



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, September 26, 2019

10:00 AM

City Hall, Legislative Chamber, Room 250

Regular Meeting

President Norman Yee appointed Supervisor Ahsha Safai, in place of Supervisor Shamann Walton, to the Public Safety and Neighborhood Services Committee for the meeting of September 26, 2019.

Present: 3 - Rafael Mandelman, Catherine Stefani, and Ahsha Safai

Excused: 1 - Shamann Walton

The Public Safety and Neighborhood Services Committee met in regular session on Thursday, September 26, 2019, with Chair Rafael Mandelman presiding. Chair Mandelman called the meeting to order at 10:05 a.m.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Mandelman and Vice Chair Stefani were noted present. Member Safai was noted not present.

A quorum was present.

Supervisor Walton Excused from Attendance

Chair Mandelman moved moved that Supervisor Walton be excused from attending the Public Safety and Neighborhood Services Committee meeting of September 26, 2019. The motion carried by the following vote:

Ayes: 2 - Mandelman, Stefani

Excused: 1 - Walton

Absent: 1 - Safai

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

Member Safai was noted present at 10:12 a.m.

190059 [Liquor License Transfer - 32-3rd Street - Night Market]

Hearing to consider that the premise-to-premise transfer of a Type-48 on-sale general public premises liquor license to 32 3rd Street L-PSHIP, doing business as Night Market located at 32-3rd Street (District 6), will serve the public convenience or necessity of the City and County of San Francisco. (Public Safety and Neighborhood Services Committee)

07/18/19; REFERRED TO DEPARTMENT. Referred to the Planning and Police Departments for comment and recommendation.

07/19/19; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

08/28/19; RESPONSE RECEIVED. The Planning Department submitted their recommendation for approval; ABC Type-48 license associated with retail sales/services (bar) dba Night Market principally permitted in C-3-R Downtown Retail Zoning district per Section 310.2, subject to eating/drinking uses operating conditions per Section 202.2(a).

09/19/19; 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 3:00 p.m. and 2:00 a.m. each day of the week;
- 2) The sale of alcoholic beverages for consumption off the premises is prohibited;
- 3) No noise shall be audible at any nearby residence;
- 4) 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.

Heard in Committee. Speakers: Officer Pat Macchi (Police Department); Andrew Chun and Kevin Diedrich, (32 3rd Street L-PSHIP); presented information and answered questions raised throughout the discussion. Ryan Fitzgerald; Rhys Alvarado; Annemarie Roberts; Ramon Pinan; Arlene Diedrich; Nish Nadaraja; Martin Cate; Michael Goldman; Chris Soper; Tony D'Acestino; Speaker; Jen Chen; Mauro Cirilli; Carlos Ytarria; Miguel Amin-Salehi; John Dang; Estefania Artega; Kamuran Mataraci; Mancel Agani; Eric Johnson; spoke in support of the hearing matter. Michael Nulty; spoke on various concerns related to the hearing matter.

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

Chair Mandelman moved that this Hearing be PREPARED IN COMMITTEE AS A RESOLUTION, making a determination that the public convenience or necessity would be served by the transfer of a Type-48 on-sale general public premises liquor license to the applicant. The motion carried by the following vote:

Ayes: 3 - Mandelman, Stefani, Safai

Excused: 1 - Walton

Resolution determining that the premise-to-premise transfer of a Type-48 on-sale general public premises liquor license to 32 3rd Street L-PSHIP, doing business as Night Market located at 32-3rd 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 AS COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Mandelman, Stefani, Safai

Excused: 1 - Walton

190830 [Liquor License Transfer - 399 Geary Street - CVS]

Hearing to consider that the transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Garfield Beach CVS, LLC, doing business as CVS Pharmacy, located at 399 Geary Street (District 3), will serve the public convenience or necessity of the City and County of San Francisco. (Public Safety and Neighborhood Services Committee)

07/26/19; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

07/30/19; REFERRED TO DEPARTMENT. Referred to the Planning and Police Departments for comment and recommendation.

08/09/19; RESPONSE RECEIVED. The Planning Department submitted their recommendation for approval; Type-21 ABC License is permitted in conjunction with a Formula Retail General Grocery Retail use within the C-3-G District per P.C. Sec. 210.2.

09/19/19; RESPONSE RECEIVED. The Police Department submitted a response recommending approval with the following conditions:

- 1) Sales and Service of alcoholic beverages shall be permitted only between the hours of 8:00 a.m. and 11:00 p.m. each day of the week;
- 2) No distilled spirits shall be sold in bottles or containers of less than 750 milliliters;
- 3) No wine shall be sold with an alcohol content of greater than 15% by volume;
- 4) The following alcoholic beverages shall not be sold in quantities of fewer than three (3) individual containers per sale: 1. Beer, including malt beverages and malt liquor products, in containers of 40 ounces or less; 2. Pre-mixed wine products commonly known as "wine coolers;" 3. Pre-mixed distilled spirits-based cocktails;
- 5) 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); John Kevlin (Reuben Junius and Rose); Mat Ludwig (CVS); presented information and answered questions raised throughout the discussion. John Nulty; Michael Nulty; 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 this Hearing be PREPARED IN COMMITTEE AS A RESOLUTION, making a determination that the public convenience or necessity would not 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, Safai

Excused: 1 - Walton

Resolution determining that the transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Garfield Beach CVS, LLC, doing business as CVS Pharmacy, located at 399 Geary Street (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, Safai

Excused: 1 - Walton

190831 [Liquor Licenses - 1169 Market Street - Whole Foods Market]

Hearing to consider that the premise-to-premise transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license, and the issuance of a Type-86 instructional tasting license to Whole Foods Market California, Inc., doing business as Whole Foods Market located at 1169 Market Street (District 6), will serve the public convenience or necessity of the City and County of San Francisco. (Public Safety and Neighborhood Services Committee)

07/31/19; REFERRED TO DEPARTMENT. Referred to the Planning and Police Departments for comment and recommendation.

08/02/19; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

09/04/19; RESPONSE RECEIVED. The Planning Department submitted their recommendation for approval; Retail grocery store permitted as per Planning Code, Section 210.2.

09/19/19; 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 the most recently certified ABC-253.

Heard in Committee. Speakers: Officer Pat Macchi (Police Department); Ryan Kroll (Solomon Saltzman and Jamieson); presented information and answered questions raised throughout the discussion. Michael Nulty; John Nulty; spoke on various concerns related to the hearing matter.

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

Chair Mandelman moved that this Hearing be PREPARED IN COMMITTEE AS A RESOLUTION, making a determination that the public convenience or necessity would be served by the premise-to-premise transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license, and the issuance of a Type-86 instructional tasting license to the applicant. The motion carried by the following vote:

Ayes: 3 - Mandelman, Stefani, Safai

Excused: 1 - Walton

Resolution determining that the premise-to-premise transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license, and the issuance of a Type-86 instructional tasting license to Whole Foods Market California, Inc., doing business as Whole Foods Market located at 1169 Market 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, Safai

Excused: 1 - Walton

190725 [Hearing - Sub-Acute Care in San Francisco]**Sponsor: Safai**

Hearing to discuss the status of sub-acute care in San Francisco and plans to care for this vulnerable population to prevent unnecessary deaths; and requesting the Department of Public Health to report.

06/18/19; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

06/26/19; REFERRED TO DEPARTMENT. Referred to the Department of Public Health for informational purposes.

Heard in Committee. Speakers: Supervisors Hillary Ronen and Sandra Lee Fewer (Board of Supervisors); Kelly Hirimoto (Department of Public Health); Susan Philip (Milliman); Gloria Rivera; Mark Ericson (UC Hastings College of the Law); Siony Servillon (California Nurses Association); Benson Nadell (Felton Institute); Jim Macksood (California Pacific Medical Center); presented information and answered questions raised throughout the discussion. Speaker; Sylvia Aquino; Michael Lyon; Theresa Palmer; Kim Tavaglione (San Francisco Labor Council); Tony Rivera; spoke on various concerns related to the hearing matter.

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

Ayes: 3 - Mandelman, Stefani, Safai

Excused: 1 - Walton

ADJOURNMENT

There being no further business, the Public Safety and Neighborhood Services Committee adjourned at the hour of 1:20 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.