



**Report to the Board of Supervisors, Fiscal Year July 1, 2015-June 30, 2016.
Submitted September 2016**

**Deemed Approved Uses Ordinance (DAO)-San Francisco Administrative Code Chapter 26
Ordinance #43-06. February 28, 2006 signed by the Mayor: March 10, 2006
Mayor Edwin M. Lee**

Background

In 2006 the Board of Supervisors passed the Deemed Approved Uses Ordinance, which was signed by former Mayor Gavin Newsom, for the purpose of ensuring that alcohol sold through off-sale retailers occur in a manner that protects the health, safety, and welfare of San Francisco residents and neighborhoods. As a result of the Ordinance, the Deemed Approved Uses Program was created with the purpose coordinating responsible City Agencies and implementing activities outlined in the Ordinance. This report constitutes the 10th annual report to the Board of Supervisors and includes a summary of activities undertaken over the last year by each performing Department.

The Deemed Approved Uses Ordinance (DAO) establishes Performance Standards for businesses that sell alcohol in off-sale venues. The California Alcohol Beverage Control Board (ABC) regulates the sale of alcohol throughout the state and provides licenses to vendors to sell alcohol under specific conditions. The San Francisco DAO, which is based on the county's oversight of land use and planning, helps ensure the DAO Performance Standards are observed by businesses that sell alcohol in off-sale venues (ABC License-Type 20 & 21 vendors). A Type 20 license is for vendors who sell off-sale beer and wine only whereas a Type 21 license is for those vendors who sell off-sale beer, wine and spirits.

Coordination of the DAO is handled by the San Francisco Department of Public Health (DPH), in collaboration with the other City Agency partners: San Francisco Police Department (SFPD), City Attorney, and the Office of the Treasurer and Tax Collector.

Summary Report for Fiscal Year July 1, 2015-June 30, 2016:

Accomplishments:

San Francisco Department of Public Health: Vendor and Public Education and Outreach

The DAO Education and Outreach program focuses on educating vendors and the broader community about DAO. The purpose of the education is to: inform San Franciscans about the DAO; help create strong working relationships among merchants, neighbors, and city government; provide information and support to vendors on how to comply with the DAO; increase awareness of DAO among neighborhoods; and strengthen community partnerships to promote the health, safety, and welfare of the residents of San Francisco. Below is a summary of major accomplishments in Fiscal Year (FY) 2015-16:

- DPH conducted 701 one-on-one Educational Site Visits to ABC License-Type 20 & 21 vendors in San Francisco County to provide education and information on the DAO to retailers and to determine if Performance Standards and license certificates were posted.

- During those visits, staff provided information and recommendations to vendors on ways to ensure compliance with Performance Standards and advised those who were not in possession of a current license/certificate and a current copy of the Performance Standards about possible consequences for non-compliance.
- DPH educational site visit team maintains a database of outcomes related to educational site visits including documenting whether vendors are in possession of and displaying the current copy of their license/certificate and the DAO Performance Standards as certified by the Tax Collector.
- DPH staff also provided direct community education in partnership with the SFPD. In FY 2015-16 staff presented at eight different SFPD Captain's Community Meetings including the following districts: Central, Ingleside, Mission, Northern, Park, Richmond, Southern and Taraval. In collaboration with the DPH's Tobacco Free Project (TFP), DAO staff educated the community on DAO, and answered questions from community members.
DPH also maintained a website with DAO information and materials, and disseminated educational materials upon request from the public and during educational site visits, SFPD Captain's district meetings and directly in response to requests received through emails, phone replies, and one-on-one meetings.
- During this reporting period, two handouts ("FAQ for Vendors" & "How to Comply") were translated into 7 different languages: Arabic, Chinese, Korean, Russian, Spanish, Tagalog and Vietnamese. The translations were done by staff of DPH's Office of Cultural Competence. These two handouts are given to vendors during the Educational Site Visits and to community members at educational sessions and will be made available on the DAO website.
- In FY 2015-16, DPH subcontracted with The Center for Open Recovery (COR) to expand the education and outreach components of the DAO. Activities performed included:
 - ✓ Training of Community Facilitators (CFs) to conduct education and outreach activities with stakeholders about alcohol-related health and safety harms in San Francisco.
 - ✓ The CFs engaged and educated a total of 143 community stakeholders on the provisions of DAO. The CFs focused their efforts in the Bayview, Mission and Tenderloin neighborhoods.
 - ✓ Information dissemination to the San Francisco Health Improvement Partnership (SFHIP) Alcohol Policy Partnership Working Group Steering Committee and staff.

San Francisco Police Department - Alcohol Liaison Unit (ALU)

In May 2010, the Chief of Police created a unit called the Alcohol Liaison Unit (ALU). The ALU conducts DAO inspections in coordination with their Alcohol Beverage Control (ABC) inspections known as IMPACT (Informed Merchants Preventing Alcohol-Related Crime Tendencies) inspections at off-sale ABC licensed premises. Documentation, including any police reports, is submitted to the State ABC and the DAO team. During the FY 2015-16, the SFPD ALU conducted IMPACT inspections at 338 licensed premises as indicated below.

In the last fiscal year of 2015 to 2016, the Alcohol Liaison Unit conducted several Minor Alcohol Decoys, visits to businesses of ABC License Applicants, Community meetings, IMPACT (Informed Merchants Preventing Alcohol-Related Crime Tendencies) inspections and General Enforcement/Taskforce operations events: Halloween, St. Patrick's Day Parade, Bay to Breakers and Superbowl 50.

IMPACT Inspections:

- 338 Initial Inspections
- 55 Re-Inspections
- 338 Total Inspections
- 14 Decoy Operations
- 338 Premises
- 30 Incident Reports/Criminal Citations Issued

City Attorney

Although the services of the Office of the City Attorney (CA) were not accessed in FY 2015-16, the CA was available if needed to support DAO in the following ways:

- Receiving and reviewing requests from city departments including Planning, Police (SFPD), Public Health (SFDPH) and Building Inspection (DBI) for City Attorney Analysis. Based upon that review, advise whether further enforcement is appropriate and authorized under the DAO.
- Providing advice to City agencies regarding compliance and enforcement.

Office of the Treasurer and Tax Collector

In December 2013, pursuant to an Ordinance amending various sections of the San Francisco Business and Tax Regulations Code, the Office of the Treasurer and Tax Collector implemented a consolidated billing system for license renewal fees. As a result, businesses receive a single bill which lists all the license renewal fees associated to a single ownership based on their current Business Registration Certificate Number we have on file. Payment is due on or before March 31 of each year and a bill is sent every February. A summary of activities include:

- For the FY July 2015 through June 2016, the Tax Collector received \$172,247 in license fees for DAO/H73 fees.
- License fee bills, certificates and educational materials were provided to 752 Type 20 and 21 vendors in FY 2015-16.

DAO Administrative Activities

The Department of Public Health staff members implement administrative responsibilities and provide general coordination for DAO. Activities in this fiscal year included:

- Regular meetings were held between DPH and the SFPD to strengthen relationship and develop strategies to support their work in the community through the IMPACT program.
- Meetings were conducted with staff from other DAO City Agencies: San Francisco Police Department, Treasurer and Tax Collector's Office, and Department of Public Health's Environmental Health Branch, as needed, to plan and coordinate administration of DAO.
- Upon request from the Treasurer and Tax Collector, DPH provided information from the ABC on specific Type 20 and 21 vendors in San Francisco; this responsibility was taken on as of June 2013, when the California Alcohol and Beverage Control no longer issued monthly updates of the status of Type 20 and 21 vendors specific to each city and county in California due to state budget cuts.

DAO Plans for FY 2016-17:

- In FY 2016-17, DPH will continue to implement activities and processes as outlined above, in addition to working with City Agency partners to strengthen education to community and collaboration on DAO implementation.
- Beginning in 2014, DPH began building a comprehensive database of vendors. This is an ongoing project that allows us to use the data from our Educational Site Visits, ALU IMPACT reports, and the Tax Collector's office to create more informative reports than was previously possible. We will continue to build it out as we use it to track accomplishments and plan activities for the DAO. In 2016, we began data sharing with Environmental Health and the Tobacco Free Project to coordinate information and engagement with retailers.
- The subcontract with COR has been extended through December 2016. COR will continue to provide education and outreach support for the DAO.
- In FY 2016-17, DPH is engaging in a comprehensive internal planning process related to alcohol prevention across DPH to increase coordination of our efforts on DAO and other alcohol prevention efforts. This planning process is connected to a broader DPH strategic planning process with the aim to expand and streamline alcohol prevention efforts within the department. The ultimate goal of these parallel and coordinated processes is to reduce alcohol related harms in our communities.

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