



City and County of San Francisco  
Department of Public Health  
Population Health and Prevention  
Community Health Promotion and Prevention Section  
www.sfdph.org

Edwin M. Lee, Mayor  
Barbara Garcia, Director

October 3, 2012

Honorable David Chiu, President  
San Francisco Board of Supervisors  
#1 Dr. Carlton Goodlett Place  
San Francisco, CA 94103

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

Dear Supervisor Chiu:

Please find attached the annual report on the conduct of the Deemed Approved Uses Ordinance. This report reviews activities for the period of July 2011 through June 2012.

Each performing department has added a summary of their activities to this report and those sections are clearly marked.

Thank you in advance. I am available to answer any questions about the Department's role and activities undertaken to date.

Sincerely,

A handwritten signature in blue ink, appearing to read "Pat Erwin".

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**Report to the Board of Supervisors, Fiscal Year July 1, 2011-June 30, 2012. Submitted October 2012  
Deemed Approved Uses Ordinance-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 March 2006, the Board of Supervisors passed an Ordinance, which was signed by former Mayor Gavin 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 6<sup>th</sup> 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 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. Coordination for all aspects of the DAO is handled by the San Francisco Department of Public Health in collaboration with the other DAO partners; San Francisco Police Department, City Attorney, and Tax Collector.

**Summary of Report for Fiscal Year July 1, 2011-June 30, 2012:**

**Accomplishments:**

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

The DAO Education and Outreach program ensures that vendors receive a visit from DAO staff each year. The purpose of the visits is to create a strong working relationship among merchants, neighbors, and city government; to provide information and support to vendors on how to comply with the DAO, to increase awareness of DAO among neighborhoods, and to strengthen community partnerships to promote the health, safety and welfare of the residents of San Francisco. Below is a summary of major accomplishments:

- Conducted 797 Educational Site Visits to H73 permit-Type 20 & 21 vendors in San Francisco County to provide education and information on the DAO and to determine if Performance Standards and license certificate were posted.
- Advised vendors who were not in possession of a current license/certificate and a current copy of the Performance Standards about possible consequences for non-compliance; provided recommendations to vendors on ways to ensure compliance with Performance Standards.
- Maintained a database of findings 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.
- Disseminated educational materials upon request from the public and during educational site visits, SFPD Captain's Precinct meetings, community organizations and neighborhood meetings; and direct contact through emails, phone replies, and one-on-one meetings. Presented on the DAO to all 10 SFPD Captain Precinct community meetings; reaching a total of 266 people.
- Using zip code data on H73 saturation, created a spread sheet of community agencies/organizations for outreach to conduct community presentations. An initial mailing was made in February. A total of 12 community presentations were conducted in targeted communities, between April and June reaching a total of 135 people.

**Tax Collector:**

- For the period from July, 2011 thru June, 2012, the Tax Collector received \$238,989.70 in license fees and \$4,286.10 in penalties.
- Grand total collected for FY 2011-12 was \$243,235.80.
- Total number of H73 license fee bills and educational materials sent to vendors in FY 2011/2012 was 813

**San Francisco Police Department- Alcohol Liaison Unit (ALU) IMPACT-Informed Merchants Preventing Alcohol-Related Crime Tendencies (IMPACT) Inspections Program**

In May 2010 the Chief of Police created a unit called the ABC Liaison Unit (ALU). All permanent ABC licensing responsibilities are being centralized for better monitoring and improved service to the public.

The police department conducts an Alcohol Beverage Control inspection called **IMPACT** (Informed Merchants Preventing Alcohol-Related Crime Tendencies) at off-sale ABC licensed premises. During the fiscal year 2011-2012, the Department visited 123 licensed premises. All documentation including any police reports are submitted to the State Department of Alcohol Beverage Control, ABC.

**IMPACT Inspections**

- 64 Initial Inspections
- 59 Re-Inspections
- 123 Total Inspections
- 7 Decoy Operations
- 84 Premises
- 9 Incident Reports/Criminal Citations Issued

**City Attorney**

During fiscal year 2011-2012 the City Attorney's activities related to DAO included the following:

- Received and reviews incident reports from the San Francisco Police Department and based upon that review advises whether further enforcement is appropriate and authorized under the Deemed Approved Ordinance.
- Pursued legal remedies against owners found to be out of compliance with the DAO Performance Standards.
- Provided advice to City agencies regarding compliance and enforcement under the DAO.

**DAO Administrative Activities**

Department of Public Health staff is lead on implementing administrative responsibilities and general coordination for DAO. In fiscal 2011-2012 activities included:

- Meeting was held between Department of Public Health and the Police Department to strengthen relationship and develop strategies to support their work in the community through the IMPACT program.
- Additional meetings were held with staff from other DAO City Agencies: Tax Collector's Office & City Attorney.
- Staff attended community meetings and events with University of California San Francisco-SFHIP; Asian American Recovery Services; Asian Youth Prevention Services, Horizons Unlimited, Filipino Youth Center, Asian Youth Prevention Services, Lower Polk Neighborhood Assoc., Community Youth Center, Glide Memorial, Youth Leadership Institute Prevention Coalition, and Renaissance Bayview.
- All educational site visits were documented and entered into DAO database. All reports are maintained in an Excel database.

- Periodic reports were made to other DAO city department partners on vendor performance based on inspection reports.
- Upon request by Tax Collector, provide information from the California Alcohol and Beverage Control on specific 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.
- Work with and provide input to TTX on license consolidation.

### **Plans for FY 2012-2013**

- Continue activities and processes outlined above.
- DAO staff work with the Tax Collector and the City Attorney to establish protocols for collection of delinquent accounts and dissemination of captured fees.
- Look into process and rationale for requesting an increase to DAO fees for FY 2013-2014, based on Consumer Price Index.
- DAO staff will collaborate with SFPD to provide technical support for the IMPACT program by compiling IMPACT data and generating quarterly reports related to DAO.

Prepared by:

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San Francisco Department of Public Health October 2012

Deemed Approved Uses Ordinance Annual Report to the Board of Supervisors