



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** March 21, 2013  
**TO:** Reza Khoshnevisan, SIA Consulting Corporation  
**FROM:** Joy Navarrete, Planning Department  
**RE:** PPA Case No. 2013.0083 for 270 Brighton Avenue

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

Please find the attached Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact, Wade Wietgreffe, at (415) 575-9050 or [wade.wietgreffe@sfgov.org](mailto:wade.wietgreffe@sfgov.org), to answer any questions you may have, or to schedule a follow-up meeting.

A handwritten signature in black ink, appearing to read "Joy Navarrete", written over a horizontal line.

Joy Navarrete, Senior Planner





# SAN FRANCISCO PLANNING DEPARTMENT

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## Preliminary Project Assessment

*Date:* March 21, 2013  
*Case No.:* **2013.0083U**  
*Project Address:* 270 Brighton Avenue  
*Block/Lot:* 6944/044  
*Zoning:* Ocean Avenue Neighborhood Commercial Transit (NCT) District  
Residential, House: Two-Family (RH-2) District  
45-X Height and Bulk District  
*Area Plan:* Balboa Park Station Area Plan  
*Project Sponsor:* Reza Khoshnevisan, SIA Consulting Corporation  
415-922-0200 x 108  
*Staff Contact:* Wade Wietgreffe, 415-575-9050  
[wade.wietgreffe@sfgov.org](mailto:wade.wietgreffe@sfgov.org)

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### DISCLAIMERS:

Please be advised that this determination does not constitute an application for development with the Planning Department. It also does not represent a complete review of the proposed project, a project approval of any kind, or in any way supersede any required Planning Department approvals listed below. The Planning Department may provide additional comments regarding the proposed project once the required applications listed below are submitted. While some approvals are granted by the Planning Department, some are at the discretion of other bodies, such as the Planning Commission or Historic Preservation Commission. Additionally, it is likely that the project will require approvals from other City agencies such as the Department of Building Inspection, Department of Public Works, Department of Public Health, and others. The information included herein is based on plans and information provided for this assessment and the Planning Code, General Plan, Planning Department policies, and local/state/federal regulations as of the date of this document, all of which are subject to change.

### PROJECT DESCRIPTION:

The project site consists of one vacant lot at the northwest corner of the block bounded by Ocean Avenue to the north, Lee Avenue to the east, Holloway Avenue to the south, and Brighton Avenue to the west. The existing lot is within two zoning districts: Ocean Avenue NCT (majority of the lot) and RH-2. The proposed project involves subdividing the lot to provide separation of the two zoning districts and construction of a new building on each new lot. The new Ocean Avenue NCT lot includes a four-story, 45-foot-tall, 30,300-square-foot building with 25 dwelling units (21 two-bedroom and four one-bedroom units), 3,653 square feet of ground-floor retail space, 11 vehicular parking spaces, and 12 bicycle parking spaces. The new RH-2 lot includes a four-story, 38.5-foot-tall, 5,042-square-foot building with two multi-bedroom dwelling units and two vehicular parking spaces. Both parking garages would be accessed from new curb cuts along Brighton Avenue.

**BACKGROUND:**

The project site is within the Balboa Park Station Area Plan. The Balboa Park Station Area Plan consists primarily of the parcels surrounding Balboa Park Station and those along Geneva, Ocean, and San Jose Avenue. The Balboa Park Station Area Plan and associated rezoning and improvements was enacted May 18, 2009, following certification of the Environmental Impact Report (EIR), including mitigation measures, by the Planning Commission on December 4, 2008.<sup>1</sup>

**ENVIRONMENTAL REVIEW:**

If a proposed project meets the density of a certified EIR in a community plan, a proposed project would be eligible for a Community Plan Exemption (CPE) from the California Environmental Quality Act (CEQA) (per CEQA Guidelines Section 15183). To facilitate environmental review and comply with CEQA, the applicant should submit an environmental evaluation application (EEA).<sup>2</sup> If it is determined that the proposed project is consistent with the development density and other zoning parameters established by the Balboa Park Station Area Plan, the proposed project could be eligible for a CPE. Three different outcomes of the CPE process are possible:

- (i) a **stand-alone CPE**, if all potentially significant project-specific and cumulatively considerable environmental impacts are fully consistent with significant impacts identified in the Balboa Park Station Area Plan programmatic EIR (Balboa Park PEIR), and if there are no new "peculiar" significant impacts unique to the proposed project. In these situations, all pertinent mitigation measures and CEQA findings from the Balboa Park PEIR are applied to the proposed project, and a CPE checklist and certificate is prepared.
- (ii) a **CPE + Focused Mitigated Negative Declaration (MND)**, if new site- or project-specific significant impacts are identified for the proposed project that are not identified in the Balboa Park PEIR, and if these new significant impacts can be mitigated to a less-than-significant level, then a focused MND is prepared to address these impacts, and a supporting CPE certificate is prepared to address all other impacts that were encompassed by the Balboa Park PEIR, with all pertinent mitigation measures and CEQA findings from the Balboa Park PEIR also applied to the proposed project.
- (iii) a **CPE + Focused EIR**, if the proposed project would have significant impacts that cannot be mitigated to a less-than-significant level, then a focused EIR is prepared to address these impacts, and a supporting CPE certificate is prepared to address all other impacts that are encompassed by the Balboa Park PEIR, with all pertinent mitigation measures and CEQA findings from the Balboa Park PEIR also applied to the proposed project.

For information on the fees associated with the CPE, see page 5. The EEA must be supplemented with the information requested on pages 3 –5.

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<sup>1</sup> San Francisco Planning Department, *Balboa Park Station Area Plan Environmental Impact Report*, Planning Department Case No 2004.1059E. Refer to <http://www.sfplanning.org/index.aspx?page=1893> under the above title.

<sup>2</sup> Refer to <http://sfplanning.org/index.aspx?page=1886> for latest "Environmental Evaluation Application."

The following issues would be investigated as part of the environmental review process:

1. *Historic Architectural Resources.* The project site is a vacant parking lot and is not within a historic district identified in the Balboa Park PEIR. Therefore, supplemental information regarding the project site's history is not likely required.
2. *Archeological Study.* Project implementation would entail soil-disturbing activities associated with building construction, including excavation of unknown depths. Therefore, the proposed project is subject to preliminary archeological review by Planning Department staff. This review will commence after submittal of an EEA, which shall identify the depth of proposed ground disturbance and include geotechnical study/studies. At that juncture, the Planning Department will address whether additional reporting and research will be required to determine whether the project has the potential to adversely affect known or potential archeological resources. If there is a potential impact to archeological resources, the work could require an additional study to be prepared by an archeological consultant listed in the Planning Department's archeological consultant pool, in accordance with the Planning Department's consultant selection procedures. Therefore, Mitigation Measures AM-1 or AM-2 in the Balboa Park PEIR would be applied to the proposed project.
3. *Transportation Impact Study.* Based upon the proposal submitted with the application, a transportation impact study is not likely required for the proposed project. Transportation improvement measures, such as those listed in Balboa Park PEIR, would likely be recommended in the environmental document for the proposed project, including car-share spaces and construction traffic control. Detailed information related to the existing dimensions of adjacent sidewalks and curb cuts and proposed curb cuts and location of parking with circulation and dimensions shall be provided as part of the EEA.
4. *Noise.* The proposed project would include construction within proximity to sensitive noise receptors (i.e., residences). Detailed information related to construction equipment, phasing, and duration of each phase shall be provided as part of the EEA to assess construction noise levels and methods to reduce such noise, as feasible. The proposed project would include sensitive noise receptors and the project site is located along a roadway with noise levels in excess of 60 dBA (CNEL) and adjacent to a PG&E substation, another potential source of noise. Therefore, in accordance with Mitigation Measure N-1, a detailed evaluation of noise reduction requirements will be required that will outline the needed noise reduction measures into the project design to comply with the San Francisco Land Use Compatibility Guidelines for Community Noise, including accounting for future noise levels. The project site is also located within close proximity to light rail train operations (K-Ingleside), which can produce groundborne vibration and adversely affect the residential units proposed. Therefore, in accordance with Mitigation Measure N-2, a vibration analysis will be required to determine the potential for impact and need for incorporation of design measures to reduce vibrations to acceptable levels. The noise and vibration evaluations shall be done by a qualified consultant(s) and under direction of the environmental coordinator assigned after filing of the EEA.
5. *Air Quality.* The proposed project includes construction of two buildings. Project-related excavation, grading, and other construction activities may cause wind-blown dust and emissions from construction vehicles and equipment that could contribute particulate matter into the local atmosphere. To reduce construction dust impacts, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes generally referred hereto as

the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection. Pursuant to the Construction Dust Ordinance, the proposed project will be required to comply with applicable dust control requirements outlined in the ordinance. A portion of these requirements, along with measures to minimize exhaust emissions of particulates and other pollutants from construction vehicles and equipment, are discussed in Mitigation Measure AQ-1 and will be required for the proposed project.

6. *Greenhouse Gas Emissions.* *The City and County of San Francisco's Strategies to Address Greenhouse Gas Emissions* presents a comprehensive assessment of policies, programs, and ordinances that represents San Francisco's Qualified Greenhouse Gas (GHG) Reduction Strategy. Projects that are consistent with San Francisco's Qualified GHG Reduction Strategy would result in less-than-significant impacts from GHG emissions. In order to facilitate a determination of compliance with San Francisco's Qualified GHG Reduction Strategy, the Planning Department has prepared a Greenhouse Gas Analysis Compliance Checklist.<sup>3</sup> The environmental coordinator assigned or CEQA consultant in coordination with the project sponsor will prepare this checklist in coordination with the project sponsor.
7. *Shadow.* The proposed project would result in construction of two buildings: one 45 feet and one 38.5 feet in height. Planning Code section 295 requires that a shadow analysis must be performed to determine whether a project has the potential to cast shadow on properties under the jurisdiction of the San Francisco Recreation and Park Commission. Department staff has prepared a shadow fan (see attached) that indicates the proposed project would not cast new shadow on any properties under the jurisdiction of the Recreation and Park Department, nor would it cast shadows on any other existing parks or open spaces. Please note that based on the Balboa Park PEIR, three new open spaces are anticipated in the project vicinity: Balboa Reservoir site open space, Library open space, and Brighton Avenue right-of-way open space. It was noted in the Balboa Park PEIR that that potential infill development along Ocean Avenue could shade portions all three of these open spaces and Improvement Measure, SM-1, would apply to those proposed developments. Based on the shadow fan, the proposed project will be subject to Improvement Measure SM-1, and further direction will be provided by the environmental coordinator assigned after filing of the EEA.
8. *Stormwater Management.* The Stormwater Management Ordinance (SMO) requires that any project resulting in a ground disturbance of 5,000 square feet or greater prepare a Stormwater Control Plan (SCP), consistent with the November 2009 Stormwater Design Guidelines.<sup>4</sup> Responsibility for review and approval of the SCP is with the San Francisco Public Utilities Commission (SFPUC) Wastewater Enterprise, Urban Watershed Management Program. The initial CEQA evaluation of a project will broadly discuss how the SMO will be implemented. The project's environmental review would generally evaluate how and where the implementation of required stormwater management and Low Impact Design approaches would reduce potential negative effects of stormwater runoff related to

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<sup>3</sup> Refer to <http://sfplanning.org/index.aspx?page=1886> for latest "Greenhouse Gas Compliance Checklist for Private Development Projects."

<sup>4</sup> Refer to <http://stormwater.sfwater.org/>. Applicant may contact [stormwaterreview@sfwater.org](mailto:stormwaterreview@sfwater.org) for assistance.

the proposed project. This may include environmental factors such as the natural hydrologic system, city sewer collection system, and receiving body water quality.

9. *Hazardous Materials*. The project site is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. If the proposed project requires excavation, a Phase I Environmental Site Assessment (ESA) shall be submitted with the EEA per the requirements of HM-1 in the Balboa Park PEIR. If the Phase I ESA (or geotechnical study) identifies likely soil contamination, a Phase II ESA will be required, along with coordination with the San Francisco Department of Public Health, who would identify remediation measures, if necessary. In addition, if the proposed project requires excavation, an evaluation for the potential of naturally occurring asbestos to be present in soil or rock that would be excavated for the proposed development shall be submitted with the EEA per the requirements of HM-3 in the Balboa Park PEIR.
10. *Notification of a Project Receiving Environmental Review*. Notice is required to be sent to owners and occupants of properties within 300 feet of the project site. These mailing labels shall be submitted at the time of submitting the EEA.

Upon submitting an EEA, please submit the appropriate fees. Within the CPE process, the associated fees would be as follows (pages 2, 10, and 11 of the current Fee Schedule<sup>5</sup>):

- (i) **a stand-alone CPE**, the applicable fees are: (a) the CPE determination fee (currently \$13,004); (b) the CPE certificate fee (currently \$7,216); and (c) a proportionate share fee for recovery for costs incurred by the Planning Department for preparation of the Balboa Park PEIR.
- (ii) **a CPE + Focused MND**, the applicable fees are: (a) the CPE determination fee; (b) the standard environmental evaluation fee (which is based on construction value); and (c) a proportionate share fee for recovery for costs incurred by the Planning Department for preparation of the Balboa Park PEIR.
- (iii) **a CPE + Focused EIR**, the applicable fees are: (a) the CPE determination fee; (b) the standard environmental evaluation fee (which is based on construction value); (c) one-half of the standard EIR fee (which is also based on construction value); and (d) a proportionate share fee for recovery for costs incurred by the Planning Department for preparation of the Balboa Park PEIR.

#### PLANNING DEPARTMENT APPROVALS:

The project requires the following Planning Department approvals. These approvals may be reviewed in conjunction with the required environmental review, but may not be granted until after the required environmental review is completed.

1. **Variance**. As discussed under 'Preliminary Project Comments' below, the proposed project requires the approval of a Variance from Planning Code Sections 134 (Rear Yard) and 140 (Exposure).

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<sup>5</sup> Refer to <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=513>.

2. **Building Permit Applications** are required for the preparation of the site and for the proposed new construction. Building permit applications are available at the Department of Building Inspection at 1660 Mission Street.

Variance applications are available in the Planning Department lobby at 1650 Mission Street Suite 400, at the Planning Information Center at 1660 Mission Street, and online at [www.sfplanning.org](http://www.sfplanning.org). Building Permit applications are available at the Department of Building Inspections at 1660 Mission Street.

### NEIGHBORHOOD NOTIFICATIONS AND PUBLIC OUTREACH:

Project Sponsors are encouraged to conduct public outreach with the surrounding community and neighborhood groups early in the development process. Additionally, many approvals require a public hearing with an associated neighborhood notification. Differing levels of neighborhood notification are mandatory for some or all of the reviews and approvals listed above. Please note the following notices are separate than those required for environmental review.

1. **Pre-Application.** The proposed project requires a Pre-Application meeting in accordance with the minimum standards of the Pre-Application Process as the project proposes new construction.
2. **Neighborhood Notification.** The proposed project includes new construction, therefore, owners and occupants within 150 feet of the project site must also be notified, in accordance with Planning Code Section 312.

### PRELIMINARY PROJECT COMMENTS:

The following comments address specific Planning Code and other general issues that may significantly affect the proposed project:

1. **Balboa Park Station Area Plan:** As stated above, the project site is located within the boundaries of the Balboa Park Station Area Plan. As part of the Planning Department approval process, the proposed project will be reviewed against the objectives and policies contained therein. Overall, the proposed project appears consistent with the objectives and policies of the Balboa Park Station Area Plan.
2. **Tree Planting and Protection Checklist.** A Tree Planting and Protection Checklist<sup>6</sup> must be filled out and submitted with the Building Permit Application.
3. **Rear Yard.** Planning Code Section 134 requires that a rear yard equal to 25% of the depth of the lot to be provided at the second story and above and at all residential levels. In Neighborhood Commercial Districts, a modification of the rear yard requirements of this Section may be allowed, upon approval by the Zoning Administrator at a duly noticed public hearing and in accordance with the provisions of Section 134(e), provided that the following criteria are met:

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<sup>6</sup> Refer to <http://www.sf-planning.org/modules/showdocument.aspx?documentid=8321>.



- Residential uses are included in the new or expanding development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development; and,
- The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties; and,
- The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties.

Development of the proposed rear yard would require a rear yard exception in accordance with the provisions of Section 134(e).

4. **Streetscape and Pedestrian Improvements.** Planning Code Section 138.1(c)(1) requires street trees at a ratio of one tree per every 20 feet of street frontage along both Brighton Avenue and Ocean Avenue. The proposed project would be required to plant 8 street trees along Brighton Avenue and 3 street trees along Ocean Avenue.
5. **Exposure.** Planning Code Section 140 requires that at least one room of each dwelling unit face onto a public street, a Code-compliant rear yard, or other open area that meets minimum requirements for area and horizontal dimensions. Several of the proposed dwelling units at 270B Brighton Avenue face into an interior courtyard and do not meet the exposure requirement.
6. **Screening of Rooftop Features.** Rooftop mechanical equipment and appurtenances to be used in the operation or maintenance of a building shall be arranged so as not to be visible from any point at or below the roof level of the subject building. The features so regulated shall in all cases be either enclosed by outer building walls or parapets, or grouped and screened in a suitable manner, or designed in themselves so that they are balanced and integrated with respect to the design of the building. Minor features not exceeding one foot in height shall be exempted from this regulation. Please demonstrate compliance to this requirement when submitting site/building permit application.
7. **Street Frontages in Commercial Districts.** Planning Code Section 145.1(c)(4)(B) requires that ground floor non-residential uses in all NCT Districts shall have a minimum floor-to-floor height of 14 feet. Please demonstrate compliance to this requirement when submitting site/building permit plans.
8. **Parking Costs Separated from Housing Costs.** Planning Code Section 167 requires that all off-street parking spaces accessory to residential uses in new structures of 10 dwelling units or more, shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space. The parking spaces in the project must be leased or sold separately from the dwelling units.
9. **Height.** In the measurement of building height, Planning Code Section 260(a)(3) establishes a maximum width for the portion of the building that may be measured from a single point at curb or ground level if a street from which height measurements are made slopes laterally along the lot, or the ground slopes laterally on a lot that also slopes upward from the street. Please demonstrate Code compliance to this requirement when submitting site/building permit application.

10. **Formula Retail.** Planning Code Section 303(i) requires Conditional Use Authorization for Formula Retail uses defined as a type of retail sales activity or retail sales establishment, which has eleven or more other retail sales establishments located in the United States. In addition to the eleven establishments, the business maintains two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, uniform apparel, standardized signage, a trademark or a servicemark. Conditional Use authorization would be required for any future tenant of the proposed retail spaces meeting the definition of formula retail.
11. **Transit Impact Development Fee.** Planning Code Section 411 requires the payment of a Transit Impact Development Fee for the new development in San Francisco. The fee is not required for residential uses but a fee of \$13.30/square foot is required for the proposed ground-floor retail uses.
12. **Inclusionary Housing.** Affordable housing is required for a project proposing ten or more dwelling units. The Project Sponsor must submit an 'Affidavit for Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415' to the Planning Department identifying the method of compliance, on-site, off-site, or in-lieu fee. Any on-site affordable dwelling-units proposed as part of the project must be designated as owner-occupied units, not rental units. Affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project.

If a project proposes rental units, it may be eligible for an On-site Alternative to the Affordable Housing Fee if it has demonstrated to the Planning Department that the affordable units are either: 1) ownership only or 2) not subject to the Costa Hawkins Rental Housing Act (a Costa Hawkins exception). Affordable units are not subject to the Costa Hawkins Rental Housing Act under the exception provided in Civil Code Sections 1954.50 through one of the following methods:

- direct financial construction from a public entity
- development bonus or other form of public assistance

A Costa Hawkins exception agreement is drafted by the City Attorney. You must state in your submittal how the project qualifies for a Costa Hawkins exception. The request should be addressed to the Director of Current Planning. If the project is deemed eligible, we may start working with the City Attorney on the agreement.

13. **Impact Fees.** The Balboa Park Community Improvements Fund is implemented in part through the Balboa Park Impact Fee that is applicable to the proposed project, pursuant to Planning Code Section 422. Fees shall be charged to any development project in the Balboa Park Program Area which results in at least one net new residential unit, additional space in an existing residential unit of more than 800 gross square feet, at least one net new group housing facility or residential care facility, additional space in an existing group housing or residential care facility of more than 800 gross square feet, new construction of a non-residential use, or additional non-residential space in excess of 800 gross square feet in an existing structure. The fee schedule requires \$8 per gross square foot of residential space and \$1.50 per gross square foot of non-residential space.

The Balboa Park Impact Fee is due and payable to the Development Fee Collection Unit at DBI prior to issuance of the first construction document, with an option for the project sponsor to defer

payment prior to issuance of the first certificate of occupancy pursuant to Section 107A.13.3.1 of the San Francisco Building Code.

14. **Option for In-Kind Provision of Community Improvements and Fee Credits.** Project sponsors may propose to directly provide community improvements to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver for the Balboa Park Station Area Plan Impact Fee from the Planning Commission. This process is further explained in Section 412.3(d) of the Planning Code.

More information on in-kind agreements can be found in the Application Packet for In-Kind Agreement on the Planning Department website.

15. **First Source Hiring.** Chapter 83 of the San Francisco Administrative Code, passed in 1998, established the First Source Hiring Program to identify available entry-level jobs in San Francisco and match them with unemployed and underemployed job seekers. The intent is to provide a resource for local employers seeking qualified, job ready applicants for vacant positions while helping economically disadvantaged residents who have successfully completed training programs and job-readiness classes.

The ordinance applies to (1) any permit application for commercial development exceeding 25,000 square feet in floor area involving new construction, an addition or a substantial alteration which results in the addition of entry level positions for a commercial activity; or (2) any application which requires discretionary action by the Planning Commission relating to a commercial activity over 25,000 square feet, but not limited to conditional use; or (3) any permit application for a residential development of ten units or more involving new construction, an addition, a conversion or substantial rehabilitation.

The project proposes more than ten dwelling units and therefore, is subject to the requirement. For further information, or to receive a sample First Source Hiring Agreement, please see contact information below:

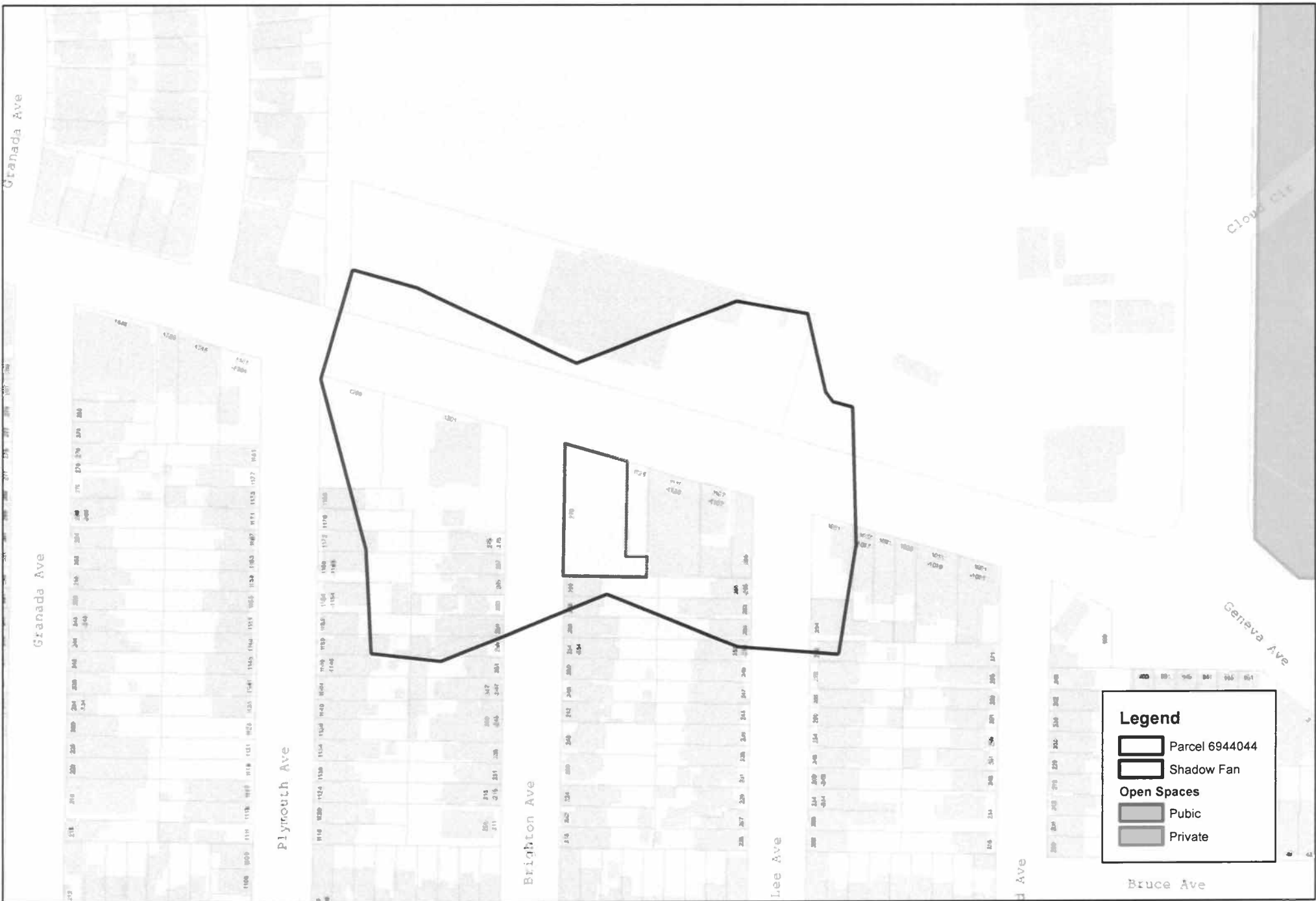
Ken Nim, Workforce Compliance Officer  
CityBuild, Office of Economic and Workforce Development  
City and County of San Francisco  
50 Van Ness, San Francisco, CA 94102  
Direct: 415.581.2303  
Fax: 415.581.2368

**PRELIMINARY PROJECT ASSESSMENT EXPIRATION:**

This Preliminary Project Assessment is valid for a period of **18 months**. An Environmental Evaluation, Conditional Use Authorization, or Building Permit Application, as listed above, must be submitted no later than **September 21, 2014**. Otherwise, this determination is considered expired and a new Preliminary Project Assessment is required. Such applications and plans must be generally consistent with those found in this Preliminary Project Assessment.

Enclosure: PPA Shadow Fan

cc: Doug Vu, Current Planning  
Kay Cheng, Citywide Planning and Analysis



Title: 270 Brighton Ave.  
 Comments: DRAFT Shadow Study 3/1/2013  
 Printed: 1 March, 2013



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