



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

Friday, June 7, 2019

11:30 AM

City Hall, Legislative Chamber

Special Meeting

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

The Public Safety and Neighborhood Services Committee met in special session on Friday, June 7, 2019, with Chair Rafael Mandelman presiding. Chair Mandelman called the meeting to order at 11:35 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

190306 [Liquor License Issuance - 888 Tennessee Street - Amazon Prime Now]

Hearing to consider that the issuance of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Prime Now, LLC, doing business as Amazon Prime Now, located at 888 Tennessee Street (District 9), will serve the public convenience or necessity of the City and County of San Francisco. (Public Safety and Neighborhood Services Committee)

04/12/19; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

04/12/19; REFERRED TO DEPARTMENT. Referred to the Planning and Police Departments for comment and recommendation.

04/30/19; RESPONSE RECEIVED. The Planning Department submitted their recommendation for approval; Wholesale Sales is principally permitted in PDR-2 Zoning District per Planning Code Section 210.3. Use established under Building Permit #201812208875.

05/07/19; RESPONSE RECEIVED. The Police Department submitted a response recommending approval with the following conditions:

- 1) All alcoholic beverages offered for sale by petitioner/licensee to the general public shall be displayed within the portion of the retail premises open to the public. Such display may include by way of electronic, on-line, or other form of catalog. The alcoholic beverages offered for sale to in-person visitors can be a curated selection and need not include all alcoholic beverages in petitioner/licensee's inventory;
- 2) All alcoholic beverages offered for sale by petitioner/licensee to the general public shall be made conveniently available for inspection and purchase by customers in the portion of the retail premises open to the public. The alcoholic beverages offered for inspection and purchase by in-person visitors can be a curated selection and need not include all alcoholic beverages in petitioner/licensee's inventory;
- 3) On each day of the week during which the licensee is exercising its license privileges, the public area of the licensed premises shall be open and operating for at least 50 percent of the hours during which such privileges are being exercised. For purposes of this condition, "exercising license privileges" means the hours during which alcoholic beverages are offered for off-site delivery to customers;
- 4) The hours during which the public area of the retail premises is open to the public shall be posted at the entrance to the premises;
- 5) Petitioner/licensee shall maintain records to establish compliance with Conditions 3 and 4, and shall provide them to the Department upon demand;
- 6) No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee(s) as depicted on the most recently certified ABC-257 and ABC-253;
- 7) 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
- 8) 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: Melani Johns (Strike & Techel) and Kara Ruecker (Amazon); presented information and answered questions raised throughout the discussion. Tim McLaughlin and Christian Pradia (UFCW Local 648); spoke in opposition of the hearing matter. Michael Wright; 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.

Member Walton 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-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 issuance of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Prime Now, LLC, doing business as Amazon Prime Now, located at 888 Tennessee Street (District 10), 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)

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

Ayes: 3 - Mandelman, Stefani, Walton

190421 [Supporting California State Assembly Bill No. 1076 (Ting) - Criminal Records: Automatic Relief]

Sponsors: Brown; Walton, Mar, Mandelman, Ronen, Fewer, Stefani and Haney

Resolution supporting California State Assembly Bill No. 1076, authored by Assembly Member Phil Ting, to provide efficient arrest and conviction relief through the California Department of Justice by automating the process for those who are already entitled to record clearance relief under existing laws, and grant formerly-incarcerated persons fair and earned opportunity to fully reintegrate into society.

04/16/19; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

Heard in Committee. Speakers: Derek Remski (Office of Supervisor Vallie Brown); presented information and answered questions raised throughout the discussion. Carol McGruder; spoke in support of the hearing matter. Michael Wright; spoke on various concerns related to the hearing matter.

Vice Chair Stefani requested to add as a co-sponsor.

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

Ayes: 3 - Mandelman, Stefani, Walton

180832 [Public Works Mutual Aid Agreement]

Resolution authorizing the Public Works Director to execute a Public Works Mutual Aid Agreement executed by and among various California cities and counties that facilitates the receipt and provision of mutual aid from the signatories' public works agencies following a declared local emergency, and requires the city, county, or city and county that receives mutual aid to reimburse and hold harmless other cities and counties providing aid; and affirming the Planning Department's determination under the California Environmental Quality Act. (Public Works)

08/17/18; RECEIVED FROM DEPARTMENT.

09/04/18; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

09/10/18; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review.

02/22/19; REMAIN ACTIVE. Public Works requested this matter remain active for additional six months until August 22, 2019.

03/26/19; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

Heard in Committee. Speaker: Jeremy Spitz (Public Works); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Mandelman, Stefani, Walton

161210 [Hearing - Data Sharing Between Public Safety Departments]**Sponsor: Yee**

Hearing on the coordination of data sharing between public safety departments as it relates to crime prevention and investigations; and requesting the Police Department, District Attorney, City Administrator, Adult Probation, Juvenile Probation, Sheriff, Superior Court, Emergency Management, and Department of Technology as part of the Justice Tracking Information System to report.

11/01/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

11/07/16; REFERRED TO DEPARTMENT. Referred to the Police Department, Office of the District Attorney, Office of the City Administrator, Adult Probation Department, Juvenile Probation Department, Sheriff's Department, Superior Court, Department of Emergency Management, and the Department of Technology for informational purposes and requesting the various agencies to report.

05/25/17; REMAIN ACTIVE. Supervisor Yee requested this matter remain active for an additional six months; through 11/26/2017.

11/15/17; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Supervisor Norman Yee (Board of Supervisors); Rob Castiglia (Office of the City Administrator); Susan Merritt (Police Department); Maria McKee (Office of the District Attorney); Eileen Hirst (Office of the Sheriff); Mike Yuen (Superior Court); Chief Allen Nance (Juvenile Probation); provided an overview and responded to questions raised throughout the discussion. Frank Noto; George Wooding; Dick Allen; Robert Gee; spoke on various concerns relating to the hearing matter.

07/03/18; REMAIN ACTIVE. Supervisor Yee requested this matter remain active for an additional six months through January 3, 2019.

01/15/19; REMAIN ACTIVE. Supervisor Yee requested this matter remain active for an additional six months through July 15, 2019.

04/19/19; TRANSFERRED to Public Safety and Neighborhood Services Committee. President Yee transferred this matter from the Government Audit and Oversight Committee to the Public Safety and Neighborhood Services Committee.

Heard in Committee. Speaker: Mr. Wright; spoke on various concerns related to the hearing matter.

Chair Mandelman moved that this hearing be continued to the June 27, 2019, regular meeting of the Public Safety and Neighborhood Services Committee. The motion carried by the following vote:

Ayes: 3 - Mandelman, Stefani, Walton

Chair Mandelman moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 3 - Mandelman, Stefani, Walton

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

190311 [Health Code - Restricting Commercial Tobacco Activities on City Property]**Sponsors: Walton; Peskin, Fewer and Safai**

Ordinance amending the Health Code to prohibit the sale, manufacture, and distribution of tobacco products, including electronic cigarettes, on City property.

03/19/19; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 4/18/2019.

03/27/19; REFERRED TO DEPARTMENT. Referred to the Department of Public Health, the Health Commission, the Airport, and the Real Estate Division for informational purposes. Referred to the Youth Commission and the Small Business Commission for review and comment.

04/16/19; RESPONSE RECEIVED. On April 15, 2019, the Youth Commission voted unanimously to support the ordinance.

04/29/19; RESPONSE RECEIVED. Response received from the Small Business Commission recommending approval.

Heard in Committee. Speakers: Denis Kelly; Roshon Murray (Rafiki Coalition); Naftule Offen; Dr. Jeremiah Mock (University of California San Francisco); spoke in support of the hearing matter. Starchild; Kavinder Chatkari (American Petroleum and Convenience Store Association); spoke in opposition of the hearing matter. Mr. Wright; Stan Glantz; (University of California San Francisco); spoke on various concerns related to the hearing matter.

Member Walton moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Mandelman, Stefani, Walton

190312 [Health Code - Restricting the Sale, Manufacture, and Distribution of Tobacco Products, Including Electronic Cigarettes]**Sponsors: Walton; Peskin, Fewer and Safai**

Ordinance amending the Health Code to prohibit the sale by tobacco retail establishments of electronic cigarettes that require, but have not received, an order from the Food and Drug Administration (FDA) approving their marketing; and prohibiting the sale and distribution to any person in San Francisco of flavored tobacco products and electronic cigarettes that require, but have not received, an FDA order approving their marketing.

03/19/19; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 4/18/2019.

03/27/19; REFERRED TO DEPARTMENT. Referred to the Department of Public Health and the Health Commission for informational purposes. Referred to the Youth Commission and the Small Business Commission for review and comment.

04/16/19; RESPONSE RECEIVED. On April 15, 2019, the Youth Commission voted unanimously to support the ordinance.

04/29/19; RESPONSE RECEIVED. Response received from the Small Business Commission recommending disapproval, or recommending adoption with amendments.

Heard in Committee. Speakers: Stan Glantz (University of California San Francisco); Blythe Young and LaTonya Smith (American Heart Association); Dr. Jeremiah Mock (University of California San Francisco); Patty Pack and Nick Brodnicki (American Heart Association); Christine Chessen (Parents Against Vaping E-Cigs); Vanessa; Dharma Bhatta (University of California San Francisco); Bos Gordon (San Francisco Tobacco-Free Coalition); Carol McGruder; Ted Guggenheim and Audrey Ababilla (San Francisco Tobacco Free Coalition); Randy Uang (Breathe California); Tanner Wakefield (University of California San Francisco); spoke in support of the hearing matter. Ronnold Xie (Happy Vape); Carlos Solorzano (Hispanic Chambers of Commerce of San Francisco); Christopher Chin (Gone With the Smoke); Miriam Zouzounis (Arab American Grocers Association); Stephen Tillisch; Will Slabach; Imad Bitar (Puff 'N Stuff); Reverend Floyd Trammell; Berman Obaldia and Kavinder Chatkari (American Petroleum and Convenience Store Association); Stephan Didak (Tobacco Harm Reduction Policy); Jaime Rojas (National Association of Tobacco Outlets); Dave Suhagun (Castro Street Merchants); Ben Menor (San Francisco Filipino American Chamber of Commerce); Antonio Lau (San Francisco Hispanic Chamber of Commerce); Chris Rice (Juul Labs); Judy Smith; Starchild (Libertarian Party of San Francisco); Amos Elberg; Rudy Asercion (National Federation of Filipino American Associations, Region 8); Nicole Redler; Richard Wyatt and Jessica Baker (Juul Labs); Lorna Dietz (Coalition for Reasonable Vaping Regulations); Fuad Hussein; Jason Arrington (Sunshine Coast); Bao Zu; Yuan Qiong Low (Noodle City); Xiao Lan Yu; Wilson Chu (Chinese American Democratic Club); Hagage Massed (GoGo Market); Suk Fong Ng; Jiyu Xie; Rokia Sharifi; Speaker; Sean Patterson; spoke in opposition of the hearing matter. Michael Wright; Antonio; spoke on various concerns related to the hearing matter.

Member Walton moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Mandelman, Stefani, Walton

ADJOURNMENT