

# Board of Supervisors



City Hall  
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San Francisco, CA 94102-4689  
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TDD No. 554-5227

## Legislation Introduced at Roll Call

Tuesday, September 26, 2017

### Introduced by a Supervisor or the Mayor

*Pursuant to Charter Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.*

### Ordinances

#### **171041 [Planning Code - Cannabis Regulation]**

**Sponsors:** Mayor; Sheehy

Ordinance amending the Planning Code to 1) regulate cannabis land uses, including, among other things, adult use cannabis retail, Medical Cannabis Dispensaries, delivery-only services, manufacture of cannabis products, cannabis cultivation, and cannabis testing; 2) allow Medical Cannabis Dispensaries in additional zoning districts; 3) establish a land use process for the conversion of existing Medical Cannabis Dispensaries to Cannabis Retail establishments; 4) establish location and operating conditions for cannabis uses; 5) repeal Ordinance No. 186-17, which limited the number of medical cannabis dispensaries in Supervisorial District 11; and 6) delete superseded Planning Code provisions; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience and welfare findings pursuant to Planning Code, Section 302. ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.

**171042 [Various Codes - Regulation of Cannabis Businesses]**

**Sponsors:** Mayor; Sheehy

Ordinance amending the Administrative, Business and Tax Regulations, Health, and Police Codes to comprehensively regulate commercial activities relating to the cultivation, manufacture, distribution, testing, sale, and delivery of medicinal and adult use cannabis by, among other things: 1) requiring businesses that engage in commercial cannabis activities to obtain a permit from the Office of Cannabis; 2) requiring the Director of the Office of Cannabis to establish an Equity Program to promote equitable ownership and employment opportunities in the cannabis industry; 3) defining eligibility for temporary and permanent cannabis business permits; 4) establishing priorities for the review of cannabis business permit applications; 5) establishing operating standards for cannabis businesses; 6) establishing criteria for granting, denying, suspending, and revoking cannabis business permits; 7) incorporating state law governing commercial cannabis activities into local law for enforcement purposes; 8) authorizing the imposition of fines and penalties for violation of local and state laws governing cannabis businesses, and establishing procedures by which cannabis businesses may appeal a fine or permit penalty; 9) prohibiting the smoking and vaping of cannabis on the premises of all cannabis businesses, except select Medicinal Cannabis Retailers, as authorized by the Department of Public Health; 10) prohibiting the consumption of cannabis and cannabis products, other than by smoking or vaping, on the premises of all cannabis businesses, except Storefront Cannabis Retailers and Cannabis Microbusinesses that obtain consumption permits from the Department of Public Health; 11) prohibiting until January 1, 2019, tours of cannabis cultivators, manufacturers, and cannabis microbusinesses, and authorizing the Director of Cannabis to extend the prohibition on tours, or establish guidelines for the operation of tours; 12) establishing a sunset date of March 31, 2018, for Article 33 of the Health Code ("Medical Cannabis Act"); and 13) eliminating the duty of the Clerk of the Board of Supervisors to send letters annually to state and federal officials requesting that cannabis be regulated and taxed; and affirming the Planning Department's determination under the California Environmental Quality Act. ASSIGNED UNDER 30 DAY RULE to Rules Committee.

**170418 [Planning Code - Commercial Uses in Polk Street and Pacific Avenue Neighborhood Commercial Districts; Technical and Other Amendments]**

**Sponsor:** Peskin

Ordinance amending the Planning Code to 1) limit lot sizes in the Pacific Avenue Neighborhood Commercial District ("Pacific NCD") and the Polk Street Neighborhood Commercial District ("Polk NCD"); 2) limit the size of Non-Residential Uses in the Pacific NCD and Polk NCD, and exempting movie theaters in the Polk NCD from certain size limits; 3) restrict lot mergers in the Pacific NCD and Polk NCD; 4) require ground floor Commercial Uses in the Polk NCD and on certain portions of Pacific Avenue; 5) modify residential and non-residential off-street parking requirements in the Pacific NCD and Polk NCD; 6) prohibit garage entries, driveways, or other vehicular access to off-street parking or loading on certain streets and alleys in the Pacific NCD and Polk NCD; 7) deem nonconforming uses in the Polk NCD to be discontinued after 18 months of non-use; 8) modify the maximum concentration of Eating and Drinking Uses in the Polk NCD; 9) prohibit massage establishment, chair/foot massage, and kennel uses in the Polk Street NCD; 10) restrict medical services in the Polk NCD and Pacific NCD; 11) prohibit storefront mergers in the Polk NCD; 12) require a dwelling unit mix in the Pacific NCD and Polk NCD; 13) prohibit the loss of residential units through demolition, merger, or conversion and allow division if it meets a dwelling unit mix requirement in the Polk NCD and Pacific NCD; 14) require Conditional Use authorization before replacing a legacy business in the Polk NCD and Pacific NCD; 15) correct, clarify, and simplify language in other Planning Code Sections; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and welfare under Planning Code, Section 302. SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

## Resolutions

- 171015 [Interim Zoning Controls - Off-Street Parking in the “Hub” Area]**  
**Sponsors:** Breed; Kim and Peskin  
Resolution imposing for 18 months interim zoning controls limiting off-street parking for new development to the principally-permitted parking ratios established under the Planning Code, and removing the possibility to apply for a conditional use authorization to increase such parking, in the area known as “the Hub” or the “Market Street Hub,” which covers the eastern-most portions of the Market and Octavia Plan area, and is bounded generally by Fell and Hayes Streets to the north; Market and Howard Streets to the east; Highway 101 to the south and southeast; and Haight, Gough, Page, and Franklin Streets to the west; applying these interim zoning controls to development projects that have not received an approval of a development application prior to the effective date of this Resolution and will provide no on-site affordable housing under the City’s Inclusionary Affordable Housing Program; and making environmental findings and findings of consistency with the eight priority policies of Planning Code, Section 101.1. SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.
- 171043 [Revolving Fund Agreement - California Victim Compensation Board - Burial or Emergency Relocation of Crime Victims - \$75,000]**  
**Sponsor:** Safai  
Resolution retroactively authorizing the Office of the District Attorney of the City and County of San Francisco to renew its current agreement with the California Victim Compensation Board, an agent of the State of California, for a revolving fund in the amount of \$75,000 to be used to pay for verified funeral/burial, relocation, crime scene clean-up, and other emergency loss expenses for eligible victims for the period of July 1, 2017, through June 30, 2020. RECEIVED AND ASSIGNED to Budget and Finance Committee.

## Motions

- 171044 [Confirming Appointment, Redevelopment Successor Agency Oversight Board - Kenneth Bukowski]**  
**Sponsor:** Mayor  
Motion confirming/rejecting the mayoral appointment of Kenneth Bukowski to the Redevelopment Successor Agency Oversight Board, term ending January 24, 2020. RECEIVED AND ASSIGNED to Rules Committee.
- 171052 [Confirming Appointment, Redevelopment Successor Agency Oversight Board - Lisa Motoyama]**  
**Sponsor:** Mayor  
Motion confirming/rejecting the mayoral appointment of Lisa Motoyama to the Redevelopment Successor Agency Oversight Board, term ending January 24, 2020. RECEIVED AND ASSIGNED to Rules Committee.

## **Requests for Hearing**

### **171045 [Hearing - Safe Injection Facilities Task Force Recommendations]**

**Sponsor:** Breed

Hearing to consider the recommendations of the Department of Public Health's Safe Injection Services Task Force regarding safe injection services, pursuant to Resolution No. 123-17 (File No. 170353); and requesting the Department of Public Health and the Safe Injection Services Task Force to report. RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

### **171046 [Hearing - Update on City-Funded Immigrant Legal Defense Services]**

**Sponsor:** Fewer

Hearing to receive an update on the city-funded immigrant legal defense services; and requesting the Office of Civic Engagement and Immigrant Affairs and the Public Defender's office to report. RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

## **Introduced at the Request of a Department**

*Pursuant to Rules of Order of the Board of Supervisors Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.*

## **PROPOSED ORDINANCE**

### **171004 [Settlement of Lawsuit - George Birmingham v. City and County of San Francisco - City to Receive \$1,500,000 For Sale of Surplus Parcels]**

Ordinance authorizing settlement of the lawsuit filed by George Birmingham against the City and County of San Francisco; the lawsuit was filed on September 9, 2015, in San Francisco Superior Court, Case No. CGC 15-547835; entitled George Birmingham v. City and County of San Francisco, et al.; the lawsuit involves plaintiff's attempts to gain street access for his parcel that is separated from Burnett Avenue by a paper street parcel owned by Public Works and a vacant Public Utilities Commission parcel; the material terms of the settlement are the City will pursue the legislative approvals necessary to sell those parcels to plaintiff, and plaintiff will purchase those parcels from the City for \$1,500,000; and affirming the Planning Department's determination under the California Environmental Quality Act. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

## **PROPOSED RESOLUTIONS**

### **171005 [Settlement of Unlitigated Claim - Ronald Terry - \$89,500]**

Resolution approving the settlement of the unlitigated claim filed by Ronald Terry against the City and County of San Francisco for \$89,500; the claim was filed on September 27, 2016; the claim involves an employment dispute. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**171006 [Land Mobile Radio System Purchase, Installation, and Maintenance Agreement - Motorola Solutions Inc. - Not to Exceed \$10,906,297]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Agreement No. CS-1074 with Motorola Solutions Inc. for the purchase, installation, and maintenance of a land mobile radio system, for an amount not to exceed \$10,906,297, and with an anticipated term to commence December 1, 2017, through February 28, 2027. (Public Utilities Commission). RECEIVED AND ASSIGNED to Budget and Finance Committee.

**171007 [Amendment Agreement - Exchange Easements in Connection with the Bay Division Pipeline Reliability Upgrade Project-Bay Tunnel]**

Resolution approving and authorizing a Second Amendment to an agreement to exchange interests in real property to grant the Midpeninsula Regional Open Space District a permanent, non-exclusive public trail easement in exchange for a quitclaim to the City and County of San Francisco of an open space easement over real property owned by the City and County of San Francisco, as part of the San Francisco Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade-Bay Tunnel; and authorizing the General Manager of the San Francisco Public Utilities Commission, or Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Resolution, as defined herein. (Public Utilities Commission). RECEIVED AND ASSIGNED to Budget and Finance Committee.

**Clerk to Act – September 26, 2017**

**No Board Meeting Minutes were approved.**

*There were no Clerk to Act requests submitted at the September 26, 2017 Board Meeting.*

**In Memoriam**

Pierre Lefuel - Katy Tang

Alexandra Nova - Katy Tang

Yuwei Cui - Katy Tang

Thomas Jopseph Flanagan - Katy Tang

John Michael Chmielewski - Katy Tang

John Robert Napier - Katy Tang

Joseph Bartholomew - Katy Tang

General Warren Wilcox - Katy Tang

Amaro Serpa - Katy Tang

Konstantinos “Gus” Vardakastanis - Full Board