



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

(415) 554-4445 ~ john.carroll@sfgov.org

Thursday, May 25, 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 25, 2023, with Chair Catherine Stefani presiding. Chair Stefani called the meeting to order at 10:00 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>). Members of the public may also submit their comments by email to the Clerk listed above; all comments received will be made a part of the official record.

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

230336 [Liquor License Issuance - 628 Divisadero Street - The Independent]

Hearing to consider that the issuance of a Type-90 on-sale general music venue liquor license to The Independent LLC, to do business as The Independent located at 628 Divisadero Street (District 5) will serve the public convenience or necessity of the City and County of San Francisco. (Public Safety and Neighborhood Services Committee)

03/30/23; RECEIVED. The applicant submitted a request for a determination on the public convenience or necessity of the issuance of a Type-90 on-sale general music venue liquor license to The Independent LLC, doing business as The Independent located at 628 Divisadero Street (District 5).

03/31/23; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

03/31/23; REFERRED TO DEPARTMENT. Referred to the Planning Department and Police Department for recommendation.

04/20/23; RESPONSE RECEIVED. The Planning Department recommends approval. Recommend approval for ABC Type-90 license in conjunction with principally-permitted Nighttime Entertainment use doing business as The Independent, in the Divisadero Street NCT Zoning District per Planning Code, Section 759. Subject to the operating conditions of Planning Code, Section 202.2(a)(1).

05/18/23; RESPONSE RECEIVED. The Police Department submitted a response recommending approval with the following conditions:

- 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; and
- 2) Between the hours of 12:00 pm and 2:00 am or at any time the premises are providing entertainment, the petitioner(s) shall provide at least one (1) uniformed security guard(s) on the premises and shall maintain order therein and prevent any activity which would interfere with the quiet enjoyment of their property by nearby residents or the surrounding community. The licensed uniform security guard must be licensed by the State of California Department of Consumer Affairs.

Heard in Committee. Speakers: Officer Joel Salmonson (Police Department); John Gunton, General Manager (The Independent); 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 issuance of a Type-90 on-sale general music venue 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 issuance of a Type-90 on-sale general music venue liquor license to The Independent LLC, to do business as The Independent located at 628 Divisadero Street (District 5), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4; and requesting that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (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

220814 [Health Code - Designating City Attorney to Represent City in Certain Conservatorship Proceedings]

Sponsor: Mandelman

Ordinance amending the Health Code to designate the City Attorney rather than the District Attorney to represent the City in judicial proceedings to establish a "Murphy Conservatorship," a conservatorship for individuals who have been found mentally incompetent during a criminal proceeding involving a charge of death, great bodily harm, or a serious threat to the physical well-being of another person; there has been a finding of probable cause and the proceeding has not been dismissed; as a result of a mental health disorder, the individual is unable to understand the nature and purpose of the criminal proceeding or assist counsel in the conduct of the defense; and the individual represents a substantial danger of physical harm to self or others by reason of mental disease, defect, or disorder.

07/12/22; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 8/11/2022.

07/19/22; REFERRED TO DEPARTMENT. Referred to the Office of the City Attorney, the District Attorney, and the Department of Public Health for informational purposes.

02/15/23; REMAIN ACTIVE. Supervisor Mandelman requested this matter remain active for an additional six months until August 15, 2023.

Heard in Committee. Speakers: Jackie Thornhill (Office of Supervisor Mandelman); presented information and answered questions raised throughout the discussion. Ken; shared various concerns about the ordinance matter.

Member Dorsey moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Stefani, Engardio, Dorsey

230267 [Supporting California State Senate Bill Nos. 43 and 363 (Eggman) - Legislation Modernizing Our Behavioral Health Continuum]

Sponsors: Mandelman; Safai, Melgar, Engardio, Peskin and Stefani

Resolution urging the California State Legislature to pass California State Senate Bill Nos. 43 and 363, introduced by California Senator Susan Eggman, to amend the Lanterman-Petris-Short Act and Chapter 2 of Division 2 of the Health and Safety Code.

03/07/23; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

Heard in Committee. Speakers: Jackie Thornhill (Office of Supervisor Mandelman); presented information and answered questions raised throughout the discussion.

Supervisor Stefani requested to be added as a co-sponsor.

Chair Stefani moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 3, Lines 4 and 5, by inserting 'WHEREAS, In order to fully implement the services outlined in SB 363 and SB 43 the State should allocate sufficient funding to allow municipalities to operate said services; and'. The motion carried by the following vote:

Ayes: 3 - Stefani, Engardio, Dorsey

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

Ayes: 3 - Stefani, Engardio, Dorsey

200144 [Police Code - Ceasing Acceptance of New Applications - Cannabis Retail Permits]

Sponsors: Safai; Walton, Stefani and Dorsey

Ordinance amending the Police Code to provide that cannabis retail permit applications will not be accepted as of the effective date of this Ordinance; and affirming the Planning Department's determination under the California Environmental Quality Act.

02/11/20; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 3/12/2020.

02/19/20; REFERRED TO DEPARTMENT. Referred to the Police Department, the Office of Cannabis, and the Controller's Office for informational purposes. Referred to the Planning Department for environmental review. Referred to the Small Business Commission for review and comment.

02/28/20; RESPONSE RECEIVED. 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.

09/30/20; REMAIN ACTIVE. Supervisor Walton requested this matter remain active for an additional six months until March 30, 2021.

04/14/21; REMAIN ACTIVE. Supervisor Walton requested this matter remain active for an additional six months until October 14, 2021.

11/29/22; REMAIN ACTIVE. Supervisor Walton requested this matter remain active for an additional six months until May 29, 2023.

05/09/23; REMAIN ACTIVE. Supervisor Walton agreed to give primary sponsorship of this ordinance to Supervisor Safai. This matter will remain active for an additional six months until November 9, 2023.

Heard in Committee. Speakers: Supervisor Ahsha Safai (Board of Supervisors); Nikesh Patel, Director (Office of Cannabis); Supervisor Connie Chan (Board of Supervisors); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Marlene Tran; Mr. So; Hazel Lee; Speaker; Drakari Donaldson (California Street Cannabis Company); Ben Bleiman; Bram Goodwin (Brownie Mary Democratic Club); Malcom Joshua White; David Hooper; John Delaplane; spoke in support of the ordinance matter. Tony; Gilbert; Speaker; spoke in opposition to the ordinance matter. Ken; Denise Joy; Speaker; Conor Johnston; Nina Parks; shared various concerns in regard to the ordinance matter.

Supervisor Dorsey requested to be added as a co-sponsor.

Chair Stefani moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 1, Lines 21-25, and Page 2, Lines 1-8 by updating the Background, Findings, and Purpose to read, 'As of May 9, 2023, the existing cannabis retail industry in San Francisco includes 65 operating Storefront Cannabis Retail businesses, 15 operating Delivery-Only Cannabis Retail businesses, no operating Microbusiness permittees, and no Medicinal Cannabis Retail businesses separate from the Storefront Cannabis Retail and Delivery-Only Cannabis Retail businesses previously listed. (b) As of May 9, 2023, there are 63 pending applications for Storefront Cannabis Retail business permits, 9 pending applications for Delivery-Only Cannabis Retail business permits, and 28 pending applications for Microbusiness permits that include retail activities. As of May 9, 2023, there were 32 pending applications for existing Medicinal Cannabis Retail permit conversion from Article 33 of the San Francisco Health Code to Article 16 of the San Francisco Police Code.' The motion carried by the following vote:

Ayes: 3 - Stefani, Engardio, Dorsey

Chair Stefani moved that this Ordinance be RECOMMENDED 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 11:25 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.