

File No. 221002

Committee Item No. 3

Board Item No. 4

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight
Board of Supervisors Meeting:

Date: October 6, 2022

Date: October 25, 2022

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU - FY2022-2024 - Clean |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU - FY2022-2024 - Redline |
| <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 |
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OTHER

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Presidential Action Memo - 30 Day Waiver 092222</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral CEQA 092322</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral PLN Dept 092322</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral FYI 092322</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>PC Transmittal 082322</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CEQA Determination 092622</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>President Action Form 092822</u> |
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Prepared by: Stephanie Cabrera

Date: September 30, 2022

Prepared by: Stephanie Cabrera

Date: October 7, 2022

Prepared by:

Date:

1 [Health, Police Codes - Cannabis Sunset Dates]

2

3 **Ordinance amending the Health Code and Police Code to extend the sunset date for**
 4 **provisions governing Medical Cannabis Dispensaries from December 31, 2022, to**
 5 **December 31, 2024; and to allow the extension of Temporary Cannabis Business**
 6 **Permits for additional 120-day terms through December 31, 2024, rather than December**
 7 **31, 2022; affirming the Planning Department’s determination under the California**
 8 **Environmental Quality Act; and making findings of consistency with the General Plan,**
 9 **and the eight priority policies of Planning Code, Section 101.1.**

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

14

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

16

17 Section 1. Findings.

18 (a) The Planning Department has determined that the actions contemplated in this
 19 ordinance comply with the California Environmental Quality Act (California Public Resources
 20 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
 21 Supervisors in File No. 221002 and is incorporated herein by reference. The Board affirms
 22 this determination.

23 (b) On July 21, 2021, the Planning Department determined that the actions
 24 contemplated in this ordinance are consistent, on balance, with the City’s General Plan and
 25 eight priority policies of Planning Code Section 101.1. The Board adopts this determination

1 as its own. A copy of said determination is on file with the Clerk of the Board of Supervisors in
2 File No. 221002, and is incorporated herein by reference.

3
4 Section 2. Article 33 of the Health Code is hereby amended by revising Section 3323,
5 to read as follows:

6 **SEC. 3323. SUNSET PROVISION.**

7 This Article 33 shall expire by operation of law on December 31, ~~2022~~2024. All
8 permits authorizing the operation of a Medical Cannabis Dispensary issued under this Article
9 33 shall be rendered invalid after December 31, 2018, except for those permits issued under
10 this Article 33 where the permit holder has applied for a Police Code Article 16 permit, which
11 shall be rendered invalid on December 31, ~~2022~~2024. Upon expiration of the Article, the City
12 Attorney shall cause it to be removed from the Health Code.

13
14 Section 3. Article 16 of the Police Code is hereby amended by revising Section 1605
15 to read as follows:

16 **SEC. 1605. TRANSITION PROVISION.**

17 * * * *

18 (h) **Duration.** A Temporary Cannabis Business Permit issued under this Section
19 1605 shall be valid for a period of 120 days and may be extended for additional 120-day
20 periods at the discretion of the Director. Notwithstanding the prior sentence, the Director shall
21 not issue a new temporary permit after January 1, 2019, and shall not extend the term of a
22 Temporary Cannabis Business Permit issued to an applicant for a Cannabis Business Permit
23 under this Article 16 past December 31, ~~2022~~2024.

24 * * * *

1 Section 4. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

5
6 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
10 additions, and Board amendment deletions in accordance with the "Note" that appears under
11 the official title of the ordinance.

12 APPROVED AS TO FORM:
13 DAVID CHIU, City Attorney

14 By: /s/ Sarah Crowley
15 SARAH CROWLEY
Deputy City Attorney

16 n:\legana\as2022\2300082\01628626.docx

LEGISLATIVE DIGEST

[Health, Police Codes - Cannabis Sunset Dates]

Ordinance amending the Health Code and Police Code to extend the sunset date for provisions governing Medical Cannabis Dispensaries from December 31, 2022, to December 31, 2024; and to allow the extension of Temporary Cannabis Business Permits for additional 120-day terms through December 31, 2024, rather than December 31, 2022; 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.

Amendments to Current Law

This ordinance would extend the date beyond which Medical Cannabis Dispensary Permits (issued under Article 33 of the Health Code) can no longer be effective from December 31, 2022, to December 31, 2024.

This ordinance would extend the date beyond which Temporary Cannabis Business Permits (issued under Article 16 of the Police Code) can no longer be effective from December 31, 2022, to December 31, 2024.

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BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

September 23, 2022

File No. 221002

Lisa Gibson
Environmental Review Officer
Planning Department
49 S. Van Ness Suite 1400
San Francisco CA, 94103

Dear Ms. Gibson:

On September 20, 2022, Supervisor Mandelman introduced the following legislation:

File No. [221002]

Ordinance amending the Health Code and Police Code to extend the sunset date for provisions governing Medical Cannabis Dispensaries from December 31, 2022, to December 31, 2024; and to allow the extension of Temporary Cannabis Business Permits for additional 120-day terms through December 31, 2024, rather than December 31, 2022; 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.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: Stephanie Cabrera, Assistant Clerk
Government Audit and Oversight Committee

Attachment

cc: Devyani Jain, Planning Department
Joy Navarette, Planning Department
Don Lewis, Planning Department

BOARD of SUPERVISORS



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1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
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TDD/TTY No. (415) 554-5227

September 23, 2022

Planning Department
Attn: Rich Hillis, Director
49 South Van Ness, Suite 1400
San Francisco, CA 94103

Dear Mr. Hillis:

On September 20, 2022, Supervisor Mandelman introduced the following legislation:

File No. 221002

Ordinance amending the Health Code and Police Code to extend the sunset date for provisions governing Medical Cannabis Dispensaries from December 31, 2022, to December 31, 2024; and to allow the extension of Temporary Cannabis Business Permits for additional 120-day terms through December 31, 2024, rather than December 31, 2022; 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.

The ordinance is pending before the Government Audit and Oversight Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

By: Stephanie Cabrera, Assistant Clerk
Government Audit and Oversight Committee

cc: Corey Teague, Zoning Administrator
Scott Sanchez, Deputy Zoning Administrator
Lisa Gibson, Environmental Review Officer
Devyani Jain, Deputy Environmental Review Officer
Adam Varat, Acting Director of Citywide Planning
Aaron Starr, Manager of Legislative Affairs
Andrea Ruiz-Esquide, Deputy City Attorney
Joy Navarrete, Major Environmental Analysis

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MEMORANDUM

TO: Kerry Birnbach, Commission Secretary

FROM: Stephanie Cabrera, Assistant Clerk, Government Audit and Oversight Committee, Board of Supervisors

DATE: September 23, 2022

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Supervisor Mandelman on September 20, 2022:

File No. [221002]

Ordinance amending the Health Code and Police Code to extend the sunset date for provisions governing Medical Cannabis Dispensaries from December 31, 2022, to December 31, 2024; and to allow the extension of Temporary Cannabis Business Permits for additional 120-day terms through December 31, 2024, rather than December 31, 2022; 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.

If you have any additional 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 or by email at: Stephanie.Cabrera@sfgov.org.

Attachment



August 23, 2022

Ms. Angela Calvillo, Clerk
Honorable Supervisor Safai
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Transmittal of Planning Department Case Number 2022-004725PCA:
Temporary Safe Overnight Parking and Cannabis Retail Uses
Board File No. 220542

Planning Commission Recommendation: **Approval**

Dear Ms. Calvillo and Supervisor Safai,

On July 21, 2022, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Safai that would amend the Planning Code to allow long-term parking of and overnight camping in vehicles and ancillary uses on parcels designated and authorized for use as Vehicle Triage Centers or Safe Parking Program sites, as a temporary use; and extend the date for expiration of temporary cannabis retail uses to January 1, 2024. At the hearing the Planning Commission recommended approval.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,


Digitally signed by Daniel A. Sider
Date: 2022.08.22 13:58:28 -07'00'
Adobe Acrobat version: 2022.002.20191

Daniel A. Sider, AICP
Chief of Staff

cc: Victoria Wong, Deputy City Attorney
Ernest Jones, Aide to Supervisor Safai
Erica Major, Office of the Clerk of the Board

Attachments :

Planning Commission Resolution
Planning Department Executive Summary



PLANNING COMMISSION RESOLUTION NO. 21146

HEARING DATE: July 21, 2022

Project Name: Temporary Safe Overnight Parking and Cannabis Retail Uses
Case Number: 2022-004725PCA [Board File No. 220542]
Initiated by: Supervisor Safai / Introduced May 10, 2022
Staff Contact: Veronica Flores, Legislative Affairs
veronica.flores@sfgov.org, 628-652-7525
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533

RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO ALLOW LONG-TERM PARKING OF AND OVERNIGHT CAMPING IN VEHICLES AND ANCILLARY USES ON PARCELS DESIGNATED AND AUTHORIZED FOR USE AS VEHICLE TRIAGE CENTERS OR SAFE PARKING PROGRAM SITES, AS A TEMPORARY USE; EXTENDING THE DATE FOR EXPIRATION OF TEMPORARY CANNABIS RETAIL USES TO JANUARY 1, 2024; 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.

WHEREAS, on May 10, 2022 Supervisor Safai introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 220542, which would amend the Planning Code to allow long-term parking of and overnight camping in vehicles and ancillary uses on parcels designated and authorized for use as Vehicle Triage Centers or Safe Parking Program sites, as a temporary use; and extend the date for expiration of temporary cannabis retail uses to January 1, 2024;

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on July 21, 2022; and,

WHEREAS, the proposed Ordinance is not defined as a project under California Environmental Quality Act Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect change in the environment; and

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

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves** the proposed ordinance. The Commission's proposed recommendation(s) is/are as follows:

Findings

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

Given the persistent and escalating homelessness crisis, it is crucial that the city find ways to connect individuals to housing and social services.

Creating a Planning Department authorization to establish a location for the vehicularly homeless to safely reside is an important strategy for making those connections.

MCDs and Cannabis Retail establishments provide economic activity to areas struggling with high vacancy rates by providing a destination retail outlet that can spur activity for nearby businesses.

General Plan Compliance

The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

OBJECTIVE 6

REDUCE HOMELESSNESS AND THE RISK OF HOMELESSNESS.

Policy 6.1

Prioritize permanent housing and service-enriched solutions while pursuing both short- and long-term strategies to eliminate homelessness.

Policy 6.4

Improve coordination among emergency assistance efforts, existing shelter programs, and health care outreach services.

BALBOA PARK STATION AREA PLAN

OBJECTIVE 4.5

PROVIDE INCREASED HOUSING OPPORTUNITIES AFFORDABLE TO A MIX OF HOUSEHOLDS AT VARYING INCOME LEVELS.

Policy 4.5.1

Give first consideration to the development of affordable housing on publicly-owned sites.

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 3

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED

Policy 3.1

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

Policy 3.4

Assist newly emerging economic activities. The proposed ordinance seeks to attract, retain and expand the newly emerging cannabis industry, which provides employment opportunities for unskilled and semi-skilled workers.

OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

Policy 6.2

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

The proposed Ordinance supports the Housing Elements goals of providing housing opportunities for all San Franciscans. The Ordinance does so by facilitating the development of temporary locations for individuals experiencing homelessness to reside in their vehicles while accessing social services. Additionally, the proposed Ordinance aligns with the Commerce and Industry Element policies to support existing small businesses in the city by extending the expiration date for temporary Cannabis Retail uses.

Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would not have a negative effect on housing or neighborhood character because the Ordinance expands an existing Temporary Use Authorization for a use that is not permanent and would be replaced within five years.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing as it expands an existing Temporary Use Authorization that allows the overnight parking of vehicles for those experiencing homelessness.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking as it proposes to facilitate the establishment of locations for vehicles to park overnight.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss

of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

Planning Code Section 302 Findings.

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on July 21, 2022.



Jonas P Ionin Digitally signed by Jonas P Ionin

Jonas P. Ionin
Commission Secretary

AYES: Ruiz, Diamond, Fung, Imperial, Koppel, Moore, Tanner

NOES: None

ABSENT: None

ADOPTED: July 21, 2022



EXECUTIVE SUMMARY

PLANNING CODE TEXT AMENDMENT

HEARING DATE: July 21, 2022

90-Day Deadline: August 16, 2022

Project Name: Temporary Safe Overnight Parking and Cannabis Retail Uses
Case Number: 2022-004725PCA [Board File No. 220542]
Initiated by: Supervisor Safai / Introduced May 10, 2022
Staff Contact: Veronica Flores, Legislative Affairs
veronica.flores@sfgov.org, 628-652-7525
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533

Recommendation: Approval

Planning Code Amendment

The proposed Ordinance would amend the Planning Code to allow long-term parking of and overnight camping in vehicles and ancillary uses on parcels designated and authorized for use as Vehicle Triage Centers or Safe Parking Program sites, as a temporary use; and extend the date for expiration of temporary cannabis retail uses to January 1, 2024.

The Way It Is Now:	The Way It Would Be:
Temporary long-term parking of and overnight camping in vehicles is permitted for a period of up to two years at Assessor’s Parcel Block No. 6973, Lot No. 039 (commonly known as 2340 San Jose Avenue).	Temporary long-term parking of and overnight camping in vehicles is permitted for a period of up to five years on parcels designated and authorized for use as a Vehicle Triage Center or Safe Parking Program site. The Director may approve up to two extensions (six months each) based on public health and safety considerations or delay in approval or operation of the site.
Temporary Cannabis Retail Uses are permitted for a period of up to four years. Upon expiration, the land	Temporary Cannabis Retail Uses would be permitted for a period of up to six years instead of four.

use authorization for the parcel will revert to the original authorization to operation as a Medical Cannabis Dispensary Use.	This provision would be retroactive to January 1, 2022.
The term “Cannabis Sales Use” is used in the Planning Code.	“Cannabis Sales Use” references would be revised to “Cannabis Retail Use” for consistency.

Background

Programs for Vehicularly Homeless

The Safe Overnight Parking Pilot Program (Pilot Program) became effective on June 9, 2019.¹ The Pilot Program was comprised of a Vehicle Triage Center (VTC) established and operated by the Department of Homelessness and Supportive Services (HSH). The VTC would provide eligible individuals experiencing vehicular homelessness a safe place to park and sleep in their vehicles overnight and access to on-site services.

The Board of Supervisors designated Assessor’s Block 6973, Lot 039 (commonly known as 2340 San Jose Avenue) as an appropriate site for the Pilot Program.² It was an existing surface parking lot slated for a 100% affordable housing development scheduled to break ground in a few years. The Mayor’s Office of Housing and Community Development subsequently obtained Temporary Use Authorization (TUA) for a VTC at this location for a period of one year, expiring on November 30, 2020. The property is currently under construction, but there is still a need for safe long-term parking and overnight camping in vehicles. To address this need, the Bayview VTC opened at Candlestick Point State Recreation Area, a publicly zoned parcel. This Ordinance would provide more opportunities to serve those experiencing vehicular homelessness throughout the city, without requiring a legislative process for each individual site.

Cannabis Retail Uses

In response to Proposition 64 and then Governor Brown’s Medicinal and Adult-Use Cannabis Regulations and Safety Act (MAUCRSA), “Cannabis Retail” was defined as its own land use in the Planning Code, which allowed the sale of cannabis products to non-medical consumers. Additionally, Section 190 was added to the Planning Code to provide existing Medicinal Cannabis Dispensaries (MCDs) a path and process to convert to Cannabis Retail. Section 191 was created to allow the temporary authorization of Cannabis Retail. The intent was to allow these grandfathered MCDs to operate as Cannabis Retail as they went through the official process of establishing a Cannabis Retail use. Section 191 was initially set to expire on January 1, 2020. Additional extensions were granted to provide applicants additional time to convert to Cannabis Retail. The proposed Ordinance extends Section 191’s expiration to January 1, 2024, which is meant to be the final extension.

¹ [Ordinance 82-19](#)

² [Ordinance 213-19](#)

Issues and Considerations

Homelessness in San Francisco



Figure 1: Source: 2019 San Francisco Homeless Count & Survey Comprehensive Report

According to the 2019 Point-in-Time (PIT) Count, there was a 17% increase in the number of people experiencing homelessness compared to the 2017 PIT Count.³ The advent of COVID-19 heightened the need to devote City resources to ensuring that people experiencing homelessness, and particularly those with high vulnerability to illness, are safely sheltered, receive critical health and service supports, and are moved to permanent housing as quickly and equitably as possible.

The PIT Count is typically conducted every two years; however, due to the impacts of COVID-19, the 2021 Count focused only on sheltered homelessness and postponed the unsheltered count to 2022. The preliminary results of the 2022 PIT Count found a slight decrease in overall homelessness as illustrated in Figure 1. Further, there was a 15% decrease of unsheltered homelessness since 2019.⁴ This is largely in response to increased housing and shelter resources such as expanding the Homelessness Response System and the approval of Shelter-in-Place Hotels.

The level of total homelessness has decreased, but the number of those experiencing vehicular homelessness is on the rise.

The PIT Count notes the total number of those experiencing homelessness that are sheltered versus unsheltered. Unsheltered persons have primarily resided outdoors, parks, or tents. Of those unsheltered, the amount of those experiencing vehicular homelessness has been on the rise since 2015 as illustrated in Figure 2. In 2019, 35% of those unsheltered resided in their vehicles, the highest rate in the most recent PIT Counts. As a result, the Department of Homelessness and Supportive Housing (HSH) sought to respond with additional resources targeted towards vehicle encampments. Additionally, HSH expanded the Encampment Resolution Team to also include encampments of inhabited vehicles in addition to tent encampments. The goal is to ultimately transition those experiencing homelessness to permanent housing. However, the data suggests that other resources, such as safe overnight parking locations, are needed in addition to more traditional resources like permanent supportive housing.

³ [2019 San Francisco Homeless Count & Survey Comprehensive Report](#)

⁴ [2022 Point-in-Time Count: Preliminary Results](#)

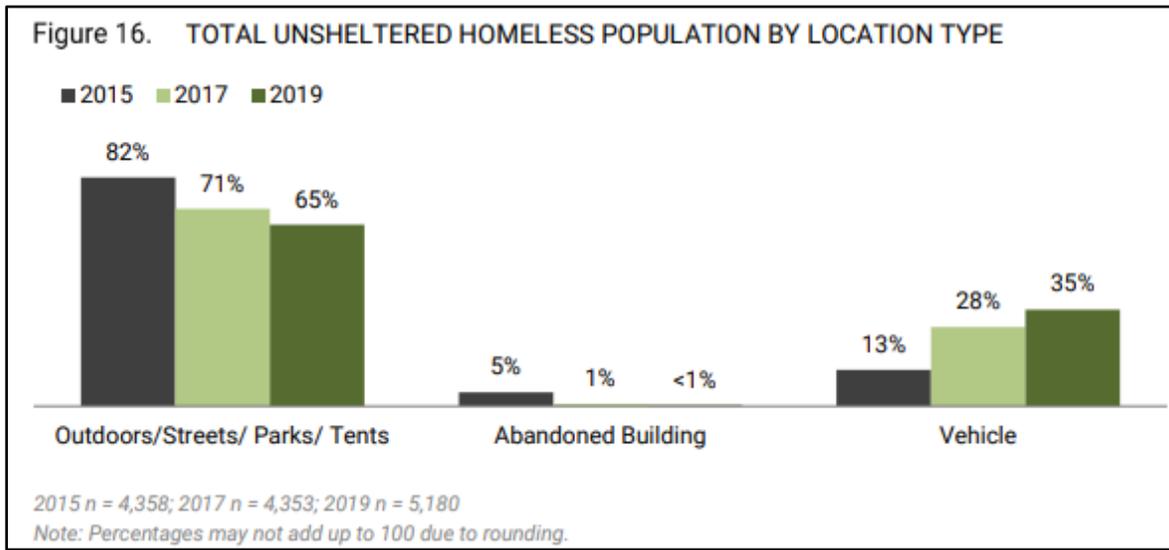


Figure 2: Source: 2019 San Francisco Homeless Count & Survey Comprehensive Report

Success at Vehicle Triage Centers

The Safe Overnight Parking Pilot Program was located on a surface parking lot at the Balboa Park Upper Yard (commonly known as 2340 San Jose Avenue). The Balboa Park Upper Yard had the capacity for 29 passenger vehicles and recreational vehicles (RVs). In its first year of operation, the Vehicle Triage Center (VTC) served a total of 75 individuals, with a priority for unsheltered individuals in Supervisorial District 11. Clients had access to on-site services such as showers, laundry services, electricity, and internet. The VTC originally did not include case management services, but eventually case managers from the San Francisco Homeless Outreach Team (SFHOT) visited the site weekly and on an as-needed basis.

Clients participating in the Pilot Program had an average length of stay of 103 days. All adult clients were assessed for housing prior to intake into the VTC. Among the 75 clients served at the VTC, a total of 44 guests (59%) exited during the year, with 25% of these exits going to housing.⁵ The Department of Homelessness and Supportive Housing conducted a client survey with both structured and open-ended questions. Clients generally felt the site was a safe, secure location for sleeping overnight and storing their vehicle/belongings. Clients also appreciated the shower and laundry services.

Additional information on this Pilot Program can be found in the “Vehicle Triage Center Evaluation” attached as Exhibit C. Part of the evaluation included recommendations for future VTCs such as including more electricity and having a full-time case manager on-site. Lessons learned from the Pilot Program were considered when opening the Bayview VTC in January. The Bayview VTC includes 135 parking spaces and includes security, showers, and access to supportive services. The end goal is still the same: provide pathways to housing.

⁵ [Vehicle Triage Center Evaluation](#)

Temporary Use Authorizations

A Temporary Use Authorization (TUA) allows specific land uses for limited periods of time on properties where they may not otherwise be allowed. The temporary authorizations range from 24 hour to four-year durations, with certain allowances for limited re-authorizations. TUAs can be secured across the City, are not site specific, and allow the same land use on multiple properties. For example, during October different parcels across the city are used as pumpkin patches in anticipation of Halloween. Another example includes weekly farmers markets in various neighborhoods throughout the city. TUAs provide the opportunity for the temporary use of different properties for specific uses without requiring a separate legislative process for each individual site.

Converting to Cannabis Retail

Currently there are more than 30 grandfathered MCDs in the process of converting to Cannabis Retail. Converting to Cannabis Retail has taken longer than expected. Before converting the land use, the Office of Cannabis must review the first part of the license application. This process has taken more time than anticipated because they are required to process equity applications first. It is only after the Office of Cannabis issues the license that Planning Department can approve a change of use. Once the Ordinance is enacted, these businesses would need to establish a Cannabis Retail Use by January 1, 2024, otherwise they would be reverted to the previously authorized use of Medicinal Cannabis Dispensaries.

General Plan Compliance

The proposed Ordinance supports the Housing Elements goals of providing housing opportunities for all San Franciscans. The Ordinance does so by facilitating the development of temporary locations for individuals experiencing homelessness to reside in their vehicles while accessing social services. Additionally, the proposed Ordinance aligns with the Commerce and Industry Element policies to support existing small businesses in the city by extending the expiration date for temporary Cannabis Retail uses.

Racial and Social Equity Analysis

The Planning Code amendments in the proposed Ordinance would protect our most vulnerable populations experiencing homelessness. The 2019 PIT Count found that Hispanic/Latinx, Black or African American, and Multiracial respondents were homeless at rates higher than their corresponding ratio of the City's general population. Further, the survey of persons living in vehicles also showed that Hispanic/Latinx and Black or African American respondents disproportionately comprise that population. While the latest PIT Count shows a slight decrease in overall homelessness, there is still a severe need for more services and resources for our unsheltered residents. These additional resources and targeted services will help improve racial and social equity in San Francisco.

There are several resources for those experiencing sheltered homelessness such as shelters or Permanent Supportive Housing. However, there are fewer resources for those experiencing unsheltered homelessness. Further, there has been a substantial increase in those experiencing vehicular homelessness, with even fewer resources devoted to their needs. It is important to note that the vehicularly homeless may have been undercounted in the PIT count since it is not always clear how many inhabitants there are in a vehicle. Therefore, the PIT count might not truly reflect the need for resources for vehicularly homeless. HSH has worked on more

resources for those vehicularly homeless, and the City needs to expand. This Ordinance would help with such efforts.

VTCs are one solution to transitioning to safe, stable housing in a timely manner. They provide basic needs for its residents including restroom facilities, showers, and electricity. VTCs may also provide Case Managers available daily on-site or during regular visits. These resources and built-in support system are critical in ensuring the City meets the tenants' short- and long-term needs.

Implementation

The Department has determined that this Ordinance will impact our current implementation procedures by requiring a minor revision to the Temporary Use Authorization application. The proposed changes can be implemented without increasing permit costs or review time.

Recommendation

The Department recommends that the Commission *approve* the proposed Ordinance and adopt the attached Draft Resolution to that effect.

Basis for Recommendation

Given the escalating homelessness crisis, the Department supports the proposed Ordinance and its ultimate intention of connecting individuals to housing and social services. The Safe Overnight Parking Pilot Program allowed the use of 2340 San Jose Avenue to be used for safe overnight parking and to connect those experiencing homelessness to needed services. That site is now under construction for a housing development, but there is still a need for safe long-term overnight parking. The need has increased further in recent years, especially due to COVID-19. This Ordinance has a greater reach than the 2019 Ordinance and aligns with the previous Department recommendation to allow safe overnight parking on other sites.

Additionally, the Department supports the Cannabis Retail component of the Ordinance because of the Commerce and Industry Element policies to support maintaining and strengthening viable neighborhood commercial areas. MCDs and Cannabis Retail establishments provide economic activity to areas struggling with high vacancy rates by providing a destination retail outlet that can spur activity for nearby businesses. Grandfathered MCD's operating as temporary Cannabis Retail uses had until January 1, 2022 to officially convert to a Cannabis Retail use, otherwise they would be reverted to the authorized use of an MCD. The proposed amendment would be retroactive to January 1, 2022. This would provide small business owners an additional two years in response to licensing delays from the Office of Cannabis, as well as COVID-19 hardship delays.

Required Commission Action

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

Environmental Review

The proposed amendments are not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because they do not result in a physical change in the environment.

Public Comment

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 220542
- Exhibit C: Vehicle Triage Center Evaluation

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PLANNING COMMISSION DRAFT RESOLUTION

HEARING DATE: July 21, 2022

Project Name: Temporary Safe Overnight Parking and Cannabis Retail Uses
Case Number: 2022-004725PCA [Board File No. 220542]
Initiated by: Supervisor Safai / Introduced May 10, 2022
Staff Contact: Veronica Flores, Legislative Affairs
 veronica.flores@sfgov.org, 628-652-7525
Reviewed by: Aaron Starr, Manager of Legislative Affairs
 aaron.starr@sfgov.org, 628-652-7533

RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO ALLOW LONG-TERM PARKING OF AND OVERNIGHT CAMPING IN VEHICLES AND ANCILLARY USES ON PARCELS DESIGNATED AND AUTHORIZED FOR USE AS VEHICLE TRIAGE CENTERS OR SAFE PARKING PROGRAM SITES, AS A TEMPORARY USE; EXTENDING THE DATE FOR EXPIRATION OF TEMPORARY CANNABIS RETAIL USES TO JANUARY 1, 2024; 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.

WHEREAS, on May 10, 2022 Supervisor Safai introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 220542, which would amend the Planning Code to allow long-term parking of and overnight camping in vehicles and ancillary uses on parcels designated and authorized for use as Vehicle Triage Centers or Safe Parking Program sites, as a temporary use; and extend the date for expiration of temporary cannabis retail uses to January 1, 2024;

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on July 21, 2022; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Sections 15378 and 15060(c)(2); and

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

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves** the proposed ordinance. The Commission's proposed recommendation(s) is/are as follows:

Findings

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

Given the persistent and escalating homelessness crisis, it is crucial that the city find ways to connect individuals to housing and social services.

Creating a Planning Department authorization to establish a location for the vehicularly homeless to safely reside is an important strategy for making those connections.

MCDs and Cannabis Retail establishments provide economic activity to areas struggling with high vacancy rates by providing a destination retail outlet that can spur activity for nearby businesses.

General Plan Compliance

The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

OBJECTIVE 6

REDUCE HOMELESSNESS AND THE RISK OF HOMELESSNESS.

Policy 6.1

Prioritize permanent housing and service-enriched solutions while pursuing both short- and long-term strategies to eliminate homelessness.

Policy 6.4

Improve coordination among emergency assistance efforts, existing shelter programs, and health care outreach services.

BALBOA PARK STATION AREA PLAN

OBJECTIVE 4.5

PROVIDE INCREASED HOUSING OPPORTUNITIES AFFORDABLE TO A MIX OF HOUSEHOLDS AT VARYING INCOME LEVELS.

Policy 4.5.1

Give first consideration to the development of affordable housing on publicly-owned sites.

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 3

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED

Policy 3.1

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

Policy 3.4

Assist newly emerging economic activities. The proposed ordinance seeks to attract, retain and expand the newly emerging cannabis industry, which provides employment opportunities for unskilled and semi-skilled workers.

OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

Policy 6.2

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

The proposed Ordinance supports the Housing Elements goals of providing housing opportunities for all San Franciscans. The Ordinance does so by facilitating the development of temporary locations for individuals experiencing homelessness to reside in their vehicles while accessing social services. Additionally, the proposed Ordinance aligns with the Commerce and Industry Element policies to support existing small businesses in the city by extending the expiration date for temporary Cannabis Retail uses.

Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would not have a negative effect on housing or neighborhood character because the Ordinance expands an existing Temporary Use Authorization for a use that is not permanent and would be replaced within five years.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing as it expands an existing Temporary Use Authorization that allows the overnight parking of vehicles for those experiencing homelessness.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking as it proposes to facilitate the establishment of locations for vehicles to park overnight.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss

of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

Planning Code Section 302 Findings.

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on July 21, 2022.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: July 21, 2022

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BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

September 23, 2022

File No. 221002

Lisa Gibson
Environmental Review Officer
Planning Department
49 S. Van Ness Suite 1400
San Francisco CA, 94103

Dear Ms. Gibson:

On September 20, 2022, Supervisor Mandelman introduced the following legislation:

File No. [221002]

Ordinance amending the Health Code and Police Code to extend the sunset date for provisions governing Medical Cannabis Dispensaries from December 31, 2022, to December 31, 2024; and to allow the extension of Temporary Cannabis Business Permits for additional 120-day terms through December 31, 2024, rather than December 31, 2022; 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.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: Stephanie Cabrera, Assistant Clerk
Government Audit and Oversight Committee

Attachment

cc: Devyani Jain, Planning Department
Joy Navarette, Planning Department
Don Lewis, Planning Department

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

9/26/2022

A handwritten signature in black ink, appearing to read "Stephanie Cabrera".

President, District 10
BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. 554-6516
Fax No. 554-7674
TDD/TTY No. 544-6546

Shamann Walton

PRESIDENTIAL ACTION

Date: 9/28/2022

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. [REDACTED]

[REDACTED]
(Primary Sponsor)

Title: [REDACTED]

Transferring (Board Rule No 3.3)

File No. 221002

Mandelman

(Primary Sponsor)

Title: Ordinance - Health, Police Codes - Cannabis Sunset Dates

From: Public Safety & Neighborhood Services

Committee

To: Government Audit & Oversight

Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor: [REDACTED]

Replacing Supervisor: [REDACTED]

For: [REDACTED]

(Date)

[REDACTED]
(Committee)

Meeting

Start Time: [REDACTED]

End Time: [REDACTED]

Temporary Assignment: Partial Full Meeting


Shamann Walton, President
Board of Supervisors

President, District 10
BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. 554-6516
Fax No. 554-7674
TDD/TTY No. 544-6546

Shamann Walton

PRESIDENTIAL ACTION

Date: 9/22/2022

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.

221002

Mandelman

(Primary Sponsor)

Title: Health, Police Codes – Cannabis Sunset Dates

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:

(Date)

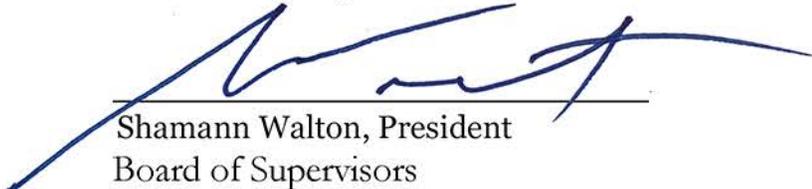
(Committee)

Meeting

Start Time:

End Time:

Temporary Assignment: Partial Full Meeting


Shamann Walton, President
Board of Supervisors

Introduction Form

By a Member of the Board of Supervisors or 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 inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic 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 the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only