



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, Hillary Ronen, Aaron Peskin

Clerk: John Carroll (415) 554-4445

Wednesday, January 23, 2019

10:00 AM

City Hall, Committee Room 263

Regular Meeting

Present: 3 - Rafael Mandelman, Hillary Ronen, and Aaron Peskin

The Public Safety and Neighborhood Services Committee met in regular session on Monday, January 23, 2019, with Interim Chair Rafael Mandelman presiding.

ROLL CALL AND ANNOUNCEMENTS

Interim Chair Mandelman called the meeting to order at 10:03 a.m. On the call of the roll, Interim Chair Mandelman, Interim Vice Chair Ronen, and Interim Member Peskin were noted present. There was a quorum.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

180281 [Liquor License Transfer - 500 Pine Street - CVS Pharmacy]

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 500 Pine Street (District 3), will serve the public convenience or necessity of the City and County of San Francisco. (Public Safety and Neighborhood Services Committee)

03/23/18; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

03/23/18; REFERRED TO DEPARTMENT. Referred to the Planning and Police Departments for comment and recommendation.

04/11/18; RESPONSE RECEIVED. The Planning Department submitted their approval.

01/16/19; RESPONSE RECEIVED. The Police Department submitted a response recommending approval with the following conditions:

- 1) sales of alcoholic beverages shall be permitted between the hours of 7:00 a.m. to 10:00 p.m. each day of the week;
- 2) no distilled spirits shall be sold in bottles or containers smaller than 600 milliliters;
- 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 the most-recently-certified ABC-253;
- 4) the following alcoholic beverages shall not be sold in quantities of fewer than three (3) individual containers per sale: a) beer, including malt beverages and malt liquor products, in containers of 40 ounces or less; b) pre-mixed wine products commonly known as "wine coolers;" and c) pre-mixed distilled spirits-based cocktails; and
- 5) no wine shall be sold with an alcohol content of greater than 15% by volume.

Heard in Committee. Speakers: Sergeant Gigi George (Police Department); Jody Knight (Reuben, Junius, and Rose); Stephen LaBonge (CVS); presented information and answered questions raised throughout the discussion. Dan Galvin; Aaron Evans; Michael Hughes, Stephen Tillisch, and Kevin Chenevert (Swords to Plowshares); Moe Mannaa; and Michael Nulty (Alliance for a Better District 6); spoke in opposition of the hearing matter.

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

Interim Member Peskin moved that a determination be PREPARED IN COMMITTEE AS A RESOLUTION, 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, Ronen, Peskin

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 500 Pine 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)

Interim Member Peskin moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Mandelman, Ronen, Peskin

181025 [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 at 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)

10/23/18; REFERRED TO DEPARTMENT. Referred to the Planning and Police Departments for comment and recommendation.

10/26/18; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

12/06/18; RESPONSE RECEIVED. The Planning Department submitted their recommendation for approval; Type-42 ABC License permitted in conjunction with restaurant use per Planning Code, Section 210.2. Applicant must obtain permit from Department of Public Health.

01/15/19; 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 9:00 a.m. and 12:00 a.m. Sunday through Wednesday, and 9:00 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; and
- 3) the sale of alcoholic beverages for consumption off the premises is prohibited.

Heard in Committee. Speakers: Officer Pat Macchi (Police Department); Jemma Lester (ABC License Company); Danica Jacinto, General Manager (Museum of Ice Cream); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Michael Nulty (Alliance for a Better District 6); 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.

Interim Member Peskin 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, Ronen, Peskin

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 at 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)

Interim Member Peskin moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Mandelman, Ronen, Peskin

181032 [Liquor License - 1345 Howard Street - Tank18]

Hearing to consider that the issuance of a Type-20 off-sale beer and wine liquor license to Porky's Palace, LLC, doing business as Tank18, located at 1345 Howard Street (District 6), will serve the public convenience or necessity of the City and County of San Francisco. (Public Safety and Neighborhood Services Committee)

10/26/18; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

10/29/18; REFERRED TO DEPARTMENT. Referred to the Planning and Police Departments for comment and recommendation.

12/06/18; RESPONSE RECEIVED. The Planning Department submitted their recommendation for approval; Type-20 permitted in brewpub/event space (DBA Tank18) - permitted in WMUG Zoning District per Planning Code, Section 844 and building permit application 201205220968.

01/16/19; RESPONSE RECEIVED. The Police Department submitted a response recommending approval with the following conditions:

- 1) full and complete meals must be offered and made available at all times the premises is exercising the privileges of its alcoholic beverage license, with the exception of the last 1/2 hour of operation each day;
- 2) sales of alcoholic beverages shall be permitted between the hours of 10:00 a.m. to 12:00 a.m. each day of the week;
- 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 the most-recently-certified ABC-253;
- 4) no noise shall be audible at any nearby residences and 2 consideration points;
- 5) 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 most-recently-certified ABC-257 and ABC-253; and
- 6) any graffiti painted or marked upon the premises on any adjacent area under the control of the licensee(s) shall be removed or painted-over within 72 hours of being applied.

Heard in Committee. Speakers: Sgt. Gigi George (Police Department); presented information and answered questions raised throughout the discussion. Michael Nulty (Alliance for a Better District 6); 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.

Interim Vice Chair Ronen 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-20 off-sale beer and wine liquor license to the applicant. The motion carried by the following vote:

Ayes: 3 - Mandelman, Ronen, Peskin

Resolution determining that the issuance of a Type-20 off-sale beer and wine liquor license to Porky's Palace, LLC, doing business as Tank18, located at 1345 Howard Street (District 6), 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)

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

Ayes: 3 - Mandelman, Ronen, Peskin

181199 [Liquor License Transfer - 858 Rhode Island Street - Chiotras Grocery]

Hearing to consider that the transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Elizabeth Holly Bullard, doing business as Chiotras Grocery, located at 858 Rhode Island Street (District 10), will serve the public convenience or necessity of the City and County of San Francisco. (Public Safety and Neighborhood Services Committee)

12/07/18; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

12/10/18; REFERRED TO DEPARTMENT. Referred to the Planning and Police Departments for comment and recommendation.

12/17/18; RESPONSE RECEIVED. The Planning Department submitted their recommendation for approval; recommend approval of Type-21 for legal non-conforming general grocery, permitted per Planning Code, Section 186 in the RH-3 Zoning District.

01/15/19; 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-253; 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. each day of the week.

Heard in Committee. Speakers: Officer Pat Macchi (Police Department); Elizabeth Bullard (Applicant); Michael Nulty (Alliance for a Better District 6); 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.

Interim Vice Chair Ronen moved that a determination be 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, Ronen, Peskin

Resolution determining that the transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Elizabeth Holly Bullard, doing business as Chiotras Grocery, located at 858 Rhode Island Street (District 10), 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)

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

Ayes: 3 - Mandelman, Ronen, Peskin

ADJOURNMENT

There being no further business, the Public Safety and Neighborhood Services Committee adjourned at the hour of 10:56 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.