



Report to the Board of Supervisors
Deemed Approved Uses Ordinance
Ordinance #43-06, February 28, 2006 signed by the Mayor: March 10, 2006

October 2010

In March 2006, the Board of Supervisors passed an Ordinance, which was signed by Mayor Newsom to create a "Deemed Approved Uses" program that addresses the role and responsibilities of businesses that sell alcohol in off-sale venues in respect to community health and safety. This constitutes the fourth annual report to the Board of Supervisors and includes a summary of activities undertaken over the last year by each performing Department.

Background

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 and provides licenses to vendors to sell alcohol under specific conditions. The San Francisco Deemed Approved Uses Ordinance is based on the county's oversight of land use and planning to educate, monitor and ultimately penalize businesses that sell alcohol in off-sale venues if they are found to be in nonconformance to the DAO Performance Standards.

The functions and primary responsible departments of the DAO are as follows:

- Vendor and public education, including development and dissemination of educational materials, on-site visits, neighborhood meetings, and vendor meetings.
- An advisory committee is organized and staffed to provide feedback and input from community representatives.
- Documentation of activities.

(San Francisco Department of Public Health)

- Development and maintenance of a database of businesses that are subject to the Performance Standards and the annual fee.
- Fees and late payment penalties be levied and collected.

(Tax Collector)

- Observation and inspection of premises to determine compliance with DAO Performance Standards.
- Maintaining a database of results of inspections.

(San Francisco Police Department)

- Pursuing legal measures and providing for an appeals' process for Deemed Approved Uses found to be in non-conformance with the Performance Standards.

(City Attorney)

ACCOMPLISHMENTS 2009- 2010

San Francisco Department of Public Health

Time period: October 1, 2009 thru September 30, 2010

Community Outreach & Education

- Provided DAO outreach and education and educational materials at neighborhood meetings and community organizations through direct contact through emails, one-on-one meetings and community group meetings.

Vendor Outreach & Education

- Outreached to and educated vendors through on site observation and inspection visits.
- Throughout the period of October 1, 2009 – September 30, 2010:
 - 510 off-sale alcohol stores that have been visited and conducted DAO education
 - 259 off-sale alcohol vendors were compliant with the DAO performance standards on the 1st visit
 - 251 off-sale alcohol vendors were non-compliant with the DAO performance standards on the 1st visit
 - 123 off-sale alcohol vendors were visited as a 2nd visit
 - 76 off-sale alcohol vendors were compliant during their 2nd visit from DAO staff
 - 52 off-sale alcohol vendors were non-compliant during their 2nd visit from DAO staff
- Vendor education packets were developed and disseminated and will be uploaded onto the website.
- Provided technical assistance to vendors relating to DAO (i.e., compliance, instructions on fee payment, alcohol licensing information, educational materials, etc.)

DAO Community Advisory Committee

- During this period, no community advisory committee meeting was convened.

DAO Educational Materials

- Materials in Arabic and Chinese were translated, disseminated and uploaded to DAO website:
<http://www.sfdph.org/dph/comupg/oprograms/CHPP/alcoholOrdInfo/DAO.asp>
- A new vendor education packet was developed and has been disseminated to vendors and also disseminated to the SF Police Department for their visits with vendors.

DAO Administrative

- Utilized Google Earth/Map to retrieve storefront views and to determine whether or not stores appeared to be in compliance with exterior DAO performance standards; filed information for review upon scheduled site visit/inspection.
- Documentation of inspection visits are entered into DAO database. All reports are currently maintained in an Access database.
- Reported periodically to other Performing Department staff on vendor performance based on inspection reports.
- Met with each DAO Performing Department staff (SFPD, Tax Collector's Office & City Attorney) in March 2010.
- Provided Tax Collector with California Alcohol and Beverage Control monthly updates of the status of type 20 and 21 vendors in San Francisco. As of June 2010, the California Alcohol and Beverage Control no longer issues monthly updates of the status of type 20 and 21 vendors specific to each city and county in California due to state budget cuts.

San Francisco Police Department, Vice Crimes Division
ABC Liaison Unit (ALU)
Time Period: July 1, 2009 thru June 30, 2010

Informed Merchants Preventing Alcohol-Related Crime Tendencies (IMPACT) Inspections:

- 222 Initial Inspections
- 146 Re-Inspections
- Total: 368 Inspections
- 19 Incident Reports

Decoy Operations:

- 615 Premises
- 76 Incident Reports/Criminal Citations Issued

Summary of Report:

- In May 2010 the Chief of Police created a new unit called the ABC Liaison Unit (ALU). All permanent ABC licensing responsibilities will be centralized for better monitoring and improved service to the public.
- During the fiscal year 2009-2010, the Police Department visited 837 ABC licensed premises involving DAO. Personnel generated 95 police reports documenting illegal activity. Incident reports were submitted to the District Attorney's Office and the California Department of Alcohol Beverage Control for review and administrative action.

City Attorney

The City Attorney's Office receives and reviews incident reports from the San Francisco Police Department and based upon that review determines if further enforcement is necessary under the Deemed Approved Ordinance.

Tax Collector

- Off-sale alcohol use vendors were sent a prorated statement of DAO license fee due for the period from July 1, 2010 thru September 30, 2010.
- Off-sale alcohol use vendors should expect to receive their remaining nine months of license fee dues covering the period from October 1, 2010 thru June 30, 2011.
- DAO educational materials were sent with the annual statement of license fee bills.
- For the period from May 1, 2009 thru August 31, 2010, the Tax Collector received \$244,266.90 in fees and \$4,666.20 in penalties.

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