



# 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*

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Thursday, October 8, 2020

10:00 AM

### Regular Meeting

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**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 8, 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](http://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](mailto: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.*

## AGENDA CHANGES

*There were no agenda changes.*

## REGULAR AGENDA

### **200490 [Liquor License Transfer - 1859 Market Street - Golden State Food & Liquor]**

Hearing to consider that the transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Golden State Food & Liquor, Inc., located at 1859 Market Street (District 8), will serve the public convenience or necessity of the City and County of San Francisco. (Public Safety and Neighborhood Services Committee)

07/10/20; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

07/15/20; REFERRED TO DEPARTMENT. Referred to the Planning and Police Departments for comment and recommendation.

07/16/20; RESPONSE RECEIVED. The Planning Department submitted their recommendation for approval: Recommend approval for Golden Gate Food and Liquor Inc. for an Off Sale General ABC License 21 under Sec. 752. Continuation of an existing General Grocery use to provide alcohol sales for consumption off the premises that occupy less than 15% of the Occupied Floor Area of the establishment (including all areas devoted to the display and sale of alcoholic beverages) per Sec. 102.

09/17/20; RESPONSE RECEIVED. The Police Department submitted a response recommending approval with the following condition:

- 1) Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 8:00 a.m. and 1:00 a.m. each day of the week;
- 2) The sale of distilled spirits in sizes smaller than 200 milliliters is strictly prohibited;
- 3) Beer, malt beverages, and wine coolers in containers of 16 ounces or less cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities; and
- 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.

09/24/20; CONTINUED. Heard in Committee. Speakers: Officer Joel Salmonson (Police Department); Abe Shariff (Golden State Food & Liquor, Inc.); presented information and answered questions raised throughout the discussion.

*Heard in Committee. Speakers: Officer Joel Salmonson (Police Department); Abe Shariff (Golden State Food & Liquor, Inc.); 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 Golden State Food & Liquor, Inc., located at 1859 Market Street (District 8), 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

**200735 [Police Code - Discriminatory Reports to Law Enforcement]****Sponsors: Walton; Ronen, Stefani, Yee, Preston, Safai, Haney, Peskin, Fewer, Mar and Mandelman**

Ordinance amending the Police Code to make it unlawful to cause a peace officer to contact a person with the specific intent to discriminate against the person on the basis of the person's race, color, ancestry, ethnicity, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, weight, or height; and creating a civil cause of action and providing for damages for violating the prohibition.

07/07/20; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 8/6/2020.

07/15/20; REFERRED TO DEPARTMENT. Referred to the Police Department, the Sheriff's Department, the Public Defender, the District Attorney, and the Office of Racial Equity for informational purposes. Referred to the Youth Commission for review and response.

07/20/20; RESPONSE RECEIVED. On July 20, 2020, the Youth Commission voted unanimously to support the the ordinance.

09/24/20; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Angela Jenkins and Marty Jaye (San Francisco Interrupting Racial Profiling); James Juanillo; Brittini Chicuata (Human Rights Commission); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Gabriella Ruiz (Tenderloin Neighborhood Development Corporation); Camilla Cena; spoke in support of the hearing matter. Speaker; spoke on various concerns related to the hearing matter.

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

09/24/20; CONTINUED AS AMENDED.

*Heard in Committee. Speaker: Uriel Saldivar (Office of California Assemblymember Bonta); presented information and answered questions raised throughout the discussion.*

**Member Walton moved that this Ordinance 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 capping fees to restaurants at 10% of an order total, prohibiting delivery services from restricting restaurant pricing, and prohibiting delivery services from charging restaurants for telephone calls to the delivery service not resulting in any food or beverage order; requiring retention of and City access to records substantiating compliance with these restrictions; authorizing the imposition of penalties for violations; and 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.

*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.*

Chair Mandelman moved that this Ordinance be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**, on Page 4, Lines 19-23, by inserting '(k) Prohibiting third-party food delivery services from providing delivery and other services to a restaurant without the restaurant's express consent, and further requiring that third-party food delivery services terminate a contract promptly upon receiving oral or written termination notice from a restaurant, are other important steps to ensure that restaurants can exercise appropriate control over their businesses.'; on Page 5, Lines 22-25, by raising the cap on per-order fees chargeable by third-party food delivery services from 10% to 15%; on Page 6, Lines 3-9, by inserting '(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 6, Line 22, through Page 7, Line 2, by inserting '**SEC. 5305. PROHIBITION ON SERVICES WITHOUT WRITTEN CONSENT BY A COVERED ESTABLISHMENT. No third-party food delivery service may provide any services related to the processing or delivery of an order for delivery of food or beverages from a covered establishment unless that covered establishment expressly agrees in writing to allow the third-party food delivery service to provide such services.**'; on Page 7, Lines 4-16, by inserting '**SEC. 5306. TERMINATION OF SERVICES WITHIN 72 HOURS OF NOTICE BY COVERED ESTABLISHMENT. A third-party food delivery service shall terminate any service contract with a covered establishment within 72 hours after the covered establishment provides oral or written notice of its decision to terminate the contract to an individual contact person designated for communications regarding the termination or amendment of a contract in either the parties' contract or in the version of the third-party delivery service's software application used by the covered establishment, or if no such individual is so specified, to either the individual designated on the website of the California Secretary of State as agent for service of process for the third-party delivery service, or to any officer or local or regional manager of the third-party delivery service. For purposes of this Section 5306, "written notice" shall include any writing delivered by email, text message or similar message transmitted through phone or software application, facsimile, personal delivery, or mail service.**'; on Page 10, Lines 4-6, by inserting '**SEC. 5312. SUNSET DATE. This Article 53 shall expire by operation of law two years from its effective date. Upon expiration, the City Attorney shall cause this Article to be removed from the Police Code.**'; and making other conforming, clarifying, and clerical changes. 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 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.

Chair Mandelman moved that this Ordinance be **CONTINUED AS AMENDED** to the Public Safety and Neighborhood Services Committee meeting of October 22, 2020. The motion carried by the following vote:

Ayes: 3 - Mandelman, Stefani, Walton

Chair Mandelman recessed the meeting at 10:47 a.m., and reconvened at 10:55 a.m.

**200776 [Hearing - Essential Workers and Their Conditions and Treatment During the COVID Crisis]**

**Sponsor: Safai**

Hearing on essential frontline workers, in both the public and private sectors, to explore their working conditions and treatments, with an emphasis on the COVID crisis and racial disparities; and requesting the Department of Public Health and Office of Labor Standards Enforcement to report.

07/14/20; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

07/22/20; REFERRED TO DEPARTMENT. Referred to the Department of Public Health and the Office of Labor Standards Enforcement for informational purposes.

09/24/20; CONTINUED. Heard in Committee. Speakers: None.

*Heard in Committee. Speakers: Supervisor Ahsha Safai (Board of Supervisors); Patrick Mulligan, Director (Office of Labor Standards Enforcement); Dr. Jessica Bloome (University of California San Francisco); Terrance Hong and Susan Philip (Department of Public Health); Olga Miranda (Service Employees International Union Local 87); Jim Araby (United Food and Commercial Workers Local 5); Theresa Rutherford (Service Employees International Union Local 1021); Kaela Sanborn-Hum (The Fight for 15); Daisy McArthur; Mekela Edwards; presented information and answered questions raised throughout the discussion. Francisco da Costa spoke on various concerns related to the hearing matter.*

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

Ayes: 3 - Mandelman, Stefani, Walton

**201061 [Police, Transportation Codes - Motor Vehicle Stunt Driving]**

**Sponsors: Safai; Peskin, Walton, Stefani and Mandelman**

Ordinance amending the Police and Transportation Codes to establish a City policy to protect the health and safety of residents by enforcing state laws prohibiting reckless driving, motor vehicle speed contests, and exhibitions involving stunts and tricks with vehicles; and to provide that vehicles that are removed for violation of such laws shall be impounded for no less than 14 days for the first incident, no less than 15 days for the second, and no less than 29 days for the third, with no impoundment lasting more than 30 days.

09/15/20; ASSIGNED to Public Safety and Neighborhood Services Committee. September 29, 2020 - President Yee waived the 30-day hold.

09/23/20; REFERRED TO DEPARTMENT. Referred to the Police Department, the Office of the District Attorney, and the Public Defender for informational purposes.

*Heard in Committee. Speakers: Supervisor Ahsha Safai (Board of Supervisors); Chief William Scott (Police Department); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion. William Martin; Speaker; Theodore Randolph; spoke in support of the hearing matter. Speaker; Peter; Speaker; Michael Garcia; Judy; spoke in opposition of the hearing matter.*

*Supervisors Stefani and Mandelman requested to be added as co-sponsors.*

**Chair Mandelman moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 3, Lines 6-9, by correcting a typeface issue with the ordinance text. The motion carried by the following vote:**

Ayes: 3 - Mandelman, Stefani, Walton

**Chair Mandelman moved that this Ordinance 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 1:20 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.*