



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, April 11, 2019

10:00 AM

Legislative Chamber, Room 250

Regular Meeting

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

The Public Safety and Neighborhood Services Committee met in regular session on Thursday, April 11, 2019, with Chair Rafael Mandelman presiding. Chair Mandelman called the meeting to order at 10:03 a.m.

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

190088 [Liquor License Transfer - 4800 California Street - On the Run Market]

Hearing to consider that the transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Mazen Gaber Gad, doing business as On the Run Market, located at 4800 California Street (District 1), will serve the public convenience or necessity of the City and County of San Francisco. (Public Safety and Neighborhood Services Committee)

01/25/19; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

01/25/19; REFERRED TO DEPARTMENT. Referred to the Planning and Police Departments for comment and recommendation.

01/25/19; RESPONSE RECEIVED. The Planning Department submitted their recommendation for approval; the establishment at 4800 California Street (d.b.a. On the Run Market) is an existing, legal-nonconforming General Grocery use. The continuation of said use is permitted under Planning Code, Section 178(b). The ABC Type-21 license transfer is recommended for approval under the following conditions: the retail use shall function as a "General Grocery" use (as defined in Planning Code, Section 102), and as such, the display and sale of alcohol is limited to 15% or less of the total Occupied Floor Area of the establishment; and hours of operation shall not extend past 10:00 p.m., per Planning Code, Sections 186, 710, and 716.

02/07/19; 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 ABC-257 dated November 5, 2018; and
- 2) sales, service, and consumption of alcoholic beverages shall be permitted only between the hours of 8:00 a.m. and 10:00 p.m. daily.

03/14/19; CONTINUED.

Heard in Committee. Speaker: Supervisor Sandra Lee Fewer (Board of Supervisors); presented information and answered questions raised throughout the discussion.

04/04/19; RESPONSE RECEIVED. The Police Department submitted an updated 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 ABC-257 dated November 5, 2018;
- 2) sales, service, and consumption of alcoholic beverages shall be permitted only between the hours of 8:00 a.m. and 10:00 p.m. daily; and
- 3) no distilled spirits shall be sold in bottles or containers of less than 50 milliliters.

Heard in Committee. Speakers: Officer Joel Salmonson (Police Department); Mazen Gaber Gad (Applicant); 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, that the public convenience or necessity would be served by the transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to the applicant. 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 Mazen Gaber Gad, doing business as On the Run Market, located at 4800 California Street (District 1), 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 Mandelman moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Mandelman, Stefani, Walton

190195 [Liquor License - 1 Grant Avenue - Museum of Ice Cream]

Hearing to consider that the issuance of a Type-42 on-sale beer and wine public premises liquor license to 1and8 Inc., doing business as the Museum of Ice Cream, located on the mezzanine level of 1 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)

02/15/19; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

02/20/19; REFERRED TO DEPARTMENT. Referred to the Planning and Police Departments for comment and recommendation.

02/21/19; RESPONSE RECEIVED. The Planning Department submitted their recommendation for approval; recommend approval of Type-42 ABC license in conjunction with Bar use, principally permitted in the C-3-R Zoning District per Planning Code, Section 210.2. Applicant informed that DPH Restaurant referral must be obtained.

03/13/19; 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 11:00 a.m. and 12:00 a.m. Sunday through Wednesday, and 11:00 a.m. and 1:00 a.m. on Thursday, Friday, and Saturday;
- 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 the most-recently-certified ABC-253;
- 3) the sale of alcoholic beverages for consumption off the premises is prohibited.

Heard in Committee. Speakers: Officer Pat Macchi (Police Department); Manish Vora and Stefano Castellano (Applicant); presented information and answered questions raised throughout the discussion. Jessica Lum (San Francisco Travel); spoke in support of the hearing matter. Bruce Livingston; Dan Galvin; Kevin Ortiz; spoke in opposition of the hearing matter. Antonio; spoke on various concerns related to the hearing matter.

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

Chair Mandelman moved that a determination be PREPARED IN COMMITTEE AS A RESOLUTION, that the public convenience or necessity would not be served by the issuance of a Type-42 on-sale beer and wine public premises liquor license to the applicant. The motion carried by the following vote:

Ayes: 3 - Mandelman, Stefani, Walton

Resolution determining that the issuance of a Type-42 on-sale beer and wine public premises liquor license to 1and8 Inc., doing business as the Museum of Ice Cream, located on the mezzanine level of 1 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 Mandelman moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Mandelman, Stefani, Walton

190164 [Police Code - Acceptance of Cash by Brick-and-Mortar Businesses]**Sponsors: Brown; Fewer, Walton, Peskin, Safai, Mandelman, Ronen and Yee**

Ordinance amending the Police Code to require, in general, that brick-and-mortar businesses accept payment in cash in connection with the purchase of goods and services other than professional services.

02/12/19; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 3/14/2019.

02/20/19; REFERRED TO DEPARTMENT. Referred to the Police Department, Sheriff's Office, the Public Defender, the District Attorney, and the Human Rights Commission for informational purposes. Referred to the Small Business Commission and the Youth Commission for comment.

03/04/19; RESPONSE RECEIVED. On March 4, 2019, the Youth Commission voted unanimously to support the ordinance.

03/19/19; SUBSTITUTED AND ASSIGNED to Public Safety and Neighborhood Services Committee. Supervisor Brown introduced a substitute Ordinance bearing a new title.

03/27/19; REFERRED TO DEPARTMENT. Substitute legislation referred to the Police Department, Sheriff's Office, the Public Defender, the District Attorney, and the Human Rights Commission for informational purposes. Referred to the Small Business Commission and the Youth Commission for comment.

04/10/19; RESPONSE RECEIVED. Response received from the Small Business Commission recommending conditional approval upon adoption of two proposed amendments:

- 1) Responsive to transactions that may total in the thousands of dollars, include an exception that would establish a reasonable cap on the total amount of the cash transaction that the business must accept; and
- 2) Responsive to possible unintended and situational negative consequences that may occur due to requiring the acceptance of cash, under enforcement, include specific direction for the San Francisco County Sealer to develop administrative guidelines in which a business may be situationally exempt from the case acceptance requirement.

Heard in Committee. Speakers: Supervisor Vallie Brown (Board of Supervisors); Regina Dick-Endrezzi (Office of Small Business); DeeDee Workman (San Francisco Chamber of Commerce); spoke on various concerns related to the hearing matter.

Chair Mandelman moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, by adding a provision that a Brick-and-Mortar Business may not charge a fee or place any other condition on its acceptance of Cash; on Page 5, Lines 1-9, by inserting '(c) Single Transactions Above \$5,000. Where a single transaction involves the purchase of one or more goods and/or services, the total price of which (including tax) exceeds \$5,000, a Brick-and-Mortar Business must accept Cash that is proffered as payment for any amount up to \$5,000, but may refuse to accept Cash as payment for the remainder of the amount due. By way of example but not limitation, if a customer purchases an item or items of jewelry the total price of which (including tax) is \$7,500, the customer would be entitled to pay up to \$5,000 in cash, but the Brick-and-Mortar Business would be permitted to require the customer paying \$5,000 in cash to pay the remaining \$2,500 due using some form of payment other than Cash.'; on Page 6, Lines 12-17, by inserting 'SEC. 5506. TREASURER'S REPORT. By no later than December 31, 2026, the Treasurer shall submit a report to the Board of Supervisors and the Mayor on the findings contained in the report on the 2025 National Survey of Unbanked and Underbanked Households issued by the Federal Deposit Insurance Corporation. The report submitted by the Treasurer may, but need not, include recommendations concerning this Article 55.'; and by specifying that the ordinance shall become operative 90 days after enactment. The motion carried by the following vote:

Ayes: 3 - Mandelman, Stefani, Walton

Chair Mandelman moved that this Ordinance be CONTINUED to the Public Safety and Neighborhood Services Committee meeting of April 25, 2019. The motion carried by the following vote:

Ayes: 3 - Mandelman, Stefani, Walton

190221 [Supporting California State Assembly Bill No. 362 (Eggman, Wiener, Friedman) - Three-Year Pilot Program for Supervised Drug Consumption]

Sponsors: Haney; Walton, Ronen, Brown and Mandelman

Resolution supporting California State Assembly Bill No. 362, introduced by Assembly Member Susan Eggman, authored by Senator Scott Wiener and co-authored by Assembly Member Laura Friedman, creating a three-year pilot program allowing San Francisco to implement an overdose prevention program through the operation of safe injection sites.

02/26/19; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

Heard in Committee. Speakers: Supervisor Matt Haney (Board of Supervisors); Eileen Loughran (Department of Public Health); Laura Thomas (Drug Policy Alliance); Miss Ian Callahan (San Francisco Drug Users Union); presented information and answered questions raised throughout the discussion. Andre Edwards; John; Kyle Barker and Seyn Ofait (San Francisco Drug Users Union); Robert Gruber; Gabriel Diaz and Jack MacLennan (Glide Foundation); Erika Frommer (HealthRIGHT360); Frank Castro; Ben Lintschinger (Glide Foundation); Lydia Bransten (Safer Inside); Marnie Regen (Saint Anthony's Foundation); Amber Sheldon (Glide Foundation); Saura Sinai (Tenderloin People's Congress); Curtis Bradford (Tenderloin Neighborhood Development Corporation); Sam Dennison; Anakh Sul Rama (Community Health Partnership); Denny Smith; Spencer Hudson (Democratic Socialists of America); Ro Gialiono and Robert Hoffman (San Francisco AIDS Foundation); Ruby Koges (San Francisco Community Health Center); Isaac Jackson (Urban Survivors Union); Whit Bastian (San Francisco Young Democrats); Paul Harkin (Glide Foundation); Alex Kral (RTI International); Larissa Maier (University of California San Francisco); Luisa Rivera (San Francisco AIDS Foundation); Maria Schulman; Bill Buehlman (Glide Foundation); Speaker; Alexandra Goldman (Tenderloin Neighborhood Development Corporation); Jennifer Kiss (Saint Francis Foundation); Charles Hawthorne (Harm Reduction Coalition); Javier Remond; Courtney Mulheen-Pearson (San Francisco AIDS Foundation); Speaker; Rebecca Oyama (Human Rights Commission); Calder Lorenz (Saint Anthony's Foundation); Andy Stone (San Francisco AIDS Foundation); spoke in support of the hearing matter. Cherry To; Wendy Wong (San Francisco Coalition for Good Neighborhoods); Lou Ann Bassan; Ritchie Greenberg; Meina Young; Ellen Lee Zhou; Mao JiFen; Huang XiongYing; spoke in opposition of the hearing matter. Ace Washington; spoke on various concerns related to the hearing matter.

Chair Mandelman requested to be added as a co-sponsor.

Chair Mandelman moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by changing references to 'safe injection sites' to 'overdose prevention sites' throughout. The motion carried by the following vote:

Ayes: 3 - Mandelman, Stefani, Walton

Resolution supporting California State Assembly Bill No. 362, introduced by Assembly Member Susan Eggman, authored by Senator Scott Wiener and co-authored by Assembly Member Laura Friedman, creating a three-year pilot program allowing San Francisco to implement an overdose prevention program through the operation of overdose prevention sites.

Vice Chair Stefani moved that this Resolution be RECOMMENDED AS AMENDED. 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 1:01 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.