gradual quitting and year of the survey; model 3 = adjusted for the variables from model 2 and time spent with urges to smoke and strength of urges to smoke; model 4 = adjusted for the variables from model 3 and the interaction terms time since last quit attempt started × time spent with urges and time since last quit attempt started × strength of urges to smoke. NB: for the two subsample analyses, model 4 is redundant, as there is no variation in the time since quit attempt. * $P < 0.05$; ** $P < 0.01$; *** $P < 0.001$. OR = odds ratio; CI = confidence interval; NRT = nicotine replacement therapy.

during a time when e-cigarette usage was relatively rare (2009–11) had little effect on the results: among those 2306 smokers responding between 2012–14 the adjusted odds of non-smoking in users of e-cigarettes were higher compared with users of NRT bought over-the-counter (OR = 1.59, 95% CI = 1.05–2.42) and those using no aid (OR = 1.46, 95% CI = 1.04–2.05). In a final subgroup analysis the models were re-examined among those who started their quit attempt more or less than 6 months ago: there was only evidence among those who began their attempts less than 6 months ago of higher odds of non-smoking in users of e-cigarettes compared with users of NRT bought over-the-counter or those using no aid in the fully adjusted models (see Table 3).

DISCUSSION

Respondents who reported having used an e-cigarette in their most recent quit attempt were more likely to report still not smoking than those who used NRT bought over-the-counter or nothing. This difference remained after adjusting for time since the quit attempt started, year of the survey, age, gender, social grade, abrupt versus gradual quitting, prior quit attempts in the same year and a measure of nicotine dependence.

The unadjusted results have value in that they demonstrate self-reported abstinence is associated with quit-

ting method among those who use these methods to aid cessation in real-world conditions. However, this was not a randomized controlled trial and there were differences in the characteristics of those using different methods. For example, more dependent smokers tended to be more likely to use treatment, and smokers from lower social grades were less likely to use e-cigarettes. Although the adjustments go beyond what is typically undertaken in these types of real-world studies [28,29,41–44], it was not possible to assess all factors that may have been associated with the self-selection of treatment and we cannot rule out the possibility that an unmeasured confounding factor is responsible for the finding. For example, motivation to quit is likely to have been associated positively with the use of treatment. However, previous population studies have found that the strength of this motivation is not associated with success of quit attempts once started, so it is unlikely to explain our findings [45]. There are other variables which are typically related to abstinence that may also be related to the selection of treatment; for example, those using e-cigarettes may have been less likely to share their house with other smokers, had better mental health or greater social capital of a kind not measured by social grade. These possibilities mean the associations reported here must be interpreted with caution. Nevertheless, the data provide some evidence in forming a judgement as to whether the advent of e-cigarettes in the UK market is likely to be having a

positive or negative impact on public health, in a way that a randomized controlled trial is unable to do.

The finding that smokers who had used an e-cigarette in their most recent quit attempt were more likely to report abstinence than those who used NRT bought over-the-counter, and that the latter did not appear to give better results than not using any aid [33], contributes to the debate about how far medicine regulation can go in ensuring that products used for smoking cessation are or continue to be effective in the real world [14–17]. Randomized controlled trials are clearly important in identifying potential efficacy, but real-world effectiveness will depend upon a number of other contextual variables. The current study, together with previous randomized trials, suggests that e-cigarettes may prove to be both an efficacious and effective aid to smoking cessation [10,11]. In so far that this is true, e-cigarettes may substantially improve public health because of their widespread appeal [6–9] and the huge health gains associated with stopping smoking [46]. This has to be offset against any detrimental effects that may emerge, as the long-term effects on health have not yet been established. However, the existing evidence suggests the associated harm may be minimal: the products contain low levels of carcinogens and toxicants [3] and no serious adverse event has yet been reported in any of the numerous experimental studies. Regardless, the harm will certainly be less than smoking, and thus of greater importance is the possible long-term effect of e-cigarettes on cigarette smoking prevalence beyond helping some smokers to quit. For example, it has been suggested that e-cigarettes might re-normalize smoking, promote experimentation among young people who otherwise may not have tried smoking or lead to dual use together with traditional cigarettes, and thereby deter some smokers from stopping [47]. The current data do not address these issues. However, the rise in e-cigarette prevalence in England since 2010 has coincided with continued reduction in smoking prevalence [48].

If e-cigarette use is proving more effective than NRT bought over-the-counter, a number of factors may contribute to this [49]. A greater similarity between using e-cigarettes and smoking ordinary cigarettes in terms of the sensory experience could be one factor. Greater novelty is another. It is also possible that users of e-cigarettes use their products more frequently or for a longer period than those using NRT without professional support. These are all issues that need to be examined in future research.

This study was not designed to assess the comparative effectiveness of e-cigarettes and NRT or other medications obtained on prescription or behavioural support. The evidence still favours the combination of behavioural support and prescription medication as providing the

greatest chance of success [33,34,37], which is currently offered free at the point of access by the NHS stop smoking services in the United Kingdom.

A major strength of the current study is the use of a large, representative sample of the English population. Additionally, the study benefits from having begun to track the use of e-cigarettes as an aid to cessation at a time when e-cigarettes were only an emerging research issue. The importance of adjusting for nicotine dependence in real-world studies of smoking cessation is illustrated by the difference in the ORs between the models with and without this adjustment. The optimal method of adjusting for dependence would be to assess this in all participants prior to their quit attempt. However, in a wholly cross-sectional study, we believe the particular method used to adjust for dependence, established in two previous studies, is valid [32,33]. One of the most commonly used alternative measures of dependence—HIS—relies upon the number of cigarettes smoked and time to first cigarette of the day [40]. When smokers relapse they tend to do so with reduced consumption, which can lead to a false estimation of prior dependence in cross-sectional studies. This potential confound was avoided in the primary analysis by using a validated measure involving ratings of current urges to smoke and statistical adjustment of the urges for the time since the quit attempt was initiated [39]. The value of strength of urges as a measure of dependence in cross-sectional research would be limited if different methods of stopping were linked differentially to lower or higher levels of urges in abstinent compared with relapsed smokers. For example, a method of stopping that led to a relatively higher reduction in urges could underestimate the effectiveness of that method by making it seem that those using it were less dependent. However, we have not previously found evidence in this population data set that urges to smoke in smokers versus quitters differs as a function of method [33], and it was true again in this study. Regardless, the pattern of results remained the same in both a sensitivity analysis that also included HSI and in a subgroup analysis that excluded very light smokers. It is unlikely, therefore, that differential dependence between the users of different treatments has led to a substantial over- or underestimation of the relative effectiveness of e-cigarettes in the current study. Nevertheless, future studies may be able to draw stronger inferences by including a broader array of dependence measures or assessing dependence prior to a quit attempt.

The study had several limitations. First, abstinence was not verified biochemically. In randomized trials, this would represent a serious limitation because smokers receiving an active treatment often feel social pressure to report abstinence. However, in population surveys the

social pressure and the related rate of misreporting is low and it is generally considered acceptable to rely upon self-reported data [38]. A related issue is the assessment of abstinence by asking respondents whether they were 'still not smoking'. This definition classified as abstinent those who had one or more lapses but resumed not smoking. This limitation would be serious if the rate of lapsing was associated with method of quitting, and should be assessed in future studies. By contrast, advantages of this measure were the assessment of prolonged abstinence, as advocated in the Russell Standard, and a clear relationship to the quit attempt in question. An alternative approach, with a view to survival analysis, may have been to assess the length of abstinence since quit date among all respondents, including those who had relapsed by the time of the survey. However, this assessment would have added noise and potential bias with smokers needing to recall the time of relapse and having different interpretations of their return to smoking (i.e. first lapse, daily but reduced smoking, or smoking at pre-quit level). The strength of our approach is that smokers only needed to know whether they were currently still not smoking.

Secondly, there was a reliance upon recall data. The assessment of the most recent quit attempt involved recall of the previous 12 months and introduced scope for bias. The bias associated with recall of failed quit attempts would be expected to reduce the apparent effectiveness of reported aids to cessation because quit attempts using such aids would be more salient than those that were unaided [31]. Therefore, recall bias should militate against finding a benefit of e-cigarettes compared with no aid to cessation. Consistent with this explanation, the effect size for e-cigarettes compared with no aid appeared lower in smokers who started their quit attempt more than 6 months ago than in smokers who started their quit attempt less than 6 months ago. Although the power to detect the associations in these subgroups was limited, the explanation that the lack of effect in the more distant attempts was related to differential recall bias is also supported by the absolute rate of non-smoking being higher in those making unaided attempts more than 6 compared with less than 6 months ago. Alternatively, the finding may reflect a reduced long-term effectiveness of e-cigarettes. Future longitudinal studies of e-cigarettes as aids to cessation in the general population may differentiate these explanations and would represent a valuable improvement upon the current study.

Thirdly, NRT over-the-counter and e-cigarettes both represent heterogeneous categories. In particular, there is considerable variability in nicotine vaporization between different types of e-cigarette [50,51]. Similarly, the simple definition of using one or the other aid to support an attempt is likely to have masked variability in how heavily, frequently and how long either NRT over-the-counter or

e-cigarettes were used by different smokers [12,52–54]. It is also possible that there were differences between the groups in their experience of unanticipated side effects. It is precisely because of all these factors—type/brand of NRT over-the-counter or e-cigarette, intensity and frequency of usage and experience of unanticipated side effects—that it is important to examine real-world effectiveness. However, it also means that we cannot make more exact statements about relative effectiveness of different products and ways in which they may be used. Given this huge variability it may be many years before one could accumulate enough real-world data to address these questions. Finally, the prevalence of e-cigarettes has been increasing in England over the study period and this may affect real-world effectiveness. Although the evidence does not yet suggest an 'early adopters' effect—the current results persisted after adjusting for the year of survey and in a subgroup analysis limiting the data to a period when e-cigarette usage had become prevalent—these findings will need to be revisited to establish whether or not the apparent advantage of e-cigarettes is sustained.

In conclusion, among smokers trying to stop without any professional support, those who use e-cigarettes are more likely to report abstinence than those who use a licensed NRT product bought over-the-counter or no aid to cessation. This difference persists after adjusting for a range of smoker characteristics such as nicotine dependence.

Declaration of interests

All authors have completed the Unified Competing Interest form at http://www.icmje.org/coi_disclosure.pdf (available on request from the corresponding author) and declare: JB's post is funded by a fellowship from the UK Society for the Study of Addiction; R.W. is funded by Cancer Research UK; Cancer Research UK, the Department of Health and Pfizer funded data collection for this study (including a Pfizer investigator initiated award), and that at the outset data collection for the Smoking Toolkit Study was also supported by GlaxoSmithKline and Johnson and Johnson; J.B., D.K. and E.B. have all received unrestricted research grants from Pfizer; R.W. undertakes research and consultancy and receives fees for speaking from companies that develop and manufacture smoking cessation medications (Pfizer, J&J, McNeil, GSK, Nabi, Novartis and Sanofi-Aventis); there are no other financial relationships with any organizations that might have an interest in the submitted work in the previous 3 years, particularly electronic cigarette companies, and there are no other relationships or activities that could appear to have influenced the submitted work. Funding was provided for the conduct of this research and preparation of the manuscript. The funders had no

final role in the study design; in the collection, analysis and interpretation of data; in the writing of the report; or in the decision to submit the paper for publication. All researchers listed as authors are independent from the funders and all final decisions about the research were taken by the investigators and were unrestricted.

Transparency declaration

J.B. affirms that the manuscript is an honest, accurate, and transparent account of the study being reported; that no important aspects of the study have been omitted; and that any discrepancies from the study as planned have been explained.

STROBE statement

All authors declare that study hypotheses arose before any inspection of the data and that all STROBE recommendations were followed.

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Secondhand Exposure to Vapors From Electronic Cigarettes

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Abstract

Introduction: Electronic cigarettes (commonly referred as e-cigarettes) are designed to generate inhalable nicotine aerosol (vapor). When an e-cigarette user takes a puff, the nicotine solution is heated and the vapor taken into lungs. Although no sidestream vapor is generated between puffs, some of the mainstream vapor is exhaled by e-cigarette user. The aim of the study was to evaluate the secondhand exposure to nicotine and other tobacco-related toxicants from e-cigarettes.

Materials and Methods: We measured selected airborne markers of secondhand exposure: nicotine, aerosol particles (PM_{2.5}), carbon monoxide, and volatile organic compounds (VOCs) in an exposure chamber. We generated e-cigarette vapor from 3 various brands of e-cigarette using a smoking machine and controlled exposure conditions. We also compared secondhand exposure with e-cigarette vapor and tobacco smoke generated by 5 dual users.

Results: The study showed that e-cigarettes are a source of secondhand exposure to nicotine but not to combustion toxicants. The air concentrations of nicotine emitted by various brands of e-cigarettes ranged from 0.82 to 6.23 µg/m³. The average concentration of nicotine resulting from smoking tobacco cigarettes was 10 times higher than from e-cigarettes (31.60±6.91 vs. 3.32±2.49 µg/m³, respectively; $p = .0081$).

Conclusions: Using an e-cigarette in indoor environments may involuntarily expose nonusers to nicotine but not to toxic tobacco-specific combustion products. More research is needed to evaluate health consequences of secondhand exposure to nicotine, especially among vulnerable populations, including children, pregnant women, and people with cardiovascular conditions.

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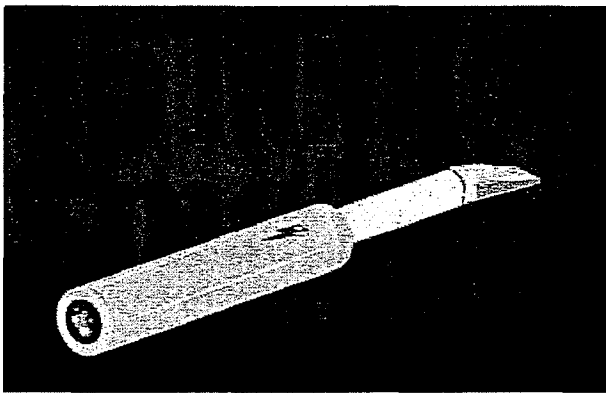
Smoking Kills, and So Might E-Cigarette Regulation

By Gilbert Ross, M.D.

Wednesday, November 20, 2013

Filed under: Health & Medicine, Science & Technology

Smoking is a leading cause of death, and cessation treatments are largely ineffective, yet regulation threatens a promising new technology that might help smokers quit.



Anyone with a modicum of knowledge regarding public health will agree that the most important, devastating, and preventable issue facing America is the human toll of cigarettes. Yet our nation's main health regulator, the Food and Drug Administration (FDA), will issue regulations within the next few weeks that could harm our nation's 45 million smokers.

Smokers trying to quit have an extremely difficult time, yet a new technology which might ease their path — electronic cigarettes, or e-cigarettes — is facing relentless opposition from public health agencies such as the Centers for Disease Control, the FDA, and the American Cancer Society (which sponsors this week's Great American Smokeout to encourage quitting) — and their antipathy is certainly not based on science.

We do not yet know what the long-term health effects of e-cigarettes are, nor the benefits for smokers who switch or cut down on their daily quota of smokes via "vaping" (using e-cigarettes) since there is no smoke involved. But simple common sense would dictate that inhaling the fewer, less harmful ingredients of e-cigarettes as compared to inhaling the thousands of chemicals in the smoke from burnt tobacco, many of which have been shown to be carcinogenic, is highly likely to be healthier.

A tragic 450,000 Americans die from smoking each year. While the fraction of adult smokers has been in gradual decline since the groundbreaking 1964 surgeon general's report confirmed the

evidence of manifold smoking-related illnesses, the total number has not changed much and the decline in teen smoking initiation has stalled over the past few years. Although “cigarette smoke” is not listed as a cause of death per se, smokers whose lives are cut short die from a wide spectrum of illnesses, some chronic (cancers of many organs, COPD/chronic obstructive pulmonary disease), and some cruelly brief (heart attacks and strokes). If those who die prematurely from smoking were lumped together, they would constitute the third leading cause of death in America, after heart disease and cancer.

Most smokers understandably desire to quit. About half try each year, but a pitiful few — maybe 5 percent — succeed unaided or “cold turkey.” The addiction to smoking is extremely powerful, largely (but not solely) due to nicotine’s power. However, it is often believed by smokers, and even by some doctors, that it is the nicotine that is toxic and lethal. This is a dangerous myth. It has been proven that smokers smoke for the nicotine — but they die from the smoke. The FDA has approved various treatments to help smokers quit — NRT (nicotine replacement therapy) patches, gum, inhalers, and non-nicotine drugs such as bupropion and varenicline (Zyban and Chantix, respectively). The unfortunate fact is that adding one or more of these treatments to a smoker’s stated desire to quit increases his or her success rate — abstinence from cigarettes for one year — by about two- to three-fold, i.e. to 15 percent or less. These methods, which fail almost 9 times out of 10, provide an unacceptably low level of assistance in aiding escape from smoking’s deadly grip.

Over the course of the past few years, e-cigarettes (or “electronic nicotine delivery systems,” ENDS) have provided a ray of hope for an increasing number of desperate smokers. These devices use a battery to vaporize water and nicotine, which the user (“vaper”) inhales, along with vegetable glycerin and/or propylene glycol and flavoring. They often have a cigarette-like LED tip which glows red, or some other color if preferred, but without tobacco, without combustion, and without smoke. The ingredients noted are generally recognized as safe by regulatory agencies, and have been in common use for decades — although no long-term health studies have been done on their safety in combination with inhalational use.

Since 2007, when e-cigarettes were first imported from China, smokers have at first gradually, and more recently enthusiastically, become vapers. Solid data on long-term trends are only beginning to be accumulated, but the sales of e-cigarettes have doubled in each of the past few years, to the extent that a recent survey found that an astounding one-fifth of smokers had tried them — millions of people, in other words. How many have switched completely from deadly cigarettes? How many smokers also vape — “dual users”? None of this has been determined yet by randomized clinical trials. Although there are scant data even from observational studies, several small studies support the contention that vaping is likely to be more effective than NRT for smoking cessation, as well as for reducing the number of cigarettes smoked among those who have not yet quit.

The Upcoming FDA Decision

The Family Smoking Prevention and Tobacco Control Act, which granted the FDA oversight of tobacco in 2009, outlines a complex process for “modified risk tobacco products” (MRTPs) to be approved by the FDA. Such a product must undergo a lengthy and expensive trial process requiring demonstration that the product submitted reduces the harm of tobacco exposure not merely for the person using it, but for the population as a whole. Given the nefarious behavior of the tobacco industry over the 20th century, any proposal submitted to the FDA related to tobacco is going to have to strongly support any assertions with data.

Unfortunately, the Tobacco Control Act may become a detriment to public health if it is implemented to effectively ban e-cigarettes from the market. The Office of Management and Budget is currently deciding whether to designate e-cigarettes as a tobacco product to be regulated under the TCA, as a drug or medical device, requiring regulation from a different department of the FDA, or as neither such product. If e-cigarettes are designated as tobacco products requiring proof of modified risk, it is likely that the ramifications for millions of American vapers, and many more potential future ex-smokers, will be disastrous. E-cigarettes (at least those containing the nicotine smokers crave) would be exiled from the market while expensive, lengthy testing took place. Ironically, the industry's small businesses would suffer while Big Tobacco would profit, since it has also gotten into the e-cigarette market, and since larger companies would be the only ones who could afford to cut through the regulatory thicket. Meanwhile, some ex-smokers who have become vapers will find a way to secure their e-cigarette nicotine, via online or black market sources. Many, however, will revert to the deadly, toxic cigarettes from which they thought they had, at last, escaped.

There is, however, a better approach: the government could decline to classify e-cigarettes as tobacco products and allow their continued marketing, with the states establishing reasonable oversight — as many have already — for age limits, manufacturing standards, accurate ingredient listing, and warning labels. As a result, many lives will be saved from cigarette-related disease and death.

The World Health Organization predicts that the death toll from cigarettes could reach 1 billion this century, if current trends continue. The European Union only last month flouted the anti-e-cigarette campaigners and gave millions of European vapers a pass to keep on vaping. Given the current abysmal rate of successful quitting with the approved methods, the FDA should take the courageous, science-based, and compassionate course.

Effectively excluding e-cigarettes from the market via stringent regulation would have the effect of killing smokers and protecting cigarette and pharmaceutical markets. E-cigarettes, a far safer form of nicotine delivery, should not be submitted to tougher regulation than cigarettes.

Americans should not have to die from misguided regulation.

Gilbert Ross, MD, is medical and executive director of the American Council on Science and Health.

FURTHER READING: Ross also writes "The Deadly Crusade Against E-cigarettes." Edward Tenner describes "Markets, Risk, and Fashion: The Hindenburg's Smoking Lounge." Roger Bates contributes "An Invaluable Insecticide" and "The Case for DDT." Mark J. Perry shares "Unintended Consequences of Cigarette Taxes" and "Markets in Everything: Roll-Your-Own Cigarettes."

Image by: Dianna Ingram / Bergman Group

Electronic Cigarettes As a Smoking-Cessation Tool

Results from an Online Survey

Michael B. Siegel, MD, MPH, Kerry L. Tanwar, BA, Kathleen S. Wood, MPH

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Background: Electronic cigarettes (e-cigarettes) are battery-powered devices that deliver nicotine without any combustion or smoke. These devices have generated much publicity among the smoking-cessation community and support from dedicated users; however, little is known about the efficacy of the device as a smoking-cessation tool.

Purpose: This study aimed to examine the effectiveness of e-cigarettes for smoking cessation using a survey of smokers who had tried e-cigarettes.

Methods: Using as a sampling frame a cohort of all first-time purchasers of a particular brand of e-cigarettes during a 2-week period, a cross-sectional, online survey was conducted in 2010 to describe e-cigarette use patterns and their effectiveness as a smoking-cessation tool. There were 222 respondents, with a survey response rate of 4.5%. The primary outcome variable was the point prevalence of smoking abstinence at 6 months after initial e-cigarette purchase.

Results: The primary finding was that the 6-month point prevalence of smoking abstinence among the e-cigarette users in the sample was 31.0% (95% CI=24.8%, 37.2%). A large percentage of respondents reported a reduction in the number of cigarettes they smoked (66.8%) and almost half reported abstinence from smoking for a period of time (48.8%). Those respondents using e-cigarettes more than 20 times per day had a quit rate of 70.0%. Of respondents who were not smoking at 6 months, 34.3% were not using e-cigarettes or any nicotine-containing products at the time.

Conclusions: Findings suggest that e-cigarettes may hold promise as a smoking-cessation method and that they are worthy of further study using more-rigorous research designs.

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Introduction

Electronic cigarettes (e-cigarettes) are battery-powered devices that deliver nicotine without any combustion or smoke. Use and awareness of e-cigarettes has dramatically increased over the past 3 years.¹⁻³ Ayers et al,³ in this issue of the *American Journal of Preventive Medicine*, report that Internet searches for e-cigarettes in the U.S. now exceed those for any other smoking alternative, nicotine replacement, or smoking-cessation product. Although e-cigarettes have generated much support from dedicated users, little is known about the efficacy of the device as a smoking-cessation tool.

Most smoking-cessation methods focus on one component of smoking: nicotine addiction. However, even with the assistance of medications that treat nicotine addiction, the success rate for quitting remains low. Based on a Cochrane review of seven studies⁴⁻⁹ that measured smoking cessation using nicotine replacement therapy (NRT), the average 6-month point prevalence of smoking abstinence is only 17.8%, and the 6-month point prevalence of smoking abstinence in the pooled data from these studies is only 11.9%.

Several studies^{10,11} have suggested that physical and behavioral stimuli—such as merely holding a cigarette—can reduce the craving to smoke, even in the absence of nicotine delivery. Given that both nicotine and smoking-related cues appear to influence cigarette craving, e-cigarettes may present a unique opportunity to promote smoking cessation. Two preliminary studies¹²⁻¹⁴ provide evidence that e-cigarette use suppresses the urge to smoke.

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Results from two recent surveys^{15,16} suggest that e-cigarettes may be effective in helping smokers quit. However, both of these surveys relied on convenience samples of e-cigarette users.

This paper reports the results of a survey conducted using a non-convenience sampling frame. Compared with previous studies, which used convenience samples, this survey is based on a sample of all first-time purchasers of a particular brand of e-cigarettes.

Methods

An anonymous Internet-based, cross-sectional survey was conducted among a cohort of first-time purchasers of e-cigarettes from a leading e-cigarette distributor to determine the effectiveness of e-cigarettes for smoking cessation.

Recruitment

A leading e-cigarette distributor (Blu) provided investigators with e-mail addresses of a consecutive sample of first-time Blu e-cigarette purchasers. This sample represented the first 5000 customers who purchased Blu e-cigarettes over a 2-week period beginning July 1, 2009, when Blu commenced its first, continuous operation. Subjects from this customer list were sent a recruitment e-mail. The e-mail invitation was sent to potential subjects in March 2010, that is, 7 months after their initial e-cigarette purchase.

Of the 5000 e-mail addresses to which the survey was sent, 4884 were valid. In total, 222 e-cigarette purchasers responded to the survey, resulting in a response rate of 4.5%. Of the 222 respondents, six were deleted because they did not meet the definition of a "smoker": having smoked 100 or more cigarettes in their lifetime. Therefore, the final sample consisted of 216 respondents, all of whom indicated that they had tried e-cigarettes.

Survey and Data Collection

Those who opted to participate in the study accessed the survey via a secure link in the recruitment e-mail. The current study was approved by the IRB at the Boston University Medical Center.

Data Analysis

The primary hypothesis tested in the present study was the effectiveness of e-cigarettes in smoking cessation, defined as the point prevalence of abstinence from cigarette smoking at 6 months after the first purchase of Blu e-cigarettes. For this estimate, 95% CIs were calculated using standard methods for the estimation of the variance of a proportion.¹⁷

Results

Participant Characteristics and Smoking History

There were more men (71.5%) than women (28.5%) in the study (Table 1). The majority of respondents had smoked for 6 or more years (81.1%), and nearly two

Table 1. Demographic information, smoking characteristics, and cessation/reduction of tobacco use after e-cigarette use

Variable	n (%)
DEMOGRAPHIC INFORMATION	
Gender	
Male	153 (71.5)
Female	61 (28.5)
Age (years)	
18–24	41 (19.1)
25–44	114 (53.0)
45–64	48 (22.3)
≥65	12 (5.6)
SMOKING CHARACTERISTICS	
Smoking history (years smoked)	
≤5	32 (14.7)
6–15	77 (35.5)
16–30	67 (30.9)
>30	41 (18.9)
Number of previous quit attempts	
0	17 (7.9)
1–2	59 (27.4)
3–5	90 (41.9)
>5	49 (22.8)
CESSATION/REDUCTION OF TOBACCO USE AFTER E-CIGARETTE USE	
Reported reducing nicotine use	
Yes	106 (49.3)
No	109 (50.7)
Reduced number of tobacco cigarettes per day after e-cigarette use	
Yes	143 (66.8)
No	71 (33.2)
Quit/abstained for a period of time	
Yes	104 (48.8)
No	109 (51.2)

thirds (64.7%) of participants reported having made three or more previous quit attempts.

Cessation or Reduction of Tobacco After E-Cigarette Use

More than two thirds of respondents (66.8%) reported having reduced the number of tobacco cigarettes they

smoked per day after trying e-cigarettes, and nearly half (49.3%) reduced their nicotine use (Table 1). Nearly half (48.8%) of respondents indicated that they quit smoking for a period of time after trying e-cigarettes.

E-Cigarette Use Patterns and 6-Month Smoking Status

Thirty-one percent (31.0%) of respondents were not smoking at the 6-month point (95% CI=24.8%, 37.2%; Table 2). Of those who were not smoking at 6 months, 56.7% were using e-cigarettes, 9.0% were using tobacco-free nicotine products, and 34.3% were completely nicotine-free.

Among subjects who were not using e-cigarettes at the time of the survey, only 26.8% were nonsmokers (Table 2). However, among current e-cigarette users, 34.5% were nonsmokers. Smoking abstinence rates generally increased with higher frequency of e-cigarette use, with more than two thirds (70.0%) of respondents using e-cigarettes more than 20 times per day being nonsmokers at 6 months.

Table 2. How e-cigarette use patterns relate to 6-month smoking status

Use pattern	% (95% CI) not smoking
Total: smoking status at 6-month point (n=216)	31.0 (24.8, 37.2)
Number of times used per day	
No current e-cigarette use (n=97)	26.8 (17.9, 35.7)
<5 (n=50)	28.0 (15.4, 40.6)
5–10 (n=31)	35.5 (18.4, 52.6)
11–15 (n=16)	31.3 (8.2, 54.3)
16–20 (n=12)	33.3 (6.3, 60.4)
>20 (n=10)	70.0 (41.2, 98.8)
Weekly pattern of e-cigarette use	
No current e-cigarette use (n=97)	26.8 (17.9, 35.7)
Only uses some days (n=71)	21.1 (11.5, 30.8)
Everyday use (n=48)	54.2 (39.9, 68.5)
Nicotine use of those who are not smoking at 6-month point (n=67) (n [%])	
Nicotine-free	23 (34.3)
Using tobacco-free nicotine products	6 (9.0)
Using only e-cigarettes	38 (56.7)

Discussion

The primary finding was a 6-month point prevalence of smoking abstinence among the e-cigarette users in the sample of 31.0%. This compares favorably to the average 6-month point prevalence of smoking abstinence of 17.8% in prior studies and to the 6-month point prevalence of smoking abstinence of 11.9% in the pooled data from these studies.^{4–9}

Of those respondents who were not smoking at the 6-month point, more than one third (34.3%) were also nicotine-free. This suggests that e-cigarettes can help decrease nicotine dependence, rather than maintain or increase nicotine addiction as some opponents have argued.¹

A large percentage of respondents reported a reduction in the number of cigarettes they smoked (66.8%) and almost half reported abstinence from smoking for a period of time (48.8%). These results are notable because smokers who reduce the amount of cigarettes smoked are more likely to quit smoking,¹⁸ and a reduction in the amount of cigarettes smoked can lower the individual's risk of smoking-related illnesses.¹⁹

There are a number of important limitations of this study. First, because of the low survey response rate, the sample is not representative of all smokers who have tried e-cigarettes. Further, because of lack of information on the survey nonrespondents, the factors related to nonresponse could not be assessed. It is possible that smokers who had less success with e-cigarettes were also less likely to complete the survey. This would bias the results toward overestimating the 6-month abstinence rate. Second, self-reported abstinence was not verified using biochemical methods. It is possible that respondents over-reported smoking abstinence because of perceived social pressure. Third, only users of one brand of e-cigarettes were surveyed. Thus, these results cannot be generalized to the use of all e-cigarette brands.

Because of these study limitations, these findings must be viewed as suggestive, rather than definitive. Although the findings suggest that e-cigarettes may hold promise as a smoking-cessation method, further studies with more rigorous research designs are warranted.

The distinct and unique advantage of e-cigarettes is that they allow individuals to utilize one device that can simultaneously address nicotine withdrawal, psychological factors, and behavioral cues that serve as barriers to smoking abstinence. The finding that most individuals who used e-cigarettes at least reduced the number of tobacco cigarettes they smoked suggests that if proven safe, e-cigarettes may be a potentially important tool for harm reduction, especially among smokers who have found currently available pharmaceutical smoking-cessation options to be ineffective. The present study suggests that

this alternative approach to smoking cessation is worthy of further investigation.

No financial disclosures were reported by the authors of this paper.

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Jacob Sullum Contributor

I cover the war on drugs from a conscientious objector's perspective.

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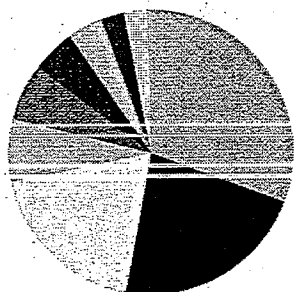
OPINION 7/17/2014 @ 2:07PM | 11,865 views

Survey Shows Adults Who Use E-Cigarettes To Quit Smoking Prefer Supposedly Juvenile Flavors

Comment Now

At a Senate hearing last month, Jay Rockefeller noted that electronic cigarette fluid is available in a wide variety of flavors—conclusive evidence, to his mind, that e-cigarette companies want to hook children on nicotine. “I am an adult,” the West Virginia Democrat said. “Would I be attracted to Cherry Crush, Chocolate Treat, Peachy Keen, Vanilla Dreams? No, I wouldn’t.”

Call it the Rockefeller Rule: If an e-cigarette flavor does not appeal to this particular 77-year-old senator, it could not possibly appeal to anyone older than 17. Rebutting that claim, Jason Healy, founder and president of Blu eCigs, cited a customer survey that found “the average age of a cherry smoker is in the high 40s.” Survey results released today by E-Cigarette Forum, an online gathering spot for vaping enthusiasts, reinforce Healy’s point, showing that grownups prefer the flavors that Rockefeller insists are strictly for kids.



WHAT FLAVOR DO YOU USE MOST

30.55%	Fruit
22.3%	Tobacco
18.86%	Bakery/Dessert
7.10%	Other (inc. Flavorless & DIY)
6.50%	Menthol (Menthol/Peppermint etc...)
4.91%	Savoury/Spice
3.98%	Candy
2.66%	Menthol Tobacco
2.61%	Beverage flavors
0.55%	Whole Tobacco Alkaloid

e-cigarette forum

(Image: E-Cigarette Forum)

The survey, conducted in late June and early July, included more than 10,000 members of E-Cigarette Forum, 78 percent of whom live in the United States. Their ages ranged from 18 to “65 and over,” with 74 percent between 22 and 54. When they were asked which flavor they used most, 22 percent said tobacco, while an additional 3 percent said menthol tobacco. In other words, three-quarters of these adult vapers favor flavors other than tobacco, including fruit (31 percent), bakery/dessert (19 percent), and savory/spice (5 percent).

That make sense, because the proliferation of flavors—*The New York Times* reports that “more than 7,000 flavors are now available and, by one estimate, nearly 250 more are being introduced every month”—is especially evident among vapers who, like most of the participants in this survey, use devices with refillable tanks, rather than e-cigarettes that are either entirely disposable or take disposable cartridges. Refillable vaporizers, available mainly online or in specialized outlets, are less likely to interest teenagers than the cheaper “cigalikes” sold in supermarkets and convenience stores.



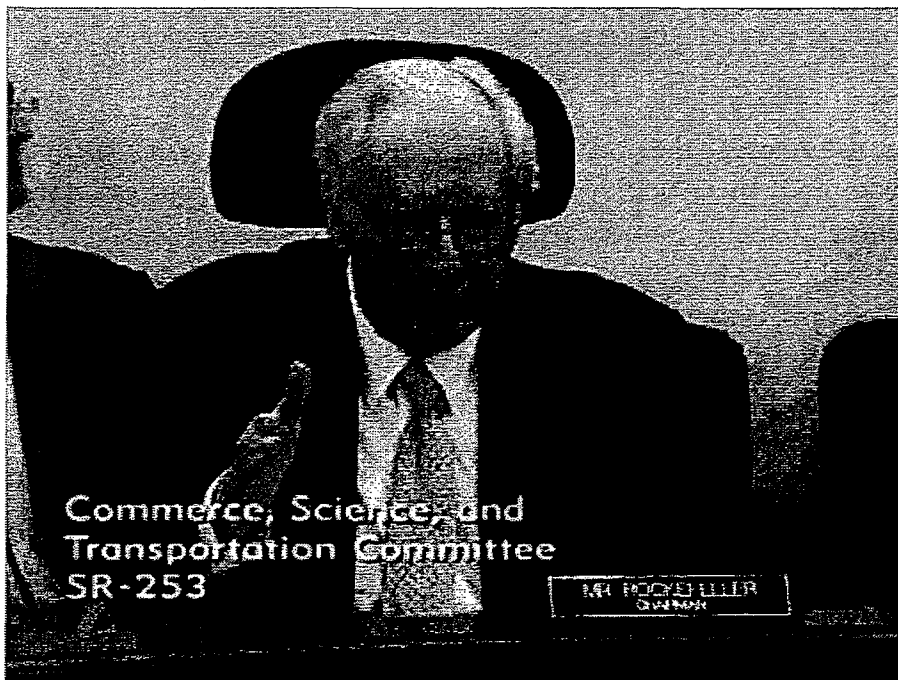
(Image: Vape Lounge)

The new survey also provides further evidence that e-cigarettes help smokers quit, a proposition that Rockefeller and other critics question. Eighty-nine percent of the respondents reported that they had smoked at least 10 cigarettes a day before they started vaping, and 88 percent said they were not currently smokers.

Those findings are similar to the results of another survey focusing on people who participate in online vaping forums, reported last April in the *International Journal of Environmental Research and Public Health*. That study, which included more than 19,000 vapers from around the world, found that almost all of them (99.5 percent) were smokers when they started vaping. Four-fifths of them had stopped smoking completely, while the rest had reduced their cigarette consumption, on average, from 20 to four per day.

It should be emphasized that neither of these studies was designed to capture a representative sample of all vapers. Instead they focus on the most enthusiastic among them, whom you would expect to have had especially

satisfying experiences with e-cigarettes. The high success rates in these surveys therefore are unlikely to be seen among the broader group of smokers who try to quit with e-cigarettes, let alone among smokers who merely try the product out. But these surveys do indicate that e-cigarettes have helped many smokers quit.



"You're what's wrong with this country." (Image: Senate Commerce, Science, & Transportation Committee)

It borders on bizarre that critics like Rockefeller continue to question the existence of those former smokers, even while arguing that e-cigarettes should be restricted or banned based on the entirely hypothetical risk that vaping will lead to smoking among teenagers who otherwise never would have tried tobacco. But what do you expect from a politician who thinks a sample of one—himself—is perfectly adequate to reach sweeping conclusions about a product's intended use?

Notably, two-thirds of the ex-smokers in the E-Cigarette Forum survey said nontobacco flavors were important in helping them quit. Survey data reported in the *International Journal of Environmental Research and Public Health* last December likewise indicate that flavor variety is important in quitting. That study, which involved about 4,500 vapers, found that they tended to prefer tobacco-flavored fluid initially but later switched to other flavors. Most reported using more than one flavor on a daily basis and said the variety made the experience more interesting and enjoyable.

Nontobacco flavors may assist in quitting because learning to associate your nicotine fix with a new taste creates an additional barrier to backsliding: Returning to conventional cigarettes would mean getting used to the flavor of tobacco smoke again. Alternatively, the flavor of tobacco may trigger an urge to smoke.

More than nine out of 10 vapers in the E-Cigarette Forum survey said they worried that government regulations demanded by save-the-children alarmists like Rockefeller will remove products they use from the market. It's not hard to see why. "Why in heaven's name are you going ahead and marketing these things and selling these things?" Rockefeller asked Healy and another e-cigarette executive during last month's hearing. "I don't know how you go to sleep at night....You're what's wrong with this country."

Rockefeller's research methods begin and end with his own prejudices. The Food and Drug Administration, in deciding how to regulate e-cigarettes, should aspire to higher standards.

This article is available online at: <http://onforb.es/1jUjLGK>

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JPET September 1947 vol. 91 no. 1 52-76

TESTS FOR THE CHRONIC TOXICITY OF PROPYLENE GLYCOL AND TRIETHYLENE GLYCOL ON MONKEYS AND RATS BY VAPOR INHALATION AND ORAL ADMINISTRATION

O. H. ROBERTSON, CLAYTON G. LOOSLI, THEODORE T. PUCK,
HENRY WISE, HENRY M. LEMON and WILLIAM LESTER, JR.

 Author Affiliations

Abstract

With a view to determining the safety of employing the vapors of propylene glycol and triethylene glycol in atmospheres inhabited by human beings, monkeys and rats were exposed continuously to high concentrations of these vapors for periods of 12 to 18 months. Equal numbers of control animals were maintained under physically similar conditions. Long term tests of the effects on ingesting triethylene glycol were also carried out. The doses administered represented 50 to 700 times the amount of glycol the animal could absorb by breathing air saturated with the glycol.

Comparative observations on the growth rates, blood counts, urine examinations, kidney function tests, fertility and general condition of the test and control groups, exhibited no essential differences between them with the exception that the rats in the glycol atmospheres exhibited consistently higher weight gains. Some drying of the skin of the monkeys' faces occurred after several months continuous exposure to a heavy fog of triethylene glycol. However, when the vapor concentration was maintained just below saturation by means of the glycostat this effect did not occur.

Examination at autopsy likewise failed to reveal any differences between the animals kept in glycolized air and those living in the ordinary room atmosphere. Extensive histological study of the lungs was made to ascertain whether the glycol had produced any generalized or local irritation. None was found. The kidneys, liver, spleen and bone marrow also were normal.

The results of these experiments in conjunction with the absence of any observed ill effects in patients exposed to both triethylene glycol and propylene glycol vapors for months at a time, provide assurance that air containing these vapors in amounts up to the saturation point is completely harmless.

Footnotes

Received June 4, 1947.

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Electronic Cigarettes: A Policy Statement From the American Heart Association
Circulation October 14, 2014 130:1418-1436
Full Text Full Text (PDF)

Safety evaluation and risk assessment of electronic cigarettes as tobacco cigarette substitutes: a systematic review
Therapeutic Advances in Drug Safety April 1, 2014 5:67-86
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International Journal of Toxicology March 1, 2006 25:121-138

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Ozone and Glycol Vapor Decontamination of Air in a Closed Room

JDR September 1, 1974 53:1132-1137

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The Rest of the Story: Tobacco News Analysis and Commentary

...Providing the whole story behind tobacco news.

Thursday, October 31, 2013

First Study to Examine E-Cigarette Gateway Hypothesis Can Find Only One Nonsmoker Who Initiated with E-Cigs and Went on to Smoke

In the first study to examine the hypothesis that electronic cigarettes are a gateway for youth to become addicted to cigarettes, Dr. Ted Wagener from the University of Oklahoma Health Sciences Center reports being able to find only one young person who initiated nicotine use with e-cigarettes and then went on to smoke cigarettes, out of a sample of 1,300 college students.

The study has not yet been published, but it was presented Tuesday at the annual meeting of the American Association for Cancer Research in Washington, D.C.

According to Brenda Goodman's *HealthDay* article summarizing the study: "E-cigarettes don't appear to entice teens to try smoking tobacco, a new study says. ... Last month, the U.S. Centers for Disease Control and Prevention warned that "vaping," or inhaling the nicotine vapors from e-cigarettes, might be a dangerous new fad that could set teens up for smoking. In just one year, the number of kids in grades six through 12 who said they'd ever tried an e-cigarette more than doubled, rising from 3.3 percent to 6.8 percent. Among the 2.1 percent who said they were current e-cigarette users, more than three-quarters said they also smoked regular cigarettes. Given that overlap, many health experts worried that e-cigarettes might be acting like a gateway drug, sucking kids more deeply into nicotine addiction, and law officials urged the U.S. Food and Drug Administration to regulate e-cigarettes as tobacco products."

"The new study suggests that may not be the case. Researchers surveyed 1,300 college students about their tobacco and nicotine use. The average age of study participants was 19. "We asked what the first tobacco product they ever tried was and what their current tobacco use looked like," said researcher Theodore Wagener, an assistant professor of general and community pediatrics at the University of Oklahoma Health Sciences Center, in Oklahoma City. Overall, 43 students said their first nicotine product was an e-cigarette. Of that group, only one person said they went on to smoke regular cigarettes. And the vast majority

About Me

Michael Siegel

Dr. Siegel is a Professor in the Department of Community Health Sciences, Boston University School of Public Health. He has 25 years of experience in the field of tobacco control. He previously spent two years working at the Office on Smoking and Health at CDC, where he conducted research on secondhand smoke and cigarette advertising. He has published nearly 70 papers related to tobacco. He testified in the landmark Engle lawsuit against the tobacco companies, which resulted in an unprecedented \$145 billion verdict against the industry. He teaches social and behavioral sciences, mass communication and public health, and public health advocacy in the Masters of Public Health program.

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who started with e-cigarettes said they weren't currently using any nicotine or tobacco."

"It didn't seem as though it really proved to be a gateway to anything," said Wagener, who presented his findings at a meeting of the American Association for Cancer Research, in National Harbor, Md."

The Rest of the Story

This study provides preliminary evidence that electronic cigarettes are not currently serving as a major gateway to cigarette smoking. Of course, more studies of this nature, as well as longitudinal studies, are necessary to firmly answer this question. And importantly, this only reflects the current situation and things can change at any time. It is important that we remain vigilant and closely monitor youth electronic cigarette use over time.

I should also make it clear that in no way am I arguing that sales and marketing restrictions are not needed. In fact, I am hoping that the FDA will promulgate regulations that do strictly regulate the sale and marketing of electronic cigarettes to youth.

What this evidence does highlight is how unfortunate it was that CDC Director Dr. Thomas Frieden disseminated to the public a conclusion about this research question, telling the public that we already know the answer and that electronic cigarettes are a gateway to tobacco addiction. Dr. Frieden stated that: *"many kids are starting out with e-cigarettes and then going on to smoke conventional cigarettes."*

Unfortunately, this premature speculation (or conclusion, as the above statement does not seem to be speculative) led to widespread media dissemination to the public of the news that electronic cigarettes are a gateway to tobacco addiction. These articles are already having an effect on policy makers throughout the country.

In a *Forbes* magazine online column today, Jacob Sullum explains how many tobacco control advocates, including Dr. Frieden, "jumped all over CDC survey data indicating that the percentage of teenagers who have tried e-cigarettes doubled (from 3.3 percent to 6.8 percent) between 2011 and 2012." Sullum writes: "Many teens who start with e-cigarettes may be condemned to struggling with a lifelong addiction to nicotine and conventional cigarettes," CDC Director Tom Frieden worried. But the survey data [the CDC data] provided no evidence that e-cigarettes are a gateway to the conventional kind, and a new study [the Wagener study] casts further doubt on that hypothesis."

The issue of whether electronic cigarettes serve as a gateway to youth tobacco addiction is a very serious one. It should not be taken lightly. If these products lead to increased cigarette smoking among youth then this harm would offset the benefits of enhanced smoking cessation and electronic cigarettes would no longer have net public health benefits. So this is a crucial research question.

Argues that Continu...

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Tobacco Control Practitioner Tells Public that Cig...

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► August (18)

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► June (20)

► May (21)

► April (17)

► March (17)

► February (15)

► January (15)

► 2012 (214)

► 2011 (202)

► 2010 (220)

► 2009 (269)

► 2008 (196)


► 2007 (250)


► 2006 (395)

► 2005 (281)

But I emphasize that it is a "question." It does a disservice to the public to draw pre-determined conclusions, as Dr. Frieden did in telling the public that we already have the answer: kids **are** starting out with e-cigarettes and going on to smoke conventional cigarettes.

Our public policies must be science-based. But when one draws pre-determined conclusions, rather than rely on the scientific evidence, this does not lead to evidence-based policies. My fear is that because of a strong pre-existing ideology against electronic cigarettes because they simulate the physical actions of smoking, tobacco control groups are drawing conclusions based on ideology rather than on science.


Posted by Michael Siegel at 9:14 AM 22 Comments 

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22 Comments The Rest of the Story

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Join the discussion...



• a year ago

Good to see a follow up on yesterday's panel discussion with this recent study. It was unfair for Tim to question your commitment to public health and to suggest that you merely nit pick or drill down on isolated statements. I've never read your blog as an example of "gotcha politics/journalism" but rather a single minded focus on demanding accountability from both the industry and public health. That you give more attention to public health is a function of there being adequate criticism of the industry already and keeping one's own house in order.

Clearly, the words of the Director of the CDC hold a lot of weight with the public which is exactly why the CDC must be careful in its pronouncements. His carefully crafted statement echoed throughout most media channels for the past two months and it is the authoritative takeaway on e-cigs and youth that the public received.

Sure there may be some isolated sentence on your blog that could be stated better, but it was absurd to compare the Director's public comment to a professor's blog. As excellent as your writing and substance is, it doesn't have the same authority in the public's mind nor receive the same media coverage. (I'm sure you're aware of your relative status and recognize that this was not a put down.)

Hope to see an update once the study is released.

3 ^ ▾ • Reply • Share ▾



enemy_guest • a year ago

"Our public policies must be science-based. But when one draws pre-determined conclusions, rather than rely on the scientific evidence, this does not lead to evidence-based policies. My fear is that because of a strong pre-existing ideology against electronic cigarettes

because
they simulate the physical actions of smoking, tobacco control
groups
are drawing conclusions based on ideology rather than on
science."

you believe in "science-based" policy on the e-cig thing a ma jīg
yet ideology based when it comes to your SHS scam ??? you can't
have it both ways siegel....

3 ^ v • Reply • Share ›



Derek Yach • a year ago

Important early evidence suggesting that the theoretical fear of
kids starting on e-cigs migrating to tobacco products may not be
warranted. More studies in different settings and if longer
duration will help.

^ v • Reply • Share ›



Share ↗ Derek Yach • a year ago

Make sure the patch and gum pushers, who did the SHS
"studies" don't do the e cig "studies" or you are screwed.

12 ^ v • Reply • Share ›



Harry • a year ago

Here's a fine bit of nonsense:

"Raising the minimum sales age to 21 would reduce smoking
among 14 to 17 year olds by two-thirds and cut rates by a little
over half for 18 to 20 year olds, the health department said."

It's as though the easily-persuaded have been so brainwashed by
lies that they'll now accept anything put out by an entity that goes
under the title Health Department.

<http://in.reuters.com/article/...>

3 ^ v • Reply • Share ›



Sir_JayR ↗ Harry • a year ago

So, 1/3 of the 14-17 year olds will still smoke.

The 18-20 year old young adults can go off and fight a
war, and 40% of them use tobacco on the battlefield to
increase vigilance and reduce combat stress and weight
gain. Trying to police tobacco use in the sandbox would tie
up too many scarce resources. But when these young
warriors return home the NYC Tobacco Police would have
them buy their smokes in New Jersey,

Welcome home,

7 ^ v • Reply • Share ›



Harry • a year ago

"The issue of whether electronic cigarettes serve as a gateway to
youth tobacco addiction is a very serious one. It should not be
taken lightly. If these products lead to increased cigarette smoking
among youth then this harm would offset the benefits of
enhanced smoking cessation and electronic cigarettes would no
longer have net public health benefits. So this is a crucial research
question."

You can't possibly know, doctor, whether there'd be a net offset in
the direction you state. Or is that what you mean by "public
policies must be science-based"?

5 ^ v • Reply • Share ›



Uma Kirk → Harry • a year ago

That one is an easy study. In a controlled lab setting, of course, hand 10 new never smoked an eGo Twist, with a Kanger T3 clearomizers or a Kanger ProTank2 and an assortment of Flavors to try @ 0-mg). Do the same with 10 always smoked, except with 12-16mg. At the end of day 2, hand each groupie a cigarette. Repeat at the end of one week.

Be handy with a mop & bucket first though...

1 ^ | v • Reply • Share ›



epiphany • a year ago

It's really time to start denormalizing the anti-smokers at Tobacco Control. The first step is to use language appropriate to the various whopper lies they use. In pointing out a lie, it is necessary to use descriptive language of both the liar and the lie he tells. So, here, you refer to Frieden as an idealogue. That word carries with it an impression that he has a lofty mission that is for the good of us all. Clearly, Frieden does not have a lofty mission. He has a financial mission with ties to the drug companies who pay for his research and support his self-serving mission. So, start there by calling the so-called scientist what he is: a liar. There is no idealism in this movement, just greed and a lust for power. The continuing popularity of e cigs is not a threat to health. It is a threat to funding, nothing more and nothing less.

9 ^ | v • Reply • Share ›



Sir_JayR → epiphany • a year ago

The better term is "confabulator".

Just like (Insular) stroke patients who confabulate (make up stories) to justify their new perceptions.

2 ^ | v • Reply • Share ›



ladyraj • a year ago

Oh yes, the classic "gateway" argument. How does one defend against this nonsense association? By definition the association is made by pairing an initiating variable with a purported outcome variable. Using this logic I could proclaim that taking a bath is a gateway to drowning. lol

I can see it now....a child eats candy cigarettes and later in life that child begins using candy flavored e-cigs and eventually starts actually smoking cigarettes. Yep multiple gateways...they are everywhere, evidently!

6 ^ | v • Reply • Share ›



Etano → ladyraj • a year ago

Marijuana was once the gateway drug to crack, cocaine and heroin. Makes me wonder what those in tobacco control is really smoking.

6 ^ | v • Reply • Share ›



FXR • a year ago

Public Health is a gateway to the dark ages.

The science is settled !

7 ^ | v • Reply • Share ›



Rehan Zaib • a year ago

eCig-Cigarette does not contain the over 4000 POISONOUS substances and harmful CHEMICALS found in real cigarettes that

cause heart attack and cancer, such as nicotine, tar, carbon monoxide, acetone, sulfuric acid & more.

You can ENJOY the eCig Cigarette in places where regular cigarettes are PROHIBITED, even in bed.

Electronic Cigarettes

2 ^ v • Reply • Share >



Rehan Zaib • a year ago

Electronic cigarettes are sparking lots of skepticism from public health types worried they may be a gateway to regular smoking.

But the cigarettes, which use water vapor to deliver nicotine into the lungs, may be as good as the patch when it comes to stop-smoking aids, a study finds.

Electronic Cigarette Pakistan

^ v • Reply • Share >



Sean Ben • 7 months ago

The smoke free safe smoking alternative device that don't contain the tar ash carcinogens and any such harmful ingredients in it like the normal cigs.

<http://www.atmostechnology.com>

^ v • Reply • Share >



thomas • 6 months ago

This blog post is really great; the standard stuff of the post is genuinely amazing.

<http://www.nitrovapes.com/prod...>

^ v • Reply • Share >



sameer bhatia • 5 months ago

Superb blog i really like it thanks for share and visit this site its so wonderful sites.

electronic cigarette

Thank you

Sameer Bhatia

^ v • Reply • Share >



Albert einstien • 4 months ago

It's my fortune to go to at this blog and realize out my required stuff that is also in the quality.

^ v • Reply • Share >



Gudi • 4 months ago

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^ v • Reply • Share >



Albert einstien • 4 months ago

<http://www.vividsmoke.com/ela-...>

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Daniel Kwok • 2 months ago

If you

are being attentive to learn several strategies then you ought to browse this

article, I am certain you'll get much additional from this article. electronic cigarettes

^ v • Reply • Share >

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Vapers Nightly News

Saturday, 19 January 2013

The Anti-Tobacco Activist's Foundation is a Lie

1. The Anti-Tobacco Activists Know that their Ulterior Motives are Flawed, and so they take advantage of a Complex Debate

Prof Stan Glantz and several of his colleagues submitted a public comment to the FDA docket regarding a "Report to Congress on Innovative Products and Treatments for Tobacco Dependence". Glantz and his colleagues made note of the fact that electronic cigarettes were successfully ruled by The US Courts in 2010 to be excluded from FDA regulations, and regulated as "tobacco products" specifically because electronic cigarettes were not being marketed with therapeutic claims.

However, companies such as Sottera (owner of NJOY), and SFATA (an ecig trade association founded by V2cigs), are claiming that their products are "treatments for nicotine dependence". This was criticised by TVECA, another ecig trade association that wishes to keep electronic cigarettes classified as tobacco products. Glantz argues that if electronic cigarette companies are marketing their products with therapeutic claims, the FDA should regulate electronic cigarettes as drug devices under the Food Drug and Cosmetic Act. Glantz also believes the FDA should restrict consumer advocate associations from making such claims, essentially aiming to stifle free political speech.

This is a very deceitful and insidious move by Glantz in attempt to restrict public access to knowledge about the usefulness of electronic cigarettes.

For decades, anti-tobacco activists and Governments have worked hard and spent a lot of money on social engineering, attempting to de-normalize the activity of tobacco smoking. Glantz's number one dilemma with electronic cigarettes, as has been argued by many anti-tobacco activists and the World Health Organization, is that the mere appearance of electronic cigarette usage looks like tobacco smoking. Electronic cigarette usage, despite an overwhelming number of individual testimonies claiming that it has been beneficial in smoking cessation, is therefore perceived by the anti-tobacco activists to be a severe threat to their efforts to de-normalize tobacco smoking. Anti-tobacco activists, when arguing this point, often attempt to persuade public opinion by using emotional claims regarding the persuasion of children to use electronic cigarettes, at which they ultimately lead to their "gateway to tobacco smoking" fallacy.

This argument by anti-tobacco activists is nothing less than absurd. As Michael Ryan, co-director of E-Lites, pointed out in a recent interview whilst holding up a glass of water;

"if somebody sees me drinking a glass of water, does that mean they're going to go out and drink a glass of vodka because it looks like it?"

The reality is that electronic cigarette use does not normalize tobacco smoking. It normalizes electronic cigarette use.

Glantz understands that his main argument against electronic cigarettes is flawed, and hence has no real foundation to argue against electronic cigarette use. So instead, Glantz is taking advantage of the internal dispute within the electronic cigarette industry over whether electronic cigarettes should be classified as medical devices or tobacco products. He is seeking to use this unresolved debate to his advantage in hindering the spread of public knowledge of electronic cigarettes as a safe and effective alternative to tobacco smoking, and prevent further growth of the industry and public consumption.

If electronic cigarettes are classified as medical devices, then, as Glantz claims, they will have to undergo extensive longitudinal studies. It was speculated by Prof Carl Phillips that possibly;

"Glantz's real motive is that a longitudinal study would take much longer than clinical trials, and he just wants to stall"

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Glantz also makes the outrageous claim that due to the overwhelming individual submissions to the FDA by electronic cigarette users about their use of the devices for smoking cessation, the companies that sold them their products, and political associations that aided their use, are engaging in false advertisement - that the publication of personal testimonies on successful smoking cessation by electronic cigarettes is not free political speech - it is commercial speech which can be regulated.

Glantz has essentially argued that the electronic cigarette users who have submitted their personal testimonies to the FDA, are merely pawns of the electronic cigarette industry and consumer advocate associations, brainwashed into falsely believing that the products they use are of benefit to their health.

If electronic cigarettes are classified as tobacco products, then they could be subject to strict regulations, including the banning of nicotine liquids (loose juice) and on-line sales, which would have a devastating impact of the industry. Companies that primarily sell via retail stores and sell only pre-filled, non-refillable cartomizers won't be affected to the same extent. It should be noted that most of the companies that TVECA represent are companies that would not be affected by strict restrictions of the Tobacco regulations.

Either way, Glantz seeks to benefit by preserving his ideology that the only way to cease tobacco smoking is to use Nicotine Replacement Therapies (NRTs) or quit cold turkey - a very false and dangerous perception of the tobacco smoking epidemic.

2. There is no useful "Placebo" for Electronic Cigarettes

If one were to look closely at Glantz's reasoning that there is no scientific evidence that electronic cigarettes aid in smoking cessation, they would see that his grasp of science is indeed tenuous.

This week Glantz came under heavy criticism by two prominent pro-Tobacco Harm Reduction Public Health Professors, Micheal Siegel and Carl V Phillips, when he publicly announced that he believes that individual testimonies by electronic cigarette users are not evidence of electronic cigarettes as useful in smoking cessation. He has also begun censoring commentary from his university blog by individuals who contradict his arguments with their personal accounts on how electronic cigarettes have aided them in tobacco smoking cessation.

In his distorted reasoning Glantz references the "Placebo effect", indicating that since no studies have been conducted to test whether electronic cigarettes are more effective than the apparent 'placebo control' of the electronic cigarette, then there is no evidence yet that electronic cigarettes do work as smoking cessation aids.

Glantz then continued ;

"If and when there are high quality longitudinal studies showing that e-cigarettes as actually used actually help people quit smoking conventional cigarettes, I will modify my opinions on e-cigarettes as cessation aids"

This comment clearly demonstrates Glantz's lack of understanding about electronic cigarettes in aiding smoking cessation, and quite possibly science in general. Professors Phillips and Siegel wrote extensively on Glantz's referencing of a placebo control for testing electronic cigarette effectiveness.

Phillips wrote ;

"...while [clinical studies] are great for studying people's biology under fairly simple circumstances (e.g., for assessing most disease treatment options), they are generally quite poor for studying anything else, like behavior. Something like smoking cessation involves the effects of countless complicated real-world factors that are absent from an artificial clinical setting"

Phillips also makes note of what a placebo actually is, and explains the Hawthorn effect ;

"When a placebo is referred to without a research context, it generally refers to an actual treatment method, in which someone is cured of a disease by intentionally tricking them into believing they are receiving a treatment with known benefits..."

"..In clinical studies where some subjects are just given a sugar pill, there is perhaps some placebo effect. However, this is actually probably dwarfed by the "Hawthorne effect", the tendency of people to behave differently just because they know they are being studied, regardless of whether anything is being done to them."

Phillips also makes note that the Hawthorn effect would have most likely affected clinical studies of NRT products ;

"in the real clinical studies, extra cessation ... would mostly result from people who had been seriously thinking about quitting one of these days, and who — because they know that someone is watching them to see if it happens right now — go ahead and do it."

and noted that ;

"both placebo and Hawthorne effects are much more likely when the outcome of interest is decision-based rather than biological"

Phillip's also points out that Glantz was most likely confusing the placebo effect with the Hawthorn effect, and was claiming that electronic cigarette use in aid of smoking cessation was being subject to the same false positives as is thought to occur in NRT clinical trials.

Nevertheless, as Phillips mentions, that in NRT trials, people do become abstinent for a finite time at a much higher rate than smokers on average. But the effect is basically the same for those people on the NRT placebo.

And here lies the major difference between clinical testing of NRTs and Electronic cigarettes. Since NRTs are a chemical treatment, testing whether a particular drug being administered affects a particular behaviour, the subject being tested can be given a treatment that did not contain the substance (i.e a placebo).

With electronic cigarettes, you cannot administer a placebo control.

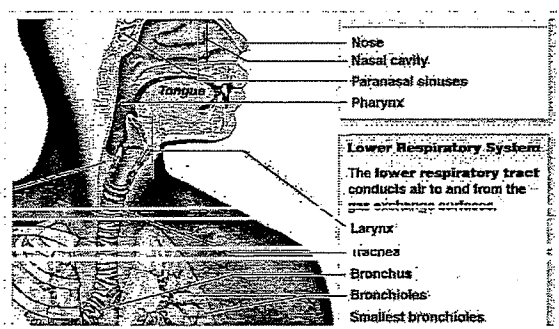
Electronic cigarette usage is far more complex than the administration of a drug. Electronic cigarette usage is behavioural and involves multiple factors such as the placing of a physical object in the mouth, the inhalation and exhalation of visible gas, the sensation of warm air in the mouth, the sensation of a throat hit, taste, smell, and obviously arm and hand movements. You cannot provide a fake alternative to test the effectiveness of this activity in smoking cessation.

In essence, the subjects cannot be *tricked* in the same manner that they can in an NRT trial.

3. Electronic cigarette use involves a number of factors, each as essential as each other

Of course, nicotine is a major aspect of electronic cigarette use, however, what most anti-tobacco/anti-ecig activists appear to be completely unaware of, is that apart from it's stimulative effects, nicotine contributes to another major and essential aspect of electronic cigarette use.

Part of the smoking simulation is what is called the "throat hit". It is the very brief sensation at the back of the throat as a person inhales the vapor or smoke. The science behind throat hit is still obscure. It may be caused by the sensation of the nicotine chemical reacting with the tissue lining of the Pharynx (back of the throat). Alternatively, it may be caused by the forcing of vaporised nicotine molecules into tighter spaces of the lower respiratory track (larynx and Trachea). In either case, the "throat hit" is an essential and critical aspect of a successful electronic cigarette product.



Nicotine is very much the main contributor to throat hit. An e-juice containing zero milligrams of nicotine will produce absolutely no throat hit. As a result, an electronic cigarette e-juice containing a zero nicotine could never be used as placebo control in a clinical setting.

There are, however, products on the market that have attempted to mimic the throat-hit provided by nicotine. These include FlavourArt's Flash, Totally Wicked' Diablo Loco, and Hangsen's Throat Hit E Liquid. It is suspected that these products use Capsaicin (chemical responsible for Chili spiciness) as their main component. Some electronic cigarette users have reported that Pure Grain alcohol can also be used to achieve a simulated nicotine-like throat hit.

Reviews of all these products however have not been very positive, as they appear to be providing more of a chemical burn sensation rather than the very unique kind of throat hit that nicotine provides. They also affect the flavor of the vapor, with some users claiming they can taste the peppery-ness of the Capsaicin.

Hence, as of yet, no suitable placebo exists to test whether nicotine *has* to be an essential part of electronic cigarette use. If a suitable throat hit replacement were to be designed or discovered, the stimulant effects of nicotine consumed via electronic cigarettes could be tested in double blind placebo controlled experiments. As of now, since only nicotine can provide the desired throat hit that electronic cigarette users desire, nicotine is therefore essential to electronic cigarette use.

The topic of nicotine alone is beside the point of this particular discussion, and in any case, the anti-tobacco/anti-e cig activist's real problem with electronic cigarettes use is the *appearance* of it, rather than the *substance being consumed*.

What's actually being questioned here is the evidence for electronic cigarette usage as a whole, as being effective in smoking cessation. As noted previously, electronic cigarette use involves a number of factors. Each factor is as essential as each other to making what is essentially *electronic cigarette use*. Factors such as flavor, cloudiness of the vapor exhaled, temperature of the vapor, as well as nicotine concentration, all make up what is essentially electronic cigarette use.

Most importantly, each factor's involvement varies depending on the product and/or user self-set ups. Even the color of the electronic cigarette device can be considered an essential part of the use. In other words, **Personal Customization is vital for electronic cigarettes to work**, which is why it is critical that products such as liquids containing various levels of nicotine (aka "loose juice"), various flavorings, various refillable cartridge types, and various battery types must remain available to consumers.

4. What is Currently being Tested?

This post is not to make light of what clinical studies could provide. As one of Phillips' responders (Rory Morrison) wrote;

"just having lots of success stories is enough to assess that something works, but is not that useful in quantifying how well it works, or how well it works compared to something else, which method is the one for a commissioner...to recommend? the one with the most success stories? the one with the best-written ones? the most entertaining ones?"

Further, as Siegel noted ;

"Obviously, we also need clinical studies that document the cessation rates and the amount of smoking reduction achieved with electronic cigarettes. But to deny that the case reports are part of the overall scientific evidence is to ignore the science"

Indeed, a clinical study (pg16) funded by Health Research Council of New Zealand is being conducted on electronic cigarettes. In this study, 653 Participants are being tested, whereby 290 participants will use electronic cigarettes containing 16mg/ml cartridges, 290 participants will use 21mg nicotine Patches, and 73 will use electronic cigarettes with cartridges containing 0mg nicotine, all over a 12 week period. The participants will be using electronic cigarette devices and cartridges provided by PGM International Ltd, which means they are most certainly using the Elusion 510 model.

Participants included in this study are smokers of 10 or more cigarettes per day, and who have been smoking for longer than one year. They are people over the age of 18 and who want to quit smoking. The primary test for smoking cessation of the participants will be by the measuring of carbon monoxide level exhaled, which is a marker for evaluating smoking abstinence. However, as a secondary measurement, self reports of continuous abstinence at 1, 3 and 6 months after quit day will be recorded.

This secondary measurement of electronic cigarette usage is interesting. In criticism of Glantz's claim that personal testimonies of successful smoking cessation with electronic cigarettes are not scientific evidence, Siegel writes ;

"While case reports are obviously not the highest standard of scientific evidence, they are undeniably a valid form of scientific evidence. In the case of electronic cigarettes, the fact that millions of vapers are using these products with success is undoubtedly a valid piece of scientific evidence that these

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products are useful as alternatives to smoking"

Is this study actually a good test for electronic cigarette efficacy in smoking cessation? It is probably not the kind of study that tests electronic cigarettes to their full potential as most electronic cigarette enthusiasts would explain. The key challenges listed in this study include frequent battery failure and participant withdrawal from the trial. Most electronic cigarette enthusiasts would suspect that these challenges are due to the quality design of PGM's Elusion e-cigarette device. It might be speculated that perhaps the withdrawal of participants from the trial could be due to insufficient knowledge about electronic cigarettes, media publications falsely exaggerating the dangers of electronic cigarettes based on unpublished non-peer reviewed studies, and even a dislike of the electronic cigarette flavoring, battery charge time, and throat hit sensation - particularly in the sample of participants using the Omg cartridges.

Understandably, in order keep all samples consistent for testing purposes, Personal Customization of the electronic cigarettes is not part of this study, so as mentioned above, essential aspects of electronic cigarette use are not being properly tested.

However, it is a start. This is the only electronic cigarette efficacy trial to be embarked upon to date. By early September 2012, more than 50% of participants had been randomized. Prior to this study, there had been one published pilot study showing that 54% of smokers were able to quit smoking or to cut down their smoking by more than half. This is contrary to Glantz's claim that "*such studies simply do not exist*".

5. The False Dichotomy

The whole topic of *evidence for the efficacy of electronic cigarettes as a smoking cessation aid* is clearly obscure. As noted in a previous forum post, aside from studies that show the electronic cigarette vapor contains only minuscule amounts of toxins, and a few important medical studies on a small sample number of patients showing that electronic cigarettes are significantly safer than tobacco cigarettes, individual testimonies are perhaps the strongest evidence we have.

However, some may question the need for electronic cigarettes to be proven as smoking cessation aids in the first place. They may also ask why the devices and nicotine containing liquids can't simply be regulated as their own form of recreation product, just as caffeine or alcohol is.

There really is no need for electronic cigarettes and nicotine liquids to be classified as either a tobacco or medical product. This is a false dichotomy constructed by the anti-tobacco groups, and those who seek to profit by falsely labeling the behavior of tobacco smoking as a disease in and as itself.

As Carl Phillips notes;

Smoking causes disease, of course, but it is obviously a consumer behavior, not a disease.

Pharmaceutical NRT producers, particularly, profit from this, both with the sale of their *cure* for this *disease*, as well as by politically hindering the growth of their market competitors; the electronic cigarette industry.

There is really no need for electronic cigarettes to be proved as smoking cessation product. Smoking cessation is actually a product of electronic cigarette usage. Only in the false conception that tobacco smoking is a disease, does the electronic cigarette's smoking cessation property become a *therapeutic device*, and therefore subject to regulations imposed on therapeutics.

Perhaps it's not the numerous absurd and trivial arguments spouted by the anti-tobacco/anti-ecig activists that we should be focusing on, but the underlying cultural propaganda on which they survive. Their entire approach to solving the tobacco smoking epidemic is founded on a misconception, a lie, and it is this foundation that should be attacked, rather than the trivial arrows they keep firing at us.

Posted by Vapers Nightly News at 15:31

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4 comments:



Michael J. McFadden 20 January 2013 10:33

"There really is no need for electronic cigarettes and nicotine liquids to be classified as either a tobacco or medical product. This is a false dichotomy constructed by the anti-tobacco groups, and those who seek to profit by falsely labeling the behavior of tobacco smoking as a disease in and as itself."

Excellent article overall, but I want to focus on the importance of this particular statement near its end. This emphasis on "labeling," and in particular, "negative" labeling, is just a manifestation of the entire complex of Antismoker psychopathology.

Products like nicotine gum and e-cigarette nicotine liquids should not be labeled in such ways any more than coffee and Coca-Cola should be similarly labeled because of their caffeine content. The drive for derogatory language and labeling stems from the need to support the negative imagery that supports the general world of antismoking psychology.

While it's clearly a very superficial summary of a much more complex subject, Stephanie Stahl's analysis of ASDS (AntiSmokers' Dysfunction Syndrome) is wonderfully done and well worth reading. See:

<http://wispofofsmoke.net/recovery.html>

Aside from the psychological aspects of course there's also the practical end of things. Successfully labeling e-cigarettes as either "tobacco" or "medical" immediately puts them under a level of government control that will allow them to be heavily limited or taxed, thereby removing them from the reach of smokers who might like to switch to them or from people who might simply try them and enjoy them. For many Antismokers, the mere idea of people "looking" like they're doing something that resembles smoking sets off a wave of frantic concern, even if the activity is fairly or totally harmless and absent of annoying side effects for others. And the threat that their money streams could dry up as people avoid tobacco taxes in making such a switch is a profound threat for many of these so-called "activists" who depend on millions of dollars of grant money as well.

The motivations behind the antismoking movement are complex and multi-faceted in their basis, and need to be understood and appreciated by anyone working against them or in favor of substitutes such as e-cigarettes or snus. It would be simpler if it were a case of a unitary conspiracy with an easily targeted core (sort of like what Antismokers have tried to imagine with their rantings against "Big Tobacco" over the years) but it's not: it's a hydra-headed complex of many different people and groups with vastly different motivations ... "all" of which need to be addressed by those working to put it back into a reasonable box.

There's nothing inherently "wrong" with people "enjoying" cigarettes, e-cigarettes, or snus. There are pronouncedly concerning negative side-effects when they do so with cigarettes, far fewer such side-effects with snus, and quite possibly virtually "no" such negative side effects with e-cigarettes. People should have the freedom to make their own choices with regard to such enjoyments in life and the risks they entail without unreasonable government interference, and the current movement by the "establishment" regarding vaping is definitely one of setting the stage for such interference far into the future.

It needs to be stopped.

Michael J. McFadden
Author of "Dissecting Antismokers' Brains"

Reply



Vapers Nightly News 20 January 2013 19:17

Thank You for your comment MJM.

I think you are absolutely right about the so-called "activists" who depend on millions of dollars. It's blatant self-preservation. In fact, I think some of them see electronic cigarettes as a blessing to themselves, as they now have new fodder to play with and something new to write about in their grant applications.

I will say that, while I don't think electronic cigarettes and nicotine containing liquids should be classified as the tobacco or medical products, I do believe there should be some Governmental involvement, and that sales taxes are indeed required. Obviously, not to the same excessive tax levels as that placed on combustion tobacco products, but enough to regulate the industry and

uphold AEMSA's product standards (www.aemsa.org).

A small sales tax to pay for regulating against dodgy vendors is both beneficial and a small price to pay for legitimacy.

Lastly, a post on the ECF forum by Bill Godshall I believe is noteworthy in regards to the topic of labeling of smoking as "a disease".

Godshall writes ;

"...I also think a competent lawyer for an e-cigarette company can convince the federal courts that since "smoking" is not a disease or disorder, claiming that an e-cigarette can help someone quit smoking is not a "therapeutic claim". In fact, that's why the FDA has approved drugs for treating "tobacco dependence", not for treating "smoking". And I'm not aware of any e-cigarette company that has ever claimed their products treat "tobacco dependence"."

<http://www.e-cigarette-forum.com/forum/legislation-news/371175-stan-glantz-attacks-e-cigarette-industry-because-thousands-vapers-sent-comments-fda.html#post8362646>

Reply



Michael J. McFadden 23 January 2013 08:56

VNN, yes, I've always found the Antis' ability to avoid cognitive dissonance through doublethink to be fascinating. The question of "addiction" is particularly notable for this. Note how they'll claim, in quick succession, without ever noticing the internal contradictions:

- 1) Nicotine is the most addictive drug on the face of the earth.
- 2) Smokers should have no difficulty at all simply skipping their regular doses while in smoke-banned facilities. What's the big deal, right?
- 3) The "treatment" to give up this most addictive drug is for Big Pharma to sell smokers MORE of the addictive drug in its NRT products.

That final point brought me to this idea that I plan to make millions from!

ANEW form of gum therapy:

c*H*ick-o-lets!

Heroin gum for those seeking to kick the comparatively mild habit of heroin! Available in candy flavors at your local pharmacy, and no prescription or age-limits involved! Buy a bagful now! Perfect for stocking stuffers! And, as Jessica Simpson might say, it's "like having a party in my mouth!"

-MJM

Reply

Jessica robert 13 February 2013 02:44

Yes it is correct that Electronic Cigarettes INC are a great achievement as compare to traditional cigarette and it is best for those people who are addicted in smoking.

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10/22/2014

Vapers' Nightly News: The Anti-Tobacco Activist's Foundation is a Lie

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Key points:

- electronic cigarettes (e-cigarettes) are battery-powered devices that heat a liquid often containing nicotine and flavourings into an inhalable form – awareness and use of e-cigarettes among adult smokers and ex-smokers has risen rapidly in Scotland and the UK over recent years with negligible current use among adults who have never smoked
- because they are new products there is no direct evidence on the long-term safety of e-cigarettes themselves; analysis of the emissions from e-cigarettes finds many fewer potentially hazardous chemicals than in tobacco smoke, with those that exist typically in much lower quantities – most experts expect e-cigarettes to prove considerably less harmful to the user than tobacco smoking
- although e-cigarettes use does result in ‘second-hand vapour’ to some extent, these levels are likely to be very low and there is as yet no scientific consensus that such exposures pose a general risk to the health of bystanders
- e-cigarettes have been shown to deliver nicotine to the body effectively, though this varies by device type and configuration – current e-cigarettes seem to deliver nicotine more slowly than smoking tobacco
- there is little high-quality research on e-cigarette for stopping or as a substitute to smoking tobacco; one better quality randomised controlled trial from New Zealand found an e-cigarette with relatively poor nicotine delivery was about as effective as a medicinal nicotine patch, while a well-designed observational study from England found smokers who attempted to stop using an e-cigarette were more likely to be abstinent from smoking than those who quit using medicinal nicotine bought over-the-counter, or no aid
- the limited data on e-cigarette use among young people does not suggest a strong ‘gateway to smoking’ effect in the UK at present, but research on the issue is sparse and there is apparent disagreement and confusion over what a ‘gateway’ effect would look like were it to exist – researchers have recently highlighted the need for common standards and understanding in this area
- other issues to be addressed relating to e-cigarettes include adequate safety controls to prevent accidental injury, monitoring of trends in ‘dual use’ (e-cigarette use combined with continued smoking), regulation of marketing activity, and the involvement of the tobacco industry in the e-cigarette market
- Under new European regulations, by May 2016, e-cigarettes will be subject to either voluntary medicines regulation if they want to make claims to treat or prevent disease, or for products that do not seek to make therapeutic claims, a range of new controls on product quality, safety, and marketing.

What are e-cigarettes?

'Electronic cigarette' (e-cigarette) is the most commonly used term for a family of non-tobacco, non-medicinal, nicotine delivery devices that have become increasingly popular in recent years in Scotland and the rest of the UK. E-cigarettes come in a wide variety of different configurations, and are made and sold by many different manufacturers. Most e-cigarettes share common features of basic operation and have a battery (varying in size, type, capacity, and voltage) that is used to pass a current through a resistance coil (the atomiser) that is in contact with a fluid. The heat from the coil generates an aerosol from the fluid, without combustion, which is then able to be inhaled by the user (the aerosol is often referred to as 'vapour' hence the term 'vaping' is often used to describe e-cigarette use). The fluid used in most e-cigarettes normally consists of a carrier liquid of propylene glycol or glycerine (or a combination of the two), often nicotine (in a variety of concentrations), and frequently additives to enhance the palatability of the aerosol, such as flavourings¹.

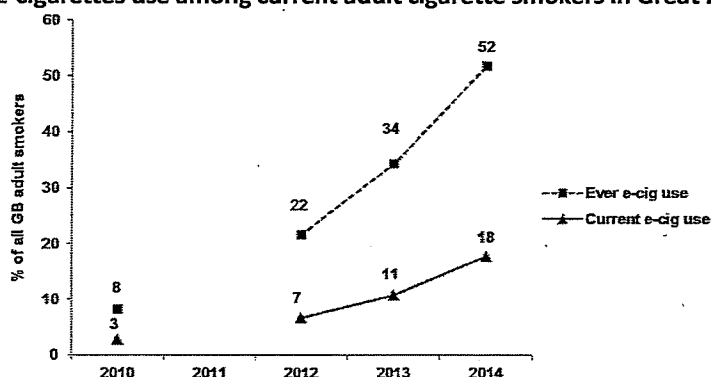
Physically, some types of e-cigarettes are made to resemble tobacco cigarettes with the 'filter' part of the e-cigarette being a cartridge containing the heating element and fluid (the 'cartomiser'), while the battery is typically made to look like the tobacco-containing part of a traditional cigarette. These are sometimes referred to in the UK as 'first generation' e-cigarettes or 'cigalikes'² and are either sold as disposable, or with replaceable pre-filled sealed cartridges. 'Second and third generation'² e-cigarettes typically do not resemble tobacco cigarettes and often have larger batteries and refillable liquid reservoirs (often called 'clearomisers' or 'tank' systems) or other more advanced features (such as variable voltage systems to alter the 'vaping' experience). In contrast to cigarette-like e-cigarettes where the whole cartridge normally needs to be replaced when it is empty, these e-cigarettes allow the user to refill the device with any of the different types of liquid (often referred to as 'e-liquid' or 'e-juice') themselves without replacing the reservoir each time, a practice users report as more economical.

E-cigarettes are relatively new products and the market changes rapidly, because of this terminology is also rapidly changing and different terms are often used colloquially or in marketing to refer to the same products, or substantively similar products. E.g. the different terms 'e-cigarettes', 'e-shisha', 'vape pens', 'personal vapourisers' 'shisha pens' can often refer to the same technology. Most e-cigarettes currently on the market are manufactured in China, imported to their target markets, and sold to the consumer via third party resellers³.

Who uses e-cigarettes in Scotland/Great Britain and what type of e-cigarette do they use?

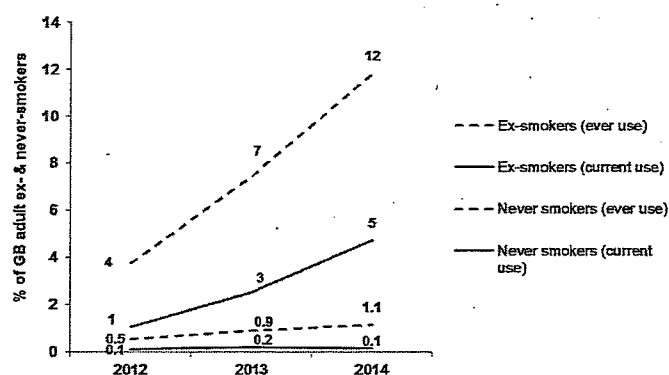
Adult awareness and use of e-cigarettes has increased rapidly in Scotland, as it has in the rest of the UK. In 2010 only 3% of adult (age 18+) smokers in Scotland reported using an e-cigarette, while by early 2014 this had risen to 17%⁴. The graphs below show patterns of e-cigarette use, by smoking status, among a large sample of adults in Great Britain⁵.

E-cigarettes use among current adult cigarette smokers in Great Britain (2010 -2014)



Unweighted base: GB adult smokers (2010, n=2297; 2012, n=2093; 2013, n=1895; 2014, n=1776)

E-cigarettes use among ex- and never smoking adults in Great Britain (2012 – 2014)

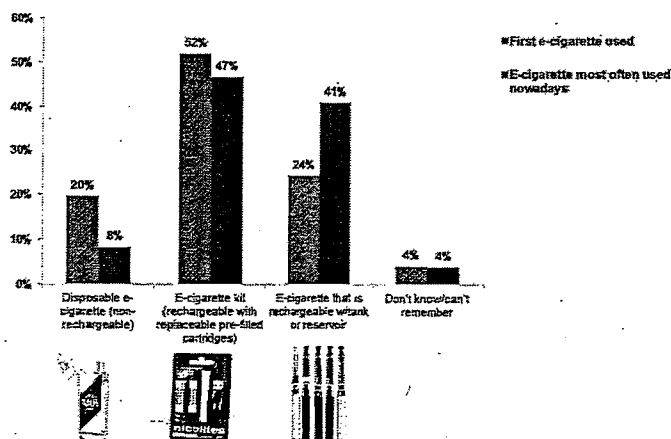


Unweighted base: GB adult ex-smokers (2012, n=4473; 2013, n=4303; 2014, n=4498), GB adult never smokers (2012, n=5886; 2013, n=5973; 2014, n=5995)

E-cig current use and experimentation among current and ex-smokers has increased rapidly over time, while current use among adult never tobacco cigarette smokers is, at present, negligible. This survey gives very similar estimates of e-cigarette use to the only other large general population survey of e-cigarette use among adults available at the present time⁶. The principal reasons e-cigarette users report for their use are as a stop-smoking aid, as an aid to prevent relapse to smoking, and to reduce smoking⁷. There are an estimated 2.1 million adult e-cigarette users in Great Britain in March 2014, approximately one-third being ex-smokers with the remaining two-thirds being current smokers⁷.

When looking at product choice among current e-cigarette users (both the type of e-cigarette they first used, and the type they are using now) in the graph below, most e-cigarette users started with a cigarette-like device (either disposable or rechargeable), but were more likely to report use of a rechargeable, refillable 'second generation' type device for the e-cigarette they are using now.

Type of e-cigarette first tried and type most often used now among current e-cigarette users in Great Britain (2014)



Unweighted base: GB adults who reported having tried e-cigarettes and still use them (n=498)

How hazardous are e-cigarettes to their users or bystanders?

E-cigarettes are new products, and as such there are no long term studies on the health effects of the products themselves. Because of this, judgements around the likely hazards of e-cigarettes are made from looking at chemical analysis and short-term studies on the products themselves and studies of long-term exposure to the chemicals present in e-cigarettes in other contexts.

Many e-cigarettes contain nicotine, the primary psychoactive dependence-inducing component of tobacco. Nicotine itself, in the doses smokers (or users of therapeutic nicotine replacement therapies – NRTs) are normally exposed to, is not considered especially harmful to health⁸. High quality controlled trials of short term treatment with therapeutic nicotine finds side-effects are common but normally mild and transient^{9,10}. Most trials only involve a short duration of NRT administration, with relatively short follow-up, however longer-term studies with extended duration of NRT use have not shown NRT to increase the risk of adverse cardiac outcomes¹¹ (when followed up for 5 years), nor cancer (when followed up for 12.5 years)¹².

Reviews of the many long-term studies of lower-toxicant smokeless tobacco products as used in some Scandinavian countries (that deliver nicotine, but also other chemicals such as tobacco-specific *N*-nitrosamines^{13,14,15}) find that use is not associated with cancer at most sites, or at sites where associations have been found, they are typically of lower magnitude than smoking^{16,17}. The use of these products may be associated with poorer cancer outcomes, once cancer has already been diagnosed¹⁸. Use of these products is not strongly associated with the incidence of cardiovascular disease^{19,20,21,22} though, as with cancer outcomes, it may be associated with greater likelihood of a fatal case^{19,20,22}.

Overall, nicotine delivered in forms other than via smoked tobacco does not have strong associations with disease, though there remains poor evidence in some groups (particularly during pregnancy, where there are potential developmental risks and a lack of good studies conducted in humans^{8,23,24}). Nicotine on its own is much less hazardous than smoking. Although public understanding of this in the UK appears to have improved over time, it remains poor as people tend to overestimate the risks posed by nicotine²⁵.

The carrier liquid used in many e-cigarettes is propylene glycol (PG). Toxicology reviews consider PG as presenting a low risk to human health²⁶, and its inclusion in other substances intended for human consumption (e.g. in food) has been approved by regulators for many years²⁷. Both PG and another commonly used carrier fluid vegetable glycerine (VG) are ingredients in an existing medical preparation of nicotine; the nicotine mouthspray²⁸. However, the type of exposure to PG/VG resulting from e-cigarettes use (long-duration high intensity inhalation of an aerosol generated by heat) does not have a precedent, and a review of the probable health effects of such exposure to PG/VG concludes that monitoring and surveillance of health outcomes is warranted²⁹.

Flavourings used in e-cigarettes to make use more palatable are often food additives³, that, while normally considered safe for oral consumption, may present health concerns when inhaled. A lab study of liquid cytotoxicity (being toxic to cells) of 35 e-liquids found that cytotoxicity was unrelated to nicotine content, but was correlated with the number and concentration of flavourings³⁰, suggesting this should be an area of continued investigation and monitoring.

As a result of the heating process, the constituents of the aerosol generated from e-cigarettes may be different from the constituents of the liquid. Because of this, the most informative analyses of the probable risk profile of e-cigarettes to the user are those that analyse the aerosol itself, as they examine levels of contaminants and other potentially harmful agents regardless of whether they come from a contamination of the liquid (or the use of a problematic flavourings), or arise as a by-product of heating. Several studies exist on this topic^{e.g. 31,32,33} including many unpublished lab reports, the results of which have been summarised in a recent systematic review²⁹.

These studies vary widely in methods, quality, and devices studies (and owing to the diversity and rapidly evolving nature of the e-cigarette market, cannot be taken to represent all devices). Substances tested for by these studies include polycyclic aromatic hydrocarbons (a family including several established carcinogens), volatile organic compounds (e.g. acrolein, acetaldehyde, formaldehyde) and metals (e.g. cadmium, lead). Overall, these studies tend to detect many fewer potentially hazardous chemicals than found in tobacco smoke with those that are found being at much lower quantities; however there is significant variation between devices³¹. Comparing the contaminants to commonly used standards for involuntary workplace exposures³⁴, the review²⁹ concludes that, based on studies to date, e-cigarette users are unlikely to be exposed to levels of contaminants that would warrant concern.

A recent study suggests that, when using higher voltage configurations e-cigarettes could be capable of producing similar levels of one carcinogen, formaldehyde, in comparable levels to those found in cigarette smoke³⁵. A commentary³⁶ on the research suggests that this is probably a result of the thermal breakdown of the carrier liquid that would be expected to occur at high temperatures, and notes that, when the devices are used at lower voltages, formaldehyde emissions are several magnitudes lower than tobacco smoke. These kind of analyses could have important implications for device design and safety.

Several studies^{e.g. 37,38,39} have attempted to examine likely exposure to bystanders from e-cigarette use (i.e. 'second-hand vapour'). These studies confirm that e-cigarette use results in emission and exposure to some toxins, as would be expected given the processes involved. Analyses of the emissions find pollutants are either at low concentrations compared to equivalent emissions from cigarette smoke, or below the limit of detection for

the measurement instruments used^{39,37}. In one study³⁷ nicotine in air was found at about one-tenth of the concentration present in second-hand tobacco smoke. Measurements of the concentration of respirable 'particulate matter' (often used as a marker of tobacco cigarette smoke^{e.g.40}) taken from these studies may not be directly comparable with the equivalent measurements of smoke generated by tobacco combustion. It is not clear if researchers working on the issue of 'second-hand vapour' have adequately calibrated measurement instruments to reflect differences in the physical properties of e-cigarette emissions (likely to be larger droplets in liquid state) when compared to the combustion generation carbon-based solid particles from traditional cigarettes⁴¹. While the small particles of second-hand smoke can linger for many hours in the air after a tobacco cigarette has been extinguished, it is likely the larger particles generated by e-cigarette use settle faster, which has implications for likely levels of bystander inhaled exposure⁴¹. Overall, there is not scientific consensus that second-hand exposure to e-cigarette emissions poses a general risk to the health of bystanders, though as with other forms of more common indoor air pollution it may cause irritation or other adverse reactions among some sensitive population sub-groups.

Do e-cigarettes help people quit smoking?

In order for e-cigarettes to be effective as an aid to help people stop smoking, or as a substitute for tobacco smoking, they should be able to deliver nicotine effectively. While an early study⁴² found the two brands tested did not deliver nicotine to their participants, subsequent studies^{43,44,45} have found e-cigarettes are capable of delivering nicotine (the early study involved first-time e-cigarette users and older technology, which is likely to explain its results). Comparison of different configuration of e-cigarettes in a recent evaluation⁴⁶ found that newer generation higher performance e-cigarettes were faster at delivering nicotine than older 'cigarette like' models, however both configurations of e-cigarettes were significantly slower at delivering nicotine than a conventional tobacco cigarette.

The evident commercial success of e-cigarettes has been driven by anecdotal reporting of many cases of successful smoking cessation and substitution among long-term tobacco smokers. This has also been found among surveys among (self-selecting) populations of dedicated e-cigarette users^{47,48} and a longitudinal study⁴⁹ has found low rates of relapse to smoking among this group (though this study has several weaknesses including very high loss to follow-up).

An issue common with these type of studies is their recruitment of participants from online e-cigarette enthusiast forums, where positive experiences with e-cigarettes will be over-represented. Several experimental studies enrolling participants from the general population (to overcome these issue of self-selection) have been conducted^{50,51,52,53,54}. These generally show favourable results for e-cigarettes in terms of cessation and cigarette reduction outcomes, however several of these studies are small, lack a control group, and are the product of only two research teams (one in Italy and another in New Zealand).

The most methodologically robust of these studies (from New Zealand⁵⁴) is a moderately sized randomised controlled trial that found approximate equivalency between the one brand of e-cigarette tested (an early model with relatively poor nicotine delivery⁵⁵) and a conventional NRT patch. While the primary analysis in this study was unable to conclude that e-cigarettes were superior to the NRT patch for cessation (in part due to the low overall cessation rates observed across all participants in the study), a secondary analysis of self-reported cessation suggested a marginally higher overall effect on cessation for e-cigarettes

compared to the NRT patch, with the time till relapse to smoking being twice as long in the e-cigarette group⁵⁵.

Outside of experimental studies that may impose artificial constraints on behaviour, the cessation effects of e-cigarettes have been examined in observational studies of e-cigarette use in the general population (i.e. examining outcomes in cessation between e-cigarette users and non-users in general health or tobacco control surveys)^{56,57,58,59}. These studies do not show strong associations between e-cigarette use and cessation from smoking. However, most of these studies were not designed with the intent of examining cessation outcomes, none adequately control for the many ways in which smokers who quit using a form of assistance differ from those who do not (e.g. differing nicotine dependence, a well-established issue in similar studies of medicinal NRT^{60,61}), or involve poor measurement of e-cigarette use (e.g. being unable to discriminate between the use of e-cigarettes in a concerted effort to stop/substitute for smoking and experimentation with no intent of sustained use). Recent research from a large general population survey England has made attempts to improve on the issues present in previous observational studies, and finds that smokers who attempted to stop using e-cigarettes were more likely to report abstinence from smoking compared to those who attempted to stop with NRT bought over-the-counter, or those who used no aid⁶².

Are e-cigarettes a gateway to smoking for young people?

A concern expressed around e-cigarettes is that they will act as an entry product to nicotine for children and young people – who would otherwise never have smoked – who would then go on to smoke tobacco due to their experiences with e-cigarettes. This is a difficult proposition to assess, and similar claims have been asserted, but also challenged, in relation to lower-risk smokeless tobacco^{63,64,65,66}. The difficulty arises because, although associations between starting one nicotine product use and subsequently going on to use another may be uncovered by research, the associations are not necessarily causal (i.e. it is the use of e-cigarettes that causes later smoking) and may be explained by shared risk factors that predispose individuals to engage in both behaviours⁶⁶.

Very limited data exists on e-cigarette use among young people in the UK, and no data currently exists for Scotland alone. One survey by ASH⁶⁷ of around 1,400 11 to 18 year olds in Great Britain in 2013 who were aware of e-cigarettes found that sustained use of e-cigarettes was rare, and, at the time of the survey, confined almost entirely to children who already have a history of use of tobacco cigarettes. However, because the sample was recruited via parents who were members of a commercial online survey panel, potential biases due to panel recruitment or accurate completion of the survey (e.g. if parents or householders were present while the survey was being completed by the young person) may exist. A convenience sample of 671 young people aged 13 to 18 in Wales that took part in an online survey for ASH Wales in late 2013/early 2014 found similar results⁶⁸.

A 2013 survey conducted with around 6,000 students aged 14 to 17 in Cheshire and Merseyside found around 13% of young people surveyed reported 'having accessed' e-cigarettes (this definition includes both 'having bought' and 'having tried' e-cigarette so gives no idea of intensity of usage) with most 'access' again concentrated in young people who have a history of smoking tobacco cigarettes. E-cigarette access was also strongly positively associated with another behavioural risk factor (alcohol consumption)⁶⁹. No data on e-cigarette use among young people in Scotland exists, though it will be reported in the large, nationally representative, SALSUS survey of 13 and 15 year olds which was conducted during 2013 and is due to report in November 2014⁷⁰.

Surveys from the United States conducted for the US Centres for Disease Control and Prevention (CDC)⁷¹ have shown an approximate doubling of both 'ever' and 'current' (within the last 30 days) use among middle and high school students between 2011 and 2012. CDC also report that, in 2012, around 7% of high school students who had ever used e-cigarettes reported never smoking conventional cigarettes. The same survey shows that tobacco cigarette smoking continued to decline during the 2011 and 2012 period⁷², and, as shown by a separate large survey of the US student population, has continued to decline throughout 2013⁷³, suggesting that, if a gateway effect does exist, it is not sizeable enough to change overall reductions in tobacco cigarette prevalence.

Recent cross-sectional surveys involving large datasets of e-cigarette use in Korean⁷⁴ and US⁷⁵ adolescents, found use was associated with cigarette smoking, attempts/intent to quit, but not with abstinence from conventional cigarettes. Because of the design and limitations of these studies, the findings are consistent with both the theory that e-cigarettes encourage tobacco cigarette use, and the opposing theory that e-cigarettes are being used as alternatives to smoking by the adolescent smokers that are most heavily addicted to nicotine or otherwise predisposed to engage in risky behaviours. Hence these findings are not enlightening as to whether gateway effects are happening in these populations.

Taken as a whole, the limited data available for the UK is not suggestive of a strong gateway effect at present as there appears to be limited sustained use among never smoking young people, though this should not be taken to conclude that such an effect could not exist (or even that it exists to some extent at present, but the current evidence is inadequate to detect it). Because the existence of 'gateway' effects is challenging to either confirm or deny and there is apparent disagreement on the issue, academics working in the area have recently made a call for clarity on the criteria needed for evidence to demonstrate either the existence or absence of a gateway effect, to set a standard upon which researchers could agree⁷⁶. Such an approach could facilitate a more balanced and evidence-led assessment of risks posed by a potential gateway effect to smoking, which could then be weighed against the potential benefits of e-cigarettes as a route away from smoking.

It is possible that the forthcoming 2013 SALSUS dataset in Scotland⁷⁰ – a large dataset containing rich information on other risk factors for smoking and substance use – could be used to help in setting this standard, by examining whether never smoking e-cigarette using young people possess many of the risk factors for tobacco smoking (i.e. to investigate whether, even if they did not currently smoke tobacco at the time they were trying e-cigarettes, they were nevertheless highly at risk for doing so).

Other issues

Accidental injury, quality control/product defects

The fatal adult human dose for nicotine was, until relatively recently, thought to be around 50 to 60mg⁷⁷. A current investigation into acute nicotine toxicity⁷⁸ suggests these values are too low by a substantial margin, and that the true value is likely to be instead in the region of 500 to 1,000mg. Even if these higher thresholds are accepted, the quantity of nicotine in a 10ml refill bottle of nicotine e-liquid at the higher strength end of currently available products still has the potential to be a hazard if ingested or otherwise absorbed, especially for children. In the US calls to poison centres involving e-cigarette liquid have increased in line with the increase in prevalence of e-cigarettes use⁷⁹. There is one suspected fatal case of poisoning from e-cigarette liquid in a child from Israel⁸⁰. This highlights the importance of proper packaging, labelling, and storage instructions for e-liquids.

As described previously, toxicant emissions from e-cigarettes appear to vary substantially by device configuration³¹. The quality of manufacture and materials used (e.g. in the quality of the wicking material used to supply liquid to the heating element, the composition of the metal heating element, purity of ingredients used in the liquid) are likely to impact on user exposure to undesirable toxicants, and there appears to be significant room for improvement in some devices⁸¹. As with other rechargeable battery-powered devices, safety during charging to avoid accidental fires and injury may be improved by the incorporation of adequate overcharge protection on the devices themselves, and the provision of clear instructions on charging by the manufacturer.

Dual use

‘Dual use’ – continued use of smoked tobacco alongside e-cigarettes – has been highlighted as a particular concern surrounding e-cigarettes. Because even low levels of continued smoking still confers substantial health risks, the magnitude of benefits that can be expected from reduced smoking alone (without cessation) are uncertain⁸². The introduction of e-cigarettes to the market could be problematic if it extended the duration of tobacco cigarette smoking in those who would otherwise have stopped entirely.

As this issue is related to the effectiveness of e-cigarettes as a cessation or substitute for tobacco smoking (because, if, on average, e-cigarettes cause more continued smoking than they prevent, this will start to become apparent in studies of e-cigarettes that examine cessation outcomes), the research already described in the section dealing with cessation applies to some extent to questions of dual use. Looking at other analogous products, in a systematic review of randomised controlled trials of medicinal NRT products among smokers who had no intention to quit smoking, dual use of NRT and smoking resulted in more, not less, abstinence from smoking at follow-up (approximately doubling quit rates⁸³). Continued monitoring of surveillance data and well-designed observational studies are necessary to determine if e-cigarettes are different in this regard from NRT.

At the population level, although the majority of e-cigarette use in Great Britain is dual use (approximately two-thirds of e-cigarette users being current smokers with the remainder being ex-smokers⁷), population level data from a large, regular survey in England⁶ shows that there has been a recent sharp decline in cigarette smoking prevalence, and an increase in quit attempts and success rates in quitting that correlate with the rise in popularity of e-cigarettes among smokers. While this cannot necessarily demonstrate that e-cigarettes are responsible for causing these outcomes, this data is inconsistent with a large effect of e-cigarette dual use in prolonging smoking.

Marketing and advertising

Concurrent with the growth of e-cigarette popularity has been a rapid growth in the general visibility of e-cigarette marketing through a variety of advertising channels^{84,85,86}. This has caused concern in that, even if the target of adverts are exclusively adult smokers, the relatively free rein that advertisers currently have regarding e-cigarettes means there are likely to be knock-on effects in generating interest in the product and e-cigarette brands among never smokers and young people. There is a well-established evidence base on the effects of tobacco advertising and promotion on adolescent smoking uptake⁸⁷, and given similarities in tone and technique of some e-cigarette advertising to tobacco cigarette advertising from previous decades, it is plausible widespread marketing of e-cigarettes will have the consequence (intended or unintended) of generating some degree of interest and trial in never smokers and young people. There are currently processes underway to attempt to bring more regulatory control to the marketing of e-cigarettes, see the section that follows on ‘what regulations apply to e-cigarettes in the UK?’

The tobacco industry

The majority of the current e-cigarette market in the UK consists of a multitude of small and medium sized businesses and several larger companies that are independent of the tobacco industry. However, in recent years major international tobacco companies have either acquired existing e-cigarette companies, or brought new e-cigarette products to market themselves. This has provoked comment that tobacco industry motives in this field are unlikely to revolve around the sole goal of reducing health harms and saving lives⁸⁸. Analysis of tobacco industry documentation⁸⁹ has suggested that tobacco companies' involvement in harm reduction is an opportunistic tactical adaption to the shifting policy environment on tobacco that it foresees will secure reputational benefits with policy makers and public health groups. These developments can be expected to raise new challenges around limiting tobacco industry involvement in, and interference with, public health policy.

What regulations apply to e-cigarettes in the UK?

In 2010, the UK Medicines Regulator, the Medicines and Healthcare products Regulatory Agency (MHRA) consulted on bringing all unlicensed nicotine products (including e-cigarettes) into their medicines regulatory framework⁹⁰. Following responses to the consultation, the MHRA conducted a period of scientific and market research and announced in June 2013 that it wanted to proceed with medicinal regulation, and that it expected all e-cigarettes in the UK would be regulated as medicines in line with the (at the time ongoing) negotiations on the European Tobacco Products Directive⁹¹ by 2016. In October 2013 during a key vote on the Directive at the European Parliament, mandatory medicinal regulation was rejected and an alternative system was proposed. European lawmakers agreed upon a 'two-track' system whereby e-cigarettes that make a therapeutic claim to treat or prevent disease (including smoking cessation claims) will be subject to regulation as medicines. All other e-cigarettes may remain on the market provided they meet certain requirements, including:

- a maximum nicotine concentration and volume for e-cigarette devices and refill containers, with requirements for child and tamper-proofing
- mandatory consumer warnings on e-cigarettes packaging with information on ingredients
- a requirement for manufacturers to notify countries before placing new products on the market, to provide details on the ingredients and emission of the products, and to provide data of sales volumes and profile of product consumers
- a ban on many forms of advertising (most forms of advertising that have a cross-border effect including television and radio advertising) – advertising that only has a local effect such as point of sale advertising or billboards will not be covered

These measures are expected to come into force in May 2016. The European Tobacco Products Directive will not set age of sale limits on e-cigarettes at the European level; this is a matter that individual countries must take forward and the Scottish Government has indicated its intent to legislate on this matter once it has identified the most appropriate means.

The MHRA continues to encourage manufacturers to voluntarily submit products for medicines regulation in the intervening period. E-cigarettes sold on the market at present must also be in compliance with existing regulations, such as general products safety legislation and the Chemicals (Hazard Information & Packaging for Supply) Regulations 2002

(CHIP) (which together require electronic cigarettes to function as intended, and be supplied with child-resistant packaging and toxic warning labels). Trading Standards has enforcement responsibility for ensuring compliance with existing regulations. The Committees of Advertising Practice, who write and maintain the codes that govern advertising in the UK have also recently (April 2014) consulted on how to modify advertising rules on e-cigarettes in the interim period before the European regulations come into force.

As e-cigarettes do not burn tobacco or another 'lit substance or mixture' they do not come under the legislation governing Scotland's smoke-free public places⁹². Individual public and private sector bodies in Scotland are responsible for creating and implementing their own policies on e-cigarette use.

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RESEARCH ARTICLE

Open Access

Acute effects of using an electronic nicotine-delivery device (electronic cigarette) on myocardial function: comparison with the effects of regular cigarettes

Konstantinos E Farsalinos*, Dimitris Tsiapras, Stamatis Kyrzopoulos, Maria Savvopoulou and Vassilis Voudris

Abstract

Background: Electronic cigarettes have been developed and marketed in recent years as smoking substitutes. However, no studies have evaluated their effects on the cardiovascular system. The purpose of this study was to examine the immediate effects of electronic cigarette use on left ventricular (LV) function, compared to the well-documented acute adverse effects of smoking.

Methods: Echocardiographic examinations were performed in 36 healthy heavy smokers (SM, age 36 ± 5 years) before and after smoking 1 cigarette and in 40 electronic cigarette users (ECIG, age 35 ± 5 years) before and after using the device with "medium-strength" nicotine concentration (11 mg/ml) for 7 minutes. Mitral flow diastolic velocities (E, A), their ratio (E/A), deceleration time (DT), isovolumetric relaxation time (IVRT) and corrected-to-heart rate IVRT (IVRTc) were measured. Mitral annulus systolic (Sm), and diastolic (Em, Am) velocities were estimated. Myocardial performance index was calculated from Doppler flow (MPI) and tissue Doppler (MPIt). Longitudinal deformation measurements of global strain (GS), systolic (SRs) and diastolic (SRe, SRa) strain rate were also performed.

Results: Baseline measurements were similar in both groups. In SM, IVRT and IVRTc were prolonged, Em and SRe were decreased, and both MPI and MPIt were elevated after smoking. In ECIG, no differences were observed after device use. Comparing after-use measurements, ECIG had higher Em ($P = 0.032$) and SRe ($P = 0.022$), and lower IVRTc ($P = 0.011$), MPI ($P = 0.001$) and MPIt ($P = 0.019$). The observed differences were significant even after adjusting for changes in heart rate and blood pressure.

Conclusions: Although acute smoking causes a delay in myocardial relaxation, electronic cigarette use has no immediate effects. Electronic cigarettes' role in tobacco harm reduction should be studied intensively in order to determine whether switching to electronic cigarette use may have long-term beneficial effects on smokers' health.

Trial registration: Current Controlled Trials ISRCTN16974547

Keywords: Electronic cigarette, Smoking, Myocardial function, Diastolic function, Tobacco harm reduction, Nicotine

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Background

Smoking is a major risk factor for cardiovascular disease [1,2]. Although several pharmaceutical products are available for smoking cessation, long term quit-rates are relatively low [3]. Therefore, tobacco harm reduction strategy and products have been developed, with the main goal to reduce the amount of harmful substances administered to the human body.

Electronic cigarettes have been introduced to the market in recent years as an alternative-to-smoking habit. They consist of a battery-part, a cartridge containing liquid and an electrical resistance that is heated by activation of the battery and evaporates the liquid. The liquid usually contains glycerol, propylene glycol, water, nicotine and a variety of flavours that the user can choose. By using this device, nicotine is delivered to the upper and lower respiratory tract without any combustion involved. Millions of people are using electronic cigarettes worldwide; however, lack of clinical research has raised global debate, controversy and serious public health concerns [4].

Several studies have shown that, even in healthy smokers, acute smoking inhalation has significant adverse effects on left ventricular (LV) myocardial function that can be detected by echocardiography [5-7]. No study has ever evaluated the effects of electronic cigarette use on cardiac function; thus, the purpose of the current study was to investigate the acute effects of using an electronic cigarette *ad lib* for 7 minutes on haemodynamic parameters and myocardial function, compared to the effects of smoking a tobacco cigarette.

Methods

Study sample

The study sample consisted of consecutive healthy subjects visiting our hospital for routine examinations that volunteered to participate. All participants were asymptomatic, had normal physical examination and resting electrocardiogram and were not taking any medications. Smokers (group SM) were included if they were smoking for at least 5 years and were consuming at least 15 cigarettes per day. The reason for including only heavy smokers was that a study examining the characteristics of electronic cigarette consumers showed that most electronic cigarette users were formerly heavy smokers [8]. Electronic cigarette users (group ECIG) were included if they had quit smoking and were using electronic cigarettes with nicotine-containing liquid for at least 1 month, according to self-report. To avoid potential compensatory effects from using lower nicotine-containing liquid, participants were included if they were daily consumers of similar "strength" liquids (9-12 mg/ml nicotine concentration) to that used in the study (11 mg/ml). Exclusion criteria were: presence of any major risk factor for cardiovascular disease (i.e. diabetes, hypertension, hyperlipidemia and

family history of premature coronary artery disease), history of endocrine disorders, body-mass index $> 30 \text{ kg/m}^2$ and more than occasional alcohol intake. Additional exclusion criteria were derived from the echocardiography studies: elevated LV mass index ($> 115 \text{ g/m}^2$ for males and $> 95 \text{ g/m}^2$ for females), abnormal LV function (LV ejection fraction $< 55\%$) and more than mild valve regurgitation.

In total, 81 subjects were eligible to participate. Three smokers did not present for the scheduled evaluation. One electronic cigarette user was excluded because of moderate aortic regurgitation and ascending aorta dilatation due to bicuspid aortic valve. One smoker was excluded due to mildly depressed ejection fraction and hypokinesia of LV lateral wall. The final study sample consisted of 76 subjects, 40 electronic cigarette users (3 females) and 36 smokers (3 females). Written informed consent was obtained from all subjects for participation in the study, and the protocol was approved by the ethics committee of Onassis Cardiac Surgery Center.

Materials

All smokers were asked to use one commercially-available tobacco cigarette of the same nicotine (1.0 mg), tar (10 mg) and carbon monoxide (10 mg) yields. Electronic cigarette users were asked to use a commercially-available device with liquid containing 11 mg/ml nicotine concentration. The device used was an eGo-T battery (Nobacco, Athens, Greece) with an eGo-C atomiser (Alter Ego, Athens, Greece). It is considered a "second-generation" device. Unlike cigarette-like devices which consist of a small battery and a polyfil-containing atomiser (commonly called "cartomiser"), the electronic cigarette used in this study is a multi-piece system (Figure 1). It consists of a 650 mAh rechargeable lithium battery, delivering 3.5 volts to the atomiser (measured by a volt-meter), and an atomiser consisting of 4 parts: the tank which stores the liquid (capacity of approximately 1.1 ml), the atomiser body, the atomiser head which includes the resistance, and the atomiser cap. It is a manually-activated device, by pressing a button; it does not produce any vapour when not activated by the user.

The electronic cigarette liquid used in the study contained 11 mg/ml nicotine and is considered "medium strength" according to manufacturer's report (USA Mix Med, formerly known as MLB-Med, Nobacco, Athens, Greece). It is sold in 20 ml bottles. It was the only liquid tested by an independent laboratory (National Center for Scientific Research "Demokritos", mass spectrometry and dioxin analysis laboratory) at the time of study initiation [9]. According to the laboratory report, the contents were: propylene glycol (α -propylene glycol or 1,2-propanediol) in a concentration $> 60\%$, linalool (3,7-dimethylocta-1,6-dien-3-ol) in a concentration $< 5\%$, nicotine ($< 10\%$), tobacco essence ($< 5\%$), and methyl vanillin (4-hydroxy-

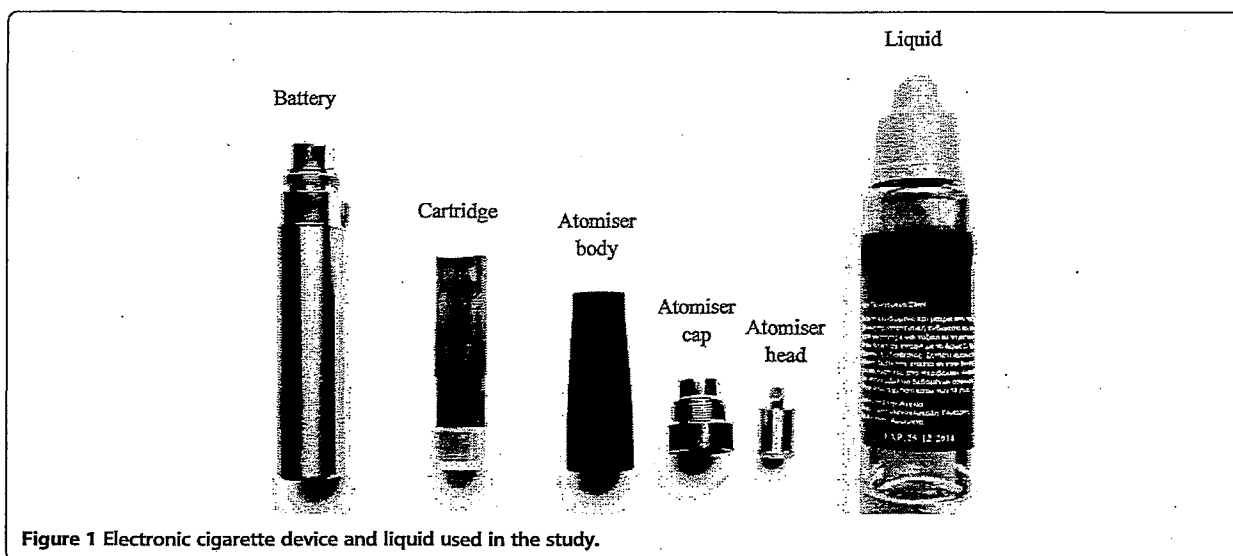


Figure 1 Electronic cigarette device and liquid used in the study.

3-methoxybenzaldehyde) at <1%. No tobacco-specific nitrosamines or polycyclic aromatic hydrocarbons were detected.

For every participant, a new cartridge and atomiser head was used. One of the researchers filled the cartridge with 1 ml of liquid; subsequently it was positioned in the atomiser and the participant started using it. The battery was fully charged before being used by each subject.

Study protocol

Participants presented to the echocardiographic laboratory after fasting and refraining from alcohol and caffeine consumption for 4 hours; they were also asked to refrain from smoking and electronic cigarette use for 4 hours before the study.

Participants were allowed to rest for 5 minutes before initiating the echocardiographic examination. A baseline echocardiographic examination was performed in smokers, who were then transferred to a room next to the echocardiography laboratory and smoked 1 tobacco cigarette. For electronic cigarette users, after the baseline echocardiogram they were asked to use the electronic cigarette device *ad lib* for 7 minutes in another room which was not used by smokers, to avoid environmental exposure to smoke. Subsequently, all participants returned to the echocardiography laboratory and, after 5 minutes of rest, a second echocardiogram was performed in both groups.

Heart rate and BP were measured before and during each echocardiographic examination. The Brinkman index was calculated (product of number of cigarettes smoked daily and years of smoking) according to participants' self-report. Echocardiograms were performed using a commercially available system (Vivid 7, GE Vingmed, Horten, Norway). Studies were digitally recorded on hard disk for

offline analysis using dedicated software (Echopac, GE Medical Systems, Horten, Norway) by a single, blinded to the protocol, experienced echocardiographer. Reported values represent the average of 3 consecutive beats.

Two-dimensional echocardiographic measurements

The echocardiographic examinations were performed according to recent guidelines [9]. LV dimensions, septal and posterior wall thickness were measured from standard 2-dimensional images at parasternal long-axis view. LV mass was indexed to body-surface area. Ejection fraction was evaluated from the apical four and two-chamber views using the Simpson's rule [10]. Left atrial (LA) antero-posterior diameter was also measured.

Doppler flow and tissue Doppler velocity measurements

From transmitral flow measurements, peak early (E) and late (A) velocities, their ratio (E/A) and E wave deceleration time (DT) were estimated. Ejection time was estimated by recording LV outflow tract velocity. By simultaneously recording aortic and mitral flows using continuous-wave Doppler the isovolumetric relaxation time (IVRT) was measured, and was then corrected to heart rate by dividing it with the square root of R-R interval (IVRTc).

Pulsed-wave Doppler tissue velocities were measured by placing a 1.5 mm sample volume at the lateral, septal, anterior and inferior insertion sites of the mitral leaflets. Systolic (Sm), early diastolic (Em) and late diastolic (Am) peak velocities were measured and averaged from the 4 sites. The ratio of early-to-late annular velocity (Em/Am) and early mitral flow to early diastolic mitral annular velocity (E/Em) were also determined.

Myocardial performance index was measured by two methods (Figure 2): using Doppler flow velocity

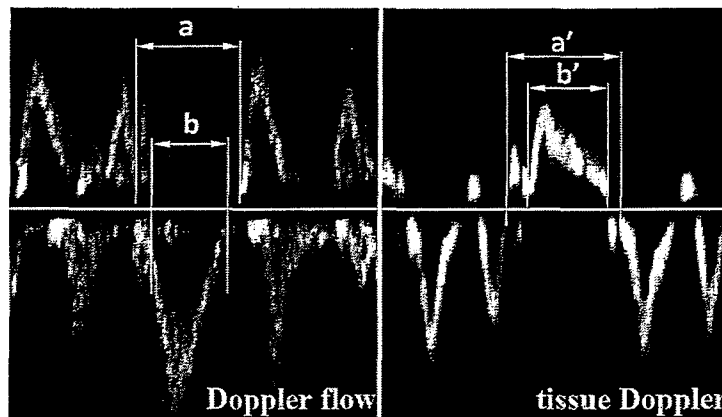


Figure 2 Myocardial performance index, measured by two methods: (1) Doppler flow velocity measurements of mitral inflow and left ventricular outflow tract; the index was derived by the formula: $MPI = (a-b)/b$, and (2) Pulsed-wave tissue Doppler measurements of mitral annulus velocity; the index was derived from the formula: $MPI_t = (a'-b')/b'$.

measurements as described by Tei et al. [11] (MPI) and using pulsed-wave tissue Doppler measurements of mitral annulus velocities (MPI_t) [12].

To check for reproducibility of measurements, the intraobserver mean percent error (the absolute difference between two measurements divided by their mean) was calculated from 10 randomly selected studies 15 days later, analyzed by the same blinded echocardiographer who performed all measurements. The results were $5.1 \pm 2.9\%$ for IVRT, $3.5 \pm 2.5\%$ for MPI, $3.6 \pm 2.2\%$ for MPI_t and $2.6 \pm 1.9\%$ for Em.

Longitudinal deformation measurements

Longitudinal deformation measurements were performed by analyzing two-dimensional echocardiographic images using the method of speckle tracking echocardiography [13]. End-diastole was defined as the peak of the R wave on the electrocardiographic trace; end-systole (aortic valve closure) was defined from pulsed-wave Doppler tracing at the LV outflow tract as the end of systolic forward flow. Subjects with inadequate tracking of more than one LV segment in each view were excluded from the analysis. By averaging segmental values in all views, end-systolic global strain (GS) was measured. Global peak longitudinal systolic (SRs), early diastolic (SRe) and late diastolic (SRa) strain rate were measured. The intraobserver mean percent error of longitudinal deformation measurements in our laboratory was $3.1 \pm 1.5\%$ for GS, $3.6 \pm 1.8\%$ for SRs, $3.9 \pm 1.9\%$ for SRe and $3.6 \pm 2.0\%$ for SRa.

Statistical analysis

The Kolmogorov-Smirnov tests were applied to assess the normality of data; all parameters were normally distributed except from daily cigarette consumption. Continuous variables were expressed as mean \pm SD or

median (interquartile range). Categorical variables were expressed as number (percentage). Inter-group comparisons of baseline characteristics data were made by unpaired Student's t-test and Mann-Whitney test; Fisher's exact test was used for categorical variables.

Repeated measurements analysis of variance (ANOVA) was used in order to evaluate changes in parameters before and after smoking one cigarette or using the electronic cigarette device (before-use and after-use measurements). Changes in echocardiographic and deformation parameters that were significantly different between the two study groups from analysis of variance were further analyzed using linear regression analyses, in order to find if the effect of smoking was significant after adjusting for changes in heart rate and systolic BP. For every parameter, a different linear regression analysis was performed. Change (Δ) in parameter was the dependent variable; group (SM vs. ECIG) and change in heart rate and systolic BP were the independent variables. All P values reported are two-tailed. Statistical significance was set at 0.05 and analyses were conducted using SPSS statistical software (version 18.0, SPSS Inc., Chicago, USA).

A repeated measures ANOVA power analysis was conducted. For this design, 76 participants (40 in the smokers group and 36 in the electronic cigarette users group) achieved a power of 0.90 for the between-subjects main effect at an effect size of 0.30; a power of 0.90 for the within-subjects main effect at an effect size of 0.15; and a power of 0.90 for the interaction effect at an effect size of 0.15.

Results

Both groups had similar baseline characteristics (Table 1). Electronic cigarette users had quit smoking for 97 ± 50 days and were using electronic cigarettes for $100 \pm$

Table 1 Baseline characteristics of the study population

Characteristic	Smokers (n = 36)	Electronic cigarette users (n = 40)	P-value
Males n (%)	32 (88.9)	36 (90)	1.000 ^a
Age (years)	36 ± 5	35 ± 5	0.764
Body mass index (kg/m ²)	24.8 ± 2.3	25.3 ± 2.4	0.304
Body surface area (m ²)	2.03 ± 0.15	2.00 ± 0.18	0.322
Smoking duration (years)	16 ± 5	17 ± 5	0.571
Cigarette consumption (n/d) ^b	20 (20–26)	30 (20–35)	0.004 ^c
Brinkman index	371 ± 132	493 ± 228	0.005
Electronic cigarette use duration ^d		6 ± 4	
Systolic BP (mmHg)	123.0 ± 9.8	123.9 ± 8.6	0.653
Diastolic BP (mmHg)	75.8 ± 5.6	75.6 ± 6.1	0.834
Heart rate (beats/m)	67.5 ± 7.9	67.1 ± 10.3	0.841
Pressure-rate product	8308 ± 1235	8312 ± 1363	0.989
Glucose (mmol/l)	4.51 ± 0.34	4.44 ± 0.35	0.410
Total cholesterol (mmol/l)	4.85 ± 0.21	4.77 ± 0.30	0.177
LDL cholesterol (mmol/l)	2.99 ± 0.23	2.91 ± 0.26	0.175
HDL cholesterol (mmol/l)	1.38 ± 0.15	1.38 ± 0.18	0.943
Triglycerides (mmol/l)	1.05 ± 0.14	1.04 ± 0.18	0.693
Ejection fraction (%)	63 ± 5	62 ± 4	0.463
LA diameter (mm)	35 ± 4	34 ± 3	0.359
LV mass index (g/m ²)	64 ± 10	65 ± 13	0.663

BP, blood pressure; LVEDV, left ventricular end-diastolic volume; LVESV, left ventricular end-systolic volume; LDL, low-density lipoprotein; HDL, high-density lipoprotein; LA, left atrium.

^aFisher's exact test; ^bValues expressed as median (interquartile range);

^cMann-Whitney test; ^dDuration expressed in months.

49 days. They had higher lifetime smoking exposure, with Brinkman index 33% higher compared to smokers, due to higher daily cigarette consumption when they were smokers.

Changes in haemodynamic, Doppler echocardiography and longitudinal deformation measurements for the study groups are presented in Tables 2 and 3. Baseline measurements were similar between groups for all parameters.

After-use values of systolic BP, heart rate and pressure-rate product were elevated in the SM group but not in the ECIG group (Table 2). The overall change from baseline was significantly different between the two groups. In contrast, diastolic BP increased equally in both groups.

From Doppler flow echocardiographic measurements (Table 2), E velocity and DT remained unchanged after use in both groups. A velocity was increased and E/A was decreased in SM, but the overall change was not significantly different between the two groups ($P = 0.317$ and $P = 0.053$, respectively). IVRT, IVRTc and MPI were increased after smoking one cigarette in the SM group, and the degree of change was significantly different

between the two study groups ($P = 0.001$, $P < 0.001$ and $P = 0.001$ respectively). The after-use levels of IVRTc and MPI were greater in SM compared to ECIG, as was shown by the between-groups analysis.

Concerning Doppler tissue velocity measurements (Table 3), Sm and Am remained unchanged after use in both groups. However, Em was significantly reduced in SM group after smoking. It was lower when compared to ECIG after using the device, and the degree of change was significantly different between the two groups ($P < 0.001$). Em/Am was reduced and E/Em was increased in SM, but the difference of the overall change between the two groups was statistically significant for Em/Am only ($P = 0.011$). MPIt increased after smoking in SM; the degree of change was significantly different between the two groups ($P < 0.001$), with after-use levels being significantly higher in SM compared to ECIG ($P = 0.019$).

Longitudinal deformation measurements (Table 3) were feasible in 37 electronic cigarette users and 34 smokers. No difference in GS, SRs and SRa was observed in ECIG and SM after use. However, SRe was significantly reduced in SM post-smoking, with the degree of change being statistically significant between groups ($P < 0.001$).

The results of multiple linear regression analyses are displayed in Table 4. Even after adjusting for changes in systolic BP and heart rate, changes in IVRT, IVRTc, MPI, Em, MPIt and SRe were significantly higher in SM group.

Discussion

This is the first study to examine the acute effects of electronic cigarette use on myocardial function. No adverse effects on LV myocardial function were observed after using electronic cigarette with nicotine-containing liquid for 7 minutes. On the contrary, significant changes in diastolic function parameters were found after smoking 1 tobacco cigarette.

The acute adverse effects of smoking on myocardial relaxation were originally observed in coronary artery disease patients [14], with acute impairment of coronary vasomotion implicated as the main cause [15]. Such effects on diastolic function are also detected in healthy smokers [5–7]. Cigarette smoke contains significant amounts of free radicals, promoting oxidative stress and inflammation [16]. At the cellular level, decreased function of myocardial mitochondria [17] and DNA damage [18] has been observed. These mechanisms may be implicated in delaying myocardial relaxation from acute use and promoting atherosclerosis and cardiovascular disease from chronic use. In this study, several parameters commonly used for evaluating diastolic function [19] and longitudinal deformation measurements which are considered more sensitive in detecting pathology [20] were significantly altered after smoking inhalation.

Electronic cigarettes were invented in 2003, but awareness and use has significantly increased over the past

Table 2 Haemodynamic and Doppler flow measurements in electronic cigarette users (ECIG, n = 40) and smokers (SM, n = 36), before and after device and cigarette use respectively

Parameter	Before use	After use	Change	P-value ^a	P-value ^b
Systolic BP (mmHg)					
ECIG	123.9 ± 8.6	124.6 ± 9.9	0.7 ± 4.6	0.374	< 0.001
SM	123.0 ± 9.8	129.6 ± 9.2	6.6 ± 5.2	< 0.001	
P-value ^c	0.653	0.025			
Diastolic BP (mmHg)					
ECIG	75.6 ± 6.1	78.5 ± 5.9	3.0 ± 3.6	< 0.001	0.079
SM	75.8 ± 5.6	80.2 ± 5.8	4.4 ± 3.3	< 0.001	
P-value ^c	0.834	0.209			
Heart rate (beats/m)					
ECIG	67.1 ± 10.3	67.5 ± 10.6	0.4 ± 4.8	0.649	< 0.001
SM	67.5 ± 7.9	73.5 ± 6.8	5.9 ± 4.7	< 0.001	
P-value ^c	0.841	0.005			
Pressure-rate product					
ECIG	8312 ± 1363	8397 ± 1462	84 ± 708	0.456	< 0.001
SM	8308 ± 1235	9556 ± 1084	1248 ± 840	< 0.001	
P-value ^c	0.989	< 0.001			
E (cm/s)					
ECIG	70.1 ± 12.5	71.4 ± 13.2	1.2 ± 5.0	0.130	0.132
SM	72.9 ± 8.5	72.2 ± 10.2	-0.6 ± 6.1	0.565	
P-value ^c	0.268	0.756			
A (cm/s)					
ECIG	51.1 ± 10.2	52.7 ± 9.8	1.6 ± 5.6	0.083	0.317
SM	50.4 ± 8.8	53.3 ± 9.1	2.9 ± 5.7	0.007	
P-value ^c	0.774	0.764			
E/A					
ECIG	1.41 ± 0.29	1.37 ± 0.26	-0.03 ± 0.14	0.171	0.053
SM	1.49 ± 0.32	1.39 ± 0.30	-0.10 ± 0.16	0.001	
P-value ^c	0.235	0.809			
DT (ms)					
ECIG	173 ± 11	174 ± 14	1 ± 8	0.581	0.570
SM	170 ± 16	172 ± 16	3 ± 10	0.086	
P-value ^c	0.448	0.719			
IVRT (ms)					
ECIG	74.6 ± 9.5	73.6 ± 9.9	-1.0 ± 5.7	0.275	0.001
SM	73.0 ± 8.7	77.7 ± 13.5	5.6 ± 9.2	< 0.001	
P-value ^c	0.450	0.132			
IVRTc (ms)					
ECIG	78.9 ± 11.8	77.7 ± 11.6	-1.2 ± 6.9	0.286	< 0.001
SM	77.3 ± 10.1	86.1 ± 16.4	10.4 ± 10.1	< 0.001	
P-value ^c	0.524	0.011			

Table 2 Haemodynamic and Doppler flow measurements in electronic cigarette users (ECIG, n = 40) and smokers (SM, n = 36), before and after device and cigarette use respectively (Continued).

MPI					
ECIG	0.39 ± 0.07	0.38 ± 0.06	-0.01 ± 0.04	0.330	0.001
SM	0.40 ± 0.05	0.43 ± 0.06	0.03 ± 0.04	0.002	
P-value ^c	0.355	0.001			

BP, blood pressure; E, mitral flow early diastolic velocity; A, mitral flow late diastolic velocity; DT, deceleration time of early mitral flow; IVRT, isovolumetric relaxation time; IVRTc, IVRT corrected to heart rate; MPI, myocardial performance index estimated by Doppler flow echocardiography.

^aP-value for time effect.

^bRepeated measurements ANOVA. Effects reported are significant differences between the two groups in the degree of change in each particular variable.

^cP-value for group effect.

3 years [21]. They do not contain tobacco and their use does not involve combustion. However, lack of research on their health effects has generated significant controversy over their safety. FDA and WHO issued public statements in 2009, expressing concern and recommending that electronic cigarette use should be avoided. WHO has specifically asked for studies to be performed before regulation or even ban is imposed. Cahn and Siegel summarized the results of 16 studies evaluating the chemical composition of liquids used for electronic cigarettes [22]. Nitrosamines were found in only two of the studies, at levels similar to those present in nicotine patch; a recent review indicated that the levels of nitrosamines in electronic cigarettes were up to 1800 times lower compared to tobacco cigarettes [23]. The main constituents, besides nicotine, were propylene glycol and glycerine, which are also present in tobacco cigarettes; however, the combustion process from smoking leads to production of acrolein, acetaldehyde and formaldehyde, which promote oxidative stress and have cardiotoxic properties [24]. In electronic cigarettes, such chemicals may be formed from the heating process during liquid evaporation; however, the levels found were lower compared to tobacco cigarettes by orders of magnitude [25]. This may explain the results from laboratory studies, in which electronic cigarette vapour was significantly less cytotoxic compared to cigarette smoke on cultured cells [26,27]. Cardiotoxic substances like nitrosamines, heavy metals and polycyclic aromatic hydrocarbons were not detected in the liquid used in this study [9]. These parameters may explain the differences in diastolic function observed between smokers and electronic cigarette users after smoking and device use. Moreover, a study evaluating the effects of smoking compared to nicotine delivered by gum showed that nicotine alone did not cause acute changes in diastolic function [28]. It seems that nicotine absorption rate is lower from electronic compared to tobacco cigarette use [29], even when using new-generation devices [30]; the difference in haemodynamic response between the two groups may be attributed to this. However, haemodynamic parameters cannot explain the differences in diastolic function parameters,

since linear regression analyses revealed that changes in Doppler and deformation parameters were associated with cigarette smoking even after adjusting for changes in systolic BP and heart rate.

From a public health perspective, epidemiological studies have shown that tobacco harm reduction strategy and products may be promising regarding cardiovascular disease risk reduction [31]. Electronic cigarettes are unique since they are the only products that do not contain tobacco, while they mimic the act of smoking and provide motor and sensory stimulation. Thus, they may deal with both the chemical (nicotine delivery) and behavioural components of cigarette addiction [22] and studies indicate that they may be effective in promoting smoking cessation [32,33]. This study provides the first clinical evidence that electronic cigarettes have less acute adverse effects on myocardial function when compared to tobacco cigarettes.

Some limitations apply to this study. A small sample size was studied, and examination focused only on immediate effects. The results do not indicate that electronic cigarettes are absolutely safe for the cardiovascular system. Other parameters known to be adversely affected by acute smoking, such as coronary microvascular and endothelial function or vascular distensibility, were not examined. Moreover, the parameters examined are affected mainly by heart rate changes. Although heart rate was not included as a covariate in the repeated-measures ANOVA, the linear regression analysis showed that changes in diastolic function were significantly different between groups independently of the changes in heart rate and systolic BP. This can be explained by the small difference in post-use heart rate between groups of only 6 beats per minute. Studies on long-term effects are necessary; however, more time of use is needed before any such studies are published since electronic cigarettes were introduced to the market in recent years and there is a substantial delay between smoking initiation and development of clinically-evident disease. We asked subjects to use the electronic cigarette for 7 minutes. It is unknown whether more time of use could have had a different impact. However, timing was based on the approximate time of smoking 1 regular

Table 3 Tissue Doppler velocity and longitudinal deformation measurements in electronic cigarette users (ECIG, n = 40) and smokers (SM, n = 36), before and after device and cigarette use respectively*

Parameter	Before use	After use	Change	P-value ^a	P-value ^b
Sm (cm/s)					
ECIG	9.7 ± 1.6	9.9 ± 1.6	0.2 ± 0.7	0.171	0.613
SM	9.7 ± 1.4	9.7 ± 1.5	-0.8 ± 1.1	0.571	
P-value ^c	0.896	0.723			
Em (cm/s)					
ECIG	12.7 ± 1.9	12.9 ± 2.1	0.2 ± 0.7	0.095	< 0.001
SM	12.8 ± 2.1	11.9 ± 1.5	-0.7 ± 1.4	< 0.001	
P-value ^c	0.892	0.032			
Am (cm/s)					
ECIG	9.7 ± 1.7	9.9 ± 1.6	0.2 ± 0.8	0.122	0.441
SM	9.3 ± 1.2	9.4 ± 1.3	0.1 ± 0.6	0.801	
P-value ^c	0.212	0.099			
Em/Am					
ECIG	1.34 ± 0.29	1.33 ± 0.28	-0.01 ± 0.13	0.540	0.011
SM	1.40 ± 0.28	1.30 ± 0.24	-0.08 ± 0.13	0.004	
P-value ^c	0.408	0.655			
E/Em					
ECIG	5.60 ± 1.04	5.61 ± 1.11	0.01 ± 0.47	0.869	0.052
SM	5.83 ± 0.95	6.10 ± 0.98	0.29 ± 0.74	0.021	
P-value ^c	0.311	0.044			
MPIt					
ECIG	0.48 ± 0.08	0.47 ± 0.09	-0.01 ± 0.04	0.080	< 0.001
SM	0.49 ± 0.06	0.52 ± 0.07	0.03 ± 0.05	0.004	
P-value ^c	0.654	0.019			
GS (%)					
ECIG	-21.1 ± 1.9	-21.5 ± 1.6	-0.4 ± 1.2	0.059	0.087
SM	-21.0 ± 2.6	-20.7 ± 3.1	0.2 ± 1.7	0.441	
P-value ^c	0.769	0.192			
SRs (s⁻¹)					
ECIG	-1.13 ± 0.10	-1.14 ± 0.11	-0.01 ± 0.07	0.362	0.613
SM	-1.08 ± 0.13	-1.10 ± 0.13	-0.2 ± 0.1	0.150	
P-value ^c	0.059	0.115			
SRe (s⁻¹)					
ECIG	1.47 ± 0.25	1.49 ± 0.23	0.01 ± 0.08	0.347	< 0.001
SM	1.43 ± 0.25	1.35 ± 0.24	-0.08 ± 0.12	< 0.001	
P-value ^c	0.493	0.022			
SRa (s⁻¹)					
ECIG	0.88 ± 0.20	0.89 ± 0.18	0.01 ± 0.08	0.462	0.441
SM	0.86 ± 0.14	0.88 ± 0.14	0.03 ± 0.09	0.111	
P-value ^c	0.536	0.796			

*Longitudinal deformation measurements were performed in 37 electronic cigarette users and 34 smokers.

Sm, mitral annulus systolic velocity; Em, mitral annulus early diastolic velocity; Am, mitral annulus late diastolic velocity; MPIt, myocardial performance index estimated by tissue Doppler echocardiography; GS, global longitudinal strain; SRs, peak systolic strain rate; SRe, peak early diastolic strain rate; SRa, peak late diastolic strain rate.

^aP-value for time effect.

^bRepeated measurements ANOVA. Effects reported are significant differences between the two groups in the degree of change in each particular variable.

^cP-value for group effect.

Table 4 Results from linear regression analyses for the effect of group (smokers vs. electronic cigarette users) on changes (Δ) of Doppler echocardiography measurements, after adjusting for changes in systolic blood pressure and heart rate

Dependent variable	β^*	SE**	P-value
Δ IVRT (ms)	4.64	2.12	0.032
Δ IVRTc (ms)	5.46	2.34	0.022
Δ MPI	0.03	0.01	0.013
Δ Em (cm/s)	-0.87	0.25	0.001
Δ MPIt	0.04	0.01	0.001
Δ SRe (s^{-1})	-0.06	0.03	0.039

*Regression coefficient for the comparison of SM group to ECIG group, adjusted for changes in systolic blood pressure and heart rate.
**Standard Error.

cigarette; in fact, it took smokers 5 minutes to smoke one cigarette while electronic cigarette users were asked to use the device for a longer time. Additionally, experienced users were examined, who use the device more intensively than novice users [34]. Unfortunately, there are no other means of comparing electronic with tobacco cigarette use. Although plasma nicotine levels were not measured, the haemodynamic response observed suggests that the nicotine delivery rate from electronic cigarettes is lower and slower compared to tobacco cigarettes. This has been validated by studies performed recently [30,35]. The results of this study are not necessarily applicable to all liquids available in the market. If non-pharmaceutical grade nicotine is used, several tobacco impurities may be present and inhaled by the user. The same applies for other liquid constituents [21]. Finally, although all subjects were considered healthy based on history taking, clinical examination, resting ECG and echocardiogram, it cannot be excluded that some subjects may suffer from subclinical coronary artery disease. However, there was no indication to perform any additional examinations in the study population.

Conclusions

Although acute smoking inhalation caused a delay in LV myocardial relaxation in smokers, electronic cigarette use was found to have no such immediate effects in daily users of the device. This short term beneficial profile of electronic cigarette compared to smoking, although not conclusive about its overall health-effects as a tobacco harm reduction product, provides the first evidence about the cardiovascular effects of this device. Since awareness and use of electronic cigarettes are continuously rising, more studies are urgently needed, focusing on the pathophysiological mechanisms of disease where smoking is implicated and ultimately on long-term effects. Such studies will provide additional scientific data to public health authorities so that they decide on the regulatory status of this product.

Competing interests

After this study was completed, the authors have performed studies using funds provided to the institution by e-cigarette companies.

Authors' contributions

KF was responsible for study conception and design. KF, DT and MS were responsible for data collection. SK was responsible for off-line measurements of echocardiographic parameters. KF, DT and W were responsible for statistical analysis and interpretation. KF, DT and W drafted the manuscript. All authors read and approved the manuscript.

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RESEARCH ARTICLE

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Peering through the mist: systematic review of what the chemistry of contaminants in electronic cigarettes tells us about health risks

Igor Burstyn

Abstract

Background: Electronic cigarettes (e-cigarettes) are generally recognized as a safer alternative to combusted tobacco products, but there are conflicting claims about the degree to which these products warrant concern for the health of the vapers (e-cigarette users). This paper reviews available data on chemistry of aerosols and liquids of electronic cigarettes and compares modeled exposure of vapers with occupational safety standards.

Methods: Both peer-reviewed and "grey" literature were accessed and more than 9,000 observations of highly variable quality were extracted. Comparisons to the most universally recognized workplace exposure standards, Threshold Limit Values (TLVs), were conducted under "worst case" assumptions about both chemical content of aerosol and liquids as well as behavior of vapers.

Results: There was no evidence of potential for exposures of e-cigarette users to contaminants that are associated with risk to health at a level that would warrant attention if it were an involuntary workplace exposures. The vast majority of predicted exposures are $< <1\%$ of TLV. Predicted exposures to acrolein and formaldehyde are typically $<5\%$ TLV. Considering exposure to the aerosol as a mixture of contaminants did not indicate that exceeding half of TLV for mixtures was plausible. Only exposures to the declared major ingredients – propylene glycol and glycerin – warrant attention because of precautionary nature of TLVs for exposures to hydrocarbons with no established toxicity.

Conclusions: Current state of knowledge about chemistry of liquids and aerosols associated with electronic cigarettes indicates that there is no evidence that vaping produces inhalable exposures to *contaminants* of the aerosol that would warrant health concerns by the standards that are used to ensure safety of workplaces. However, the aerosol generated during vaping as a whole (*contaminants plus declared ingredients*) creates personal exposures that would justify surveillance of health among exposed persons in conjunction with investigation of means to keep any adverse health effects as low as reasonably achievable. Exposures of bystanders are likely to be orders of magnitude less, and thus pose no apparent concern.

Keywords: Vaping, e-cigarettes, Tobacco harm reduction, Risk assessment, Aerosol, Occupational exposure limit

Background

Electronic cigarettes (also known as e-cigarettes) are generally recognized as a safer alternative to combusted tobacco products (reviewed in [1]), but there are conflicting claims about the degree to which these products warrant concern for the health of the vapers (e-cigarette users). A vaper inhales aerosol generated during heating

of liquid contained in the e-cigarette. The technology and patterns of use are summarized by Etter [1], though there is doubt about how current, complete and accurate this information is. Rather conclusive evidence has been amassed to date on comparison of the chemistry of aerosol generated by electronic cigarettes to cigarette smoke [2-8]. However, it is meaningful to consider the question of whether aerosol generated by electronic cigarettes would warrant health concerns on its own, in part because vapers will include persons who would not have been smokers and for whom the question of harm reduction

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from smoking is therefore not relevant, and perhaps more importantly, simply because there is value in minimizing the harm of those practicing harm reduction.

One way of approaching risk evaluation in this setting is to rely on the practice, common in occupational hygiene, of relating the chemistry of industrial processes and the emissions they generate to the potential worst case of personal exposure and then drawing conclusions about whether there would be interventions in an occupational setting based on comparison to occupational exposure limits, which are designed to ensure safety of unintentionally exposed individuals. In that context, exposed individuals are assumed to be adults, and this assumption appears to be suitable for the intended consumers of electronic cigarettes. "Worst case" refers to the maximum personal exposure that can be achieved given what is known about the process that generates contaminated atmosphere (in the context of airborne exposure considered here) and the pattern of interaction with the contaminated atmosphere. It must be noted that harm reduction notions are embedded in this approach since it recognizes that while elimination of the exposure may be both impossible and undesirable, there nonetheless exists a level of exposure that is associated with negligible risks. To date, a comprehensive review of the chemistry of electronic cigarettes and the aerosols they generate has not been conducted, depriving the public of the important element of a risk-assessment process that is mandatory for environmental and occupational health policy-making.

The present work considers both the contaminants present in liquids and aerosols as well as the declared ingredients in the liquids. The distinction between exposure to declared ingredients and contaminants of a consumer product is important in the context of comparison to occupational or environmental exposure standards. Occupational exposure limits are developed for unintentional exposures that a person does not elect to experience. For example, being a bread baker is a choice that does not involve election to be exposed to substances that cause asthma that are part of the flour dust (most commonly, wheat antigens and fungal enzymes). Therefore, suitable occupational exposure limits are created to attempt to protect individuals from such risk on the job, with no presumption of "assumed risk" inherent in the occupation. Likewise, special regulations are in effect to protect persons from unintentional exposure to nicotine in workplaces (<http://www.cdc.gov/niosh/docs/81-123/pdfs/0446.pdf>; accessed July 12, 2013), because in environments where such exposures are possible, it is reasonable to protect individuals who do not wish to experience its effects. In other words, occupational exposure limits are based on protecting people from involuntary and unwanted exposures, and thus can be seen as more stringent than the

standards that might be used for hazards that people intentionally choose to accept.

By contrast, a person who elects to lawfully consume a substance is subject to different risk tolerance, as is demonstrated in the case of nicotine by the fact that legally sold cigarettes deliver doses of nicotine that exceed occupational exposure limits [9]: daily intake of 20 mg of nicotine, assuming nearly 100% absorption in the lungs and inhalation of 4 m³ of air, corresponds to roughly 10 times the occupational exposure limit of 0.5 mg/m³ atmosphere over 8 hours [10]. Thus, whereas there is a clear case for applicability of occupational exposure limits to contaminants in a consumer product (e.g. aerosol of electronic cigarettes), there is no corresponding case for applying occupational exposure limits to declared ingredients desired by the consumer in a lawful product (e.g. nicotine in the aerosol of an electronic cigarette). Clearly, some limits must be set for voluntary exposure to compounds that are known to be a danger at plausible doses (e.g. limits on blood alcohol level while driving), but the regulatory framework should reflect whether the dosage is intentionally determined and whether the risk is assumed by the consumer. In the case of nicotine in electronic cigarettes, if the main reason the products are consumed is as an alternative source of nicotine compared to smoking, then the only relevant question is whether undesirable exposures that accompany nicotine present health risks, and the analogy with occupational exposures holds. In such cases it appears permissible to allow at least as much exposure to nicotine as from smoking before admitting to existence of new risk. It is expected that nicotine dosage will not increase in switching from smoking to electronic cigarettes because there is good evidence that consumers adjust consumption to obtain their desired or usual dose of nicotine [11]. The situation is different for the vapers who want to use electronic cigarettes without nicotine and who would otherwise not have consumed nicotine. For these individuals, it is defensible to consider total exposure, including that from any nicotine contamination, in comparison to occupational exposure limits. In consideration of vapers who would never have smoked or would have quit entirely, it must be remembered that the exposure is still voluntary and intentional, and comparison to occupational exposure limits is legitimate only for those compounds that the consumer does not elect to inhale.

The specific aims of this review were to:

1. Synthesize evidence on the chemistry of liquids and aerosols of electronic cigarettes, with particular emphasis on the contaminants.
2. Evaluate the quality of research on the chemistry of liquids and aerosols produced by electronic cigarettes.

3. Estimate potential exposures from aerosols produced by electronic cigarettes and compare those potential exposures to occupational exposure standards.

Methods

Literature search

Articles published in peer-reviewed journals were retrieved from *PubMed* (<http://www.ncbi.nlm.nih.gov/pubmed/>) available as of July 2013 using combinations of the following keywords: “electronic cigarettes”, “e-cigarettes”, “smoking alternatives”, “chemicals”, “risks”, “electronic cigarette vapor”, “aerosol”, “ingredients”, “e-cigarette liquid”, “e-cig composition”, “e-cig chemicals”, “e-cig chemical composition”, “e-juice electronic cigarette”, “electronic cigarette gas”, “electronic cigars”. In addition, references of the retrieved articles were examined to identify further relevant articles, with particular attention paid to non-peer reviewed reports and conference presentations. Unpublished results obtained through personal communications were also reviewed. The Consumer Advocates for Smoke-free Alternatives Association (CASAA) was asked to review the retrieved bibliography to identify any reports or articles that were missed. The papers and reports were retained for analysis if they reported on the chemistry of e-cigarette liquids or aerosols. No explicit quality control criteria were applied in selection of literature for examination, except that secondary reporting of analytical results was not used. Where substantial methodological problems that precluded interpretation of analytical results were noted, these are described below. For each article that contained relevant analytical results, the compounds quantified, limits of detection, and analytical results were summarized in a spreadsheet. Wherever possible, individual analytical results (rather than averages) were recorded (see Additional file 1). Data contained in Additional file 1 is not fully summarized in the current report but can be used to investigate a variety of specific questions that may interest the reader. Each entry in Additional file 1 is identified by a *Reference Manage ID* that is linked to source materials in a list in Additional file 2 (linked via *RefID*); copies of all original materials can be requested.

Comparison of observed concentrations in aerosol to occupational exposure limits

For articles that reported mass or concentration of specific compounds in the aerosol (generated by smoking machines or from volunteer vapers), measurements of compounds were converted to concentrations in the “personal breathing zone”,^a which can be compared to occupational exposure limits (OELs). The 2013 Threshold Limit Values (TLVs) [10] were used as OELs because they are the most up to date and are most widely recognized internationally when local jurisdictions do not establish their own regulations (see <http://www.ilo.org/safework/info/publications/>

WCMS_113329/lang-en/index.htm; accessed July 3, 2013). TLVs are more protective than of US Occupational Safety and Health Administration’s Permissible Exposure Limits because TLVs are much more often updated with current knowledge. However, all OELs generally agree with each other because they are based on the same body of knowledge. TLVs (and all other OELs) aim to define environmental conditions to which nearly all persons can be exposed to all day over many years without experiencing adverse health effects. Whenever there was an uncertainty in how to perform the calculation, a “worst case” scenario was used, as is the standard practice in occupational hygiene, where the initial aim is to recognize potential for hazardous exposures and to err on the side of caution. The following assumptions were made to enable the calculations that approximate the worst-case personal exposure of a vaper (Equation 1):

1. Air the vaper breathes consists of a small volume of aerosol generated by e-cigarettes that contains a specific chemical plus pristine air;
2. The volume of aerosols inhaled from e-cigarettes is small compared to total volume of air inhaled;
3. The period of exposure to the aerosol considered was 8 hours for comparability to the standard working shift for which TLVs were developed (this does not mean only 8 hours worth of vaping was considered but, rather, a day’s worth of exposure was modeled as being concentrated into just 8 hours);
4. Consumption of 150 puffs in 8 hours (an upper estimate based on a rough estimate of 150 puffs by a typical vaper in a day [1]) was assumed. (Note that if vaping over 16 hours “day” was considered then air into which contaminants from vaping are diluted would have to increase by a factor of 2, thereby lowering estimated exposure; thus, the adopted approach is entirely still in line with “worst case” assessment);
5. Breathing rate is 8 liters per minute [12,13];
6. Each puff contains the same quantity of compounds studied.

$$[\text{mg}/\text{m}^3] = \frac{\text{mg}/\text{puff} \times \text{puffs}/(8 \text{ hr day})}{\times 1/(\text{m}^3 \text{ air inhaled in 8 hr})} \quad (1)$$

The only exception to this methodology was when assessing a study of aerosol emitted by 5 vapers in a 60 m³ room over 5 hours that seemed to be a sufficient approximation of worst-case “bystander” exposure [6]. All calculated concentrations were expressed as the most stringent (lowest) TLV for a specific compound (i.e. assuming the most toxic form if analytical report is ambiguous) and

expressed as “percent of TLV”. Considering that all the above calculations are approximate and reflecting that exposures in occupational and general environment can easily vary by a factor of 10 around the mean, we added a 10-fold safety factor to the “percent of TLV” calculation. This safety factor accounts for considerable uncertainty about the actual number and volume of puffs since the number of puffs is hard to estimate accurately with reports as high as 700 puffs per day [14]. Details of all calculations are provided in an Excel spreadsheet (see Additional file 3).

No systematic attempt was made to convert the content of the studied liquids into potential exposures because sufficient information was available on the chemistry of aerosols to use those studies rather than making the necessary simplifying assumptions to do the conversion. However, where such calculations were performed in the original research, the following approach was used: under the (probably false – see the literature on formation of carbonyl compounds below) assumption of no chemical reaction to generate novel ingredients, composition of liquids can be used to estimate potential for exposure if it can be established how much volume of liquid is consumed in given 8 hours, following an algorithm analogous to the one described above for the aerosols (Equation 2):

$$\begin{aligned} [\text{mg}/\text{m}^3] &= \text{mg}/(\text{mL liquid}) \times (\text{mL liquid})/\text{puff} \\ &\quad \times \text{puffs}/(8 \text{ hr day}) \\ &\quad \times 1/(\text{m}^3 \text{ air inhaled in 8 hr}) \end{aligned} \quad (2)$$

Comparison to cigarette smoke was not performed here because the fact that e-cigarette aerosol is at least orders of magnitude less contaminated by toxic compounds is uncontroversial [2-8].

The study adhered to the PRISMA guidelines for systematic reviews (<http://www.prisma-statement.org/>).

Results and discussion

General comments on methods

In excess of 9,000 determinations of single chemicals (and rarely, mixtures) were reported in reviewed articles and reports, typically with multiple compounds per electronic cigarette tested [2-8,15-43]. Although the quality of reports is highly variable, if one assumes that each report contains some information, this asserts that quite a bit is known about composition of e-cigarette liquids and aerosols. The only report that was excluded from consideration was work of McAuley *et al.* [24] because of clear evidence of cross-contamination – admitted to by the authors – with cigarette smoke and, possibly, reagents. The results pertaining to non-detection of tobacco-specific nitrosamines (TSNAs) are potentially

trustworthy, but those related to polycyclic aromatic hydrocarbons (PAH) are not since it is incredible that cigarette smoke would contain fewer PAHs, which arise from incomplete combustion of organic matter, than aerosol of e-cigarettes that do not burn organic matter [24]. In fairness to the authors of that study, similar problems may have occurred in other studies but were simply not reported, but it is impossible to include a paper in a review once it is known for certain that its quantitative results are not trustworthy. When in doubt, we erred on the side of trusting that proper quality controls were in place, a practice that is likely to increase appearance of atypical or erroneous results in this review. From this perspective, assessment of concordance among independent reports gains higher importance than usual since it is unlikely that two experiments would be flawed in the same exact manner (though of course this cannot be assured).

It was judged that the simplest form of publication bias – disappearance of an entire formal study from the available literature – was unlikely given the exhaustive search strategy and the contested nature of the research question. It is clearly the case that only a portion of all industry technical reports were available for public access, so it is possible that those with more problematic results were systematically suppressed, though there is no evidence to support this speculation. No formal attempt was made to ascertain publication bias *in situ* though it is apparent that anomalous results do gain prominence in typical reviews of the literature: diethylene glycol [44,45] detected at non-dangerous levels (see details below) in one test of 18 of early-technology products by the US Food and Drugs Administration (FDA) [23] and one outlier in measurement of formaldehyde content of exhaled air [4] and aldehydes in aerosol generated from one e-cigarette in Japan [38]. It must be emphasized that the alarmist report of aldehydes in experiments presented in [38] is based on the concentration in generated aerosol rather than air inhaled by the vaper over prolonged period of time (since vapors do not inhale only aerosol). Thus, results reported in [38] cannot be the basis of any claims about health risk, a fallacy committed both by the authors themselves and commentators on this work [45].

It was also unclear from [38] what the volume of aerosol sampled was – a critical item for extrapolating to personal exposure and a common point of ambiguity in the published reports. However, in a personal exchange with the authors of [38] [July 11, 2013], it was clarified that the sampling pump drew air at 500 mL/min through e-cigarette for 10 min, allowing more appropriate calculations for estimation of health risk that are presented below. Such misleading reporting is common in the field that confuses concentration in the aerosol (typically measured

directly) with concentration in the air inhaled by the vaper (never determined directly and currently requiring additional assumptions and modeling). This is important because the volume of aerosol inhaled (maximum ~8 L/day) is small compared to the volume of air inhaled daily (8 L/min); this point is illustrated in the Figure 1.

A similar but more extreme consideration applies to the exposure of bystanders which is almost certainly several orders of magnitude lower than the exposure of vapers. In part this is due to the absorption, rather than exhalation, of a portion of the aerosol by the vapers: there is no equivalent to the “side-stream” component of exposure to conventional cigarettes, so all of the exposure to a bystander results from exhalation. Furthermore, any environmental contamination that results from exhalation of aerosol by vaper will be diluted into the air prior to entering a bystander’s personal breathing zone. Lastly, the number of puffs that affect exposure to bystander is likely to be much smaller than that of a vaper unless we are to assume that vaper and bystander are inseparable.

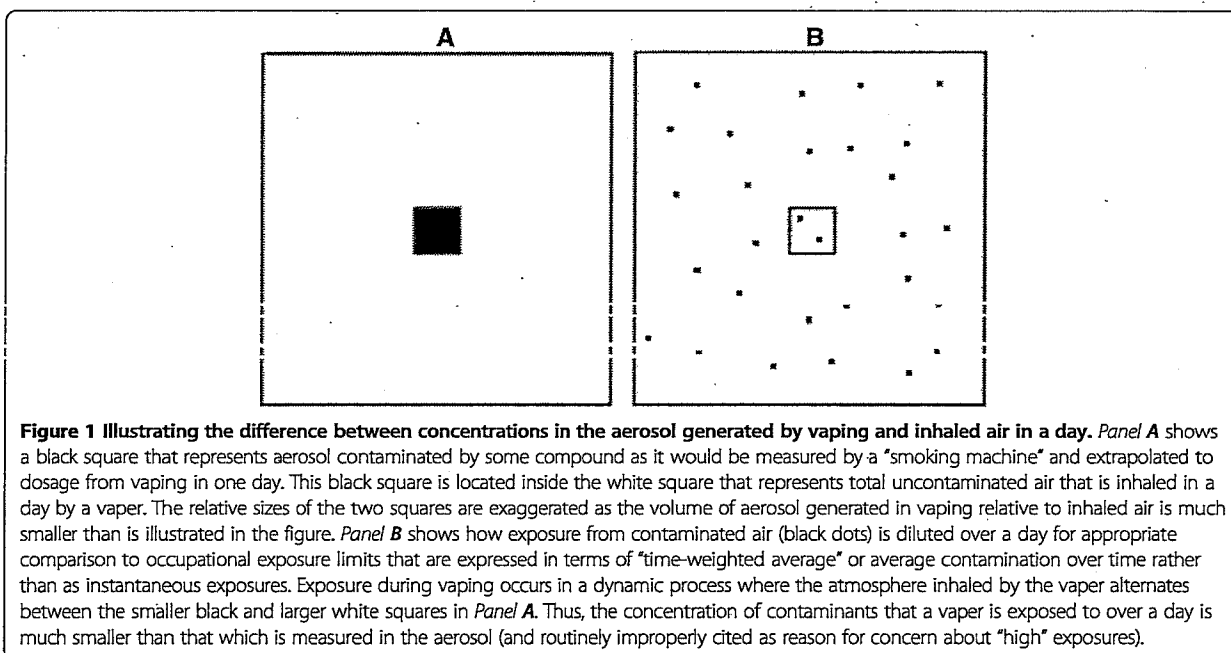
It is unhelpful to report the results in cigarette-equivalents in assessments that are not about cigarette exposure, as in [43], because this does not enable one to estimate exposures of vapers. To be useful for risk assessment, the results on the chemistry of the aerosols and liquids must be reported in a form that enables the calculations in Equations 1 and 2. It must be also be noted that typical investigations consisted of qualitative and quantitative phases such that quantitative data is available mostly on compounds that passed the qualitative screen. In the qualitative phase, presence of the

compounds above a certain limit of detection is determined. In the quantitative phase, the amount of only the compounds that are detected in the qualitative phase is estimated. This biased all reports on concentration of compounds towards both higher levels and chemicals which a particular lab was most adept at analyzing.

Declared Ingredients: comparison to occupational exposure limits

Propylene glycol and glycerin

Propylene glycol and glycerin have the default or precautionary 8-hour TLV of 10 mg/m³ set for all organic mists with no specific exposure limits or identified toxicity (http://www.osha.gov/dts/chemicalsampling/data/CH_243600.html; accessed July 5, 2013). These interim TLVs tend to err on the side of being too high and are typically lowered if evidence of harm to health accumulates. For example, in a study that related exposure of theatrical fogs (containing propylene glycol) to respiratory symptoms [46], “mean personal inhalable aerosol concentrations were 0.70 mg/m³ (range 0.02 to 4.1)” [47]. The only available estimate of propylene concentration of propylene glycol in the aerosol indicates personal exposure on the order of 3–4 mg/m³ in the personal breathing zone over 8 hours (under the assumptions we made for all other comparisons to TLVs) [2]. The latest (2006) review of risks of occupational exposure to propylene glycol performed by the Health Council of the Netherlands (known for OELs that are the most protective that evidence supports and based exclusively on scientific considerations rather than also accounting for feasibility as is the case for the



TLVs) recommended exposure limit of 50 mg/m³ over 8 hours; concern over short-term respiratory effects was noted [http://www.gezondheidsraad.nl/sites/default/files/200702OSH.pdf; accessed July 29, 2013]. Assuming extreme consumption of the liquid per day via vaping (5 to 25 ml/day and 50-95% propylene glycol in the liquid),^b levels of propylene glycol in inhaled air can reach 1–6 mg/m³. It has been suggested that propylene glycol is very rapidly absorbed during inhalation [4,6] making the calculation under worst case scenario of all propylene glycol becoming available for inhalation credible. It must also be noted that when consuming low-nicotine or nicotine-free liquids, the chance to consume larger volumes of liquid increases (large volumes are needed to reach the target dose or there is no nicotine feedback), leading to the upper end of propylene glycol and glycerin exposure. Thus, estimated levels of exposure to propylene glycol and glycerin are close enough to TLV to warrant concern. However, it is also important to consider that propylene glycol is certainly not all absorbed because visible aerosol is exhaled in typical vaping. Therefore, the current calculation is in the spirit of a worst case assumption that is adopted throughout the paper.

Nicotine

Nicotine is present in most e-cigarette liquids and has TLV of 0.5 mg/m³ for average exposure intensity over 8 hours. If approximately 4 m³ of air is inhaled in 8 hours, the consumption of 2 mg nicotine from e-cigarettes in 8 hours would place the vaper at the occupational exposure limit. For a liquid that contains 18 mg nicotine/ml, TLV would be reached upon vaping ~0.1–0.2 ml of liquid in a day, and so is achieved for most anyone vaping nicotine-containing e-cigarettes [1]. Results presented in [25] on 16 e-cigarettes also argue in favor of exceedance of TLV from most any nicotine-containing e-cigarette, as they predict >2 mg of nicotine released to aerosol in 150 puffs (daily consumption figure adopted in this report). But as noted above, since delivery of nicotine is the purpose of nicotine-containing e-cigarettes, the comparison to limits on unintended, unwanted exposures does not suggest a problem and serves merely to offer complete context. If nicotine is present but the liquid is labeled as zero-nicotine [25,44], it could be treated as a contaminant, with the vaper not intending to consume nicotine and the TLV, which would be most likely exceeded, is relevant. However, when nicotine content is disclosed, even if inaccurately, then comparison to TLV is not valid. Accuracy in nicotine content is a concern with respect to truth in advertising rather than unintentional exposure, due to presumed (though not yet tested) self-regulation of consumption by persons who use e-cigarettes as a source of nicotine.

Overall, the declared ingredients in the liquid would warrant a concern by standards used in occupational

hygiene, provided that comparison to occupational exposure limits is valid, as discussed in the introduction. However, this is not to say that the exposure is affirmatively believed to be harmful; as noted, the TLVs for propylene glycol and glycerin mists is based on uncertainty rather than knowledge. These TLVs are not derived from knowledge of toxicity of propylene glycol and glycerin mists, but merely apply to any compound of no known toxicity present in workplace atmosphere. This aspect of the exposure from e-cigarettes simply has little precedent (but see study of theatrical fogs below). Therefore, the exposure will provide the first substantial collection evidence about the effects, which calls for monitoring of both exposure levels and outcomes, even though there are currently no grounds to be concerned about the immediate or chronic health effects of the exposure. The argument about nicotine is presented here for the sake of completeness and consistency of comparison to TLVs, but in itself does not affect the conclusions of this analysis because it should not be modeled as if it were a contaminant when declared as an ingredient in the liquid.

Contaminants

Polycyclic aromatic hydrocarbons

Polycyclic aromatic hydrocarbons (PAH) were quantified in several reports in aerosols [5,6,43] and liquids [7,19,42]. These compounds include well-known carcinogens, the levels of which are not subject to TLV but are instead to be kept “as low as reasonably achievable” [10]. For PAH, only non-carcinogenic pyrene that is abundant in the general environment was detected at 36 ng/cartridge in 5 samples of liquid [7]; PAHs were not detected in most of the analyses of aerosols, except for chrysene in the analysis of the aerosol of one e-cigarette [43].

Tobacco-specific nitrosamines

The same risk assessment considerations that exist for PAH also hold for carcinogenic tobacco-specific nitrosamines (TSNAs) [48] for which no occupational exposure limits exist because (a) these exposures do not appear to occur in occupational settings often enough to warrant development of TLVs, and (b) it is currently accepted in establishing TLVs that carcinogens do not have minimal thresholds of toxicity. As expected, because the TSNAs are contaminants of nicotine from tobacco leaf, there is also evidence of association between nicotine content of the liquid and TSNA concentrations, with reported concentrations <5 ng/cartridge tested [7]. Smaller studies of TSNA content in liquids are variable, with some not reporting any detectable levels [18,33,35] and others clearly identifying these compounds in the liquids when controlling for background contamination (n = 9) [23]. Analyses of aerosols indicate that TSNAs are present in amounts that can result in doses of <ng/day [5,33] to

µg/day [8] (assuming 150 puffs/day) (see also [43]). The most comprehensive survey of TSNA content of 105 samples of liquids from 11 manufactures indicates that almost all tested liquids (>90%) contained TSNA in µg/L quantities [36]. This is roughly equivalent to 1/1000 of the concentration of TSNA in modern smokeless tobacco products (like snus), which are in the ppm range [48]. For example, 10 µg/L (0.01 ppm) of total TSNA in liquid [36] can translate to a daily dose of 0.025–0.05 µg from vaping (worst case assumption of 5 ml liquid/day); if 15 g of snus is consumed a day [49] with 1 ppm of TSNA [48] and half of it were absorbed, then the daily dose is estimated to be 7.5 µg, which is 150–300 times that due to the worst case of exposure from vaping. Various assumptions about absorption of TSNA alter the result of this calculation by a factor that is dwarfed in magnitude compared to that arising from differences considered above. This is reassuring because smokeless tobacco products, such as snus, pose negligible cancer risk [50], certainly orders of magnitude smaller than smoking (if one considers the chemistry of the products alone). In general, it appears that the cautious approach in face of variability and paucity of data is to seek better understanding of the predictors of presence of TSNA in liquids and aerosols so that measures for minimizing exposure to TSNA from aerosols can be devised. This can include considering better control by manufactures who extract the nicotine from tobacco leaf.

Volatile organic compounds

Total volatile organic compounds (VOC) were determined in aerosol to be non-detectable [3] except in one sample that appeared to barely exceed the background concentration of 1 mg/m³ by 0.73 mg/m³ [6]. These results are corroborated by analyses of liquids [19] and most likely testify to insensitivity of employed analytic methods for total VOC for characterizing aerosol generated by e-cigarettes, because there is ample evidence that specific VOC are present in the liquids and aerosols.^c Information on specific commonly detected VOC in the aerosol is given in Table 1. It must be observed that these reported concentrations are for analyses that first observed qualitative evidence of the presence of a given VOC and thus represent worst case scenarios of exposure when VOC is present (i.e. zero-level exposures are missing from the overall summary of worst case exposures presented here). For most VOC and aldehydes, one can predict the concentration in air inhaled by a vaper to be <1% of TLV. The only exceptions to this generalization are:

- (a) acrolein: ~1% of TLV (average of 12 measurements) [40] and measurements at a mean of 2% of TLV (average of 150 measurements) [41] and

- (b) formaldehyde: between 0 and 3% of TLV based on 18 tests (average of 12 measurements at 2% of TLV, the most reliable test) [40] and an average of 150 results at 4% of TLV [41].

Levels of acrolein in exhaled aerosol reported in [6] were below 0.0016 mg/m³ and correspond to predicted exposure of <1% of TLV (Table 2). It must re-emphasized that all calculations based on one electronic cigarette analyzed in [38] are best treated as qualitative in nature (i.e. indicating presence of a compound without any particular meaning attached to the reported level with respect to typical levels) due to great uncertainty about whether the manner in which the e-cigarette was operated could have resulted in overheating that led to generation of acrolein in the aerosol. In fact, a presentation made by the author of [38] clearly stated that the “atomizer, generating high concentration carbonyls, had been burned black” [40,41]. In unpublished work, [40] there are individual values of formaldehyde, acrolein and glyoxal that approach TLV, but it is uncertain how typical these are because there is reason to believe the liquid was overheated; considerable variability among brands of electronic cigarettes was also noted. Formaldehyde and other aldehydes, but not acrolein, were detected in the analysis one e-cigarette [43]. The overwhelming majority of the exposure to specific VOC that are predicted to result from inhalation of the aerosols lie far below action level of 50% of TLV at which exposure has to be mitigated according to current code of best practice in occupational hygiene [51].

Finding of an unusually high level of formaldehyde by Schripp *et al.* [4] – 0.5 ppm predicted vs. 15-minute TLV of 0.3 ppm (not given in Table 2) – is clearly attributable to endogenous production of formaldehyde by the volunteer smoker who was consuming e-cigarettes in the experimental chamber, since there was evidence of build-up of formaldehyde prior to vaping and liquids used in the experiments did not generate aerosol with detectable formaldehyde. This places generalizability of other findings from [4] in doubt, especially given that the only other study of exhaled air by vapers who were not current smokers reports much lower concentrations for the same compounds [6] (Table 2). It should be noted that the report by Romagna *et al.* [6] employed more robust methodology, using 5 volunteer vapers (no smokers) over an extended period of time. Except for benzene, acetic acid and isoprene, all calculated concentrations for detected VOC were much below 1% of TLV in exhaled air [6]. In summary, these results do not indicate that VOC generated by vaping are of concern by standards used in occupational hygiene.

Diethylene glycol and ethylene glycol became a concern following the report of their detection by FDA [44], but these compounds are not detected in the majority of

Table 1 Exposure predictions based on analysis of aerosols generated by smoking machines: volatile organic compounds

Compound	N [#]	Estimated concentration in personal breathing zone		Ratio of most stringent TLV (%)		Reference
		PPM	mg/m ³	Calculated directly	Safety factor 10	
Acetaldehyde	1	0.005		0.02	0.2	[5]
	3	0.003		0.01	0.1	[4]
	12	0.001		0.004	0.04	[8]
	1	0.00004		0.0001	0.001	[3]
	1	0.0002		0.001	0.008	[3]
	150	0.001		0.004	0.04	[40,41]
	1	0.008		0.03	3	[38]
Acetone	1	0.002		0.0003	0.003	[38]
	150	0.0004		0.0001	0.001	[40,41]
Acrolein	12	0.001		1	13	[8]
	150	0.002		2	20	[40,41]
	1	0.006		6	60	[38]
Butanal	150	0.0002		0.001	0.01	[40,41]
Crotonaldehyde	150		0.0004	0.01	0.1	[40,41]
Formaldehyde	1	0.002		0.6	6	[5]
	3	0.008		3	30	[4]
	12	0.006		2	20	[8]
	1	<0.0003		<0.1	<1	[3]
	1	0.0003		0.1	1	[3]
	150	0.01		4	40	[40,41]
	1	0.009		3	30	[38]
Glyoxal	1		0.002	2	20	[38]
	150		0.006	6	60	[40,41]
o-Methylbenzaldehyde	12		0.001	0.05	0.5	[8]
p,m-Xylene	12		0.00003	0.001	0.01	[8]
Propanal	3	0.002		0.01	0.1	[4]
	150	0.0006		0.002	0.02	[40,41]
	1	0.005		0.02	0.2	[38]
Toluene	12	0.0001		0.003	0.03	[8]
Valeraldehyde	150		0.0001	0.0001	0.001	[40,41]

*Average is presented when N > 1.

tests performed to date [3,15,17,19,23]. Ten batches of the liquid tested by their manufacture did not report any diethylene glycol above 0.05% of the liquid [42]. Methods used to detect diethylene glycol appear to be adequate to be informative and capable of detecting the compound in quantities < 1% of TLV [15,17,23]. Comparison to TLV is based on a worst case calculation analogous to the one performed for propylene glycol. For diethylene glycol, TLV of 10 mg/m³ is applicable (as in the case of all aerosols with no known toxicity by inhalation), and there is a recent review of regulations of this compound conducted for the Dutch government by the Health Council

of the Netherlands (jurisdiction with some of the most strict occupational exposure limits) that recommended OEL of 70 mg/m³ and noted lack of evidence for toxicity following inhalation [http://www.gezondheidsraad.nl/sites/default/files/200703OSH.pdf; accessed July 29; 2013]. In conclusion, even the quantities detected in the single FDA result were of little concern, amounting to less than 1% of TLV.

Inorganic compounds

Special attention has to be paid to the chemical form of compounds when there is detection of metals and other

Table 2 Exposure predictions for volatile organic compounds based on analysis of aerosols generated by volunteer vapers

Compound	N [#]	Estimated concentration in personal breathing zone (ppm)	Ratio of most stringent TLV (%)		Reference
			Calculated directly	Safety factor 10	
2-butanone (MEK)	3	0.04	0.02	0.2	[4]
	1	0.002	0.0007	0.007	[6]
2-furaldehyde	3	0.01	0.7	7	[4]
Acetaldehyde	3	0.07	0.3	3	[4]
Acetic acid	3	0.3	3	30	[4]
Acetone	3	0.4	0.2	2	[4]
Acrolein	1	<0.001	<0.7	<7	[6]
Benzene	3	0.02	3	33	[4]
Butyl hydroxyl toluene	1	4E-05	0.0002	0.002	[6]
Isoprene	3	0.1	7	70	[4]
Limonene	3	0.009	0.03	0.3	[4]
	1	2E-05	0.000001	0.00001	[6]
m,p-Xylen	3	0.01	0.01	0.1	[4]
Phenol	3	0.01	0.3	3	[4]
Propanal	3	0.004	0.01	0.1	[4]
Toluene	3	0.01	0.07	0.7	[4]

*Average is presented when N > 1.

elements by inductively coupled plasma mass spectrometry (ICP-MS) [8,26]. Because the parent molecule that occurs in the aerosol is destroyed in such analysis, the results can be misleading and not interpretable for risk assessment. For example, the presence of sodium (4.18 µg/10 puffs) [26] does not mean that highly reactive and toxic sodium metal is in the aerosol, which would be impossible given its reactivity, but most likely means the presence of the ubiquitous compound that contains sodium, dissolved table salt (NaCl). If so, the corresponding daily dose of NaCl that arises from these concentrations from 150 puffs is about 10,000 times lower than allowable daily intake according to CDC (<http://www.cdc.gov/features/dssodium/>; accessed July 4, 2013). Likewise, a result for presence of silica is meaningless for health assessment unless the crystalline form of SiO₂ is known to be present. When such ambiguity exists, a TLV equivalence calculation was not performed. We compared concentrations to TLVs when it was even remotely plausible that parent molecules were present in the aqueous solution. However, even these are to be given credence only in an extremely pessimistic analyst, and further investigation by more appropriate analytical methods could clarify exactly what compounds are present, but is not a priority for risk assessment.

It should also be noted that one study that attempted to quantify metals in the liquid found none above 0.1–0.2 ppm levels [7] or above unspecified threshold [19]. Table 3 indicates that most metals that were detected were present at <1% of TLV even if we assume that the

analytical results imply the presence of the most hazardous molecules containing these elements that can occur in aqueous solution. For example, when elemental chromium was measured, it is compared to TLV for insoluble chromium IV that has the lowest TLV of all chromium compounds. Analyses of metals given in [43] are not summarized here because of difficulty with translating reported units into meaningful terms for comparison with the TLV, but only mercury (again with no information on parent organic compound) was detected in trace quantities, while arsenic, beryllium, chromium, cadmium, lead and nickel were not. Taken as the whole, it can be inferred that there is no evidence of contamination of the aerosol with metals that warrants a health concern.

Consideration of exposure to a mixture of contaminants

All calculations conducted so far assumed only one contaminant present in clean air at a time. What are the implications of small quantities of various compounds with different toxicities entering the personal breathing zone at the same time? For evaluation of compliance with exposure limits for mixtures, Equation 3 is used:

$$OEL_{\text{mixture}} = \sum_{i=1}^n (C_i / TLV_i), \quad (3)$$

where C_i is the concentration of the i^{th} compound ($i = 1, \dots, n$, where $n > 1$ is the number of ingredients present in a mixture) in the contaminated air and TLV_i is the TLV for the i^{th} compound in the contaminated air; if

Table 3 Exposure predictions based on analysis of aerosols generated by smoking machines: inorganic compounds*

Element quantified	Assumed compound containing the element for comparison with TLV	N**	Estimated concentration in personal breathing zone (mg/m ³)	Ratio of most stringent TLV (%)		Reference
				Calculated directly	Safety factor 10	
Aluminum	Respirable Al metal & insoluble compounds	1	0.002	0.2	1.5	[26]
Barium	Ba & insoluble compounds	1	0.00005	0.01	0.1	[26]
Boron	Boron oxide	1	0.02	0.1	1.5	[26]
Cadmium	Respirable Cd & compounds	12	0.00002	1	10	[8]
Chromium	Insoluble Cr (IV) compounds	1	3E-05	0.3	3	[26]
Copper	Cu fume	1	0.0008	0.4	4.0	[26]
Iron	Soluble iron salts, as Fe	1	0.002	0.02	0.2	[26]
Lead	Inorganic compounds as Pb	1	7E-05	0.1	1	[26]
		12	0.000025	0.05	0.5	[8]
Magnesium	Inhalable magnesium oxide	1	0.00026	0.003	0.03	[26]
Manganese	Inorganic compounds, as Mn	1	8E-06	0.04	0.4	[26]
Nickel	Inhalable soluble inorganic compounds, as Ni	1	2E-05	0.02	0.2	[26]
		12	0.00005	0.05	0.5	[8]
Potassium	KOH	1	0.001	0.1	1	[26]
Tin	Organic compounds, as Sn	1	0.0001	0.1	1	[26]
Zinc	Zinc chloride fume	1	0.0004	0.04	0.4	[26]
Zirconium	Zr and compounds	1	3E-05	0.001	0.01	[26]
Sulfur	SO ₂	1	0.002	0.3	3	[26]

*The actual molecular form in the aerosol unknown and so worst case assumption was made if it was physically possible (e.g. it is not possible for elemental lithium & sodium to be present in the aerosol); there is no evidence from the research that suggests the metals were in the particular highest risk form, and in most cases a general knowledge of chemistry strongly suggests that this is unlikely. Thus, the TLV ratios reported here probably do not represent the (much lower) levels that would result if we knew the molecular forms.

**Average is presented when N > 1.

$OEL_{mixture} > 1$, then there is evidence of the mixture exceeding TLV.

The examined reports detected no more than 5–10 compounds in the aerosol, and the above calculation does not place any of them out of compliance with TLV for mixture. Let us imagine that 50 compounds with TLVs were detected. Given that the aerosol tends to contain various compounds at levels, on average, of no more than 0.5% of TLV (Tables 1 and 3), such a mixture with 50 ingredients would be at 25% of TLV, a level that is below that which warrants a concern, since the “action level” for implementation of controls is traditionally set at 50% of TLV to ensure that the majority of persons exposed have personal exposure below mandated limit [51]. Pellerino *et al.* [2] reached conclusions similar to this review based on their single experiment: contaminants in the liquids that warrant health concerns were present in concentrations that were less than 0.1% of that allowed by law in the European Union. Of course, if the levels of the declared ingredients (propylene glycol, glycerin, and nicotine) are considered, the action level would be met, since those ingredients are present in the concentrations that are near the action level. There are no known synergistic actions of the examined mixtures, so Equation 3 is therefore applicable. Moreover, there is

currently no reason to suspect that the trace amounts of the contaminants will react to create compounds that would be of concern.

Conclusions

By the standards of occupational hygiene, current data do not indicate that exposures to vapors from contaminants in electronic cigarettes warrant a concern. There are no known toxicological synergies among compounds in the aerosol, and mixture of the contaminants does not pose a risk to health. However, exposure of vapors to propylene glycol and glycerin reaches the levels at which, if one were considering the exposure in connection with a workplace setting, it would be prudent to scrutinize the health of exposed individuals and examine how exposures could be reduced. This is the basis for the recommendation to monitor levels and effects of prolonged exposure to propylene glycol and glycerin that comprise the bulk of emissions from electronic cigarettes other than nicotine and water vapor. From this perspective, and taking the analogy of work on theatrical fogs [46,47], it can be speculated that respiratory functions and symptoms (but not cancer of respiratory tract or non-malignant respiratory disease) of the vapor is of primary interest. Monitoring upper airway irritation of vapors and experiences of

unpleasant smell would also provide early warning of exposure to compounds like acrolein because of known immediate effects of elevated exposures (<http://www.atsdr.cdc.gov/toxprofiles/tp124-c3.pdf>; accessed July 11, 2013). However, it is questionable how much concern should be associated with observed concentrations of acrolein and formaldehyde in the aerosol. Given highly variable assessments, closer scrutiny is probably warranted to understand sources of this variability, although there is no need at present to be alarmed about exceeding even the occupational exposure limits, since occurrence of occasional high values is accounted for in established TLVs. An important clue towards a productive direction for such work is the results reported in [40,41] that convincingly demonstrate how heating the liquid to high temperatures generates compounds like acrolein and formaldehyde in the aerosol. A better understanding about the sources of TSNA in the aerosol may be of some interest as well, but all results to date consistently indicate quantities that are of no more concern than TSNA in smokeless tobacco or nicotine replacement therapy (NRT) products. Exposures to nicotine from electronic cigarettes is not expected to exceed that from smoking due to self-titration [11]; it is only a concern when a vaper does not intend to consume nicotine, a situation that can arise from incorrect labeling of liquids [25,44].

The cautions about propylene glycol and glycerin apply only to the exposure experienced by the vapers themselves. Exposure of bystanders to the listed ingredients, let alone the contaminants, does not warrant a concern as the exposure is likely to be orders of magnitude lower than exposure experienced by vapers. Further research employing realistic conditions could help quantify the quantity of exhaled aerosol and its behavior in the environment under realistic worst-case scenarios (i.e., not small sealed chambers), but this is not a priority since the exposure experienced by bystanders is clearly very low compared to the exposure of vapers, and thus there is no reason to expect it would have any health effects.

The key to making the best possible effort to ensure that hazardous exposures from contaminants do not occur is ongoing monitoring of actual exposures and estimation of potential ones. Direct measurement of personal exposures is not possible in vaping due to the fact the aerosol is inhaled directly, unless, of course, suitable biomarkers of exposure can be developed. The current review did not identify any suitable biomarkers, though cotinine is a useful proxy for exposure to nicotine-containing liquids. Monitoring of potential composition of exposures is perhaps best achieved through analysis of aerosol generated in a manner that approximates vaping, for which better insights are needed on how to modify "smoking machines" to mimic vaping given that there are documented differences in inhalation patterns [52] that depend

on features of e-cigarettes [14]. These smoking machines would have to be operated under a realistic mode of operation of the atomizer to ensure that the process for generation of contaminants is studied under realistic temperatures. To estimate dosage (or exposure in personal breathing zone), information on the chemistry of the aerosol has to be combined with models of the inhalation pattern of vapers, mode of operation of e-cigarettes and quantities of liquid consumed. Assessment of exhaled aerosol appears to be of little use in evaluating risk to vapers due to evidence of qualitative differences in the chemistry of exhaled and inhaled aerosol.

Monitoring of liquid chemistry is easier and cheaper than assessment of aerosols. This can be done systematically as a routine quality control measure by the manufacturers to ensure uniform quality of all production batches. However, we do not know how this relates to aerosol chemistry because previous researchers did not appropriately pair analyses of chemistry of liquids and aerosols. It is standard practice in occupational hygiene to analyze the chemistry of materials generating an exposure, and it is advisable that future studies of the aerosols explicitly pair these analyses with examination of composition of the liquids used to generate the aerosols. Such an approach can lead to the development of predictive models that relate the composition of the aerosol to the chemistry of liquids, the e-cigarette hardware, and the behavior of the vaper, as these, if accurate, can anticipate hazardous exposures before they occur. The current attempt to use available data to develop such relationships was not successful due to studies failing to collect appropriate data. Systematic monitoring of quality of the liquids would also help reassure consumers and is best done by independent laboratories rather than manufacturers to remove concerns about impartiality (real or perceived).

Future work in this area would greatly benefit from standardizing laboratory protocols (e.g. methods of extraction of compounds from aerosols and liquids, establishment of "core" compounds that have to be quantified in each analysis (as is done for PAH and metals), development of minimally informative detection limits that are needed for risk assessment, standardization of operation of "vaping machine", etc.), quality control experiments (e.g. suitable positive and negative controls without comparison to conventional cigarettes, internal standards, estimation of % recovery, etc.), and reporting practices (e.g. in units that can be used to estimate personal exposure, use of uniform definitions of limits of detection and quantification, etc.), all of which would improve on the currently disjointed literature. Detailed recommendations on standardization of such protocols lie outside of scope of this report.

All calculations conducted in this analysis are based on information about patterns of vaping and the content

of aerosols and liquids that are highly uncertain in their applicability to "typical" vaping as it is currently practiced and says even less about future exposures due to vaping (e.g. due to development of new technology). However, this is similar to assessments that are routinely performed in occupational hygiene for novel technology as it relied on "worst case" calculations and safety margins that attempt to account for exposure variability. The approach adopted here and informed by some data is certainly superior to some currently accepted practices in the regulatory framework in occupational health that rely purely on description of emission processes to make claims about potential for exposure (e.g. [53]). Clearly, routine monitoring of potential and actual exposure is required if we were to apply the principles of occupational hygiene to vaping. Detailed suggestions on how to design such exposure surveillance are available in [54].

While vaping is obvious not an occupational exposure, occupational exposure standards are the best available option to use. If there were a standard for voluntary consumer exposure to aerosols, it would be a better fit, but no such standard exists. The only candidate standard is the occupational standard, which is conservative (more protective) when considered in the context of voluntary exposures, as argued above, and any suggestion that another standard be used needs to be concrete and justified.

In summary, analysis of the current state of knowledge about the chemistry of contaminants in liquids and aerosols associated with electronic cigarettes indicates that there is no evidence that vaping produces inhalable exposures to these contaminants at a level that would prompt measures to reduce exposure by the standards that are used to ensure safety of workplaces. Indeed, there is sufficient evidence to be reassured that there are no such risks from the broad range of the studied products, though the lack of quality control standards means that this cannot be assured for all products on the market. However, aerosol generated during vaping on the whole, when considering the declared ingredients themselves, if it were treated in the same manner as an emission from industrial process, creates personal exposures that would justify surveillance of exposures and health among exposed persons. Due to the uncertainty about the effects of these quantities of propylene glycol and glycerin, this conclusion holds after setting aside concerns about health effects of nicotine. This conclusion holds notwithstanding the benefits of tobacco harm reduction, since there is value in understanding and possibly mitigating risks even when they are known to be far lower than smoking. It must be noted that the proposal for such scrutiny of "total aerosol" is not based on specific health concerns suggested by compounds that resulted in exceedance of occupational exposure limits, but is instead a conservative posture in the face of unknown consequences of inhalation of appreciable

quantities of organic compounds that may or may not be harmful at doses that occur during vaping.

Key conclusions:

- Even when compared to workplace standards for involuntary exposures, and using several conservative (erring on the side of caution) assumptions, the exposures from using e-cigarettes fall well below the threshold for concern for compounds with known toxicity. That is, even ignoring the benefits of e-cigarette use and the fact that the exposure is actively chosen, and even comparing to the levels that are considered unacceptable to people who are not benefiting from the exposure and do not want it, the exposures would not generate concern or call for remedial action.
- Expressed concerns about nicotine only apply to vapers who do not wish to consume it; a voluntary (indeed, intentional) exposure is very different from a contaminant.
- There is no serious concern about the contaminants such as volatile organic compounds (formaldehyde, acrolein, etc.) in the liquid or produced by heating. While these contaminants are present, they have been detected at problematic levels only in a few studies that apparently were based on unrealistic levels of heating.
- The frequently stated concern about contamination of the liquid by a nontrivial quantity of ethylene glycol or diethylene glycol remains based on a single sample of an early-technology product (and even this did not rise to the level of health concern) and has not been replicated.
- Tobacco-specific nitrosamines (TSNA) are present in trace quantities and pose no more (likely much less) threat to health than TSNA from modern smokeless tobacco products, which cause no measurable risk for cancer.
- Contamination by metals is shown to be at similarly trivial levels that pose no health risk, and the alarmist claims about such contamination are based on unrealistic assumptions about the molecular form of these elements.
- The existing literature tends to overestimate the exposures and exaggerate their implications. This is partially due to rhetoric, but also results from technical features. The most important is confusion of the concentration in aerosol, which on its own tells us little about risk to health, with the relevant and much smaller total exposure to compounds in the aerosol averaged across all air inhaled in the course of a day. There is also clear bias in previous reports in favor of isolated instances of highest level of chemical detected

across multiple studies, such that average exposure that can be calculated are higher than true value because they are “missing” all true zeros.

- Routine monitoring of liquid chemistry is easier and cheaper than assessment of aerosols. Combined with an understanding of how the chemistry of the liquid affects the chemistry of the aerosol and insights into behavior of vapers, this can serve as a useful tool to ensure the safety of e-cigarettes.
- The only unintentional exposures (i.e., not the nicotine) that seem to rise to the level that they are worth further research are the carrier chemicals themselves, propylene glycol and glycerin. This exposure is not known to cause health problems, but the magnitude of the exposure is novel and thus is at the levels for concern based on the lack of reassuring data.

Endnotes

^aAtmosphere that contains air inhaled by a person.

^bThis estimate of consumption was derived from informal reports from vaping community; 5 ml/day was identified as a high but not rare quantity of consumption and 25 ml/day was the high end of claimed use, though some skepticism was expressed about whether the latter quantity was truly possible. High-quality formal studies to verify these figures do not yet exist but they are consistent with report of Etter (2012).

The term “VOC” loosely groups together all organic compounds present in aerosol and because the declared ingredients of aerosol are organic compounds, it follows that “VOC are present”.

Additional files

Additional file 1: Summary of chemical analyses of e-cigarettes extracted from the literature.

Additional file 2: Key to identifying articles listed in *Additional file 1*.

Additional file 3: Calculations conducted to compare reported results to threshold limit values. Spreadsheet that implemented calculations summarized in the article.

Competing interests

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Authors' information

IB is trained in both occupational hygiene and epidemiology and thus is an expert in bringing information that these two fields contribute to risk assessment and policy-making. IB does not and never has used any tobacco products. Current research was completed by him as independent research contract during otherwise unpaid summer months. IB is an Associate Professor at Drexel University and felt obliged to disclose his primary academic appointment but this work was completed outside of the structures of Drexel University.

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Estimating the Harms of Nicotine-Containing Products Using the MCDA Approach

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Key Words

Smoked tobacco products · Oral tobacco products · Electronic cigarettes · Multi criteria decision analysis · Harm assessment · ENDS (electronic nicotine delivery systems)

Abstract

Background: An international expert panel convened by the Independent Scientific Committee on Drugs developed a multi-criteria decision analysis model of the relative importance of different types of harm related to the use of nicotine-containing products. **Method:** The group defined 12 products and 14 harm criteria. Seven criteria represented harms to the user, and the other seven indicated harms to others. The group scored all the products on each criterion for their average harm worldwide using a scale with 100 defined as the most harmful product on a given criterion, and a score of zero defined as no harm. The group also assessed relative weights for all the criteria to indicate their relative importance. **Findings:** Weighted averages of the scores pro-

vided a single, overall score for each product. Cigarettes (overall weighted score of 100) emerged as the most harmful product, with small cigars in second place (overall weighted score of 64). After a substantial gap to the third-place product, pipes (scoring 21), all remaining products scored 15 points or less. **Interpretation:** Cigarettes are the nicotine product causing by far the most harm to users and others in the world today. Attempts to switch to non-combusted sources of nicotine should be encouraged as the harms from these products are much lower.

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Introduction

The recreational use of tobacco remains one of the principal causes of chronic ill health and early death worldwide. The tobacco epidemic was largely reflected in more affluent Western countries but, increasingly, the illnesses associated with tobacco use have spread to the developing world [1]. Cigarettes are considered to be the most harm-

ful tobacco product although other forms of tobacco used recreationally may also result in harm to the user [2].

It is now widely accepted that the compulsive use of tobacco reflects the development of dependence upon the nicotine present in tobacco and many of the pharmacological interventions that are employed to aid smoking cessation target this dependence [3, 4]. However, in experimental animals, nicotine does not have the potent addictive properties that are required to explain the powerful addiction to tobacco experienced by many habitual smokers [5, 6]. Thus, it has been proposed that other pharmacologically active substances present in tobacco smoke and the conditioned sensory stimulation associated with inhaling tobacco smoke have a significant role in the development of dependence upon tobacco [7–10]. Pharmacological nicotine replacement products (NRT) were introduced as aids to smoking cessation in the late 1970s and continue to be used extensively in the treatment of tobacco dependence. Experience with these preparations suggests that their use is not associated with an increased risk of chronic obstructive pulmonary disease, lung cancer or cardiovascular disease [3, 11] although there are reports that nicotine may be metabolized to compounds that are potentially carcinogenic [12, 13]. Furthermore, studies with experimental animals suggest that the ingestion of nicotine during pregnancy can have adverse effects on the brain development of the fetus and the vulnerability of the progeny to nicotine dependence [14, 15]. Relatively little direct information is available for the effects of maternal nicotine on human development and behaviour. However, smokeless tobacco has been found to have a negative effect [16] and Bruin et al. [17] have argued that the possibility of adverse effects for both the mother and fetus of NRT use during pregnancy should not be disregarded. Thus, individual researchers have expressed differing opinions on the safety of pharmacological nicotine. Nevertheless, some 40 years' experience with NRT preparations suggest that they are safe and are not associated with significant adverse medical consequences [4]. This conclusion is consistent with the compelling evidence that many of the adverse health effects of inhaling tobacco smoke are caused by other components of the smoke such as nitrosamines, carbon monoxide and nitric oxide [18, 19]. Thus, despite some differences in opinion, it seems that tobacco use lends itself rather better than many other forms of addiction to a harm reduction approach using pharmacological interventions including therapeutic nicotine preparations.

Most attention with regard to the harmful effects of tobacco use has focused on cigarettes and the evidence that they cause chronic illness and early death is compelling.

However, other forms of tobacco use also need to be considered. There is good evidence, for example, that Swedish snus, a form of refined oral tobacco which is low in nitrosamines, is at worst only weakly associated with an increased risk of cancer or cardiovascular disease [20]. By contrast, other smokeless unrefined oral tobacco products seem to be associated with significantly more harm to the user [21]. For example, the chronic use of gutkha, a form of smokeless tobacco popular with members of the Asian community, is associated with the development of disorders of the oral mucosa and oral cancer [22]. Water pipes, widely used in the Middle East, are finding increasing favour in Western society. The potential toxic effects of water pipe smoke have not yet been fully evaluated although some concerns have been expressed about the potential adverse consequences for health of using this form of tobacco [23, 24]. Our understanding of the potential hazards associated with using electronic nicotine delivery systems (ENDS, e.g. E-cigarettes) is at a very early stage. These delivery systems are seen as an acceptable form of recreational nicotine use with a minimal potential for second-hand environmental contamination. Nevertheless, there is concern that these devices should not be introduced in an unregulated way until potential associated harms are adequately evaluated [25].

There remains a need for policy makers to become better informed of the relative harms of nicotine delivery systems in order to build a regulatory framework that minimizes harm. The aim of the current study was to convene a group of experts with expertise in the field of nicotine and tobacco research from different disciplines (animal and behavioural pharmacology, toxicology, medicine, psychiatry, policy and law) that could discuss and agree on the harmfulness of nicotine-containing products using a multi-criteria decision analysis (MCDA) model and, thus, provide a sound framework within which policy makers might work.

Methods

Study Design

The Independent Scientific Committee on Drugs selected experts from several different countries to ensure a diversity of expertise and perspective, as evident from the author list. The MCDA process [26] was conducted during a 2-day facilitated workshop held in London in July 2013. The MCDA model for the harm of psychoactive drugs developed by the Independent Scientific Committee on Drugs in 2010 [27] provided a starting point for this nicotine harm study, as it covered all the potential parameters of harm that might potentially be caused by any drug.

The MCDA process is a way to compare variables of harm in widely different areas where traditional metrics are not available. It works through a series of eight stages: (1) establishing context;

(2) agreeing on the products to be evaluated and producing definitions of these; (3) agreeing on the criteria on which the products were to be compared; (4) scoring the products on each criterion; (5) weighting the criteria; (6) calculating weighted scores to give an overall index of the harm of each product; (7) examining results and resolving any inconsistencies, and (8) exploring the sensitivity of the indices to different assessments of scores and weights.

The Context

The group recognized that there are regional and national differences in actual and perceived harm of nicotine products, so participants agreed to take a worldwide perspective and consider average harm.

The Nicotine Products

After considering many nicotine products and the criteria for comparing the products, the group discussed steps 2 and 3 above in a reciprocal and iterative way so that the final set of products was substantially different from one another in important ways. Table 1 gives the final agreement about the products and their definitions.

The Criteria of Harms

The group reviewed the 16 criteria that had first been agreed by the UK Advisory Council on the Misuse of Drugs [28] and used by the Independent Scientific Committee on Drugs in their 2010 decision conference on 20 psychoactive drugs [27]. All but two criteria were retained but where necessary were redefined to be relevant to nicotine products. The two that were dropped were drug-specific and drug-related mental impairment as it was thought that there was little evidence for these with any of the nicotine products.

The criteria against which the products were evaluated are shown at the extreme right of the harm tree in figure 1. The main objective was to determine an ordering of the products at the 'Product harms' node. The next level to the right provides separate harm groupings of the criteria: 'To users' (harm to those who are using the product) and 'To others' (harm as a consequence of the use of the product to others both directly and indirectly). Assessments of the harms for all products were made against the criteria given at the extreme right of the value tree. The final definitions are shown in table 2.

Scoring the Products

The group scored all products on all criteria. The scoring system used points out of 100, with 100 assigned to the most harmful product on a given criterion and zero representing 'no harm'.

In scaling the products, care is required to ensure that each successive point on the scale represents equal increments of harm. Thus, if a product is scored at 50, then it should be half as harmful as the product scored 100. Because zero represents no harm, this scale can be considered a ratio scale, which makes possible ratio comparisons of the weighted scales.

Weighting

Some criteria are more important expressions of harm than others, so weighting of the criteria is required. 'Swing weighting' provides weights that are meaningful in MCDA. As an analogy, both Fahrenheit and Celsius scales contain 0–100 portions, but the swing in temperature from 0 to 100 on the Fahrenheit scale is, of course, a smaller swing in temperature than 0–100 on a Celsius scale; it takes 5 Celsius units to equal 9 Fahrenheit units. The purpose of weighting is to ensure that the units of harm on the different harm

scales are equivalent, thus enabling weighted scores to be compared and combined across the criteria. Weights are scale factors.

To assess scale factors two steps in thinking must be separated. First, it is necessary to think about the difference in harm between the most and least harmful products on that criterion. The next step is to think about how much that difference in harm matters in a given context. 'How big is the difference in harm and how much do you care about that difference?' This is the question that was posed in comparing the 0-to-100 swing in harm on one scale with the 0-to-100 swing on another scale, assuming the harm is a worldwide average.

Swing weights for the User criterion were assessed first; the largest swing, on Product-specific morbidity, the difference between cigarettes and nasal sprays was assigned a weight of 100. Next, weights were judged for the criteria at the Other node: the largest swing, the difference between cigarettes and small cigars for Economic cost, was set at 100. Finally, those two 100's were compared by judging their swing weights. The swing for Product-re-

Table 1. The 12 products considered during the decision conference and their definitions

Cigarettes	manufactured and hand-rolled cigarettes in which the tobacco is wrapped in paper
Cigars	smoked cigars: roll of tobacco wrapped in tobacco leaf
Little and small cigars	used like a cigarette wrapped in tobacco leaf, sometimes with a filter (a product that has emerged in response to the US tobacco taxation system and would, in most jurisdictions be considered cigarettes)
Pipes	a tube with a small bowl at one end for smoking tobacco
Water pipe	a pipe where tobacco smoke is bubbled through water
Smokeless refined	non-snus (and other) smokeless refined tobacco products used orally, including moist chewing tobacco and snuff (common in USA)
Smokeless unrefined	non-snus (and other) smokeless unrefined tobacco products used orally, including chewing tobacco and dry snuff (products common in SE Asia)
Snus	a low nitrosamine and non-fermented smokeless tobacco product (popular in Scandinavia and now in USA)
ENDS	electronic nicotine delivery system products, e.g. e-cigs (electronic cigarettes either cigarette-like or personal vaporizers)
Oral products	oral nicotine delivery products (including NRT products)
Patch	dermal nicotine delivery products
Nasal sprays	nasal nicotine delivery products

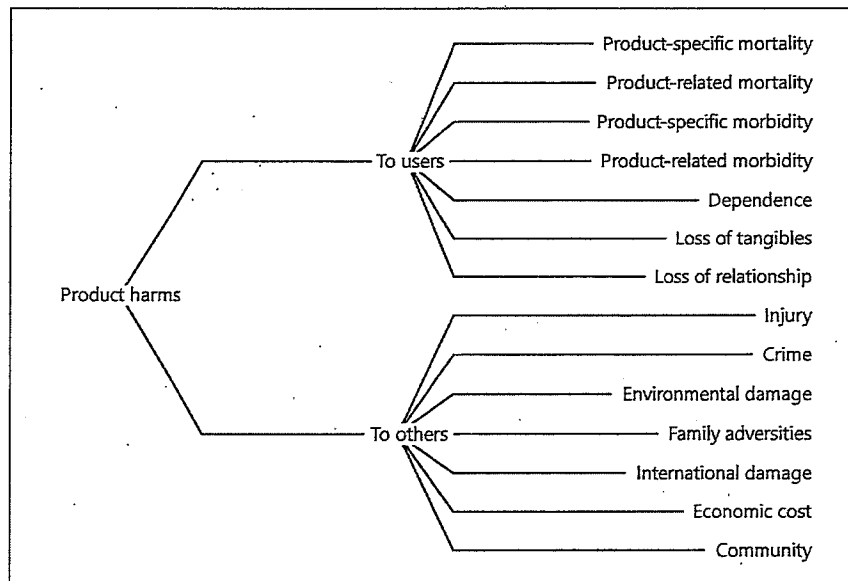


Fig. 1. Evaluation criteria organized by harms to users and harms to others.

Table 2. Definitions of the evaluation criteria for the nicotine products

Name	Description
Product-specific mortality	deaths directly attributed to product misuse or abuse as in the case of accidental and deliberate poisoning
Product-related mortality	deaths indirectly attributed to the product, e.g. death due to cancer, respiratory illness, cardiovascular disease and fire
Product-specific morbidity	damage (morbidity, chronic ill health) to physical health directly attributed to product misuse or abuse, e.g. ulcers, lung disease, heart disease
Product-related morbidity	damage to physical health indirectly attributed to product misuse or abuse, e.g. burns, allergies
Dependence	extent to which the product creates a propensity or urge to continue use despite adverse consequences and causes withdrawal symptoms on cessation
Loss of tangibles	extent of loss of tangible things (e.g. income, housing, job)
Loss of relationships	extent of loss of relationships with family and friends
Injury	the extent to which the product increases chances of injuries to others both directly and indirectly, e.g. traffic accident, fetal harm, second-hand smoke, accidental poisoning, burns
Crime	the extent to which the use of the product increases criminal behaviour (e.g. smuggling) directly or indirectly (at the population level, not the individual)
Environmental damage	the extent to which the use and production of this product causes environmental damage locally, e.g. fires, competition for arable land, cigarette stub pollution
Family adversities	the extent to which the use of the product causes family adversities, e.g. economic well-being, future prospects of children
International damage	the extent to which the use of the product contributes to damage at an international level, e.g. deforestation, contraband as criminal activity, counterfeiting
Economic cost	the extent to which the use of the product results in effects that create direct costs to countries (e.g. health-care costs, customs) and indirect costs (e.g. loss of productivity, absenteeism)
Community	the extent to which the use of the product creates decline in social cohesion and decline in the reputation of the community

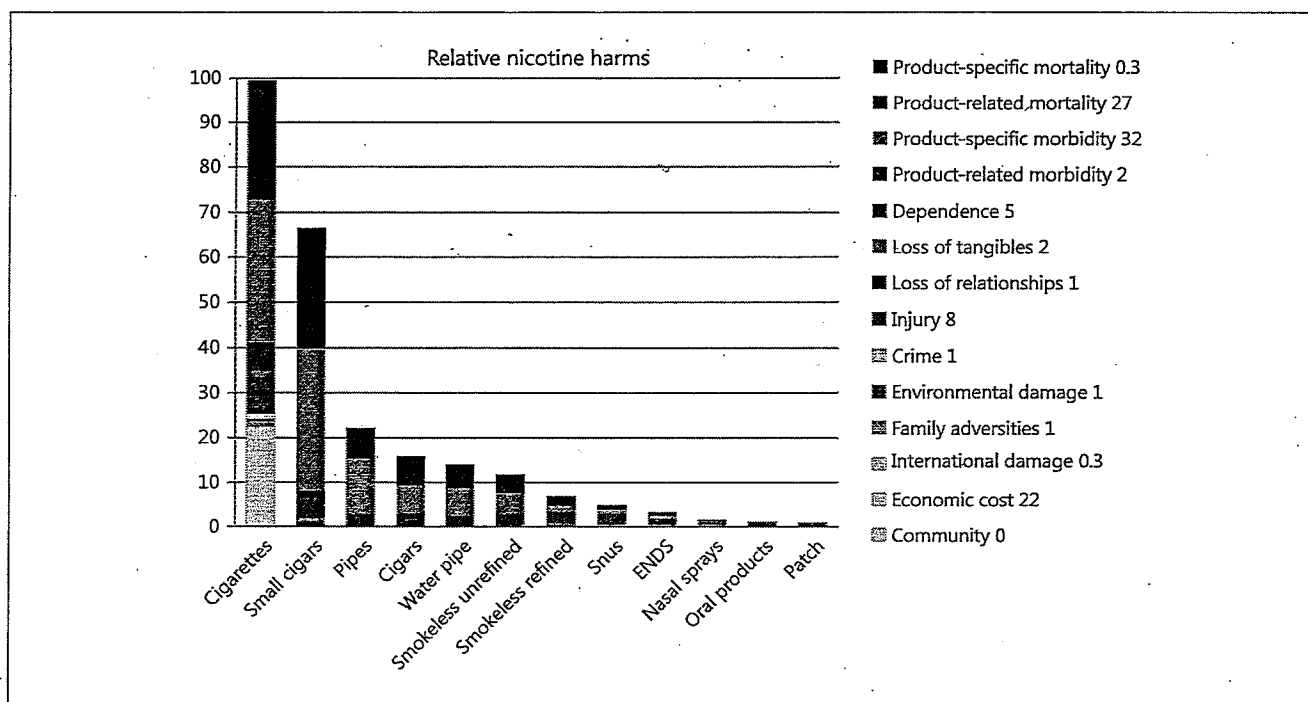


Fig. 2. Overall weighted scores for each of the products. Cigarettes, with an overall harm score of 99.6, are judged to be most harmful, and followed by small cigars at 67. The heights of the coloured portions indicate the part scores on each of the criteria. Product-related mortality, the upper dark red sections, are substantial contribu-

tors to those two products, and they also contribute moderately to cigars, pipes, water pipes, and smokeless unrefined. The numbers in the legend show the normalized weights on the criteria. Higher weights mean larger differences that matter between most and least harmful products on each criterion.

lated morbidity was weighted as the larger harm that matters, so its weight of 100 was retained. The swing for Economic cost was assessed as 70% of that, so the original weights for all the Economic criteria were multiplied by 0.70.

As scores and weights were agreed, they were input to the Hiview computer program¹, which normalized the weights so they summed to 100, calculated the weighted scores and displayed the results.

Results

Figure 2 shows the overall weighted scores of the nicotine products as stacked bar graphs. Cigarettes and small cigars are each several times more harmful than any of the other products. Similarly coloured sections of the bar graphs show a given criterion's weighted harm value as it contributes to the overall weighted scores of the nicotine products. Thus, Product-related mortality and Product-

specific morbidity are the main harms for cigarettes and small cigars, while Economic cost is also a substantial contributor to the overall harm for cigarettes.

The stacked bar graphs can also be shown for their separate contributions of harm 'To users' and harm 'To others'. Figure 3 gives the harm to users as the blue section, and harm to others as red. Harm to others makes a substantial contribution only to cigarettes, and virtually none to the other 11 products.

Why are cigarettes considered the most harmful? Figure 4 shows the contribution that each criterion makes to cigarettes' total weighted score. Each row in the display gives the part-score for that criterion (Wtd Diff), and it is the sum of those part scores that gives the overall score of 99.6. These part-scores determine the relative heights of each of the coloured bands for the cigarettes' bar graph in figure 4. Note that cigarettes were assigned harm scores of 100 on 12 of the 14 criteria, but that just five of those 14 collectively contribute a score of 92.7, nearly as much as the total of 99.6.

Both cigarettes and small cigars score 100 on three of the most important criteria: Product-specific morbidity-

¹ An MCDA computer program first developed at the London School of Economics and Political Science and now available from Catalyze Ltd., www.catalyze.co.uk.

Fig. 3. The products ordered by their overall harm scores, with the stacked bar graphs showing the contribution to the overall score of harms to users and harm to others. The numbers in the legend show the sums of the normalized weights at each node.

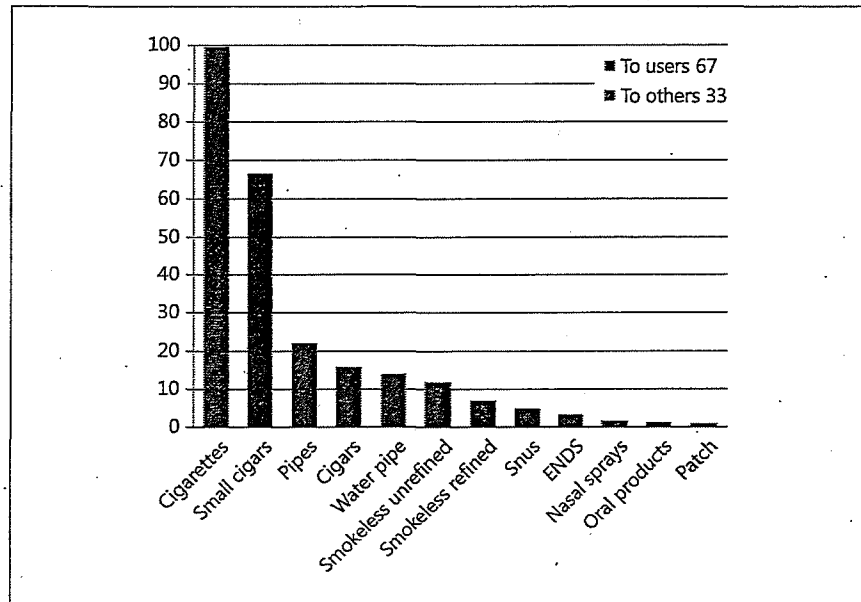


Fig. 4. The relative harms of cigarettes. The cumulative weight (Cum Wt) column shows the normalized weight for each criterion. The harm score for cigarettes, shown in the Diff column, on each criterion is multiplied by the cumulative weight of the corresponding criterion to give a weighted score (i.e., a part-score), shown in the Wtd Diff column. The lengths of the green bars are proportional to the weighted scores, so the longer the green bars, the more that harm matters for its effects from cigarettes.

Compare: Cigarettes minus All at 0

	Model-Order	Cum Wt	Diff	Wtd Diff	Sum
TO USERS	Product spec morb	31.5	100	31.5	31.5
TO USERS	Product rel morb	26.8	100	26.8	58.4
TO OTHERS	Economic cost	22.1	100	22.1	80.4
TO OTHERS	Injury	7.6	100	7.6	88.0
TO USERS	Dependence	4.7	100	4.7	92.7
TO USERS	Loss of tangibles	1.6	100	1.6	94.3
TO USERS	Product rel morb	1.6	95	1.5	95.8
TO OTHERS	Family adversities	1.3	100	1.3	97.1
TO OTHERS	Crime	0.9	100	0.9	98.0
TO USERS	Loss of relationship	0.6	100	0.6	98.7
TO OTHERS	Environmental damage	0.6	100	0.6	99.3
TO OTHERS	International damage	0.3	100	0.3	99.6
TO USERS	Product spec morb	0.3	0	0.0	99.6
TO OTHERS	Community	0.0	100	0.0	99.6
		100.0		99.6	

ty, Product-related mortality and Dependence. Those three are harms to the users, criteria which do not take account of the extent of usage worldwide. However, cigarettes also score 100 on Economic cost and Injury, which are harms to others that do take account of global usage. It is those two criteria that account for the difference in the total scores of cigarettes compared to small cigars.

Discussion

Perhaps not surprisingly, given their massively greater use as compared with other products, cigarettes were ranked the most harmful, followed by small cigars as two thirds as harmful. It is only the relative lack of harm to others that positioned small cigars at two thirds the harm of cigarettes. For both these products the bulk of the

harm came from morbidity and mortality areas such as cancer, respiratory and cardiovascular disease, followed by Economic cost, Injury and Dependence. There was a big drop in harm from small cigars (67% of maximum relative harm, MRH) to pipes 22%. Within the tobacco products there was a gradual reduction in harm from water pipe, smokeless unrefined, smokeless refined to snus that has 5% of MRH. Among the purer non-tobacco vehicle products ENDS were rated to have only 4% of MRH and for the even purer NRTs the MRH was only rated at about 2%. Thus there is wide variability in harm among the combustible tobacco-based products, from cigarettes (100%) to water pipe (14%) and even more within the tobacco-based category, from cigarettes (100%) to snus (5%). Not surprisingly the purest products, NRTs, with few other ingredients than nicotine were the least harmful and pose little risk for intrinsic harm when used for the treatment of tobacco dependence. Indeed their use would bring significant benefits not just to users but also to non-smokers and society as a whole.

Clearly this exercise speaks to a continuum of harm from nicotine-containing products with cigarettes at one end and NRT products at the other end. The differences between the products are substantial and if policy actions could help to switch use away from cigarettes and other smoked products to purer nicotine products, such as NRT products, massive public health gains would occur.

There is also some evidence that the cigarettes are the most dependence-forming product and products with less harm also may be less dependence-forming [9]. An analogue can be found with alcohol where most countries have policies that steer consumption as much as possible to alcohol-containing beverages with a low alcohol content.

A limitation of this study is the lack of hard evidence for the harms of most products on most of the criteria. That is why we adopted the decision conferencing process: the group of experts worked face-to-face in a peer-review setting with impartial facilitation, sharing relevant data, knowledge and experience to ensure that all perspectives were heard. It is the combination of impartial facilitation, modelling (in this case, MCDA), and information technology (projecting the MCDA model for the group to observe as it was constructed and explored) that enables a group to outperform its members, thus providing the best collective expertise of the experts [28]. Another weakness might be the kind of sample of experts. There was no formal criterion for the recruitment of the

experts although care was taken to have raters from many different disciplines.

Even if data were available for all the harms of all the products on all the criteria, judgements would still be required to assess swing-weights. While the magnitude of harm of the most harmful product on each criterion can be informed by data, how much that worst-best difference matters requires an act of judgement. In this way, MCDA separates matters of fact from value judgements. As value judgements are at the heart of political debate, it might be instructive to engage in a public consultation exercise to allow different constituencies to express their views about the weights. This could be a first step in initiating a structured deliberative discourse about nicotine-containing products, as the politicians, the law and the public might weight the harm criteria differently [29]. In addition, including the benefits of using nicotine products along with the harmful criteria might provide insights into the nature of the benefit-harm balance.

The results of this study suggest that of all nicotine-containing products, cigarettes (and small cigars in the USA) are very much the most harmful. Interventions to reduce this pre-eminence are likely to bring significant benefits not just to users but also to non-smokers and society as a whole. Attempts to use other forms of nicotine such as ENDS and NRT to reduce cigarette smoking should be encouraged as the harms of these products are much lower.

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Disclosure Statement

The sponsor of the study had no role in any stage of the MCDA process or in the writing of this article, and was not present at the workshop. All authors had full access to all the data in the study, and had final responsibility for the decision to submit for publication.

K.F. has served as a consultant for most companies with an interest in tobacco dependence treatments. J.F. has served as a consultant to manufacturers of smoking cessation products (e.g. Pfizer, GSK, J & J, Novartis) and has received a research grant from Pfizer. R.P. has received lecture fees from Pfizer and GSK, a research grant from Pfizer, and he has served as a consultant for Pfizer, Global Health Alliance for treatment of tobacco dependence, and Arbi Group Srl, an e-cigarette distributor. All other authors have no conflicts of interest to declare.

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Editors' Note

The editors are aware that K.F. has connections with a company that is associated with one of the largest tobacco industries in the world (BAT: Nicoventures), but would like to notice that this stand-alone company produces smoking cessation products, i.e. electronic cigarettes, that are now in discussion to be regarded as a new form of NRT. NRT is widely accepted as a treatment of patients with tobacco dependence. Therefore, the editors decided that the potential conflict of interest of K.F. should not preclude acceptance and publication of this article. However, the scientific community has to discuss the demarcation between potential conflicts of interest related to companies producing addictive drugs and companies producing therapeutics.



Electronic cigarettes: achieving a balanced perspective

Theodore L. Wagener¹, Michael Siegel² & Belinda Borrelli³

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ABSTRACT

Concerns have been raised that the advent of electronic cigarettes (e-cigarettes) may be harmful to public health, and smokers have been advised by important agencies such as the US Food and Drug Administration not to use them. This paper argues that, while more research is needed on the cost-benefit equation of these products and the appropriate level and type of regulation for them, the harms have tended thus far to be overstated relative to the potential benefits. In particular: concern over repeated inhalation of propylene glycol is not borne out by toxicity studies with this compound; risk of accidental poisoning is no different from many household devices and chemicals available in supermarkets; concern that e-cigarettes may promote continued smoking by allowing smokers to cope with no-smoking environments is countered by the observation that most smokers use these products to try to quit and their use appears to enhance quitting motivation; concerns over low nicotine delivery are countered by evidence that the products provide significant craving reduction despite this in some cases; and e-cigarettes may help reduce toxin exposure to non-smokers.

Keywords Electronic cigarette, harm reduction, nicotine.

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Electronic cigarettes, or 'e-cigarettes', look and feel like regular cigarettes but do not contain tobacco, require combustion or produce smoke. To date, they have not been manufactured by tobacco or pharmaceutical companies. e-Cigarettes are marketed to smokers as an alternative to regular cigarettes, offering the 'freedom to smoke anywhere'. e-Cigarettes are becoming increasingly popular, especially in locations with stronger tobacco control regulations [1]. The e-cigarette has been the cause of significant debate both in the United States and around the world. Although there are many staunch supporters of e-cigarettes, there appears to be even stronger and more powerful opposition from the US Food and Drug Administration (FDA) and many individuals in the tobacco control community who would prefer that e-cigarettes be regulated as drug-delivery devices or banned entirely from the market. In recent months, several commentaries on electronic cigarettes have been presented [2,3]. One recent paper [4] by Cobb & Abrams in the *New England Journal of Medicine* reviews many of the strongly held concerns of regulators and those in the tobacco control community regarding the potential perils

of e-cigarettes, but does little to examine the evidence of the potential promise of e-cigarettes.

The concerns of Cobb & Abrams focus on the limited evidence regarding both the safety and cessation benefit of e-cigarettes. They question the quality control standards of e-cigarette manufacturers, the impact of repeated propylene glycol (a major chemical component of some e-cigarettes) inhalation by humans, and the possibility of children (or adults) being harmed by inadvertently consuming large refill bottles or cartridges of e-cigarette liquid. Regarding quality control standards, Cobb & Abrams are correct, as the current standards of e-cigarette manufacturers have been quite variable, which could be a significant public safety concern. However, the impact of repeated propylene glycol vapor inhalation by humans, as it may be a throat irritant, though understandable, does not seem to be reason enough to remove these products from the market. Furthermore, animal studies on repeated propylene glycol vapor exposure indicate no deleterious effects [5], and the nicotine inhaler has similar side effects [6]. Finally, their concern regarding the possibility of accidental child

poisonings is also something that should be investigated and monitored. Currently, e-cigarette companies label their products with warnings to keep cartridges out of the reach of children. However, it is important to put this concern into context. Many household products are potentially dangerous to children if consumed, yet we do not ban these products. For example, if a child consumed a large bottle of cherry-flavored liquid acetaminophen, this too would be dangerous—if not deadly. Similar to e-cigarette labels, for consumer products that are hazardous to children we simply warn adults to keep them out of their reach.

On the topic of cessation benefit, Cobb & Abrams argue that there is no evidence that e-cigarettes are beneficial for cessation, and that there may be a risk that e-cigarettes will be used only in places where smoking is prohibited by current smokers (i.e. 'bridge products') or function as attractive starter products for young non-smokers. We agree that these concerns need to be addressed through continued thoughtful, rigorous scientific investigations. Current research investigating these concerns is limited, although not non-existent. Moreover, the research indicates some promising effects. For example, Cobb & Abrams argue that e-cigarettes are unlikely to be useful for smoking cessation because of ineffective nicotine delivery, as evidenced by low plasma levels of nicotine by the smokers who used them. However, the study [7] that they cite to support this argument actually showed that one e-cigarette brand was able to significantly reduce subjective craving for cigarettes *despite* low plasma levels of nicotine. Another study [8], not mentioned by Cobb & Abrams, found that e-cigarettes not only deliver nicotine effectively (more rapidly than a nicotine inhaler), but that they significantly reduce cigarette craving and number of cigarettes smoked at a level similar to that of nicotine replacement products. Furthermore, a recent clinical trial [9] published after the Cobb & Abrams article showed that e-cigarette use may motivate quitting. Among 40 smokers who were initially not interested in quitting but who were asked to use the e-cigarette *ad libitum*, 22.5% achieved sustained smoking abstinence (biochemically verified) at 6-month follow-up [9]. Furthermore, an additional 12.5% and 32.5% reduced their smoking by $\geq 80\%$ and $\geq 50\%$, respectively [9]. Several survey studies support these findings. In a large international survey of current, former or never users of e-cigarettes, 72% of users reported that e-cigarettes helped them to deal with cravings and withdrawal symptoms, 92% reported reductions in their smoking when using e-cigarettes, and only 10% reported that they experienced the urge to smoke tobacco cigarettes when using the e-cigarette [10]. Moreover, of more than 2000 former smokers in this survey, 96% reported that the e-cigarette helped them to stop smoking, and 79% reported fearing

that they would start smoking again if they stopped using it [10]. Consequently, removing e-cigarettes from the market or discouraging their use could harm public health by depriving smokers of a potentially important option for smoking cessation.

Although larger trials are needed to help answer questions regarding the possibility of dual use (i.e. smokers maintain current smoking levels and add e-cigarettes), the available evidence suggests that this is not the case. Research indicates that the vast majority of e-cigarette users use e-cigarettes for either complete (79%) or partial replacement (17%) of tobacco cigarettes [10]. In addition, fears that smokers will forego traditional cessation methods in favor of e-cigarettes has not been substantiated. A substantial number of current e-cigarette users report having tried to quit previously using nicotine replacement therapies (70%), bupropion (29%) and/or varenicline (18.6%) [10]. This finding, taken together with the Bullen *et al.* [8] finding that placebo e-cigarettes also reduced craving, withdrawal symptoms and number of cigarettes per day, suggests that e-cigarettes address an additional behavioral component (e.g. hand to mouth gesture, 'throat hit' of the vapor, exhaling visible vapor) beyond the pharmacological effect of nicotine provided by current FDA-approved therapies. As a result, for smokers who have failed to quit with current approved therapies, e-cigarettes offer an alternative method of quitting, or a method of supplementing these currently approved therapies. Moreover, withdrawing e-cigarettes from the market or discouraging ex-smokers who have quit by using these devices to discontinue their use and switch to approved forms of therapy is unlikely to be a boon for public health, as the current evidence suggests that e-cigarette users often have high levels of nicotine dependence and have tried and failed to quit smoking with multiple forms of approved cessation therapies [10]. It seems misguided to ask people to discontinue an approach that is working in favor of an approach that has already been ineffective for them.

Finally, an often unconsidered advantage of e-cigarettes is that they do not require combustion and therefore produce no second-hand smoke exposure (SHSe) to the user or to individuals in the smoker's environment. Second-hand smoke, especially in homes with children, poses a serious public health risk increasing the incidence of sudden infant death syndrome, respiratory illness, middle-ear disease and asthma [11,12]. Children aged between 3 and 11 years have the highest levels of SHSe, probably because they spend a majority of their time in close proximity to a caregiver who smokes [13–15]. Despite the strong national effort of introducing smoking bans in public spaces, children living with smokers have not experienced any reduction in their SHSe, as evidenced by serum cotinine levels [16].

Furthermore, clinical interventions aimed at reducing children's SHSe by targeting caregiver smoking behavior (i.e. cessation and/or smoking outside) often fail to produce long-term cessation and result in minimal to no reduction in SHSe for children, as measured by objective indicators such as urinary or serum cotinine or a child-worn passive smoke monitor [17]. A significant majority of parents return to smoking or do not maintain consistently smoke-free homes. As such, the current methods of reducing caregiver smoking behavior cannot be relied upon as the sole means of reducing children's SHSe. The use of e-cigarettes by caregivers who smoke and who are unable or unwilling to quit smoking by more traditional means may be a viable alternative method to reduce children's SHSe.

We contend that the initial evidence suggests that e-cigarettes offer more promise than peril, but more research needs to be conducted. The debate over e-cigarettes will no doubt continue. It is our hope that those participating in this debate report all sides of the issue, considering both the potential harm e-cigarettes could cause the user and the potential harm the tobacco control community could cause by dismissing the e-cigarette prematurely as a viable alternative for smoking cessation and second-hand smoke reduction. We also encourage e-cigarette investigators to draw conclusions within the appropriate context to prevent misleading conclusions. For example, the FDA held a press conference during which it warned consumers not to use e-cigarettes because of the presence of toxic chemicals, including diethylene glycol and carcinogens (tobacco-specific nitrosamines) [18]. What the FDA did not report was that it detected only trace levels of carcinogens (0.07–0.2% of the corresponding levels in cigarettes) [19,20] at levels similar to the nicotine patch and nicotine gum, and found diethylene glycol in only one of the 18 samples tested (a chemical that has not been found in any other brand since) [20]. Viewed in this context, instead of warning consumers not to use e-cigarettes we would argue that these data suggest that e-cigarettes may pose much lower carcinogenicity than regular cigarettes and are probably similar in carcinogenicity to FDA-approved nicotine replacement products. However, we recognize that stronger quality control standards need to be utilized by e-cigarette manufacturers to prevent human exposure to toxic chemicals, such as diethylene glycol. Indeed, some e-cigarette manufacturers are attending to safety concerns by making their products safer, such as using distilled water and glycerine instead of propylene glycol vapor. Overall, we hope that continued discussion about the promise and perils of e-cigarettes is based on a balanced view of the available science, rather than an ideology that opposes harm reduction without consideration of both sides of the issue, including potential public health benefits.

Declarations of interest

None.

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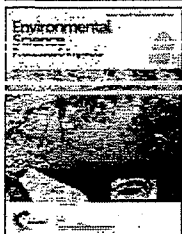
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Particulate metals and organic compounds from electronic and tobacco-containing cigarettes: comparison of emission rates and secondhand exposure

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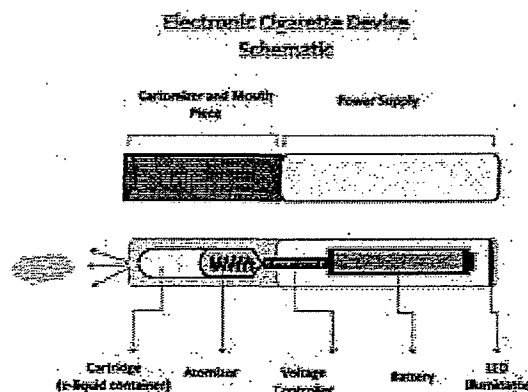
In recent years, electronic cigarettes have gained increasing popularity as alternatives to normal (tobacco-containing) cigarettes. In the present study, particles generated by e-cigarettes and normal cigarettes have been analyzed and the degree of exposure to different chemical agents and their emission rates were quantified. Despite the 10-fold decrease in the total exposure to particulate elements in e-cigarettes compared to normal cigarettes, specific metals (e.g. Ni and Ag) still displayed a higher emission rate from e-cigarettes. Further analysis indicated that the contribution of e-liquid to the emission of these metals is rather minimal,

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implying that they likely originate from other components of the e-cigarette device or other indoor sources. Organic species had lower emission rates during e-cigarette consumption compared to normal cigarettes. Of particular note was the non-detectable emission of polycyclic aromatic hydrocarbons (PAHs) from e-cigarettes, while substantial emission of these species was observed from normal cigarettes. Overall, with the exception of Ni, Zn, and Ag, the consumption of e-cigarettes resulted in a remarkable decrease in secondhand exposure to all metals and organic compounds. Implementing quality control protocols on the manufacture of e-cigarettes would further minimize the emission of metals from these devices and improve their safety and associated health effects.

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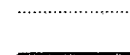
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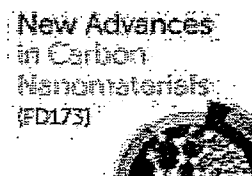
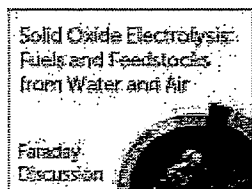
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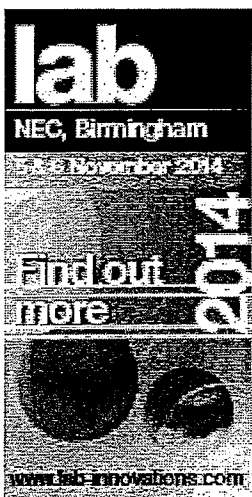
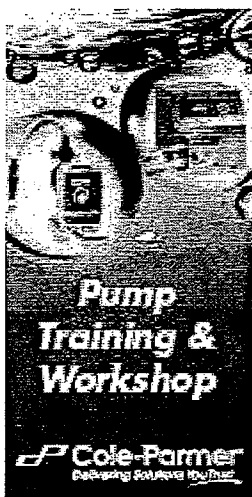
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Cytotoxicity evaluation of electronic cigarette vapor extract on cultured mammalian fibroblasts (ClearStream-LIFE): comparison with tobacco cigarette smoke extract

May 2013, Vol. 25, No. 6, Pages 354-361 (doi:10.3109/08958378.2013.793439)

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Abstract

Context: Electronic cigarettes (ECs) are used as alternatives to smoking; however, data on their cytotoxic potential are scarce.

Objective: To evaluate the cytotoxic potential of 21 EC liquids compared to the effects of cigarette smoke (CS).

Methods: Cytotoxicity was evaluated according to UNI EN ISO 10993-5 standard. By activating an EC device, 200 mg of liquid was evaporated and was extracted in 20 ml of culture medium. CS extract from one cigarette was also produced. The extracts, undiluted (100%) and in five dilutions (50%, 25%, 12.5%, 6.25% and 3.125%), were applied to cultured murine fibroblasts (3T3), and viability was measured after 24-hour incubation by 3-[4,5-dimethylthiazol-2-yl]-2,5-diphenyltetrazolium bromide assay. Viability of less than 70% was considered cytotoxic.

Results: CS extract showed cytotoxic effects at extract concentrations above 12.5% (viability: $89.1 \pm 3.5\%$ at 3.125%, $77.8 \pm 1.8\%$ at 6.25%, $72.8 \pm 9.7\%$ at 12.5%, $5.9 \pm 0.9\%$ at 25%, $9.4 \pm 5.3\%$ at 50% and $5.7 \pm 0.7\%$ at 100% extract concentration). Range of fibroblast viability for EC vapor extracts was $88.5-117.8\%$ at 3.125%, $88.4-115.3\%$ at 6.25%, $85.8-111.7\%$ at 12.5%, $78.1-106.2\%$ at 25%, $79.0-103.7\%$ at 50% and $51.0-102.2\%$ at 100% extract concentration. One vapor extract was cytotoxic at 100% extract concentration only (viability: $51.0 \pm 2.0\%$). However, even for that liquid, viability was 795% higher relative to CS extract.

Conclusions: This study indicates that EC-vapor is significantly less cytotoxic compared tobacco CS. These results should be validated by clinical studies.

Keywords

Cytotoxicity, electronic cigarette, fibroblasts, in vitro, nicotine, smoking, tobacco harm reduction

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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: Commissioners Fong, Hillis, Moore, Johnson, and Wu

NAYS: Commissioners Richards, Antonini

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

OF APPEAL - 8 PM 2: 04
COMMISSION

21

The property is located at 1963 Ocean Avenue

Date of City Planning Commission Action
(Attach a Copy of Planning Commission's Decision)

Appeal Filing Date

_____ The Planning Commission disapproved in whole or in part an application for conditional use authorization, Case No. _____.

Statement of Appeal:

a) Set forth the part(s) of the decision the appeal is taken from:

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.

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.

b) Set forth the reasons in support of your appeal:

Nicotine containing e-cigarettes are addictive and the fumes from e-cigarettes and hookah are unhealthy. It is undesirable to have a business whose goal is to attempt to increase usage of these products and which will expose our children and students in our area to them. The use of e-cigarettes for smoking cessation is unapproved and they are not recommended by existing clinics for this purpose.

The 1900 block of Ocean Avenue needs many other businesses that will better serve the neighbors.

Person to Whom
Notices Shall Be Mailed

Name and Address of Person Filing Appeal:

Name

Robert Karis, M.D.

Name

Address

727 Victoria Street
San Francisco, CA 94127

Address

Telephone Number

415-239-2938

Telephone Number

rcKaris2@gmail.com

Robert Karis M.D.

Signature of Appellant or
Authorized Agent

A detailed brief will be submitted. *RK*



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Final Motion No. 19271

HEARING DATE: NOVEMBER 6, 2014

Date: October 30, 2014
Case No.: 2014.0206C
Project Address: 1963 Ocean Avenue
Zoning: Ocean Avenue NCT (Neighborhood Commercial Transit)
45-X Height and Bulk District
Block/Lot: 6915/020
Project Sponsor: Cong Phuong T Nguyen/Yong (Blake) He [agent]
948 Moscow Street
San Francisco, CA 94112
Staff Contact: Marcelle Boudreaux – (415) 575-9140
marcelle.boudreaux@sfgov.org
Recommendation: Approval with Conditions

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 737.69 OF THE PLANNING CODE TO ALLOW ESTABLISHMENT OF A TOBACCO PARAPHERNALIA ESTABLISHMENT (D.B.A. HAPPY VAPE) WITHIN THE OCEAN AVENUE NCT (NEIGHBORHOOD COMMERCIAL TRANSIT) DISTRICT AND A 45-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On February 7, 2014 Cong Phuong Nguyen (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 737.69 to allow establishment of a Tobacco Paraphernalia Establishment retail use (d.b.a. Happy Vape) within the Ocean Avenue NCT (Neighborhood Commercial Transit) District and a 45-X Height and Bulk District.

On November 6, 2014, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014.0206C.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2014.0206C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes; and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the southern side of Ocean Avenue, between, Block 6915, Lot 020. The property is located within the Ocean Avenue NCT (Neighborhood Commercial Transit) District with 45-X height and bulk district. The property is developed with a one-story-over-partial-basement commercial building, with tenants including a travel agent, a massage/acupuncture establishment and the vacant retail space at 1963 Ocean Avenue. The street frontage of the proposed tenant space is 20 feet. The parcel is approximately 4,500 square feet. *The site is within the Balboa Park Station Plan Area.*
3. **Surrounding Properties and Neighborhood.** The length of the Ocean Avenue NCT District is approximately ¼ 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://sfidpw.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

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://sfdpwr.org>

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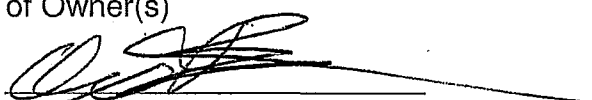

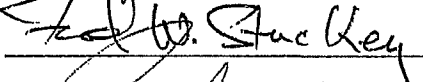
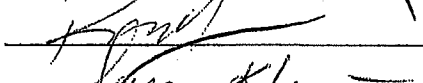
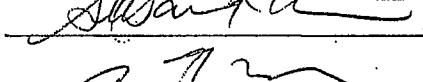
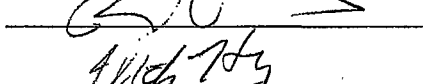
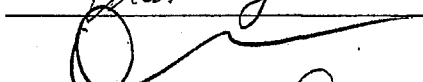
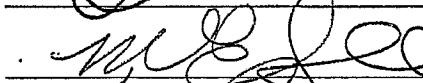
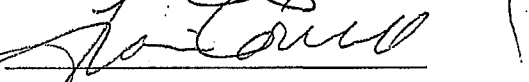
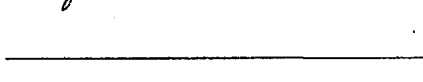
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

City Planning Commission
Case No. 2014.0206C

2014 DEC -8 PM 2:04

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	70 Ur Bruno Drive	6915/013	Alex Button	
2.	70 Urbano Drive	6915/013	Angela Infusino	
3.	26 Urbano Drive	6915/009	Fred W. Stuckey	
4.	1970 Urban Ocean Ave.	3280/018	Richard Gazowsky	
5.	827 Victoria St	6914/002	SUSAN Kim	
6.	827 Victoria St	6914/002	James S Kim	
7.	19 Keystone Way	3281/018	Victor Hong	
8.	27 URBANO DR	6922/002	Derek Scholze	
9.	27 Urbano Dr	6922/002	Michelle Scholze	
10.	22 San Francisco Ave	3281/023	San Francisco County	
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BOARD OF SUPERVISORS
SAN FRANCISCO

City Planning Commission
Case No. 2014.0206C

2314 DEC -8 PM 2:04

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	776 VICTORIA ST.	6922/021	GEOFFREY D. PALMER	<i>Geoffrey D. Palmer</i>
2.	830 VICTORIA ST.	6915/016	Ida De Leon	<i>Ida De Leon</i>
3.	788 VICTORIA ST.	6922/022	CHRISTINE YOUNG	<i>Christine Young</i>
4.	788 VICTORIA	6922/022	CHRISTINE YOUNG	<i>Christine Young</i>
5.	96 UNBANDO DR	6915/014	JOHN FLAHERTY	<i>John Flaherty</i>
6.	815 VICTORIA ST.	6914/003	Zach Pumphrey	<i>Z. Pumphrey</i>
7.	2001 OCEAN URBANO ST	6914/001	WILLIE J. BALLARD	<i>Willie J. Ballard</i>
8.	14 FAIRFIELD WAY URBANO ST	6915/008	ALDA ANGST MORENO RK	<i>Alda Angst</i> - duplicate signature RK
9.	14 FAIRFIELD WAY	3281/021	MORONA FERNANDEZ	<i>Morona Fernandez</i>
10.	15 KIMATON WAY	3281/018A	PAT MURATI	<i>Pat Murati</i>
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P.2/7

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BOARD OF SUPERVISORS
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City Planning Commission 2014 DEC -8 PM 2:05
Case No. 2014.0206C By JD

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>2001 OCEAN AVE</u>	<u>B-6914/001</u>	<u>Willie S. Ballard</u>	<u>W. Ballard</u>
2. <u>2001 OCEAN AVE</u>	<u>B-6914/001</u>	<u>Jim Scott Ballard</u>	<u>Jim Scott Ballard</u>
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P. 3/7

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BOARD OF SUPERVISORS
SAN FRANCISCO

City Planning Commission 2014 DEC -8 PM 2:05
Case No. 2014.0206C 70

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>785 VICTORIA ST</u>	<u>6921-003</u>	<u>DORIS HUEY</u>	<u>[Signature]</u>
2. <u>11 Keystar</u>	<u>3281/019</u>	<u>Nelly Hudman</u>	<u>[Signature]</u>
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p. 4/7

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BOARD OF SUPERVISORS
SAN FRANCISCO

City Planning Commission
Case No. 2014.0206C

2014 DEC -8 PM 2:05

BY Jo

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	38 Legion	6915/035	DORIS TAM	Doris Tam
2.	40 Urbano	6915/010	Tian-Yi Cui	Tian-Yi Cui
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1963 Ocean Ave Case

City Planning Commission

Case No. 2014-0206C Appeal

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>65 Urbano Drive</u>	<u>6922/001</u>	<u>Francis & Patricia Hechinger</u>	<u>Francis Hechinger</u>
2. <u>65 Urbano Drive</u>	<u>6922/001</u>	<u>Patricia Hechinger</u>	<u>Patricia Hechinger</u>
3. <u>90 Urbano Drive</u>	<u>6915/014</u>	<u>Maria Flaherty</u>	<u>Maria Flaherty</u>
4. <u>100 Urbano Dr</u>	<u>6915/012</u>	<u>Jennifer L. Wood</u>	<u>Jennifer L. Wood</u>
5. <u>30 Legion Ct.</u>	<u>6915/037</u>	<u>Qiao Mei Ling</u>	<u>Qiao Mei Ling</u>
6. <u>30 Legion Ct.</u>	<u>6915/037</u>	<u>Ren Yi Cai</u>	<u>Ren Yi Cai</u>
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2014 DEC -8 PM 2:05

P.6
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City Planning Commission

Case No.

20140206C
Proposed Vape Shop - 1963 Ocean Ave.

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 50 URBANO	6915/011	Marida S. Terrace	x <i>Marida</i>
2. _____	_____	Lee Family	x <i>Terence Lee</i>
3. _____	_____	TRUST	_____
4. _____	_____	Mira Lee	_____
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1014 DEC - 8 PM 2:05

DEATH VALLEY

ROBERT KARIS
CAROLYN KARIS
(415) 239-8540

727 VICTORIA STREET
SAN FRANCISCO, CA 94127

6992

DATE 12/8/14

11-35/1210
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FOR 2014 0206C appeal

Robert Karis

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SAN FRANCISCO
2014 DEC -8 PM 2:08

(BOS)

From: Board of Supervisors (BOS)
Sent: Friday, January 09, 2015 9:33 AM
To: Wiener, Scott; Lamug, Joy; Carroll, John (BOS)
Subject: file 141291 FW: Letter supporting the appeal of Planning Commission decision in Case No. 2014.0206C

Categories: 141291

From: Ashleigh Harris [mailto:ashleigheharris@gmail.com]

Sent: Thursday, January 08, 2015 3:15 PM

To: Board of Supervisors (BOS); Yee, Norman (BOS); Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Chiu, David (BOS); Cohen, Malia (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (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 (opposing the vape shop at 1963 Ocean Ave.)

Dear Board of Supervisors,

I am an Ingleside resident and I live 3.5 blocks south of Ocean Avenue (50 Jules Ave). I will be deeply disappointed to see another vape shop become a part of this corridor.

The surrounding neighborhoods on Ocean Ave are heading in the right direction. Ocean Avenue needs to attract a variety of new businesses to help continue to revive this area. I fear that another smoke shop would deter new businesses from coming to Ocean Avenue and we'll continue to have empty store fronts.

This corridor has the potential to be a lively pedestrian-friendly commerce section of the city, another vape shop will not help that potential be realized.

Thank you for your time and consideration of this matter.

Sincerely,
Ashleigh Harris
Concerned Neighborhood Home Owner and Resident

--
Ashleigh Harris
(415) 871-8350
ashleigheharris@gmail.com

• www.linkedin.com/in/ashleighharris/

n (BOS)

From: Paige Gilbert [paige@chezgilbert.com]
Sent: Thursday, January 08, 2015 2:59 PM
To: Yee, Norman (BOS); Avalos, John (BOS); BOS Legislation (BOS)
Subject: A Vape Shop Should Not be near our kids schools!

Categories: 141291

Dear Sir,

I am a resident of Westwood Park neighborhood with a son at Aptos Middle School and a daughter in elementary school. Please do not allow a Vape and Hookah business to open so close to Aptos Middle School, right where it can target middle school kids. There is no way that a business that encourages smoking should be so close to a school, and letting this shop open shows a complete disregard for our kids well-being. Already there are two pot dispensaries on Ocean Avenue and we do not need another business that preys on preteen kids, when there is a dearth of healthy places that kids can go to after school.

It is already hard enough to keep families in San Francisco and especially in our neighborhood. Please do not greenlight a business that would directly impact the middle school students at Aptos Middle School and provide yet another argument for just moving to the healthier atmosphere of the suburbs.

thank you,
Paige Gilbert

1 (BOS)

From: Board of Supervisors (BOS)
Sent: Thursday, January 08, 2015 2:29 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Vape shop issue

Categories: 141291

From: Reza, Omar [mailto:RezaO@sfusd.edu]
Sent: Thursday, January 08, 2015 2:22 PM
To: Board of Supervisors (BOS)
Subject: Vape shop issue

In all honesty, I believe this is a non-issue. Students all over the city are already exposed to this culture of smoke shops and the like. Stopping one smoke shop from setting up shop near our school will do little or nothing to prevent our kids from using tobacco.

This is a worthy cause, but a lost one because wherever else they go in the city they are going to see another store just like it. We can try as a society to protect our kids from smoking, but the reality is that one less smoke shop/vape shop will not deter them from smoking if they already have the urge or curiosity.

Sorry, but I do not support this issue. I do however wish you all well in this venture.

BOS)

From: Board of Supervisors (BOS)
Sent: Thursday, January 08, 2015 2:28 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Cape Shop at 1963 Ocean Ave

Categories: 141291

From: Diana Chiang [<mailto:di.chiang888@gmail.com>]
Sent: Thursday, January 08, 2015 1:49 PM
To: Board of Supervisors (BOS); Yee, Norman (BOS); Avalos, John (BOS)
Subject: Cape Shop at 1963 Ocean Ave

I have two children who go to Aptos Middle School. I'm concerned about the possibility of opening a Vape Shop so close to the school. My kids, as well as many of the other students, frequently walk pass that location after school on their way to 7 Eleven, Walgreens or King's Tea shop when hanging out with their friends. Middle school is such a young and impressionable age to have a shop of that nature so close to the school. Please consider voting against this proposal.

Thank you!

Diana Chiang

Dear Supervisor Yee,

My name is JJ and I am the Owner/Operator of Cut to Contrast Barbershop on 1907 Ocean Ave. I would like to express my concerns regarding the conditional use permit appeal scheduled on January 13th, 2015 for 1963 Ocean Ave. I am in full support of this project and I urge you to uphold the Planning Commission's decision to approve the permit and deny the appeal.

I truly believe this store will be a positive addition for the 1900 block, besides attracting additional foot traffic to the area, it is also a part of the solution for the chronic vacancy problem. The project sponsor has been dealing with the conditional use process for over 11 months now, and I feel that this has gone on long enough, it is time for San Francisco to practice what it preaches, and support local small businesses.

I again, strongly urge you, Supervisor Yee and the entire Board of Supervisors for that matter, to uphold the Planning Commission's decision to approve the permit and deny the appeal.

Thank you,



RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
JAN 14 - 8 AM 11:39

Dear Supervisor Yee,

My name is Randy Tagle and I am a barber at Cut to Contrast Barbershop on 1907 Ocean Ave. I would like to express my concerns regarding the conditional use permit appeal scheduled on January 13th, 2015 for 1963 Ocean Ave. I am in full support of this project and I urge you to uphold the Planning Commission's decision to approve the permit and deny the appeal.

I truly believe this store will be a positive addition for the 1900 block, besides attracting additional foot traffic to the area, it is also a part of the solution for the chronic vacancy problem. The project sponsor has been dealing with the conditional use process for over 11 months now, and I feel that this has gone on long enough, it is time for San Francisco to practice what it preaches, and support local small businesses.

I again, strongly urge you, Supervisor Yee and entire Board of Supervisors for that matter, to uphold the Planning Commission's decision to approve the permit and deny the appeal.

Thank you,



RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2015 JAN - 8 AM 11:38
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Dear Supervisor Yee,

My name is Tim Zaracotas and I am the Owner/Operator of Aster Travel Agency on 1961 Ocean Ave. I would like to express my concerns regarding the conditional use permit appeal scheduled on January 13th, 2015 for 1963 Ocean Ave. I am in full support of this project and I urge you to uphold the Planning Commission's decision to approve the permit and deny the appeal.

I truly believe this store will be a positive addition for the 1900 block, besides attracting additional foot traffic to the area, it is also a part of the solution for the chronic vacancy problem. The project sponsor has been dealing with the conditional use process for over 11 months now, and I feel that this has gone on long enough, it is time for San Francisco to practice what it preaches, and support local small businesses.

I again, strongly urge you, Supervisor Yee and entire Board of Supervisors for that matter, to uphold the Planning Commission's decision to approve the permit and deny the appeal.

Thank you,

Tim C. Zaracotas

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BOARD OF SUPERVISORS
SAN FRANCISCO
JAN 8 AM 11:38
BY *h*

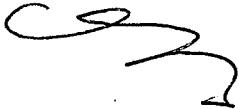
Supervisor Yee.

My name is Chris Phung and I am the Owner/Operator of Linda's Ocean Nails on 1910 Ocean Ave. I would like to express my concerns regarding the conditional use permit appeal scheduled on January 13th, 2015 for 1963 Ocean Ave. I am in full support of the project and I urge you to uphold the Planning Commission's decision to approve the permit and deny the appeal.

I truly believe this store will be a positive addition for the 1900 block, besides attracting additional foot traffic to the area, it is also a part of the solution for the chronic vacancy problem. The project sponsor has been dealing with the conditional use process for over 11 months now, and I feel that this has gone on long enough, it is time for San Francisco to practice what it preaches, and support local small businesses.

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Thank you,



RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2015 JAN -8 AM 11:38
K

Dear Supervisor Yee,

My name is Li Zhi Song and I am the Owner/Operator of Ocean Acupuncture and Health Center on 1959 Ocean Ave. I would like to express my concerns regarding the conditional use permit appeal scheduled on January 13th, 2015 for 1963 Ocean Ave. I am in full support of this project and I urge you to uphold the Planning Commission's decision to approve the permit and deny the appeal.

I truly believe this store will be a positive addition for the 1900 block, besides attracting additional foot traffic to the area, it is also a part of the solution for the chronic vacancy problem. The project sponsor has been dealing with the conditional use process for over 11 months now, and I feel that this has gone on long enough, it is time for San Francisco to practice what it preaches, and support local small businesses.

I again, strongly urge you, Supervisor Yee and entire Board of Supervisors for that matter, to uphold the Planning Commission's decision to approve the permit and deny the appeal.

Thank you,

Li Zhi Song

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SAN FRANCISCO
2015 JAN - 8 AM 11:38
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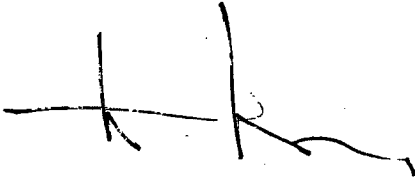
Dear Supervisor Yee,

My name is William Louie and I am the Owner/Operator of Dri-Clean Express on 1973 Ocean Ave. I would like to express my concerns regarding the conditional use permit appeal scheduled on January 13th, 2015 for 1963 Ocean Ave. I am in full support of this project and I urge you to uphold the Planning Commission's decision to approve the permit and deny the appeal.

I truly believe this store will be a positive addition for the 1900 block, besides attracting additional foot traffic to the area, it is also a part of the solution for the chronic vacancy problem. The project sponsor has been dealing with the conditional use process for over 11 months now, and I feel that this has gone on long enough, it is time for San Francisco to practice what it preaches, and support local small businesses.

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Thank you,



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2015 JAN - 8 AM 11:38
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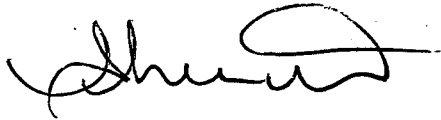
Dear Supervisor Yee,

My name is Sherri Stratton and I am the Owner/Operator of Serge-A-Lot on 1949 Ocean Ave. I would like to express my concerns regarding the conditional use permit appeal scheduled on January 13th, 2015 for 1963 Ocean Ave. I am in full support of this project and I urge you to uphold the Planning Commission's decision to approve the permit and deny the appeal.

I truly believe this store will be a positive addition for the 1900 block, besides attracting additional foot traffic to the area, it is also a part of the solution for the chronic vacancy problem. The project sponsor has been dealing with the conditional use process for over 11 months now, and I feel that this has gone on long enough, it is time for San Francisco to practice what it preaches, and support local small businesses.

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Thank you,



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2015 JAN -8 AM 11:38

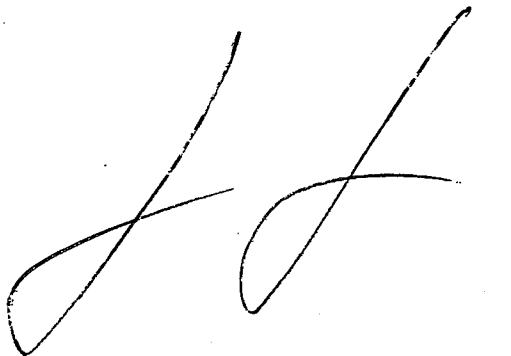
Dear Supervisor Yee,

My name is Larry Li and I am the Owner/Operator of Bay Area Gold and Silver Buyers on 1967 Ocean Ave. I would like to express my concerns regarding the conditional use permit appeal scheduled on January 13th, 2015 for 1963 Ocean Ave. I am in full support of this project and I urge you to uphold the Planning Commission's decision to approve the permit and deny the appeal.

I truly believe this store will be a positive addition for the 1900 block, besides attracting additional foot traffic to the area, it is also a part of the solution for the chronic vacancy problem. The project sponsor has been dealing with the conditional use process for over 11 months now, and I feel that this has gone on long enough, it is time for San Francisco to practice what it preaches, and support local small businesses.

I again, strongly urge you, Supervisor Yee and entire Board of Supervisors for that matter, to uphold the Planning Commission's decision to approve the permit and deny the appeal.

Thank you,


LARRY LI

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2015 JAN - 8 AM 11:38

Dear Supervisor Yee,

My name is Manual De Vera and I am the Owner/Operator of Allstate Insurance on 1735 Ocean Ave. I would like to express my concerns regarding the conditional use permit appeal scheduled on January 13th, 2015 for 1963 Ocean Ave. I am in full support of this project and I urge you to uphold the Planning Commission's decision to approve the permit and deny the appeal.

I truly believe this store will be a positive addition for the 1900 block, besides attracting additional foot traffic to the area, it is also a part of the solution for the chronic vacancy problem. The project sponsor has been dealing with the conditional use process for over 11 months now, and I feel that this has gone on long enough, it is time for San Francisco to practice what it preaches, and support local small businesses.

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Thank you,



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BOARD OF SUPERVISORS
SAN FRANCISCO
2015 JAN - 8 AM 11:38
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Dear Supervisor Yee,

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BOARD OF SUPERVISORS
SAN FRANCISCO

My name is Tom Phan and I am the Owner/Operator of Nails by Lisa on 1947 Ocean Ave. I would like to express my concerns regarding the conditional use permit appeal scheduled on January 13th, 2015 for 1963 Ocean Ave. I am in full support of this project and I urge you to uphold the Planning Commission's decision to approve the permit and deny the appeal.

I truly believe this store will be a positive addition for the 1900 block, besides attracting additional foot traffic to the area, it is also a part of the solution for the chronic vacancy problem. The project sponsor has been dealing with the conditional use process for over 11 months now, and I feel that this has gone on long enough, it is time for San Francisco to practice what it preaches, and support local small businesses.

I again, strongly urge you, Supervisor Yee and entire Board of Supervisors for that matter, to uphold the Planning Commission's decision to approve the permit and deny the appeal.


Thank you,

From: Board of Supervisors (BOS)
Sent: Thursday, January 08, 2015 12:59 PM
To: BOS-Supervisors; Carroll, John (BOS); Lamug, Joy
Subject: File 141291 FW: 1963 Ocean Ave

Categories: 141291

From: Blake He [<mailto:blakehe@gmail.com>]
Sent: Thursday, January 08, 2015 9:55 AM
To: Board of Supervisors (BOS); Carroll, John (BOS)
Subject: Fwd: 1963 Ocean Ave

Hi John,

I would like to include this email correspondence with Mark Scardina(President of the Ingleside Terraces Home Association) in the packet of information to supervisors please. Thank you.

Blake He

Happy Vape

Electronic vaporizer retail &
team stone hookah lounge
[\(415\)513-2620](tel:(415)513-2620)
1963 Ocean Ave.
San Francisco, CA 94127

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

From: Mark Scardina <president@ithasf.org>
Date: Thu, Nov 13, 2014 at 11:04 AM
Subject: Re: 1963 Ocean Ave
To: Blake He <blakehe@gmail.com>

I am pleased to hear that you have addressed the board's concerns by not using the backyard area. As I previously responded, the board will not be taking a further position on supporting or opposing the business. However, I can say that the board has no plans to appeal the commission's decision.

Regards,

Mark

Mark Scardina
President
Ingleside Terraces Homes Assoc.
www.ithasf.org

On Nov 13, 2014, at 10:33 AM, Blake He <blakehe@gmail.com> wrote:

Dear Mr. Scardina,

We are pleased to inform you that we were approved of our conditional use permit at the planning commission last Thursday, November 06, 2014, five votes to two votes.

We are no longer using the backyard for any commercial purposes and were given conditions such as operation hours limited to 10 PM, installing an I.D. reader, posting age limit restrictions, no tasting or loitering in front of the store, and act as a community liaison by providing and posting contact information.

There is a 30 day appeal period.

We ask you and/or The Ingleside Terraces Homes Association to support our small business at 1963 Ocean Ave. We are new neighbors and want to be a part of the neighborhood.

Thank you for your time and consideration.

Sincerely,

Blake He

Happy Vape

Electronic vaporizer retail &
Steam stone hookah lounge
(415)513-2620
1963 Ocean Ave.
San Francisco, CA 94127

(BOS)

From: Board of Supervisors (BOS)
Sent: Thursday, January 08, 2015 12:54 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Uphold the San Francisco Planning Commission's decision to grant Happy Vape at 1963 Ocean Avenue their Conditional Use Permit and deny the appeal

Categories: 141291

From: Winnie Liao [<mailto:winnieliao912@gmail.com>]

Sent: Thursday, January 08, 2015 3:56 AM

To: Board of Supervisors (BOS)

Subject: Uphold the San Francisco Planning Commission's decision to grant Happy Vape at 1963 Ocean Avenue their Conditional Use Permit and deny the appeal

Dear San Francisco Board of Supervisors,

My name is Winnie and I am a resident of San Francisco. I want to express some thoughts with regards to the appeal scheduled on January 13th, 2015 for 1963 Ocean Ave's conditional use permit, I strongly urge the Board to uphold the Planning Department's decision to approve the permit, and deny the appeal.

I feel the project is in line with the goals of the board of supervisors, the project will fill a vacancy in a "dead block" with 8 vacancies, numerous examples of people quitting cigarette smoking with the help of these products, and definitely help with diversifying the business types around the Ocean Ave corridor.

On the planning commission's hearing on Nov. 6th, the commissioners voted with 5 votes in favor and 2 votes against, approving the conditional use permit for 1963 Ocean Ave. I believe it demonstrates the project has met the many criteria set in place by the city. Please again, I urge you to uphold the planning department's decision to approve the conditional use permit and deny the appeal.

Thank you,

Winnie Liao

191 Winchester Street

Daly City, CA 94014

(415)374-9806

BOS)

From: Board of Supervisors (BOS)
Sent: Thursday, January 08, 2015 12:54 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Letter to Commissioners and Planner in Support of Happy Vape

Categories: 141291

From: Winnie Liao [<mailto:winnieliao912@gmail.com>]
Sent: Thursday, January 08, 2015 3:36 AM
To: Board of Supervisors (BOS)
Subject: Letter to Commissioners and Planner in Support of Happy Vape

Dear San Francisco Board of Supervisors,

I am Winnie, I am a friend as well as a concerned citizen. I support the Happy Vape project and I believe that e-cigarettes are a great alternative to smoking traditional cigarettes. I believe with the current regulations in place, e-cigarettes can really begin to take a chunk out of the cigarette smoking industry, while promoting a form of smoking cessation. There has been much controversy on the subject of e-cigarette use and its benefits and dangers, however much of this has been inconclusive. Since this seems to be an effective alternative for some people to smoking cigarettes, I can see a fitting place for this type of establishment in the area.

Thank you for your time and consideration,

Signed,

Winnie

From: Board of Supervisors (BOS)
Sent: Thursday, January 08, 2015 12:53 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Deny the Appeal and Support the Planning Commissions Decision to Grant Happy Vape at 1963 Ocean Avenue their Conditional Use Permit

Categories: 141291

From: Ronald Xie [mailto:xie.ronald@gmail.com]
Sent: Thursday, January 08, 2015 3:31 AM
To: Board of Supervisors (BOS)
Subject: Deny the Appeal and Support the Planning Commissions Decision to Grant Happy Vape at 1963 Ocean Avenue their Conditional Use Permit

Dear San Francisco Supervisors,

My name Ronald Xie, I am a frequenter of the Ocean Avenue area, and a student at CCSF for the last decade. I would like to pledge my support of the Happy Vape project as it is conducive to the area and a complimentary business that can fill one of the many vacancies on the Ocean Avenue block. Please deny the appeal and support the Planning Commissions decision to grant Happy Vape at 1963 Ocean Avenue their conditional use permit

After many years of coming to the neighborhood, I have found that the area seems to be losing its business's overtime. I remember when Blockbuster, Walgreens (the larger version), and Franciscan Hobbies used to bring a large draw, but now with the newer digital age, less items are necessary to stock and more activities are conducted online. There is an attrition factor here with the retail on Ocean Avenue having closed more businesses than they have opened new stores. No one is opposing the opening of new businesses, however new business needs to see the profit in the area. There is a lack of foot traffic and therefore a lack of retail interest. I believe Happy Vape is one step in the right direction.

Comparisons have been implied regarding the similarities between Happy Vapes products and the four other retailers that are offering similar products, such as, 7-Eleven, Horn Run Liquor, and A&N Liquor. These other stores seem to sell more than just e-cigarettes, many also offer cigarettes and alcohol. They are not offering the same service, selection, knowledge, or experience of a vape shop. There is a large difference between a vape shop that solely sells e-cigarettes and a convenience store that makes at most 10% of its profit from e-cigarette sales, that mainly is the experience.

The vaping experience to me has been closely related to hookah use, I have used both regularly in intervals of my life. I have found that in each experience I could relieve my desire to smoke cigarettes and join in with an activity that was at least somewhat less harmful to others. I should not have to travel from the ocean avenue area to the inner sunset to obtain this type of experience, not to mention traveling all the way to the opposite end of the sunset for Hookah. Why should Ocean Avenue be deprived of this type of venue? 21 other operators selling solely e-cigarettes have opened in other neighborhoods without a conditional use permit, some with more than two. Why do all the other neighborhoods get this feature yet Ocean Avenue is left out? On the basis of what this area is turning into? The area is filled with massage parlors, a billiards hall, tattoo parlors, and nail salons that may not need a conditional use permit to open. Yet this lone vape shop is being singled out? We live in a tolerant city. Where one's own choice of recreational activity is more a matter of personal opinion than that public policy.

In speaking with the project sponsor, Blake He, I have learned that there will be no vaping on the premises due to neighborhood appeasement and that all entertainment will come from some TVs and what is considered Ipod music. I believe that these concessions along with others being negotiated will better suit the current nature of the project and appease all groups and individuals who are detractors and opponents of this project. Please take into consideration the thoughts and opinions I have presented here as I am saddened to see this area take such a plunge after so many years of wonderful activity and liveliness.

Thank you for your consideration.

(BOS)

From: leerawitscher@yahoo.com
Sent: Wednesday, January 07, 2015 12:40 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS); Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Chiu, David (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Wiener, Scott
Subject: Please oppose Happy Vape on Ocean Ave
Categories: 141291

Hello,

I am writing to urge you to appeal the opening of Happy Vape, an e-cigarette store on 1963 Ocean Ave., @ Victoria. This is very close to Aptos Middle School and Commodore Sloat School. My son Aren currently attends CSS and will be going to Aptos. Next year, he will be walking to school (down Ocean Ave) with another student in our neighborhood. In addition, I believe there are already two or three marijuana dispensaries in the neighborhood.

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

Thank you,
Lee Rawitscher
70 Eastwood Drive
SF, CA 94112
(415) 999-4123

7. (BOS)

From: Carolyn Karis [carolynkaris@gmail.com]
Sent: Tuesday, January 06, 2015 1:24 PM
To: BOS Legislation (BOS); Yee, Norman (BOS); Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Tang, Katy (BOS); Wiener, Scott; Mar, Eric (BOS)
Subject: Support of the Appeal of Conditional Use Authorization for 1963 Ocean Avenue
Categories: 141291

January 4, 2015

Dear Supervisors:

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

support the appeal of the Planning Commission's decision on November 6, 2014, to approve the Conditional Use Authorization of a vape shop/steam stone hookah lounge business at 1963 Ocean Avenue.

This business is the first conditional use after the San Francisco Board of Supervisors ordinance No. 030-14 amended the Health Code restrictions on tobacco paraphernalia to extend to the sale and use of electronic cigarettes.

The Planning Commission approved the opening of Happy Vape, a business that will sell electronic vaporizers (a more powerful version of e-cigarettes), along with related flavoring supplies, and operate a steam stone hookah lounge in the basement. The Planning Commission approval was based on the belief that filling a vacant storefront was better than an empty one in this section of Ocean Avenue. The Commission barely considered the detrimental health and community issues of this business. I believe that the Commissioners did not properly interpret Planning Code 303 for this matter.

Neighbors submitted over 20 letters of opposition to the Planning Commission. Over 120 signed a petition in opposition. Neighbors spoke strongly in opposition at the Planning Commission hearing on November 6th. Opposition stated that the business was not necessary or desirable for the neighborhood, that it would have a negative impact on the condition and character of the

neighborhood, and that it would be detrimental to the health, safety, and welfare of the community. Over 75% of residential property owners within a 300-foot radius of 1963 Ocean signed to support the appeal of the Planning Commission ruling.

The Commissioners did not hear the pleas to stop the introduction of this negative business into our neighborhood. The vape store/steam stone hookah lounge will not benefit the neighbors. In any of the surveys or studies of Ocean Avenue (from the Balboa Park Station Plan of 2008 to the Final Formula Retail Report of June 2014) there are no requests for such a business. In fact, we believe this business will further depress the 1900 block of Ocean Avenue. This block has struggled for years to improve. We wish to stop the downward cycle.

The 1900 block of Ocean Avenue has 40 storefronts, a large number to keep filled with businesses. Great, positive businesses do exist on this block: the Ocean Cyclery, the Fog Lifter Café, the Serge-a-Lot sewing store, Sophia's Pizzeria, two popular Chinese restaurants, and 24-hour Fitness. Many neighbors 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 True Value 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

Carroll, John (BOS)

From: Board of Supervisors (BOS)
Sent: Tuesday, January 06, 2015 2:45 PM
To: Carroll, John (BOS); Lamug, Joy
Subject: File 141291 FW: Case 2014.206c appeal of planning commission vote

Categories: 141291

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

From: Judy [<mailto:tohutchi@yahoo.com>]
Sent: Tuesday, January 06, 2015 6:20 AM
To: Board of Supervisors (BOS); Yee, Norman (BOS); Avalos, John (BOS); Tang, Katy (BOS); Breed, London (BOS); scott.weiner@sfgov.org; Cohen, Malia (BOS); david.campis@sfgov.org; Chiu, David (BOS); Farrell, Mark (BOS); Kim, Jane (BOS)
Subject: Case 2014.206c appeal of planning commission vote

Dear Board of Supervisors,
Please vote Yes on the appeal to REVERSE the approval of VAPE business on Ocean Ave.
We are trying to build our community. The proposed business is too close to school sites, right across from Aptos middle school, very vulnerable age group.
Thank you for doing the right thing for the community and the kids who do not have a voice.
Judy Hutchinson

Sent from my iPhone

Carroll, John (BOS)

From: Board of Supervisors (BOS)
Sent: Tuesday, January 06, 2015 2:44 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: file 141291 FW: Appeal request for Ocean Ave

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

From: Allyson Rupp [<mailto:allyson.rupp@yahoo.com>]
Sent: Monday, January 05, 2015 11:57 PM
To: Board of Supervisors (BOS)
Cc: Yee, Norman (BOS); rckaris@gmail.com
Subject: Appeal request for Ocean Ave

Esteemed Board,

As a proud resident of San Francisco, a home owner in Mount Davidson Manor and mom to two young boys, I am writing to you to encourage you to overturn your permit approval of the E-Cigarette / Vape Lounge proposed to occupy space in my neighborhood (at 1963 Ocean Ave, Case No. 2014.0206C).

We live a short half block from this location, where we encourage our boys (ages 5 and 7) to be active, explore our neighborhood and walk, ride and run outdoors. They, and the children in our neighborhood, who attend our local schools (Commodore Sloat and Aptos), do not need to encounter the environmental and social hazards of such an institution. We already have several "medicinal marijuana dispensaries" locally, which often draw an unsavory clientele base, and do not always foster safety or comfort as we move about our neighborhood. Our neighborhood is growing and changing, and the vacant store fronts need to be occupied by industries that support our kids, establish values and provide safe and positive examples for our residents.

Please reconsider your approval of this permit and, instead, allow our neighborhood to enable exciting new and family-oriented businesses to thrive.

Thank you for your attention and consideration,

Allyson Rupp
76 Keystone Way
San Francisco, CA 94127

(BOS)

From: Sandie Yu [Sandieyu87@yahoo.com]
Sent: Monday, January 05, 2015 10:01 PM
To: Board of Supervisors (BOS)
Cc: BOS Legislation (BOS)
Subject: Appeal of planning commission decision in case no:2014.0206C
Categories: 141291

Dear board of supervisors,

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

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

Thank you for your consideration!

Sandie Yu
15-706-9165
55 Keystone Way
SF, Ca 94127

Sent from my iPhone

(BOS)

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

Hello,

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

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

(BOS)

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

Categories: 141291

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

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

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

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

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

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

(BOS)

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

Categories: 141291

Dear sir or Madam,

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

Thank you,

Rich Gonzales

(BOS)

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

Categories: 141291

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

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

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

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

Sincerely,

Francois Hechinger

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

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BOS)

From: Board of Supervisors (BOS)
Sent: Tuesday, January 06, 2015 2:40 PM
To: Carroll, John (BOS); Lamug, Joy
Subject: File 141291 FW: Letter supporting the appeal of Planning Commission decision in Case No. 2014.0206C (Opposing the vape shop at 1963 Ocean Ave.)

Categories: 141291

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

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

Dear Board of Supervisors,

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

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

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

Thank you for your consideration and support.

Sincerely,
Karen Gallagher
900 Faxon Ave
San Francisco

BOS)

From: mafamily810 [mafamily810@yahoo.com]
Sent: Monday, January 05, 2015 4:56 PM
To: BOS Legislation (BOS)
Subject: Please appeal the Vape Shop opening on Ocean Ave—Case No. 2014.0206C
Categories: 141291

MIME-Version: 1.0
Content-Type: multipart/alternative; boundary="--_com.android.email_1522215894892320"
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[illegible]

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[illegible]

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(BOS)

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

Hello,

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

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

Thank you,

Caroline Munck

(1 (BOS)

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

Attention: Mr. John Carroll

Dear Mr. Carroll:

Thanks so much for your assistance today.

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

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

Again, thanks.

Kindest regards,

Anita Theoharis
Board Member
Planning and Zoning Chair
Westwood Park Association

WESTWOOD PARK



January 4, 2015

Via Electronic Mail and USPS

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

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

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

Dear Supervisors:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you for your kind consideration

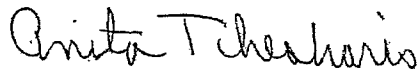
Sincerely,

WESTWOOD PARK ASSOCIATION

Board of Directors:

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

By:



Anita Theoharis, Board Member
Planning and Zoning Chair

cc: Ms. Marcelle Boudreaux, Planner

Mr. Robert Karis, Appellent

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

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

**Attachments contained in copies that are mailed electronically



BALBOA PARK STATION



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

OCTOBER 2002 | DRAFT FOR ADOPTION

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I. SUMMARY OF OBJECTIVES & POLICIES

01 LAND USE

OBJECTIVE 1.1

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

POLICY 1.1.1

Strengthen the link between transportation and land use.

OBJECTIVE 1.2

STRENGTHEN THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

POLICY 1.2.1

Improve access to and from the commercial district.

POLICY 1.2.2

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

POLICY 1.2.3

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

OBJECTIVE 1.3

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

POLICY 1.3.1

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

POLICY 1.3.2

Encourage centers for cultural enrichment in the Transit Station Neighborhood.

OBJECTIVE 1.4

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

POLICY 1.3.1

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

POLICY 1.3.2

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

OBJECTIVE 1.5

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

POLICY 1.4.1

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

02 TRANSPORTATION

OBJECTIVE 2.1

EMPHASIZE TRANSIT IMPROVEMENTS THAT SUPPORT THE NEIGHBORHOOD.

POLICY 2.1.1

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

POLICY 2.1.2

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

OBJECTIVE 2.2

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

POLICY 2.2.1

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

POLICY 2.2.2

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

POLICY 2.2.3

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

POLICY 2.2.4

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

OBJECTIVE 2.3

RECONNECT THE NEIGHBORHOODS BISECTED BY THE INTERSTATE 280.

POLICY 2.3.1

Minimize the prominent physical barrier of Interstate 280.

OBJECTIVE 2.4

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

POLICY 2.4.1

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

POLICY 2.4.2

Improve and expand bicycle connections throughout the plan area.

POLICY 2.4.3

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

03 PARKING**OBJECTIVE 3.1****ESTABLISH PARKING STANDARDS AND CONTROLS THAT PROMOTE QUALITY OF PLACE, AFFORDABLE HOUSING, AND TRANSIT-ORIENTED DEVELOPMENT.****POLICY 3.1.1**

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

POLICY 3.1.2

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

POLICY 3.1.3

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

OBJECTIVE 3.2**ENSURE THAT NEW DEVELOPMENT DOES NOT ADVERSELY AFFECT PARKING AVAILABILITY FOR RESIDENTS.****POLICY 3.2.1**

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

POLICY 3.2.2

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

POLICY 3.2.3

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

POLICY 3.2.4

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

POLICY 3.2.5

Carefully managed parking in the Phelan Loop Area.

OBJECTIVE 3.3**ENSURE THAT NEW OFF-STREET PARKING DOES NOT ADVERSELY AFFECT NEIGHBORHOOD CHARACTER OR THE PEDESTRIAN FRIENDLINESS OF STREETS IN THE PLAN AREA.****POLICY 3.3.1**

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

OBJECTIVE 3.4**ESTABLISH PARKING POLICIES TO SUPPORT REVITALIZATION OF THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.****POLICY 3.4.1**

Improve metered parking in the Ocean Avenue Neighborhood Commercial District.

POLICY 3.4.2

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

POLICY 3.4.3

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

POLICY 3.4.4

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

OBJECTIVE 3.5**ESTABLISH PARKING POLICIES TO SUPPORT THE NEW TRANSIT STATION NEIGHBORHOOD.****POLICY 3.5.1**

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

POLICY 3.5.2

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

POLICY 3.5.3

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

04 HOUSING**OBJECTIVE 4.1****MAXIMIZE OPPORTUNITIES FOR RESIDENTIAL INFILL THROUGHOUT THE PLAN AREA.****POLICY 4.1.1**

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

POLICY 4.1.2

Eliminate dwelling unit density maximums.

OBJECTIVE 4.2**STRENGTHEN THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT BY PROVIDING AN APPROPRIATE MIX OF HOUSING.****POLICY 4.2.1**

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

POLICY 4.2.2

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

I: SUMMARY OF OBJECTIVES & POLICIES

OBJECTIVE 4.3

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

POLICY 4.3.1

Encourage mixed-use housing on the Upper Yard.

POLICY 4.3.2

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

POLICY 4.3.4

Housing should be developed above the Muni Green Yard.

OBJECTIVE 4.4

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

POLICY 4.4.1

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

OBJECTIVE 4.5

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

POLICY 4.5.1

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

POLICY 4.5.2

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

OBJECTIVE 4.6

ENHANCE AND PRESERVE THE EXISTING HOUSING STOCK

POLICY 4.6.1

Maintain a presumption against the loss of existing housing units.

POLICY 4.6.2

Discourage dwelling unit mergers.

POLICY 4.6.3

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

OBJECTIVE 4.7

PROMOTE HEALTH THROUGH RESIDENTIAL DEVELOPMENT DESIGN AND LOCATION.

POLICY 4.7.1

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

05 STREETS AND OPEN SPACE

OBJECTIVE 5.1

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

POLICY 5.1.1

Create a variety of new public open spaces.

POLICY 5.1.2

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

POLICY 5.1.3

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

POLICY 5.1.4

Pay attention to transit waiting areas.

POLICY 5.1.5

Use "found space" as public open space.

OBJECTIVE 5.2

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

POLICY 5.2.1

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

OBJECTIVE 5.3

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

POLICY 5.3.1

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

POLICY 5.3.2

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

POLICY 5.3.3

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

OBJECTIVE 5.4

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

POLICY 5.4.1

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

POLICY 5.4.2

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

06 BUILT FORM**OBJECTIVE 6.1**

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

POLICY 6.1.1

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

POLICY 6.1.2

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

OBJECTIVE 6.2

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

OBJECTIVE 6.3

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

POLICY 6.3.1

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

POLICY 6.3.2

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

POLICY 6.3.3

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

OBJECTIVE 6.4

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

POLICY 6.4.1

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

POLICY 6.4.2

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

POLICY 6.4.3

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

POLICY 6.4.4

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

POLICY 6.4.5

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

OBJECTIVE 6.5

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

POLICY 6.5.1

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

POLICY 6.5.2

New buildings should comply with strict environmental efficiency standards.

07 HISTORIC PRESERVATION**OBJECTIVE 7.1**

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

POLICY 7.1.1

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

POLICY 7.1.2

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

POLICY 7.1.3

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

POLICY 7.1.4

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

POLICY 7.1.5

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

OBJECTIVE 7.2

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

POLICY 7.2.1

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

POLICY 7.2.2

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

I. SUMMARY OF OBJECTIVES & POLICIES

POLICY 7.2.3

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

POLICY 7.2.4

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

OBJECTIVE 7.3

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

POLICY 7.3.1

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

POLICY 7.3.2

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

POLICY 7.3.3

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

OBJECTIVE 7.4

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

POLICY 7.4.1

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

POLICY 7.4.2

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

08 PUBLIC ART

OBJECTIVE 8.1

**INTEGRATE ART INTO THE FABRIC
OF THE NEIGHBORHOOD.**

POLICY 8.1.1

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

POLICY 8.1.2

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

POLICY 8.1.3

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

II. PREFACE

About The Better Neighborhoods Program



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

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

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

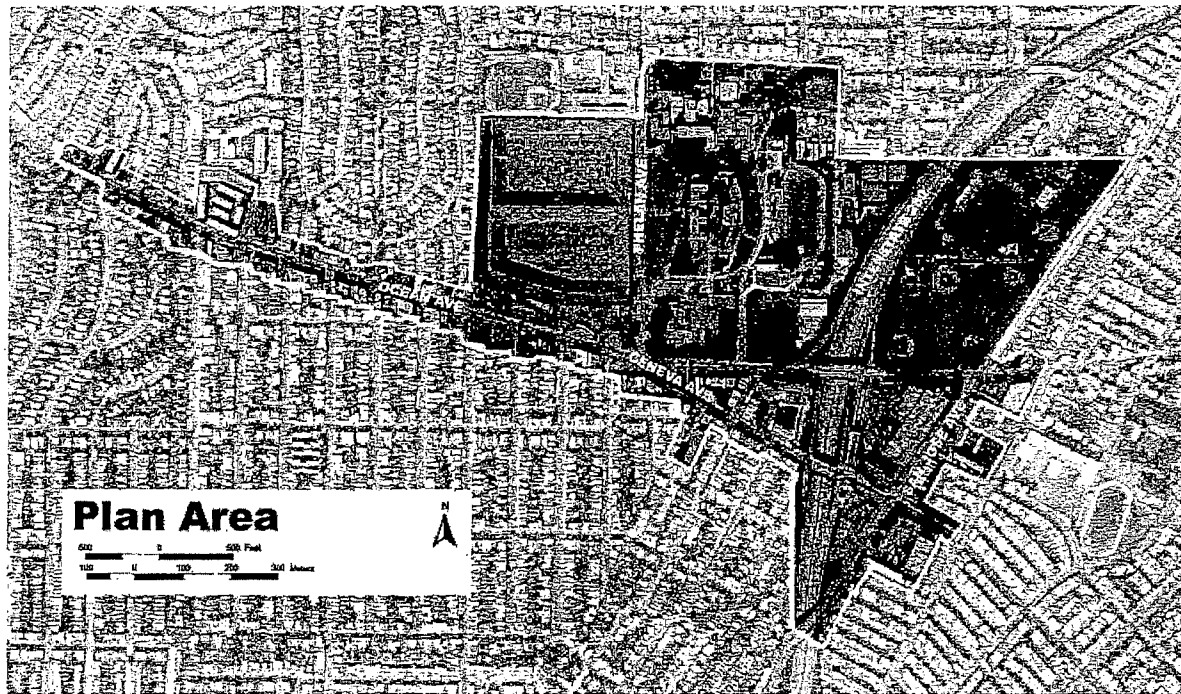
There are many factors that may contribute to a degradation of our public realm, and which can be addressed through planning. National financial markets may impose inappropriate "suburban" development models on cities, development projects may seek to express private values at the expense of public place-making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

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

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

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

III. PLAN INTRODUCTION



Plan Area

The Plan

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

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

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

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

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



Plan Subareas

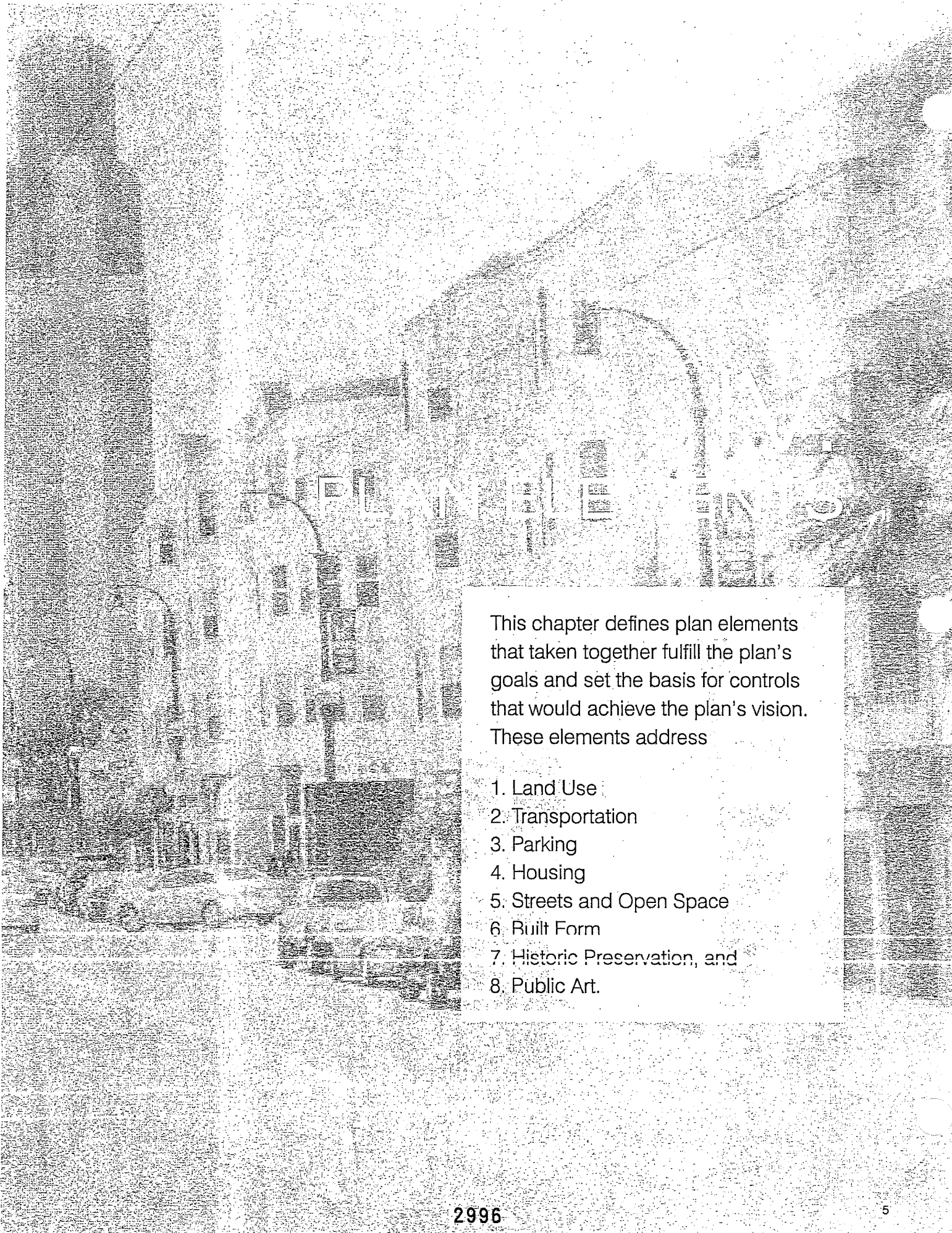
The Plan Area

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

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

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





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

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

01

LAND USE

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

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

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

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

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

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

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

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

OBJECTIVE 1.1

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

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

POLICY 1.1.1

Strengthen the link between transportation and land use.

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

OBJECTIVE 1.2

STRENGTHEN THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

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

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

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

POLICY 1.2.1

Improve access to and from the commercial district.

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

POLICY 1.2.2

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

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

POLICY 1.2.3

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

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

OBJECTIVE 1.3

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

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

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

POLICY 1.3.1

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

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

POLICY 1.3.2

Encourage centers for cultural enrichment in the Transit Station Neighborhood.

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



Rendering of a restored Geneva Office Building.

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

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

POLICY 1.3.1

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

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

POLICY 1.3.2

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

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

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

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

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

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

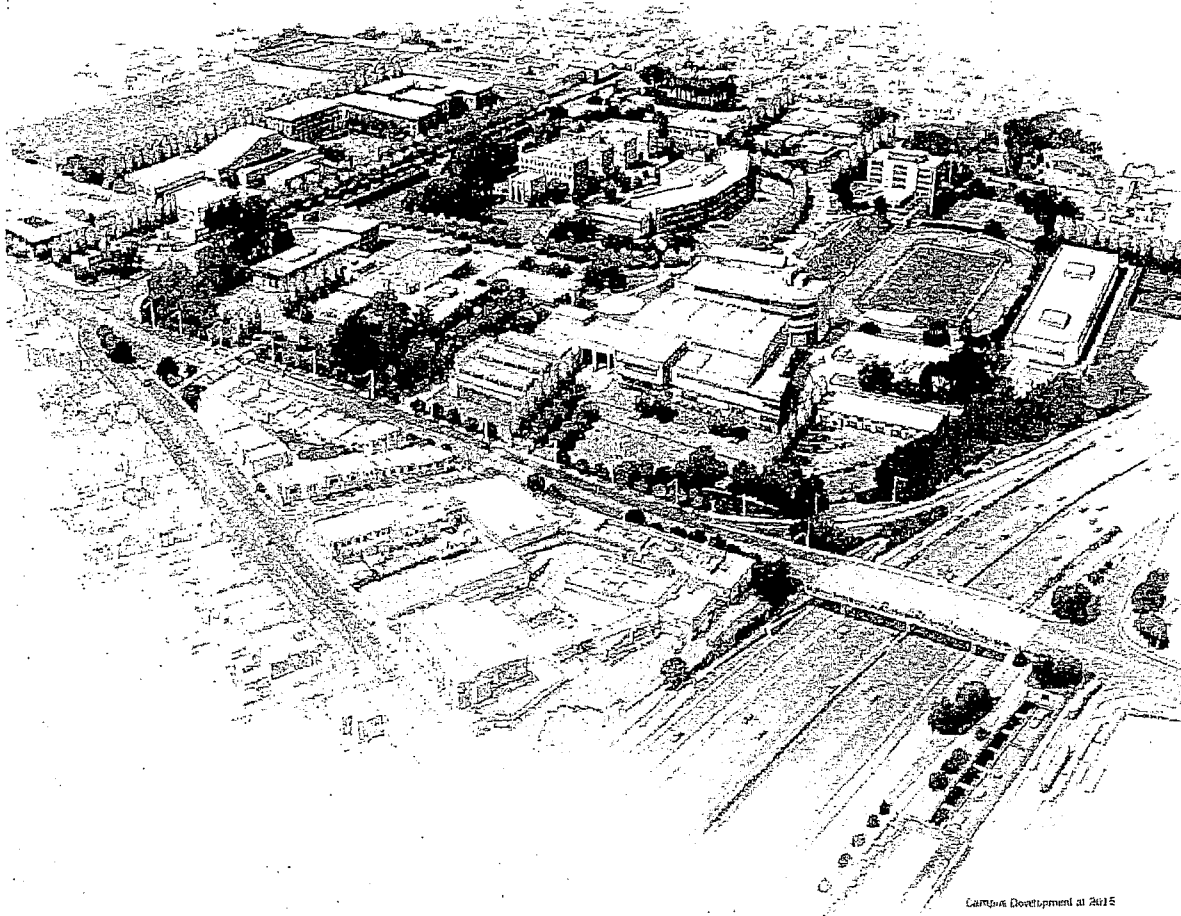
POLICY 1.4.1

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

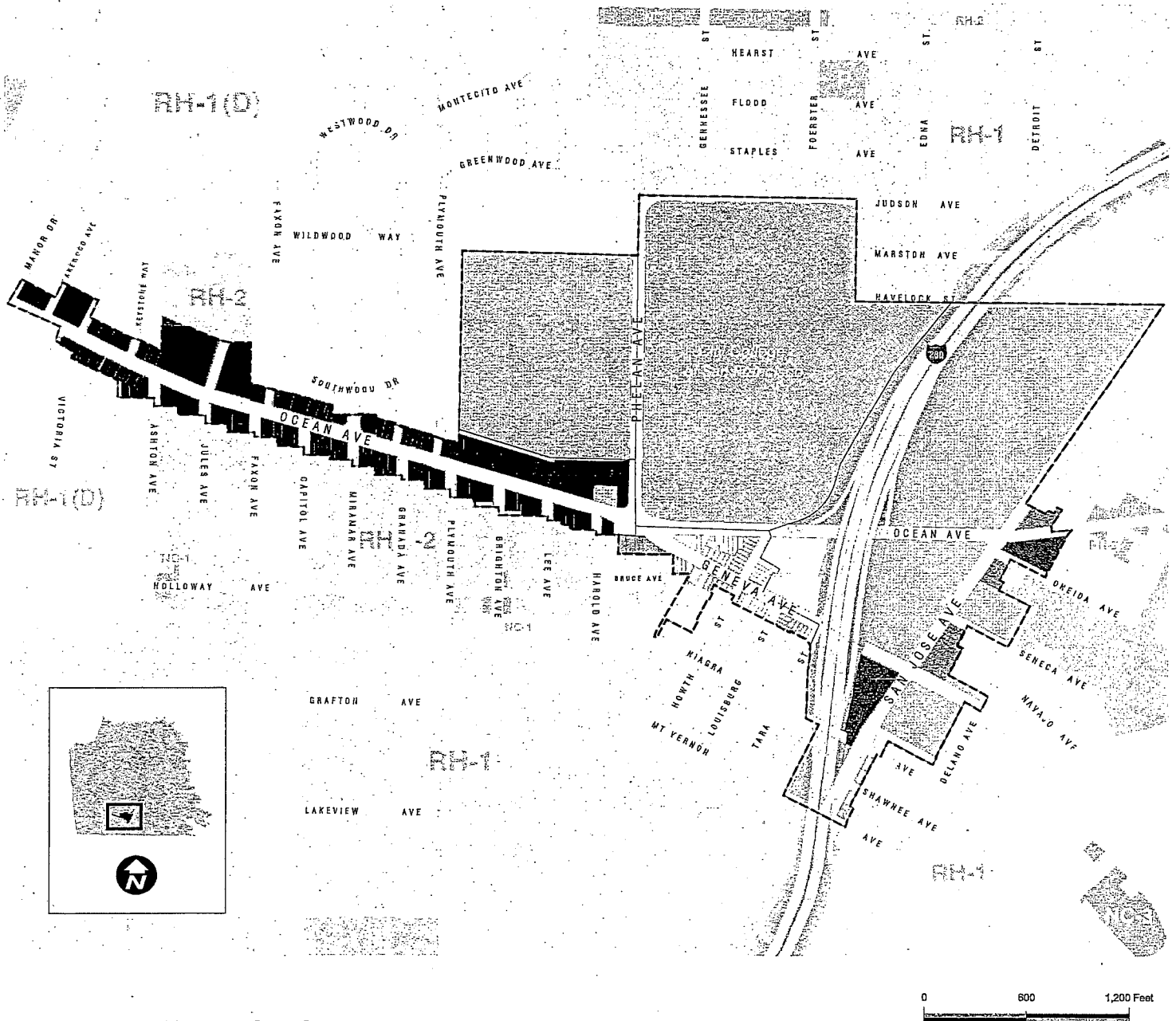
City College represents an important but underutilized asset for the area. Currently, the campus is disconnected from its commercial district. As the college grows in the future, it should reach out and connect to the Transit Station Neighborhood and to the Ocean Avenue Neighborhood Commercial District,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

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










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



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



Land Use Districts

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

02

TRANSPORTATION

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

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

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

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

OBJECTIVE 2.1

EMPHASIZE TRANSIT IMPROVEMENTS THAT SUPPORT THE NEIGHBORHOOD.

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

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

POLICY 2.1.1

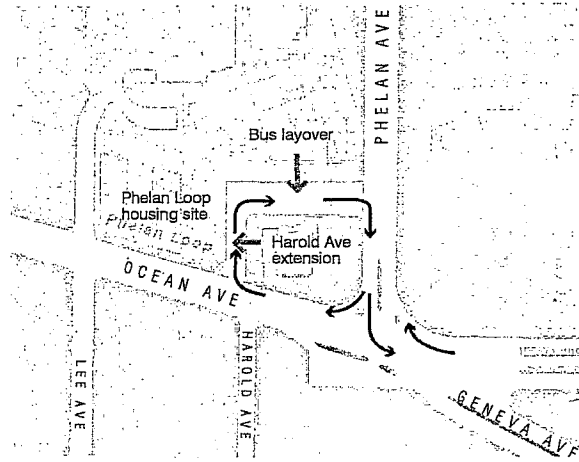
Redesign the Balboa Park BART Station as a regional transit hub that efficiently accommodates BART, light rail, buses, bicycles, pedestrians, taxis and automobile drop-off and pick-up.

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

POLICY 2.1.2

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

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



Reconfigured Phelan Bus Loop

OBJECTIVE 2.2

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

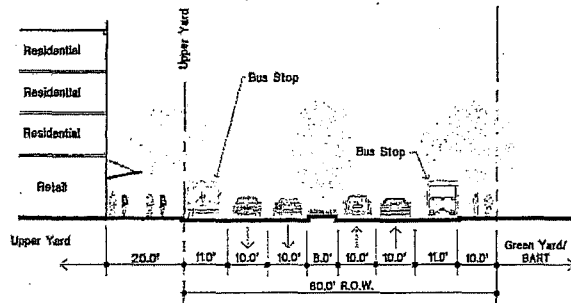
Streets constitute a large portion of the plan area's public space; their quality can affect the success or failure of a neighborhood as a livable place. The plan area's main streets of Geneva, Ocean, Phelan, and San Jose Avenues encourage the fast movement of cars, contain circuitous pedestrian routes,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

POLICY 2.2.1

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

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

SECTION EE GENEVA AVENUE (at the Station looking west)



POLICY 2.2.2

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

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

POLICY 2.2.3

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

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

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

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



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

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

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

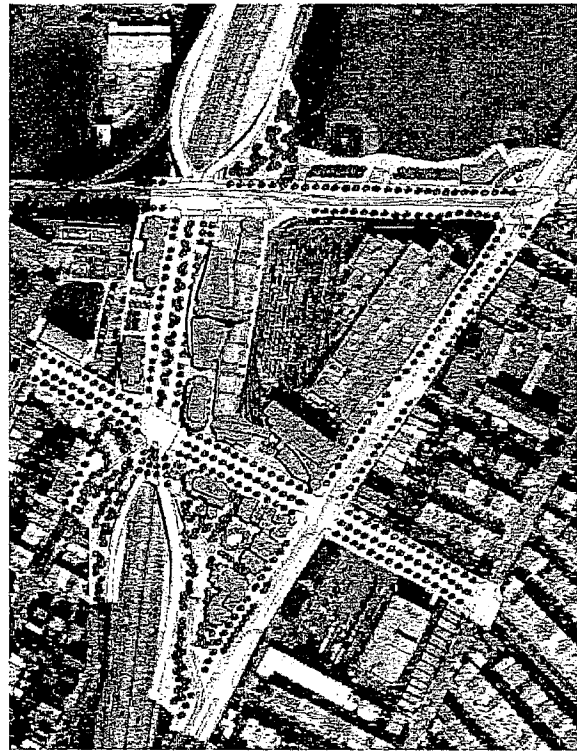
OBJECTIVE 2.3**RECONNECT THE NEIGHBORHOODS BISECTED BY THE INTERSTATE 280.**

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

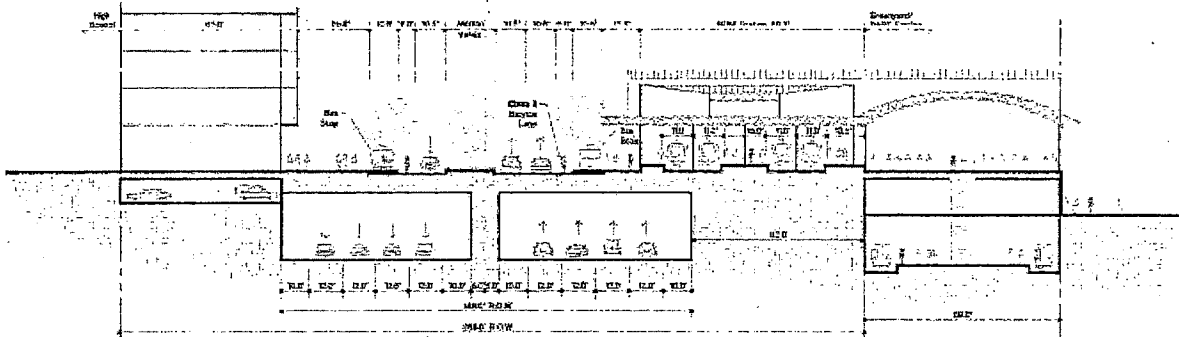
POLICY 2.3.1**Minimize the prominent physical barrier of Interstate 280.**

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

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



Freeway deck and Single Point Urban Interchange.

SECTION 41 I-280 CAPPING

Section through the freeway deck and transit center.

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

OBJECTIVE 2.4

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

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

POLICY 2.4.1

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

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

POLICY 2.4.2

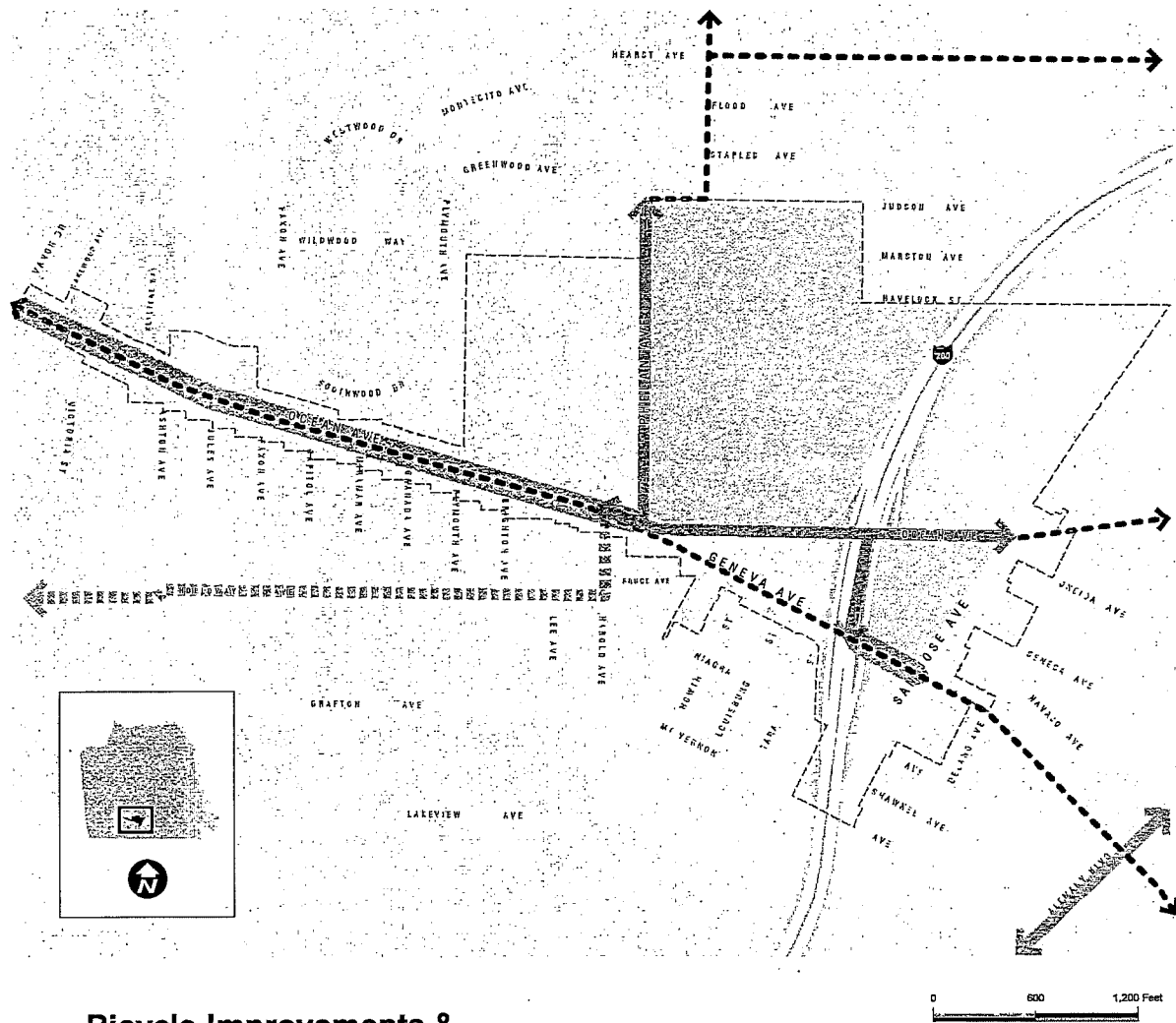
Improve and expand bicycle connections throughout the plan area.

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







POLICY 2.4.3

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

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



Bicycle Improvements & Transit Preferential Streets

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

03

PARKING

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

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

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

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

OBJECTIVE 3.1

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

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

POLICY 3.1.1

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

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

POLICY 3.1.2

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

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

POLICY 3.1.3

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

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

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

OBJECTIVE 3.2

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

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

POLICY 3.2.1

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

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

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

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

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

POLICY 3.2.2

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

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

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

POLICY 3.2.3

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

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

POLICY 3.2.4

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

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

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

POLICY 3.2.5

Carefully managed parking in the Phelan Loop Area.

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

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

Guidelines for Parking in the Phelan Loop Area

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

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

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

OBJECTIVE 3.3

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

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

POLICY 3.3.1

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

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

OBJECTIVE 3.4

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

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

POLICY 3.4.1

Improve metered parking in the Ocean Avenue Neighborhood Commercial District.

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

POLICY 3.4.2

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

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

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

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

POLICY 3.4.3

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

City College currently offers hundreds of parking spaces every day at the reservoir for \$1 a day. There is a large number of surplus spaces that could be used to accommodate longer-term parking by merchants and their employees; freeing up more curbside spaces for customers.

Though both City College and the Public Utilities Commission (PUC) have plans for using the reservoir in the future, they are unlikely to move forward for several years. In the meantime, the merchants association should explore whether City College would offer a monthly permit to local merchants and their employees. In addition, City College and the PUC should explore creating a pedestrian pathway that would connect the reservoir parking directly to Ocean Avenue.



Balboa Reservoir

POLICY 3.4.4

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

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

OBJECTIVE 3.5

ESTABLISH PARKING POLICIES TO SUPPORT THE NEW TRANSIT STATION NEIGHBORHOOD.

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

POLICY 3.5.1

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

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

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

POLICY 3.5.2

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

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

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

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

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

POLICY 3.5.3

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

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

04 HOUSING

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

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

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

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

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

OBJECTIVE 4.1

MAXIMIZE OPPORTUNITIES FOR RESIDENTIAL INFILL THROUGHOUT THE PLAN AREA.

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

POLICY 4.1.1

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

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

POLICY 4.1.2

Eliminate dwelling unit density maximums.

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

OBJECTIVE 4.2

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

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

POLICY 4.2.1

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

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

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

POLICY 4.2.2

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

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

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

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

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

OBJECTIVE 4.3

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

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

POLICY 4.3.1

Encourage mixed-use housing on the Upper Yard.

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

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

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

POLICY 4.3.2

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

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

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

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

POLICY 4.3.4

Housing should be developed above the Muni Green Yard.

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

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

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

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

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

OBJECTIVE 4.4

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

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

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

POLICY 4.4.1

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

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

OBJECTIVE 4.5

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

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

POLICY 4.5.1

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

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

POLICY 4.5.2

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

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

OBJECTIVE 4.6

ENHANCE AND PRESERVE THE EXISTING HOUSING STOCK

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

POLICY 4.6.1

Maintain a presumption against the loss of existing housing units.

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

POLICY 4.6.2

Discourage dwelling unit mergers.

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

This plan maintains a strong prejudice against dwelling unit mergers.

POLICY 4.6.3

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

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

OBJECTIVE 4.7

PROMOTE HEALTH THROUGH RESIDENTIAL DEVELOPMENT DESIGN AND LOCATION.

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

POLICY 4.7.1

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

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

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

05

STREETS AND OPEN SPACE

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

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

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

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

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

OBJECTIVE 5.1

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

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

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

POLICY 5.1.1

Create a variety of new public open spaces.

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

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

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

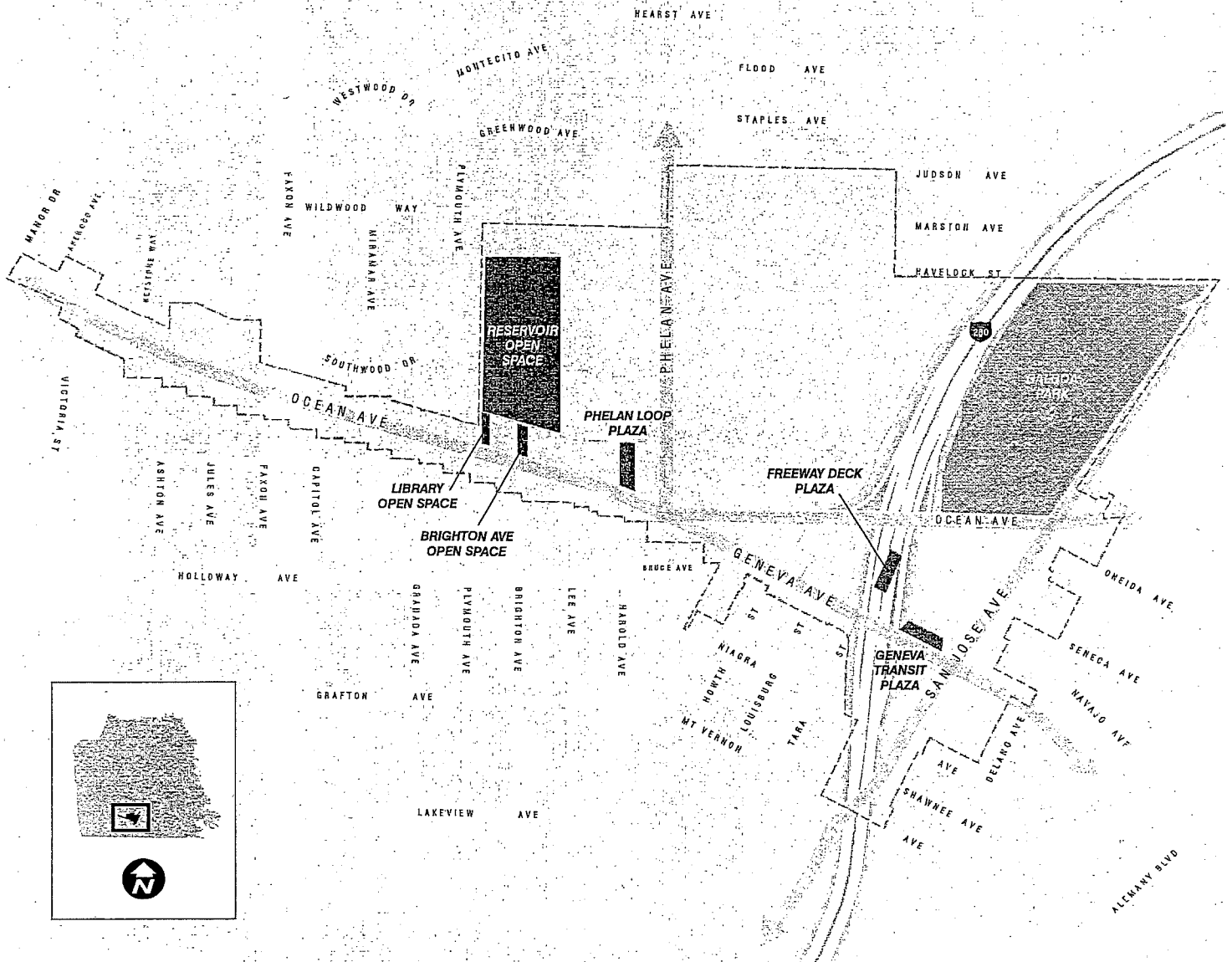
A number of open spaces are proposed in the plan area, including the Phelan Loop Plaza, the Geneva Plaza, open space associated with the proposed freeway deck, Brighton Avenue, the Library playground, and the proposed Balboa Reservoir open space. Design Guidelines for four key open spaces are articulated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

Design Guidelines for Development of the Phelan Loop Plaza

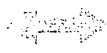


1. The open space should be at an elevation generally level with and directly accessible from Ocean Avenue. The space should be designed to address the formal street front of Ocean Avenue and frame views toward the entrance to a future expansion of the City College campus. At least twenty-five percent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

*Rendering of Proposed
Phelan Loop Plaza*





Open Space Improvements

-  Proposed Corridors for Major Pedestrian Improvements
-  Existing Open Space
-  Proposed Open Space

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

Design Guidelines for Development of Geneva Plaza

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

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

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

Guidelines for Development of Open Space Associated with the Freeway Deck

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

Design Guidelines for the Open Space on the Balboa Reservoir

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

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

POLICY 5.1.2

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

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

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

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

POLICY 5.1.3

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

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

POLICY 5.1.4

Pay attention to transit waiting areas.

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

POLICY 5.1.5

Use "found space" as public open space.

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

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

OBJECTIVE 5.2

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

POLICY 5.2.1

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

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

POLICY 5.2.2

Create wind-protected open spaces.

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

OBJECTIVE 5.3

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

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

POLICY 5.3.1

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

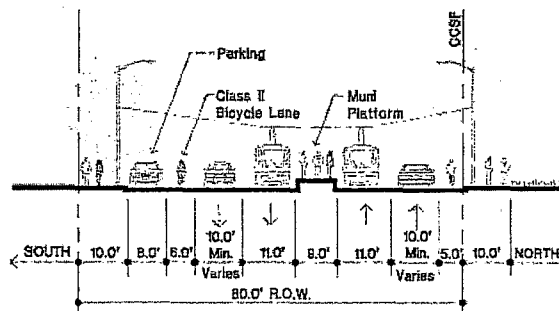
By improving the appearance of building facades and creating pedestrian-friendly sidewalks, the area will become a more inviting, desirable, and vital center of commercial activity. It will grow as a corridor that both reflects the culture of its residents and invites exploration by visitors.

POLICY 5.3.2

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

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

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



POLICY 5.3.3

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

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

OBJECTIVE 5.4

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

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

POLICY 5.4.1

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

POLICY 5.4.2

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

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

06

BUILT FORM

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

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

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

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

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

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

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

OBJECTIVE 6.1

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

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

POLICY 6.1.1

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

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

POLICY 6.1.2

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

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

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

OBJECTIVE 6.2

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

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

OBJECTIVE 6.3

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

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

POLICY 6.3.1

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

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

Guidelines for Development of the Transit Center

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

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

Guidelines for Development on the Freeway Deck

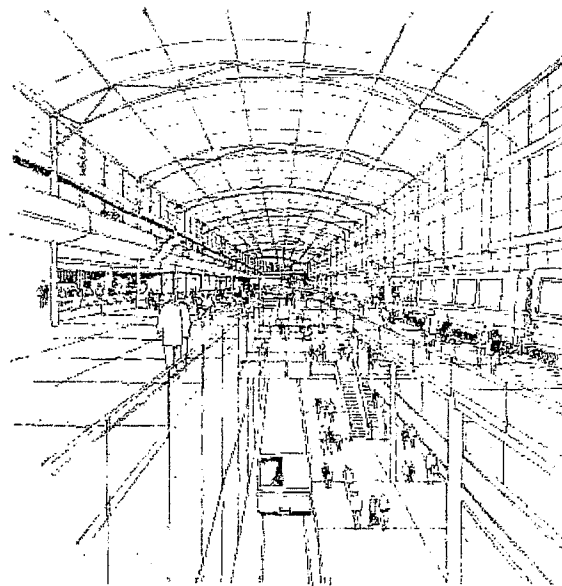
The deck would create a new "piece of land" over Interstate 280, available for development, open space, and community-supporting services. Development opportunities on top of the deck should be explored to the greatest extent practical: new buildings here would be essential in creating human-scaled development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

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

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

POLICY 6.3.2

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



Rendering of a Re-Designed BART Station

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

Design Guidelines for Development of the Station Facility

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

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

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

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

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

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

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

POLICY 6.3.3

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

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

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

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

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

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

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

Building Setbacks

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

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

Building Massing

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

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

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

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

Parking Design

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

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

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

OBJECTIVE 6.4

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

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

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

POLICY 6.4.1

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

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

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

Balboa Park Station Area Plan Urban Design Principles

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

(1) Massing and Articulation

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

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

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

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

create minimal physical and visual disruption to the pedestrian environment.

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

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

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

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

- Special building elements and architectural expressions such as towers, special entries, or cupolas should be used strategically at key locations, including street intersections and near important public spaces. They contribute to a building's distinction as a landmark, help to define a gateway, draw attention to an important activity, or help define public gathering places. These elements must be integrated into the design of the building. Special corner treatments are encouraged for buildings that front onto the intersections of Harold and Ocean Avenues, Phelan and Ocean Avenues, San Jose and Geneva Avenues, and at the primary entrances of the transit station facing Geneva and Ocean Avenues.

- Buildings must include a clearly defined base, middle, and roof or cornice termination. The middle of buildings should be clearly distinguished from the base and be articulated with windows, projections, porches, and balconies. Above five stories, the top floor(s) should be incorporated into an appropriately scaled expression of the building's top.

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

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

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

(2) The Ground Floor

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

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

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

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

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

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

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

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

POLICY 6.4.2

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

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

POLICY 6.4.3

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

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

POLICY 6.4.4

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

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

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

POLICY 6.4.5

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

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

OBJECTIVE 6.5

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

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

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

POLICY 6.5.1

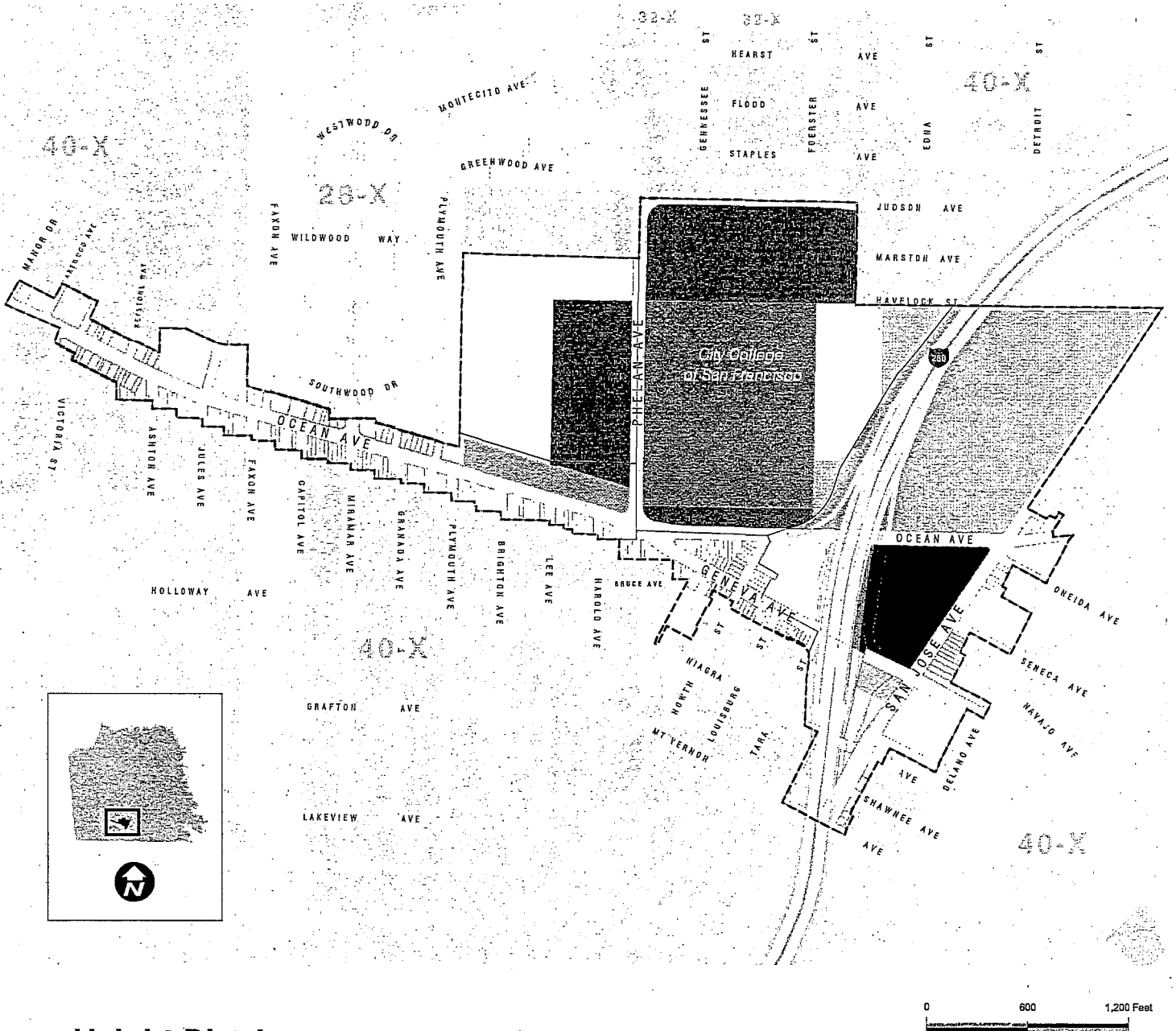
The connection between building form and ecological sustainability should be enhanced by promoting use of renewable energy, energy-efficient building envelopes, passive heating and cooling, and sustainable materials.

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

POLICY 6.5.2


New buildings should comply with strict environmental efficiency standards.

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



Height Districts

40-X	85-B
45-X	105-E
55-X	160-E
65-A	OS

 Balboa Park Station Area Plan Boundary

07

HISTORIC PRESERVATION

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

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

OBJECTIVE 7.1

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

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

POLICY 7.1.1

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

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

POLICY 7.1.2

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

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

POLICY 7.1.3

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

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

POLICY 7.1.4

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

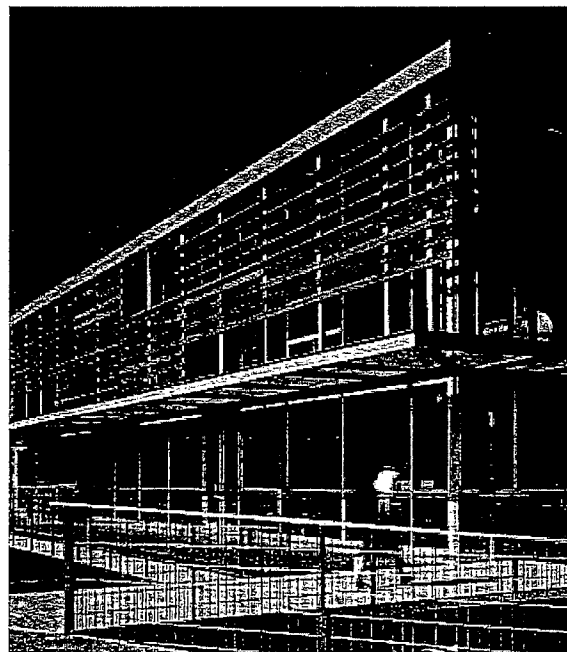
The Balboa Park Station Plan area is sensitive for several types of archeological resources: prehistoric occupation and small ephemeral activity sites; remains of the House of Refuge (San Francisco Industrial School, 1859-91); 19th century dairies and farms, including clusters of French Swiss dairy farms;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

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

POLICY 7.1.5

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

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



Lick Wilmerding High School

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

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

POLICY 7.2.1

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

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

POLICY 7.2.2

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

POLICY 7.2.3

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

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

POLICY 7.2.4

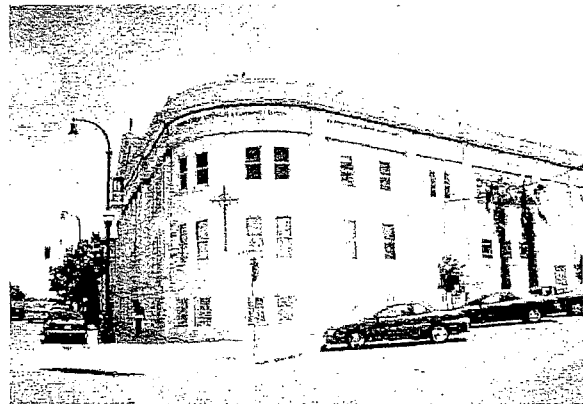
An emergency preparedness and response plan should be developed that considers the Balboa Park Station plan area's historic resources.

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

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

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

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



Ingside Presbyterian Church

POLICY 7.3.1

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

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

POLICY 7.3.2

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

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

POLICY 7.3.3

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

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

OBJECTIVE 7.4

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

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

POLICY 7.4.1

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

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

POLICY 7.4.2

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

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

08

PUBLIC ART

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

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

The goals of this Arts Master Plan are;

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

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

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

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

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

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

Defining place

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

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

Community Identity

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

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

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

Geographic History

Land

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

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

Water

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

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

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

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

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

Art and Economic Development

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

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

OBJECTIVE 8.1

INTEGRATE ART INTO THE FABRIC OF THE NEIGHBORHOOD.

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

POLICY 8.1.1

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

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

POLICY 8.1.2

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

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

POLICY 8.1.3

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

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

Art Enhancement Program Outline

1. "Research Projects"

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

Book Project

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

Nighttime Street Projections

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

2. Transit platforms on Ocean Avenue

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

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

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

4. Gateway project

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

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

5. Other open spaces

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

6. Artistic enhancements to architecture

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

7. Transit Hub Enhancements

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

8. Geneva Office Building

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

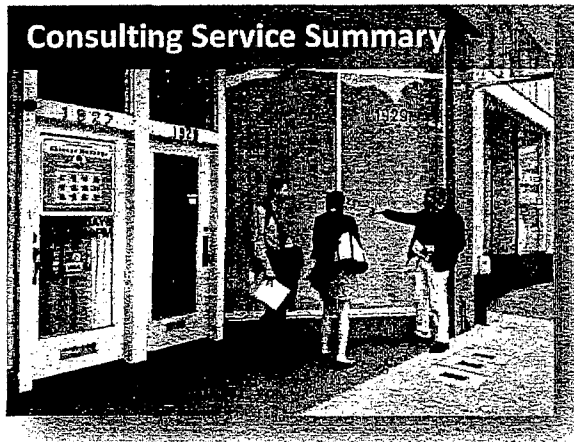
This building and its history is tightly linked to the rich history of rail transportation in San Francisco. Artists can and should be involved in the planning and design of the building's renovation, in designing exhibits and elements of the building that illustrate this important and fascinating history.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



Business Development Visit to Ocean Avenue, San Francisco

September 23-25, 2014

Findings and Recommendations



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

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

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

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



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

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

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

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



Participants

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

Findings



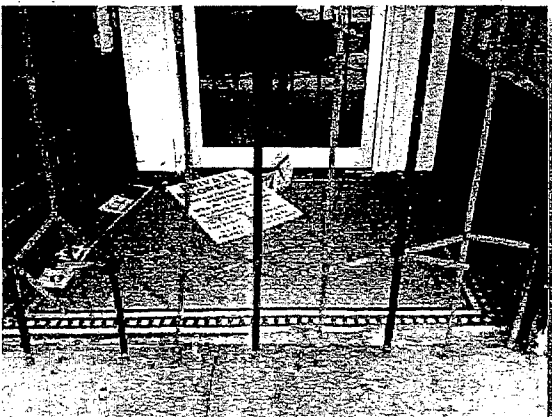
Using the four-point Main Street framework, the consultant and participants explored the comprehensiveness of the OAA's activities. The organization implements a well-rounded revitalization and management program for the district:

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

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

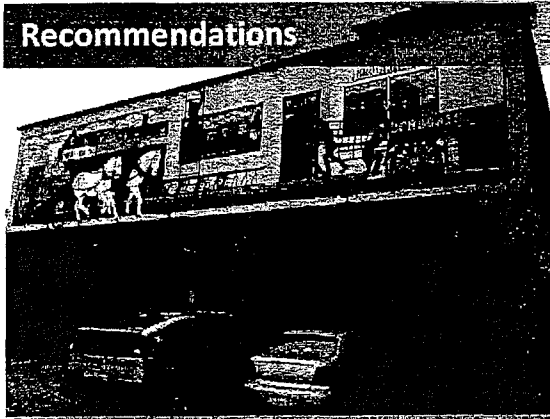
- The Ocean Avenue business corridor serves as an important community hub to the residents of the area. With needed improvements to private buildings and businesses, the district is **well-positioned** to further attract and provide goods and services to residents and visitors.
- Several **vital businesses**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





- Whole Foods Market locating in the district illustrates the street's ability to draw from a greater trade area than previously envisioned by city planners and others. The **trade area's consumer buying power** is impressive and there is **unmet trade area consumer demand** that could be captured by expanding existing businesses or opening new ones. The 55,682 residents who live within a 4-minute drive of the business district have a total retail and restaurant demand of \$950.5 million each year. Unmet consumer demands (or "market gaps" that may represent business development opportunities), totaling nearly \$671 million annually, are indicated in many categories including furniture and home furnishings, clothing and accessories, garden supplies, general merchandise, and specialty stores. (Source: Nielsen-Claritas, 2014) See the retail sales analysis data provided earlier.
- The district possesses **strategic locations** that can be considered for rehabilitation, provided that property owners are receptive. These include larger buildings such as the El Rey Theatre and smaller locations like the former Ocean Taqueria building.
- Ocean Avenue is strengthened over time by significant **public and private investment**. Important projects include investments in streetscape and landscaping, Champa Gardens restaurant and the trees and landscaping in front of it, the affordable multi-family housing development at 1100 Ocean Avenue, and the new hardware store opening soon.
- Some businesses appear to be **struggling** with a lack of customers, insufficient sales, shallow merchandise, weak visual merchandising, and unattractive building interiors and exteriors.
- Not all of the private sector has kept pace with the public, community and private investment into the corridor's attractiveness. There is a **critical need for improving the appearance of private businesses and buildings**. By presenting a neglected and uninviting face to their potential customers, several business and building owners are undermining their ability to achieve sales and rents. There appears to be disinvestment on the part of several property owners, or a conscious withholding on investment until more entrepreneurial owners perform all of the hard work necessary to improve the neighborhood.

Recommendations

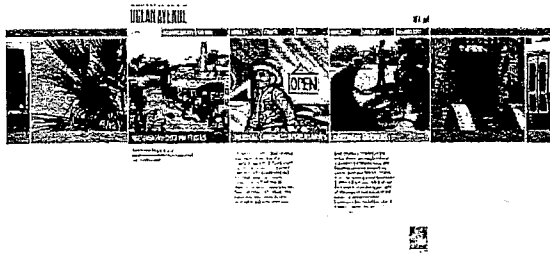
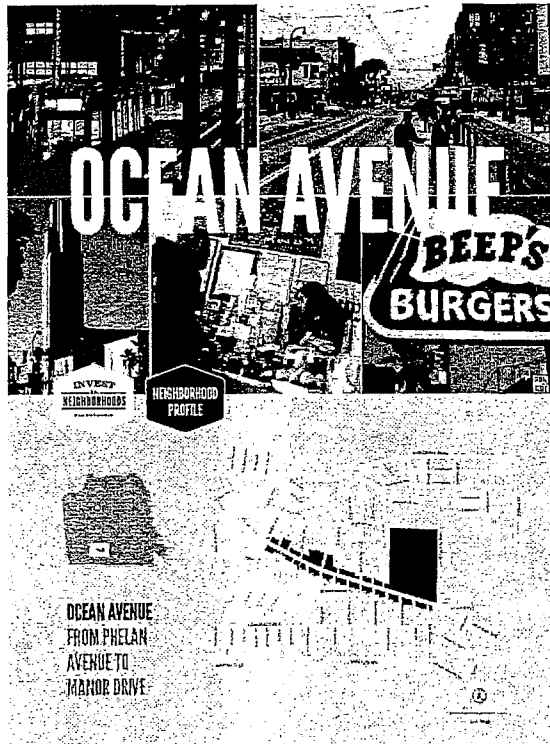


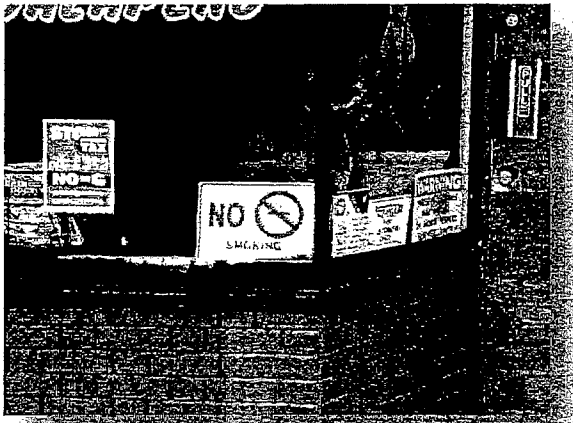
The OAA should continue to implement its important design and business development work as outlined in its action planning documents and in the CDBG agreement.

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

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

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





financial and technical assistance.

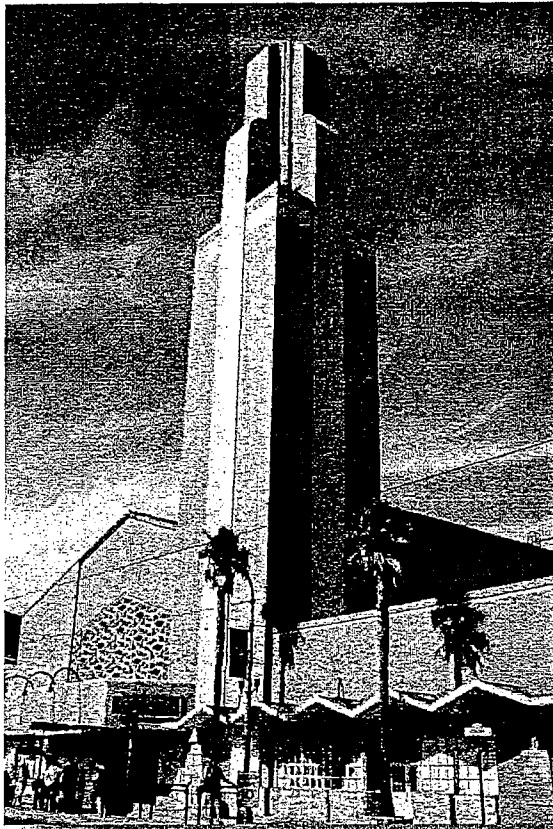
- Assemble a **hardcopy business development packet** of the above materials plus the many OEWD program flyers and brochures to share with existing and prospective new business owners.
- Publish a **business development rack card**.
- Prepare **property profile sheets** to help with marketing business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

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

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

Recruit new businesses.

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



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

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

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

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

(BOS)

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

Categories: 141291

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

Suzanne McDonnell

--

Suzanne McDonnell
(415) 641-0700

Suzanne McDonnell

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

January 5, 2015

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

Via E-Mail Only

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

Dear Members of the Board of Supervisors:

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

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

1. This tobacco and e-cigarette establishment is not

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

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

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

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

Sincerely,

Suzanne McDonnell

Suzanne McDonnell

1 (BOS)

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

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

TOBACCO EDUCATION AND RESEARCH OVERSIGHT COMMITTEE



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

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

January 5, 2015

Dear San Francisco Board of Supervisors

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

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

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

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

TOBACCO EDUCATION AND RESEARCH OVERSIGHT COMMITTEE

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

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

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

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

Sincerely,



Pamela Ling, MD MPH

Member, Tobacco Research and Education Oversight Committee (TEROC)

(BOS)

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

Hello,

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

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

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

(BOS)

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

Hello,

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

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

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

(BOS)

From: Board of Supervisors (BOS)
Sent: Tuesday, January 06, 2015 2:14 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141921 FW: Uphold the San Francisc Planning Commission's Decision to Grant Happy Vape at 1963 Ocean Avenue Their Conditional Use Permit and Deny the Appeal

Categories: 141291

From: chgo2cal@aol.com [mailto:chgo2cal@aol.com]
Sent: Monday, January 05, 2015 4:35 PM
To: Board of Supervisors (BOS)
Subject: Uphold the San Francisc Planning Commission's Decision to Grant Happy Vape at 1963 Ocean Avenue Their Conditional Use Permit and Deny the Appeal

With regard to the appeal scheduled on January 13, 2015 for 1963 Ocean Avenue's conditional use permit, I urge the Board to uphold the Planning Department's decision to approve the permit and deny the appeal.

Marilyn Elkins

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

Categories: 141291

Dear Supervisors:

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

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

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

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

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

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

Thank you very much for giving this some thought.

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

Carroll, John (BOS)

From: Board of Supervisors (BOS)
Sent: Tuesday, January 06, 2015 2:13 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: file 141291 FW: VAPE AND HOOKAH - we don't want it !!

Categories: 141291

From: Heuser Fred [<mailto:hfh2@me.com>]
Sent: Monday, January 05, 2015 4:31 PM
To: Board of Supervisors (BOS)
Subject: VAPE AND HOOKAH - we don't want it !!

Dear Supervisors:

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

We find it ironic that the city government that wants to rid itself of Coke and tobacco products is encouraging electronic cigarettes and hookah smoking! How could either of these be good for people?

Ocean Avenue is finally reviving under the leadership of a merchants' association and the formation of a Community Benefits District, not a simple accomplishment.

Why this latest dagger through the heart of our area? We are already trying to cope with having three marijuana stores. These stores and the proposed vape shop ARE NOT patronized by people in our area, but from outside. We live in just the type of middle class housing that the City wants to encourage, but these policies are destructive. We need businesses that are patronized by our neighbors, not outsiders! We ask that you support the appeal of the Planning Commission approval. Do not impose this negative business on Ocean Avenue. The vape shop will not benefit the neighborhood.

Judith and Frederick Heuser

(BOS)

From: Margret O'Driscoll [mgtoddriscoll@comcast.net]
Sent: Monday, January 05, 2015 4:03 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS); rckaris@gmail.com
Subject: Appeal Letter.
Categories: 141291

Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C. (Opposition to the vape shop.)

To:
bos.legislation@sfgov.org
Board.of.Supervisors@sfgov.org
Norman.Yee@sfgov.org

Dear Supervisors:

I support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, a Vape Shop/Steam Stone Hookah Lounge. This business is not necessary or desirable for the neighborhood.

Bringing in businesses that are desired and will be used by the people living in the neighborhood is important and will improve the area. This business will not provide needed products or services for people living in this area.

Ocean Avenue has started its revival. The 1900 block of Ocean Avenue now has several businesses popular with neighbors: Fog Lifter Café, Cut to Contrast barbershop, Ocean Cyclery, Serge-a-Lot (sewing), and Yoga Flow. Recently a hardware store opened on Ocean Avenue. A furniture store will soon open. These are the types of businesses the neighborhood needs and desires.

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents.

Please support the appeal of the Planning Commission approval. Do not impose this negative business on Ocean Avenue. The vape shop will not benefit the neighborhood.

Sincerely, Margaret O'Driscoll.

1 (BOS)

From: Board of Supervisors (BOS)
Sent: Tuesday, January 06, 2015 2:12 PM
To: BOS-Supervisors; Carroll, John (BOS); Lamug, Joy
Subject: File 141291 FW: We oppose

Categories: 141291

From: de [mailto:ddeleon08@aol.com]
Sent: Monday, January 05, 2015 3:30 PM
To: Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: We oppose

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,

Donny Deleon
David Swanson
170 Urbano Drive
San Francisco, CA 94127

(BOS)

From: Board of Supervisors (BOS)
Sent: Tuesday, January 06, 2015 2:11 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Support for Appeal: Happy Vape Shop & Hookah Lounge (1963 Ocean Avenue)

Categories: 141291

From: Rene Casis [<mailto:renecasis@gmail.com>]
Sent: Monday, January 05, 2015 3:07 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Support for Appeal: Happy Vape Shop & Hookah Lounge (1963 Ocean Avenue)

To Whom It May Concern,

I writing to oppose the the proposed use of 1963 Ocean Avenue as a vapor tobacco shop and lounge.

As a resident of Ingleside Terraces, I feel the proposed business negatively impacts the neighboring community. On a related point, it is detrimental to the commercial success of Ocean Avenue. I am concerned that with the adjacent public schools that such a business is inappropriate as there is a proportionally large number of young children walking through the Ocean Avenue corridor.

I disagree with the Planning Commission's findings on 6 November 2014 that the proposed business provides retail enhancement to the district, that is not detrimental to the health of the residents or those working in the vicinity, and the notion that such a business is compatible with the neighborhood and the community.

The demographics of the neighborhoods adjacent to Ocean Avenue continues to change as more young families (and hence young children) reside in the area. I feel the focus of the new businesses should be focused on benefiting the community of residents, first and foremost. This proposed business (as well as the two marijuana dispensaries on Ocean Avenue) and the proximity of two public schools invites negative temptation to the young children residing and/or attending the adjacent schools.

I urge the Board of Supervisors to join the residents in the opposition of this business. In addition, I invite the Board to increase their partnership with the surrounding neighborhood boards and residents to create a community of businesses that will have a lasting positive impact of commerce to benefit the adjacent neighborhoods as well as San Francisco as a whole.

Sincerely,
Rene Casis
Ingleside Terraces

(BOS)

From: Board of Supervisors (BOS)
Sent: Tuesday, January 06, 2015 2:10 PM
To: BOS-Supervisors; Carroll, John (BOS); Lamug, Joy
Subject: File 141291 FW: Vape store on Ocean Avenue

Categories: 141291

From: ckindlerdc@comcast.net [mailto:ckindlerdc@comcast.net]
Sent: Monday, January 05, 2015 2:45 PM
To: Board of Supervisors (BOS)
Subject: Vape store on Ocean Avenue

January 5, 2015

Dear Board of Supervisors,

Thank you for appealing the decision to open a Vape store on Ocean Avenue. As a long time resident of that neighborhood, I/we have enjoyed the new stores and restaurants on Ocean Avenue in the recent past.

An addiotn of a vape store is not in alignment witht he forward progress of Ocean Avenue's development.

Pleas oppose the establishment of this business.

Thank you for your consideration,
Claudia Kindler
71 Westwood Drive

Sent from Windows Mail

1 (BOS)

From: Gilby Francisco [gilbyfrancisco@gmail.com]
Sent: Monday, January 05, 2015 2:15 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS); rckaris@gmail.com
Subject: Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C. (Opposition to the vape shop.)
Categories: 141291

Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C. (Opposition to the vape shop.)

Dear Supervisors:

I support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, a Vape Shop/Steam Stone Hookah Lounge. This business is not necessary or desirable for the neighborhood.

Bringing in businesses that are desired and will be used by the people living in the neighborhood is important and will improve the area. This business will not provide needed products or services for people living in this area.

Ocean Avenue has started its revival. The 1900 block of Ocean Avenue now has several businesses popular with neighbors: Fog Lifter Café, Cut to Contrast barbershop, Ocean Cyclery, Serge-a-Lot (sewing), and Yoga Flow. Recently a hardware store opened on Ocean Avenue. A furniture store will soon open. These are the types of businesses the neighborhood needs and desires.

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents.

Please support the appeal of the Planning Commission approval. Do not impose this negative business on Ocean Avenue. The vape shop will not benefit the neighborhood.

Thank you.

Gilberto Francisco
Lunado Court
Ingleside Terraces
San Francisco, CA

1 (BOS)

From: Morgan Jones [morganjones25@gmail.com]
Sent: Monday, January 05, 2015 2:13 PM
To: Board of Supervisors (BOS); BOS Legislation (BOS)
Subject: Letter supporting the appeal of Planning Commission decision in Case No. 2014.0206C
Categories: 141291

I wanted to write a letter opposing the vape shop at 1963 Ocean Ave. My four year-old daughter could be attending Commodore Sloat next year (and Aptos after that), and this head shop seems way, way too close to a school to be considered a good idea.

Please reconsider this!

Best,

Morgan & Annie Jones

(BOS)

From: John Nay [heyday@gmail.com]
Sent: Monday, January 05, 2015 1:25 PM
To: BOS Legislation (BOS)
Subject: No to proposed vape shop at 1963 Ocean Ave
Categories: 141291

> Hello,

>

> I'd like to register my strong opposition to the proposed vape shop at 1963 Ocean Avenue. It is wrong for this neighborhood. This location is close to several schools (there's one diagonally across the street) and it is on the route we walk with our 8 year old son to and from elementary school.

>

> This will not improve the retail environment of this area of Ocean and it will be a detriment to the adjacent residential neighborhoods.

>

> Please turn-down this permit request.

>

> Thank you,

>

> John Nay
> 31 Fairfield Way
> San Francisco

(BOS)

From: Michael.Ramos@gsaig.gov
Sent: Monday, January 05, 2015 1:21 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Opposition to Hookah Lounge et al permit

Categories: 141291

I am emphatically against the issuance of a conditional use permit related to the aforementioned.

The neighborhood has seen an increase in criminal incidents (e.g. recent shooting, multiple residential burglaries, robbery at 7-Eleven) and this type of establishment will continue to attract unscrupulous subjects. Additionally, there are apparent health concerns the medical community is just now beginning to study and research. The Planning Commission must await medical data to further understand the health risks that will likely prove detrimental to the local community.

Furthermore, preliminary data suggests a disproportionate amount of minors are attracted to these establishments; yet another impediment that will certainly attract our youth. I respectfully request the Planning Commission reconsider their decision.

Michael Ramos

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(BOS)

From: Robert Karis [rckaris@gmail.com]
Sent: Monday, January 05, 2015 12:59 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Re: Case No. 2014.0206C, 1963 Ocean Avenue, letter of opposition
Attachments: appeal_letter_fc.pdf

Categories: 141291

Dear Clerk of the Board,

Please enter the attached letter, written and signed by a neighbor, in opposition to the proposed vape shop at 1963 Ocean Ave.

Thank you,
Robert Karis

January 3, 2015

San Francisco Board of Supervisors:

I'm a long time resident of the Ingleside District, has seen many changes some good some not so good. Now there's two Cannabis clubs and a Billiards Hall on Ocean ave. within six blocks. Within the past two years my area has experienced a higher crime rate. Personally my car has been broken into twice, hit and ran three times.

I have witness people leaving their shops walking to their cars smoking Cannabis, leaving trash and urinating in the bushes.

There's two schools in my area, I watch these young people walk by and say "can't wait to get my weed Card". The Ingleside District do not need another pool hall, Cannabis club, cigarette, ~~etc~~ smoke or hookah lounge.

Our youth has enough negative behavior around them, let's not add to it.

Thank you
Joe Louell

BOS)

From: Carolyn Karis [carolynkaris@gmail.com]
Sent: Monday, January 05, 2015 12:58 PM
To: BOS Legislation (BOS)
Cc: Board of Supervisors (BOS); Yee, Norman (BOS); Robert Karis
Subject: Appeal of Conditional Use Authorization -- 1963 Ocean Avenue
Attachments: Appeal_Case_No_2014_0206C.pdf

Categories: 141291

Dear Angela Calvillo, Clerk of the Board:

Please enter the following document for the appeal of the decision of the Planning Commission by Motion No. 19271 (Case No. 2014.0206C), for property located at: 1963 Ocean Avenue, Assessor's Block No. 6915, Lot No. 020.

Sincerely,
Carolyn Karis
Victoria Street
Ingleside Terraces

Appeal of the decision of the Planning Commission Conditional Use Authorization by Motion No. 19271 (Case No. 2014.0206C), for property located at 1963 Ocean Avenue, Assessor's Block No 6915, Lot No. 020.

We disagree with the following "Findings" contained in the Final Motion ("FM") No. 19271 of the Planning Commission in approving, on November 6, 2014, the Conditional Use Authorization for the tobacco paraphernalia establishment at 1963 Ocean Avenue.

The appeal to disapprove the Planning Commission's authorization of the Conditional Use for the vape shop/steam stone hookah lounge (aka Happy Vape) at 1963 Ocean Avenue is based on the following:

1. The Planning Commission did not appropriately apply the criteria for a Conditional Use Authorization for a tobacco paraphernalia establishment selling electronic cigarettes. [Planning Code ("Code") 303 (n), Ordinance #030-14 & #224-08]
2. This was the **first required** Conditional Use Authorization hearing for a tobacco paraphernalia establishment including the sale of electronic cigarettes. [Planning Code 227(u); Ordinance #224-08 & #030-14]
3. The proposed business is not compatible with the character of the neighborhood, the community, or its demographics. [Planning Code 303(c)(1)]
4. Compliance with the General Plan [the objectives, policies, and guidelines found in the seven studies of Ocean Avenue] is not consistent. [Planning Code 101.1 Master Plan]
5. The proposed business will be detrimental with the health, safety, and welfare of the residents. [Planning Code 303 (c)(2)].
6. The ruling by the Planning Commissioners was not unanimous. (5 to 2)
7. 75% of the property owners/residents within the 300 foot area around 1963 Ocean Avenue signed to support the appeal of the Planning Commission's Authorization. 90% of the people in the neighborhood do not find the proposed business necessary or desirable. [Planning Code 303(c)(1)]
8. The concentration of tobacco paraphernalia in the Ocean Avenue NCT is sufficient. The neighbors have not expressed a need or desire for a store selling electronic cigarettes, vaporizers and related tobacco paraphernalia, nor for a steam stone hookah lounge.

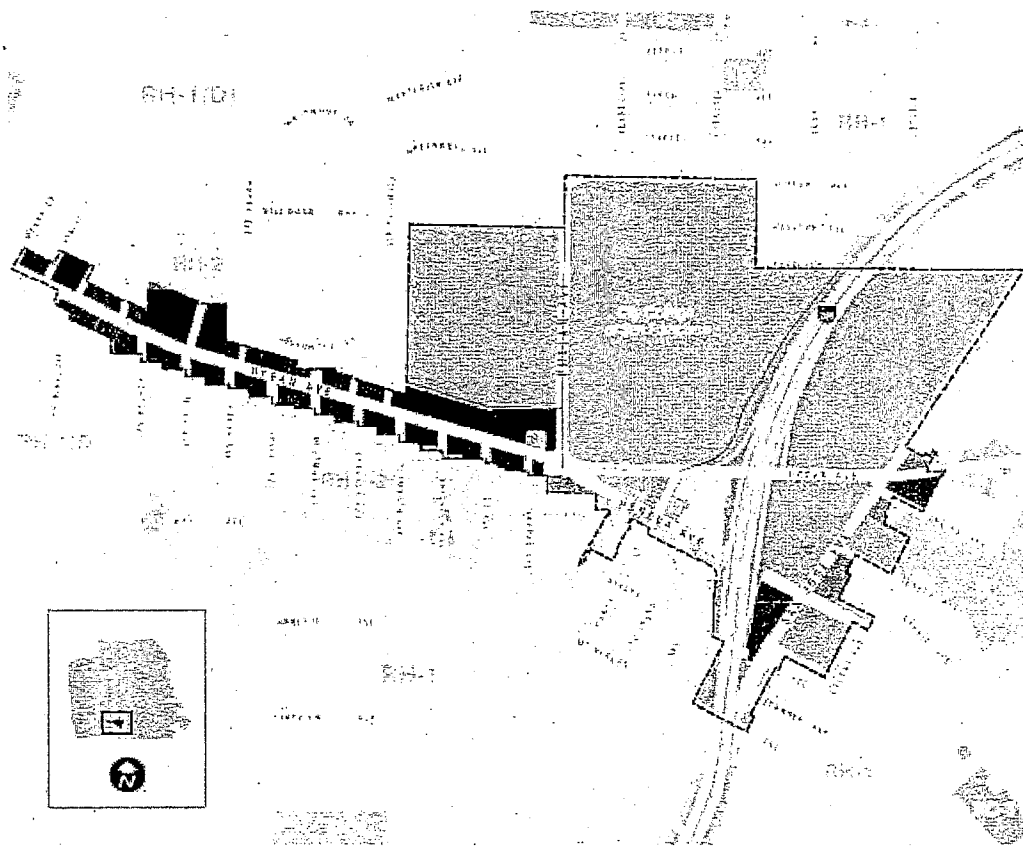
Background:

1963 Ocean Avenue is located at the western end of the Ocean Avenue NCT (Neighborhood Commercial Transit) District that extends from Phelan Avenue on the east to Manor Drive, a length of approximately $\frac{3}{4}$ mile. The site is within the **Balboa Park Station Plan Area. This plan states that the Ocean Avenue NCT is intended to provide convenience goods and services to the surrounding neighborhoods.**

1963 Ocean Avenue is located in District 7. The Ocean Avenue Area includes the residential neighborhoods of Ingleside Terraces, Balboa Terrace, Mount Davidson Manor, Westwood Park, Ingleside and Merced Heights in Districts 7 and 11.

[Note: some URLs may need to be copied and pasted into a web browser.]

Balboa Area Plan Generalized Land Use Map — (p. 18 of the Land Use Index of the General Plan of the City and County of San Francisco, 2011) http://www.sf-planning.org/ftp/general_plan/Land_Use_Index_August_2011.pdf
The San Francisco General Plan Master Plan [101.1]
http://www.sf-planning.org/ftp/general_plan/ includes the Balboa Park Station Area Plan.

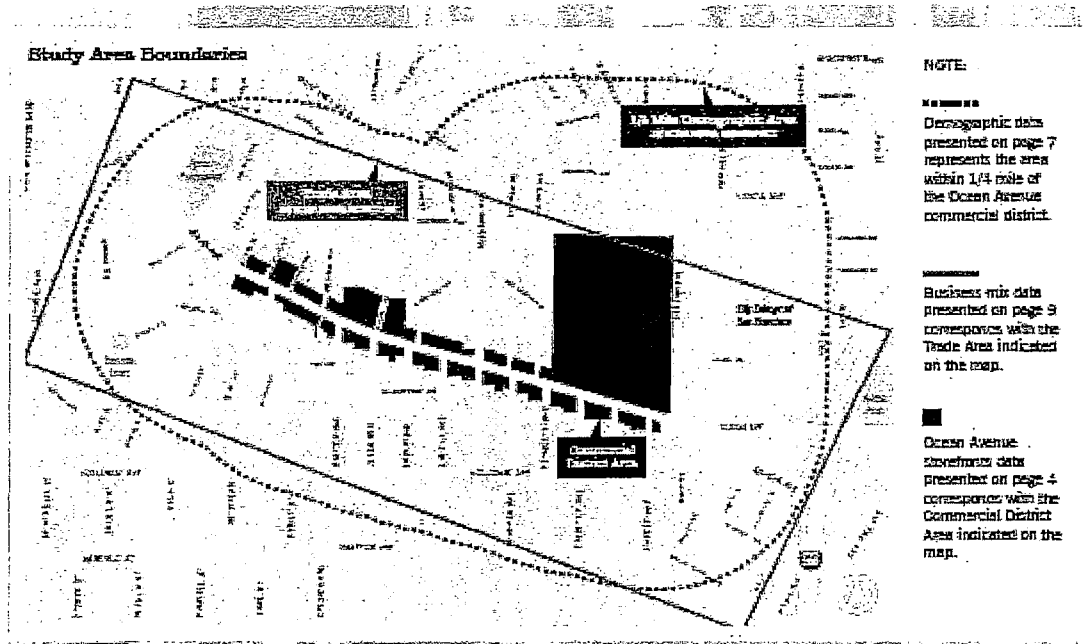


Land Use Districts

RH-1	NCT-1	Balboa Park Station Area Plan Boundary
RH-1(D)	NCT-2	
RH-2	Ocean Avenue NCT	
RM-1	P	

Map from the **OEWD Invest in Neighborhoods Study (2012)**

<http://investsf.org/neighborhoods/ocean-avenue/> Map found on page 6 of the
 UPDATED_Neighborhood Profile OCEAN AVENUE.pdf



Ocean Avenue has undergone extensive study and review by various city agencies and consultant groups. The goals of these studies are strengthening what exists and attracting positive changes for the area. All of the studies, dating from 2008 through 2014, conducted of the Ocean Avenue Corridor, focus on **improving Ocean Avenue for the long-term**. The studies resulted in the following reports:

Reports on Ocean Avenue Corridor:

- **Historic Context Statement Balboa Park Area Plan & Historic Resource Survey 2008**
<http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=557>
- **Balboa Park Station Plan 2008** *Balboa_Park_Station_Area_Plan_v2.pdf*
http://www.sf-planning.org/ftp/general_plan/Balboa_Park_Station.htm
 a pdf version of the study document is found at
<http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=1983>
- **Ocean Avenue Management Plan 2010**
<http://www.oewd.org/modules/showdocument.aspx?documentid=160>
OceanAvenueManagementPlan.pdf
- **SF General Land Use Plan Land Use Index August 2011.pdf** – General introduction for entire city http://www.sf-planning.org/ftp/general_plan/index.htm and pdf version http://www.sf-planning.org/ftp/general_plan/Land_Use_Index_August_2011.pdf

Balboa Park Station Area Plan

http://www.sf-planning.org/ftp/general_plan/Balboa_Park_Station.htm

- **OEWD Invest in Neighborhoods Study 2012**
http://investsf.org/neighborhoods/ocean-avenue/UPDATED_Neighborhood_Profile_OCEAN_AVENUE.pdf
- **San Francisco Formula Retail Economic Analysis** prepared for the SF Planning Department by Strategic Economics June 2014 http://www.sf-planning.org/ftp/files/legislative_changes/form_retail/Final_Formula_Retail_Report_06-06-14.pdf
- **Kjelstrom Economic Development Final report** Sept 2014 Kjelstrom Economic Development Final Report 2014.10.31.pdf
http://www.sfog.us/ocean_ave/kjelstrom_20141031.pdf

The studies point to the need for development of a vibrant commercial street that serves the surrounding neighborhoods. The reports encourage pedestrian traffic, use of public transit, and businesses that provide the goods and services needed by the residents in the neighborhood.

We disagree with the following "Findings" contained in the Final Motion No. 19271 of the Planning Commission in approving, on November 6, 2014, the Conditional Use Authorization for a tobacco paraphernalia establishment at 1963 Ocean Avenue.

Issue #1: Incorrect application of Planning Code 303(n) and 227 (u). The ruling of the Planning Commission on November 6, 2014, to approve the Conditional Use Application for the proposed business at 1963 Ocean Avenue, **did not properly apply the criteria for a Conditional Use Authorization (Code 303) of a tobacco paraphernalia establishment (Code 227(u))** [Note FM states 227(v); however the correct current Planning Code is 227(u).]

Rationale: The Planning Commission did not correctly apply Planning Code 303. During the hearing and in the decision, the Planning Commissioners did not consider fully whether this proposed business met the criteria of "necessary or desirable to the neighborhood," whether it would potentially have a negative impact on the surrounding neighborhood, and whether the use complies with the San Francisco General Plan and more specifically, the Balboa Park Station Area Plan.

Commissioner Richards (who voted against approval) pointed out that the 1900 block of Ocean Avenue is not the appropriate context for the proposed business, a vape retail store with a steam stone hookah lounge in the basement. It is not a business that will attract neighborhood foot traffic. Commissioner Antonini (who voted against approval) questioned the need for a hookah lounge as a method to quit smoking. The project sponsor stresses that his business aims to help people stop smoking (tobacco

cigarettes). Commissioner Antonini questioned why the Commission had listened to neighborhood voices against a Starbucks but, in this matter, did not consider the many concerns of neighbors about this type of business on this block, about its potential effects on the character of the neighborhood, and about the health and safety of this community.

The other five commissioners focused mainly on issues involving filling a vacant storefront on this block. They discussed the number of entrances, attractive displays, visibility from the street, signage, elevator access, hours of operation, etc. – building design and construction issues, not the reasons that made a Conditional Use Authorization a requirement for an establishment planning to sell tobacco paraphernalia. The issue was not about the design or construction of the building but whether the products and goods to be sold by this business and used within the building were necessary or desirable or compatible with the neighborhood. The matter before the Commission was not a Discretionary Review but rather a Conditional Use Authorization – a matter of different standards and criteria.

Neighborhood voices oppose this particular type of business for its incompatibility with the neighborhood and for its detrimental effects on the character of the community and particularly for the 1900 block of Ocean Avenue. This business offering alternative tobacco paraphernalia products is not what the neighbors find necessary or desirable or compatible – the criteria for a Conditional Use Authorization.

Issue #2: 1963 Ocean Avenue was the first required Conditional Use Authorization hearing before the Planning Commission for an electronic cigarette/vape store business. The Planning Commissioners did not carefully nor explicitly consider whether this business, the selling of tobacco paraphernalia, was necessary or desirable for the neighborhood, whether it would be detrimental to the health, safety, and welfare of the community.

The proposed business at 1963 Ocean Avenue required a Conditional Use Authorization for a Tobacco Paraphernalia Establishment [Planning Code, Section 227(u)].

227(u) Tobacco Paraphernalia Establishments, defined as retail uses where more than 10% of the square footage of occupied floor area, as defined in Section 102.10, or more than 10 linear feet of display area projected to the floor, whichever is less, is dedicated to the sale, distribution, delivery, furnishing or marketing of Tobacco Paraphernalia from one person to another. "Tobacco Paraphernalia" does not include lighters, matches, cigarette holders, any device used to store or preserve tobacco, tobacco, cigarettes, cigarette papers, cigars, or any other preparation of tobacco that is permitted by existing law. Medical Cannabis Dispensaries, as defined in

Section 3301(f) of the San Francisco Health Code, are not Tobacco Paraphernalia Establishments.”

San Francisco Ordinance No. 030-14 of March 2014, extended tobacco paraphernalia to include the sale and use of electronic cigarettes.

<http://www.sfbos.org/index.aspx?page=15826>

131208	0030-14	04/26/2014	Health Code - Restrictions on Sale and Use of Electronic Cigarettes
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Rationale for disagreement with decision: The issues of the health, safety, and welfare of the neighbors are the ones that made this tobacco paraphernalia establishment a required conditional use and the ones that cause this business to be detrimental to the neighborhood. In the hearing, **Commissioners raised questions that implied confusion** about this **first conditional use for a vape store**. The matter before the Commission was not a Discretionary Review, but rather a Conditional Use Authorization, a matter that should be treated by the criteria of necessary or desirable and compatible with the neighborhood and of not being detrimental to the health, safety, and welfare of the community.

Health issues, concern about the content of nicotine, carcinogens, and toxic chemicals found in the electronic cigarettes plus inconsistent manufacturing and other environmental issues, are cited in Ordinance # 030-14. These are the reasons for the inclusion of electronic cigarettes as tobacco paraphernalia and for the requirement of a Conditional Use Authorization hearing before the Planning Commission. Harm to the health of the citizens of San Francisco prompted the Board of Supervisors to require a Conditional Use Authorization and CUA hearing for tobacco paraphernalia including electronic cigarettes.

In its Final Motion (FM), the Planning Commission in presenting its “Finding” concerning the criteria for Planning Code 303 (FM #7, p.4) stated the following on FM page 6 (E.i.) with respect to the **concentration** of Tobacco Paraphernalia Establishments as defined in Section 227(v) [actually 227(u)]:

there is “no other Tobacco Paraphernalia Establishments within the Ocean Avenue NCT that have received Conditional Use authorization.” [emphasis added]

This argument is misleading since this is **the first Conditional Use Authorization hearing citywide** for a tobacco paraphernalia establishment. This business at 1963 Ocean Avenue is the first application for a vape shop since the establishment of the CUA requirement by City Ordinance # 244-08, passed unanimously by the Board of Supervisors in October of 2008.

At the Planning Commission hearing on November 6th, Marcelle Boudreaux, the Planning Department representative, noted upon questioning by a

Commissioner that this project, 1963 Ocean Avenue, was the first business of this kind to require a CUA. She also noted that there were several other similar project applications in the pipeline. This case could and should be viewed as a test cast for this type of business establishment (vape shop and steam stone hookah lounge). Therefore, it is important to correctly apply the Conditional Use Authorization criteria to 1963 Ocean Avenue.

The health, safety, and welfare of the neighborhood should have received higher priority and evaluation by the Planning Commission. The health, safety, and welfare of the residents should have trumped filling a vacant storefront.

Issue #3: Incompatibility of the proposed Tobacco Paraphernalia Establishment [at 1963 Ocean Avenue] **with the neighborhood and its demographics.** {Planning Codes 737.1, 737.69 and 227(v)}; [FM E7, E.iii, p. 7]. Citing Planning Code Section 227(v) [actually 227(u)], the Finding states:

- iii. *The proposed establishment is compatible with the existing character of the particular district for which it is proposed.*

The proposal is a new commercial establishment, which proposes to utilize a vacant retail space for an electronic cigarette retail store and steam stone hookah lounge. The use will remain as retail establishment, and no changes are proposed to the fine-grained, pedestrian-oriented storefront. The establishment is compatible with the existing character of particular district for which it is proposed.

Rationale: The location of the proposed establishment is not “...compatible with the existing character of the particular district...” The Ocean Avenue NCT should serve the needs and character of the surrounding residential neighborhood.

According the demographics provided in the Invest in Neighborhoods, Ocean Avenue Neighborhood Profile, compiled in 2013 by the Office of Economic and Workforce Development, <http://investsf.org/wordpress/wp-content/uploads/2014/03/Neighborhood-Profile-OCEAN-AVENUE.pdf> [overview at <http://investsf.org/neighborhoods/ocean-avenue/>], the population of the Ocean Avenue neighborhood area is approximately 15,200. The over 5,000 households include a high percentage of Asians (47%), family households (66%) with children under 18, and people over 60. Please note: Each of these percentages is higher for the Ocean Avenue District than citywide.

Additionally, this Ocean Avenue district has higher percentages of single-family housing (RH-1 and RH-1(D) (84% v. 33% citywide), larger sized

family household averages (4.5 v. 3.1 citywide), and fewer renting households (27% v. 62% citywide).

There are 14 educational institutions, from elementary to college, in the vicinity. Many students from Aptos Middle School walk by the proposed business location on their way to and from school. The pedestrian traffic by these students plus by children living in the neighborhood is not compatible with the proposed establishment. Older students attending City College tend to ride the K Muni Metro to the eastern end of the Ocean Avenue NCT and patronize businesses at the eastern end of the commercial district. Other educational institutions in the vicinity include the Voice of Pentecost Academy (K-12, 130 feet from the proposed business), Commodore Sloat Elementary, Lick Wilmerding High School, Kumon Learning Center, the Stratford School, Archbishop Riordan High School, San Francisco State, and Mercy High School.

The San Francisco's General Plan includes the following goals and policies for Ocean Avenue in the Balboa Park Station Area Plan:

http://www.sf-planning.org/ftp/general_plan/index.htm

Goals:

- Improvement of the city as a place for living, by aiding in making it **more healthful, safe, pleasant, and satisfying**, with housing representing good standards **for all residents** and by providing adequate open spaces and appropriate community facilities.
- Coordination of the varied **pattern of land use** with public and semi-public service facilities required for efficient functioning of the city, and for the **convenience and well-being of its residents**, workers, and visitors.

Policies include: *That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods*

Issue #4: Compliance with the General Plan [the objectives, policies, and guidelines found in the seven studies of Ocean Avenue] is **not consistent**.

[FM#8, p. 7] Neighborhood Commerce, Objectives and Policies: Objective 1, Policies 1.1 to 1.3:

The proposed development will provide specialty goods and services to the neighborhood and will provide employment opportunities to those in the community. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

Rationale: The proposed business does not provide specialty goods or services desired by the neighborhood. At least five official studies of the Ocean Avenue NCT include notations of requested and needed goods and services by neighbors and residents. None of these included a request for a vape shop, an

electronic cigarette retail store, or steam stone hookah lounge. The following desired businesses are excerpted from the studies and surveys:

- Balboa Park Station Plan, 2008 – every day goods and services without the need for the use of automobiles. The businesses should provide for a wide range of the goods needed by a large number of the residents rather than a product that appeals to a limited number of individuals.
- OEWD Invest in Neighborhoods, 2013 – need for home furnishings, general merchandise, clothing stores (everyday needs), books, used merchandise, full service restaurants, gift stores, lawn and garden supplies, shoes, jewelry, luggage and leather goods.
- Kjelstrom Economic Development Report, Sept 23-25, 2014 (p. 7). Meeting participants identified several targets: movie theater, bookstore, espresso bar, ice cream shop, stationery/card store, clothing stores (new and used), high-quality restaurants with great bars, garden shop/nursery, toy store, wine bar, musical instrument shop, and pet supplies/grooming.
- Residents have expressed desire for a greater diversity of restaurants (current ones are mainly Chinese/Asian), specialized grocery, gardening supplies, new and used book stores, clothing, galleries, music equipment, toys, bakery, and the like.
- Examples of retail that would be welcome on Ocean Avenue: Food products, appliances, electronics, furniture, sporting goods, lumber, clothing, fabrics, footwear, cosmetics, medicines, stationery, art, books, handicrafts, musical instruments, gifts, supplies for gifts, second hand goods

Issue #5: The Planning Commission did not properly apply Planning Code 303(c)(2).

(2) That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

Rationale: The proposed business is detrimental to the health, safety and welfare of the neighborhood. The Planning Commission did not place sufficient weight on the criteria of the required **Conditional Use**

Authorization for sale of tobacco paraphernalia. The Planning Commission is well versed in matters of building design, building codes – matters of height, setback, materials, massing, etc. This Conditional Use for a tobacco paraphernalia establishment required the Commission to consider more particularly the health aspect of the items to be sold by this business within the building—an unusual consideration for the Commission, but essential for the determination of whether the proposed business use would be detrimental to the health, safety, and welfare of the residents.

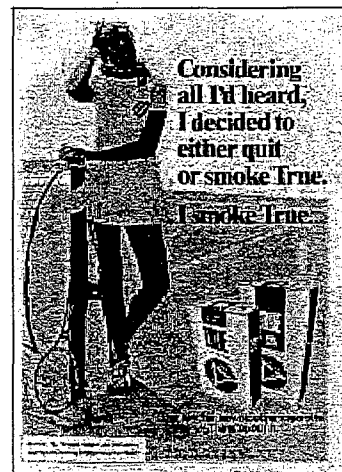
The project sponsor speaks many times about “harm reduction,” of providing a “safer” alternative to tobacco cigarettes, of offering products and goods to

help people stop smoking tobacco cigarettes. However, this business is not a smoking cessation clinic. It is a commercial establishment that aims to profit through the sale of vaporizers, e-liquids, and other tobacco paraphernalia. Quantity of sales will benefit this business.

Electronic cigarettes were developed in the last ten years. The healthfulness and safety of these devices has not been definitely proven. Many scientists, doctors, and public health organizations have questioned the long-term effects of these battery-powered devices sold with glamorous advertising and used with candy-flavored liquids.

Ads for electronic cigarettes use the "Don't Quit. Switch" approach, an old tactic of Big Tobacco, visually shown by the Campaign for Tobacco-Free Kids.

7. Their ads say, "Switch, Don't Quit."



Tobacco companies have long tried to discourage smokers from quitting by marketing cigarette changes as reducing health risk. Some e-cigarette ads carry a similar message.

http://www.tobaccofreekids.org/tobacco_unfiltered/post/2013_10_02_ecigarettes

It took many years and many deaths before people heeded the warnings about the dangers of tobacco smoking and secondhand smoke. Last year (2014) the current Surgeon General issued the 50th Anniversary Report. Valuable health effects have resulted from actions taken because of the warnings in the 1964 Surgeon General report. The 50th Anniversary report: "The Health Consequences of Smoking – 50 Years of Progress: A Report of the Surgeon General, 2014" <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/> includes chapters with warnings about electronic cigarettes. The 50th Anniversary Consumer Guide "Let's Make the Next Generation Tobacco-Free" stresses the dangers of nicotine addiction. <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/consumer-guide.pdf>

In its "E-cigarette Primer,"

<https://public.health.oregon.gov/PreventionWellness/TobaccoPrevention/SmokefreeWorkplaceLaw/Documents/E-cigFactSheet.pdf>, the Oregon Public Health Department stated: "Smokeless does not mean harmless." Nicotine, an ingredient of many electronic cigarettes, has been found to be more addictive than alcohol. According studies from the [University of Minnesota](http://www1.umn.edu/perio/tobacco/nicaddct.html)

- "Nicotine is:
 - 1000 X more potent than alcohol
 - 10-100 X more potent than barbiturates
 - 5-10 X more potent than cocaine or morphine"

The long-term dangers of electronic cigarettes (with or without nicotine) are unknown. Electronic cigarettes may be safer than tobacco cigarettes but they may addict those who have not previously smoked.

It is true that the FDA has not issued definitive results and rulings about electronic cigarettes. However, the FDA raised warnings as early as 2009 [<http://www.fda.gov/downloads/ForConsumers/ConsumerUpdates/UCM173430.pdf>] and has called for intensive studies. Nicotine liquids are toxic. The attractive candy-colored and flavored liquids have poisoned children. It only takes about 30 to 60 milligrams of nicotine to send a child to the emergency room. Ingesting or getting the liquid nicotine on the skin can send anyone, child or adult, to the emergency room.

Exploding batteries have harmed children and adults. The U.S. Fire Administration, in October 2014, published a 13-page document titled "Electronic Cigarette Fires and Explosions" [[https://www.usfa.fema.gov/downloads/pdf/publications/electronic cigarettes.pdf](https://www.usfa.fema.gov/downloads/pdf/publications/electronic_cigarettes.pdf)] that details the dangers of fires and explosions caused by electronic cigarettes. Appendix 1 of this document is an extensive list of specific incidents of reported fires and explosions that occurred from 2009 through March 2014 that were caused by electronic cigarettes.

Public health organizations that have questioned the health and safety of these devices and of vaping include:

- American Lung Association – letter from Kimberly Amazeen in BOS packet File 131208, p. 63. Also <http://www.lung.org/press-room/press-releases/advocacy/FDA-ECig-Deeming-Reg-Statement.html> ; <http://www.lung.org/stop-smoking/tobacco-control-advocacy/federal/e-cigarettes.html>
- TEROc (California Tobacco Education Research Oversight Committee) – <http://www.cdph.ca.gov/services/boards/teroc/pages/TEROCLandingPage%28default%29.aspx>
- World Health Organization – <http://www.who.int/nmh/events/2014/background-e-cigarettes/en/>

- American Cancer Society – “Restrict the Sale of Electronic Cigarettes”
<http://www.cancer.org/myacs/eastern/areahighlights/cancernynj-news-ny-ecig-health-vote>
- California Youth Advocacy Network – about e-cigarettes
<http://cyanonline.org/e-cig-reading/>; about Hookah including steam stone <http://cyanonline.org/hookah/>
- Centers for Disease Control and Prevention – Key findings
<http://www.cdc.gov/tobacco/youth/e-cigarettes/>; concern especially about youth <http://www.cdc.gov/media/releases/2014/p0825-e-cigarettes.html>
- Campaign for Tobacco Free Kids – concern about poisoning cases
http://www.tobaccofreekids.org/tobacco_unfiltered/tag/e-cigarettes and evidence of E-cigarette companies copying Big Tobacco’s advertising playbook “7 Ways E-Cigarette Companies Are Copying Big Tobacco’s Playbook (or 7 reasons FDA should quickly regulate e-cigarettes)”
http://www.tobaccofreekids.org/tobacco_unfiltered/post/2013_10_02_ecigarettes
- Americans for Nonsmokers’ Rights –
<http://no-smoke.org/learnmore.php?id=645>

Others who have stated concerns and positions about the health and safety of electronic cigarettes:

- Senators Diane Feinstein, Nancy Pelosi, Richard Blumenthal, Jay Rockefeller <http://time.com/2896962/electronic-cigarette-executives-get-schooled-in-senate-hearing/>
- Congresswoman Jackie Speier, June 2014, introduced legislation to regulate e-cigarette products
http://speier.house.gov/index.php?option=com_content&view=article&id=1460:congresswomen-speier-introduces-smoke-act-to-regulate-e-cigarette-products&catid=20&Itemid=14
- Richard A. Carranza, Superintendent of the San Francisco Unified School District. Letter in March 6, 2014, BOS packet File #131208, p. 70
- TECH Times warned about the danger of e-cigarettes infecting computers with malware through the USB port during the charging of a battery. <http://www.techtimes.com/articles/20814/20141124/e-cigarettes-can-be-dangerous-for-your-computers-health-what-you-should-know.htm>

Scientific research takes time. Acting now against potential dangers is the wise approach. The Planning Commission did not properly apply the appropriate criteria in approving the Conditional Use application for a business with great potential health and safety harm to the neighborhood and particularly to the young, impressionable people in the area.

Issue #6: The Planning Commission approval of the Conditional Use was not unanimous. The vote was 5-2 with many questions raised and issues left unanswered. The Planning Commission disapproved a Conditional Use for a Starbucks because of neighborhood opposition. Big tobacco has the patents for extracting nicotine from tobacco leaves. Big tobacco funds the advertising making electronic cigarettes and vaping “cool” and attractive. One teen when questioned if she smoked replied, “No, I vape.” The Planning Commissioners unfortunately did apply the pertinent criteria of Planning Code Section 303 when approving this conditional use. They did not follow the criteria for a Conditional Use Authorization for a tobacco paraphernalia establishment.

Issue #7: Support of the appeal by residents: Signatures obtained to file this appeal represent more than 75% of the residential property owners/residents within 300 feet of the proposed business that the appellant was able to **contact**. The individuals signing stated opposition to this type of business. They wished the focus to be on the long-term development of Ocean Avenue, and particularly of the 1900 block. They believed that filling a vacant storefront with “any” business, especially one that represents another alternative lifestyle, does not work toward the goal of long-term improvement of Ocean Avenue, the goal of the many studies noted in the Background section of this document.

Neighbors continue to state and believe that the proposed business, the vape store selling devices (e-cigarettes/vaporizers), vaping liquids/e-juices and batteries and operating a steam stone hookah lounge in the basement) is neither necessary nor desirable nor compatible with the neighborhood.

They noted that a large number of students from Aptos Middle School walk by this building on their way to and from school. The neighborhood parents do not want their children exposed to these products. Although the proposed business states that they will sell only to persons over 18, middle school age and high school students may be tempted to get older people to purchase for them.

Other opponents of this business state that if this proposed business does open, they will avoid the 1900 block of Ocean Avenue; thus defeating the purpose of filling a storefront vacancy. The proposed business will not increase foot traffic on Ocean Avenue by neighboring residents, one of the goals of the various Ocean Avenue studies.

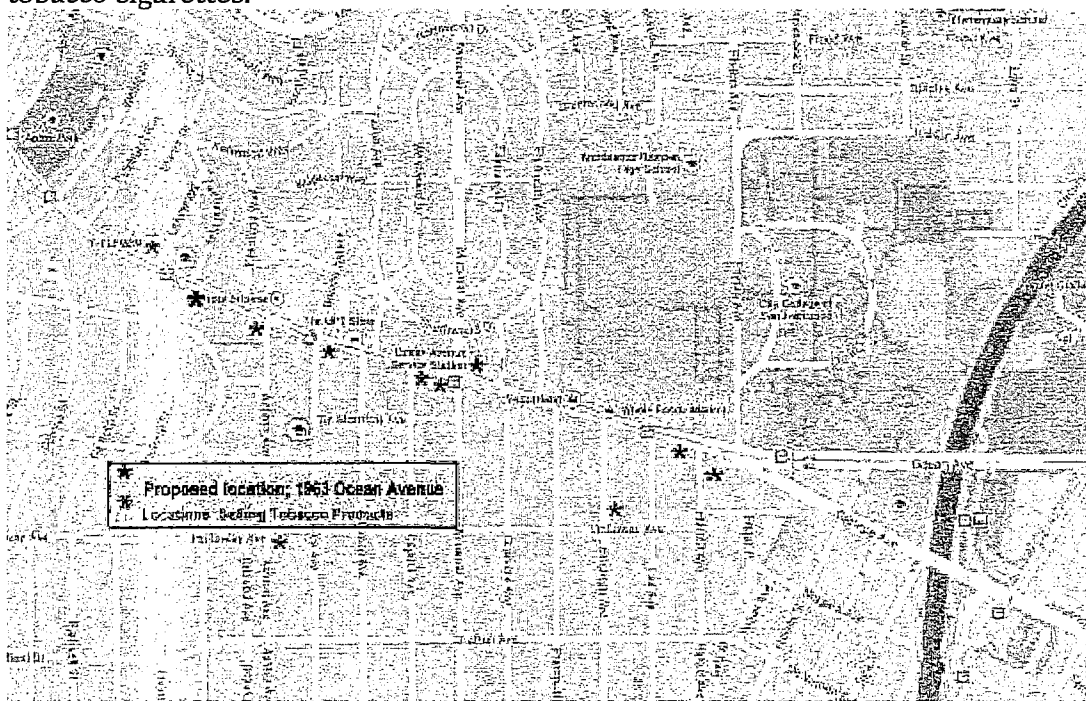
Several people noted that it is getting to the point where traditional businesses that have the option of locating elsewhere do not choose to open in the 1900 block of Ocean Avenue. They question how this block reached this situation, in which undesirable businesses came to predominate in the middle of very affluent neighborhoods.

The eastern end of Ocean Avenue has dramatically improved with the new Whole Foods. The western portion of the Ocean Avenue NCT needs improvement for the

long-term. Residents have expressed delight with the opening of the new hardware store on Ocean Avenue, the first to open anywhere in the city for many years. After twenty years, the residents are happy to finally have a bank (Chase) and a grocery store (Whole Foods) and a new branch of the San Francisco Public Library. Most residents are hopeful that the Target Express will open in the long vacant large store located on Ocean at Dorado/Jules. They enjoy and support the Fog Lifter Café, Sophia's Pizzeria, Cut to Contrast barber, Ocean Cyclery, Serge-a-Lot (sewing), Yoga Flow, all in the 1900 block of Ocean.

Issue #8: Concentration of tobacco paraphernalia businesses in Ocean Avenue NCT. [FM #7. E.i.ii, p. 6]. There is no need for this type of business on Ocean Avenue. In the various surveys conducted, no Ocean Avenue neighbor expressed a need for this type of business.

The concentration of tobacco paraphernalia is more than sufficient. The map shows the locations selling tobacco products on Ocean Avenue and in the vicinity. Six schools are found within this mapped area. The western end of Ocean Avenue, the section closest to 1963 Ocean Avenue, has six businesses selling e-cigarettes and/or tobacco cigarettes.



There are vape shops selling similar products at 19th and Taraval and at Mission near Geneva, 1.5 miles in either direction.

Magic Dragon Smoke Shop at 35 Cambon Drive in Park Merced shopping center, which according to its website opened in 2010, sells water pipes, vapor pens,

vaporizers, e-liquids, hookah and tobacco. Magic Dragon Smoke Shop is about 1 mile away (driving or walking) or .8 mile as the crow flies.

Conclusions:

We should value the health of the city and its residents and not allow this new business to open. Opposing the opening of the vape shop would support the long-term goals of the Board of Supervisors to reduce smoking in the City and to encourage healthy living. It would support the objectives, policies, and guidelines in the seven studies of Ocean Avenue.

The proposed vape shop/steam stone hookah lounge at 1963 Ocean Avenue might appeal to and attract a few youths to the business, but Ocean Avenue, the NCT and the neighborhood, should not be responsible for encouraging young adults to start a new addiction—to “candy flavored” e-Cigarettes, vaporizers, and steam stone hookah with unknown **long-term health risks**. And this business is not a stop smoking clinic.

In June 2014, at a Congressional hearing, Senator Blumenthal of Connecticut said:

"I think we have seen this movie before...It is called big nicotine comes to children near you and you are using the same kinds of tactics and promotions and ads that were used by big tobacco and proved so effective"

TIME “Electronic Cigarette Executives Get Schooled in Senate Hearing,” June 18, 2014: <http://time.com/2896962/electronic-cigarette-executives-get-schooled-in-senate-hearing/>

The TIME article ends with these quotes:

At the end of her time to question, Boxer said: “Mr. Healy and Mr. Weiss, you can con yourself. But we don’t know if this product gets people off cigarettes yet, so don’t think you are doing some great mission. Don’t say you care about kids... Don’t be a part of this, because you’ll regret it.”

But the harshest words came from Senator Jay Rockefeller (D- West Virginia), who said to the executives: “I’m ashamed of you. I don’t know how you go to sleep at night. I don’t know what gets you to work in the morning except the **color green of dollars**. **You** are what **is** wrong with this country.”

“7 Ways E-Cigarette Companies are Copying Big Tobacco’s Playbook” published on The Campaign for Tobacco-Free Kids website in October 2013 visually demonstrates the phenomenon of using the same playbook:
http://www.tobaccofreekids.org/tobacco_unfiltered/post/2013_10_02_ecigarettes



The webpage concludes:

No wonder youth e-cigarette use is on the rise.

These developments underscore the need for the FDA to quickly regulate e-cigarettes and take steps to prevent their marketing and sale to kids.

The Surgeon General's 50th Anniversary Report (2014) recounts 50 years of progress in combating the health hazards of smoking but warns of the attraction of teens to the electronic cigarettes, the new form of nicotine delivery. It took a long time to undo the influence of advertising promoting tobacco cigarettes. Many people died and continue to die from lung cancer and the effects of secondhand smoke.

We trust that the Board of Supervisors will move forward by not allowing the opening of this proposed business that would sell products that contain nicotine and produce harmful fumes with unknown long term health effects. We trust that the Board of Supervisor will act for the long-term benefit of the residents of Ocean Avenue and the citizens of San Francisco and overturn the Planning Commission's decision.

We ask the Board of Supervisors to disapprove the decision of the Planning Commission by its Motion No. 19271 approving a Conditional Use Authorization identified as Planning Case No. 2014.0206C on property located at 1963 Ocean Avenue. We ask that the tobacco paraphernalia establishment (dba Happy Vape) not be allowed to open business at this location.

(BOS)

From: Con & Danya Shegoleff [4shegs@sbcglobal.net]
Sent: Monday, January 05, 2015 12:12 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS)
Subject: Please no Vape shop on 1963 Ocean Avenue

Categories: 141291

Dear San Francisco Board of Supervisors,

I am writing today to support the appeal of Planning Commission decision in Case No. 2014.0206.

Residents of our communities surrounding Ocean Avenue along with city agencies have been working for many years to revitalize Ocean Avenue and attract much-needed neighborhood businesses and services to the corridor. Many of us feel strongly that adding this business would be a huge step backward.

This shop would be located across from the existing billiard lounge and in the former Aquatic Central spot - way too close to Commodore Sloat and even closer to Aptos Middle School.

In addition, it doesn't take much research to find that hookah bars attract more crime in areas where they are located.

Please support our the health of our neighborhoods by support the appeal of Planning Commission decision in Case No. 2014.0206

With Thanks,

Danya Shegoleff, MA Integrative Health Studies
111 Valdez Avenue
San Francisco, CA 94112

1 (BOS)

om: Board of Supervisors (BOS)
Sent: Tuesday, January 06, 2015 1:47 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Opposition of vape shop at 1963 Ocean Avenue

Categories: 141291

From: weegiegram@aol.com [mailto:weegiegram@aol.com]

Sent: Monday, January 05, 2015 12:01 PM

To: Board of Supervisors (BOS)

Subject: Opposition of vape shop at 1963 Ocean Avenue

Dear Board Members,

In concern of children in the neighborhood and in the schools nearby, I ask that the board turn down the permit for A Vape & hookah lounge at 1963 Ocean Avenue. We already have two or more medical marijuana shops in the neighborhood. I am really concerned what messages we are providing our youth who are our future. The Board has the ability to send the message that children are far more important than drugs and money.

Sincerely,

Eva O'Brien

39 Westwood Drive

San Francisco, CA94112

(BOS)

From: Jane Huey [jane.huey@yahoo.com]
Sent: Monday, January 05, 2015 12:03 PM
To: BOS Legislation (BOS)
Subject: VAP shop on Ocean Ave. SF

Categories: 141291

I am writing this letter to oppose the proposed vape shop selling e-cigarettes and operating a hookah lounge at 1963 Ocean Ave.

I cannot understand how the Board of Supervisors would approval such a use for this building. The vape shop would be located exactly across the street from the Voice of Pentecost Academy, a school housing students from k to 8th grade. I live in the Ingleside Terrace District and shop on Ocean Ave. I walk Ocean Ave. on a daily basis and see how much student cross traffic goes by. This is not the place for an e-cigarette and hookah lounge should be unless the City is now actively encouraging our young people to smoke. On a daily basis, there are hundreds of students that would walk by this e-cigarette shop. I see young children with their parents walking to Commodore Sloat School at Ocean and Sierra, I have seen countless middle schoolers walking by after being dismissed from Apotos Middle School and I see City College students walking by heading home or to the mall.

This shop would not "provide substantial net benefits and minimizes undesirable consequences". In fact, it would do the opposite to policy 1.1. I can see this shop encourage all those young people to consider smoking because it would be "cool". This shop would not improve the neighborhood, rather the opposite. You would be encouraging an unhealthy habit by locating it where so many young people would pass by and be influenced by the "coolness" of doing something contrary.

I understand the BOS recently passed a legislation that would limit the number of tobacco sales permits. There are already plenty of businesses that sell tobacco on Ocean Ave. and hope that you will not allow another shop to exist.

At present, there is a 7 Eleven store that sells cigarettes and e-cigarettes less than 400 feet from this new proposed shop. There is also another shop just around the corner on Ashton that sells cigarettes. The neighborhood does not need another cigarette shop. What we need are grocery or produce stores, small shops or restaurants.

I hope the Board of Supervisors will carefully reconsider approving an e-cigarette shop at 1963 Ocean Ave.

(BOS)

From: John Bankovitch [john@portsmouthfinancial.com]
Sent: Monday, January 05, 2015 11:58 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Ocean Avenue Hookah Lounge Appeal
Categories: 141291

Dear Supervisors:

I support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, a Vape Shop/Steam Stone Hookah Lounge. This business is not necessary or desirable for the neighborhood.

Bringing in businesses that are desired and will be used by the people living in the neighborhood is important and will improve the area. This business will not provide needed products or services for people living in this area.

Ocean Avenue has started its revival. The 1900 block of Ocean Avenue now has several businesses popular with neighbors: Fog Lifter Café, Cut to Contrast barbershop, Ocean Cyclery, Serge-a-Lot (sewing), and Yoga Flow. Recently a hardware store opened on Ocean Avenue. A furniture store will soon open. These are the types of businesses the neighborhood needs and desires.

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and elfare 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

i (BOS)

From: Janet Coyne [janetcoyne@ymail.com]
Sent: Monday, January 05, 2015 11:58 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: rckaris@gmail.com
Subject: Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C. (Opposition to the vape shop.)

Categories: 141291

To:
bos.legislation@sfgov.org
Board.of.Supervisors@sfgov.org
Norman.Yee@sfgov.org

Dear Supervisors:

I support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, a Vape Shop/Steam Stone Hookah Lounge. This business is not necessary or desirable for the neighborhood.

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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As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents.

Please support the appeal of the Planning Commission approval. Do not impose this negative business on Ocean Avenue. The vape shop will not benefit the neighborhood.

Sent from my iPhone
Janet Coyne

(BOS)

From: Ellen Wall [ellen.hegman@gmail.com]
Sent: Monday, January 05, 2015 11:57 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Re: Thanks for agreeing to write a letters needed about e-cigarettes 1963 Ocean Ave.!

Categories: 141291

Support of appeal of the Conditional Use Authorization for Case No. 2014.0206C.

(Opposition to the "vape shop" at 1963 Ocean Ave.)

From: Ellen Wall

CCSF English Department, Emeritus

225 Edna Street

ewall@ccsf.edu

To

bos.legislation@sfgov.org

Board.of.Supervisors@sfgov.org

Norman.Yee@sfgov.org

I support the appeal and oppose the opening of the vape shop that would sell e-cigarettes, e-liquids (the flavored nicotine liquids used to create the "vapor"), and other tobacco paraphernalia.

I was horrified when a friend told me about this legislation. I want to tell you how I first learned about e-cigarettes. I was at a party chatting with friends when I started non-stop sneezing. Tears rolled down my cheeks and I gasped for breath. I quickly got a tissue and began blowing my nose and looking around for what could be causing the problem. I saw a man sucking on a small tube. Is that a cigarette I asked him. "No," he said quite defensively, "there's no tobacco in it." How about mint, vanilla and other flavors? "Probably," he said. I

responded with anger as I walked out of the party: burning herbs is enough to kill both of us and other sensitive people.

My reaction had not occurred for many years – then from someone standing behind me smoking a menthol cigarette. When I turned, sneezing, she apologized for smoking and threw away her cigarette.

I can't believe the people of San Francisco, who have worked so hard to create smoke-free areas, want to return to this horror. Please refer this matter to the Health Department. The health of San Franciscans is not the purview of the Planning Department.

Sincerely,

Ellen Wall

225 Edna Street

San Francisco, CA 94112

ewall@ccsf.edu

On Mon, Jan 5, 2015 at 11:08 AM, Carolyn Karis <carolynkaris@gmail.com> wrote:
Hi Ellen,

I made some changes in the letter. You can copy it and send to all three addresses in one email.
Thanks, Carolyn and

----- Forwarded message -----

From: **Ellen Wall** <ellen.hegman@gmail.com>

Date: Mon, Jan 5, 2015 at 10:44 AM

Subject: Re: Thanks for agreeing to write a letters needed about e-cigarettes 1963 Ocean Ave.!

To: Carolyn Karis <carolynkaris@gmail.com>

Carolyn, here is my letter. Call me with changes. Should I send it or will you? Ellen

Letter to be sent below....

Support of appeal of the Conditional Use Authorization for Case No. 2014.0206C.

Opposition to the "vape shop" at 1963 Ocean Ave.)

From: Ellen Wall

CCSF English Department, Emeritus

225 Edna Street

ewall@ccsf.edu

To

bos.legislation@sfgov.org

Board.of.Supervisors@sfgov.org

Norman.Yee@sfgov.org

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I was horrified when a friend told me about this legislation. I want to tell you how I first learned about e-cigarettes. I was at a party chatting with friends when I started non-stop sneezing. Tears rolled down my cheeks and I gasped for breath. I quickly got a tissue and began blowing my nose and looking around for what could be causing the problem. I saw a man sucking on a small tube. Is that a cigarette I asked him. "No," he said quite defensively, "there's no tobacco in it." How about mint, vanilla and other flavors? "Probably," he said. I responded with anger as I walked out of the party: burning herbs is enough to kill both of us and other sensitive people.

My reaction had not occurred for many years – then from someone standing behind me smoking a menthol cigarette. When I turned, sneezing, she apologized for smoking and threw away her cigarette.

I can't believe the people of San Francisco, who have worked so hard to create smoke-free areas, want to return to this horror. Please refer this matter to the Health Department. The health of San Franciscans is not the purview of the Planning Department.

Sincerely,

Ellen Wall

225 Edna Street

San Francisco, CA 94112

ewall@ccsf.edu

On Mon, Jan 5, 2015 at 9:42 AM, Carolyn Karis <carolynkaris@gmail.com> wrote:

----- Forwarded message -----

From: **Carolyn Karis** <carolynkaris@gmail.com>

Date: Sun, Jan 4, 2015 at 8:02 PM

Subject: Thanks for agreeing to write a letters needed about e-cigarettes 1963 Ocean Ave.!

To: ewall@ccsf.edu

Hi Ellen

It was great talking with you tonight. Thank you for agreeing to write a letter.

Heading for the letter is:

Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C

Points to make: you support the appeal and oppose the opening of the vape shop that would sell e-cigarettes, e-liquids (the flavored nicotine liquids used to create the "vapor"), and other tobacco paraphernalia.

Send the letter supporting the appeal of Planning Commission decision in Case No. 2014.0206C

(Letter opposing the vape shop at 1963 Ocean Ave.)

To:

bos.legislation@sfgov.org (this is the clerk of the Board of Supervisors)

Board.of.Supervisors@sfgov.org

Norman.Yee@sfgov.org (District 7 Supervisor)

Below is an email we have been sending out on this topic. To summarize, we are opposed because a) e-cigarettes are unhealthy (they may be safer than cigarettes, but the long-term effects are not yet known). b) Ocean Ave. already has many stores where cigarettes and e-cigarettes are sold. c) It is not the type of business the neighbors want on Ocean Ave. d) Ocean Ave., particularly the 1900 block, already has too many alternative businesses that make it less attractive to neighbors and to possible new traditional businesses. e) more traditional businesses are needed for Ocean Avenue.

A sample letter is attached that you could use but your sneezing story would be great, just be sure to make it clear that you oppose the vape shop selling e-cigarettes.

We need emails and letters sent to the Board of Supervisors to oppose a vape shop selling e-cigarettes and operating a hookah lounge at 1963 Ocean Avenue, near the corner of Victoria! We are currently up to 34 emails, another dozen or two would be great. The BOS hearing is scheduled for Tuesday, January 13, 2015 at 3 P.M. In order to be entered into the packet, emails should be sent before Monday, January 5, at 5 P.M.

Please send a copy to us rckaris@gmail.com

Mention your neighborhood. The number of emails is counted. The Board wants to know if the neighbors and citizens are opposed to this business.

Thanks!

Bob and Carolyn Karis
727 Victoria St.
San Francisco, CA 94127
[415-239-2938](tel:415-239-2938)

Ellen, you can ignore what is below, if you wish. I think your story is more important and demonstrates why e-cigarettes are a danger and are unhealthy to people other than the person using the e-cigarette.

This was the first Conditional Use hearing for a tobacco paraphernalia establishment and we do not think that the Planning Commission adequately applied the relevant sections of the Planning Code. Please discuss how you disagree with the decision of the Planning Commission.

Here is the link to the San Francisco Planning Code <http://www.amlegal.com/library/ca/sfrancisco.shtml>

SEC. 303. CONDITIONAL USES. (c)(2): That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity...

The Planning Commission Final Motion (attached) discussed a few examples in which they said that the proposed vape store was not detrimental to the health and welfare of the neighbors. They ignored the large number of statements from governmental and other health agencies regarding the unhealthy aspects of e-cigarettes and hookah. (This vape shop intends to use steam stone hookah, a non-tobacco variant, which has the unhealthy aspects of e-cigarettes + toxins (carbon monoxide) from the use of charcoal in the hookah.)

An SFDPH e-cigarette fact sheet is attached. The SFBOS accepted these facts in their legislation of March, 2014. We asked the Planning Commission to accept these facts from their own health dept. and Board of Supervisors, but they did not give them serious consideration.

SEC. 303. CONDITIONAL USES.(n) **Tobacco Paraphernalia Establishments** (1)(B) The concentration of such establishments in the particular zoning district for which they are proposed does not appear to adversely impact the health, safety, and welfare of residents of nearby areas.

There are already a large number of tobacco businesses (which includes e-cigarettes) on Ocean Ave., see the attached map. They are close to schools and to each other.

SEC. 303. CONDITIONAL USES.

(c)(1): That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community:

(c)(4): ... such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Neighborhood Commercial District;

SEC. 737.1. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT. The Ocean Avenue NCT District is intended to provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices.

Discuss how this business is not necessary or desirable!

--
Ellen Wall, English Department, Emeritus
City College of San Francisco

--
Ellen Wall, English Department, Emeritus
City College of San Francisco

(BOS)

om: Yee, Norman (BOS)
Sent: Monday, January 05, 2015 11:50 AM
To: Vuksich Alexandra; BOS Legislation (BOS); Board of Supervisors (BOS)
Cc: rckaris@gmail.com
Subject: RE: 1963 Ocean Ave. Proposed Vape Shop - Opposition

Categories: 141291

Alexandra, thank you for letting my office know of your concerns regarding potential Vape Shop on Ocean Avenue.

Supervisor Norman Yee
Board of Supervisors, District 7
1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102 P | 415.554.6516 F | 415.554.6546

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-----Original Message-----

From: Vuksich Alexandra [<mailto:alexandravuksich@sbcglobal.net>]
Sent: Sunday, December 28, 2014 5:05 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: rckaris@gmail.com
Subject: 1963 Ocean Ave. Proposed Vape Shop - Opposition

Dear Supervisors,

A "Vape" Shop has been proposed for 1963 Ocean Avenue – a business type to which I object as a resident of Balboa Terrace and the greater Ocean Avenue corridor. This portion of Ocean Avenue gradually becomes more residential and already has a 7-Eleven, Pool Hall, two Medical Marijuana Dispensaries (another has been proposed at the other end of Ocean Avenue nearer to the public library) and is really not reflective of the needs of this neighborhood which is predominantly comprised of single family residential houses with actual, factual families living in them. I grew up in the neighborhood and have seen this portion of the corridor turn from an integral part of family life with the El Rey Theatre, Zim's, toy and pet shops, dry cleaners and Mom & Pop markets to a street I avoid. Given that the Board has adopted a moratorium on new permits to sell "vape" and tobacco products in the city which does not take effect until late in January, I would hate to see this permit slip by simply due to luck in timing. I would also hope that Ocean Avenue's landlords and the Ocean Avenue Merchants Association can work together to attract the types of business that make other neighborhood corridors in the city so successful.

I urge you to oppose the Conditional Use Application for 1963 Ocean Avenue.

Thank you for your time and consideration,

Alexandra Vuksich
177 San Aleso Ave.

(BOS)

From: Tanya Miller [miller_tanya@me.com]
Sent: Monday, January 05, 2015 11:41 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: rckaris@gmail.com
Subject: Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C. (Opposition to the vape shop.)

Categories: 141291

Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case.No. 2014.0206C. (Opposition to the vape shop.)

To:
bos.legislation@sfgov.org
Board.of.Supervisors@sfgov.org
Norman.Yee@sfgov.org

Dear Supervisors:

I support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, a Vape Shop/Steam Stone Hookah Lounge. This business is not necessary or desirable for the neighborhood.

Bringing in businesses that are desired and will be used by the people living in the neighborhood is important and will improve the area. This business will not provide needed products or services for people living in this area.

Ocean Avenue has started its revival. The 1900 block of Ocean Avenue now has several businesses popular with neighbors: Fog Lifter Café, Cut to Contrast barbershop, Ocean Cyclery, Serge-a-Lot (sewing), and Yoga Flow. Recently a hardware store opened on Ocean Avenue. A furniture store will soon open. These are the types of businesses the neighborhood needs and desires.

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents.

Please support the appeal of the Planning Commission approval. Do not impose this negative business on Ocean Avenue. The vape shop will not benefit the neighborhood.

Tanya and Matt Miller
2980 22nd Ave
SF, CA 94132
415-564-9620

(BOS)

From: Jeffrey Harding [jd_harding@yahoo.com]
Sent: Monday, January 05, 2015 11:32 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: rckaris@gmail.com
Subject: Support of appeal of the Conditional Use Authorization for Case No. 2014.0206C.

Categories: 141291

To: bos.legislation@sfgov.org
Board.of.Supervisors@sfgov.org
Norman.Yee@sfgov.org
Cc: rckaris@gmail.com

Dear Supervisors:

I am a long time resident of the Mount Davidson Manor neighborhood directly adjacent to proposed Vape Shop/Steam Stone Hookah Lounge proposed for 1963 Ocean Avenue. As such I would like to make you aware of my objections to this business and ask that you reverse the Planning Commission's decision to permit this business.

The revival of Ocean Avenue has been underway for some time. The projects at in around the Phelan Loop area have significantly changed the character of and commercial viability of that end of Ocean Avenue. Mid-district we have seen long term business thrive and a number of new businesses open. Since moving to the neighborhood in 1996 I have consistently shopped and dined at many of the area establishments.

The 1900 block of Ocean Avenue now has several businesses popular with neighbors: Fog Lifter Café, Cut to Contrast barbershop, Ocean Cyclery, Serge-a-Lot (sewing), and Yoga Flow. These businesses serve both the local and non-local residents and are beneficial to the neighborhood as a whole.

The proposed Vape Shop/Steam Stone Hookah Lounge business is not necessary or desirable for the neighborhood. It will not service a sizeable percentage of area residents. There are real concerns about toxins contained in e-cigarettes and the charcoal to be used in the hookah lounge area. Although the exact affects are unknown at this time, I do not believe the neighborhood should be exposed to the risk. As you may be aware, there are numerous schools within a short distance of the proposed site.

Finally, the San Francisco Supervisors have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents.

Please support the appeal of the Planning Commission approval.

Sincerely,
Jeffrey Harding
26 Fairfield Way
(415) 337-5718

(BOS)

From: George Sundby [gsundby@gmail.com]
Sent: Monday, January 05, 2015 11:27 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: rckaris@gmail.com
Subject: Support of Appeal of Planning Commission Approval

Categories: 141291

Dear Supervisors:

I support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, a Vape Shop/Steam Stone Hookah Lounge. This business is not necessary or desirable for the neighborhood.

Bringing in businesses that are desired and will be used by the people living in the neighborhood is important and will improve the area. This business will not provide needed products or services for people living in this area.

Ocean Avenue has started its revival. The 1900 block of Ocean Avenue now has several businesses popular with neighbors: Fog Lifter Café, Cut to Contrast barbershop, Ocean Cyclery, Serge-a-Lot (sewing), and Yoga Flow. Recently a hardware store opened on Ocean Avenue. A furniture store will soon open. These are the types of businesses the neighborhood needs and desires.

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents.

Please support the appeal of the Planning Commission approval. Do not impose this negative business on Ocean Avenue. The vape shop will not benefit the neighborhood.

Sincerely,

George Sundby

90 Cedro Ave.

San Francisco, Ca. 94127.

(BOS)

From: SMGraz2001@aol.com
Sent: Monday, January 05, 2015 11:22 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: smgraz2001@aol.com; rckaris@gmail.com; hechingers@comcast.com
Subject: 1963 Happy Vape /Steam Stone Hookah Lounge

Categories: 141291

Support of Appeal of the Conditional Use Authorization for 1963 Ocean Avenue;
Case No. 2014.0206C. (OPPOSITION to the Vape Shop).

Dear Supervisors,

As a neighbor, I am in support of the Appeal of the Conditional Use Authorization for 1963 Ocean Ave Happy Vape/Steam Stone Hookah Lounge because this business is not necessary or desirable for the neighborhood.

This business does not improve the area. There are already several locations that e-cigarettes can be purchased on Ocean Avenue. As San Francisco supervisors, you recently have passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. Also, you passed legislation that requires a Conditional use to open a tobacco paraphernalia establishment. Happy Vape/Steam Hookah Lounge is a business that falls within the passed legislation that needs to be regulated.

In reviewing the Conditional Use of Happy Vape/Steam Stone Lounge, please support the neighbors plea for an appeal.

Sincerely,

Susan Grazioli
Balboa Terrace Director

(BOS)

From: Peter Su [psudds@yahoo.com]
Sent: Monday, January 05, 2015 10:58 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS); rckaris@gmail.com
Subject: Proposed vape shop at 1963 Ocean Avenue
Categories: 141291

To our trusted elected officials,

I am adamantly OPPOSED to the proposed opening of yet another drug related operation on Ocean Avenue. I have been in private practice dentistry on Ocean Avenue for more than ten years. What we do is promote health and wellness to our patients and clients. The proposed vapor shop will only encourage people, especially children, as there are numerous elementary and middle schools near by, to experiment with this "new" unhealthy fad and trend. I have seen what type of elements these kinds of "businesses" attract. I do not think anyone would like to have this environment near their homes or businesses, especially near their children.

Many years ago, I remember an incident where multiple federal agents including the DEA, raided a non-descript building across the street from my office. What they found was a huge illegal marijuana planting operation hidden in plain sight. There are "medical" marijuana dispensaries on Ocean Avenue. My patients and staff have told me that they are afraid to park near those streets because they don't feel safe. I see everyday, young people who are most likely healthy, go in and out of these so called "medical" marijuana shops to get a high. These vapor shops are just another gateway drug. There are absolutely no health benefits to these type of 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

(BOS)

From: Diana Victoria [dianavictoria@sbcglobal.net]
Sent: Monday, January 05, 2015 10:46 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS); rckaris@gmail.com
Subject: Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C.
Categories: 141291

Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C. (Opposition to the vape shop.)

Dear Supervisors:

I support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, a Vape Shop/Steam Stone Hookah Lounge. This business is not necessary or desirable for the neighborhood.

Bringing in businesses that are desired and will be used by the people living in the neighborhood is important and will improve the area. This business will not provide needed products or services for people living in this area.

Ocean Avenue has started its revival. The 1900 block of Ocean Avenue now has several businesses popular with neighbors: Fog Lifter Café, Cut to Contrast barbershop, Ocean Cyclery, Serge-a-Lot (sewing), and Yoga Flow. Recently a hardware store opened on Ocean Avenue. A furniture store will soon open. These are the types of businesses the neighborhood needs and desires.

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents.

Please support the appeal of the Planning Commission approval. Do not impose this negative business on Ocean Avenue. The vape shop will not benefit the neighborhood.

Thank you,
Diana Victoria

BOS)

From: Christine Nay [christine_nay@yahoo.com]
Sent: Monday, January 05, 2015 10:29 AM
To: BOS Legislation (BOS)
Cc: rckaris@gmail.com; John Nay
Subject: Re: No to proposed vape shop at 1963 Ocean Ave

Categories: 141291

I'd like to register my strong opposition to the proposed vape shop and hookah lounge at 1963 Ocean Avenue. There are several schools in the vicinity, and many young children pass by this location daily. We live nearby and already experience undesirable activities in the vicinity of the medical marijuana dispensary at 1944 Ocean, just across the street from the proposed vape shop location. People cannot seem to wait until they get home to smoke the marijuana, and instead smoke in their cars while parked on our street. They will then eat fast food and throw the litter through their car windows and onto our sidewalk. Our good neighbors at the Voice of Pentacost Church and School have their hands full dealing with broken bottles and litter, which their students must walk through to enter the school building each day. The city should be trying to clean up and revitalize this area to meet the needs of the many families with young children that live there, instead of adding yet another undesirable business to the mix.

Please turn-down this permit request.

Regards,
Christine Nay

BOS)

From: Board of Supervisors (BOS)
Sent: Tuesday, January 06, 2015 10:10 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: file 141291 FW: In opposition to the "vape" shop at 1963 Ocean Ave

Categories: 141291

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 ecigarettes 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

(BOS)

From: Ann Mongan [cristae8@gmail.com]
Sent: Sunday, January 04, 2015 10:22 PM
To: BOS Legislation (BOS); Yee, Norman (BOS)
Cc: karen.gallagher@gmail.com
Subject: Letter supporting the appeal of Planning Commission decision in Case No. 2014.0206C
(Opposing the vape shop at 1963 Ocean Ave.)

Categories: 141291

Dear Board of Supervisors,

We have recently become aware that a new hookah lounge has received city approval to open at 1963 Ocean Avenue. We're writing to urge you to join us in opposition to this permit.

As you are aware, Ocean Avenue is in the midst of a revival, with recent openings of many family friendly businesses, including the Whole Foods supermarket and Champa Garden restaurant. These new businesses have significantly improved the image of Ingleside and nearby neighborhoods. These changes have made great strides towards attracting families to the area as well as retaining those who lovingly call these neighborhoods home for themselves and their young children. We believe the opening of this new hookah store would be a major step in the wrong direction. Particularly given the multiple marijuana dispensaries already operating on Ocean Avenue, the opening of this store risks establishing this area as a major destination for marijuana commerce. As parents of a young toddler, it greatly concerns us that this would happen close to an elementary school, a middle school, and quiet surrounding residential neighborhoods. As a physician and a cancer scientist, we strive to keep our community free from businesses that are likely to make the neighborhood polluted, unsafe or expose our children to health hazards. As our neighbor and representative, we hope you feel the same and will join us in opposing the opening of this store.

Sincerely,
John and Mary-Ann Mongan
145 Northwood Dr
San Francisco CA 94112

(BOS)

From: Lee McGriff [leemcgriff33@gmail.com]
Sent: Sunday, January 04, 2015 9:54 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Vape Shop on Ocean Avenue
Categories: 141291

To whom it may concern,

I have been a resident of Ingleside Terraces since 1978 and am opposed to the vape shop opening on Ocean Avenue. The proposed location is across the street from a school and I believe our children already have too many negative tobacco influences surrounding them. 7-11 and two liquor stores, in close proximity to the school, sell tobacco products (including e-cigarettes).

I am disappointed in the Planning Commission's findings and I struggle to understand or agree.

Sections 7.A states this new business is necessary, desirable, and compatible with the neighborhood. Another tobacco selling business is not necessary considering there are several on Ocean Avenue. It is certainly not desirable by those of us who live here because smoke and vape shops do not enhance the beauty of our community, hence, is not compatible.

I am not in favor of the Vapor Shop/Hookah lounge on Ocean Avenue and hope that the residents of Ingleside Terraces, the children in our community, and the beauty of our neighborhood will be heavily considered during this approval process.

Thank you for your attention and time.

Sincerely,

Lee McGriff
19 Cedro Avenue

CC: Board of Supervisors
Norman Yee

BOS)

From: Inger Hultgren [ikhultgren@hotmail.com]
Sent: Sunday, January 04, 2015 9:39 PM
To: Board of Supervisors (BOS)
Cc: BOS Legislation (BOS); Yee, Norman (BOS)
Subject: Letter Opposing Happy Vape Shop at 1963 Ocean Avenue
Attachments: IHM Cover Letter to Board of Supervisors Re Happy Vape Jan 2015.doc
Categories: 141291

Dear Ms. Cavillo,

Attached please find my letter opposing the granting of a permit to Happy Vape at 1963 Ocean Avenue. Thank you for your consideration.

Best,
Inger Meyer

Inger Hultgren Meyer
cell: 415-939-4862
ikhultgren@hotmail.com

January 4, 2015

BY E-MAIL

San Francisco Board of Supervisors
Clerk of the Board, Angela Cavillo
Board.of.Supervisors@sfgov.org

Re: Appeal of Planning Commission Decision in Case #2014.0206C

Dear Ms. Cavillo,

I am writing to express my strong opposition to the planning department's decision approving the opening of the Happy Vape hookah lounge and vape shop at 1963 Ocean Avenue. As a homeowner in an adjacent neighborhood and parent of a first and third grader at Commodore Sloat School, I feel that the siting of such a business at this location would be completely inappropriate and profoundly harmful to the community in which it would be located. The neighborhoods adjacent to the Ocean Avenue business corridor are full of families and children who come to Ocean Avenue to grocery shop at the Whole Foods and mom and pop produce stores, check out books at the Ingleside Branch Library, buy bicycles at Ocean Cyclery, meet friends for coffee or frozen yogurt, or take yoga classes at Yoga Flow, among other activities. The area needs more businesses like these that can meet its residents' day-to-day needs and that foster a healthy and family-friendly environment.

Moreover, 1963 Ocean Avenue is located within a few blocks of three schools, including Commodore Sloat Elementary School, Aptos Middle School and the Voice of Pentecost Academy, and many students actually pass by 1963 Ocean on their way to and from these schools, as I have personally observed on numerous occasions. A business glorifying smoking, whether of traditional or "e" cigarettes, as a "happy" activity, is sending a very dangerous message to children. In addition, the sort of clientele that such a business is likely to attract would degrade not only the atmosphere but the health and safety of the community in which it is located, including the many children who live and attend school here.

At a time when many families are fleeing San Francisco for a myriad of quality of life issues, the last thing we need is to add yet one more reason for families to leave this city. Instead, the Board of Supervisors should do everything within its power to retain families and help this vibrant and wonderful community blossom into its full potential as one of the city's most welcoming and livable neighborhoods for families. Bringing the right kinds of businesses to the Ocean Avenue business corridor would surely be a big step in this direction.

For these reasons, I urge the Board of Supervisors to deny the permit requested by Happy Vape. The nature of this business and the sort of clientele it would attract is inappropriate to and incompatible with the existing residential community and would degrade the quality of life, safety and welfare of the people who live here. Thank you for your consideration.

Sincerely,

/s/

Inger Hultgren Meyer

30S)

From: Michelle Schulze [sfschulzes@comcast.net]
Sent: Sunday, January 04, 2015 8:57 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: FW: Appeal_support_letter
Attachments: Appeal_support_letter.pdf

Categories: 141291

From: Michelle Schulze [mailto:sfschulzes@comcast.net]
Sent: Sunday, January 04, 2015 8:52 PM
To: 'Michelle Schulze'
Subject: Appeal_support_letter

Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue;
Case No. 2014.0206C. (Opposition to the vape shop.)

To:

bos.legislation@sfgov.org

Board.of.Supervisors@sfgov.org

Norman.Yee@sfgov.org

Dear Supervisors:

I support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, a Vape Shop/Steam Stone Hookah Lounge. This business is not necessary or desirable for the neighborhood.

Bringing in businesses that are desired and will be used by the people living in the neighborhood is important and will improve the area. This business will not provide needed products or services for people living in this area.

Ocean Avenue has started its revival. The 1900 block of Ocean Avenue now has several businesses popular with neighbors: Fog Lifter Café, Cut to Contrast barbershop, Ocean Cyclery, Serge-a-Lot (sewing), and Yoga Flow. Recently a hardware store opened on Ocean Avenue. A furniture store will soon open. These are the types of businesses the neighborhood needs and desires. We need more family oriented businesses in the Ocean Avenue Corridor. A business such as VAPE is not it. It will only hamper the revival process that so many have worked so hard for.

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents.

Please support the appeal of the Planning Commission approval. Do not impose this negative business on Ocean Avenue. The vape shop will not benefit the neighborhood or the many families that live here in Ingleside and Ingleside Terraces.

Derek & Michelle Schulze
Ingleside Terrace

(BOS)

From: Board of Supervisors (BOS)
Sent: Monday, January 05, 2015 3:12 PM
To: BOS-Supervisors; Carroll, John (BOS); Lamug, Joy
Subject: File 141291 FW:
Attachments: SFDPH_FactSheetFeb2013.pdf; Map_Ocean_tobacco_schools.pdf

Categories: 141291

From: paulmerlyn@yahoo.com [mailto:paulmerlyn@yahoo.com]

Sent: Sunday, January 04, 2015 7:20 PM

To: Board of Supervisors (BOS)

Cc: Yee, Norman (BOS)

Subject:

Dear Board of Supervisors,

My wife and I are writing to express my concern at the proposed vape shop and Hookah lounge selling e-cigarettes on Ocean Avenue, near the corner of Victoria. In particular, we urge you to consider the upcoming appeal against permitting this business, which is unwanted, unnecessary, and contrary to the health and welfare of the community. The smoke industry has wreaked havoc on our nation's health, and e-cigarettes promise to do nothing but perpetuate the socioeconomic suffering caused by the smoke industry without any evidence of a reduction in tobacco products.

In considering the appeal, please give full consideration to:

SEC. 303. CONDITIONAL USES. (c)(2): That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity...

The Planning Commission's Final Motion clearly fails to adequately address this section. Moreover, the Commission has ignored the large number of statements from governmental and other health agencies regarding the unhealthy aspects of e-cigarettes and hookah. (This vape shop intends to use steam stone hookah, a non-tobacco variant, which has the unhealthy aspects of e-cigarettes + toxins (carbon monoxide) from the use of charcoal in the hookah.)

We have attached SFDPH e-cigarette fact sheet is attached. We ask you to accept these facts from our city's own health department.

Also, in considering Sec 30 (see below and attached map) please note that Ocean Avenue already has a large number of tobacco businesses (which includes e-cigarettes). The proposed business is in addition close to schools.

SEC. 303. CONDITIONAL USES.(n) Tobacco Paraphernalia Establishments (1)(B) The concentration of such establishments in the particular zoning district for which they are proposed does not appear to adversely impact the health, safety, and welfare of residents of nearby areas.

(c)(1): That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community:

(c)(4): ... such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Neighborhood Commercial District;

SEC. 737.1. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

The Ocean Avenue NCT District is intended to provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices.

Thank you for your past enlightened and progressive work in protecting San Francisco from harmful products and services. We strongly urge that you do not allow this unwanted, unnecessary, and unhealthy business to further damage our community.

Sincerely,

Paul R. Merlyn & Sloan N. Norman
48 Keystone Way
San Francisco, CA 94127



City and County of San Francisco
Mayor Edwin Lee

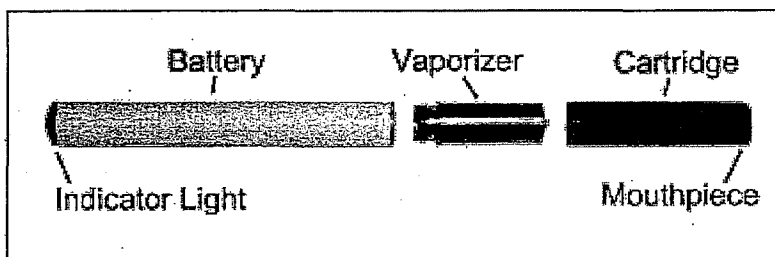
TOBACCO FREE PROJECT
Department of Public Health
Population Health and Prevention
Community Health Education Section
Community Health Promotion & Prevention Branch

E-Cigarette Fact Sheet

February 4, 2013

What Are E-Cigarettes?

E-cigarettes are electronic cigarettes that are battery-operated devices designed to look like and to be used like conventional cigarettes. The devices contain cartridges filled with nicotine, flavor and other chemicals. E-cigarettes turn nicotine and other chemicals into a vapor that is inhaled by the user. No smoke or combustion is involved. Rather the device emits a vapor. E-cigarettes are marketed as less expensive and safer than tobacco cigarettes, as a more socially acceptable way to smoke in smoke-free environments and as providing relief from the social stigma of being a smoker.



Health Risks Identified by the Food and Drug Administration (FDA)

The FDA and many public health experts are concerned about health risks posed by e-cigarettes. The FDA has conducted a preliminary analysis of 18 of the various types of cartridges from 2 leading brands of e-cigarettes, labeled as flavored, nicotine and no-nicotine. Following were findings of the samples tested:

- Diethylene glycol, an ingredient used in antifreeze that is toxic to humans, was found in one sample.
- Certain tobacco-specific nitrosamines that are carcinogens for humans were found in half of the samples.
- Tobacco-specific impurities suspected of being harmful to humans were found in most of the samples. These included anabasine, myosine, and β -nicotyrine.
- Cartridges labeled as "no nicotine" had low levels of nicotine, with the exception of one.
- The amount of nicotine emitted with each puff varied markedly among 3 cartridges that all had the same label.
- One high-nicotine cartridge delivered twice the amount of nicotine compared to an FDA approved nicotine inhalation product that was developed as a smoking cessation aid.

Additional Health Concerns

- The devices include no health warnings.
- E-cigarettes could increase nicotine addiction among young people and encourage them to try other tobacco products such as conventional cigarettes due to introduction to addictive nicotine.
- E-cigarettes available in chocolate, strawberry and mint flavors would appeal to children.

- Consumers have no information about the safety of these products, the types and concentrations of nicotine and other chemicals inhaled when using them.
- Research conducted at the Lawrence Berkeley National Laboratory found that nicotine in third hand smoke, the residue from tobacco smoke that clings to surfaces long after a cigarette has been extinguished, reacts with a common indoor air pollutant called nitrous acid and produces a hazardous carcinogen. This study demonstrates that nicotine, the addictive ingredient in tobacco smoke, is harmful. Research co-author James Pankow has stated that the results of this study should raise concerns about the safety of electronic cigarettes.
<http://www.sciencedaily.com/releases/2010/02/100208154651.htm>

Not a Smoking Cessation Device

- These products have not been tested for safety or efficacy in helping people quit smoking.
- The American Cancer Society, American Heart Association, and American Lung Association have developed statements expressing concern about the increase of e-cigarette marketing and use.

Undermine Progress in Changing Social Norms around Smoking

- A key benefit to smoke-free laws is to change social norms around smoking and to make smoking less socially acceptable. E-cigarette use, particularly in areas that are covered by the second hand smoke ordinance, would undermine the progress made in social norm change.
- Use of e-cigarettes in non-smoking areas would give the public the impression that smoking is permitted as these products closely resemble traditional cigarettes and one could easily assume that the vapor emitted is smoke. In addition, e-cigarette use in areas where smoking is prohibited misleads people into believing that smoking is permitted in these areas without any consequence.

Complicate Enforcement Efforts

- Allowing use of e-cigarettes would likely complicate efforts by the City as well and business owners to enforce Health Code Article 19F. Since enforcement is complaint driven, there will be no way to distinguish whether a complaint is based on e-cigarettes or smoking of traditional cigarettes. Business owners' attempts to comply with the law would also be complicated if use of e-cigarettes is not banned in the same areas.

E Cigarettes Already Regulated by San Francisco Government Entities

- San Francisco General Hospital (SFGH) adopted a smoke free campus policy in 2008. In 2011, the policy was amended to include a ban on e-cigarettes on campus.
- E-cigarette use at SF Airport: In response to concerns regarding use of e-cigarettes at the airport and impact on compliance with smoke-free legislation, the Executive Committee of the San Francisco Airport Commission approved a proposal on September 20, 2010 to adopt a policy to ban the use of e-cigarettes where conventional cigarette smoking is prohibited.
- Department of Transportation prohibits use of e-cigarettes on airline flights:

On June 17, 2010, at a Senate Committee on Commerce, Science and Transportation hearing, the Assistant Secretary for Aviation and International Affairs of the U.S. Department of Transportation stated that smoking of electronic cigarettes was already banned on U.S. air carrier and foreign air carrier flights in scheduled intrastate, interstate and foreign air transportation (49 USC §41706 and 14 CFR Part 252). Additionally, the Department of Transportation planned to issue a notice of proposed rulemaking that would amend the existing general regulatory language in Part 252 to explicitly ban smoking of electronic cigarette aboard aircraft.

FDA Legal Authority

- The FDA could issue regulations of e-cigarettes as a tobacco product under the 2009 the Family Smoking Prevention and Tobacco Control Act. However the FDA cannot regulate where e-cigarettes are used and it cannot prohibit their use in places where smoking traditional cigarettes is already prohibited. The FDA also provides state and local governments with the authority to regulate the sale or use of tobacco products, including e-cigarettes.
- In September 2008, the FDA moved to establish authority over e-cigarettes as drug delivery devices based on the Food, Drug and Cosmetic Act. Specifically, the FDA banned the import of new e-cigarette product shipments.
- E-cigarette manufacturers sued the FDA, claiming that their products should be regulated as tobacco products, not as drugs.
- In January 2010, a Washington DC district court ruled that the FDA could not regulate e-cigarettes as a drug or drug delivery device (because the nicotine was derived from tobacco) but that the FDA could regulate them as tobacco products.

Authority of State or Local Governments to Regulate E-cigarettes

1. Local smoke free laws can include e-cigarettes in their definition of smoking.
2. Local tobacco licensing laws can include a requirement to obtain a local tobacco permit to sell e-cigarettes. In San Francisco, no tobacco permits are allowed in business establishments with pharmacies or on city and county property.
3. New local legislation can be adopted with findings unique to e-cigarettes that apply local smoking restrictions to e-cigarettes.

Limits on E-cigarettes Adopted by State and Local Governments

As of September 2010, California law banned e-cigarette sales to minors, putting the product in the same category as traditional cigarettes. The table below provides a list of e-cigarette legislation adopted by various government entities, including the rationale cited for the policies.

E-cig Law Enacted	Sale of E-cigarettes	Use of E-cigarettes
Canada, Argentina, Singapore, Brazil, Israel, Hong Kong,	No e-cigarette sales, distribution or importation.	

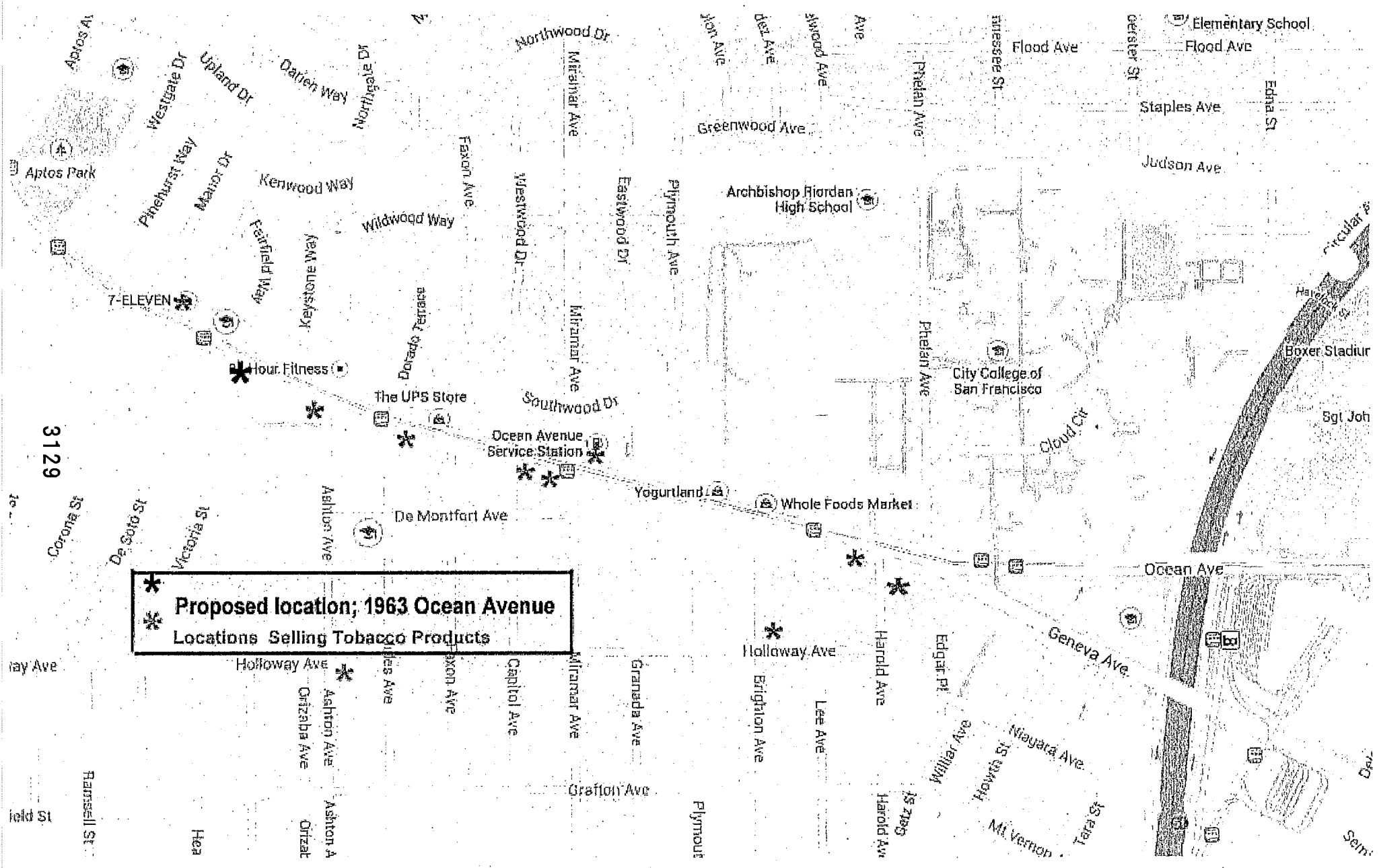
Jordan, Victoria (Australia), Turkey		
Malta		Bans use in public places where smoking is banned.
California	No sales to minors	
Savannah, Georgia		Bans use in public places and workplaces
Madison County, Kentucky		Bans use in public places and workplaces
New Jersey	No sales to minors	Bans use in enclosed indoor places of public access and workplaces
New Hampshire	No sales to minors or free sampling; Includes liquid nicotine	
Utah		Bans use in public places
Boston, Massachusetts	No sales of unregulated nicotine delivery products to minors	Bans use in workplaces
North Adams, Massachusetts	No sales to or use by minors	Bans use in public places and workplaces
Great Barrington, Massachusetts		Bans use where smoking is prohibited
Saugus, Massachusetts	No sales to minors	Bans use in public places.
Paramus, NJ		Bans use in indoor public places and workplaces
Cattaraugus County, NY	No sales to minors	Bans use in public places and workplaces
Suffolk County, NY	No sales to minors	Bans use in public places and workplaces
Bergen County, NJ		Bans use in county parks where children present, inside county buildings, and county vehicles
King County, WA (includes Seattle)	No sales to minors, or sampling, or coupons	Bans use in places where smoking is prohibited by law (workplaces, public places)
Tacoma- Pierce County, Washington	No sales to minors or free sampling.	Bans use in public places where minors are permitted (exempts places of employment that are not public places)

Ordinance Proposed would:

1. Prohibit use of and sale of e-cigarettes on City and County property.
2. Prohibit use of e-cigarettes in places where smoking is prohibited by law.
3. Require a tobacco permit for the sale or furnishing of e-cigarettes.

Rationale:

1. A ban on the use and sale of e-cigarettes on City and County property would be of particular priority, to be consistent with other policies adopted by the City to protect the public health. These include the bans on: tobacco advertising and tobacco sales on City and County property; smoking in City parks, gardens and squares, smoking within 20 feet of entrances to the airport, as well as the smoke-free campus policy adopted by San Francisco General Hospital in 2008. As an example, SFGH has conducted extensive education and training of staff and outreach to patients and visitors to gain compliance with the smoke-free campus policy. SFGH later amended the policy to ban e-cigarettes. Allowing e-cigarettes in locations where cigarette smoking is not allowed would act as a trigger for smokers and former smokers, and would also send a confusing message regarding the smoking policy.
2. Allowing use of e-cigarettes would likely complicate efforts to enforce Health Code Article 19F by the City as well as business owners. Since enforcement is complaint driven, there will be no way to distinguish whether a complaint is based on e-cigarettes or smoking of traditional cigarettes. A key benefit to smoke-free laws is to change social norms around smoking and to make smoking less socially acceptable. E-cigarette use, particularly in areas that are covered by the second hand smoke ordinance, would undermine the progress made in social norm change.
3. Requiring a tobacco permit for the sale or furnishing of e-cigarettes would provide another mechanism to regulate e-cigarettes. Police youth decoy operations conducted to enforce Penal Code 308, the ban on tobacco sales to minors, could be utilized to assure retailers are complying with the California ban on e-cigarette sales to minors. Permitting would additionally result in a ban on the sale of e-cigarettes in pharmacies, consistent with the fact that the FDA has not approved e-cigarettes as medical smoking cessation devices. The permit requirement would ensure establishments selling e-cigarettes be in a permanent location and would not permit temporary e-cigarette booths at shopping malls as have been seen in Westfield and Stonestown shopping centers.



* Proposed location; 1963 Ocean Avenue
* Locations Selling Tobacco Products

1 (BOS)

From: Board of Supervisors (BOS)
Sent: Monday, January 05, 2015 2:59 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Opposition to Happy Vape on 1961 Ocean Avenue, File No. 141291
Categories: 141291

From: Victor Hong [<mailto:victorhong3@yahoo.com>]
Sent: Sunday, January 04, 2015 7:42 PM
To: Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Opposition to Happy Vape on 1961 Ocean Avenue, File No. 141291

Dear Board Members,

I am writing to oppose the granting of a conditional use authorization for Happy Vape, which intends to open a business at 1963 Ocean Avenue. I understand that the hearing on this issue will be held on January 13, 2015.

It is not desirable and will not improve the 1900 block of Ocean Avenue, which is residential with nearby schools. The closest is the school at the Voice of Pentecost at 1970 Ocean Avenue (which teaches K-12 students), almost directly across the street from the proposed location. Aptos Middle School is less than four blocks away. City College is only a few blocks away in the other direction along Ocean Avenue.

And as you know, e-cigarettes are an unregulated commodity with no health regulations on ingredients in the flavorings and other substances nor how they are handled and introduced into the product. This is a serious concern for a product that is inhaled in the human body. The vape shop will encourage new users and others to use e-cigarettes that contain addictive nicotine and other harmful chemicals in their fumes.

The vape shop is also not necessary. There already are stores on Ocean Avenue that sell e-cigarettes and over 20 vape shops in the City.

Finally, while the other end of Ocean Avenue near City College is undergoing a healthy transformation, the 1900 block of Ocean has not. On the 1900 block, the former pet groomer has been replaced by a marijuana shop. The senior center next door is now a pool hall. Across the street, a tattoo shop moved in a few years ago. Now, the aquarium and fish store is going to be replaced by a vape shop? Can you honestly say that this block of Ocean Avenue is changing into a safer, family friendly area with shops that serve the neighborhood?

For all these reasons, allowing the vape shop to open is a terrible idea.

Thank you,

Victor Hong

(BOS)

From: Board of Supervisors (BOS)
Sent: Monday, January 05, 2015 2:59 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: file 141291FW: Appeal scheduled to be heard January 13, 2015 Case No. 2014.0206C -
Categories: 141291

From: Paul Conroy [mailto:conroy@wans.net]
Sent: Sunday, January 04, 2015 7:17 PM
To: Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Appeal scheduled to be heard January 13, 2015 Case No. 2014.0206C -

To the San Francisco Board of Supervisors:

Re: Appeal of Planning Commission granting of Conditional Use to E-Cigarette Establishment at 1963 Ocean Avenue; **Case No. 2014.0206C**

I am writing in support of the appeal referenced above.

I live in Ingleside Terraces, a neighborhood that adjoins the Ocean Avenue Commercial Use District where the proposed Vape Shop is located. I have been involved in efforts to improve the quality of life in the neighborhoods bordering Ocean Avenue for several years. I am a past president of the West of Twin Peaks Central Council and, in that capacity, was a co-founder of the Ocean Avenue Renaissance Committee, an ad-hoc group of neighborhood and community organizations that advocated for improvements along Ocean Avenue. This advocacy resulted in the streetscape improvements along Ocean Avenue, including the undergrounding of the utility wires, new ornamental street lights, pedestrian-friendly bulb-outs and tree plantings on the street. The neighbors continue to advocate for improvements along Ocean Avenue that will benefit the surrounding neighborhoods.

The proposed "Happy Vapes" shop will be detrimental to the retail environment on Ocean Avenue and will not serve the best interests of the

surrounding neighborhood. The product that will be sold by this establishment is, as the World Health Organization termed it in its 2014 report, "an electronic nicotine delivery system." It has been noted that there is increasing use of this product by teenagers, who are under the misimpression that the product is safe. Ocean Avenue is a retail district that should be dedicated to serving the needs of its neighbors. This establishment's provision of addictive nicotine and other harmful chemicals does not serve any legitimate need of the neighborhood or of Ocean Avenue's retail customers.

The following excerpts from the American Lung Association's August 25, 2014 Statement on E-Cigarettes demonstrate the hazards of this product:

"...The American Lung Association is very concerned about the potential health consequences of electronic cigarettes, as well as the unproven claims that they can be used to help smokers quit. There is presently no government oversight of these products and absent Food and Drug Administration (FDA) regulation, there is no way for the public health, medical community or consumers to know what chemicals are contained in e-cigarettes or what the short and long term health implications might be.

...A 2014 study showed wide ranging nicotine levels in e-cigarettes and substantial variability between listed and actual nicotine levels in products. In 2009, FDA conducted initial lab tests and found detectable levels of toxic cancer-causing chemicals, including an ingredient used in anti-freeze, in two leading brands of e-cigarettes and 18 various cartridges.

...Also unknown is what the potential harm may be to people exposed to secondhand emissions from e-cigarettes. Two initial studies have found formaldehyde, benzene and tobacco-specific nitrosamines (a carcinogen) coming from those secondhand emissions. Other studies have shown that chemicals exhaled by users also contain formaldehyde, acetaldehyde and other potential irritants. While there is a great deal more to learn about

these products, it is clear that there is much to be concerned about, especially in the absence of FDA oversight."

Given the above facts, there is no support for the Planning Commission's finding, as is required for the issuance of a Conditional Use Permit, that: "The proposed new uses and building ... will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community." (Section 7.A.); or "The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity." Section 7.B.)

The proximity of schools in the area, and the reported increasing use of e-cigarettes by youth, makes this establishment particularly incompatible with the neighborhood and community.

I ask that you grant the appeal, reverse the Planning Commission's decision, and deny issuance of the Conditional Use Permit to "Happy Vapes."

Sincerely,
Paul Conroy

..... (BOS)

From: Board of Supervisors (BOS)
Sent: Monday, January 05, 2015 2:58 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Conditional Use Permit for 1963 Ocean Avenue --Case No. 2014.0206C

Categories: 141291

From: Roger Ritter [<mailto:roger.ritter@att.net>]
Sent: Sunday, January 04, 2015 5:56 PM
To: Board of Supervisors (BOS)
Subject: Conditional Use Permit for 1963 Ocean Avenue --Case No. 2014.0206C

Dear Supervisors,

On January 13, 2015, the Board of Supervisors will hear the appeal of the issuance of a conditional use permit for a proposed e-cigarette outlet at 1963 Ocean Avenue (**Case No. 2014.0206C**). I support the appeal and oppose the issuance of the permit, for the following reasons:

- (1) The proposed outlet is located at the end of a commercial block that is directly adjacent to a residential neighborhood, with homes, schools and houses of worship. There is a pedestrian passageway that runs through the center of the block, connecting Ocean Avenue to Urbano Drive, facilitating easy access to Ingleside Terraces, the adjacent residential neighborhood. In fact, the 1900 block on the south side of Ocean Avenue is actually a thin commercial strip at the edge of a vibrant residential neighborhood. What is needed there are more small businesses offering goods and services that benefit the neighborhood, such as the coffee shop, bike shop, and restaurants on that block, rather than a business selling harmful products. There are already two massage parlors on that block, as well as a medical marijuana outlet and a pool hall across the street. An e-cigarette outlet would further degrade the character of the neighborhood.
- (2) Recent legislation passed unanimously by the board last month limits tobacco sales (which include e-cigarettes). This legislation shows the board is well aware of the health risks caused by tobacco products, including e-cigarettes. It would be inconsistent with the board's express policy to now approve an e-cigarette outlet, especially one that is located so close to a residential neighborhood; and
- (3) The following findings made by the Planning Commission are not well taken:
 - 7.A. (p.4): "The proposed new uses and building ... will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community."
 - 7.B. (p.5): "The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity."
 - 7.D. (p.6): "The proposal enhances the range of comparison goods and services offered by adding another specialty retail store to the District."
 - 7.E. (p.6): "The concentration of such establishments in the particular zoning district for which they are proposed does not appear to adversely impact the health, safety, and welfare of residents of the nearby area."

All of the above findings ignore the very real dangers that tobacco products pose to the health and safety of the neighborhood. The proposed shop is neither "necessary, desirable, nor compatible" with the neighborhood. It will be "detrimental to the health, safety, convenience or general welfare of persons

residing or working in the vicinity." Finally, it will "adversely impact the health, safety, and welfare of residents of the nearby area."

For all of the above reasons I respectfully urge you to overturn the decision of the Planning Commission and deny the conditional use permit.

Thank you,

Roger Ritter
Balboa Terrace

(BOS)

From: Ryan, Malena [Malena.Ryan@ucsf.edu]
Sent: Sunday, January 04, 2015 5:17 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: rckaris@gmail.com; Paty Hechinger (hechingers@comcast.net)
Subject: Support of appeal of the Conditional Use Authorization for 1963 Ocean Ave;
Categories: 141291

January 4, 2015

Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C. (Opposition to the vape shop.)

To:
bos.legislation@sfgov.org
Board.of.Supervisors@sfgov.org
Norman.Yee@sfgov.org

Dear Supervisors:

We support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, a Vape Shop/Steam Stone Hookah Lounge. This business is not necessary or desirable for the neighborhood.

Bringing in businesses that are desired and will be used by the people living in the neighborhood is important and will continue to improve the area. We enjoy shopping/eating out in this neighborhood and feel that a Vape shop will not provide needed products or services for people living in this area nor to those who travel, pass-by or frequent the current neighborhood establishments.

Ocean Avenue has started its revival. The 1900 block of Ocean Avenue now has several businesses popular with neighbors: Fog Lifter Café, Cut to Contrast barbershop, Ocean Cyclery, Serge-a-Lot (sewing), and Yoga Flow. Recently a hardware store opened on Ocean Avenue and a furniture store will soon open. These are the types of businesses that the neighborhood needs and desires.

As San Francisco Supervisors, you have already passed three times ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents.

Please support the appeal of the Planning Commission approval. Do not impose a negative business on Ocean Avenue. The vape shop will not benefit the neighborhood.

Sincerely,

Mike and Malena Ryan

(BOS)

From: Mike & Malena [mmryan@sbcglobal.net]
Sent: Sunday, January 04, 2015 5:10 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: rckaris@gmail.com; Paty Hechinger
Subject: Support of appeal of the Conditional Use Authorization for 1963 Ocean Ave;
Categories: 141291

January 4, 2015

Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C. (Opposition to the vape shop.)

To:
bos.legislation@sfgov.org
Board.of.Supervisors@sfgov.org
Norman.Yee@sfgov.org

Dear Supervisors:

We support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, a Vape Shop/Steam Stone Hookah Lounge. This business is not necessary or desirable for the neighborhood.

Bringing in businesses that are desired and will be used by the people living in the neighborhood is important and will continue to improve the area. We enjoy shopping/eating out in this neighborhood and feel that a Vape shop will not provide needed products or services for people living in this area nor to those who travel, pass-by or frequent the current neighborhood establishments.

Ocean Avenue has started its revival. The 1900 block of Ocean Avenue now has several businesses popular with neighbors: Fog Lifter Café, Cut to Contrast barbershop, Ocean Cyclery, Serge-a-Lot (sewing), and Yoga Flow. Recently a hardware store opened on Ocean Avenue and a furniture store will soon open. These are the types of businesses that the neighborhood needs and desires.

As San Francisco Supervisors, you have already passed three times ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents.

Please support the appeal of the Planning Commission approval. Do not impose a negative business on Ocean Avenue. The vape shop will not benefit the neighborhood.

Sincerely,

Mike and Malena Ryan

(BOS)

From: Jennifer Weed [jennifer_weed@yahoo.com]
Sent: Sunday, January 04, 2015 3:16 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Support of appeal of the Conditional Use Authorization for 1963 Ocean Ave. Case No. 2014.0206C

Categories: 141291

Dear Supervisors,

I support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, A Vape Shop/Steam Stone Hookah Lounge. This business is not necessary or a desirable addition for the neighborhood.

I have lived in this neighborhood for 7 years and have watched it change. I am grateful for the Whole Foods, CVS, Fog Lifter Cafe and hardware store. I use these places every day, often walking to them. They give the neighborhood a sense of community it was missing when I first moved here. The proposed Vape shop won't provide the products and/or services that this neighborhood needs, nor is it in the spirit of trying to build a sense of community in the neighborhood.

The City of San Francisco is known the world over, but the majority of visitors only see 25% of the City. The remaining 75% is where the majority of us live and work. It is important for the residents of the remaining 75% of the City to feel that there is just as much attention, concern and planning involved in creating a friendly, community based, attractive place for it's residents to live. This Vape shop does not send that message to the members of our neighborhood.

As Supervisors you have passed ordinances restricting tobacco smoking and sales, including e-cigarettes. You have enacted legislation requiring a Conditional Use permit to open tobacco paraphernalia stores. You have wisely realized that businesses like these should be considered carefully based on their potential contribution to the community and the health and welfare of San Francisco residents. Please use that same reasoning in supporting the appeal of the Planning Commission Approval.

Ocean Avenue has the potential to develop into a beautiful, central meeting place for members of our neighborhood. It has the potential to help the residents continue to build on the community spirit we have already started to give to one another. Please help us continue to work towards stores and businesses that support our sense of safety, pride and community in our neighborhood.

Thank you in advance for your consideration.

Regards,

Jennifer L. Weed

(BOS)

From: Dan Kleinman [dankleinman@sbcglobal.net]
Sent: Sunday, January 04, 2015 2:19 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C. (Opposition to the vape shop.)

Categories: 141291

Dear Supervisors:

I support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, a Vape Shop/Steam Stone Hookah Lounge. This business is not necessary or desirable for the neighborhood.

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents.

The 1900 block of Ocean Avenue now has several businesses popular with neighbors: Fog Lifter Café, Cut to Contrast barbershop, Ocean Cyclery, Serge-a-Lot (sewing), and Yoga Flow. Recently a hardware store opened on Ocean Avenue. A furniture store will soon open. These are the types of businesses the neighborhood needs and desires.

Please support the appeal of the Planning Commission approval. Do not impose this negative business in our district. The vape shop is not in keeping with our desired revival of a neighborhood friendly Ocean Avenue.

Sincerely,

Dan Kleinman
Miraloma Park resident
575 Myra Way

(BOS)

From: Judy Kleinman [judykleinman@msn.com]
Sent: Sunday, January 04, 2015 2:13 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Support of appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C. (Opposition to the vape shop.)

Importance: High

Categories: 141291

Dear Supervisors:

I support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, a Vape Shop/Steam Stone Hookah Lounge. This business is not necessary or desirable for the neighborhood.

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents.

The 1900 block of Ocean Avenue now has several businesses popular with neighbors: Fog Lifter Café, Cut to Contrast barbershop, Ocean Cyclery, Serge-a-Lot (sewing), and Yoga Flow. Recently a hardware store opened on Ocean Avenue. A furniture store will soon open. These are the types of businesses the neighborhood needs and desires.

Please support the appeal of the Planning Commission approval. Do not impose this negative business in our district. The vape shop is not in keeping with our desired revival of a neighborhood friendly Ocean Avenue.

Sincerely,

Judy Kleinman
Miraloma Park resident
575 Myra Way

30S)

From: Kretzschmar [wimmort@sbcglobal.net]
Sent: Sunday, January 04, 2015 1:48 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS); Lee, Mayor (MYR)
Subject: Letter supporting the appeal of Planning Commission decision in Case No. 2014.0206C
(Letter opposing the vape shop at 1963 Ocean Ave.)

Categories: 141291

I support the appeal of the Planning Commission decision in Case No. 2014.0206C. I strongly oppose the decision of the Planning Commission to conditionally approve the vape shop at 1963 Ocean Ave. Such an establishment is quite out of keeping with the neighborhood. Furthermore, I do not think the Planning Commission adequately applied the relevant sections of the Planning Code.

Karl Merlin Kretzschmar

(BOS)

From: a infusino [infusino@gmail.com]
Sent: Sunday, January 04, 2015 1:47 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: Robert Karis
Subject: Re: 1963 Ocean Avenue

Categories: 141291

Dear Supervisors:

I would like to correct a statement in the letter I sent earlier today. We obtained documented signatures from 32% of all properties within a 300 foot radius of the business of interest. The appellant states that we have obtained signatures from the owners of 75% of the residential properties within 300 feet of 1963 Ocean Ave.

Sincerely,

Angela Infusino

On Sun, Jan 4, 2015 at 10:17 AM, a infusino <infusino@gmail.com> wrote:
Letter supporting the appeal of Planning Commission decision in Case No. 2014.0206c

Dear San Francisco Board of Supervisors:

I support the appeal of the Planning Commission's approval of the Conditional Use for Happy Vape at 1963 Ocean Avenue. Happy Vape is not necessary or desirable for the neighborhood.

My husband and I moved to this neighborhood because of the family friendly, suburban feel of the neighborhood. Since moving to this neighborhood, I have seen some great changes to the neighborhood and frequently patron many of the nearby businesses. I fully support the idea of revitalizing Ocean Avenue, as well as continuing to support businesses that are necessary or desirable for the neighborhood.

Section 7A of the Planning Commission's Final motion stated that this business "will provide a development that is necessary or desirable, and compatible with, the neighborhood or community." Prior to the hearing with the Planning Commission, residents of Ingleside Terraces, surrounding neighborhoods, and neighborhood groups, submitted 24 letters of opposition. Additionally, the community collected 120+ signatures of opposition, submitted at the November 6, 2014 Planning Commission Hearing (note: these were not accounted for on the Final Motion No. 19271). These letters and signatures were written and signed from people in the community stating their opposition of this business because it was not necessary or desirable for the neighborhood and surrounding communities. While the project sponsor did have some letters of support, 21 in fact, it is overwhelmingly clear that this business does not reflect the support of surrounding neighborhoods or residents. Moreover, during the appeal process, the neighborhood was able to gather signatures of 31% of residents within a 300 foot radius of the business of interest.

Section 7B of the Planning Commission's Final motion stated that this business "will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity." As the neighbor that lives directly behind this business, I can confidently state that this business will affect my families health and safety. As the business will be open until 10pm, there will be additional lighting, noise and disturbance to the adjacent neighbors. The project sponsor removed his request to build backyard smoking stations prior to the Planning Commission hearing, largely based on community opposition to the backyard space. If people cannot legally smoke e-cigarettes indoors and the project sponsor is stating that he will discourage loitering and e cigarette smoking outside the storefront (7Ei: Planning Commission's Final motion), where will people smoke their e-cigarettes? Although, he removed his request to build a backyard space, my prediction is patrons will be in the backyard smoking, hence a huge inconvenience and detriment to the adjacent neighbors health and safety.

Bringing businesses that are desired and will be used by the people living in the neighborhood is important and will improve the area. A Vape shop and Hookah Lounge will not provide the needed products or services for people in this area. Although it is imperative to consider the desires of the neighbors, another important consideration is whether this business will bring in additional consumers who will shop the other businesses on the Ocean Avenue corridor. The project sponsor has marketed this business as a place where people can come together and socialize. The Hookah lounge will be set up as an inviting space, encouraging people to smoke Hookah and stay awhile. This business will be open long hours and will most likely see an increase in patronage in the evening hours when most other businesses in that immediate area are closed, thus it is highly unlikely that this business will bring any marked change in revenue or patronage to the Ocean Avenue corridor.

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes, you wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of

business is detrimental to the health and welfare of the residents of San Francisco. Please support the appeal of the Planning Commission approval. Do not impose this negative business on Ocean Avenue. The Vape and Hookah shop will not benefit the neighborhood.

Respectfully Submitted,

Angela Infusino

Urbano resident

From: Ann Kretzschmar [willith@sbcglobal.net]
Sent: Sunday, January 04, 2015 1:38 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS); Lee, Mayor (MYR)
Subject: Letter supporting the appeal of Planning Commission decision in Case No. 2014.0206C
(Letter opposing the vape shop at 1963 Ocean Ave.)

Categories: 141291

Dear Interested Parties,

I support the appeal of the Planning Commission decision in Case No. 2014.0206C. I strongly oppose the decision of the Planning Commission to conditionally approve the vape shop at 1963 Ocean Ave. I do not think the Planning Commission adequately applied the relevant sections of the Planning Code.

This project is not necessary or desired by the neighborhood. This potential store poses a health risk to the residents and particularly the children in the area. Please support the health and future of our children and do not allow a store that sells e-cigarettes and hookah.

Thank you for protecting our children from the risks of e-cigarettes!
Ann Kretzschmar

BOS)

From: Michelle O'Driscoll [modriscoll5@yahoo.com]
Sent: Sunday, January 04, 2015 12:58 PM
To: BOS Legislation (BOS), Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: modriscoll@sheppardmullin.com; karen@gallagher.net
Subject: In Support of Appeal of Planning Commission decision in Case No. 2014.0206C (opposing the vape shop at 1963 Ocean Ave.)

Categories: 141291

Dear Supervisors,

I am writing to support the appeal of the Planning Commission's decision to allow a vape/hookah lounge in my neighborhood on Ocean Avenue in San Francisco.

As a resident of Westwood Park (the neighborhood immediately north of the area in question) for the last 20 years, I have seen much change, including improvements to the Ocean Avenue corridor with the addition of Whole Foods Market and upgraded apartments.

But during that same time, I've witnessed an increase in crime in our area, from cars being stolen, to break ins, to suspicious criminals trolling our neighborhood. I equate it with the abundance of cannabis dispensaries on Ocean Avenue. I've seen the "patients" coming and going from these pot clubs and none appear medically disabled, but all look like druggies and bums.

The block that the proposed hookah lounge is on already includes a billiard lounge and tattoo parlor and is attracting a bad element. The fact that it is so close to two elementary schools (Aptos Middle School and Commodore Sloat) is of concern, as many of these kids walk home along Ocean or take public transportation nearby. Also, the e-cigarette vapor is harmful to young children.

We need to see more family friendly stores such as the ones in West Portal, such as coffee shops, ice cream/yogurt parlors, bagel places, and burrito joints.

As a 5th generation San Franciscan with two sons in high school, I strongly urge you to deny their permit. Please contact me with any questions.

Michelle O'Driscoll
881 Faxon Avenue
San Francisco, CA 94112
415.672.1716
modriscoll5@yahoo.com

(BOS)

From: Carolyn Karis [carolynkaris@gmail.com]
Sent: Sunday, January 04, 2015 12:57 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Letter to support appeal of Conditional Use Authorization for 1963 Ocean Avenue
Attachments: Letter_to_BOS_Support_Appeal.doc

Categories: 141291

Dear Supervisors:

Attached is my letter to Support the Appeal of the Conditional Use Authorization for 1963 Ocean Avenue; Case No. 2014.0206C

I oppose the opening of the vape shop/steam stone hookah lounge. I request that Board of Supervisor disapprove the Conditional Use for the tobacco paraphernalia establishment.

Thank you,
Carolyn Karis
Ingleside Terraces

(BOS)

om: Susan Percal [mambos2@sonic.net]
Sent: Sunday, January 04, 2015 10:42 AM
To: BOS Legislation (BOS)
Subject: re: Opposing the vape shop at 1963 Ocean Ave.

Categories: 141291

I am sending this letter to show my strong support of the appeal of the Planning Commission decision in Case No. 2014.0206C. I am a neighbor of Westwood Park and do not want a hookah lounge in my neighborhood.

Thank you,
Susan Percal

(BOS)

From: a infusino [infusino@gmail.com]
Sent: Sunday, January 04, 2015 10:17 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: Robert Karis
Subject: 1963 Ocean Avenue

Categories: 141291

Letter supporting the appeal of Planning Commission decision in Case No. 2014.0206c

Dear San Francisco Board of Supervisors:

I support the appeal of the Planning Commission's approval of the Conditional Use for Happy Vape at 1963 Ocean Avenue. Happy Vape is not necessary or desirable for the neighborhood.

My husband and I moved to this neighborhood because of the family friendly, suburban feel of the neighborhood. Since moving to this neighborhood, I have seen some great changes to the neighborhood and frequently patron many of the nearby businesses. I fully support the idea of revitalizing Ocean Avenue, as well as continuing to support businesses that are necessary or desirable for the neighborhood.

Section 7A of the Planning Commission's Final motion stated that this business "will provide a development that is necessary or desirable, and compatible with, the neighborhood or community." Prior to the hearing with the Planning Commission, residents of Ingleside Terraces, surrounding neighborhoods, and neighborhood groups, submitted 24 letters of opposition. Additionally, the community collected 120+ signatures of opposition, submitted at the November 6, 2014 Planning Commission Hearing (note: these were not accounted for on the Final Motion No. 19271). These letters and signatures were written and signed from people in the community stating their opposition of this business because it was not necessary or desirable for the neighborhood and surrounding communities. While the project sponsor did have some letters of support, 21 in fact, it is overwhelmingly clear that this business does not reflect the support of surrounding neighborhoods or residents. Moreover, during the appeal process, the neighborhood was able to gather signatures of 31% of residents within a 300 foot radius of the business of interest.

Section 7B of the Planning Commission's Final motion stated that this business "will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity." As the neighbor that lives directly behind this business, I can confidently state that this business will affect my families health and safety. As the business will be open until 10pm, there will be additional lighting, noise and disturbance to the adjacent neighbors. The project sponsor removed his request to build backyard smoking stations prior to the Planning Commission hearing, largely based on community opposition to the backyard space. If people cannot legally smoke e-cigarettes indoors and the project sponsor is stating that he will discourage loitering and e-cigarette smoking outside the storefront (7Ei: Planning Commission's Final motion), where will people smoke their e-cigarettes? Although, he removed his request to build a backyard space, my prediction is patrons will be in the backyard smoking, hence a huge inconvenience and detriment to the adjacent neighbors health and safety.

Bringing businesses that are desired and will be used by the people living in the neighborhood is important and will improve the area. A Vape shop and Hookah Lounge will not provide the needed products or services for people in this area. Although it is imperative to consider the desires of the neighbors, another important consideration is whether this business will bring in additional consumers who will shop the other businesses on the Ocean Avenue corridor. The project sponsor has marketed this business as a place where people can come together and socialize. The Hookah lounge will be set up as an inviting space, encouraging people to smoke Hookah and stay awhile. This business will be open long hours and will most likely see an increase in patronage in the evening hours when most other businesses in that immediate area are closed, thus it is highly unlikely that this business will bring any marked change in revenue or patronage to the Ocean Avenue corridor.

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes, you wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents of San Francisco. Please support the appeal of the Planning Commission approval. Do not impose this negative business on Ocean Avenue. The Vape and Hookah shop will not benefit the neighborhood.

Respectfully Submitted,

Angela Infusino

Urbano resident

(BOS)

From: David Hoiem [coffeemansf@comcast.net]
Sent: Sunday, January 04, 2015 9:15 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: Robert Karis
Subject: Appeal to Vape Shop at 1963 Ocean Ave

Categories: 141291

Ocean Ave has been a less than desirable neighborhood for decades. It has now in the process of a revival with the addition of Whole Foods Market, a new library and new mixed housing. Other businesses such as a yoga studio, bicycle shop, coffee shop, hardware, and furniture stores are within the same business district and almost adjacent to the Ingleside Terraces residential neighborhood. These are the types of businesses that serve to improve the quality of life for the citizens of San Francisco.

The proposed vape shop and hookah lounge is not appropriate for a neighborhood business district, especially so since it is within walking distance of Aptos Park and Aptos Middle School and located almost directly across the street from a marijuana dispensary. Hundreds of school age children pass this location daily during the school year.

Thank you for considering my voice.

David Hoiem
85 Urbano Dr
San Francisco 94127

coffeemansf@comcast.net

(BOS)

From: Reeva Safford [reevasafford@yahoo.com]
Sent: Saturday, January 03, 2015 5:13 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: supporting appeal of conditional use--1963 Ocean Avenue "Vape Shop/Steam Stone Hookah Lounge"

Categories: 141291

Dear Supervisors:

I am writing in **support of the appeal** of the Planning Commission's approval for condition use of **1963 Ocean Avenue, Vape Shop/Steam Stone Hookah Lounge**. This business is neither necessary nor desirable for the neighborhood, of which I am a resident.

Businesses that are desired by and useful for the people living in the neighborhood are important and will improve the area. This business will absolutely not provide needed products or services for me, my family or any of my neighbors. In fact, it is the opposite of they types of businesses that drew us to Ingleside Terraces.

Ocean Avenue has been undergoing a revival. The 1900 block of Ocean Avenue now has several successful and popular business such as Fog Lifter Cafe, Ocean Cyclery and Yoga Flow. These are the types of businesses that the neighborhood needs and desires.

As San Francisco supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents.

Please support the appeal of the Planning Commission approval. Do not impose this negative business on Ocean Avenue. The vape shop will not benefit the neighborhood.

Andrew & Reeva Safford
168 De Soto Street
SF 94127

(BOS)

From: George Wu [drgeorgewummd@aol.com]
Sent: Saturday, January 03, 2015 3:30 PM
To: BOS Legislation (BOS)
Subject: Case No. 2014.0206C

Categories: 141291

I strongly urge you to prevent another shop marketing products with potentially hazardous health consequences in this corridor. We have elementary schools, middle schools and colleges on this stretch of Ocean Avenue which are targeted by these shops to tempt children into lifelong addictive habits.

Please do not allow a Vape shop to pollute the neighborhood with its flavored tobaccos.

Sincerely,
George Wu, MD

***Case No. 2014.0206C (and opposing the vape shop at 1963 Ocean Ave)
Thank you!

(BOS)

From: Jurate Raulinaitis [jurater@yahoo.com]
Sent: Saturday, January 03, 2015 2:50 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: rckaris@gmail.com
Subject: Opposition to vape shope 1963 Ocean Ave (Support of appeal of the Conditional Use Authorization Case No. 2014.0206C)

Categories: 141291

Dear Supervisors,

I support the appeal of the Planning Commission's approval of the Conditional Use for the Vape Shop at 1963 Ocean Avenue. This business is not necessary or desirable for the neighborhood.

Ocean Avenue has started its revival. We now have nice cafes, a barbershop, bike shop, sewing shop, a yoga studio, and just recently, a new hardware store. These businesses provide needed products and services for the community.

You have three times passes ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring Conditional Use to open a tobacco paraphernalia establishments. You agree that this type of business is detrimental to the health and welfare of the people.

Please support the appeal of the Planning Commission approval.

Sincerely,
Jurate Raulinaitis
San Francisco resident

(BOS)

From: Rose Ann Anderson [raander2000@yahoo.com]
Sent: Saturday, January 03, 2015 1:25 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Ocean Ave Vap Shop
Categories: 141291

Dear Supervisors:

Appeal Case No. 2014.0206C

I have lived in Ingleside Terraces for 35 years. I support the appeal for the Ocean Ave Vape Shop/Steam Stone Hooka Lounge. This is a business that is not necessary or desirable for our neighborhood.

Ocean Ave has recently sprouted several positive business that are visited by the neighborhood - Fog Lifter Cafe, Cut to Contrast barbershop, Ocean Cyclor, Serge-a-lot, Yoga Flow, a small Hardware store, Sherwin Williams Paints, and a furniture store. These are businesses that add positive business activity to the foot traffic and transit area of Ocean Ave. We would like to see more of them. A Target is rumored to be coming soon. --

In the past you have passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. In neighborhood with multiple schools, we already have businesses that are temptations to the health and welfare of children.

Please support the appeal of the Planning Commission approval. The cape shop will not benefit the neighborhood.

Sincerely,
Rose Ann Anderson
1 Urbano Drive
San Francisco 94127

(BOS)

From: Andrew Sparks [sparks.andrew.p@gmail.com]
Sent: Saturday, January 03, 2015 12:19 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: Lee, Mayor (MYR); rckaris@gmail.com
Subject: Letter supporting the appeal of Planning Commission decision in Case No. 2014.0206C (Happy Vape)

Categories: 141291

Dear Board of Supervisors,

I am a neighbor writing in support of the appeal of the Planning Commission's decision to approve the opening of Happy Vape at 1963 Ocean Avenue. The Planning Commission incorrectly applied the applicable sections of the Planning Code and disregarded the overwhelming majority of neighborhood opinion against the opening of this dangerous establishment.

Planning Code Section 303 provides in pertinent part that the use "will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity." The FDA, as well as nearly every medical study, has found that e-cigarettes pose a significant danger to the health of the populace. Moreover, e-cigarettes, with flavors such as "skittles," "gummi bears" and "bubblegum," are clearly targeting minors. The proposed Happy Vape store is in close proximity to a number of schools. The opening of Happy Vape poses a direct threat to the safety of these numerous children, as well as the rest of the adults residing in the neighborhood. Because e-cigarettes have been found to pose significant health dangers to the community, the Planning Commission's decision must be overturned.

Regarding tobacco establishments, Planning Code Section 303 provides that such establishments must not "adversely impact the health, safety, and welfare of residents of nearby areas." Having a new tobacco facility marketing products to children in such close proximity to schools will adversely impact the health and welfare of these children. Further, there are already an overabundance of stores selling tobacco and liquor in this area.

Ocean Avenue is a historically neglected and lower income part of the city in which I grew up. The Board of Supervisors and the Mayor have stated that they intend to assist the working class and middle class populace of San Francisco by making decisions that protect them from unfair treatment and unsafe conditions. Ocean Avenue is where the rubber is meeting the road: Ocean Ave is one of the few areas where middle class and working class people can still afford to live in the city, yet the Planning Commission, Board of Supervisors and the Mayor have permitted the opening of multiple marijuana dispensaries and other business deleterious to the health and safety of this population. The residents in this area should be supported by our elected officials, rather than neglected by them.

E-cigarette and tobacco companies have historically preyed upon lower income populations and minors. By approving the opening of Happy Vape, the Board of Supervisors and the Planning Commission will be perpetuating the exploitation of minors and lower income individuals by Big Tobacco and e-cigarette companies. Jurisdictions across the country and the world have moved to ban the sale of e-cigarettes. Here, the Planning Commission is furthering the aims of the tobacco industry against the clear desire of the neighborhood not to have this store and in clear contravention of the Planning Code.

Please overturn the Planning Commission's decision and do not allow the opening of Happy Vape on Ocean Avenue.

Thank you,
Andrew P. Sparks, J.D.

(BOS)

From: JB [jbernst10@yahoo.com]
Sent: Saturday, January 03, 2015 11:50 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Appeal of Planning Commission decision, Case No. 2014.0206C
Attachments: 1963ocean.docx

Categories: 141291

Please find the attached letter in support of the appeal (Case No. 2014.0206C).

January 2, 2014

Jon Bernstein
890 Urbano Dr.
San Francisco, CA 94127

Board of Supervisors
1 Doctor Carlton B Goodlett Place #244
San Francisco, CA 94102

RE: Appeal of Planning Commission decision, Case No. 2014.0206C

Dear Board,

This letter is sent in support of the Appeal of Planning Commission decision, Case No. 2014.0206C concerning a proposed "Vape" shop at 1963 Ocean Avenue.

I urge you overturn the Planning Commission's decision approving the proposed "Vape" shop on Ocean Avenue for the following three reasons:

1. The "vape" business is incompatible and out of step with long term plan for this block of Ocean Avenue, anchored by such businesses as 24-Hour Fitness at Ocean and Ashton, and the proposed Target store on Ocean and Jules.
2. Your body (the Board of Supervisors) passed a directive that specifically prohibits this kind of business on December 9, 2014 and December 16, 2014. This prohibition reflects the considered will of the Board in its representation of San Francisco residents and neighborhoods city-wide. The Planning Commission could not legally approve such a business today. Neither should the Board.
3. Over 75% of neighbors oppose this business.

I am a long standing member of the Ingleside community. As a child I passed the proposed "vape" shop site twice a day, for twelve years, during the school year; I walked to Commodore Sloat, then Aptos, then Lowell. I would like to think that children today would be able to make the same trip safely.

Very Sincerely Yours,

Jon Bernstein

(BOS)

From: Keesha Henry [keeshahenry@gmail.com]
Sent: Saturday, January 03, 2015 10:41 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: carolynkaris@gmail.com
Subject: SUPPORT OF APPEAL OF THE CONDITIONAL USE AUTHORIZATION FOR 1963 OCEAN AVE CASE 2014.0206C

Categories: 141291

(OPPOSITION TO THE VAPE SHOP)

Dear Supervisors:

I support the appeal of the Planning Commission's approval of the Conditional Use for 1963 Ocean Avenue, a Vape Shop/Steam Stone Hookah Lounge. This business is not necessary or desirable for the neighborhood.

As I have two children 7 and 15, I do not support tobacco or paraphernalia in our immediate neighborhood.

Bringing in businesses that are desired and will be used by the people living in the neighborhood is important and will improve the area. This tobacco paraphernalia business, the vape shop with steam stone hookah lounge in the basement will not provide needed products or services for people living in this area. It will not offer a healthy business for the neighborhood.

Ocean Avenue has started its revival. The 1900 block of Ocean Avenue now has several businesses popular with neighbors: Fog Lifter Café, Cut to Contrast barbershop, Ocean Cyclery, Serge-a-Lot (sewing), and Yoga Flow. Recently a hardware store opened on Ocean Avenue. A furniture store will soon open. These are the types of businesses the neighborhood needs and desires.

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You have indicated that this type of business is detrimental to the health and welfare of the residents.

Please support the appeal of the Planning Commission approval. Do not impose this negative business on Ocean Avenue. The vape shop will not benefit the neighborhood.

Keesha Henry
101 Urbano Drive
San Francisco, CA 94127
415.926.0258

(BOS)

From: Yfa Sparks [yfa.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.)

Categories: 141291

Dear Interested Parties,

I am a homeowner in Mount Davidson Manor (I live 1 block away from 1963 Ocean Ave), mother of a young child and practicing doctor in San Francisco. **I support the appeal of the Planning Commission decision in Case No. 2014.0206C. I strongly oppose the decision of the Planning Commission to conditionally approve the vape shop at 1963 Ocean Ave. I do not think the Planning Commission adequately applied the relevant sections of the Planning Code.**

As an internal medicine doctor, my main concern is health and safety. I follow the latest literature and practice evidence based medicine. Given the data available, the current recommendation is to advise people against using e-cigarettes and to advise people against using e-cigarettes as a method for smoking cessation. San Francisco should not support businesses that worsen the health of its residents and put youth at risk for nicotine addiction. I have outlined below the available evidence from reputable medical journals.

Health and Safety Concerns(the vape shop will be detrimental to the health and safety of persons residing, working and going to school in the vicinity):

1. **E-cigarettes are a health hazard.** While they have not been around long enough to study their long-term affects, they are toxic and most likely a significant health concern. Until further studies are done, e-cigarettes should be treated as conventional cigarettes. The city should not be promoting cigarette use (and thus promoting increased rates of heart disease, cancer, stroke etc). The following quote from the medical journal Circulation poses this question of safety in regards to e-cigarettes.

“The particle size distribution from the few e-cigarette devices that have been tested has been reported to be similar to that of conventional cigarettes. Particles such as those generated by e-cigarettes can reach deep into the lungs and potentially cross into the systemic circulation. Carbonaceous particles present in cigarette smoke and ambient air have been demonstrated to have adverse cardiovascular and respiratory effects in both human and animal models. It is not known whether the type of particles generated by e-cigarettes have the same toxicity as particles present in ambient air or those generated by conventional cigarettes, but this is an important question for determining the long-term safety of e-cigarettes.” (Franck C, Budlovsky T; Windle SB, Filion KB, Iversen MJ. “Electronic cigarettes in North America: history, use, and implications for smoking cessation.” Circulation. 2014 May 13;129(19):1945-52.

2. **2. E-cigarettes are not a recommended method of smoking cessation.** This recommendation came from the New England Journal of Medicine.

“Some e-cigarette proponents have argued that strict regulation or withdrawal of the devices from the market would harm current users, forcing them to return to smoking tobacco. In reality, both smokers and e-cigarette users have many alternatives: multiple nicotine products, approved, regulated, and deemed to be safe and effective by the FDA, are already widely available (in addition to other effective cessation tools, such as varenicline, bupropion, telephone quit-lines, and Web-based services). Pending more aggressive regulation, clinicians should advise patients wishing to use nicotine to stick to the FDA-regulated forms, such as patches, gum, lozenges, nasal spray — or even, perhaps, the existing FDA-approved inhaler.” (Nathan K. Cobb, M.D., and David B. Abrams, Ph.D. “E-Cigarette or Drug-Delivery Device? Regulating Novel Nicotine Products” N Engl J Med 2011; 365:193-195)

3. **3. E-cigarettes are commonly used in conjunction with cigarettes often in places where cigarettes are not allowed or socially acceptable.** This actually increased the amount of nicotine consumed per person. So in many cases, e-cigarettes encourage continued use and promote further addiction. The following excerpt is from the medical journal circulation.

“Epidemiological studies and population surveys also indicate that although many e-cigarette users plan to use the devices to quit or reduce their smoking, they are usually using them in a dual-use capacity, especially in places where smoking is restricted.” (Franck C, Budlovsky T, Windle SB, Filion KB, Eisenberg MJ. “Electronic cigarettes in North America: history, use, and implications for smoking cessation.” Circulation. 2014 May 13;129(19):1945-52.)

4. **4. E-cigarettes target youth,** who can typically find an adult who is willing to buy them for children even if the vendor does not sell to them directly).

“More problematic, however, is that some marketing of e-cigarettes has been targeted at children according to the US Food and Drug Administration (FDA), which specifically cites the fact that candy and fruit flavors are “especially attractive to children and young adults.” A 2014 US Congressional investigation stated that: “The findings of this investigation reveal that e-cigarette companies may indeed be taking advantage of the regulatory vacuum that currently exists to market their products to youth.” (Colard S, O'Connell G, Verron T, Cahours X, Pritchard JD. “Electronic Cigarette Use and Exposure in the Pediatric Population.” Int J Environ Res Public Health. 2014 Dec 24;12(1):282-99.)

5. **5. E-cigarette use is on the rise in children, which is a very concerning health trend.**

“Data from the 2011 to 2012 National Youth Tobacco Survey showed that among students in grades 6 through 12, current e-cigarette use (≥ 1 day in the past 30 days) increased from 1.1% in 2011 to 2.1% in 2012 and any use of e-cigarettes (ever use) increased from 3.3% to 6.8% in the same corresponding years.” (Colard S, O'Connell G, Verron T, Cahours X, Pritchard JD. “Electronic Cigarette Use and Exposure in the Pediatric Population.” Int J Environ Res Public Health. 2014 Dec 24;12(1):282-99.)

6. **6. Given that children and adolescents see e-cigarettes as not harmful or less harmful, they likely promote nicotine addiction in the long term.** In other words non-smoker children and adolescents use e-cigarettes, which may lead to long term use or a gateway to conventional cigarettes or other tobacco products. Given that I have a child, and that there are many children that live in the surrounding neighborhoods and there is a school is very close proximity to the proposed vape shop, I see this location as a particularly high-risk location for promoting tobacco use by youth.

“Although 76.3% of adolescent e-cigarette users also smoke conventional cigarettes, 13,20 recent analyses of data from the National Youth Tobacco survey (adolescents in grades 6-12) revealed that the use of e-cigarettes increased from 79,000 to more than 263,000 (0.9% of the nonsmoking youth population who use e-cigarettes) from 2011 through 2013 among US youths who have never smoked cigarettes. This 3-fold increase in e-cigarette use among adolescents who have never smoked suggests increased acceptance of e-cigarettes in this population.” (Colard S, O'Connell G, Verron T, Cahours X, Pritchard JD. “Electronic Cigarette Use and Exposure in the Pediatric Population.” Int J Environ Res Public Health. 2014 Dec 24;12(1):282-99.)

7. Youth are not using e-cigarettes as a smoking cessation tool but rather for recreation alone or in conjunction with cigarettes.

“A recent survey of more than 15,000 US adolescents in grades 6 through 12 (of whom 3.2% of respondents reporting having used e-cigarettes) found that e-cigarette use was higher among conventional cigarette users (adjusted odds ratio, 58.44 [95% CI, 34.71-98.39]) but that e-cigarette use was not associated with a desire to quit using conventional cigarettes or with recent quit attempts.” (Colard S, O'Connell G, Verron T, Cahours X, Pritchard JD. “Electronic Cigarette Use and Exposure in the Pediatric Population.” Int J Environ Res Public Health. 2014 Dec 24;12(1):282-99.)

In addition to health and safety concerns, this establishment is not necessary, wanted or desired by the neighbors. We do not want an e-cigarette or hookah establishment in this location. While we do want growth and do anticipate attracting more businesses to the area, we would prefer to have an empty storefront rather than an establishment that endangers the lives and safety of our many neighborhood children.

Not only is this establishment not wanted by the residents of the surrounding neighborhoods but there are already numerous places in close proximity that sell tobacco products including e-cigarettes. The residents of the neighborhood believe these current establishments are highly problematic for health and safety. Furthermore, given the recent development of high density housing on Ocean Avenue, this is an opportunity for new businesses that do not pose health risks to move onto Ocean Avenue.

San Francisco should not allow stores that pose a health risk or potential health risk to children. And should definitely not allow for stores that target children and adolescents in such a specific manner (again I assume the owner will do everything in their power not to sell to those who are underage but we all know children will find a way to get them if the store is there and appealing.) **If this store is allowed, San Francisco is promoting tobacco use to its residents particularly underage residents. Most cigarette smokers start before the age of 18 and this store provides an attractive (e-cigarettes are favored by underage smokers) way to start smoking.** This unfortunately will affect these individuals for their lifetime. Approving this project means that you have destined more San Francisco residents to a life of tobacco addiction and higher risk of cancer, heart disease etc.

Sincerely,

Annabelle Sparks, M.D.

(BOS)

om: Margaret Bernstein [margaretpaints@yahoo.com]
Sent: Saturday, January 03, 2015 6:25 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: 1963 Ocean Avenue
Categories: 141291

To: San Francisco Supervisors:

Thinking calmly about the importance of an economical venture, one has to remember that for a business to be successful, a three-year-window is necessary. Starting a vape business at 1963 Ocean Avenue guarantees a model that is not sustainable, and more significantly will soon not be permitted.

On December 9 and December 16, 2014, our board of supervisors--all of you--unanimously voted to limit tobacco sales permits in San Francisco. Based on this forward-thinking health wise decision, the following Grounds for Denial (p.10-11) of the ordinance would apply to 1963 Ocean Avenue.

(3) No new permit shall be issued if the Applicant will be within 500 feet of the nearest point of the property line of a School.

(7) No new permit shall be issued to any Applicant for operation of a Tobacco Shop.

(8) No new permit shall be issued for a location not previously occupied by a permitted Establishment.

Additionally, a vape shop at 1963 Ocean Avenue DOES NOT IN ANY WAY comply with the objectives listed by the Planning Commission in its final motion for positive outcomes in either Neighborhood Commerce or with the RESIDENTIAL neighborhoods at the western end of The Balboa Park Station Area Plan, both cited below:

NEIGHBORHOOD COMMERCE

Policy 1.1:(p.7): Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated
Policy 6.1:(p.8): Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

BALBOA PARK STATION AREA PLAN

Policy 1.2.3: Retain and improve the neighborhood's existing businesses while also attracting new businesses that address unmet retail and service needs of the diverse local neighborhoods.

The availability of reasonably priced vape products on the internet is the model that addicted vape users will rely on, and such commerce is in compliance with the supervisors' unanimous vote against new tobacco sales within the city limits.

Because storefronts offer an incentive to introduce non-users to products, they encourage addiction patterns. They also cater to the novice, the curious, and those who do not want to become addicted but cannot help themselves. Surely, politicians and city paid decision makers do not want to be part of such a cycle.

Certainly, a neighborhood storefront vape shop is not necessary, definitely not an asset to the current residential business neighborhood, and a guaranteed model for failure.

Respectfully.

Margaret Bernstein
890 Urbano Drive
San Francisco, CA

1 (BOS)

From: Paty [HECHINGERS@comcast.net]
Sent: Friday, January 02, 2015 9:30 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: Robert Káris
Subject: Support of appeal of the Conditional Use Authorization for 1963 Ocean Ave; Case No. 2014.0206C (Opposition to the Happy Vape).

Categories: 141291

Support of appeal of the Conditional Use Authorization for 1963 Ocean Ave; Case No. 2014.0206C (Opposition to the Happy Vape).

To: bos.legislation@sfgov.org
Board.of.supervisors@sfgov.org
Norman.Yee@sfgov.org

I am an adjacent neighbor of the proposed Happy Vape- two story project that includes a Steam Stone Hookah Lounge, sales of E-Cigarettes and tobacco paraphernalia. I SUPPORT the APPEAL of the Planning Commission's approval of the Conditional Use for 1963 Ocean Ave. I STRONGLY OPPOSE this project as it is not necessary or desirable for the neighborhood.

I participated at the Planning Commission hearing for this project. Our opposition speeches brought attention to television news and SF Chronicle. I along with a group of concerned residents collected and introduced 120 plus opposition signatures and 30 plus signatures of residential property owners within 300 feet of the project in favor for the BOS appeal. Please note that these 120+ signatures submitted at the November 6th, 2014 Planning Commission hearing was not accounted for on the Final Motion No. 19271.

Bringing in businesses that are desired and will be used by the people living in the neighborhood is important and will improve the area. A vape shop and a Hookah Lounge will not provide needed products or services for people in this area.

The City has invested in the beatification of Ocean Ave Corridor. Ocean Ave has started its renewal! The 1900 block of Ocean Ave now has several businesses popular with neighbors: Ocean Cyclery, Fog Lifter Café, Yoga Flow, Emmy's Chinese Restaurant, and Serge-a-Lot (sewing). A long waited hardware store, Whole Foods, Yogurt Land, and CVS Pharmacy opened in Ocean Ave. A furniture store will soon open. These are the type of businesses the neighborhood needs and desires!

As San Francisco Supervisors, you have three times passed ordinances restricting tobacco smoking and sales, including electronic cigarettes. You wisely enacted legislation requiring a Conditional Use to open a tobacco paraphernalia establishment. You agree that this type of business is detrimental to the health and welfare of the residents of San Francisco.

Please support the Appeal of the Planning Commission approval. Do not impose this negative business on Ocean Ave. The Vape Shop/Hookah Lounge will not benefit the neighborhood. The 1900 block of Ocean Ave has an MCD, two tattoo shops and three massage parlors. The residents are tired of these businesses popping up like Happy Vape that are detrimental to the health and welfare to minors, adjacent neighbors, workers, and San Francisco citizens!

Sincerely,

Paty H. Ryan

Member of Ingleside Terraces Homes Association, (ITHA)

Advocate for Children and Minors' Rights in San Francisco

(BOS)

From: Gail Dent [gaildent@mac.com]
Sent: Friday, January 02, 2015 2:09 PM
To: BOS Legislation (BOS)
Subject: appeal of conditional use permit 1963 Ocean Ave.

Categories: 141291

We are writing to strongly support the appeal by Bob and Carolyn Karis of the conditional use permit granted to the vape shop and hookah lounge at 1963 Ocean Ave. by the planning commission. We do not think the planning commission took into account the negative health impact. Our S.F. Public Health Dept. opposes the use of e cigarette. Why does the planning commission think it is ok to add another outlet. We do not need and do not want another outlet to attract the school age children who walk by the storefront every school day. Please do not allow the planning commission's decision to stand. It would be better for this storefront to remain empty until a suitable tenant is found.

Sincerely,
Gail and David Dent
265 Corona ct.

(BOS)

From: Board of Supervisors (BOS)
Sent: Friday, January 02, 2015 3:44 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: appeal of conditional use permit for 1963 Ocean Ave

Categories: 141291

-----Original Message-----

From: Gail Dent [<mailto:gaildent@mac.com>]
Sent: Friday, January 02, 2015 2:07 PM
To: Board of Supervisors (BOS)
Subject: appeal of conditional use permit for 1963 Ocean Ave

Dear Supervisors:

We are writing to strongly support the appeal by Bob and Carolyn Karis of the conditional use permit granted to the vape shop and hookah lounge at 1963 Ocean Ave. by the planning commission. We do not think the planning commission took into account the negative health impact. Our S.F. Public Health Dept. opposes the use of e cigarette. Why does the planning commission think it is ok to add another outlet. We do not need and do not want another outlet to attract the school age children who walk by the storefront every school day. Please do not allow the planning commission's decision to stand. It would be better for this storefront to remain empty until a suitable tenant is found.

Sincerely,
Gail and David Dent
265 Corona ct.

(BOS)

om: Board of Supervisors (BOS)
Sent: Friday, January 02, 2015 3:41 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Hookah Lounge on Ocean Avenue

Categories: 141291

From: Nan Madden [mailto:nan_madden@yahoo.com]
Sent: Thursday, January 01, 2015 10:51 PM
To: Board.of.Supervisors@sfdph.org
Subject: Hookah Lounge on Ocean Avenue

Dear Supervisors,

As the former director of the Pediatric Asthma Clinic at San Francisco General Hospital and as a concerned citizen I am writing this letter to ask you to not allow the opening of the vape shop/steam stone hookah shop at 1963 Ocean Avenue. I understand that the shop would be a location where people could gather and smoke hookah pipes and electronic cigarettes.

It is a well-known fact that smoke is a common trigger for asthma attacks, and, according to the American Lung Association (ALA), evidence shows that hookah smoking carries many of the same health risks and has been linked to many of the same diseases caused by cigarette smoking. Hookah tobacco often is flavored to mask the harshness of smoking, which makes its use more attractive to young people. Although hookah smoking is most common in the United States among young adults ages 18 to 24 it is also used by middle and high school students. It is possible that hookah smoking may lead to other forms of tobacco use. With the very high prevalence of asthma among the youth in San Francisco we should be doing all we can to discourage the use of all forms of tobacco and tobacco mixtures.

According to the ALA there is no scientific evidence establishing the safety of e-cigarettes. In fact, the initial laboratory test performed by the U.S. Food and Drug Administration found that two leading brands of e-cigarettes contained detectable levels of toxic cancer-causing chemicals, including an ingredient used in anti-freeze. In addition there is no evidence that shows the vapors emitted by e-cigarettes are safe for non-users to inhale. As with hookah tobacco, e-cigarettes are available in flavors that appeal to children and teens such as bubble gum and chocolate.

I believe that the smoking of both hookah pipes and e-cigarettes should be discouraged as much as possible in all neighborhoods in San Francisco. However, the location of the proposed shop on Ocean Avenue is particularly undesirable because it is almost across the street from Aptos Middle School and is within walking distance from Balboa and Lowell High Schools, City College of San Francisco and San Francisco State University.

Please take a stand for the health and safety of the residents of San Francisco, particularly the youth, by voting against the opening of this shop. Thank you for your time and concern.

Nanette Madden, MS, PNP
Associate Clinical Professor
UCSF School of Nursing

30S)

From: Nan Madden [nan_madden@yahoo.com]
Sent: Thursday, January 01, 2015 10:46 PM
To: BOS Legislation (BOS)
Subject: Hookah Lounge on Ocean Avenue

Categories: 141291

To Whom It May Concern,

As the former director of the Pediatric Asthma Clinic at San Francisco General Hospital and as a concerned citizen I am writing this letter to ask you to not allow the opening of the vape shop/steam stone hookah shop at 1963 Ocean Avenue. I understand that the shop would be a location where people could gather and smoke hookah pipes and electronic cigarettes.

It is a well-known fact that smoke is a common trigger for asthma attacks, and, according to the American Lung Association (ALA), evidence shows that hookah smoking carries many of the same health risks and has been linked to many of the same diseases caused by cigarette smoking. Hookah tobacco often is flavored to mask the harshness of smoking, which makes its use more attractive to young people. Although hookah smoking is most common in the United States among young adults ages 18 to 24 it is also used by middle and high school students. It is possible that hookah smoking may lead to other forms of tobacco use. With the very high prevalence of asthma among the youth in San Francisco we should be doing all we can to discourage the use of all forms of tobacco and tobacco mixtures.

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Please take a stand for the health and safety of the residents of San Francisco, particularly the youth, by voting against the opening of this shop. Thank you for your time and concern.

Nanette Madden, MS, PNP
Associate Clinical Professor
UCSF School of Nursing

.....n (BOS)

om: James H Spalding Jr. [cpaspalding@gmail.com]
Sent: Thursday, January 01, 2015 10:01 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: rckaris@gmail.com
Subject: No Vape Shop on Ocean Avenue

Categories: 141291

Planning Commission decision in Case No. 2014.0206C

(Letter opposing the vape shop at 1963 Ocean Ave.) Planning Commission

As a local resident – 180 De Soto Street – I strenuously oppose a vape or smokers shop on Ocean Avenue.

As an ex-smoker – three packs a day – any encouragement of smoking is medically and morally wrong. It is a filthy habit that the Surgeon General nixed over 50 years ago. If someone lights up on the street, I have to walk on the other side. I was having coffee yesterday and a guy lit up. On his first exhale I had to remind him you couldn't smoke in front of a store....

Please, this is not a not in my back yard letter. It not in any one's back yard.

(BOS)

From: Board of Supervisors (BOS)
Sent: Friday, January 02, 2015 3:39 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Vape Shop on Ocean Avenue

Categories: 141291

From: creps4@aol.com [mailto:creps4@aol.com]
Sent: Thursday, January 01, 2015 8:59 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Vape Shop on Ocean Avenue

Dear San Francisco leaders,

I am writing to support the appeal of the Planning Commission's authorization of the Conditional Use for the proposed vape shop at 1963 Ocean Avenue. Have you seen the 1900 block of Ocean and then looked at the surrounding neighborhoods? This block of Ocean is surrounded by lovely, expensive family homes. Why are you allowing "adult" massage parlors as well as tattoo parlors, a marijuana dispensary and an alcohol serving billiard hall on this block which also includes a Christian school? Our family goes to the Fog Lifter Cafe every week, has bought two bicycles at the Ocean Cyclery and had clothes altered at the sewing shop. We need businesses like these that serve the people of our neighborhood, not those that serve to drive away people who might be attracted to our family-friendly stores.

Vape shops will help to get our young people hooked on this nicotine laden product. Would you like a shop like this around the corner from your home tempting your adolescent children? Are you aware that Aptos Middle School, Lick Wilmerding and Riordan High Schools are also located along Ocean Avenue?

Sincerely,

Adrienne Sciutto

(BOS)

From: Board of Supervisors (BOS)
Sent: Friday, January 02, 2015 3:39 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Vape Shop on Ocean Avenue

Categories: 141291

From: creps4@aol.com [mailto:creps4@aol.com]
Sent: Thursday, January 01, 2015 8:29 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Vape Shop on Ocean Avenue

883 Urbano
San Francisco,
94127

Dear Supervisors:

This letter is written to support the appeal of the Conditional Use Authorization for the 1963 Ocean Ave. Case No. 2014.0206c, a Vape Shop/ Steam Stone Hookah Lounge. This E-cigarette business is not necessary or desirable in our Ingleside neighborhood. On the 1900 Ocean Ave. block we have some very successful businesses- a bike shop and the Fog Lifter Restaurant to name two. We need more like these.

Are e-cigarettes completely safe and therefore a desirable business for the 1900 Ocean Ave. block located near Aptos Middle School? There is not enough data to say that e-cigarettes are completely safe, and there is some data that says they are not.

The New York Times is having a series of articles on e-cigarettes. The Centers for Disease Control and Prevention issued results of its latest National Youth Tobacco Survey. E-cigarette smoking among high school students has tripled in 2013-2014 to

4.5%. The Campaign for Tobacco-Free Kids has called for regulating e-cigarettes. (1) NY Times, Nov.28,2014. The World Health Organization urges stronger Regulation of e-cigarettes. (2) NY Times, Aug. 26, 2014. A Clinical Cancer Research study finds that the vapor from e-cigarettes damages human cells in much the same way as the smoke from traditional cigarettes. (3) Consumer Affairs 4/11 2014. A UCSF study found adolescents who use e-cigarettes are more likely to smoke cigarettes and less likely to quit smoking tobacco cigarettes. (4) Consumer Affairs 3/06/2014. The latest article in the new York Times is titled , "Race to deliver Nicotine's Punch,With Less Risk" , Christmas Day, Dec. 25, 2014. "Within seconds of taking a drag, a smoker feels the nicotine's soothing effects because compounds that are produced when tobacco burns are perfectly sized to carry nicotine deep into the lungs allowing the drug to quickly reach the brain. Those same compounds, which are collectively known as tars, also cause cancer and diseases. By comparison, the type of vapor generated by e-cigarettes, experts say, is a less efficient carrier of nicotine than smoke....As a result, e-cigarette users have frequently turned to larger devices known as vape pens that have bigger batteries that can produce more heat. But more heat to increase nicotine levels may also result in higher levels of toxins and carcinogens, experts say. Tobacco companies have rushed to increase nicotine levels in their vapor devices."

Thank you,
ene Creps
Retired biology teacher
415 587-3313

1 (BOS)

From: creps4@aol.com
Sent: Thursday, January 01, 2015 8:29 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Vape Shop on Ocean Avenue

Categories: 141291

883 Urbano
San Francisco,
94127

Dear Supervisors:

This letter is written to support the appeal of the Conditional Use Authorization for the 1963 Ocean Ave. Case No. 2014.0206c, a Vape Shop/ Steam Stone Hookah Lounge. This E-cigarette business is not necessary or desirable in our Ingleside neighborhood. On the 1900 Ocean Ave. block we have some very successful businesses- a bike shop and the Fog Lifter Restaurant to name two. We need more like these.

Are e-cigarettes completely safe and therefore a desirable business for the 1900 Ocean Ave. block located near Aptos Middle School? There is not enough data to say that e-cigarettes are completely safe, and there is some data that says they are not.

The New York Times is having a series of articles on e-cigarettes. The Centers for Disease Control and Prevention issued results of its latest National Youth Tobacco Survey. E-cigarette smoking among high school students has tripled in 2013-2014 to

4.5%. The Campaign for Tobacco-Free Kids has called for regulating e-cigarettes. (1) NY Times, Nov.28,2014. The World Health Organization urges stronger Regulation of e-cigarettes. (2) NY Times, Aug. 26, 2014. A Clinical Cancer Research study finds that the vapor from e-cigarettes damages human cells in much the same way as the smoke from traditional cigarettes. (3) Consumer Affairs 4/11 2014. A UCSF study found adolescents who use e-cigarettes are more likely to smoke cigarettes and less likely to quit smoking tobacco cigarettes. (4) Consumer Affairs 3/06/2014. The latest article in the new York Times is titled , "Race to deliver Nicotine's Punch,With Less Risk" , Christmas Day, Dec. 25, 2014. "Within seconds of taking a drag, a smoker feels the nicotine's soothing effects because compounds that are produced when tobacco burns are perfectly sized to carry nicotine deep into the lungs allowing the drug to quickly reach the brain. Those same compounds, which are collectively known as tars, also cause cancer and diseases. By comparison, the type of vapor generated by e-cigarettes, experts say, is a less efficient carrier of nicotine than smoke....As a result, e-cigarette users have frequently turned to larger devices known as vape pens that have bigger batteries that can produce more heat. But more heat to increase nicotine levels may also result in higher levels of toxins and carcinogens, experts say. Tobacco companies have rushed to increase nicotine levels in their vapor devices."

Thank you,

Irene Creps

Retired biology teacher

415 587-3313

(BOS)

om: norma tannenbaum [n_tannenbaum@sbcglobal.net]
Sent: Thursday, January 01, 2015 11:57 AM
To: BOS Legislation (BOS)
Subject: Letter supporting the appeal of Planning Commission decision in Case No.

Categories: 141291

-----Original Message-----

From: MAILER-DAEMON@yahoo.com [mailto:MAILER-DAEMON@yahoo.com]
Sent: Thursday, January 01, 2015 11:53 AM
To: n_tannenbaum@sbcglobal.net
Subject: Failure Notice

Sorry, we were unable to deliver your message to the following address.

Letter supporting the appeal of Planning Commission decision in Case No.
2014.0206C
(Letter opposing the vape shop at 1963 Ocean Ave.)

Dear Board of Supervisors:

I have been a SF resident since 1969 and have lived in Ingleside Terraces for the last 15 years. Since the renovation of the Muni tracks, I have seen some positive changes taking place on Ocean Avenue and I have begun to patronize several of the businesses on a regular basis especially CVS, Fruit Barn, Fog Lifter cafe, Whole Foods etc. I am sending this email to oppose the vape shop which will sell e-cigarettes and will operate a hookah lounge at 1963 Ocean Avenue.

I will refer to some of the "Findings" in the Final Motion of the Planning Commission on 11/6/14. I am appealing to the Board of Supervisors and to Norman Yee for the following reasons:

Section 7.A. (page 4) states:

The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

I do not agree that the proposed development will be "necessary and desirable". The purpose of this business is to sell e-cigarettes. Ocean Avenue needs businesses that will serve the residents of surrounding areas. It's hard to support the idea that selling e-cigarettes is "necessary and desirable". For those who are trying to break the habit of smoking regular cigarettes, e-cigarettes might be "desirable" but these cigarettes can be obtained at other places on Ocean Avenue such as the 7-Eleven at 2000 Ocean Avenue which sells both cigarettes and e-cigarettes. It is also true that these cigarettes can be smoked in privacy as opposed to establishing a public place for an activity with health effects that are not yet known.

Also, one of the important criteria for establishing a new business is whether or not it has the potential to bring customers from outside the immediate area in the hopes that they will patronize several of the establishments in a particular business corridor. It seems unlikely that people who come to the vape lounge will also be interested in other business

establishments, especially since they will be frequenting the vape shop after "regular" business hours.

Section 7.E. (page 6) of the Final Motion states:

The concentration of such establishments in the particular zoning district for which they are proposed does not appear to contribute directly to peace, health, safety, and general welfare problems

1963 Ocean Avenue is 130 feet from the Voice of Pentecost Academy.

Ocean Avenue has 8 businesses with tobacco sales permits in less than 3,600 feet, totaling one store selling tobacco products every 450 feet! All 8 sell cigarettes; five also sell e-cigarettes.

The proposed new establishment at 1963 Ocean Avenue is 350 feet from the 7-Eleven and less than 400 feet west of a small store on Ashton that sells cigarettes.

More tobacco outlets leads to more consumption of tobacco products, which is detrimental to the health and welfare of this area.

Thank you in advance for considering my comments and I hope that the Board of Supervisors will deny the Conditional Use Applications for 1963 Ocean Avenue.

Yours truly,
Norma Tannenbaum
535 Urbano Drive
San Francisco, CA 94127

1 (BOS)

From: Nancy Katsuranis [njcatt47@yahoo.com]
Sent: Wednesday, December 31, 2014 3:25 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Appeal case number 2014.0206C, 1963 Ocean Avenue.

Categories: 141291

I am writing this letter to support the appeal of the Conditional Use Authorization for 1963 Ocean Avenue and to oppose the opening of the vape shop/steam stone hookah lounge at 1963 Ocean Avenue. The appeal case number is 2014.0206C, 1963 Ocean Avenue.

I strongly object to the establishment of a vape shop/steam stone hookah lounge at 1963 Ocean Avenue.

As an asthmatic and parent of an asthmatic this issue is very personal to me. There is a school very close to the proposed store and Aptos Middle School students will be passing it every day going to and from school. It cannot be good for these children to be exposed on a daily basis to e-cigarettes and vaping. The existence of the store suggests to these students that e-cigarettes and vaping are not harmful. If they were harmful the store would not be allowed.

In researching e-cigarettes and vaping I have only found one possibly positive use for them and that is in helping smokers to stop smoking. But, this is a commercial establishment to make money not a clinic to help smokers stop smoking. Therefore, I see no positive advantage to the community in having this store and many serious disadvantages. Why approve a store that will only serve a very small demographic that is already served by other nearby stores selling e-cigarettes? Especially when there is a very real possibility of harming a much larger group of children? It makes far more sense to have the space occupied by an enterprise such as a restaurant, bookstore, beauty salon or market that would not only be better for the local community, but, would also attract visitors and tourist dollars to Ocean Avenue.

Respectfully yours,

Nancy Katsuranis

(BOS)

From: Board of Supervisors (BOS)
Sent: Wednesday, December 31, 2014 11:34 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Deny the Appeal, Support the Planning Commission's decision to grant Happy Vape @1963 Ocean Avenue their Conditional Use Permit

Categories: 141291

From: Jules Haubenschmit [<mailto:julesh717@aol.com>]
Sent: Tuesday, December 30, 2014 1:21 AM
To: Board of Supervisors (BOS)
Subject: Deny the Appeal, Support the Planning Commission's decision to grant Happy Vape @1963 Ocean Avenue their Conditional Use Permit

Dear Board of Supervisors,

My name is Jules Haubenschmit and I was a student of CCSF for the last 4 years. I have spend a lot of my time on Ocean Avenue searching for a venue to frequent and keep myself entertained between activities. I have found that the block of Ocean Avenue seems to be really lacking in it's entertainment and activities sector. This are has plenty of conveniences and services but is still missing that consistent color.I support Happy Vape as it breathes culture into an area left complacent for too long. The city is going through many changes and I believe the Ocean Avenue area is being left behind based on the many different evolving views and cultures that make the current San Francisco so great. This area could use a fresh start to begin the transformation, I believe Happy Vape can open these doors. Many new dwellers of this city are looking for more sociable activities to peak their interest, for instance the current growth in the biking culture seen through "Critical Mass" events, and the rise in young adults moving to the area due to demand of tech companies across the Bay Area. Happy Vape provides a congregational area with many outlets in which to allow individuals to choose to spend their well-earned time and money. Please deny the appeal and uphold the Planning Commissions decision.

Thank you for your time and consideration,
Signed,
Jules Haubenschmit

(BOS)

om: Board of Supervisors (BOS)
Sent: Wednesday, December 31, 2014 11:35 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: FW: Opposition to vape shop at 1963 Ocean Ave.

Categories: 141291

From: Robert Karis [mailto:rckaris@gmail.com]
Sent: Tuesday, December 30, 2014 11:52 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Opposition to vape shop at 1963 Ocean Ave.

Letter in support of appeal of Planning Commission decision
Case No. 2014.0206C

----- Forwarded message -----

From: Shengyu <shenglovejanice@gmail.com>
Date: Mon, Dec 29, 2014 at 6:37 PM
Subject: It's about vape shop
To: "rckaris@gmail.com" <rckaris@gmail.com>

This type of business is unnecessary as there are already several stores on ocean ave that sell E-cigarettes, we live in a residential neighborhood with nearby school including middle school and high schools, and the city college San Francisco, a vape shop will encourage new young users and other to use E-cigarette that contain additive nicotine and other harmful chemicals in their fumes, we do not want ourselves, our neighbors, or our children to use or to be exposed to this type of product.

发自我的 iPad

(BOS)

From: Robert Karis [rckaris@gmail.com]
Sent: Tuesday, December 30, 2014 11:52 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Opposition to vape shop at 1963 Ocean Ave.

Categories: 141291

Letter in support of appeal of Planning Commission decision
Case No. 2014.0206C

----- Forwarded message -----

From: Shengyu <shenglovejanice@gmail.com>
Date: Mon, Dec 29, 2014 at 6:37 PM
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发自我的 iPad

.. (BOS)

om: Board of Supervisors (BOS)
Sent: Wednesday, December 31, 2014 11:33 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: It's about vape shop

Categories: 141291

-----Original Message-----

From: Shengyu [mailto:shenglovejanice@gmail.com]
Sent: Monday, December 29, 2014 6:36 PM
To: Board of Supervisors (BOS)
Subject: It's about vape shop

This type of business is unnecessary as there are already several stores on ocean ave that sell E-cigarettes, we live in a residential neighborhood with nearby school including middle school and high schools, and the city college San Francisco, a vape shop will encourage new young users and other to use E-cigarette that contain additive nicotine and other harmful chemicals in their fumes, we do not want ourselves, our neighbors, or our children to use or to be exposed to this type of product.

发自我的 iPad

From: George Cattermole [georgecattermole@earthlink.net]
Sent: Monday, December 29, 2014 12:52 PM
To: BOS Legislation (BOS)
Cc: Board of Supervisors (BOS); Yee, Norman (BOS); rckaris@gmail.com
Subject: The vape shop selling e-cigarettes and a hookah lounge at 1963 Ocean Avenue

Categories: 141291

To: Those with authority to stop the vape shop selling e-cigarettes and a hookah lounge at 1963 Ocean Avenue:

Given that:

Ocean Avenue has 8 businesses with tobacco sales permits in less than 3,600 feet, so one store selling tobacco products every 450 feet! All 8 sell cigarettes; five also sell e-cigarettes: the liquor stores at 1015, 1521, and 1551 Ocean all sell cigarettes and e-cigarettes. the service stations at 999, 1490, and 1799 Ocean Ave. 999 O.A. sells cigarettes and e-cigarettes, the other two sell cigarettes.
395 Ashton Ave. at Ocean Ave. sells cigarettes but not e-cigarettes.
The 7-Eleven at 2000 Ocean Avenue sells cigarettes and e-cigarettes.
Ocean Avenue is an exception in District 7. Ocean Avenue meets criteria on p.4 of the ordinance "Higher tobacco retail density encourages smoking" and p.5 "it is in the City's interest to reduce the disproportionate exposure to tobacco outlets that exists."]

It is clear that there exist more than enough shops selling tobacco products to meet the needs of those in the vicinity of Ocean Avenue. Given that it is recognized that higher tobacco retail density encourages smoking and that smoking is bad for one's health, it follows that this establishment should not be permitted.

Thanks for you attention to this matter,

George Cattermole, Ph.D.

From: Board of Supervisors (BOS)
Sent: Monday, December 29, 2014 11:48 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Deny the Appeal, Support the Planning Commission's decision to grant Happy Vape @1963 Ocean Avenue their Conditional Use Permit

Categories: 141291

From: Sean Scotts [mailto:sfforever1219@gmail.com]
Sent: Monday, December 29, 2014 2:28 AM
To: Board of Supervisors (BOS)
Subject: Deny the Appeal, Support the Planning Commission's decision to grant Happy Vape @1963 Ocean Avenue their Conditional Use Permit

Dear San Francisco Supervisors,

My name is Sean Scotts and I am a concerned citizen and have found that the Ocean avenue area seems to be taking a down turn. I request that the Board of Supervisors deny the appeal and support the Planning Commission's decision to grant Happy Vape at 1963 Ocean Avenue their conditional use permit. The area is looking grayer with each passing month. There needs to be more new stores opening, I think Happy Vape will shine some new color on Ocean Avenue. I support Happy Vape as it breathes culture into an area left complacent for too long. The city is going through many changes and I believe the Ocean Avenue area is being left behind based on the many different evolving views and cultures that make the current San Francisco so great. This area could use a fresh start to begin the transformation, I believe Happy Vape can open these doors. Many new dwellers of this city are looking for more sociable activities to peak their interest, for instance the current growth in the biking culture seen through "Critical Mass" events, and the rise of young adults moving to the area due to demand of tech companies across the Bay Area. Happy Vape provides a congregational area with many outlets in which to allow individuals to choose to spend their well-earned time and money.

Thank you for your time and consideration,

Signed,

Sean Scotts

From: Board of Supervisors (BOS)
Sent: Monday, December 29, 2014 11:47 AM
To: BOS-Supervisors; Carroll, John (BOS); Lamug, Joy
Subject: File 141291 FW: Deny the Appeal, Support the Planning Commission's decision to grant Happy Vape @1963 Ocean Avenue their Conditional Use Permit

Categories: 141291

From: Catherine Pinzon [<mailto:cpinzon901@yahoo.com>]
Sent: Monday, December 29, 2014 2:15 AM
To: Board of Supervisors (BOS)
Subject: Deny the Appeal, Support the Planning Commission's decision to grant Happy Vape @1963 Ocean Avenue their Conditional Use Permit

Dear SF Supervisors,

My name is Catherine Pinzon and I truly believe a human's choice of recreational activity should be regulated up to a certain extent and be allowed to thrive when possible. I request that the Board of Supervisors deny the appeal and support the Planning Commission's decision to grant Happy Vape at 1963 Ocean Avenue their conditional use permit. Litter in the city is a major problem, cigarettes and their butts are some of the leading causes. Happy Vape is a venue attempting to promote greener living and getting the cigarette butts off our streets. When choices such as where one retail establishment opens in comparison to another is determined by neighborhood demands and their willingness to thwart the incoming new businesses owners plans, society is doomed to repeat a lot of mistakes, as we no longer listen to innovators. Some activities in life must have regulations, however there are many other consensual activities that are largely disturbing and/or confusing to many but accepted by some.

Thank you,
Catherine

From: Board of Supervisors (BOS)
Sent: Monday, December 29, 2014 11:47 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Deny the Appeal, Support the Planning Commission's decision to grant Happy Vape @1963 Ocean Avenue their Conditional Use Permit

Categories: 141291

From: argw aerw [mailto:ajsk1006@yahoo.com]
Sent: Monday, December 29, 2014 1:50 AM
To: Board of Supervisors (BOS)
Subject: Deny the Appeal, Support the Planning Commission's decision to grant Happy Vape @1963 Ocean Avenue their Conditional Use Permit

Dear SF Supervisors,

My name is A.J. Skimmer, I was a heavy smoker, and am currently vaping low nicotine content e-liquids to slowly ween myself off of nicotine. I request that the Board of Supervisors deny the appeal and support the Planning Commission's decision to grant Happy Vape at 1963 Ocean Avenue their conditional use permit. I have been to many corner and liquor stores that sell vape pens however, you never really know what your gonna get. Due to this, in the past I stayed away from this product, however, after my first experience in a vape shop, I could safely choose the right device and dose for my needs. These types of services are necessary and I believe extremely beneficial to fellow smokers such as myself. I support Happy Vape as a new vendor of these great products and possible help to stop cigarette smoking and addiction.

Thanks,
A.J.

From: Board of Supervisors (BOS)
Sent: Monday, December 29, 2014 11:40 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Deny the Appeal, Support the Planning Commission's decision to grant Happy Vape @1963 Ocean Avenue their Conditional Use Permit

Categories: 141291

From: Raymond Sinclair [<mailto:raymond.sinclair325@gmail.com>]
Sent: Monday, December 29, 2014 1:26 AM
To: Board of Supervisors (BOS)
Subject: Deny the Appeal, Support the Planning Commission's decision to grant Happy Vape @1963 Ocean Avenue their Conditional Use Permit

Dear Planner,

My name is Raymond Sinclair, I am an e-cigarette user, and have found that it has really helped me remove my desire to smoke cigarettes or chew tobacco. I request that the Board of Supervisors deny the appeal and support the Planning Commission's decision to grant Happy Vape at 1963 Ocean Avenue their conditional use permit. The Happy Vape project is a great way to offer this to more smokers and tobacco users. I support the Happy Vape project and I believe that e-cigarettes are a great alternative to smoking traditional cigarettes. I believe with the current regulations in place, e-cigarettes can really begin to take a chunk out of the cigarette smoking industry, while promoting a form of smoking cessation. There has been much controversy on the subject of e-cigarette use and its benefits and dangers, however much of this has been inconclusive. Since this seems to be an effective alternative for some people to smoking cigarettes, I can see a fitting place for this type of establishment in the area.

Thank you for your time and consideration,

Signed,

Raymond Sinclair

From: Board of Supervisors (BOS)
Sent: Monday, December 29, 2014 11:38 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Deny the Appeal, Support the Planning Commission's decision to grant Happy Vape @1963 Ocean Avenue their Conditional Use Permit

Categories: 141291

From: Cindy Hernandez [<mailto:c.hernandez101@yahoo.com>]
Sent: Monday, December 29, 2014 1:10 AM
To: Board of Supervisors (BOS)
Subject: Deny the Appeal, Support the Planning Commission's decision to grant Happy Vape @1963 Ocean Avenue their Conditional Use Permit

Dear San Francisco Supervisors,

My name is Cindy Hernandez, I have shopped on Ocean Avenue a long time. I request that the Board of Supervisors deny the appeal and support the Planning Commission's decision to grant Happy Vape at 1963 Ocean Avenue their conditional use permit. I used to frequent the Clean-X-Press and Java on Ocean. Lately the area seems to be dilapidated, so many stores have closed along Ocean and not many have replaced them. I long to see the Ocean Avenue I once knew many years ago, vibrant and thriving. I saw that there is a new store opening on Ocean Avenue and a notice of conditional use permit application, and I wanted to show my support for a new business. Please support new businesses that come to this area as they need some newer looking stores that will attract new people.

Thank you,

Cindy Hernandez

From: Board of Supervisors (BOS)
Sent: Monday, December 29, 2014 11:37 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: 1963 Ocean Ave. Proposed Vape Shop - Opposition

Categories: 141291

-----Original Message-----

From: Vuksich Alexandra [<mailto:alexandravuksich@sbcglobal.net>]
Sent: Sunday, December 28, 2014 5:05 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: rckaris@gmail.com
Subject: 1963 Ocean Ave. Proposed Vape Shop - Opposition

Dear Supervisors,

A "Vape" Shop has been proposed for 1963 Ocean Avenue – a business type to which I object as a resident of Balboa Terrace and the greater Ocean Avenue corridor. This portion of Ocean Avenue gradually becomes more residential and already has a 7-Eleven, Pool Hall, two Medical Marijuana Dispensaries (another has been proposed at the other end of Ocean Avenue nearer to the public library) and is really not reflective of the needs of this neighborhood which is predominantly comprised of single family residential houses with actual, factual families living in them. I grew up in the neighborhood and have seen this portion of the corridor turn from an integral part of family life with the El Rey Theatre, Zim's, toy and pet shops, dry cleaners and Mom & Pop markets to a street I avoid. Given that the Board has adopted a moratorium on new permits to sell "vape" and tobacco products in the city which does not take effect until late in January, I would hate to see this permit slip by simply due to luck in timing. I would also hope that Ocean Avenue's landlords and the Ocean Avenue Merchants Association can work together to attract the types of business that make other neighborhood corridors in the city so successful.

I urge you to oppose the Conditional Use Application for 1963 Ocean Avenue.

Thank you for your time and consideration,

Alexandra Vuksich
177 San Aleso Ave.

S)

From: Board of Supervisors (BOS)
Sent: Monday, December 29, 2014 11:36 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Cc: Calvillo, Angela (BOS)
Subject: File 141291 FW: Case No. 2014.0206C, 1963 Ocean Avenue, letter of opposition
Attachments: appeal_letter_si.pdf

Categories: 141291

From: Robert Karis [<mailto:rckaris@gmail.com>]
Sent: Sunday, December 28, 2014 11:01 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Case No. 2014.0206C, 1963 Ocean Avenue, letter of opposition

Dear Clerk of the Board,

Please enter the attached letter, written and signed by a neighbor, in opposition to the proposed vape shop at 1963 Ocean Ave.

Thank you,
Robert Karis

December 26, 2014

Case No. 2014.0206C, 1963 Ocean Avenue
Letter to support the appeal of Conditional Use Authorization for 1963
Ocean Avenue

Dear Board of Supervisors:

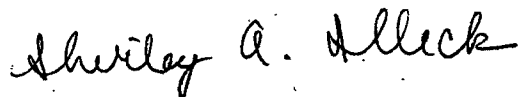
I am writing in regard to the proposed Tobacco Paraphernalia establishment at 1963 Ocean Avenue between the cross streets of Ashton and Victoria. This business intends to sell e-cigarette, e-liquids and operate a steam stone hookah lounge in the basement. Everyone in our neighborhood is furious about this; surely you won't give your approval.

Nationally, for the sake of everyone's health, we are attempting to stamp out smoking. Now this group is trying to encourage it, especially among young people - and this location is almost adjacent to a church-run school and is only a few blocks from Aptos Middle School. It is indefensible!

There are already eight other locations on Ocean Avenue that sell cigarettes and/or e-cigarettes - and the fumes can be harmful to anyone, even passersby.

Please realize that this Establishment is an affront to the neighborhood and our young people as this atmosphere can lead to substance abuse and addiction. Surely San Francisco city planners and supervisors should work to protect its citizens.

Sincerely,

A handwritten signature in cursive script that reads "Shirley A. Allick".

Ingleside Terraces resident

om: Board of Supervisors (BOS)
Sent: Monday, December 29, 2014 11:34 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Opposition to 1963 Ocean Avenue business establishment
Categories: 141291

From: Dan Hambali [<mailto:dahambali@gmail.com>]
Sent: Sunday, December 28, 2014 8:52 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Opposition to 1963 Ocean Avenue business establishment

To whom it may concern,

My name is Daniel Hambali, and my family of five (which includes 3 children under 5) live at 715 Victoria St. in the Ingleside Terraces neighborhood. We moved here in 2005 as we intended to start a family because we found the homes large, the neighborhood safe, clean, and quiet, and Ocean Avenue offered nearby services that we found desirable. Due to the economic down turn, many businesses that we patronized ceased operation, and have since been replaced with less wholesome businesses. On the 1900 block of Ocean Avenue alone, we have now added two tattoo parlors (within 100 feet of each other), a pool hall, and a medical marijuana dispensary.

We have lost Franciscan Hobbies (a 68 year old SF institution when it came to models, model trains, and other similar hobbies), Aquatic Central (aquarium hobby store), and Ocean Taqueria. The tone of the immediate neighborhood businesses on Ocean Avenue has changed to suit unmarried young singles despite the immediate neighborhood being the contrary.

I oppose the addition of the new vape shop and hookah lounge at 1963 Ocean Ave for the following reasons.

- 1) The proposed establishment is within 500 feet from the Voice of Pentacost school at 1970 Ocean Avenue. Just looking at the street address will indicate that these two locations are very close in proximity.
- 2) E-cigarettes are sold elsewhere on Ocean Avenue near to the proposed location. This does not constitute a differentiation of goods and services for the neighborhood—it's more of the same.

The 7-11 at 2000 Ocean Avenue sells these. This is within 500 feet.

The following street addresses on Ocean Avenue also sell e-cigarettes: 999, 1015, 1490, 1521, 1551.

One hardly needs to leave their own block in order to purchase.

- 3) The proposed establishment isn't consistent with the Ingleside Terraces demographics. The neighborhood is comprised of households with children or senior citizens. See: http://www.realtor.com/local/Ingleside-Terrace-Sub_San-Francisco_CA/lifestyle The proposed establishment seems more consistent of a neighborhood with young singles.

Please consider these factors, and deny the proposed establishment at 1963 Ocean Avenue.

Best Regards,

Dan Hambali

From: Board of Supervisors (BOS)
Sent: Monday, December 29, 2014 11:33 AM
To: Carroll, John (BOS); Lamug, Joy
Subject: File 141291 FW: Support Letter for Happy Vape at 1963 Ocean Avenue

Categories: 141291

From: Sarah Lee [<mailto:lee.sarah055@yahoo.com>]
Sent: Sunday, December 28, 2014 1:55 AM
To: Yee, Norman (BOS); Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Wiener, Scott; Board of Supervisors (BOS)
Subject: Re: Support Letter for Happy Vape at 1963 Ocean Avenue

Dear Supervisors,

I have been updated about the appeal, and would like to pledge my support of the Planning Commission's decision to grant Happy Vape @ 1963 Ocean Avenue their conditional use permit. Please support the Commission's decision and deny the appeal.

Thank you,

Sarah Lee

On Wednesday, December 3, 2014 11:05 PM, Sarah Lee <lee.sarah055@yahoo.com> wrote:

Dear Supervisors of San Francisco,

My name is Sarah Lee, and I am a resident in the Richmond District. I was a smoker back when I was a teen, and I remember exactly how hard it was to quit. I remember the sweaty nights, the late night fiending, and the desire to find any excuse for a cigarette. I wish they had e-cigs back then as they would have made it 100 times easier to stop. I found that a lot of my co-workers are now using e-cigs as a way to stop smoking, and I can feel the air around work get little cleaner. I don't smell old stale cigarettes whenever I get in an elevator and there is less animosity towards vapors compared to smokers. I think Happy Vape has the right idea and that this is a positive trend that should be supported.

Thank you,

Sarah L.

)
om: Board of Supervisors (BOS)
Sent: Monday, December 29, 2014 11:33 AM
To: Carroll, John (BOS); Lamug, Joy
Subject: File 141291 FW: Letter of Support New Vape Shop on Ocean Avenue - Happy Vape

Categories: 141291

From: Yin Lam [<mailto:dongdongdong309@mail.com>]

Sent: Sunday, December 28, 2014 1:31 AM

To: Yee, Norman (BOS); Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Wiener, Scott; Board of Supervisors (BOS)

Subject: Fw: Letter of Support New Vape Shop on Ocean Avenue - Happy Vape

Dear Supervisors,

Please deny appeal for Happy Vape 1963 Ocean Avenue. Please support Planning.

Thank you
Yin

Sent: Monday, December 01, 2014 at 3:02 AM

From: "Yin Lam" <dongdongdong309@mail.com>

To: Katy.Tang@sfgov.org, Scott.Wiener@sfgov.org, Board.of.Supervisors@sfgov.org, Norman.Yee@sfgov.org, John.Avalos@sfgov.org, London.Breed@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org, Mark.Farrell@sfgov.org, Jane.Kim@sfgov.org, Eric.L.Mar@sfgov.org

Subject: Letter of Support New Vape Shop on Ocean Avenue - Happy Vape

Dear Supervisors of San Francisco,

I am Yin Lam, I am an immigrant here for the last 10 years. I work in the post office. I have walked on Ocean Avenue many times. There are only some good stores. I wish for more stores. My friend wants to open a store on Ocean and I support his project.

Thank you,

Yin Lam

From: Board of Supervisors (BOS)
Sent: Monday, December 29, 2014 11:32 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Dear SF Supervisor Normam Yee, Support Happy Vape.

Categories: 141291

From: Jim simmons [mailto:radioactiveman444@gmail.com]
Sent: Sunday, December 28, 2014 1:09 AM
To: Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: Fwd: Dear SF Supervisor Normam Yee, Support Happy Vape.

Dear Supervisor Yee,

I have been updated regarding the appeal for 1963 Ocean Avenue, and would like to express my support for the Happy Vape project, and request that you deny the appeal and allow Happy Vape to open.

Thank You,

Jim Simmons

----- Forwarded message -----

From: Jim simmons <radioactiveman444@gmail.com>
Date: Sat, Nov 29, 2014 at 12:38 AM
Subject: Dear SF Supervisor Normam Yee, Support Happy Vape.
To: Board.of.Supervisors@sfgov.org, Norman.Yee@sfgov.org

Dear District Supervisor Norman Yee,

My name is Jim Simmons, and I find E-Cigarettes useful. I have spent many days lighting away at my cigarettes in the rain and when there was a high wind and now with a E-Cig I can vape anytime at least outdoors. I have lived for some time on Ralston street, and I eagerly welcome a vapor lounge to open in the area as I would not have to travel as far to get my products. Happy Vape seems like great idea and it could use your support. Thank you for considering these thoughts.

From: Board of Supervisors (BOS)
Sent: Monday, December 29, 2014 11:31 AM
To: Carroll, John (BOS); Lamug, Joy
Subject: File 141291 FW: Deny Appeal and Support Conditional Use Permit Fw: Support Letter for Happy Vape at 1963 Ocean Avenue

Categories: 141291

From: Ellen Park [<mailto:ellenpark3333@yahoo.com>]
Sent: Sunday, December 28, 2014 12:47 AM
To: Yee, Norman (BOS); Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Wiener, Scott; Board of Supervisors (BOS)
Subject: Deny Appeal and Support Conditional Use Permit Fw: Support Letter for Happy Vape at 1963 Ocean Avenue

Dear Supervisors,

I have been updated regarding the appeal and would like to show my support for Happy Vape and their Conditional Use Permit. Please deny the appeal and support the Planning Commissions decision.

Thank you again,

Ellen

On Tuesday, December 2, 2014 11:30 PM, Ellen Park <ellenpark3333@yahoo.com> wrote:

Dear Supervisors of San Francisco,

My name is Ellen Park, and I support Happy Vape due to its promotion of a cigarette free environment. I believe that with less cigarette smokers we will find that our beaches, streets, and sidewalks will reduce cigarette butt waste tremendously. Studies show that cigarette butts contribute to at least a third of the current road waste on America's roadways. The emissions of the e-cigarette has been found to be 7 to 150 times less harmful than that of cigarettes. One drag from a vaporizer pen has also been found to be equivalent to a breath of air in a major metropolis. With these statistics I feel comfortable in support of e-cigarette use and Happy Vape as a responsible vendor.

Thank you for your time and consideration.

-Ellen

From: Board of Supervisors (BOS)
Sent: Wednesday, December 24, 2014 12:01 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: OBJECTION TO HOOKAH LOUNGE OCEAN ST, SF

Categories: 141291

From: RUSSIANFOK@aol.com [mailto:RUSSIANFOK@aol.com]
Sent: Tuesday, December 23, 2014 5:07 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: rckaris@gmail.com
Subject: OBJECTION TO HOOKAH LOUNGE OCEAN ST, SF

*PLEASE MAKE A NOTE THAT WE, RESIDENTS OF INGLESIDE TERRACES OBJECT
AND STRONGLY REQUEST
THAT THERE WOULD BE NO HOOKAH LOUNGE/STORE ON OCEAN STREET, IN SAN
FRANCISCO!
THANK YOU.
HAPPY HOLIDAYS!
NIKOLAI, DOUCE ANN, MASSENKOFF
735 URBANO DRIVE
SAN FRANCISCO, CA 94127*

From: Board of Supervisors (BOS)
Sent: Wednesday, December 24, 2014 11:59 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: We support the business proposed at 1963 Ocean Avenue
Attachments: 2014.0206C_CU Final Motion.pdf; Leg Ver3_20141209.pdf

Categories: 141291

From: Patrick Otellini [mailto:patrickotellini@gmail.com]
Sent: Tuesday, December 23, 2014 3:45 PM
To: Boudreaux, Marcelle (CPC); Yee, Norman (BOS); Board of Supervisors (BOS); BOS Legislation (BOS); Scanlon, Olivia (BOS)
Subject: We support the business proposed at 1963 Ocean Avenue

To whom it may concern,

My wife and I received the notice below from our neighborhood association and I want to take this opportunity to say that **WE FULLY SUPPORT THIS BUSINESS** contrary to what the email below spells out. We are raising our children here and they both attend school in the neighborhood. We would much rather see the proposed business open and help our local economy instead of seeing yet another vacant storefront continue to fester on Ocean Ave.

Thank you,

Patrick and Marisssa Otellini
225 Ashton Ave
San Francisco, CA 94112

----- Forwarded message -----

From: Robert Karis <rckaris@gmail.com>
Date: Friday, December 19, 2014
Subject: Letters needed to oppose the vape shop!!
To: Marissa Otellini <marissaotellini@gmail.com>, patrickottellini@yahoo.com

Dear Marissa and Patrick,

We **need** emails and letters sent to the Board of Supervisors to support our appeal and oppose the vape shop selling e-cigarettes and operating a hookah lounge at 1963 Ocean Avenue! The BOS hearing is scheduled for Tuesday, January 13, 2015 at 3 P.M. In order to be entered into the packet, emails should be sent before Monday, January 5, at 5 P.M.

Send your emails to the following:

os.legislation@sfgov.org
Board.of.Supervisors@sfgov.org
Norman.Yee@sfgov.org

and please send a copy to me rcaris@gmail.com

In addition to your own emails, please ask/request your families, friends and schools to also send emails. Mention your neighborhood and school. The number of emails is counted. The Board wants to know if the neighbors are opposed to this business, and I am sure we are opposed to it.

Some of the "Findings" (pp.2-7) in the Final Motion of the Planning Commission on 11/6/14 (attached) are as follows:

Sections 7.A. (p.4): The proposed new uses and building ... will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

7.B. (p.5): The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity.

7.D. (p.6): *The proposal enhances the range of comparison goods and services offered by adding another specialty retail store to the District*

7.E.(p.6): The concentration of such establishments in the particular zoning district for which they are proposed does not appear to adversely impact the health, safety, and welfare of residents of nearby areas,

Please discuss how you disagree with the "Findings" and how they are mistaken.

You could also explain how this business does not meet the "Objectives" listed on pp.7-10:

NEIGHBORHOOD COMMERCE

Policy 1.1:(p.7): Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated

Policy 6.1:(p.8): Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

BALBOA PARK STATION AREA PLAN

Policy 1.2.3: Retain and improve the neighborhood's existing businesses while also attracting new businesses that address unmet retail and service needs of the diverse local neighborhoods.

11.(p.10): The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

Finally, I hope you are aware of the recent legislation (attached) passed unanimously by the Board of Supervisors on 12/9/14 and 12/16/14 to limit tobacco sales permits (which includes e-cigarettes). The following Grounds for Denial (p.10-11) would apply to this vape shop. [My comments are in brackets.]

(3) *No new permit shall be issued if the Applicant will be within 500 feet of the nearest point of the property line of a School.*

[1963 Ocean Ave. is 130 feet from the Voice of Pentecost Academy.][Measurements made using the Measure Distance tool in the San Francisco Property Information Map]

<http://ec2-50-17-237-182.compute-1.amazonaws.com/PIM/>

(4) No new permit shall be issued if the Applicant will be located within 500 feet of the nearest point of the property line of an existing Establishment as measured by a straight line from the nearest point of the property line on which the Applicant's Establishment will be located...

[1963 Ocean Ave. is 350 feet from a 7-Eleven which sells cigarettes and e-cigarettes, and less than 400 feet west of a small store on Ashton which sells cigarettes.]

(5) No new permit shall be issued in any supervisorial district that has 45 or more Establishments with Tobacco Sales permits.

[District 7 has "only" 37 establishments with tobacco sales permits, so it doesn't meet this criteria. However, Ocean Avenue has 8 businesses with tobacco sales permits in less than 3,600 feet, so one store selling tobacco products every 450 feet! All 8 sell cigarettes; five also sell e-cigarettes:

the liquor stores at 1015, 1521, and 1551 Ocean all sell cigarettes and e-cigarettes.

the service stations at 999, 1490, and 1799 Ocean Ave. 999 O.A. sells cigarettes and e-cigarettes, the other two sell cigarettes.

395 Ashton Ave. at Ocean Ave. sells cigarettes but not e-cigarettes.

The 7-Eleven at 2000 Ocean Avenue sells cigarettes and e-cigarettes.

Ocean Avenue is an exception in District 7. Ocean Avenue meets the criteria on p.4 of the ordinance "Higher tobacco retail density encourages smoking" and p.5 "it is in the City's interest to reduce the disproportionate exposure to tobacco outlets that exists."]

(7) No new permit shall be issued to any Applicant for operation of a Tobacco Shop.

(8) No new permit shall be issued for a location not previously occupied by a permitted Establishment.

Unfortunately, as this legislation does not take effect for 30 days, it probably does not legally apply to 1963 Ocean Ave. However, as the Supervisors unanimously voted for and agree with the Grounds for Denial, I think they should apply these criteria to the Conditional Use Application for 1963 Ocean Ave.

It would take another long email to begin to list all of the undesirable effects of e-cigarettes and hookah (even the non-tobacco steam stone variety of hookah that this store intends to use). Please send me any questions about this subject.

Please forward this email or suggest changes to me. I will continue sending it to everyone we know.

Thanks!

Bob and Carolyn Karis

727 Victoria St.

San Francisco, CA 94127

415-239-2938



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Final Motion No. 19271

HEARING DATE: NOVEMBER 6, 2014

Date: October 30, 2014
Case No.: 2014.0206C
Project Address: 1963 Ocean Avenue
Zoning: Ocean Avenue NCT (Neighborhood Commercial Transit)
45-X Height and Bulk District
Block/Lot: 6915/020
Project Sponsor: Cong Phuong T Nguyen/Yong (Blake) He [agent]
948 Moscow Street
San Francisco, CA 94112
Staff Contact: Marcelle Boudreaux – (415) 575-9140
marcelle.boudreaux@sfgov.org
Recommendation: **Approval with Conditions**

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 737.69 OF THE PLANNING CODE TO ALLOW ESTABLISHMENT OF A TOBACCO PARAPHERNALIA ESTABLISHMENT (D.B.A. HAPPY VAPE) WITHIN THE OCEAN AVENUE NCT (NEIGHBORHOOD COMMERCIAL TRANSIT) DISTRICT AND A 45-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On February 7, 2014 Cong Phuong Nguyen (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 737.69 to allow establishment of a Tobacco Paraphernalia Establishment retail use (d.b.a. Happy Vape) within the Ocean Avenue NCT (Neighborhood Commercial Transit) District and a 45-X Height and Bulk District.

On November 6, 2014, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014.0206C.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2014.0206C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the southern side of Ocean Avenue, between, Block 6915, Lot 020. The property is located within the Ocean Avenue NCT (Neighborhood Commercial Transit) District with 45-X height and bulk district. The property is developed with a one-story-over-partial-basement commercial building, with tenants including a travel agent, a massage/acupuncture establishment and the vacant retail space at 1963 Ocean Avenue. The street frontage of the proposed tenant space is 20 feet. The parcel is approximately 4,500 square feet. *The site is within the Balboa Park Station Plan Area.*
3. **Surrounding Properties and Neighborhood.** The length of the Ocean Avenue NCT District is approximately $\frac{3}{4}$ 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

[Health, Business and Tax Regulations Codes - Tobacco Sales Permits and Associated Fees]

Ordinance amending the Health Code by adding density, proximity, and sales establishment limitations on the granting of new tobacco sales permits, and renumbering all sections in Article 19H; amending the Business and Tax Regulations Code by increasing the annual license and application fees; and making environmental findings.

NOTE: **Unchanged Code text and unmodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 141098 and is incorporated herein by reference.

Section 2. Article 19H of the Health Code is hereby amended by revising and renumbering (new section numbers in parentheses) Sections 1009.50 (19H.1), 1009.51 (19H.2), 1009.53 (19H.4), ~~1009.551 (19H.5)~~, 1009.56 (19H.9), 1009.57 (19H.10), 1009.58 (19H.11), 1009.59 (19H.12), 1009.60 (19H.13), 1009.61 (19H.14), 1009.62 (19H.15), 1009.63 (19H.16), 1009.64 (19H.17), 1009.66 (19H.19), 1009.68 (19H.21), and 1009.73 (19H.25); renumbering (new section numbers in parentheses) Sections 1009.52 (19H.3), 1009.54

1 (19H.7), 1009.55 (19H.8), 1009.65 (19H.18), 1009.67 (19H.20), 1009.69 (19H.22), 1009.71
2 (19H.23), 1009.72 (19H.24), 1009.74 (19H.26), 1009.75 (19H.27), 1009.76 (19H.28), and
3 1009.77 (19H.29); and adding Sections 19H.5 and 19H.6, resulting in Sections 19H.1-19H.29,
4 to read as follows:

5 **SEC. ~~1009.50~~19H.1. FINDINGS.**

6 The Board of Supervisors of the City and County of San Francisco hereby finds and
7 declares as follows:

8 *(a) Tobacco is the leading cause of preventable death in the United States and kills nearly 6*
9 *million people each year globally (World Health Organization 2013). According to the Centers for*
10 *Disease Control and Prevention (CDC), more than 400,000 deaths in the United States each year are*
11 *attributable to tobacco use, including one-third of all cancer deaths.*

12 *(b) In addition to the obvious adverse health impact, tobacco related death and disease have an*
13 *adverse economic impact. The CDC reports that tobacco use costs the United States billions of dollars*
14 *each year.*

15 *(c) A.* State law prohibits the sale or furnishing of cigarettes, tobacco products and
16 smoking paraphernalia to minors, as well as the purchase, receipt, or possession of tobacco
17 products by minors. (California Penal Code section 308.) State law also prohibits public
18 school students from smoking or using tobacco products while on campus, attending school-
19 sponsored activities, or under the supervision or control of school district employees.
20 (California Education Code section 48901(a).) In addition, state law prohibits smoking in
21 enclosed places of employment. (California Labor Code section 6404.5.) Moreover, San
22 Francisco has adopted ordinances that ban cigarette vending machines in the City (~~San~~
23 ~~Francisco~~ Health Code ~~Article 19D~~section 1009.1), *prohibit pharmacy sales of Tobacco Products*
24 *(San Francisco Health Code Article 19J).* prohibit the self-service merchandising of ~~T~~tobacco
25 ~~P~~products, except in places to which access by minors is prohibited by law (~~San Francisco~~

1 Police Code section 4600.3), ~~and~~ prohibit smoking in enclosed areas and sports stadiums (~~San~~
2 ~~Francisco~~ Health Code ~~Article 19F~~~~section 1009.22~~) ~~and prohibit the use of electronic cigarettes~~
3 ~~where smoking is not allowed (Health Code Article 19N).~~

4 ~~(d) B.~~ Despite these state and local restrictions, minors continue to obtain cigarettes
5 and other ~~T~~obacco ~~P~~roducts at alarming rates. ~~36.8% of California youth have smoked an entire~~
6 ~~cigarette by age 14 according to a 2012 survey conducted by the California Department of Public~~
7 ~~Health. The former United States Surgeon General Regina Benjamin at a February 2014 summit~~
8 ~~emphasized that the key factor in the fight against tobacco is preventing minors from becoming~~
9 ~~smokers. She noted, "for every smoker who dies, there are two so-called replacement smokers trying a~~
10 ~~cigarette for the first time and getting hooked." Children under the age of 18 consume 924 million~~
11 ~~packs of cigarettes annually in the United States. Over 29 million packs of cigarettes are sold to~~
12 ~~California children annually. More than 60 percent of all smokers begin smoking by the age of 14, and~~
13 ~~90 percent begin by age 19.~~

14 ~~C. In a 2002 California youth buying survey, 19.3 percent of retailers surveyed unlawfully~~
15 ~~sold tobacco products to minors compared to 17.1 percent in 2001.~~

16 ~~D. California's rate of illegal tobacco sales to minors is steadily increasing. In 2002 the rate~~
17 ~~was 19.3 percent, up from 17.1 percent in 2001, and 12.8 percent in 2000.~~

18 ~~(e) Although it is unlawful to sell Tobacco Products and/or tobacco paraphernalia to minors,~~
19 ~~in a 2013 California youth buying survey, 7.6% of retailers surveyed unlawfully sold Tobacco Products~~
20 ~~to minors. These percentages are more concerning locally. San Francisco's Tobacco Sales to minors~~
21 ~~were reported to be 13.4% of retailers in 2012. Notably, sales in the City to minors are well above the~~
22 ~~2012 statewide sales rate of 8.7%. More aggressive policies are needed to keep San Francisco's youth~~
23 ~~from gaining access to Tobacco Products.~~

24 ~~(f) E. There are approximately 1,001,970 outlets in San Francisco that are licensed to sell~~
25 ~~tobacco, that is about 1 retailer for every 111 youth kids in the community compared to California~~

1 generally where there are approximately 36,700 licensed tobacco retail stores in California – one for
2 every 254 youth children. The California Department of Health Services reports that 26.7 percent of
3 California adolescents believe it is easy to buy a pack of cigarettes.

4 ~~F. Despite active enforcement by the San Francisco Police Department, a significant number~~
5 ~~of retailers continue to sell tobacco illegally to minors. The rate of illegal tobacco sales documented by~~
6 ~~the Police Department during 2001 was 25.3 percent and 20.2 percent in 2002.~~

7 ~~G. In a youth decoy operation conducted by the Police Department, 50 percent of the 12 bars~~
8 ~~visited illegally sold tobacco to a minor.~~

9 (g) H. San Francisco has a substantial interest in promoting compliance with State
10 laws prohibiting sales of cigarettes and ~~†~~Tobacco ~~p~~Products to minors, in promoting
11 compliance with laws intended to discourage the purchase of ~~†~~Tobacco ~~p~~Products by minors,
12 and in protecting our children from illegally obtained tobacco.

13 (h) Social norms about smoking influence smoking rates, particularly among those not
14 addicted. Studies have found that strong governmental regulation of smoking corresponds with and
15 may contribute to anti-smoking norms. Social unacceptability has been repeatedly shown to be an
16 important influence on both smoking rates and anti-smoking norms. Children and young people are
17 particularly influenced by cues suggesting smoking is acceptable.

18 (i) Empirical research connects lower densities of retail outlets with lower consumption of
19 tobacco, particularly among youth. Higher tobacco retail density encourages smoking by making
20 cigarettes more accessible and available, by normalizing tobacco use, and through increasing
21 environmental cues to smoke. Research focused on California has found a higher prevalence of
22 current smoking and experimental smoking among students at schools in areas with a higher density of
23 tobacco outlets. Prevalence of smoking was higher among students at schools in neighborhoods with
24 five or more stores that sell tobacco than among students at schools in neighborhoods without any
25 stores that sell tobacco.

1 (j) California communities in lower socio-economic areas with a higher concentration of
2 convenience stores have significantly higher rates of smoking. Residents of these neighborhoods are
3 more at risk for tobacco related disease and death. Likewise, San Francisco's most disadvantaged
4 neighborhoods are disproportionately impacted by high tobacco retail density. The six supervisorial
5 districts with the highest proportions of tobacco retail sales by population (Districts 3, 5, 6, 9, 10, and
6 11) also have the lowest median household incomes in the City. District Six, with a median household
7 income of \$38,610, has 270 tobacco permits while District Two, with a median household income of
8 \$102,457, has only 51 tobacco permits. African American and Latino residents are more likely to live
9 in districts with the highest number of tobacco retail outlets.

10 (k) As the tobacco related public health crisis affects all supervisorial districts in San
11 Francisco, it is in the City's interest to reduce the disproportionate exposure to tobacco outlets that
12 exists among supervisorial districts and to minimize exposure in all supervisorial districts by limiting
13 the number of new tobacco permits issued. District Seven currently has the lowest number(37) (five) of
14 tobacco permitted retailers per 10,000 residents in San Francisco. Setting a cap slightly above the
15 District Seven density of permitted tobacco retailers as the maximum for each supervisorial district will
16 begin to address the disparity of exposure to tobacco outlets among supervisorial districts and reduce
17 the density of tobacco vendors overall.

18 (l) San Franciscans support limiting and reducing the number of permits for the sale of
19 tobacco. In a 2012 representative survey of over 220 San Francisco residents, 88.5% felt that too
20 many stores selling cigarettes is bad for community health; almost 74% would support a law that
21 very gradually reduces the number of stores selling cigarettes and Tobacco Products given that the
22 highest density of these is in low income neighborhoods; and 87% would support a policy that would
23 reduce the amount of Tobacco Products available.

24 (m) Restaurants, and other non-traditional tobacco retailers in California are more likely to
25 sell tobacco to minors than other retailers. 13.1% percent of restaurants and other

1 nontraditional retailers sold tobacco to minors compared to 8.7% of all other California
2 retailers. had the highest illegal sale rate to minors, 20.3% or higher on average and nearly
3 three times higher than traditional tobacco retailers.

4 (n) Young adult Bar patrons in one California study reported a current smoking rate of 47
5 percent, nearly four times the 2010 state rate of smoking prevalence for young adults.

6 (o) Social environments such as Bars and clubs are important venues for public health efforts
7 to address young adult smoking.

8 (p) ~~∫~~ This Article 19H is designed to promote the public interest in ensuring that San
9 Francisco businesses operate in compliance with applicable laws regulating tobacco,
10 including laws prohibiting the sale of tobacco to minors and laws regulating smoking.

11 ~~I. Requiring tobacco vendors to obtain a tobacco sales permit will not unduly burden~~
12 ~~legitimate business activities of retailers who sell or distribute cigarettes or other tobacco products to~~
13 ~~adults. It will, however, allow the City to regulate those establishments selling tobacco products to~~
14 ~~ensure that they comply with federal, state, and local tobacco laws.~~

15
16 **SEC. 1009.5119H.2. DEFINITIONS.**

17 The following words and phrases, whenever used in this Article, shall be construed as
18 defined in this section. Words in the singular include the plural and words in the plural include
19 the singular. Words in the present tense include the future.

20 "Application" means the application submitted under Section 19H.4 for a Tobacco Sales permit
21 allowing the person or business to engage in the sale of tobacco products at an Establishment.

22 "Bar" means an area, whether a separate, stand-alone business or part of a larger business
23 which is devoted to the serving of alcoholic beverages for consumption by patrons on the premises and
24 in which the serving of food is incidental to the consumption of such beverages.

1 "Cap" means the figure set forth in Section 19H.5 and represents the total number of permitted
2 Establishments that may operate in each supervisorial district.

3 "Change of Ownership" means a change of 50 percent or more of the ownership of the
4 business within a 12-month period; provided, however, that if the Permittee is a corporation, transfer
5 of 25 percent of the stock ownership of the permittee shall be deemed to be a Change of Ownership.

6 "Density Cap" has the same meaning as "Cap."

7 (a) "Department" means the Department of Public Health.

8 (b) "Director" means the Director of Health or his or her designee.

9 "District Population" means the population reported by the Department of Elections in each of
10 the 11 supervisorial districts as required by Charter Section 13.110.

11 (c) "Establishment" means any store, stand, booth, concession or any other enterprise
12 that engages in the retail sale of ~~to~~Tobacco ~~products~~, and includes engaged in stores engaged in
13 the retail sale of food items.

14 (d) "Permittee" means a person who has obtained a ~~to~~Tobacco ~~sales~~ permit for a
15 specific location pursuant to this Article.

16 (e) "Person" means any individual, partnership, cooperative association, private
17 corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

18 "Restaurant" means a business retail food Establishment that primarily stores, packages,
19 serves, vends, or otherwise prepares food for human consumption on the premises. "Restaurant"
20 includes, but is not limited to businesses Establishments primarily engaged in providing (1) food
21 services to patrons who order and are served while seated on the premises, and pay after eating, and
22 (2) food services where patrons generally order and pay before eating on the premises, or (3) take-
23 out food services where patrons order ready to eat food generally intended for consumption
24 off the premises. "Restaurant" also includes separately owned food facilities that are located in a
25 grocery store but does not include the grocery store.

1 "School" means a public or private kindergarten, elementary, middle, junior high or high
2 school, or a school combining some or all of the above school grades.

3 ~~(f)~~ "Tobacco ~~P~~roducts" means tobacco and any substance containing tobacco leaf,
4 including but not limited to cigarettes, electronic cigarettes, cigars, pipe tobacco, snuff, chewing
5 tobacco, dipping tobacco, or any other preparation of tobacco, including the cigarettes
6 commonly known as bidis.

7 ~~(g)~~ "Tobacco ~~s~~ales" means sales, or any offer to sell or exchange, for any form of
8 consideration, ~~t~~Tobacco ~~p~~roducts to any person by any person who operates an
9 ~~e~~stablishment. "Tobacco ~~s~~ales" includes any display of ~~t~~Tobacco ~~p~~roducts.

10 "Tobacco Shop" means any tobacco retailer whose principal business is selling Tobacco
11 Products, tobacco paraphernalia, or both, as evidenced by any of the following: 50% or more of floor
12 area and display area is devoted to the sale or exchange of Tobacco Products, tobacco paraphernalia,
13 or both; 70% or more of gross sales receipts are derived from the sale or exchange of Tobacco
14 Products, tobacco paraphernalia, or both; or 50% or more of completed sales transactions include a
15 Tobacco Product or tobacco paraphernalia.

16 **SEC. ~~1009.52~~19H.3. REQUIREMENT FOR TOBACCO SALES PERMIT.**

17 * * * *

18 **SEC. 19H.4~~1009.53~~. APPLICATION PROCEDURE: INSPECTION OF PREMISES;**
19 **ISSUANCE AND DISPLAY OF PERMIT.**

20 (a) **Application.** An ~~a~~Application for a ~~t~~Tobacco ~~s~~ales permit shall be
21 submitted in the name of the person(s) proposing to engage in the sale of ~~t~~Tobacco ~~p~~roducts
22 and shall be signed by each person or an authorized agent thereof. The ~~a~~Application shall be
23 accompanied by the appropriate fees as described in section 35 of the ~~San Francisco~~ Business
24 and Tax Regulations Code and such fees shall include any required inspections or other work
25 performed by the Planning Department as required by the referral of the application. A separate

1 ~~a~~Application is required for each location where ~~#~~Tobacco ~~s~~Sales are to be conducted. All
2 ~~a~~Applications shall be submitted on a form supplied by the Department and shall contain the
3 following information:

4 1. The name, address, email address, and telephone number of the
5 ~~a~~Applicant;

6 2. The ~~e~~Establishment name, address, email address, and telephone
7 number for each location for which a ~~#~~Tobacco ~~s~~Sales permit is sought;

8 3. Such other information as the Director deems appropriate, including
9 the ~~A~~applicant's type of business, and whether the ~~a~~Applicant has previously been issued a
10 permit under this Article that is, or was at any time, suspended or revoked. No permit shall be
11 issued if the Application is incomplete or inaccurate.

12 (b) **Inspection by Director.** Upon receipt of a completed ~~a~~Application and
13 fees, the Director may inspect the location at which ~~#~~Tobacco ~~s~~Sales are to be permitted. The
14 Director may also ask the ~~a~~Applicant to provide additional information that is reasonably
15 related to the determination whether a permit may issue.

16 (c) Referral to the Planning Department. The Director will then refer the
17 Applications requiring inspection as to proximity to Schools and existing Establishments to the
18 Planning Department. The Planning Department upon referral shall analyze the Application against
19 the most recent data provided by the Department to determine whether the Applicant's location will
20 comply with subsections (f)(3) and (f)(4) and whether the location qualifies as a Tobacco Shop.

21 ~~(d)(e)~~ **Issuance of Permit.** If the Director is satisfied that the ~~a~~Applicant has
22 met the requirements of this Article and that issuance of the permit will not violate any law, the
23 Department shall issue the permit. An Establishment may not sell Tobacco Products until the permit
24 is issued. No permit shall issue if the Director finds that the Applicant is in violation of San Francisco
25 Health Code section 1009.1 (regulating cigarette vending machines), San Francisco Police Code

1 ~~section 4600.3 (regulating the self service merchandising of tobacco products), if the Applicant is a~~
2 ~~pharmacy prohibited from selling tobacco products under Article 19J. No permit shall issue if the~~
3 ~~Application is incomplete or inaccurate.~~

4 ~~(e)-(d)~~ **Display of Permit.** Each permittee shall display the permit prominently at
5 each location where ~~Tobacco s~~Sales occur. No permit that has been suspended shall be
6 displayed during the period of suspension. A permit that is revoked is void and may not be
7 displayed.

8 **(f) Grounds for Denial.**

9 (1) No new permit shall be issued if the Director finds that the Applicant is in
10 violation of Health Code Article 19; Police Code Section 4600.3 (regulating the self-service
11 merchandising of tobacco products), or the California Labor Code.

12 (2) No new permit shall be issued if the Applicant does not have a valid current
13 Tobacco Retail Permit from the State Board of Equalization where the Applicant is required to have the
14 State Board of Equalization permit except for businesses selling only electronic cigarettes.

15 (3) No new permit shall be issued if the Applicant will be within 500 feet of the
16 nearest point of the property line of a s School as measured by a straight line from the nearest point of
17 the property line on which a s School is located to the nearest point of the property line on which the
18 Applicant's Establishment will be located.

19 (4) No new permit shall be issued if the Applicant will be located within 500 feet
20 of the nearest point of the property line of an existing Establishment as measured by a straight line
21 from the nearest point of the property line on which the Applicant's Establishment will be located to the
22 nearest point of the property line of the existing Establishment.

23 (5) No new permit shall be issued in any supervisorial district that has 45 or
24 more Establishments with Tobacco Sales permits.

1 (6) No new permit shall be issued to any Applicant whose main purpose is
2 offering food or alcoholic beverages for sale for consumption on the premises, including Bars and
3 Restaurants.

4 (7) No new permit shall be issued to any Applicant for operation of a Tobacco
5 Shop.

6 (8) No new permit shall be issued for a location not previously occupied by a
7 permitted Establishment.

8 (g) Pending Applications. Applications that have been submitted to the Director for
9 approval as of December 9, 2014 shall not be subject to the Section 19H.4(f)(2)-19H.4(f)(8)
10 and Section 19H.5.

11
12 **SEC. 19H.5 DENSITY CAP**

13 (a) The Density Cap shall be forty-five (45) permitted Tobacco Sales Establishments in a
14 supervisory district. The Department shall assess the Density Cap every two years to evaluate
15 whether to recommend to the Board of Supervisors an amendment to this Article to change the number
16 of permitted Establishments as reasonably necessary to advance the public health purposes this Article
17 seeks to achieve. The City may not issue a new permit in any supervisory district that is at or above
18 the Density Cap at the time of submission of the Application.

19 (b) Pursuant to its authority under Section 19H.26 to adopt rules, the Department may adopt
20 rules governing the approval process for application submitted in a supervisory district where the
21 number of permits has fallen below the cap, including rules on the timing for the approval process.

22 **SEC. 19H.6. EXCEPTIONS FOR CERTAIN NEW PERMITS. INTERIM EXCEPTION**
23 **FOR NEW PERMITS WHERE SALE OF THE ESTABLISHMENT IS PENDING.**

24 Notwithstanding Section 19H.5 and Sections 19H.4(f)(3),(4),(5) and (7):
25

1 (a) If an owner of a retail food store establishment as defined in the Planning Code or
2 Tobacco Shop who holds a Tobacco Sales permit and has been in business for five years as
3 of the effective date of this Section 19H.6, submits an affidavit to the Director that attests to
4 ownership of the business at the same location and under the same Tobacco Sales permit for
5 five consecutive years immediately preceding submission of the affidavit and that also states
6 that the owner is in negotiations with a specific buyer for the retail food store establishment or
7 Tobacco Shop at that location, then that buyer ("new buyer") may apply for, and the Director
8 may issue, a Tobacco Sales permit to the new buyer for the retail food store establishment or
9 Tobacco Shop at that location, on a one-time basis.

10 (b) If the new buyer submits an affidavit to the Director, stating that the new buyer has
11 been in business continuously as a retail food store establishment or Tobacco Shop at that
12 same location under the Tobacco Sales permit obtained in accordance with subsection (a)
13 and also states that the new buyer has held the permit for at least 10 years, then a
14 subsequent buyer of the retail food store establishment or Tobacco Shop at that location
15 ("subsequent buyer") may apply for, and the Director may issue, a Tobacco Sales permit to
16 the subsequent buyer for the retail food store establishment or Tobacco Shop on a one-time
17 basis.

18 (c) Where the owner of a retail food store establishment or Tobacco Shop that holds a
19 Tobacco Sales permit as of the effective date of this Section 19H.6, a child of the owner may
20 apply for, and the Director may issue, a Tobacco Sales permit to the child for that retail food
21 store establishment or Tobacco Shop at that location.

22 (d) An owner of a retail food store establishment or Tobacco Shop holding a Tobacco
23 Sales permit as of the effective date of this Section 19H.6, who must relocate under Chapter
24 34B of the Building Code may apply for, and the Director may issue, a new Tobacco Sales
25 permit for the location of the owner's retail food store establishment or Tobacco Shop.

1 (e) An owner of a Bar or Tavern (cigar or smoking bar) who qualified for an exemption
2 under Section 1009.23(d) of this Code who holds a Tobacco Sales permit and has been in
3 business for five years as of the effective date of this Section 19H.6, who submits an affidavit
4 to the Director that attests to ownership of the business at the same location and under the
5 same Tobacco Sales permit for five consecutive years immediately preceding submission of
6 the affidavit and that also states that the owner is in negotiations with a specific buyer for the
7 Cigar or Smoking Bar at that location, then that buyer ("new buyer") may apply for, and the
8 Director may issue, a Tobacco Sales permit to the new buyer for the Cigar or Smoking Bar at
9 that location, on a one-time basis.

10 (f) If the new buyer submits an affidavit to the Director, stating that the new buyer has
11 been in business continuously as a Cigar or Smoking Bar at that same location under the
12 Tobacco Sales permit obtained in accordance with subsection (a) and also states that the new
13 buyer has held the permit for at least 10 years, then a subsequent buyer of the Cigar or
14 Smoking Bar at that location ("subsequent buyer") may apply for, and the Director may issue,
15 a Tobacco Sales permit to the subsequent buyer for the Cigar or Smoking Bar on a one-time
16 basis.

17 (g) If a spouse or domestic partner acquires the ownership of an Establishment
18 through the death of, or divorce from the owner identified on the permit and submits an
19 affidavit to the Director attesting to the acquisition of the Establishment accompanied by any
20 documentation requested by the Director, the Director may issue a Tobacco Sales permit to
21 the Applicant spouse or domestic partner on a one-time basis.

22
23 ~~Applications submitted under Section 19H.4 on or before September 1, 2014 for a new permit~~
24 ~~subject to Section 19H.5 where an Establishment has held a permit to sell Tobacco Products~~
25 ~~for or more years at the location subject to the sale if the Establishment submits an affidavit to~~

1 accompany the Application stating that no change of ownership has occurred within the prior
2 seven years and that the current permit holder had been in contract with a buyer of the
3 Establishment as of September 1, 2014.
4
5

6 **SEC. ~~19H.71009.54~~. PERMIT AND ANNUAL LICENSE FEES.**

7 (a) The Department shall charge every applicant for a tobacco sales permit a non-
8 refundable application fee for the initial inspection and processing of the application and an
9 annual license fee sufficient to cover the costs of annual inspections, as determined by the
10 Director . The application and processing fee shall be \$53 and is covered by Section 35 of
11 the San Francisco Business and Tax Regulations Code. The annual fee is listed in Section
12 249.16 of the San Francisco Business and Tax Regulations Code. The Fee shall be due
13 annually on March 31 of each year, pursuant to Section 76.1, Article 2 of the San Francisco
14 Business and Tax Regulations Code.

15 * * * *

16 **SEC. ~~19H.81009.55~~. PERMIT MAY NOT BE TRANSFERRED TO NEW PERSONS OR**
17 **LOCATIONS.**

18 * * * *

19 **SEC. ~~19H.91009.56~~. ENFORCEMENT AND INSPECTION.**

20 The Director may enforce all provisions of this Article. Specific grounds for
21 enforcement are set forth in sections ~~19H.101009.57~~ through ~~19H.181009.65~~. Upon presentation
22 of proper credentials, the Director may enter and inspect at any time during regular business
23 hours any ~~e~~Establishment that is engaging in ~~t~~Tobacco ~~s~~Sales, or is suspected by the Director
24 of engaging in such sales.
25

1 **SEC. 19H.101009.57. CONDUCT VIOLATING *SAN FRANCISCO* HEALTH CODE**
2 **ARTICLE 19DSECTION 1009.1 (REGULATING CIGARETTE VENDING MACHINES).**

3 (a) Upon a decision by the Director that the ~~p~~Permittee or the ~~p~~Permittee's agent or
4 employee has engaged in any conduct that violates *San Francisco* Health Code Article
5 19Dsection 1009.1 (regulating cigarette vending machines), the Director may suspend a ~~t~~
6 Tobacco ~~S~~ales permit as set forth in section 19H.191009.66, impose administrative penalties
7 as set forth in section 19H.201009.67, or both suspend the permit and impose administrative
8 penalties.

9 (b) The Director shall commence enforcement of this section by serving either a
10 notice of correction under section 19H.211009.68 of this Article or a notice of initial
11 determination under section 19H.221009.69 of this Article.

12 **SEC. 19H.111009.58. CONDUCT VIOLATING *SAN FRANCISCO* POLICE CODE**
13 **SECTION 4600.3 (REGULATING THE SELF-SERVICE MERCHANDISING OF TOBACCO**
14 **PRODUCTS).**

15 (a) Upon a decision by the Director that the ~~p~~Permittee or the ~~p~~Permittee's agent or
16 employee has engaged in any conduct that violates *San Francisco* Police Code section 4600.3
17 (regulating the self-service merchandising of tobacco products), the Director may suspend a
18 ~~#~~Tobacco ~~s~~ales permit as set forth in section 19H.191009.66, impose administrative penalties
19 as set forth in section 19H.201009.67, or both suspend the permit and impose administrative
20 penalties.

21 (b) The Director shall commence enforcement of this section by serving either a
22 notice of correction under section 19H.211009.68 of this Article or a notice of initial
23 determination under section 19H.221009.69 of this Article.

1 **SEC. ~~19H.121009.59.~~ CONDUCT VIOLATING ~~SAN FRANCISCO~~ HEALTH CODE**
2 **~~ARTICLE 19F~~SECTION ~~1009.22~~ (PROHIBITING SMOKING IN ENCLOSED AREAS AND**
3 **SPORTS STADIUMS).**

4 (a) Upon a decision by the Director that the ~~p~~Permittee or the ~~p~~Permittee's agent or
5 employee has engaged in any conduct that violates ~~San Francisco~~ Health Code ~~Article~~
6 ~~19F~~section ~~1009.22~~ (prohibiting smoking in enclosed areas and sports stadiums), the Director
7 may suspend a ~~t~~Tobacco ~~s~~Sales permit as set forth in section ~~19H.191009.66~~, impose
8 administrative penalties as set forth in section ~~19H.201009.67~~, or both suspend the permit and
9 impose administrative penalties.

10 (b) The Director shall commence enforcement of this section by serving either a
11 notice of correction under section ~~19H.211009.68~~ of this Article or a notice of initial
12 determination under section ~~19H.221009.69~~ of this Article.

13 **SEC. ~~19H.131009.60.~~ CONDUCT VIOLATING TOBACCO CONTROL LAWS.**

14 (a) If the Director decides that the ~~p~~Permittee or the ~~p~~Permittee's agent or employee
15 has engaged in any conduct that violates local, state, or federal law applicable to ~~t~~Tobacco
16 ~~p~~Products or ~~t~~Tobacco ~~s~~Sales, including Administrative Code Chapter 105 (imposing Cigarette
17 Litter Abatement Fee), the Director may suspend a ~~t~~Tobacco ~~s~~Sales permit as set forth in
18 section ~~19H.191009.66~~, impose administrative penalties as set forth in section ~~19H.201009.67~~,
19 or both suspend the permit and impose administrative penalties.

20 (b) The Director shall commence enforcement of this section by serving either a
21 notice of correction under section ~~19H.211009.68~~ of this Article or a notice of initial
22 determination under section ~~19H.221009.69~~ of this Article.

23 **SEC. ~~19H.141009.61.~~ CONDUCT VIOLATING CALIFORNIA PENAL CODE SECTION**
24 **308 (PROHIBITING THE SALE OF TOBACCO TO MINORS).**

1 (a) Upon a decision by the Director that the ~~p~~Permittee or the ~~p~~Permittee's agent or
2 employee has engaged in any conduct that violates California Penal Code section 308
3 (prohibiting the sale of tobacco to minors), the Director may suspend a tobacco sales permit
4 as set forth in section 19H.191009.66.

5 (b) The Director shall commence enforcement of this section by serving a notice of
6 initial determination in accordance with section 19H.221009.69 of this Article.

7 **SEC. 19H.151009.62. CONDUCT VIOLATING CALIFORNIA LABOR CODE SECTION**
8 **6404.5 (PROHIBITING SMOKING IN ENCLOSED PLACES OF EMPLOYMENT).**

9 (a) Upon a decision by the Director that the ~~p~~Permittee or the ~~p~~Permittee's agent or
10 employee has engaged in any conduct that violates California Labor Code section 6404.5
11 (prohibiting smoking in enclosed places of employment), the Director may suspend a tobacco
12 sales permit as set forth in section 19H.191009.66.

13 (b) The Director shall commence enforcement of this section by serving a notice of
14 initial determination in accordance with section 19H.221009.69 of this Article.

15 **SEC. 19H.161009.63. FRAUDULENT PERMIT APPLICATIONS.**

16 (a) Upon a decision by the Director that the ~~p~~Permittee or the ~~p~~Permittee's agent or
17 employee has obtained tobacco ~~s~~ales permit from the Department by fraudulent or willful
18 misrepresentation, the Director may suspend a ~~#~~Tobacco ~~s~~Sales permit as set forth in section
19 19H.191009.66.

20 (b) Upon a final decision by the Director that the ~~p~~Permittee or the ~~p~~Permittee's
21 agent or employee has obtained a ~~#~~Tobacco ~~s~~Sales permit from the Department by fraudulent
22 or willful misrepresentation, the Director may impose administrative penalties as set forth in
23 section 19H.201009.67.

1 (c) Upon a final decision by the Director that the ~~p~~Permittee or the ~~p~~Permittee's
2 agent or employee has obtained a ~~#~~Tobacco ~~s~~Sales permit from the Department by fraudulent
3 or willful misrepresentation, the Director may revoke a ~~#~~Tobacco ~~s~~Sales permit.

4 (d) Upon a final decision by the Director that the ~~p~~Permittee or the ~~p~~Permittee's
5 agent or employee has obtained a ~~#~~Tobacco ~~s~~Sales permit from the Department by fraudulent
6 or willful misrepresentation, the Director may impose administrative penalties in addition to
7 either suspending or revoking the ~~#~~Tobacco ~~s~~Sales permit.

8 (e) The Director shall commence enforcement of this section by serving a notice of
9 initial determination in accordance with section ~~19H.221009.69~~ of this Article.

10 (f) Any person who obtained a permit by fraud or misrepresentation may be
11 prosecuted for either an infraction or a misdemeanor punishable by a fine not to exceed one
12 hundred dollars (\$100) for a first violation, two hundred dollars (\$200) for a second violation
13 within one year, and five hundred dollars (\$500) for a third and for each subsequent violation
14 within one year.

15 **SEC. ~~19H.171009.64~~ SELLING TOBACCO WITHOUT A PERMIT.**

16 (a) Upon a final decision by the Director that any person has engaged in the
17 sale of tobacco at any Establishment without a permit, the Director may impose administrative
18 penalties as set forth in section ~~19H.201009.67~~.

19 (b) The Director shall commence enforcement of this section by serving a notice
20 of initial determination in accordance with section ~~19H.221009.69~~ of this Article. This Notice of
21 Initial Determination may require that all tobacco sales cease and may impose an
22 administrative penalty.

23 (c) The City Attorney may maintain an action for injunction to restrain any
24 person from selling tobacco without a valid tobacco sales permit. In any such action, the City
25 Attorney may seek civil penalties and may seek a judicial determination that a person must

1 pay any administrative penalties. The person against whom an injunction issues also shall be
2 liable for the costs and attorney's fees incurred by the City and County of San Francisco in
3 bringing a civil action to enforce the provisions of the section.

4 (d) Any person who engages in tobacco sales without the required permit may
5 be prosecuted for either an infraction or a misdemeanor punishable by a fine not to exceed
6 one hundred dollars (\$100) for a first violation, two hundred dollars (\$200) for a second
7 violation within one year, and five hundred dollars (\$500) for a third and for each subsequent
8 violation within one year.

9
10 **SEC. ~~19H.181009.65~~. OTHER ENFORCEMENT.**

11 * * * *

12 **SEC. ~~19H.191009.66~~ TIME PERIOD OF SUSPENSION OF PERMIT.**

13 When this Article allows the Director to suspend a permit, the following sanctions may
14 be imposed:

15 (a) The Director may suspend the permit for a maximum of 90 days for the first
16 violation.

17 (b) If a second violation occurs within twelve months of the first violation, the
18 Director may suspend the permit for a maximum of six months.

19 (c) Upon the third violation, ~~and each subsequent violation~~, if within twelve months
20 of the prior violation, the Director may suspend the permit for a maximum of one year.

21 (d) Each suspension is an independent sanction and is served consecutively.

22 **SEC. ~~19H. 201009.67~~. ADMINISTRATIVE PENALTY.**

23 * * * *

24 **SEC. ~~19H.211009.68~~. NOTICE OF CORRECTION.**

1 When the Director commences an enforcement action with a notice of correction, the
2 Director shall serve the notice on the pPermittee or the pPermittee's agent. The notice shall
3 state that the Department has determined that a violation may have occurred and that
4 reasonable grounds exist to support this determination. The notice may require corrective
5 action immediately or upon a schedule required by the Director. The Director may require the
6 pPermittee to post the notice of correction at the location where the Department alleges that
7 violations have occurred. If the pPermittee fails to obey a notice of correction, the Director may
8 serve a notice of initial determination in accordance with section 19H.221009.69 of this Article.

9
10
11 **SEC. 19H.221009.69. NOTICE OF INITIAL DETERMINATION.**

12 * * * *

13 **SEC. 19H.231009.71. PAYMENT OF ADMINISTRATIVE PENALTIES.**

14 * * * *

15 **SEC. 19H.241009.72. APPEALS TO BOARD OF APPEALS.**

16 * * * *

17 **SEC. 19H.251009.73. OTHER REMEDIES.**

18 Nothing in this Article shall affect any other remedies which are available to the City
19 and County under any law, including (1) ~~San Francisco~~ Health Code Article 19D~~section 1009.1~~
20 (regulating cigarette vending machines); (2) ~~San Francisco~~ Police Code section 4600.3
21 (regulating the self-service merchandising of tobacco products); (3) ~~San Francisco~~ Health Code
22 Article 19F~~section 1009.22~~ (prohibiting smoking in enclosed areas and sports stadiums); (4)
23 California Penal Code section 308 (regulating sales of tobacco products to minors); and (5)
24 California Labor Code section 6404.5 (prohibiting smoking in enclosed places of
25 employment).

1 **SEC. 19H.261009.74. AUTHORITY TO ADOPT RULES AND REGULATIONS.**

2 * * * *

3 **SEC. 19H.271009.75. CITY UNDERTAKING LIMITED TO PROMOTION OF THE**
4 **GENERAL WELFARE.**

5 * * * *

6 **SEC. 19H.281009.76. PREEMPTION.**

7 * * * *

8 **SEC. 19H.291009.77. SEVERABILITY.**

9 * * * *

10 Section 3. The Business and Tax Regulations Code is hereby amended by revising
11 Section 249.16, to read as follows:

12
13 **SEC. 249.16. TOBACCO LICENSE PERMIT FEE.**

14 Every person, firm or corporation engaged in tobacco sales shall pay an annual license
15 fee of ~~\$188~~ \$200 to the Tax Collector. The amount of the fee shall be determined and
16 published annually by the Department of Health based on the initial amount of \$188 set in
17 Ordinance 149-08 and adjusted thereafter under Section 76.1(c) of the Business and Tax
18 Regulations Code. The license fee set forth in this Section shall be paid annually on or before
19 March 31, in accordance with the provisions of Section 76.1 of the Business and Tax
20 Regulations Code.

21 Section 4. Effective Date. This ordinance shall become effective 30 days after
22 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
23 ordinance unsigned or does not sign the ordinance within ten days of receiving it; or the Board
24 of Supervisors overrides the Mayor's veto of the ordinance.

1 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
5 additions, and Board amendment deletions in accordance with the "Note" that appears under
6 the official title of the ordinance.

7 Section 6. No Conflict with Federal or State Law. Nothing in this ordinance shall be
8 interpreted or applied so as to create any requirement, power, or duty in conflict with any
9 federal or state law.

10
11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13 By: _____
14 ALEETA M. VAN RUNKLE
Deputy City Attorney

15 n:\egana\as2014\1300508\00965737.doc
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25

From: RUSSIANFOK@aol.com
Sent: Tuesday, December 23, 2014 5:07 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: rckaris@gmail.com
Subject: OBJECTION TO HOOKAH LOUNGE OCEAN ST, SF

Categories: 141291

*PLEASE MAKE A NOTE THAT WE, RESIDENTS OF INGLESIDE TERRACES OBJECT
AND STRONGLY REQUEST
THAT THERE WOULD BE NO HOOKAH LOUNGE/STORE ON OCEAN STREET, IN SAN
FRANCISCO!
THANK YOU.
HAPPY HOLIDAYS!
NIKOLAI, DOUCE ANN, MASSENKOFF
735 URBANO DRIVE
SAN FRANCISCO, CA 94127*

From: Board of Supervisors (BOS)
Sent: Tuesday, December 23, 2014 3:02 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Opposition to vape shop on Ocean Avenue

Categories: 141291

From: Linda McGilvray [<mailto:linda.mcgilvray@gmail.com>]
Sent: Tuesday, December 23, 2014 2:03 PM
To: Board of Supervisors (BOS); Yee, Norman (BOS); BOS Legislation (BOS)
Cc: Robert Karis
Subject: Opposition to vape shop on Ocean Avenue

Dear Board of Supervisors,

The neighbors in Ingleside Terraces are very concerned about the final motion of the Planning Commission regarding the proposed vape shop at 1963 Ocean Avenue. Many feel that this business does not meet the objectives listed within the final motion. Even though some studies say the vapors are not harmful, others disagree. There's even the real chance that these e-cigarettes could lead to a smoking addiction. The neighbors with adjoining properties are certainly opposed to such activities that would pollute the air right outside the back of their homes. There also are a couple of private schools and Aptos school students in the area that might be influenced by the wares. They walk home down Ocean Ave. Trying to improve the quality of retail establishments on Ocean Avenue has been the focus, even though a few questionable shops have opened. It's one thing to have diversity in the shops but another to have unsuitable ones for youth and the neighborhood welfare. There are other stores selling e-cigarettes in the immediate vicinity within the 500 feet limit of the proposed vape shop, making neighbors wonder why another one is needed. Please consider the plight of the neighbors and welfare of the neighborhood in considering licensing this shop.

Thanks for your consideration.

Linda McGilvray
Ingleside Terraces resident

From: Linda McGilvray [linda.mcgilvray@gmail.com]
Sent: Tuesday, December 23, 2014 2:03 PM
To: Board of Supervisors (BOS); Yee, Norman (BOS); BOS Legislation (BOS)
Cc: Robert Karis
Subject: Opposition to vape shop on Ocean Avenue

Categories: 141291

Dear Board of Supervisors,

The neighbors in Ingleside Terraces are very concerned about the final motion of the Planning Commission regarding the proposed vape shop at 1963 Ocean Avenue. Many feel that this business does not meet the objectives listed within the final motion. Even though some studies say the vapors are not harmful, others disagree. There's even the real chance that these e-cigarettes could lead to a smoking addiction. The neighbors with adjoining properties are certainly opposed to such activities that would pollute the air right outside the back of their homes. There also are a couple of private schools and Aptos school students in the area that might be influenced by the wares. They walk home down Ocean Ave. Trying to improve the quality of retail establishments on Ocean Avenue has been the focus, even though a few questionable shops have opened. It's one thing to have diversity in the shops but another to have unsuitable ones for youth and the neighborhood welfare. There are other stores selling e-cigarettes in the immediate vicinity within the 500 foot limit of the proposed vape shop, making neighbors wonder why another one is needed. Please consider the plight of the neighbors and welfare of the neighborhood in considering licensing this shop.

Thanks for your consideration.

Linda McGilvray
Ingleside Terraces resident

From: Board of Supervisors (BOS)
Sent: Monday, December 22, 2014 3:53 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: 1963 Ocean Ave San Francisco

Categories: 141291

From: Nancy Lewellen [<mailto:NYL@PalladianLawGroup.com>]
Sent: Monday, December 22, 2014 12:40 PM
To: Board of Supervisors (BOS)
Subject: 1963 Ocean Ave San Francisco

I would like to go on record as opposing the proposed e-cigarette and vapor shop at the above address. I have lived in Ingleside Terraces for 40 years and have watched this block of Ocean Ave go to the dogs with a massage parlor, tattoo parlor, billiards hall and now this. This is a wealthy neighborhood, NOT THE TENDERLOIN, that needs regular merchants.

It is close to 2 schools, and I understand a new ordinance would make the vicinity of this cigarette shop illegal. There are more vacancies going up on this block with the closing of In Style and Kimura Gallery. Surely other businesses would be a better fit for this family neighborhood. What were you thinking?

Sincerely,

Nancy Lewellen, Esq.
Palladian Law Group
605 Market Street Suite 505
San Francisco, CA 94105
Tel: (415) 399-0993 Fax: (415) 202-6474

<http://www.palladianlawgroup.com>

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From: Susanne DeRisi [sderisi@gmail.com]
Sent: Saturday, December 20, 2014 4:56 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS); Boudreaux, Marcelle (CPC)
Cc: rckaris@gmail.com
Subject: Re: Case No. 2014.0206C; 1963 Ocean Avenue; 'Happy Vape'
Categories: 141291

Dear Board of Supervisors:

I am writing to oppose establishment of a tobacco retailer and hookah lounge, 'Happy Vape', at 1963 Ocean Avenue. I understand that you have a hearing scheduled for Tuesday, January 13, 2015 at 3 P.M.

As a parent of school age children, I am opposed to establishment of this tobacco/e-cigarette retailer and hookah lounge at a location near to so many schools. The Voice of Pentecost Academy (PreK-12th grade) at 1970 Ocean Avenue is only 130 feet from 1936 Ocean Avenue. There are altogether 14 educational institutions along the Ocean Avenue corridor, including Commodore Sloat elementary, Aptos Middle School, Stratford School, City College of San Francisco, and San Francisco State University. The Board of Supervisors very recently (12/9/2014 and 12/16/2014) voted unanimously to limit tobacco sales permits "if the Applicant will be within 500 feet of the nearest point of the property line of a School". Although this legislation does not take effect for 30 days and may not legally apply to this case, it seems to me that the Board of Supervisors should apply these same criteria in evaluating the appeals opposing establishment of the tobacco retailer at 1963 Ocean Avenue.

I disagree with the following "Findings" in the Planning Commission Final Motion No. 19271:

"Sections 7.A. (p.4): The proposed new uses and building ... will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community."

"7.B. (p.5): The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity."

"7.D. (p.6): The proposal enhances the range of comparison goods and services offered by adding another specialty retail store to the District"

"7.E. (p.6): The concentration of such establishments in the particular zoning district for which they are proposed does not appear to adversely impact the health, safety, and welfare of residents of nearby areas,"

The proposed e-cigarette/vaporizer retailer and steam stone hookah lounge is not desirable and is not compatible with this community. Smoking e-cigarettes and using vaporizers and being exposed to carcinogens in the second hand smoke from e-cigarettes and vaporizers will be detrimental to the health of the persons living in, working in, and attending school in the community. Furthermore, the retail sale of e-cigarettes does not enhance the range of comparison goods and services offered because there are already two tobacco retailers within 400 feet: a 7-Eleven at 2000 Ocean Avenue that sells e-cigarettes and cigarettes and a store on Ashton Avenue that sells cigarettes.

Thank you for your consideration of this matter. I hope you will side with those of us who oppose establishment of a tobacco retailer and hookah lounge, 'Happy Vape', at 1963 Ocean Avenue

Regards,

Susanne DeRisi

415 Chenery St

San Francisco, CA 94131

From: Linda Chan-Lau [linda138@yahoo.com]
Sent: Friday, December 19, 2014 1:35 PM
To: BOS Legislation (BOS); Board.of.Spervoisor@sfgov.org; Yee, Norman (BOS)
Cc: rckaris@gmail.com
Subject: RE:Proposal Vape and hookah lounge business

Categories: 141291

I DO NOT WISH AND ALLOWED THIS TO APPEAR AT MY NEIGHBORHOOD NOR NEAR BY APTOS MIDDLE SCHOOL. I WIL FIGHT TILL THE END TO NOT LET THIS HAPPEN. I AM CONCERN WITH THE SAFETY OF OUR STUDENTS AND THE SURROUNDINGS. IT SHOULD NOT BE ALLOWED SO CLOSED TO DISTANCE OF OUR SCHOOL. WE ALREADY HAVE SO MUCH PROBLEMS IN THE EVENING, WE DO NOT WANT MORE ACTIVITY GOING ON IN OUR NEIGHBORHOOD.

SINCERELY,
NEIGHBOR AND PARENT APTOS MIDDLE SCHOOL

From: Board of Supervisors (BOS)
Sent: Friday, December 19, 2014 12:54 PM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Writing to strongly object to vape/hookah business at 1963 Ocean Ave

Categories: 141291

From: Sarah Wentker [<mailto:sarah.wentker@gmail.com>]
Sent: Friday, December 19, 2014 11:09 AM
To: Yee, Norman (BOS); BOS Legislation (BOS); Board of Supervisors (BOS)
Cc: rckaris@gmail.com
Subject: Writing to strongly object to vape/hookah business at 1963 Ocean Ave

I am writing to urge you to please block the opening of a vape & hookah business at 1963 Ocean Avenue. I live in this neighborhood, and my daughter attends Aptos Middle School. We DO NOT need this kind of business in our neighborhood. There are tons of children walking up and down the Ocean Ave corridor, all the way from Commodore Sloat Elementary, to Aptos Middle School, and down to Denman Middle School & Balboa High School at the other end of Ocean. Our kids do NOT need to walk past this business, and they do not need to be exposed to this kind of culture. Plenty of kids end up smoking (legal substances and otherwise) at a young age. We do not need further encouragement. The whole vape culture is being portrayed as safe and cool, but it is not proven safe. Please please please keep businesses like this out of our neighborhood, and away from schools!!!!

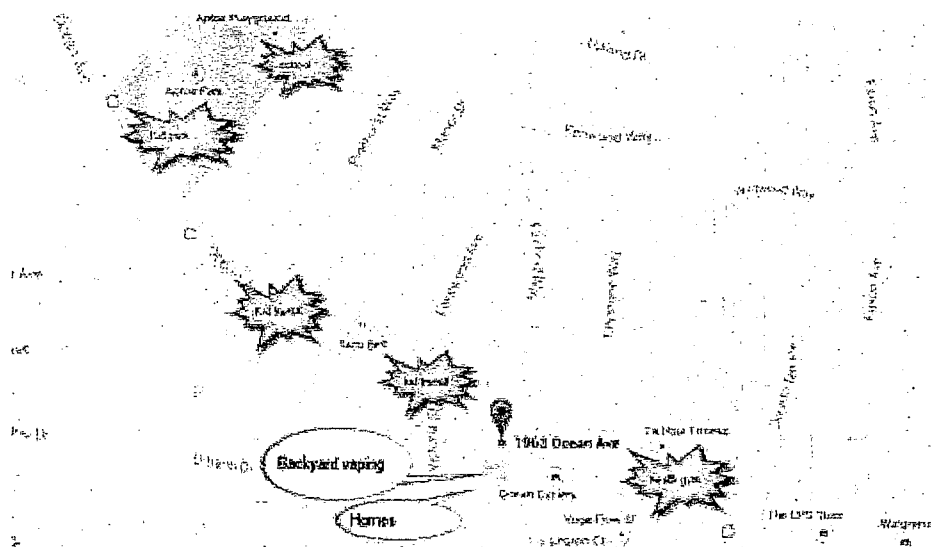
Thanks for your consideration.

Sarah Wentker
307 Santa Ana Ave.
415-623-4375

From: deltabear [<mailto:deltabear88@gmail.com>]
Sent: Friday, December 19, 2014 10:47 AM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Cc: Robert Karis
Subject: Proposed Vape Hookah Lounge at 1963 Ocean - Opposition

The owner has emailed me, trying to allay our concerns. But I am now even more concerned. Excerpt below:

Does the Planning Commission/Board realize that the owner plans to BUILD A TENT in the backyard area for vaping activity?



Planning Commission was incorrect in their finding that this development is " necessary or desirable, and compatible with, the neighborhood or the community."

The Commission issued a ruling that "approval of the Conditional Use authorization would promote the health, safety and welfare of the City." Given proximity to kids, park, school, how is this conclusion possible?

Adrienne Go

om: Board of Supervisors (BOS)
Sent: Friday, December 19, 2014 9:40 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: re Conditional Use Application for 1963 Ocean Ave.

Categories: 141291

From: Mary Sherwood [mailto:mshersf@gmail.com]
Sent: Thursday, December 18, 2014 2:10 PM
To: BOS Legislation (BOS); Board of Supervisors (BOS); Yee, Norman (BOS)
Subject: re Conditional Use Application for 1963 Ocean Ave.

Hello,

As a long time resident of the Ingleside Terraces I am writing to you to voice my opposition to the opening of a e-cigarette shop at 1963 ocean ave. Many children (including my own) walk down ocean avenue on their way to and from the many schools located along this corridor . Recent research has shown that while there is a decline in the use of tobacco cigarettes among young people, there is an increase in e-cigarette use and that those that try it are more inclined to continue to smoke.

<http://www.cdc.gov/media/releases/2014/p0825-e-cigarettes.html>

http://www.nytimes.com/2014/12/17/science/national-institute-on-drug-abuse-e-cigarette-study.html?_r=0

This addiction as well as the known negative affects of nicotine on developing brains makes me opposed to allowing this e-cigarette establishment in this location. My hopes are that you will please take into consideration the many children that travel this corridor each day and make a decision to provide them with the best possible opportunities to be healthy and successful individuals.

Thank you,

Mary Sherwood
874 Urbano Drive
SF

From: Board of Supervisors (BOS)
Sent: Friday, December 19, 2014 9:36 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Does SF Need Any More "Vape shops?"

Categories: 141291

From: Serena Chen [<mailto:Serena.Chen@lung.org>]
Sent: Thursday, December 18, 2014 12:56 PM
To: Board of Supervisors (BOS)
Subject: Does SF Need Any More "Vape shops?"

Board President Tang and Members of the Board,

We received a request from a San Francisco resident today asking us to assist her in stopping a business selling electronic smoking devices and paraphernalia from locating on Ocean Ave. While we are not familiar with the particulars of this specific case, we are concerned in general as to the proliferation of "vape" shops all over the country and in our communities as they encourage use of a product that is completely unregulated. Electronic cigarette use by youth has now surpassed the use of conventional cigarettes by minors as covered in this [New York Times](#) article.

Earlier this year, the American Lung Association spoke in favor of Supervisor Mar's legislation to restrict the use and sale of these devices. In [19N](#), free sampling of tobacco products including electronic cigarettes is clearly prohibited and we hope that the City will affirm this provision since these shops often provide free samples to customers.

In the past year, we are aware of three East Bay cities that moved to stop any additional "vape" shops from locating in their cities by passing urgency moratoriums to give the cities the time to develop zoning laws that would limit where they could be located. In the case of one of the cities -- Union City which had no such shops -- the city council voted to add vapor shops and hookah bars to their list of uses not allowed within city limits. Hayward, which saw the number of "vape" shops triple in a few months, put a halt to any additional ones, and then adopted strong restrictions on where such shops could be located. The third city, Fremont, is in the process of developing a strong tobacco retailer licensing ordinance which would include where such businesses could be located.

Please let us know if you have any questions.

Serena

Serena Chen | Regional Advocacy Director
American Lung Association in California
333 Hegenberger Rd, Suite 450
Oakland, CA 94621
Phone: 510.982.3191
Fax: 510.638.8984
Serena.Chen@lung.org | <http://www.lung.org/california>

WE ARE A FORCE TO BE RECKONED WITH
**JOIN THE FORCE
FOR LUNG HEALTH**



**LUNG
FORCE**



From: Board of Supervisors (BOS)
Sent: Thursday, December 18, 2014 9:43 AM
To: BOS-Supervisors; Lamug, Joy; Carroll, John (BOS)
Subject: File 141291 FW: Deny the Appeal of 1963 Ocean ave. Uphold the permit
Attachments: Clerk of the Board of Supervisors.docx

Categories: 141291

From: chris@gonewiththesmoke.com [<mailto:chris@gonewiththesmoke.com>]
Sent: Wednesday, December 17, 2014 3:10 PM
To: Board of Supervisors (BOS)
Subject: Deny the Appeal of 1963 Ocean ave. Uphold the permit

Hello,

Please read my letter of support for the permit and denial of the 1963 Appeal

Thank you!
Christopher Chin

Clerk of the Board of Supervisors: Angela Callvillo

Re: Please deny the appeal for 193 Ocean avenue and uphold the permit

Dear supervisors

I am the owner/operator of Gone with the Smoke shop, and I have been in business for over 1 year.

I would like to share with you the sentiment of many of our patrons who have successfully stopped smoking, started to vape and have had many health benefits from this switch.

A few of these patrons have actually stopped smoking AND vaping all together. This would not have been possible without the advent of vaping technology.

Since there's not a vapor shop on Ocean avenue, smokers in that region are being deprived of the opportunity to quit smoking. Please deny the appeal and uphold the permit. I am available for any questions or comments you may have regarding the vaping industry

Christopher Chin

Gone With The Smoke

569 Geary Street

SF, CA 94102

415-938-7508

Carroll, John (BOS)

From: BOS Legislation (BOS)
Sent: Friday, January 02, 2015 12:00 PM
To: BOS-Supervisors; BOS-Legislative Aides; rckaris2@gmail.com; blakehe@gmail.com; hinhyip@yahoo.com; xie.ronald@gmail.com; stefanocassolato@att.net; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Sanchez, Scott (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Tam, Tina (CPC); Boudreaux, Marcelle (CPC); Ionin, Jonas (CPC); Nuru, Mohammed; Sweiss, Fuad; Sanguinetti, Jerry; Storrs, Bruce; Bergin, Steven; Thomas J LaLanne
Cc: Calvillo, Angela (BOS); Caldeira, Rick (BOS); BOS Legislation (BOS); Lamug, Joy; Carroll, John (BOS)
Subject: Conditional Use Appeal - 1963 Ocean Avenue - Hearing Notice
Categories: 141291

Good afternoon,

The Office of the Clerk of the Board has scheduled an appeal hearing for a Special Order before the Board on January 13, 2015, at 3:00 p.m. Please find linked below the Hearing Notice for the 1963 Ocean Avenue Conditional Use Authorization appeal.

[Hearing Notice - 1963 Ocean Avenue](#)

You are invited to review the entire matter on our [Legislative Research Center](#) by following the link below.

[Board of Supervisors File No. 141291](#)

Thank you,

John Carroll
Legislative Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5184 - General | (415)554-5163 - Fax
john.carroll@sfgov.org | board.of.supervisors@sfgov.org

Please complete a Board of Supervisors Customer Service Satisfaction form by clicking [here](#).

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

***Disclosures:** 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 provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Tuesday, January 13, 2015

Time: 3:00 p.m.

Location: City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102

Subject: File No. 141291. Hearing of persons interested in or objecting to the Planning Commission's decision of November 6, 2014, by Motion No. 19271, relating to approval of a Conditional Use Authorization (Case No. 2014.0206C), to allow a tobacco paraphernalia establishment (dba Happy Vape) within the Ocean Avenue Neighborhood Commercial Transit District and a 45-X Height and Bulk District, located at 1963 Ocean Avenue, Assessor's Block No. 6915, Lot No. 020. (District 7) (Appellant: Robert Karis, M.D.) (Filed: December 8, 2014).

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on these matters may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official record in these matters, and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information will be available for public review on Friday, January 9, 2015.

A handwritten signature in dark ink, appearing to read "Angela Calvillo".

Angela Calvillo, Clerk of the Board

DATED: January 2, 2015
MAILED/POSTED: January 2, 2015

0001	004	HAPPY VAPE	1963 OCEAN AVE	SAN FRANCISCO	CA	94112
0001	005	.....	.....	.....	.....	.....
3280	018	VOICE OF PENTECOST INC	1970 OCEAN AV	SAN FRANCISCO	CA	94127-2746
3281	020B	ALBERT MAR CHURCH-ISH	139 ULLOA ST	SAN FRANCISCO	CA	94127-1219
3281	020B	OCCUPANT	1940 OCEAN AV	SAN FRANCISCO	CA	94127
3281	020C	LAMAX NGUYEN	1242 HOLLOWAY AV	SAN FRANCISCO	CA	94132-2630
3281	020C	OCCUPANT	1944 OCEAN AV	SAN FRANCISCO	CA	94127-2745
3281	020C	OCCUPANT	1948 OCEAN AV	SAN FRANCISCO	CA	94127-2745
3281	020D	JOSE CANELO TRS	637 ORIZABA AV	SAN FRANCISCO	CA	94132-2819
3281	020D	OCCUPANT	1942 OCEAN AV	SAN FRANCISCO	CA	94127-2745
3281	020E	SUN KOK KONG	316 PENINSULA AV	SAN FRANCISCO	CA	94134-2427
3281	020E	OCCUPANT	1930 OCEAN AV	SAN FRANCISCO	CA	94127-2745
3281	020E	OCCUPANT	1934 OCEAN AV	SAN FRANCISCO	CA	94127-2745
3281	020E	OCCUPANT	1936 OCEAN AV	SAN FRANCISCO	CA	94127-2745
3281	035	WILLIAM GUNTHER TRS	480 MAGELLAN AV	SAN FRANCISCO	CA	94116-1921
3281	035	OCCUPANT	1920 OCEAN AV	SAN FRANCISCO	CA	94127-2751
3281	035	OCCUPANT	1920B OCEAN AV	SAN FRANCISCO	CA	94127-2751
3281	036	IAKOV BRODSKI	1920 OCEAN AV #1A	SAN FRANCISCO	CA	94127-2751
3281	037	ZHENNENG XU ETAL	1920 OCEAN AV #1B	SAN FRANCISCO	CA	94127-2751
3281	038	ZHENG XI	1920 OCEAN AV #1C	SAN FRANCISCO	CA	94127-2751
3281	039	PABLO MARULL	1920 OCEAN AV #1D	SAN FRANCISCO	CA	94127-2751
3281	040	SOPHIA LICON	1920 OCEAN AV #1E	SAN FRANCISCO	CA	94127-2751
3281	041	MARCO GARCIA	1920 OCEAN AV #1F	SAN FRANCISCO	CA	94127-2751
3281	042	JOHN PELOQUIN	1920 OCEAN AV #1G	SAN FRANCISCO	CA	94127-2751
3281	043	DAVILA YI WEN	2218 29TH AV	SAN FRANCISCO	CA	94116-1737
3281	043	OCCUPANT	1920 OCEAN AV #2A	SAN FRANCISCO	CA	94127-2751
3281	044	L & L KORETS TRS	1920 OCEAN AV #2B	SAN FRANCISCO	CA	94127-2757
3281	045	MICHELLE CHANG TRS	1920 OCEAN AV #2C	SAN FRANCISCO	CA	94127-2757
3281	046	ILYA SPIVAK	1920 OCEAN AV #2D	SAN FRANCISCO	CA	94127-2757
3281	047	REMIGIO INFANTE	1920 OCEAN AV #2E	SAN FRANCISCO	CA	94127-2758
3281	048	JORGE CORREA	127 BOBOLINK WAY	HERCULES	CA	94547-1501
3281	048	OCCUPANT	1920 OCEAN AV #2F	SAN FRANCISCO	CA	94127-2751
3281	049	M & C BAUDIN	396 SHASTA DR	PALO ALTO	CA	94306-4541
3281	049	OCCUPANT	1920 OCEAN AV #2G	SAN FRANCISCO	CA	94127-2758
3281	050	PENN & CALLAGHAN	1920 OCEAN AV #3A	SAN FRANCISCO	CA	94127-2758
3281	051	YEUNG & SIU	1920 OCEAN AV #3B	SAN FRANCISCO	CA	94127-2758
3281	052	CHEUNG & SINGH	50 WAWONA ST	SAN FRANCISCO	CA	94127-1119
3281	052	OCCUPANT	1920 OCEAN AV #3C	SAN FRANCISCO	CA	94127-2751
3281	053	ELIA MALICK	80 NORMANDY LN	WALNUT CREEK	CA	94598-1249
3281	053	OCCUPANT	1920 OCEAN AV #3D	SAN FRANCISCO	CA	94127-2758
3281	054	CHRISTINA PARKER	1920 OCEAN AV #3E	SAN FRANCISCO	CA	94127-2759
3281	055	GESTRIN YEVGENIA	1920 OCEAN AV #3F	SAN FRANCISCO	CA	94127-2759
3281	056	TORABI SAHMON	1920 OCEAN AV #3G	SAN FRANCISCO	CA	94127-2759
6915	011	LEE TRS	478 DEWEY BL	SAN FRANCISCO	CA	94116-1425
6915	011	OCCUPANT	50 URBANO DR	SAN FRANCISCO	CA	94127-2868
6915	012	CHESTER WEED TRS	60 URBANO DR	SAN FRANCISCO	CA	94127-2868
6915	013	ALEXANDER BUTTON	70 URBANO DR	SAN FRANCISCO	CA	94127-2868
6915	014	J & M FLAHERTY TRS	90 URBANO DR	SAN FRANCISCO	CA	94127-2868
6915	015	E & M LEE	816 VICTORIA ST	SAN FRANCISCO	CA	94127-2725
6915	016	B & I DELEON	830 VICTORIA ST	SAN FRANCISCO	CA	94127-2725
6915	017	M & M WANNAVIROJ	1997 OCEAN AV	SAN FRANCISCO	CA	94127-2721
6915	017	OCCUPANT	1995 OCEAN AV	SAN FRANCISCO	CA	94127-2721
6915	018	HO TSANG TRS	255 SAN LEANDRO WAY	SAN FRANCISCO	CA	94127-1915
6915	018	OCCUPANT	1973 OCEAN AV	SAN FRANCISCO	CA	94127-2721
6915	018	OCCUPANT	1975 OCEAN AV	SAN FRANCISCO	CA	94127-2721
6915	019	TIMOLEON ZARACOTAS TRS	1 CORTE PRINCESA	MILLBRAE	CA	94030-2222
6915	019	OCCUPANT	1967 OCEAN AV	SAN FRANCISCO	CA	94127-2721
6915	020	TIMOLEON ZARACOTAS TRS	1 CORTE PRINCESA	MILLBRAE	CA	94030-2222
6915	020	OCCUPANT	1959 OCEAN AV	SAN FRANCISCO	CA	94127-2721
6915	020	OCCUPANT	1961 OCEAN AV	SAN FRANCISCO	CA	94127-2721
6915	020	OCCUPANT	1963 OCEAN AV	SAN FRANCISCO	CA	94127-2721
6915	022	RAMALLAH CLUB INC	PO BOX 27246	SAN FRANCISCO	CA	94127-0246
6915	022	OCCUPANT	1951 OCEAN AV	SAN FRANCISCO	CA	94127-2721
6915	024	TOM TUAN PHAN	1727 27TH AV	SAN FRANCISCO	CA	94122-4209
6915	024	OCCUPANT	1947 OCEAN AV	SAN FRANCISCO	CA	94127-2721
6915	024	OCCUPANT	1949 OCEAN AV	SAN FRANCISCO	CA	94127-2721

RADIUS SERVICES 1221 HARRISON ST #18 SAN FRANCISCO CA 94103 415-391-4775

6915	025	J & S LAU	785 COLUMBUS AV	SAN FRANCISCO	CA	94133-2732
6915	025	OCCUPANT	1943 OCEAN AV	SAN FRANCISCO	CA	94127-2721
6915	027	MACHIKO SHIOZAKI	81 HOLBROOK LN	ATHERTON	CA	94027-2036
6915	027	OCCUPANT	1931 OCEAN AV	SAN FRANCISCO	CA	94127-2721
6915	027	OCCUPANT	1933 OCEAN AV	SAN FRANCISCO	CA	94127-2721
6915	027	OCCUPANT	1935 OCEAN AV	SAN FRANCISCO	CA	94127-2721
9999	999	.....	.....	.....	.....	..

FIRST	LAST	TITLE	ORGANIZATION
Aaron	Peskin		-
Adrian	Simi	Local Field Representative	Carpenters Local 22
Alex	Lantsberg	Research Analyst	Carpenters Local 22 c/o NCCRC Research
Chuck	Turner	Director	Community Design Center
David	Villa-Lobos	Executive Director	Community Leadership Alliance
Diego	Hernandez	Organizer	Laborers Local 261
Grace	Shanahan	President	Residential Builders Association
Lynn	Sousa	Public Works Coordinator	AT&T Construction and Engineering
Mary	Miles		0 Coalition for Adequate Review
Michael	Theriault	Secretary-Treasurer	SF Building and Construction Trades Council
Sona	Trauss	President	SF Bay Area Association of Renters
Stephen	Williams	Attorney	Law Office of Stephen M. Williams
Sue	Hestor	Attorney at Law	-
Ted	Gullicksen	Office Manager	San Francisco Tenants Union

ADDRESS	CITY	STATE	ZIP	TELEPHONE
470 Columbus Avenue, Ste. 211	San Francisco	CA	94133	415-986-7014
2085 Third Street	San Francisco	CA	94107	415-355-1322
265 Hegenberger Road, Ste. 220	Oakland	CA	94621	510-430-9706 x109
5 Thomas Mellon Circle, #128	San Francisco	CA	94134	415-586-1235
P.O. Box 642201	San Francisco	CA	94109	415-921-4192
3271 18th Street	San Francisco	CA	94110	415-826-4550
1717 17th Street, Ste. 200	San Francisco	CA	94103	415-252-1900
795 Folsom Street, Rm.426	San Francisco	CA	94107-1243	415-644-7043
364 Page Street, #36	San Francisco	CA	94102	-0
1188 Franklin Street, Ste.203	San Francisco	CA	94109	415-345-9333
1618 12th Street	Oakland	CA	94607	215-900-1457
1934 Divisadero Street	San Francisco	CA	94115	415-292-3656
870 Market Street, #1128	San Francisco	CA	94102	415-362-2778
558 Capp Street	San Francisco	CA	94110	415-282-5525

EMAIL	NEIGHBORHOOD OF INTEREST
aaron.peskin@earthlink.net	Citywide
ASimi@nccrc.org	Citywide
alantsberg@nccrc.org	Citywide
hn3782@earthlink.net	Citywide
admin@communityleadershipalliance.net	Citywide
dhernandez@ncdcliu.org	Citywide
grace@rbasf.com	Citywide
1s4524@att.com	Citywide
	0 Citywide
mike@sfbctc.org	Citywide
sonja.trauss@gmail.com	Citywide
SMW@stevewilliamsllaw.com	Citywide
hestor@earthlink.net	Citywide
ted@sftu.org	Citywide

0001	004	HAPPY VAPE	1963 OCEAN AVE	SAN FRANCISCO	CA	94112
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3280	018	VOICE OF PENTECOST INC	1970 OCEAN AV	SAN FRANCISCO	CA	94127-2746
3281	017	A & K FULLER	25 KEYSTONE WAY	SAN FRANCISCO	CA	94127-2717
3281	018	VICTOR HONG TRS	19 KEYSTONE WAY	SAN FRANCISCO	CA	94127-2717
3281	018A	R & P LURATI	15 KEYSTONE WAY	SAN FRANCISCO	CA	94127-2717
3281	019	NELLY HUDMAN TRS	11 KEYSTONE WAY	SAN FRANCISCO	CA	94127-2717
3281	020B	ALBERT MAR CHURCH-ISH	139 ULLOA ST	SAN FRANCISCO	CA	94127-1219
3281	020C	LAMAX NGUYEN	1242 HOLLOWAY AV	SAN FRANCISCO	CA	94132-2630
3281	020D	JOSE CANELO TRS	637 ORIZABA AV	SAN FRANCISCO	CA	94132-2819
3281	020E	SUN KOK KONG	316 PENINSULA AV	SAN FRANCISCO	CA	94134-2427
3281	021	MORENA FERNANDEZ	14 FAIRFIELD WAY	SAN FRANCISCO	CA	94127-2710
3281	022	M & L NGUYEN	18 FAIRFIELD WAY	SAN FRANCISCO	CA	94127-2710
3281	023	CORRELL TRS	22 FAIRFIELD WAY	SAN FRANCISCO	CA	94127-2710
3281	023A	JEFFREY HARDING	26 FAIRFIELD WAY	SAN FRANCISCO	CA	94127-2710
3281	035	WILLIAM GUNTHER TRS	480 MAGELLAN AV	SAN FRANCISCO	CA	94116-1921
3281	036	IAKOV BRODSKI	1920 OCEAN AV #1A	SAN FRANCISCO	CA	94127-2751
3281	037	ZHENNENG XU ETAL	1920 OCEAN AV #1B	SAN FRANCISCO	CA	94127-2751
3281	038	ZHENG XI	1920 OCEAN AV	SAN FRANCISCO	CA	94127-2751
3281	039	PABLO MARULL	1920 OCEAN AV #1D	SAN FRANCISCO	CA	94127-2751
3281	040	SOPHIA LICON	1920 OCEAN AV #1E	SAN FRANCISCO	CA	94127-2751
3281	041	MARCO GARCIA	1920 OCEAN AV #1F	SAN FRANCISCO	CA	94127-2751
3281	042	JOHN PELOQUIN	1920 OCEAN AV #1G	SAN FRANCISCO	CA	94127-2751
3281	043	DAVILA YI WEN	2218 29TH AV	SAN FRANCISCO	CA	94116-1737
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3281	045	MICHELLE CHANG TRS	1920 OCEAN AV #2C	SAN FRANCISCO	CA	94127-2757
3281	046	ILYA SPIVAK	1920 OCEAN AV #2D	SAN FRANCISCO	CA	94127-2757
3281	047	REMIGIO INFANTE	1920 OCEAN AV #2E	SAN FRANCISCO	CA	94127-2758
3281	048	JORGE CORREA	127 BOBOLINK WAY	HERCULES	CA	94547-1501
3281	049	M & C BAUDIN	396 SHASTA DR	PALO ALTO	CA	94306-4541
3281	050	PENN & CALLAGHAN	1920 OCEAN AV #3A	SAN FRANCISCO	CA	94127-2758
3281	051	YEUNG & SIU	1920 OCEAN AV #3B	SAN FRANCISCO	CA	94127-2758
3281	052	CHEUNG & SINGH	50 WAWONA ST	SAN FRANCISCO	CA	94127-1119
3281	053	ELIA MALICK	80 NORMANDY LN	WALNUT CREEK	CA	94598-1249
3281	054	CHRISTINA PARKER	1920 OCEAN AV #3E	SAN FRANCISCO	CA	94127-2759
3281	055	GESTRIN YEVENIA	1920 OCEAN AV #3F	SAN FRANCISCO	CA	94127-2759
3281	056	TORABI SAHMOM	1920 OCEAN AV #3G	SAN FRANCISCO	CA	94127-2759
3282	026	CHU YUN SANG & CHUPING LEE	16 KEYSTONE WAY	SAN FRANCISCO	CA	94127-2718
3282	026A	HO YOOK MUN	172 NEY ST	SAN FRANCISCO	CA	94112-1643
3282	027B	WOO TRS	4790 GEARY BL	SAN FRANCISCO	CA	94118-2909
3282	028	FELICIDAD BALAORO TRS	1954 35TH AV	SAN FRANCISCO	CA	94116-1110
3282	029	CHAN LAI KWAN ROSALINE	8 KEYSTONE WY #1A	SAN FRANCISCO	CA	94127-2753
3282	030	ALBERT WONG	8 KEYSTONE WY #1B	SAN FRANCISCO	CA	94127-2753
3282	031	VOON YOONG LEONG TRS	8 KEYSTONE WY #1C	SAN FRANCISCO	CA	94127-2753
3282	032	RUBY BRAXTON	8 KEYSTONE WY #1D	SAN FRANCISCO	CA	94127-2753
3282	033	FNMA	888 E WALNUT ST	PASADENA	CA	91101-1895
3282	034	CHARLES MANN TRS	8 KEYSTONE WY #2B	SAN FRANCISCO	CA	94127-2753
3282	035	BARBARA JUNG	1351 16TH AV	SAN FRANCISCO	CA	94122-2011
3282	036	BARVO & PILAR TORRES	8 KEYSTONE WY #2D	SAN FRANCISCO	CA	94127-2754
3282	037	FARAH BARRE	1255 PENNSYLVANIA AV #111	MIAMI BEACH	FL	33139-4497
3282	038	SIMON GRANAT	8 KEYSTONE WY #3B	SAN FRANCISCO	CA	94127-2754
3282	039	CHANG HAEMI	8 KEYSTONE WY #3C	SAN FRANCISCO	CA	94127-2754
3282	040	YELENA DEVIYATOVA ETAL	8 KEYSTONE WY #3D	SAN FRANCISCO	CA	94127-2754
6914	001	BALLARD & TAN	2001 OCEAN AV	SAN FRANCISCO	CA	94127-2722
6914	002	J & S KIM TRS	827 VICTORIA ST	SAN FRANCISCO	CA	94127-2724
6914	003	NELL PUMPHREY	815 VICTORIA ST	SAN FRANCISCO	CA	94127-2724
6914	004	HIRABAYASHI-ALQUIZOLA TRS	1172 CENTINELA AV #1	SANTA MONICA	CA	90403-2338
6914	005	GLUCK & KASLER	128 URBANO DR	SAN FRANCISCO	CA	94127
6915	002	W & C WALRAVEN	383 ASHTON AV	SAN FRANCISCO	CA	94112-1745
6915	008	ANGST & KEAY	18 URBANO DR	SAN FRANCISCO	CA	94127-2821
6915	009	RUTH STUCKEY TRS	26 URBANO DR	SAN FRANCISCO	CA	94127-2821
6915	010	ZHANG & YI	40 URBANO DR	SAN FRANCISCO	CA	94127-2868
6915	011	LEE TRS	478 DEWEY BL	SAN FRANCISCO	CA	94116-1425
6915	012	CHESTER WEED TRS	60 URBANO DR	SAN FRANCISCO	CA	94127-2868
6915	013	ALEXANDER BUTTON	70 URBANO DR	SAN FRANCISCO	CA	94127-2868
6915	014	J & M FLAHERTY TRS	90 URBANO DR	SAN FRANCISCO	CA	94127-2868

6915	015	E & M LEE	816 VICTORIA ST	SAN FRANCISCO	CA	94127-2725
6915	016	B & I DELEON	830 VICTORIA ST	SAN FRANCISCO	CA	94127-2725
6915	017	M & M WANNAVIROJ	1997 OCEAN AV	SAN FRANCISCO	CA	94127-2721
6915	018	HO TSANG TRS	255 SAN LEANDRO WAY	SAN FRANCISCO	CA	94127-1915
6915	019	TIMOLEON ZARACOTAS TRS	1 CORTE PRINCESA	MILLBRAE	CA	94030-2222
6915	020	TIMOLEON ZARACOTAS TRS	1 CORTE PRINCESA	MILLBRAE	CA	94030-2222
6915	022	RAMALLAH CLUB INC	PO BOX 27246	SAN FRANCISCO	CA	94127-0246
6915	024	TOM TUAN PHAN	1727 27TH AV	SAN FRANCISCO	CA	94122-4209
6915	025	J & S LAU	785 COLUMBUS AV	SAN FRANCISCO	CA	94133-2732
6915	027	MACHIKO SHIOZAKI	81 HOLBROOK LN	ATHERTON	CA	94027-2036
6915	029	PRANDO TRS	61 EDWARD AV	SAN RAFAEL	CA	94903-2809
6915	032	KARP INVESTMENT LP	1917 OCEAN AV	SAN FRANCISCO	CA	94127
6915	034	V & M DIFFLEY TRS	1515 MONTEREY BL	SAN FRANCISCO	CA	94127-2050
6915	034A	ASSEMBLY OF GOD TRS	20 LEGION CT	SAN FRANCISCO	CA	94127-2817
6915	035	K & D TAM TRS	168 LINDA VISTA DR	DALY CITY	CA	94014-1600
6915	036	RAYMOND LO CHAN TRS	121 HILLSIDE BL	DALY CITY	CA	94014-1831
6915	037	CAI TRS	30 LEGION CT	SAN FRANCISCO	CA	94127-2817
6921	001	HENRY BEVERLY TRS	101 URBANO DR	SAN FRANCISCO	CA	94127-2822
6921	002	HUANG & LIN	795 VICTORIA ST	SAN FRANCISCO	CA	94127-2838
6921	003	DORIS HUEY TRS	785 VICTORIA ST	SAN FRANCISCO	CA	94127-2838
6922	001	HECHINGER TRS	65 URBANO DR	SAN FRANCISCO	CA	94127-2820
6922	002	D & M SCHULZE	27 URBANO DR	SAN FRANCISCO	CA	94127-2820
6922	003	CHIANG & WANG	3135 MIDDLEFIELD AV	FREMONT	CA	94539-5069
6922	021	GEOFFREY PALMER	776 VICTORIA ST	SAN FRANCISCO	CA	94127-2839
6922	022	YOUNG TRS	788 VICTORIA ST	SAN FRANCISCO	CA	94127-2839
9999	999	.....	.....	.....	..	..

FIRST	LAST	TITLE	ORGANIZATION
Marc	Christensen	President	Merced Extension Triangle Neighborhood Association (METNA)
Mark	Scardina	President	Ingleside Terraces Homes Association
Norman	Yee	Supervisor, District 7	Board of Supervisors
Peter	Vaernet		0 OMI Neighbors in Action

ADDRESS	CITY	STATE	ZIP	TELEPHONE	
60 Kempton Avenue	San Francisco	CA	94132-3221	415-585-2465	
P.O. Box 27304	San Francisco	CA	94127-0304	415-469-9815	
1 Dr. Carlton B Goodlett Place, Room #244	San Francisco	CA	94102-4689	415-554-6516	
335 Shields Street	San Francisco	CA	94132		0

EMAIL**NEIGHBORHOOD OF INTEREST**

christensen.marc.metna@gmail.com; ragtime217@gmail.com
Lakeshore, Ocean View

President@ithasf.org
Lakeshore, Ocean View, West of Twin Peaks

Norman.Yee@sfgov.org; Inner Sunset, Lakeshore, Ocean View,
Matthias.Mormino@sfgov.org; Parkside, Twin Peaks, West of Twin Peaks
Olivia.Scanlon@sfgov.org
vaernetpeter@yahoo.com Lakeshore, Ocean View

FIRST	LAST	TITLE	ORGANIZATION
		President	Greater West Portal Neighborhood Assn.
		President	Lakeside Property Owners Association
		Zoning & Planning	Miraloma Park Improvement Club
Anita	Theoharis	Planning and Zoning Chair	Westwood Park Association
Bill	Chionsini	President	Lakeshore Acres Improvement Club
Claudia	Chamberlain		Neighbors of Ardenwood
David	Bisho	President	Westwood Highlands Association
Diana	Wara		Forest Hill Association
Gary	Weiss	President	Corbett Heights Neighbors
Gordon	Canepa	Association Manager	St. Francis Homes Association
Karen	Breslin		Miraloma Park Improvement Club
Kimber	Blackburn	President	Monterey Heights Homeowners Association
Mark	Scardina	President	Ingleside Terraces Homes Association
Matt	Chamberlain	President	West of Twin Peaks Central Council
Norman	Meunier		Ingleside Terraces Homes Association
Norman	Yee	Supervisor, District 7	Board of Supervisors
Roger	Ritter	President	Balboa Terrace Homes Association
Sally	Stephens	President	Golden Gate Heights Neighborhood Association
Tim	Armour		Miraloma Park Improvement Club

ADDRESS	CITY	STATE	ZIP	TELEPHONE	
P.O. Box 27116	San Francisco	CA	94127	415-501-0394	
P.O. Box 27516	San Francisco	CA	94127	415-587-3218	
350 O'Shaughnessy Blvd	San Francisco	CA	94127	415-334-4373	
P.O. Box 27901, No. 770	San Francisco	CA	94127	415-664-7463	
P.O. Box 320222	San Francisco	CA	94132-0222	415-753-0620	
2690 16th Avenue	San Francisco	CA	94116-3052	415-397-0767	
120 Brentwood Avenue	San Francisco	CA	94127	415-664-0542	
381 Magellan Avenue	San Francisco	CA	94116		
78 Mars Street	San Francisco	CA	94114	415-279-5570	
101 Santa Clara Ave.	San Francisco	CA	94127	415-681-0493	
839 Foerster Street	San Francisco	CA	94127		0
P.O. Box 27125	San Francisco	CA	94127-0125		0
P.O. Box 27304	San Francisco	CA	94127-0304	415-469-9815	
P.O. Box 27112	San Francisco	CA	94127		0
450 Monticello Street	San Francisco	CA	94127-2861		0
1 Dr. Carlton B Goodlett Place, Room #244	San Francisco	CA	94102-4689	415-554-6516	
P.O. Box 27642	San Francisco	CA	94127	415-566-6023	
P.O. Box 27608	San Francisco	CA	94127	415-379-0577	
439 Myra Way	San Francisco	CA	94127	415-841-9488	

EMAIL

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lakeside@lakesidepoa.org

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claudia@sfchamberlain.us

bisho@bisho.com

foresthillch@aol.com

DianeW@foresthill-sf.org

gary@corbettheights.org

stfrancishomes@gmail.com

kbsmail@sbcglobal.net

info@montereyheights.org

President@ithasf.org

info@WestOfTwinPeaks.org

President@WestOfTwinPeaks.org

njmeunier@comcast.net

Norman.Yee@sfgov.org;

Matthias.Mormino@sfgov.org;

Olivia.Scanlon@sfgov.org

board@balboaterrace.org

president@goldengateheights.org

nocatim@sbcglobal.net

NEIGHBORHOOD OF INTEREST

Diamond Heights, Inner Sunset, Outer Sunset, Parkside, Twin Peaks, West of Twin Peaks

West of Twin Peaks

West of Twin Peaks

West of Twin Peaks

Lakeshore

West of Twin Peaks

West of Twin Peaks

West of Twin Peaks

Castro/Upper Market, Noe Valley, West of Twin Peaks

West of Twin Peaks

West of Twin Peaks

West of Twin Peaks

Lakeshore, Ocean View, West of Twin Peaks

Diamond Heights, Lakeshore, Parkside, Twin Peaks, West of Twin Peaks

West of Twin Peaks

Inner Sunset, Lakeshore, Ocean View,

Parkside, Twin Peaks, West of Twin Peaks

West of Twin Peaks

Inner Sunset, Parkside, West of Twin Peaks

West of Twin Peaks

Carroll, John (BOS)

From: BOS Legislation (BOS)
Sent: Friday, December 12, 2014 4:18 PM
To: rckaris2@gmail.com
Cc: blakehe@gmail.com; hinhyip@yahoo.com; xie.ronald@gmail.com; stefanocassolato@att.net; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlana (CAT); Sanchez, Scott (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Tam, Tina (CPC); Boudreaux, Marcelle (CPC); Ionin, Jonas (CPC); Nuru, Mohammed; Sweiss, Fuad; Sanguinetti, Jerry; Storrs, Bruce; Bergin, Steven; BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Caldeira, Rick (BOS)
Subject: Conditional Use Authorization Appeal - 1963 Ocean Avenue - Hearing Date
Categories: 141291

Good afternoon, Mr. Karis,

The Office of the Clerk of the Board has scheduled a Special Order before the Board of Supervisors on January 13, 2015, at 3:00 p.m., to hear an appeal of the Conditional Use Authorization for property located at 1963 Ocean Avenue.

Please find linked below a letter from the Clerk of the Board forwarding Public Works' determination of the sufficiency of signatures for the appeal filing, as well as a direct link to the letter from Public Works.

[Clerk of the Board Letter - 12/12/2014](#)

[Public Works Letter - 12/11/2014](#)

You are invited to review the entire matter on our [Legislative Research Center](#) by following the link below.

[Board of Supervisors File No. 141291](#)

Thank you,

John Carroll
Legislative Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5184 - General | (415)554-5163 - Fax
john.carroll@sfgov.org | board.of.supervisors@sfgov.org

Please complete a Board of Supervisors Customer Service Satisfaction form by clicking [here](#).

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: 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 provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

December 12, 2014

Robert Karis
727 Victoria Street
San Francisco, CA 94127

Subject: Conditional Use Appeal - 1963 Ocean Avenue

Dear Mr. Karis:

This is in reference to the appeal you submitted 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.

The Director of Public Works has informed the Board of Supervisors in a letter dated December 11, 2014, (copy attached), that the signatures represented with your appeal of December 8, 2014, have been checked pursuant to the Planning Code and represent owners of more than 20 percent of the property involved and would be sufficient for an appeal.

Pursuant to Planning Code, Section 308.1, a hearing date has been scheduled on **Tuesday, January 13, 2015, at 3:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102.

Please provide to the Clerk's Office by:

11 days prior to the hearing: names and addresses of interested parties to be notified of the hearing in spreadsheet format; and

8 days prior to the hearing: any documentation which you may want available to the Board members prior to the hearing.

For the above, the Clerk's office requests one electronic file (sent to bos.legislation@sfgov.org) and one hard copy of the documentation for distribution.

NOTE: If electronic versions of the documentation are not available, please submit 18 hard copies of the materials to the Clerk's Office for distribution. If you are unable to make the deadlines prescribed above, it is your responsibility to ensure that all parties receive copies of the materials.



If you have any questions, please feel free to contact Legislative Clerks, Joy Lamug at (415) 554-7712, or John Carroll at (415) 554-4445.

Sincerely,

A handwritten signature in black ink, appearing to read "Angela Calvillo".

Angela Calvillo
Clerk of the Board

c:

Cong Phuong T Nguyen/Yong (Blake) He, Project Sponsor
Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Tina Tam, Planning Department
Marcelle Boudreaux, Planning Department
Jonas Ionin, Planning Commission
Mohammed Nuru, Director of Public Works
Fuad Sweiss, City Engineer, Public Works
Jerry Sanguinetti, Manager, Public Works-Bureau of Street Use and Mapping
Bruce Storrs, Public Works
Steven Bergin, Public Works



City and County of San Francisco
San Francisco Public Works - Bureau of Street Use and Mapping
Bruce R. Storrs, City and County Surveyor
1155 Market Street, 3rd Floor - San Francisco, CA 94103
sfpublicworks.org - tel 415-554-5827 - fax 415-554-5324



December 10, 2014

Ms. Angela Calvillo
Clerk of the Board
1 Dr. Carlton B. Goodlet Place
City Hall - Room 244
San Francisco, CA 94102

RE: 1963 Ocean Ave.
Lot 020 of Assessor's Block 6915
Appealing Planning Commissions Approval of
Conditional Use Application No. 2014.0206 C

RECEIVED
CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC WORKS
31 DEC 11 PM 3:59

Dear Ms. Calvillo:

This letter is in response to your December 8, 2014 request for our Department to check the sufficiency of the signatures with respect to the above referenced appeal.

Please be advised that per our calculations the appellants' signatures represent 31.97% of the area within the 300 foot radius of the property of interest; which is more than the minimum required 20% of the area involved and is therefore sufficient for appeal.

If you have any questions concerning this matter, please contact Mr. Javier Rivera of my staff at 554-5864.

Sincerely

Bruce R. Storrs
City & County Surveyor



City and County of San Francisco
San Francisco Public Works · Bureau of Street Use and Mapping
Bruce R. Storrs, City and County Surveyor
1155 Market Street, 3rd Floor · San Francisco, CA 94103
sfpublicworks.org · tel 415-554-5827 · fax 415-554-5324



December 10, 2014

Ms. Angela Calvillo
Clerk of the Board
1 Dr. Carlton B. Goodlet Place
City Hall – Room 244
San Francisco, CA 94102

RE: 1963 Ocean Ave.
Lot 020 of Assessor's Block 6915
Appealing Planning Commissions Approval of
Conditional Use Application No. 2014.0206 C

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 DEC 11 PM 3:39

Dear Ms. Calvillo:

This letter is in response to your December 8, 2014 request for our Department to check the sufficiency of the signatures with respect to the above referenced appeal.

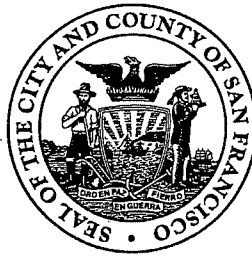
Please be advised that per our calculations the appellants' signatures represent 31.97% of the area within the 300 foot radius of the property of interest; which is more than the minimum required 20% of the area involved and is therefore sufficient for appeal.

If you have any questions concerning this matter, please contact Mr. Javier Rivera of my staff at 554-5864.

Sincerely

Bruce R. Storrs
City & County Surveyor

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

December 8, 2014

Mohammed Nuru
Director, Public Works
1 Dr. Carlton B. Goodlett Place, Room 348
San Francisco, CA 94102

Planning Case No. 2014.0206C
1963 Ocean Avenue Conditional Use Authorization Appeal

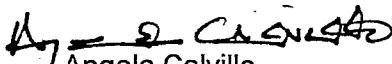
Dear Director Nuru:

The Office of the Clerk of the Board is in receipt of an appeal filed by Robert Karis, of the decision of the Planning Commission by its Motion No. 19271 dated November 6, 2014, relating to the approval of a Conditional Use Authorization (Case No. 2014.0206C) pursuant to Planning Code, Sections 303 and 737.69, to allow establishment of a tobacco paraphernalia establishment within the Ocean Avenue Neighborhood Commercial Transit District and a 45-X Height and Bulk District located at:

1963 Ocean Avenue, Assessor's Block No. 6915, Lot No. 020

By copy of this letter, the City Engineer's Office is requested to determine the sufficiency of the signatures in regard to the percentage of the area represented by the appellant. Please submit a report not later than 5:00 p.m., on Monday, December 15, 2014, to give us time to prepare and mail out the hearing notices, as the Board of Supervisors has tentatively scheduled the appeal to be heard on January 13, 2015, at 3:00 p.m.

Sincerely,


Angela Calvillo
Clerk of the Board

c:
Fuad Sweiss, City Engineer, Public Works
Jerry Sanguinetti, Public Works-Bureau of Street Use and Mapping
Bruce Storrs, Public Works
Javier Rivera, Public Works
Steve Bergin, Public Works
Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Sarah Jones, Planning Department
Scott Sanchez, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Marcelle Boudreaux, Planning Department

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

January 2, 2015

FILE NO. 141291

Received from the Board of Supervisors-Clerk's Office a check in the amount of Five Hundred Forty Seven Dollars (\$547), representing filing fee paid by Robert Karis (Appellant) for Appeal of Conditional Use for 1963 Ocean Avenue.

Planning Department
By:

Theresa Moncher

Print Name

[Signature] 1/5/15

Signature and Date

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- ☐ 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- ☐ 2. Request for next printed agenda Without Reference to Committee.
- ☒ 3. Request for hearing on a subject matter at Committee.
- ☐ 4. Request for letter beginning "Supervisor inquires"
- ☐ 5. City Attorney request.
- ☐ 6. Call File No. from Committee.
- ☐ 7. Budget Analyst request (attach written motion).
- ☐ 8. Substitute Legislation File No.
- ☐ 9. Reactivate File No.
- ☐ 10. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☐ Planning Commission ☐ Building Inspection Commission

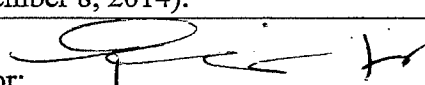
Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Subject:

The text is listed below or attached:

Hearing of persons interested in or objecting to the Planning Commission's decision of November 6, 2014, by Motion No. 19271, relating to approval of a Conditional Use Authorization (Case No. 2014.0206C), to allow a tobacco paraphernalia establishment (dba Happy Vape) within the Ocean Avenue Neighborhood Commercial Transit District and a 45-X Height and Bulk District, located at 1963 Ocean Avenue, Assessor's Block No. 6915, Lot No. 020. (District 7) (Appellant: Robert Karis, M.D.) (Filed: December 8, 2014).

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: