



City and County of San Francisco

Meeting Minutes

Public Safety and Neighborhood Services Committee

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

Members: Catherine Stefani, Joel Engardio, Matt Dorsey

Clerk: John Carroll

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Thursday, May 11, 2023

10:00 AM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 3 - Catherine Stefani, Joel Engardio, and Matt Dorsey

The Public Safety and Neighborhood Services Committee met in regular session, in-person with remote access and public comment via telephone, on Thursday, May 11, 2023, with Chair Stefani presiding. Chair Stefani called the meeting to order at 10:06 a.m.

Remote Access to Information and Participation

The Board of Supervisors (www.sfbos.org) and its committees convene hybrid meetings that allow in-person attendance, in-person public comment (prioritized before remote public comment), remote access (watch: www.sfgovtv.org), and remote public comment via teleconference (<https://sfbos.org/remote-meeting-call>).

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Stefani, Vice Chair Engardio, and Member Dorsey were noted present.

A quorum of the committee was present.

COMMUNICATIONS

John Carroll, Public Safety and Neighborhood Services Committee Clerk, instructed members of the public, when general public comment is called, to contribute live comments in-person or by dialing the telephone number published on the agenda and scrolling across the screen. Clerk Carroll further announced that in-person public comment will be taken before remote public comment is called.

*(Those who are providing public comment remotely must dial *3 to be added to the remote queue to speak. Written comments may be submitted through email (john.carroll@sfgov.org) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.)*

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

230303 [Liquor License Transfer - 1336 Grant Avenue - The Nature Stop]

Hearing to consider that the person-to-person, premises-to-premises transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Tony's Nature Food, Inc., doing business as The Nature Stop, located at 1336 Grant Avenue (District 3), will serve the public convenience or necessity of the City and County of San Francisco. (Public Safety and Neighborhood Services Committee)

03/09/23; RECEIVED. The applicant submitted a request for a determination on the public convenience or necessity of the issuance of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Tony's Nature Food, Inc., to do business as The Nature Stop, located at 1336 Grant Avenue.

03/10/23; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

03/15/23; REFERRED TO DEPARTMENT. Referred to the Planning Department and Police Department for recommendation.

03/27/23; RESPONSE RECEIVED. The Planning Department recommends approval of the Type-21 proposed at 1336 Grant Avenue. General/Specialty Grocery is a Retail Sales and Service use principally permitted in the North Beach Neighborhood Commercial District per Planning Code, Section 722.40. Please note that Planning Code, Section 790.102, Sales and Service, Other Retail no longer applies.

05/04/23; RESPONSE RECEIVED. The Police Department submitted a response recommending approval with no additional conditions.

Heard in Committee. Speakers: Officer Joel Salmonson (Police Department); Jameel M. Shihadeh (Tony's Nature Food, Inc.); presented information and answered questions raised throughout the discussion. Santino DeRose; spoke in opposition to the hearing matter.

A determination that the public convenience or necessity would not be served was recommended by the committee.

Chair Stefani moved that this Hearing be PREPARED IN COMMITTEE AS A RESOLUTION, making a determination that the transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to the applicant will not serve the public convenience or necessity. The motion carried by the following vote:

Ayes: 3 - Stefani, Engardio, Dorsey

Resolution determining that the person-to-person, premises-to-premises transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Tony's Nature Food, Inc., doing business as The Nature Stop, located at 1336 Grant Avenue (District 3), will not serve the public convenience or necessity of the City and County of San Francisco; and requesting that the California Department of Alcoholic Beverage Control deny the issuance of the license, in accordance with California Business and Professions Code, Section 23958.4. (Public Safety and Neighborhood Services Committee)

Chair Stefani moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Stefani, Engardio, Dorsey

230333 [Liquor License Transfer - 4555 Mission Street - Casa Lucaz #3]

Hearing to consider that the person-to-person, premises-to-premises transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Narayana Corp, doing business as Casa Lucaz #3, located at 4555 Mission Street (District 11), will serve the public convenience or necessity of the City and County of San Francisco. (Public Safety and Neighborhood Services Committee)

03/20/23; RECEIVED. The applicant submitted a request for a determination on the public convenience or necessity of the transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Narayana Corp, to do business as Casa Lucas #3, located at 4555 Mission Street.

03/24/23; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

03/28/23; REFERRED TO DEPARTMENT. Referred to the Planning Department and Police Department for recommendation.

03/30/23; RESPONSE RECEIVED. Recommend Approval for ABC type 21 license permitted in conjunction with general grocery use established by BPA No. 9622960. General grocery use is principally permitted in Excelsior Outer Mission Neighborhood Commercial District per Planning Code Section 720.

05/04/23; RESPONSE RECEIVED. The Police Department submitted a response recommending approval with the following condition:

1) Petitioner(s) shall actively monitor the area under their control in an effort to prevent the loitering of persons on any property adjacent to the licensed premises as depicted on the ABC-253.

Heard in Committee. Speakers: Officer Joel Salmonson (Police Department); David Villa Lobos (CLA Consulting, for Narayana Corp.); presented information and answered questions raised throughout the discussion.

A determination that the public convenience or necessity would be served was recommended by the committee.

Chair Stefani moved that this Hearing be PREPARED IN COMMITTEE AS A RESOLUTION, making a determination that the transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to the applicant will serve the public convenience or necessity. The motion carried by the following vote:

Ayes: 3 - Stefani, Engardio, Dorsey

Resolution determining that the person-to-person, premises-to-premises transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Narayana Corp, doing business as Casa Lucaz #3, located at 4555 Mission Street (District 11), will serve the public convenience or necessity of the City and County of San Francisco; and requesting that the California Department of Alcoholic Beverage Control impose a condition on the issuance of the license. (Public Safety and Neighborhood Services Committee)

Supervisor Dorsey moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Stefani, Engardio, Dorsey

221160 [Health Code - Massage Permit Requirements]

Sponsors: Mandelman; Ronen

Ordinance amending the Health Code to exempt applicants for Massage Establishment, Sole Practitioner Massage Establishment, and Outcall Massage Service permits from fingerprinting requirements if the applicant holds a valid license issued by the California Massage Therapy Council; remove certain departments (Building Inspection, Police, Fire) from the list of departments that the Department of Public Health (DPH) must notify regarding new Massage Establishment permit applications, and remove all notification requirements to departments in cases of change in ownership of Massage Establishments or Sole Practitioner Massage Establishments; remove the requirement that departments receiving notice of new Massage Establishment permit applications conduct inspections with written findings of the applying massage establishment; allow Massage Establishments to install an exterior door keyless lock system upon prior DPH approval and upon providing DPH with a valid and up-to-date access code; remove from the Health Code the inoperative local application process for new Massage Practitioner permits; include solicitation of lewd conduct or prostitution by Massage Practitioners as conduct subject to penalty under this Article; and clarify that violations of certain sections of the Health Code regulating Massage Practitioners are also subject to enforcement as public nuisances.

11/15/22; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 12/15/2022.

11/18/22; REFERRED TO DEPARTMENT. Referred to the Department of Public Health, the Planning Department, the Department of Building Inspection, the Fire Department, and the Police Department for informational purposes. Referred to the Small Business Commission for review and comment.

04/27/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Adam Thongsavat (Office of Supervisor Mandelman); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion.

04/27/23; CONTINUED AS AMENDED.

Heard in Committee. Speakers: None.

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

Ayes: 3 - Stefani, Engardio, Dorsey

221088 [Urging the Recreation and Park Commission to Remove the Name Stow from the Lake in Golden Gate Park, the Boathouse Located at the Lake, and the Drive Circling Strawberry Hill]

Sponsors: Melgar; Chan, Peskin, Stefani, Dorsey and Engardio

Resolution urging the Recreation and Park Commission to remove the name Stow from the Lake at John F. Kennedy Drive and Martin Luther King Jr. Drive, the Boathouse located in Golden Gate Park surrounding Strawberry Hill, and the Drive circling Strawberry Hill; and to rename the Lake, Boathouse, and Drive to a name that reflects San Francisco's expressed values of celebrating diversity.

10/18/22; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

10/26/22; REFERRED TO DEPARTMENT. Referred to the Recreation and Parks Department for informational purposes.

Heard in Committee. Speakers: Supervisor Myrna Melgar (Board of Supervisors); Stephen Miller; Jessica Trubowitch (Jewish Community Relations Center); presented information and answered questions raised throughout the discussion. Henry McCluskey; Angus MacFarlane; Omar Rincon (Office of Senator Scott Wiener); Mike Smiley; Nancy Fleming; John Bronson; Carol; Susie Corn; Andrea Goldberg; Gia Katz; David Pilpel; Speaker; spoke in support of the resolution.

Supervisors Stefani, Dorsey, and Engardio requested to be added as co-sponsors.

Chair Stefani moved that this Resolution be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Stefani, Engardio, Dorsey

230070 [Urging the Department of Human Resources to Enhance the Competitiveness of Police and Sheriff's Department Recruitment Bonuses and the Police Commission and Sheriff's Department Oversight Board to Develop Full-Duty Staffing Plans for the Police and Sheriff]

Sponsors: Dorsey; Stefani, Mandelman and Engardio

Resolution urging the Department of Human Resources to explore ways to adopt a policy to automatically match top police recruitment bonuses offered by law enforcement agencies in Northern California that compete for new and laterally hired police officers; urging the Police Commission to develop a sworn staffing plan to achieve within 48 months recommended full-duty police staffing levels; and urging continued improved efficiencies in the recruitment and hiring of prospective San Francisco Police Department officers.

01/24/23; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

01/27/23; REFERRED TO DEPARTMENT. Referred to the Department of Human Resources, the Police Department, and the Police Commission for informational purposes.

Heard in Committee. Speaker: David Pilpel; shared various concerns about the resolution matter.

Member Dorsey moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE to expand the scope of the resolution to include the Sheriff's Department; on Page 6, Lines 6-23, by inserting "WHEREAS, The San Francisco Sheriff's Department (Sheriff) of the City and County of San Francisco (City) provides for safe, secure, humane, and constitutional detention of persons arrested or under court order, operates county jail facilities, including in-custody and post-release educational, vocational and transitional programs, and operates alternative sentencing for in-custody and out-of-custody community programs; and WHEREAS, When functions are mandated, the department must perform those duties, even if it requires staff to work overtime; and WHEREAS, Not doing so could present a risk to public safety and cause the department not to comply with local or state law; and WHEREAS, The Sheriff had a salary budget of \$138 million for 1,000.53 full-time equivalent (FTE) authorized positions in fiscal year 2017-18; and WHEREAS, On June 30, 2018, the department had 848 sworn employees and 192 civilian employees, for a total of 1,040 employees, some of whom are part-time; and WHEREAS, From fiscal year 2014-15 to 2017-18, the Sheriff's total work hours increased by 13 percent (141 FTEs worth of work); and WHEREAS, The Sheriff may be insufficiently staffed based on its established post assignments; although the department has almost enough supervisors, it needs 76 and has 7; it is significantly short of deputies based on its established post assignments; and"; on Page 7, Lines 1-23, by inserting 'WHEREAS, The Sheriff needs 761 deputies to fill post assignments in the Field Operations Division, Custody Operations Division, and Community Programs unit, but has only 585; and WHEREAS, Both the Sheriff's electronic monitoring program and law enforcement and security work for Public Health now require more resources due to recent changes beyond the Sheriff's control; and WHEREAS, The workload of the Sheriff's electronic monitoring program has grown drastically since 2018; staffing for this function has remained relatively static, putting at risk the Sheriff's ability to adequately monitor the program; and WHEREAS, Since fiscal year 2014-15 the average monthly number of new enrollments in the electronic monitoring program has increased 355 percent, the average daily number of participants monitored has increased 274 percent, and the average number of participants who have violated the terms of their electronic monitoring agreements has increased 2,382 percent; and WHEREAS, When overtime is used to address temporary and unpredictable fluctuations in the supply of staff, such as when employees are sick, the overtime costs less than hiring and training additional full-time staff, partly because overtime brings no additional costs to the City for health and retirement benefits; and WHEREAS, Some of the Sheriff's sworn employees work excessive hours, potentially resulting in employee fatigue; and WHEREAS, Several studies have found that long work hours increase sworn employee fatigue, and fatigue can have detrimental effects on employee health, safety, and performance; now, therefore, be it'; on Page 8, Lines 5-14, to read 'FURTHER RESOLVED, That the Board of Supervisors urges the San Francisco Police Commission and the Sheriff's Department Oversight Board, in coordination with SFPD and SFSD, respectively, to develop plans for achieving recommended full-duty police and deputy staffing levels, and to report back to the Board of Supervisors in time for citywide elections in 2024 if a revised Charter Amendment is necessary to timely achieve recommended staffing levels; and, be it FURTHER RESOLVED, That the Board of Supervisors urges DHR, SFPD, SFSD, the Sheriff's Department Oversight Board, and the San Francisco Police Commission to continue collaborative efforts to improve efficiencies in recruiting and hiring prospective police officers and sheriff deputies in the City and County of San Francisco.'; and making conforming changes throughout the resolution. The motion carried by the following vote:

Ayes: 3 - Stefani, Engardio, Dorsey

Resolution urging the San Francisco Department of Human Resources to explore ways to adopt policies to match top recruitment bonuses offered by law enforcement agencies in Northern California that compete for new and laterally hired police officers and sheriff deputies; urging the Police Commission and Sheriff's Department Oversight Board to develop sworn staffing plans to achieve recommended full-duty police and sheriff staffing levels; and urging continued improved efficiencies in the recruitment and hiring of prospective San Francisco Police Department officers and San Francisco Sheriff's Department Deputies.

Member Dorsey moved that this Resolution be CONTINUED TO CALL OF THE CHAIR AS AMENDED. The motion carried by the following vote:

Ayes: 3 - Stefani, Engardio, Dorsey

ADJOURNMENT

There being no further business, the Public Safety and Neighborhood Services Committee adjourned at the hour of 11:16 a.m.

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