



City and County of San Francisco
Meeting Minutes
Rules Committee

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Members: Hillary Ronen, Shamann Walton, Gordon Mar

Clerk: Victor Young (415) 554-7723

Monday, November 18, 2019

10:00 AM

City Hall, Committee Room 263

Regular Meeting

Present: 3 - Hillary Ronen, Shamann Walton, and Gordon Mar

The Rules Committee met in regular session on Monday, November 18, 2019, with Chair Hillary Ronen presiding. Chair Ronen called the meeting to order at 10:04 a.m.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Ronen, Vice Chair Walton, and Member Mar were noted present. A quorum was present.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

191095 [Appointment, Park, Recreation, and Open Space Advisory Committee - James Falino]

Hearing to consider appointing one member, term ending February 1, 2020, to the Park, Recreation and Open Space Advisory Committee. (Rules Committee)

Seat 19, succeeding Katherine Jones, term expired, must be nominated by the District 5 Supervisor from the organizations listed in Resolution No. 391-13, for the unexpired portion of a two-year term ending February 1, 2020.

10/23/19; RECEIVED AND ASSIGNED to Rules Committee.

11/04/19; CONTINUED. Heard in Committee. Speakers: None.

Heard in Committee. Speaker: James Falino, spoke on their qualifications and answered questions raised throughout the discussion.

Appointment of James Falino, seat 19, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing James Falino, term ending February 1, 2020, to the Park, Recreation and Open Space Advisory Committee. (Rules Committee)

James Falino, Seat 19, succeeding Katherine Jones, term expired, must be nominated by the District 5 Supervisor from the organizations listed in Resolution No. 391-13, for the unexpired portion of a two-year term ending February 1, 2020.

Member Mar moved that this Motion be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Ronen, Walton, Mar

191146 [Appointment - Commission on Aging Advisory Council - Diane Wesley Smith]

Hearing to consider appointing one member, term ending March 31, 2020, to the Commission on Aging Advisory Council. (Rules Committee)

Vacant Seat 3, succeeding Mary Higgins, term expired, must be a nominee of the District 10 Supervisor, for the unexpired portion of a two-year term ending March 31, 2020.

11/12/19; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speaker: Diane Wesley Smith, spoke on their qualifications and answered questions raised throughout the discussion.

Appointment of Diane Wesley Smith, seat 3, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Diane Wesley Smith, term ending March 31, 2020, to the Commission on the Aging Advisory Council. (Rules Committee)

Diane Wesley Smith, seat 3, succeeding Mary Higgins, term expired, must be a nominee of the District 10 Supervisor, for the unexpired portion of a two-year term ending March 31, 2020.

Vice Chair Walton moved that this Motion be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Ronen, Walton, Mar

191034 [Mayoral Appointment, Planning Commission - Susan Diamond]

Motion approving/rejecting the Mayoral nomination for the appointment of Susan Diamond to the Planning Commission, for the unexpired portion of a term ending June 30, 2020. (Clerk of the Board) (Charter, Section 4.105, provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days from the date the nomination is transmitted to the Clerk, then the nominee shall be deemed approved. Transmittal date: October 9, 2019.)

10/09/19; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Susan Diamond, spoke on their qualifications and answered questions raised throughout the discussion. Mary Consigner (SF Campus for Jewish Living); Joel Ruse; Judy Edelson; Alex Morgan; Speaker; spoke in support of the appointment of Susan Diamond. R. Sloan; Jessie Fernandez; Susan Sutat; David Woo; Oscar Grande; Sue Hester; Speaker; Charlie Shamus; spoke in opposition of the appointment Susan Diamond. Jerry Bratley; Ace Washington; Nina Parks; spoke neither in support nor against the appointment Susan Diamond.

Chair Ronen moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 4, after 'unexpired portion of a' to insert 'four-year'. The motion carried by the following vote:

Ayes: 3 - Ronen, Walton, Mar

Motion approving/rejecting the Mayoral nomination for the appointment of Susan Diamond to the Planning Commission, for the unexpired portion of a four-year term ending June 30, 2020. (Clerk of the Board)

(Charter, Section 4.105, provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days from the date the nomination is transmitted to the Clerk, then the nominee shall be deemed approved. Transmittal date: October 9, 2019.)

(Supervisor Walton dissented in committee.)

Supervisor Mar moved that this Motion be REFERRED WITHOUT RECOMMENDATION AS COMMITTEE REPORT AS AMENDED. The motion carried by the following vote:

Ayes: 2 - Ronen, Mar

Noes: 1 - Walton

191000 [Administrative Code - Right to Affordable Housing Unit in a Revitalized Housing Development]

Sponsors: Mayor; Walton, Mar, Safai, Ronen, Haney, Stefani, Yee, Brown, Fewer and Peskin

Ordinance amending the Administrative Code to clarify the right of current households to occupy replacement housing units, provide a priority to former households of an existing public housing development to return to a revitalized housing development, and provide a priority to current and former households of an existing public housing development to occupy a new affordable housing unit.

10/01/19; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/31/2019.

10/10/19; REFERRED TO DEPARTMENT. Referred to the Homelessness and Supportive Housing, Rent Board, Mayor's Office of Housing and Community Development, Building Inspection, HOPE SF, and Housing Authority for informational purposes.

Heard in Committee. Speakers: Theo Miller, Director (HOPE SF); provided an overview and responded to questions raised throughout the discussion. C. Douglas; Alfred Rose; Speaker; A. Green; Ms. Ester; Job Wilson; Mr. Smith; Linica Feray; Sophia Jecola; Joyce Armstrong; spoke in support of the matter. Ace Washington; spoke neither in support nor opposition on the matter.

Vice Chair Walton moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Ronen, Walton, Mar

190926 [Administrative Code - Acquisition, Retention, and Use of Surveillance Technology]**Sponsor: Peskin**

Ordinance amending Chapter 19B of the Administrative Code, governing the City's acquisition, retention, and use of surveillance technology, to allow the acquisition and retention of face recognition technology under certain conditions; to preclude legal relief for alleged violations of Chapter 19B that the City timely cured following notice; and to authorize the City Administrator to adopt implementing standards to guide departments in compliance with Chapter 19B's restrictions on the acquisition, retention, and use of surveillance technology.

09/10/19; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/10/2019.

09/23/19; RECEIVED FROM DEPARTMENT. Referred to the all City Departments via the Mayor's Office for informational purposes.

Heard in Committee. Speaker: Lee Hepner, Legislative Aide (Office of Supervisor Aaron Peskin); provided an overview and responded to questions raised throughout the discussion.

Chair Ronen moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, to clarify reference of Face Recognition Technology is 'on City-issued software or City -issued product or device'; clarifying the occasion where it is not a violation for a City Department to possess Face Recognition Technology on City-issued software or a City issued-product or device; clarifying when it shall not be a violation to acquire or obtain Face Recognition Technology; on Page 3, Line 13-15, to insert 'A City Department that possesses Face Recognition Technology shall certify annually compliance with subsections (e)-(l) and post that certification and the written findings required by subsection (g) on the Department's website'; and to make other clarifying amendments. The motion carried by the following vote:

Ayes: 3 - Ronen, Walton, Mar

Chair Ronen moved that this Ordinance be RECOMMENDED AS AMENDED. The motion carried by the following vote:

Ayes: 3 - Ronen, Walton, Mar

190965 [Various Codes - Renaming Office of Cannabis to Office of Cannabis Regulation - Cannabis Regulation]

Ordinance amending the Administrative, Police, Health, Planning, Business and Tax Regulations, and Campaign and Government Codes to change the name of the Office of Cannabis to the Office of Cannabis Regulation ("Office"); amending the Police Code to 1) create a Cannabis Nursery Permit; 2) prohibit equity applicants from applying for a Cannabis Business Permit through a cooperative; 3) clarify where in the processing order the Office will review and process Cannabis Business Permit applications from holders of Temporary Cannabis Business Permits and Medical Cannabis Dispensaries; 4) prohibit Cannabis Retailers from using business names likely to attract minors as customers or mislead the public into believing that the business is authorized to sell products to minors; 5) remove the requirement that a Cannabis Business Permit application be denied following any violation of Article 16 of the Police Code, and instead require permit denial after a refusal to remediate an Article 16 violation of which they have been notified by the Office; 6) require Cannabis Distributors to notify the Office when they learn that Cannabis products in their possession have failed state testing standards; and affirming the Planning Department's determination under the California Environmental Quality Act. (City Administrator)

09/23/19; RECEIVED FROM DEPARTMENT.

10/01/19; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/31/2019.

10/10/19; REFERRED TO DEPARTMENT. Referred to the Planning Commission pursuant to Planning Code Section 302, for public hearing and recommendation; Planning Department for environmental review, and the Office of Cannabis, Police Department, Department of Elections, Office of the Treasurer and Tax Collector and Department of Public Health for informational purposes.

10/22/19; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2). Planning Commission waives their opportunity to hear the matter.

Heard in Committee. Speakers: Marisa Rodriguez, Director (Office of Cannabis); Jon Givner (Office of the City Attorney); provided an overview and responded to questions raised throughout the discussion. Speaker; spoke in support of the matter. C. Douglas; spoke in opposition of the matter. Bram Goodwin; Perry Jones; Speaker; Ronny Wittaker; Terrance Allen; spoke neither in support nor opposition on the matter.

Duplicated into File No. 191174.

DUPLICATED

Vice Chair Walton moved that this Ordinance be CONTINUED TO CALL OF THE CHAIR. The motion carried by the following vote:

Ayes: 3 - Ronen, Walton, Mar

191174 [Police Code - Cannabis Regulation]

Ordinance amending the Administrative, Police, Health, Planning, Business and Tax Regulations, and Campaign and Government Codes to change the name of the Office of Cannabis to the Office of Cannabis Regulation (“Office”); amending the Police Code to 1) create a Cannabis Nursery Permit; 2) prohibit equity applicants from applying for a Cannabis Business Permit through a cooperative; 3) clarify where in the processing order the Office will review and process Cannabis Business Permit applications from holders of Temporary Cannabis Business Permits and Medical Cannabis Dispensaries; 4) prohibit Cannabis Retailers from using business names likely to attract minors as customers or mislead the public into believing that the business is authorized to sell products to minors; 5) remove the requirement that a Cannabis Business Permit application be denied following any violation of Article 16 of the Police Code, and instead require permit denial after a refusal to remediate an Article 16 violation of which they have been notified by the Office; 6) require Cannabis Distributors to notify the Office when they learn that Cannabis products in their possession have failed state testing standards; and affirming the Planning Department’s determination under the California Environmental Quality Act. (City Administrator)

Duplicated from File No. 190965

Vice Chair Walton moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to delete all reference to the changing of the name of the Office of Cannabis to the Office of Cannabis Regulation. The motion carried by the following vote:

Ayes: 3 - Ronen, Walton, Mar

Ordinance amending the Police Code to 1) create a Cannabis Nursery Permit; 2) prohibit equity applicants from applying for a Cannabis Business Permit through a cooperative; 3) clarify where in the processing order the Office will review and process Cannabis Business Permit applications from holders of Temporary Cannabis Business Permits and Medical Cannabis Dispensaries; 4) prohibit Cannabis Retailers from using business names likely to attract minors as customers or mislead the public into believing that the business is authorized to sell products to minors; 5) remove the requirement that a Cannabis Business Permit application be denied following any violation of Article 16 of the Police Code, and instead require permit denial after a refusal to remediate an Article 16 violation of which they have been notified by the Office; 6) require Cannabis Distributors to notify the Office when they learn that Cannabis products in their possession have failed state testing standards; and affirming the Planning Department’s determination under the California Environmental Quality Act. (City Administrator)

Vice Chair Walton moved that this Ordinance be RECOMMENDED AS AMENDED. The motion carried by the following vote:

Ayes: 3 - Ronen, Walton, Mar

190869 [Administrative Code - Farmers' Markets and Flea Markets]

Ordinance amending the Administrative Code to affirm the County Agricultural Commissioner's authority under state law to certify and inspect farmers' markets and producers, and to enforce state law governing the direct marketing of agricultural products to consumers; replace the County Agricultural Commissioner with the Director of Property as the operator of City-operated farmers' markets and flea markets; eliminate the allocation of space at farmers' markets for the distribution of surplus commodities to needy persons; increase the permit fees for certified producers and other vendors; and increase the permit fees for farmers' market operators. (City Administrator)

08/26/19; RECEIVED FROM DEPARTMENT.

09/03/19; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/3/2019.

09/11/19; REFERRED TO DEPARTMENT. Referred to City Administrator, Real Estate Division and Recreation and Parks for informational purposes.

11/14/19; NOTICED. Notice published in the November 8 and 15, 2019, Examiner.

Heard in Committee. Speakers: Cladia Lorham (Department of Real Estate); provided an overview and responded to questions raised throughout the discussion. Ashley Rhodes; spoke in support of the matter.

RECOMMENDED by the following vote:

Ayes: 3 - Ronen, Walton, Mar

ADJOURNMENT

There being no further business, the Rules Committee adjourned at the hour of 12:22 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Rules Committee on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.