



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: Rafael Mandelman, Catherine Stefani, Shamann Walton

Clerk: John Carroll (415) 554-4445

Thursday, October 22, 2020

10:00 AM

Regular Meeting

Present: 3 - Rafael Mandelman, Catherine Stefani, and Shamann Walton

The Public Safety and Neighborhood Services Committee met in regular session through videoconferencing, and provided public comment through teleconferencing, on Thursday, October 22, 2020, with Chair Rafael Mandelman presiding. Chair Mandelman called the meeting to order at 10:03 a.m.

Remote Access to Information and Participation

In accordance with Governor Newsom's Executive Order No. N-33-20 declaring a State of Emergency regarding the COVID-19 outbreak and Mayor London N. Breed's Proclamation declaring a Local Emergency issued on February 25, 2020, including the guidance for gatherings issued by the San Francisco Department of Public Health Officer, aggressive directives were issued to reduce the spread of COVID-19. On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely (via Microsoft Teams) and will allow remote public comment via teleconference. Visit the SFGovTV website at (www.sfgovtv.org) to stream the live meetings, or to watch meetings on demand.

Members of the public are encouraged to participate remotely via detailed instructions on participating via teleconference available at: <https://sfbos.org/remote-meeting-call>. Members of the public may participate by phone or may submit their comments by email to: john.carroll@sfgov.org; all comments received will be made a part of the official record. Regularly-scheduled Public Safety and Neighborhood Services Committee meetings begin at 10:00 a.m. on the second and fourth Thursdays of each month. Committee agendas and their associated documents are available at <https://sfbos.org/committees>.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Mandelman, Vice Chair Stefani, and Member Walton were noted present.

A quorum was present.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

200971 [Liquor License Transfer - 553-561 Geary Street - Swig]

Hearing to consider that the transfer of a Type-48 on-sale general public premises liquor license to Electrocelt Promotions Inc., doing business as Swig at 553-561 Geary Street (District 6), will serve the public convenience or necessity of the City and County of San Francisco. (Public Safety and Neighborhood Services Committee)

08/21/20; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

08/26/20; REFERRED TO DEPARTMENT. Referred to the Planning and Police Departments for comment and recommendation.

09/14/20; RESPONSE RECEIVED. The Planning Department submitted their recommendation for approval: Recommend approval Type-48 (On Sale - General) retail sales and service use permitted on the ground floor in the RC-4 zoning District per Planning Code, Section 209.3.

10/15/20; RESPONSE RECEIVED. The Police Department submitted a response recommending approval with the following conditions:

- 1) Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 10:00 a.m. and 2:00 a.m. each day of the week;
- 2) No noise shall be audible at any nearby residence;
- 3) 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 ABC-253; and
- 4) The sale of alcoholic beverages for consumption off the premises is prohibited.

Heard in Committee. Speakers: Officer Pat Macchi (Police Department); Brian Sheehy (Electrocelt Promotions Inc.); presented information and answered questions raised throughout the discussion. Michael Nulty (Alliance for a Better District 6); spoke in support of the hearing matter.

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

PREPARED IN COMMITTEE AS A RESOLUTION, making a determination that the transfer of a Type-48 on-sale general public premises liquor license to the applicant will serve the public convenience or necessity. The motion carried by the following vote:

Ayes: 3 - Mandelman, Stefani, Walton

Resolution determining that the transfer of a Type-48 on-sale general public premises liquor license to Electrocelt Promotions Inc., doing business as Swig at 553-561 Geary Street (District 6), 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 conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

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

Ayes: 3 - Mandelman, Stefani, Walton

200991 [Liquor License Transfer - 3499 Mission Street - Grab & Eat]

Hearing to consider that the transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Suhaila Yusuf Farhat, doing business as Grab & Eat, located at 3499 Mission Street (District 9), will serve the public convenience or necessity of the City and County of San Francisco. (Public Safety and Neighborhood Services Committee)

08/28/20; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

09/02/20; REFERRED TO DEPARTMENT. Referred to the Planning and Police Departments for comment and recommendation.

09/23/20; RESPONSE RECEIVED. The Planning Department submitted their recommendation for approval: Recommend approval of Type 21 ABC license as continuation for existing Liquor Store use, which is an existing non-conforming use and therefore permitted per PC Sections 740, 781.8, and 249.60.

10/15/20; 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 most recently certified ABC-253.

Heard in Committee. Speakers: Officer Pat Macchi (Police Department); Supervisor Hillary Ronen (Board of Supervisors); 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.

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 - Mandelman, Stefani, Walton

Resolution determining that the transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Suhaila Yusuf Farhat, doing business as Grab & Eat, located at 3499 Mission Street (District 9), 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 conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

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

Ayes: 3 - Mandelman, Stefani, Walton

201022 [Liquor License Transfer - 2190 Union Street - Luke's Local]

Hearing to consider that the transfer of a Type-20 off-sale beer and wine liquor license to Luke's Local, Inc., doing business as Luke's Local, located at 2190 Union Street (District 2), will serve the public convenience or necessity of the City and County of San Francisco. (Public Safety and Neighborhood Services Committee)

09/11/20; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

09/11/20; REFERRED TO DEPARTMENT. Referred to the Planning and Police Departments for comment and recommendation.

09/21/20; RESPONSE RECEIVED. The Planning Department submitted their recommendation for approval: 2190 Union Street is located in the Union Street NCD, Section 725 of the Planning Code. Luke's Local is a non-Formula Retail General Grocery Store as defined in Section 102 as a Retail Sales and Service use. The definition includes in part, (b) May provide beer, wine, and/or liquor sales for consumption off the premises with a California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-sale general) which occupy less than 15% of the Occupied Floor Area of the establishment (including all areas devoted to the display and sale of alcoholic beverages). Therefore, the Planning Department recommends approval for the proposed license transfer.

10/15/20; 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 most recently certified ABC-253; and
- 2) The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, as depicted on the ABC-253.

Heard in Committee. Speakers: Officer Pat Macchi (Police Department); Luke Chappell (Luke's Local); 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.

PREPARED IN COMMITTEE AS A RESOLUTION, making a determination that the transfer of a Type-20 off-sale beer and wine liquor license to the applicant will serve the public convenience or necessity. The motion carried by the following vote:

Ayes: 3 - Mandelman, Stefani, Walton

Resolution determining that the transfer of a Type-20 off-sale beer and wine liquor license to Luke's Local, Inc., doing business as Luke's Local, located at 2190 Union Street (District 2), 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 conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

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

Ayes: 3 - Mandelman, Stefani, Walton

200900 [Liquor License Transfer - 321-323 Grant Avenue - Sool Bar]

Hearing to consider that the transfer of a Type-48 on-sale general public premises liquor license to Sool Partners, LLC, doing business as Sool Bar as part of Hotel 32one, located at 321-323 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)

09/11/20; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

09/16/20; REFERRED TO DEPARTMENT. Referred to the Planning and Police Departments for comment and recommendation.

10/06/20; RESPONSE RECEIVED. The Planning Department submitted their recommendation for approval: Recommend approval of Type-48 license associated with eating and drinking use, which is principally-permitted within C-3 District, per Planning Code, Section 210.2.

10/15/20; RESPONSE RECEIVED. The Police Department submitted a response recommending approval with the following conditions:

- 1) No noise shall be audible at any nearby residence;
- 2) 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 ABC-253; and
- 3) The sale of alcoholic beverages for consumption off the premises is prohibited.

Heard in Committee. Speakers: Officer Pat Macchi (Police Department); David Villa-Lobos (CLA Consulting); Sandy Chun (Sool Partners, LLC); Supervisor Aaron Peskin (Board of Supervisors); 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.

PREPARED IN COMMITTEE AS A RESOLUTION, making a determination that the transfer of a Type-48 on-sale general public premises liquor license to the applicant will serve the public convenience or necessity. The motion carried by the following vote:

Ayes: 3 - Mandelman, Stefani, Walton

Resolution determining that the transfer of a Type-48 on-sale general public premises liquor license to Sool Partners, LLC, doing business as Sool Bar as part of Hotel 32one, located at 321-323 Grant Avenue (District 3), 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 conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

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

Ayes: 3 - Mandelman, Stefani, Walton

200398 [Police Code - Third-Party Food Delivery Services]**Sponsors: Peskin; Safai, Mandelman, Walton and Stefani**

Ordinance amending the Police Code to regulate third-party food delivery services ("delivery services") by 1) capping fees charged to restaurants at 15% of an order total plus a 3% point-of-sale processing charge; 2) prohibiting delivery services from restricting restaurant pricing; 3) prohibiting delivery services from charging restaurants for telephone calls to the delivery service not resulting in any food or beverage order; 4) prohibiting delivery services from providing services to any restaurant without the restaurant's express written agreement to receive such services; 5) requiring third-party food delivery services to terminate a service contract within 72 hours of receiving a notice requesting termination from a restaurant; 6) requiring retention of and City access to records substantiating compliance with these restrictions; 7) authorizing the imposition of penalties for violations; and 8) authorizing the Office of Economic and Workforce Development to implement and enforce this ordinance.

04/21/20; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 5/14/2020.

04/29/20; REFERRED TO DEPARTMENT. Referred to the Police Department, and the Office of Economic and Workforce Development for informational purposes. Referred to the Small Business Commission for review and comment.

07/31/20; RESPONSE RECEIVED. On July 2, 2020, the Small Business Commission met and voted 5 to 0 to support the proposed ordinance.

10/08/20; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Lee Hepner (Office of Supervisor Peskin); Regina Dick-Endrizzi, Executive Director (Office of Small Business); presented information and answered questions raised throughout the discussion. Brent Westcott (Doordash); Chhavi Sahni (Golden Gate Restaurant Association); Ben Bleiman; Peter; spoke on various concerns related to the hearing matter.

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

10/08/20; CONTINUED AS AMENDED.

Heard in Committee. Speakers: Supervisor Aaron Peskin (Board of Supervisors); presented information and answered questions raised throughout the discussion. Chhavi Sahni (Golden Gate Restaurant Association); Michal Nulty (North of Market Business Association); spoke in support of the hearing matter.

Chair Mandelman moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 6, Lines 5-11, by striking '(c) Notwithstanding the limitation on fees, commissions, and charges set forth in subsections (a) and (b), above, a third-party food delivery service may charge a point-of-sale processing fee to a covered establishment of up to 3% of the purchase price. Such fee shall be itemized separately in any agreement, invoice, or other written statement of charges to a covered establishment, and shall not be considered in determining whether a third-party food delivery service has reached or exceeded the 15% fee cap referenced in subsections (a) and (b).'; on Page 8, Lines 10-15, by striking 'Any regulations adopted by OEWD under this authority must be submitted to the Board of Supervisors, and shall become effective 30 days from that submission unless a member of the Board of Supervisors introduces an ordinance to modify or reject them. If a member of the Board of Supervisors introduces such an ordinance, the regulations shall become effective 70 days from introduction of the ordinance, unless the ordinance has been enacted.'; on Page 10, Lines 7-13, by specifying that the ordinance shall expire by operation of law 60 days after the County Health Officer amends or terminates the Stay Safer At Home Order or any subsequent order regulating restaurants so that restaurants may allow the number of patrons present in the indoor space of the restaurant to resume at 100% of the restaurant's maximum occupancy, provided that no subsequent order is issued to restrict restaurant occupancy below 100% capacity during that 60-day window, rather than expiring two years from the effective date of the ordinance; and making conforming changes to the ordinance title. The motion carried by the following vote:

Ayes: 3 - Mandelman, Stefani, Walton

Ordinance amending the Police Code to regulate third-party food delivery services ("delivery services") by 1) capping fees charged to restaurants at 15% of an order total; 2) prohibiting delivery services from restricting restaurant pricing; 3) prohibiting delivery services from charging restaurants for telephone calls to the delivery service not resulting in any food or beverage order; 4) prohibiting delivery services from providing services to any restaurant without the restaurant's express written agreement to receive such services; 5) requiring third-party food delivery services to terminate a service contract within 72 hours of receiving a notice requesting termination from a restaurant; 6) requiring retention of and City access to records substantiating compliance with these restrictions; 7) authorizing the imposition of penalties for violations; and 8) authorizing the Office of Economic and Workforce Development to implement and enforce this ordinance; and providing that the ordinance shall expire by operation of law 60 days after the County Health Officer amends the Stay Safer at Home Order to allow indoor dining at restaurants at 100% capacity.

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

Ayes: 3 - Mandelman, Stefani, Walton

201104 [Hearing - Public Health Response to COVID-19 - Latinx Community]

Sponsors: Ronen; Haney and Safai

Hearing on the public health response to COVID-19 in the Latinx community; resource allocation; testing, tracking, and treatment; performance standards; current and future strategies; and requesting the Department of Public Health to report.

09/22/20; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

09/30/20; REFERRED TO DEPARTMENT. Referred to the Department of Public Health for informational purposes.

Heard in Committee. Speakers: Supervisor Hillary Ronen (Board of Supervisors); Isela Ford, Dr. Naveena Bobba, Greg Wagner, Kelly Hiramoto (Department of Public Health); presented information and answered questions raised throughout the discussion. Peter Khoury (Phoenix Data Project); Jon Jacobo (Latino Task Force); Michael Nulty; Marco Montenegro, Director (Excelsior Works!); spoke on various concerns related to the hearing matter.

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

Ayes: 3 - Mandelman, Stefani, Walton

201080 [Hearing - COVID-19 Testing Protocols]

Sponsor: Peskin

Hearing to review the City's protocols for COVID-19 testing, including third party testing contracts and current Request For Proposal processes, as well as the City's proposals for ensuring the practical application and implementation of the Department of Public Health's internal testing priorities for vulnerable communities; and requesting the Department of Public Health and the Office of the Controller to present.

09/15/20; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

09/23/20; REFERRED TO DEPARTMENT. Referred to the Department of Public Health and the Office of the Controller for informational purposes.

Heard in Committee. Speakers: Supervisor Aaron Peskin (Board of Supervisors); Dr. Naveena Bobba, Greg Wagner, Drew Murrell (Department of Public Health); presented information and answered questions raised throughout the discussion. Mark Raven (Mission Local); Speaker; Dominic Wilson; spoke on various concerns related to the hearing matter.

Chair Mandelman moved that this Hearing be HEARD AND FILED. The motion carried by the following vote:

Ayes: 3 - Mandelman, Stefani, Walton

ADJOURNMENT

There being no further business, the Public Safety and Neighborhood Services Committee adjourned at the hour of 12:47 p.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.