

SAN FRANCISCO PLANNING DEPARTMENT

МЕМО

DATE:	March 23, 2015
TO:	Mark Conroe, Presidio Development Partners, LLC
FROM:	Joshua Switzky, Planning Department
RE:	PPA Case No. 2014-003157PPA for 1598 Bay Street

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, Mat Snyder, at (415) 575-6891 or <u>mathew.snyder@sfgov.org</u>, to answer any questions you may have, or to schedule a follow-up meeting.

Joshua Switzky,



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date:	March 23, 2015
Case No.:	2014-003157PPA
Project Address:	1598 Bay Street
Block/Lot:	0459/007
Zoning:	NC-2 (Neighborhood Commercial, Small-Scale)
	40-X
Project Sponsor:	Mark Conroe
	Presidio Development Partners, LLC
	1390 Market Street, Suite 303
	415-431-6506
Staff Contact:	Mat Snyder (415) 575-6891
	mathew.snyder@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, San Francisco Public Utilities Commission, 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 proposal is to demolish the existing gas station structure and construct a new residential structure that would consist of 28-dwelling units and 42 off-street parking spaces (below grade). The new structure would be 40-feet tall and would feature brick cladding. Located at the northeast corner of Buchanan and Bay Streets, the new structure would include a lobby entry, a private unit entry along Bay Street and two private unit entries and the parking ingress and egress along Buchanan.

ENVIRONMENTAL REVIEW:

In order to begin formal environmental review, please submit an **Environmental Evaluation Application**. The Environmental Evaluation Application can be submitted at the same time as the Preliminary Project Assessment Application. The environmental review may be done in conjunction with the required approvals listed below, but must be completed before any project approval may be granted. Note that until an approval application is submitted to the Current Planning Division, only the proposed Project Description will be reviewed by the assigned Environmental Coordinator. See page 2 of the current *Fee Schedule* for calculation of environmental application fees.

If the additional analysis outlined below indicates that the project would not have a significant effect on the environment, the project may qualify for a Class 32 Categorical Exemption, and then the Planning Department would issue a Certificate of Determination of Exemption from Environmental Review. Section 15332 of the CEQA Guidelines, or Class 32, provides a categorical exemption for projects, characterized as in-fill development.

If the additional analysis performed after submittal of the EEA indicates that the project may have a significant effect on the environment, Planning Department staff would prepare an Initial Study to determine whether a Mitigated Negative Declaration (MND) or Environmental Impact Report (EIR) is needed.

If the Department finds that the project would have significant impacts that could be reduced to a lessthan-significant level by mitigation measures agreed to by the project sponsor, then the Department would issue a Preliminary MND. If the Initial Study process indicates that the project would result in a significant impact that cannot be mitigated to below a significant level, an EIR will be required to be prepared by an environmental consultant from the Planning Department's Environmental Consultant Pool. The Planning Department would provide more detail to the project sponsor regarding the EIR process should this level of environmental review be required.

Below is a list of topic areas that may require additional study based on the preliminary review of the project as it is proposed in the Preliminary Project Assessment (PPA) submittal dated December 23, 2014.

- Historic Architectural Resources. Based on preservation staff's preliminary review, the project site is classified as a Category C property, not a historic resource. In addition, the project is not located in an eligible or identified historic district. The existing building on the project site is less than 45 years of age or was previously evaluated in a historical resources survey and found ineligible for national, state, or local listing; thus, no additional analysis of historical resources is required.
- Archeological Resources. Project implementation would involve soil-disturbing activities associated with building construction, including excavation that would reach a depth of approximately 17 feet below grade. Based on this, the project would require a Preliminary Archeological Review ("PAR"), which would be conducted in-house by the Planning Department Archeologist. The PAR will: (1) determine what type of soils disturbance/modifications would result from the proposed project, such as excavation, installation of foundations, soils improvements, site remediation, etc.; (2) determine whether or not the project site is located in an area of archeological sensitivity; and (3) determine what additional steps are necessary to identify and evaluate any potential archeological resources that may be affected by the proposed project. Helpful to the PAR process is the availability of geotechnical or soils characterization studies prepared for the project description and drawings include the estimated depth of excavation, including the depth of the foundation as well as the depth of any elevator pit required.

• Noise. Based on the City's GIS traffic noise model map, the frontage of the project site is located along a segment of Bay Street with noise levels between 70-75 dBA Ldn (a day-night averaged sound level). The Land Use Compatibility Chart for Community Noise in the San Francisco General Plan, Environmental Protection Element states that construction of new residential units should be undertaken in an area with noise levels between 60 to 75 dBA Ldn only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design of the building. Based on this, a noise analysis prepared by a qualified acoustic consultant is required for the project. The scope of the Noise Study will be made after submittal of the Environmental Evaluation Application and an Environmental Planner is assigned.

Construction noise would be subject to the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code), which includes restrictions on noise levels of construction equipment and hours of construction. If pile driving is to be used during project construction, measures to reduce construction noise may be required as part of the proposed project.

- **Transportation Study.** Based on the PPA submittal, a transportation study is not anticipated. However, an official determination will be made subsequent to submittal of the EEA. In order to facilitate that determination, Planning staff propose the following recommendations:
 - Clearly show the location and dimensions of existing and proposed curb cuts on plans.
 - The maximum driveway width should not exceed 12 ft.
- Hazardous Materials. The proposed project would demolish an existing gas station and construct 28 residential units. Therefore, the project is subject to Article 22A of the Health Code, also known as the Maher Ordinance. The Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH), requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6. The Phase I would determine the potential for site contamination and level of exposure risk associated with the project. Based on that information, soil and/or groundwater sampling and analysis, as well as remediation of any site contamination, may be required. These steps are required to be completed prior to the issuance of any building permit from the Department of Building Inspection.

In addition, the project is located on a California GeoTracker site for once containing a Leaking Underground Storage Tanks (LUST). The project sponsor must provide a close out letter from the State or the State's designee regarding the LUST. These letters must be submitted to the Environmental Coordinator prior to the issuance of an exemption.

DPH requires that projects subject to the Maher Ordinance complete a Maher Application, available at: <u>http://www.sfdph.org/dph/EH/HazWaste/hazWasteSiteMitigation.asp</u>. Fees for DPH review and oversight of projects subject to the ordinance would apply. Please refer to DPH's fee schedule, available at: <u>http://www.sfdph.org/dph/EH/Fees.asp#haz</u>.

• Air Quality (AQ) Analysis. The proposed project would provide 28 residential units, which is below the Bay Area Air Quality Management District's (BAAQMD) construction and operational screening levels for criteria air pollutants.¹ Therefore, an analysis of the project's criteria air pollutant emissions is not likely to be required. However, detailed information related to construction equipment, phasing and duration of each phase, and cubic yards of excavation shall be provided as part of the EEA.

Project-related demolition, excavation, grading and other construction activities may cause windblown dust that could contribute particulate matter into the local atmosphere. To reduce construction dust impacts, the San Francisco Board of Supervisors approved 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 (DBI). Pursuant to the Construction Dust Ordinance, the proposed project would be required comply with applicable dust control requirements outlined in the ordinance.

The project site is not located within an Air Pollutant Exposure Zone, as mapped and defined by Health Code, Article 38. The Air Pollutant Exposure Zone identifies areas with poor air quality based on an inventory and modeling assessment of air pollution, exposures, and health vulnerability from mobile, stationary, and area source emissions within San Francisco. Given the project site is not within an Air Pollutant Exposure Zone, additional measures or analysis related to local health risks are not likely to be required. However, if the project would include new sources of toxic air contaminants including, but not limited to emissions from diesel generators or boilers, or any other stationary sources, the project would result in toxic air contaminants that may affect both on-site and off-site sensitive receptors. Detailed information related to any proposed stationary sources shall be provided with the EEA.

• Greenhouse Gases. 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.² The project sponsor may be required to submit the completed table regarding project compliance with the identified regulations and provide project-level details in the discussion column. This information will be reviewed by the environmental planner during the environmental review process to determine if the project would comply with San Francisco's Greenhouse Gas Reduction Strategy. Projects that do not comply with an ordinance or regulation may be determined to be inconsistent with the Greenhouse Gas Reduction Strategy.

¹ BAAQMD, *CEQA Air Quality Guidelines*, May 2011, Chapter 3.

² Refer to <u>http://sf-planning.org/index.aspx?page=1886</u> for latest "Greenhouse Gas Compliance Checklist for Private Development Projects."

- Shadow Study. Section 295 of the Planning Code requires additional shadow analysis of proposed developments greater than 40 ft. in height. Given the project's close proximity to George R. Moscone Recreation Center, a Recreation and Parks facility, a preliminary shadow fan analysis was prepared by the Planning Department staff. The shadow fan determined that although not subject to Section 295, the project could potentially cast shadows on the baseball diamond across the street. As a part of the environmental evaluation, the project would require a detailed shadow study. The consultant would be required to submit a Shadow Study Application, which can be found on the Planning Department's website (http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=539). A separate fee is required. The consultant would be required to prepare a proposed scope of work for review and approval by the Environmental Planning case manager prior to preparing the analysis.
- Stormwater. The project would involve ground surface disturbance of at 5,000 ft² or greater; therefore, it is subject to San Francisco's stormwater management requirements as outlined in the Stormwater Management Ordinance and the corresponding SFPUC Stormwater Design Guidelines (Guidelines). Projects that trigger the stormwater management requirements must prepare of a Stormwater Control Plan demonstrating project adherence to the performance measures outlined in the Guidelines including: (a) reduction in *total volume* and *peak flow rate* of stormwater for areas in combined sewer systems OR (b) *stormwater treatment* for areas in separate sewer systems. Responsibility for review and approval of the Stormwater Control Plan is with the SFPUC, Wastewater Enterprise, Urban Watershed Management Program. Without SFPUC approval of a Stormwater Control Plan, no site or building permits can be issued. The Guidelines also require a signed maintenance agreement to ensure proper care of the necessary stormwater controls. To view the Stormwater Management Ordinance, the Stormwater Design Guidelines, or download instructions for the Stormwater Control Plan, go to <u>http://sfwater.org/sdg</u>. Applicants may contact <u>stormwaterreview@sfwater.org</u> for assistance.
- **Tree Planting and Protection**. The Department of Public Works Code Section 8.02-8.11 requires disclosure and protection of landmark, significant, and street trees located on private and public property. Any such trees must be shown on the Site Plans with the size of the trunk diameter, tree height, and accurate canopy drip line. Please submit a *Tree Planting and Protection Checklist* with the Environmental Evaluation Application and ensure that trees are appropriately shown on site plans.
- Notification of a Project Receiving Environmental Review. Notice is required to be sent to occupants of the project site and properties adjacent to the project site, as well as to owners and to the extent feasible occupants of properties within 300 feet of the project site at the initiation of the environmental review. Please be prepared to provide mailing addresses on a CD upon request following submittal of the Environmental Evaluation Application.
- Disclosure Report for Developers of Major City Projects. The San Francisco Ethics Commission S.F. Camp. & Govt. Conduct Code § 3.520 et seq. requires developers to provide the public with information about donations that developers make to nonprofit organizations that may communicate with the City and County regarding major development projects. This report must be completed and filed by the developer of any "major project." A major project is a real estate development project located in the City and County of San Francisco with estimated construction costs exceeding \$1,000,000 where either: (1) The Planning Commission or any other local lead agency certifies an EIR

for the project; or (2) The project relies on a program EIR and the Planning Department, Planning Commission, or any other local lead agency adopts any final environmental determination under CEQA. A final environmental determination includes: the issuance of a Community Plan Exemption (CPE); certification of a CPE/EIR; adoption of a CPE/Final Mitigated Negative Declaration; or a project approval by the Planning Commission that adopts CEQA Findings. (In instances where more than one of the preceding determinations occur, the filing requirement shall be triggered by the earliest such determination.) A major project does not include a residential development project with four or fewer dwelling units. The first (or initial) report must be filed within 30 days of the date the Planning Commission (or any other local lead agency) certifies the EIR for that project or, for a major project relying on a program EIR, within 30 days of the date that the Planning Department, Planning Commission, or any other local lead agency adopts a final environmental determination under CEQA. Please submit a Disclosure Report for Developers of Major City Projects to the San Francisco Ethics Commission. This form can be found at the Planning Department or online at http://www.sfethics.org.

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. **Conditional Use Authorization** from the Planning Commission is required per Planning Code Sections 121.1, 228, and 303 for the demolition of a service station, provision of parking above accessory amounts, and new construction of a building on a lot greater than 10,000 square feet.
- 2. **Variance.** As currently proposed, and as discussed under the 'Preliminary Project Comments' below, this project requires Variances from the open space, permitted obstructions, and dwelling unit exposure requirements of Planning Code Sections 135, 136.1 and 140.
- 3. A **Building Permit Application** is required for the proposed new construction on the subject property.
- 4. A **Building Permit Application** is required for the demolition of existing structures on the subject property.

Conditional Use and 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 <u>www.sfplanning.org</u>. 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.

This project is required to conduct a **Pre-application** meeting with surrounding neighbors and registered neighborhood groups before a development application may be filed with the Planning Department. The Pre-application packet, which includes instructions and template forms, is available at <u>www.sfplanning.org</u> under the "Permits & Zoning" tab. All registered neighborhood group mailing lists are available online at <u>www.sfplanning.org</u> under the "Resource Center" tab.

PRELIMINARY PROJECT COMMENTS:

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

- 1. **Development of Large Lots**. Pursuant to Planning Code Section 121.1, new construction on lots greater than 10,000 square feet in NC-2 Zoning Districts requires Conditional Use Authorization from the Planning Commission. The subject property is approximately 12,541.25 square feet; and, therefore requires a Conditional Use Authorization application.
- 2. **Demolition of a Service Station.** Planning Code Section 228 requires Conditional Use Authorization to remove a service station.
- 3. **Open Space**. Planning Code Section 135 requires 133 square feet of common useable open space per dwelling unit. Further, any space credited as common usable open space must be at least 15 feet in every horizontal dimension and have a minimum area of 300 square feet. The project includes 28 units, and although the project proposes 133 square feet of open space for each of the 28 units, a portion of the roof deck (south of the stair/elevator penthouse) does not appear to meet the minimum 15 foot dimension and would therefore require an open space variance. Please eliminate the need for a variance by expanding the roof deck so that it meets the minimum dimensions required for common open space.
- 4. **Permitted Obstructions.** The submitted plans illustrate bay windows that do not comply with the glazing, spacing and/or envelope requirements of Planning Code Sections 136(c)(2) or 136(c)(3). Please revise these features accordingly so that they are considered code-complying obstructions into required areas and do not require any variances.
- 5. **Standards for Bird Safe Buildings**. The proposal will be subject to Planning Code Section 139 "Standards for Bird Safe Buildings" because the subject site is located within 300 feet of an urban bird refuge (the Moscone Recreation Center) and is within an unobstructed line to the refuge. Please note that the location related requirements under subsection (c)(1) will apply to both the Buchannan and Bay Street facades.
- 6. **Dwelling Unit Exposure.** Planning Code Section 140 requires that each dwelling unit face directly onto a public right-of-way, code-complying rear yard, or an appropriately sized courtyard. The proposed rear yard requires an administrative modification from Planning Code Section 134 and is

therefore not considered code-complying. Furthermore, the rear yard area does not provide a large enough courtyard to meet the exposure requirement for those units that only have windows fronting the rear yard. Therefore, the proposed project requires revision to meet the minimum exposure requirement, or you may request and justify an Exposure Variance.

- **7. Vehicular Screening.** Planning Code Section 142(a)(2) requires that driveways be screened from view. Please review the 'Preliminary Design Comments' for direction on treatments for the garage opening and driveway.
- 8. **Bicycle Parking**. Planning Code Section 155.5 requires this project to provide at least 28 Class 1 bicycle parking spaces and one Class 2 bicycle parking space.
- 9. Unbundled Parking. Planning Code Section 167 outlines a requirement for unbundled parking spaces for newly constructed residential buildings of ten dwelling units or more. All off-street parking spaces accessory to residential uses 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 Planning Commission may grant an exception from this requirement for projects which include financing for affordable housing that requires that costs for parking and housing be bundled together.
- 10. **Height Limit.** Planning Code Section 260(b) lists features such as parapets and rooftop penthouses that are exempt from the 40-foot height limit. The submitted elevations and sections illustrate that these features are code-complying; however, the renderings suggest that the parapets along Bay Street are actually enclosed to provide taller ceiling heights on the 4th floor. The Planning Code does not allow this added volume and the renderings should be revised.
- 11. **Inclusionary Affordable Housing.** Planning Code Section 415 outlines the requirement for inclusionary affordable housing as part of any housing project constructing ten or more dwelling units within the NC-2 Zoning District. If provided on-site, twelve percent (3) of the units would be required to be affordable housing. If provided off-site, twenty percent (6) of the units would be required to be affordable housing. An applicant may also elect to pay a fee to satisfy this requirement.

Upon applying for an entitlement, the Project Sponsor must submit an *Affidavit of 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.

12. **Priority Processing:** Please be advised that in response to the *Mayor's Executive Directive 13-01* the Planning Department now facilitates priority processing for market-rate projects that include at least 20% on-site BMR units, (eight units for this proposal) or 30% off-site BMR units. Priority processing for these housing projects will be the highest of the priority processed projects, excepting 100%

affordable projects, and will have a target timeline of one week for application assignment and two weeks for application review. The project's obligations with respect to affordable housing shall be memorialized as Conditions of Approval and shall be recorded as a Notice of Special Restrictions with the County Recorder's Office in a form approved by the Zoning Administrator.

An application for Priority Application Processing must be filed prior to the submittal of the associated permit and/or entitlement applications. Please review Director's Bulletin No. 2 (Priority Processing Bulletin) to obtain an application and review the procedures.

13. **First Source Hiring Agreement**. A First Source Hiring Agreement is required for any project proposing to construct 10 or more new dwelling units. For more information, please contact:

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 (415)581-2303

PRELIMINARY DESIGN COMMENTS:

The following comments address preliminary design issues that may significantly impact the proposed project:

1. Site Design, Open Space, and Massing. Overall the project is commendable in the manner it addresses massing, scale, and building modulation. The Planning Department has minor recommendations to support and improve upon the proposed design direction.

Although the project is below 40' in height and is not subject to shadow impacts, carefully consider shadow impacts to the park and sculpt the building if necessary to minimize additional shadows on the park. Because the project is north of Moscone Recreation Center it is not anticipated these will be significant.

Explore the opportunity to adjust the location of the trash room in relation to the size and location of the lobby to provide a direct visual connection to the rear yard from the entrance through the lobby.

2. Architecture. The Planning Department appreciates the vertical modulation and scale of the façade that reinforces a residential use, as well as the thoughtful materiality and proportions that respects the neighboring historic resource.

Per the Draft Ground Floor Residential Design Guidelines, the Planning Department recommends the ground floor residential units be raised three to five feet above grade. And further recommends the ground floor entries be widened to provide a more gracious transition between the street and the dwellings. Explore the opportunity to incorporate sidewalk landscaping in conjunction with streetscape improvements adjacent to the building to soften and enhance the entry transition.

Refer to the draft Ground Floor Residential Design Guidelines for treatment of the building along the street for residential uses on the ground floor. The draft guidelines are located on the Department website under "Resource Center/Department Publications/Guidelines for Ground Floor Residential Design."

The Planning Department recommends detailing that addresses the roof termination and recessed windows.

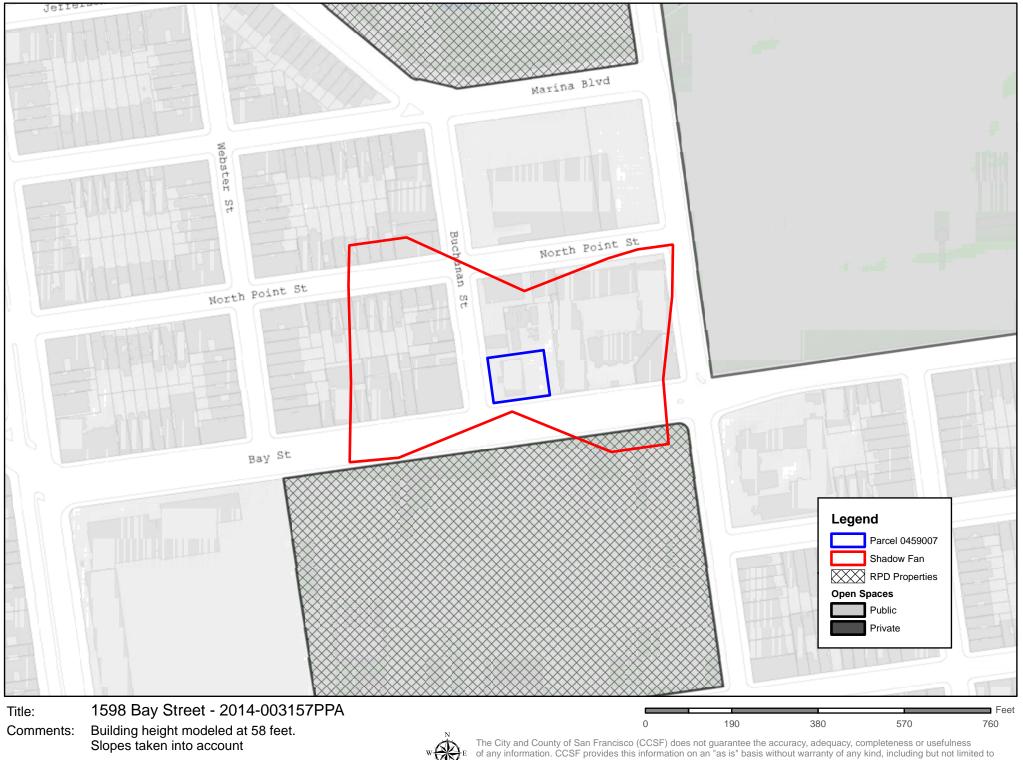
- **3. Parking.** Enclose or provide a screened parking entrance. The Planning Department recommends extending a brick wall across the garage ramp entrance. The Planning Department recommends the ramp opening be limited in width to 12 feet wide, which should be sufficient for the limited number of parking spaces and anticipated trips. A queuing lane may be provided inside, with other interior signalization devices, if necessary. In this specific context the gate provides a design opportunity to further reference materials and detailing of the adjacent historic resource.
- **4. Streetscape**. While not required per the Better Streets Plan (section 138.1), the Department recommends exploring the opportunity to enhance streetscape with a corner bulb-out to enhance the connection across Bay Street to the park.

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 20, 2016**. 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:	Preliminary Shadow Fan
	Neighborhood Group Mailing List

cc: Ivan Jimenez, Property Owner Brittany Bendix, Current Planning Laura Lynch, Environmental Planning Mat Snyder, Citywide Planning and Analysis Jonas Ionin, Planning Commission Secretary David Winslow, Design Review Jerry Robbins, MTA Jerry Sanguinetti, SFDPW Planning Department Webmaster (webmaster.planning@sfgov.org)



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