

File No. 151077

Committee Item No. 1

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date November 16, 2015

Board of Supervisors Meeting

Date _____

Cmte Board

- | | | |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Memorandum of Understanding (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"/> | Form 700 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vacancy Notice |
| <input type="checkbox"/> | <input type="checkbox"/> | Information Sheet |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

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Completed by: Alisa Somera Date November 13, 2015

Completed by: _____ Date _____

1 [Administrative Code - Advertising Sugar-Sweetened Beverages on City Property]

2
3 **Ordinance amending the Administrative Code to remove prohibition on the advertising**
4 **of sugar-sweetened beverages on City property.**

5 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
6 **Additions to Codes** are in *single-underline italics Times New Roman font*.
7 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
8 **Board amendment additions** are in double-underlined Arial font.
9 **Board amendment deletions** are in ~~strikethrough Arial font~~.
10 **Asterisks (* * * *)** indicate the omission of unchanged Code
11 subsections or parts of tables.

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

13 Section 1. The Administrative Code is hereby amended by revising Section 4.20 to
14 read as follows:

15 **SEC. 4.20. TOBACCO PRODUCT, AND ALCOHOLIC BEVERAGE, ~~AND SUGAR-~~**
16 **~~SWEETENED BEVERAGE~~ ADVERTISING PROHIBITION.**

17 (a) No advertising of cigarettes or tobacco products, or alcoholic beverages, ~~or Sugar-~~
18 ~~Sweetened Beverages~~ shall be allowed on any property owned by or under the control of the City
19 and County of San Francisco, except as ~~exempted~~ stated in subsections (c) and (d) below. For
20 purposes of this Section 4.20, "alcoholic beverage" shall be as defined in California Business
21 and Professions Code section 23004 and shall not include cleaning solutions, medical
22 supplies, and other products and substances not intended for drinking, ~~and "Sugar-Sweetened~~
23 ~~Beverages" shall be as defined in subsection (e) below.~~

24 (b) This prohibition shall include the placement of the name of a company producing,
25 ~~selling, or distributing~~ cigarettes or tobacco products or alcoholic beverages, ~~the name of a~~

1 ~~company producing Sugar Sweetened Beverages,~~ or the name of any cigarette or tobacco product,
2 ~~or alcoholic beverages, or Sugar Sweetened Beverages,~~ in any promotion of any event or
3 promotion of any product or beverage on property owned by or under the control of the City
4 and County of San Francisco. ~~This prohibition shall not apply to any advertisement sponsored by a~~
5 ~~state, local, nonprofit or other entity designed to (1) communicate the health hazards of cigarettes and~~
6 ~~tobacco products, alcoholic beverages or Sugar Sweetened Beverages, (2) encourage people not to~~
7 ~~smoke or to stop smoking, or encourage people not to drink or to stop drinking alcohol or Sugar~~
8 ~~Sweetened Beverages, or (3) provide or publicize drug or alcohol treatment or rehabilitation services;~~
9 ~~nor shall this prohibition apply to the inclusion of the name of a company producing Sugar Sweetened~~
10 ~~Beverages, or the name of a charitable foundation containing any such company's name, on signage~~
11 ~~listing sponsors of a charitable event occurring on City property.~~

12 (c) All leases, permits, or agreements awarded by the City and County of San
13 Francisco allowing any person to use City property shall specifically provide that there shall be
14 no advertising of cigarettes or tobacco products, ~~or alcoholic beverages, or Sugar Sweetened~~
15 ~~Beverages~~ as set forth in this Section 4.20. These prohibitions on advertising shall only apply to
16 those leases, permits, or agreements entered into, renewed, or materially amended from and
17 after the effective date of the ordinance establishing the prohibition.

18 (d) City property used for operation of a restaurant, concert or sports venue, or other
19 facility or event where the sale, production, or consumption of alcoholic beverages is
20 permitted, shall be exempt from the alcoholic beverage advertising prohibition in subsections
21 (a) through (c) above, ~~and City property used for operation of a restaurant, concert or sports venue,~~
22 ~~or other facility or event where the sale or production of Sugar Sweetened Beverages is permitted,~~
23 ~~shall be exempt from the Sugar Sweetened Beverage advertising prohibition in subsections (a) through~~
24 ~~(e) above,~~ but ~~either of the~~ prohibitions may be made applicable by lease, permit, or agreement.

25 ~~(e) For purposes of this Section 4.20,~~

1 ~~—"Caloric Substance" means a substance that adds calories to the diet of a person who~~
2 ~~consumes that substance.~~

3 ~~—"Caloric Sweetener" means any Caloric Substance suitable for human consumption that~~
4 ~~humans perceive as sweet and includes, but is not limited to, sucrose, fructose, high fructose corn~~
5 ~~syrup, glucose and other sugars.~~

6 ~~—"Medical Food" means medical food as defined in Section 109971 of the California Health~~
7 ~~and Safety Code, including amendments to that Section.~~

8 ~~—"Milk" means natural liquid milk, natural milk concentrate or dehydrated natural milk~~
9 ~~(whether or not reconstituted) regardless of animal source or butterfat content. For purposes of this~~
10 ~~definition, "Milk" includes flavored milk containing no more than 40 grams of total sugar (naturally~~
11 ~~occurring and from added Caloric Sweetener) per 12 ounces.~~

12 ~~—"Natural Fruit Juice" means the original liquid resulting from the pressing of fruit, the~~
13 ~~liquid resulting from the complete reconstitution of natural fruit juice concentrate, or the liquid~~
14 ~~resulting from the complete restoration of water to dehydrated natural fruit juice.~~

15 ~~—"Natural Vegetable Juice" means the original liquid resulting from the pressing of~~
16 ~~vegetables, the liquid resulting from the complete reconstitution of natural vegetable juice concentrate,~~
17 ~~or the liquid resulting from the complete restoration of water to dehydrated natural vegetable juice.~~

18 ~~—"Nonalcoholic Beverage" means any beverage that is not subject to tax under Part 14~~
19 ~~(commencing with Section 32001) of the California Revenue and Tax Code.~~

20 ~~—"Sugar Sweetened Beverage" means any Nonalcoholic Beverage sold for human~~
21 ~~consumption that has one or more added Caloric Sweeteners and contains more than 25 calories per~~
22 ~~12 ounces of beverage, or any powder or syrup with added Caloric Sweetener that is used for mixing,~~
23 ~~compounding, or making Sugar Sweetened Beverages. Notwithstanding the foregoing sentence,~~
24 ~~"Sugar Sweetened Beverage" does not include any of the following:~~

25 ~~—(1) Milk.~~

1 ~~—(2) Milk alternatives, including but not limited to non-dairy creamers or beverages~~
2 ~~primarily consisting of plant-based ingredients (such as soy, rice, or almond milk products), regardless~~
3 ~~of sugar content.~~

4 ~~—(3) Any beverage that contains solely 100 percent Natural Fruit Juice, Natural Vegetable~~
5 ~~Juice, or combined Natural Fruit Juice and Natural Vegetable Juice.~~

6 ~~—(4) Any product sold for consumption by infants, which is commonly referred to as "infant~~
7 ~~formula," or any product whose purpose is infant rehydration.~~

8 ~~—(5) Medical Food.~~

9 ~~—(6) Any product designed as supplemental, meal replacement, or sole source nutrition that~~
10 ~~includes proteins, carbohydrates, and multiple vitamins and minerals.~~

11 ~~—(7) Any product sold in liquid form designed for use as an oral nutritional therapy for~~
12 ~~persons who may have a limited ability to absorb or metabolize dietary nutrients from traditional food~~
13 ~~or beverages.~~

14 ~~—(8) Any product sold in liquid form designed for use for weight reduction.~~

15
16 Section 2. Effective Date. This ordinance shall become effective 30 days after
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
18 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
19 of Supervisors overrides the Mayor's veto of the ordinance.

20
21 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
22 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
23 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
24 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
25

1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

3
4
5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By:


8 FRANCESCA GESSNER
9 Deputy City Attorney

10 n:\legana\as2015\1600082\01047389.docx

LEGISLATIVE DIGEST

[Administrative Code - Advertising Sugar-Sweetened Beverages on City Property]

Ordinance amending the Administrative Code to remove prohibition on the advertising of sugar-sweetened beverages on City property.

Existing Law

City law generally prohibits the advertising of cigarettes or tobacco products, alcoholic beverages, and Sugar-Sweetened Beverages (“SSBs”) on City property, subject to certain exceptions.

Amendments to Current Law

The proposed legislation would remove the prohibition on advertising SSBs on City property, as well as the accompanying exceptions that apply to SSBs. The legislation would also clarify that the existing prohibition on advertising cigarettes or tobacco products or alcoholic beverages applies to the placement of the name of a company producing such products or the name of such a product, but does not apply to the name of a company that only sells or distributes such products (*i.e.*, a grocery store). The ordinance would also remove an exception for certain types of messages pertaining to cigarettes or tobacco products or alcoholic beverages.

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President, District 5
BOARD of SUPERVISORS



BOS-11, PSN S, L21
Dep city atty, COB,
City Hall Leg Dep., may
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7630
Fax No. 554-7634
TDD/TTY No. 544-5227
File 151077

London Breed

PRESIDENTIAL ACTION

Date: 11/2/2015

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. _____
(Primary Sponsor)

Title. _____

Transferring (Board Rule No. 3.3)

File No. 151077 Cohen
(Primary Sponsor)

Title. Ordinance amending the Administrative Code.

From: Public Safety & Neighborhood Services Committee

To: Land Use & Transportation Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____

Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)

London Breed, President
Board of Supervisors

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
NOV 13 2015
11:07 AM

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

MEMORANDUM

TO: Youth Commission
FROM: Angela Calvillo, Clerk of the Board
DATE: November 3, 2015
SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS

The Board of Supervisors has received the following, which at the request of the Youth Commission is being referred as per Charter Section 4.124 for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 151077

Ordinance amending the Administrative Code to remove prohibition on the advertising of sugar-sweetened beverages on City property.

Please return this cover sheet with the Commission's response to **Alisa Somera, Assistant Clerk, Land Use and Transportation Committee.**

RESPONSE FROM YOUTH COMMISSION. Date: _____

No Comment

Recommendation Attached

Chairperson, Youth Commission

Major, Erica (BOS)

From: Major, Erica (BOS)
Sent: Tuesday, November 03, 2015 4:33 PM
To: Carpenter, Adele
Cc: Guzman, Monica (BOS); Lu, Allen
Subject: REFERRAL YC (151077) Administrative Code - Advertising Sugar-Sweetened Beverages on City Property
Attachments: 151077 YC.pdf

Greetings,

Attached is a referral for the Youth Commission for comment and recommendation. Please forward your response to me as soon as it is available.

Best,

Erica Major
Assistant Committee Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102
Phone: (415) 554-4441 | Fax: (415) 554-5163
Erica.Major@sfgov.org | www.sfbos.org

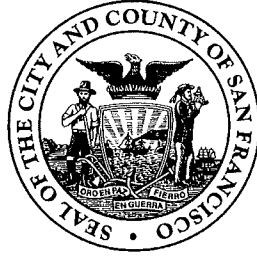


Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

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

MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

FROM: Erica Major, Assistant Committee Clerk, Board of Supervisors

DATE: November 3, 2015

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following substitute legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 151077

Ordinance amending the Administrative Code to remove prohibition on the advertising of sugar-sweetened beverages on City property.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

_____ **No Comment**

_____ **Recommendation Attached**

Chairperson, Small Business Commission

Major, Erica (BOS)

From: Major, Erica (BOS)
Sent: Tuesday, November 03, 2015 4:44 PM
To: Dick-Endrizzi, Regina (ECN)
Cc: Somera, Alisa (BOS)
Subject: REFERRAL SBC (151077) Administrative Code - Advertising Sugar-Sweetened Beverages on City Property
Attachments: 151077 SBC.pdf

Greetings:

This matter is being referred to the Small Business Commission for comment and recommendation. Please forward the Commission's response as soon as it is available.

Best,

Erica Major

Assistant Committee Clerk

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, City Hall, Room 244

San Francisco, CA 94102

Phone: (415) 554-4441 | Fax: (415) 554-5163

Erica.Major@sfgov.org | www.sfbos.org

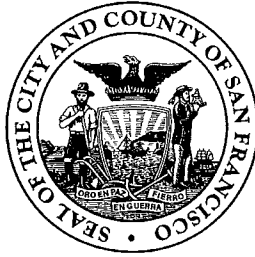


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BOARD of SUPERVISORS



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

MEMORANDUM

TO: Mohammed Nuru, Director, Public Works
Nicole Elliott, Mayor's Office

FROM: Erica Major, Assistant Committee Clerk, Government Audit and Oversight
Committee, Board of Supervisors

DATE: November 3, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Cohen on October 20, 2015:

File No. 151077

Ordinance amending the Administrative Code to remove prohibition on the advertising of sugar-sweetened beverages on City property.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

C:
Todd Rydstrom, Office of the Controller
Crezia Tano, Office of Economic and Workforce Development

Major, Erica (BOS)

From: Major, Erica (BOS)
Sent: Tuesday, November 03, 2015 4:44 PM
To: Nuru, Mohammed (DPW); Elliott, Nicole (MYR)
Cc: Rydstrom, Todd (CON); Tano, Crezia (ECN)
Subject: REFERRAL FYI (151077) Administrative Code - Advertising Sugar-Sweetened Beverages on City Property
Attachments: 151077 FYI.pdf

Greetings:

This matter is being forwarded to your department for informational purposes. If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Thank you.

Erica Major
Assistant Committee Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102
Phone: (415) 554-4441 | Fax: (415) 554-5163
Erica.Major@sfgov.org | www.sfbos.org



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BOS-11
CORB
Leg. Dep
Orig. File

President, District 5
BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7630
Fax No. 554-7634
TDD/TTY No. 544-5227

London Breed

RECEIVED BY
BOARD OF SUPERVISORS
SAN FRANCISCO
2015 NOV 12 PM 1:29
AK

PRESIDENTIAL ACTION

Date: 11/12/2015

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,

Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. 151077 Cohen
(Primary Sponsor)

Title. Ordinance amending the Administrative Code.

Transferring (Board Rule No. 3.3)

File No. _____
(Primary Sponsor)

Title. _____

From: _____ Committee

To: _____ Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____

Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)

London Breed, President
Board of Supervisors

President, District 5
BOARD of SUPERVISORS



BOS-11, PSNS, LZ1
Dep city atty, COB,
City Hall Leg Dep, Mayor office
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7630
Fax No. 554-7634
TDD/TTY No. 544-5227
File 151077

London Breed

PRESIDENTIAL ACTION

Date: 11/2/2015

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,
Pursuant to Board Rules, I am hereby:

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
NOV - 3 PM 1:35

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. _____
(Primary Sponsor)

Title. _____

Transferring (Board Rule No. 3.3)

File No. 151077 Cohen
(Primary Sponsor)

Title. Ordinance amending the Administrative Code

From: Public Safety & Neighborhood Services Committee

To: Land Use & Transportation Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____

Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)

London Breed, President
Board of Supervisors

Print Form

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):

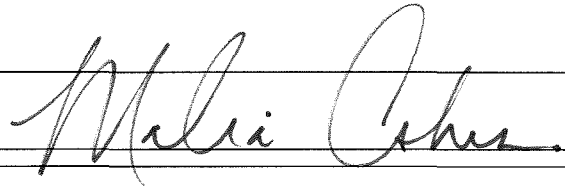
Cohen

Subject:

Administrative Code - Advertising Sugar-Sweetened Beverages on City Property

The text is listed below or attached:

Attached

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: