

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Board of Supervisors Meeting

Date: March 6, 2012

Cmte	Board	
<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution
<input type="checkbox"/>	<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input type="checkbox"/>	<input type="checkbox"/>	Introduction Form (for hearings)
<input type="checkbox"/>	<input type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
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<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
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<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input type="checkbox"/>	<input type="checkbox"/>	Application
<input type="checkbox"/>	<input type="checkbox"/>	Public Correspondence

OTHER:

Completed by: Annette Lonich

Date: March 1, 2012

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

# 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. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. 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 different form.**

**Sponsor(s):**

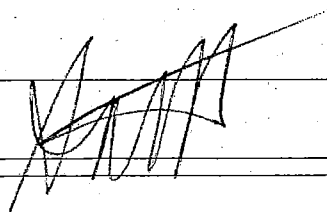
Supervisor Wiener, Chiu, Olaque

**Subject:**

Resolution opposing California Assembly Bill 1678

**The text is listed below or attached:**

Resolution opposing California Assembly Bill 1678, regarding restrictions on food trucks' proximity to schools.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

120205

1 [Opposing Assembly Bill 1678 - Regarding Restrictions on Food Trucks' Proximity to Schools]

2 **Resolution opposing Assembly Bill 1678, regarding restrictions on food trucks'**  
3 **proximity to schools.**

4  
5 WHEREAS, San Francisco, like any great urban center, has a thriving food scene, with  
6 a diverse offering of restaurants, cafes, farmers markets, urban agriculture, and street food,  
7 this diversity of food offerings constituting a key part of San Francisco's urban identity; and

8 WHEREAS, Food trucks are a part of this diversity of food options, allowing people to  
9 purchase food in many locations, at various times of day, in a convenient, quick, and  
10 affordable way; and

11 WHEREAS, Food trucks allow for ongoing food innovation, by quickly reflecting  
12 changes in food culture and allowing entrepreneurs to experiment with different kinds of food;  
13 and

14 WHEREAS, Food trucks are a way for people without access to significant capital to  
15 enter the food industry, and particularly for women and immigrant communities to start food-  
16 related businesses; and

17 WHEREAS, Food trucks activate public spaces and encourage people to be outside in  
18 public interacting with other people; and

19 WHEREAS, San Francisco has worked hard to balance the importance of food trucks  
20 with the needs of neighborhoods and brick-and-mortar restaurants, in order to avoid undue  
21 impacts and conflicts while encouraging food trucks to thrive, with a current ongoing process  
22 to evaluate food truck regulations for possible updating; and

1           WHEREAS, San Francisco has implemented its own regulations of food trucks'  
2 proximity to schools, with the City currently engaged in a discussion about the appropriate  
3 proximity rules in an urban environment; and

4           WHEREAS, Placement of food trucks, like many other zoning and planning issues, is a  
5 local concern, with each locality having unique needs and priorities; and

6           WHEREAS, California Assembly Bill 1678, recently introduced in the California  
7 Assembly, would impose a "one size fits all" approach to food truck placement throughout the  
8 urban, rural, and suburban California, without regard to unique local needs, specifically, by  
9 requiring that all food trucks be located at least 1,500 feet from any high school, middle  
10 school, or elementary school, a distance two and a half times greater than the state-  
11 requirement that medical cannabis dispensaries be 600 feet from schools; and

12           WHEREAS, California Assembly Bill 1678 would override San Francisco's regulations  
13 of food truck proximity to schools, would dramatically reduce the locations available for food  
14 trucks, would place some neighborhoods largely off-limits, and would result in an over-  
15 concentration of food trucks in the few areas without schools, such as Downtown and Union  
16 Square; and

17           WHEREAS, California Assembly Bill 1678 is a suburban-oriented Bill, given that in a  
18 dense urban setting like San Francisco, 1,500 feet – the equivalent, on average, of three city  
19 blocks – is a significant distance that will impact many people; now, therefore, be it

20           RESOLVED, That the San Francisco Board of Supervisors opposes California  
21 Assembly Bill 1678 and encourages the California Legislature to reject it; and, be it

22           FURTHER RESOLVED, That, if the California Legislature does proceed with California  
23 Assembly Bill 1678, the bill should be amended either to exempt San Francisco or,  
24 alternatively, to allow local jurisdictions to opt out in order to craft their own local regulations.  
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**ASSEMBLY BILL**

**No. 1678**

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**Introduced by Assembly Member Monning**

February 14, 2012

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An act to add Section 114294.1 to the Health and Safety Code, relating to food.

LEGISLATIVE COUNSEL'S DIGEST

AB 1678, as introduced, Monning. Mobile food facilities: school campus location.

The California Retail Food Code provides for the regulation of health and sanitation standards for retail food facilities, including mobile food facilities, as defined, by the State Department of Public Health. Under existing law, local health agencies are primarily responsible for enforcing this code. A violation of these provisions is punishable as a misdemeanor.

This bill would prohibit a mobile food facility from selling or otherwise providing food or beverages within 1,500 feet of any property line of an elementary or secondary school campus, as specified. It would also require the enforcing agency to notify each individual or entity that seeks approval of a mobile food facility of this requirement. By imposing additional duties upon local officials and creating a new crime, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, with regard to certain mandates, no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the  
2 following:
- 3 (a) All students deserve a school environment that promotes  
4 and protects good health.
- 5 (b) A school environment that fosters good health through sound  
6 nutrition is critical to overall student wellness and academic  
7 achievement.
- 8 (c) Past and ongoing efforts to create a healthier school  
9 environment for California's students are undermined by  
10 off-campus mobile food vending, which competes with the  
11 provision of healthful meals and snacks through the federally  
12 funded school nutrition programs.
- 13 (d) Mobile food vending diminishes participation in the school  
14 nutrition programs, reinforces the stigma associated with eating  
15 school meals, and jeopardizes the fiscal viability of school nutrition  
16 programs at the local level.
- 17 (e) Well-nourished students, such as those who participate in  
18 school meal programs, demonstrate better cognitive performance,  
19 classroom behavior, and social interaction, as well as improved  
20 academic achievement.
- 21 (f) Research shows meals served at school are often more  
22 nutritious than meals brought from home or served elsewhere.  
23 Students who participate in the School Breakfast Program consume  
24 more milk, more fruit, and less added sugar than their peers who  
25 do not eat a school breakfast. Students who participate in the  
26 National School Lunch Program consume more milk and more  
27 nutrient-dense lunches than their nonparticipating peers.  
28 Low-income students who participate in school lunch also eat more  
29 fruit than their nonparticipating peers.

1 (g) Mobile food vending increases students' access to foods and  
2 beverages that are calorie rich, nutrient poor, and contribute to  
3 negative health outcomes like being overweight and obesity.

4 (h) Mobile food vending near school campuses provides an  
5 incentive for students to leave school grounds, which decreases  
6 adult supervision of students during school hours and increases  
7 students' exposure to off-campus safety hazards.

8 (i) Mobile food vending near school campuses often results in  
9 crowded, impassable sidewalks and traffic congestion near school  
10 grounds, that infringes upon student safety.

11 (j) Mobile food vending near school campuses specifically and  
12 intentionally targets California's students.

13 (k) To help ensure student safety, promote good nutrition, and  
14 create healthier school environments, areas surrounding school  
15 campuses should be free of mobile food vending.

16 SEC. 2. Section 114294.1 is added to the Health and Safety  
17 Code, to read:

18 114294.1. (a) A mobile food facility may not sell or otherwise  
19 provide food or beverages within 1,500 feet of the property line  
20 of an elementary or secondary school campus, from the hours of  
21 6:00 a.m. and 6:00 p.m., inclusive, on a day that school is in  
22 session.

23 (b) The enforcement agency shall, in the course of approving  
24 mobile food facilities pursuant to Section 114294, provide  
25 notification of the restriction described in this section to each  
26 individual or entity that seeks approval of a mobile food facility.

27 SEC. 3. No reimbursement is required by this act pursuant to  
28 Section 6 of Article XIII B of the California Constitution for certain  
29 costs that may be incurred by a local agency or school district  
30 because, in that regard, this act creates a new crime or infraction,  
31 eliminates a crime or infraction, or changes the penalty for a crime  
32 or infraction, within the meaning of Section 17556 of the  
33 Government Code, or changes the definition of a crime within the  
34 meaning of Section 6 of Article XIII B of the California  
35 Constitution.

36 However, if the Commission on State Mandates determines that  
37 this act contains other costs mandated by the state, reimbursement  
38 to local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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