



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

October 2007

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. The Ordinance requires the San Francisco Department of Public Health to make an initial report due to the Board of Supervisors eighteen months after enactment. Thereafter annual reports are due. This constitutes the first report to the Board of Supervisors.

The report is divided into the following Sections:

- 1) Purpose of the Deemed Approved Uses Ordinance
- 2) Organization and Administration of the Ordinance
- 3) Outreach and Education for Vendors and the Public
- 4) Documentation
- 5) Recommendations and Next Steps

Purpose

The Deemed Approved Uses Ordinance (Ordinance) 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 (ABC license types #20 and #21) that sell alcohol in off-sale venues if they do not conform to the Performance Standards.

The Ordinance provides for vendor and public education, including development and dissemination of educational materials, on-site visits, neighborhood meetings, and vendor meetings. The Ordinance requires development and maintenance of a list of businesses that are subject to the Performance Standards and the annual fee. Additional, the Ordinance requires a ORDINANCE advisory committee to be recruited and staffed to provide feedback and input from community representatives. These duties are assigned to the San Francisco Department of Public Health and the San Francisco Police Department.

Organization and Administration

The lead or “performing departments” for the Ordinance are the San Francisco Department of Public Health (DPH), the San Francisco Police Department, the Tax Collector’s Office and the City Attorney, with the former taking the lead to organize and implement the Ordinance. The DPH convened a meeting in May 2006 of these departments’ representatives, to review the Ordinance, tasks and timelines required to establish the program. The group determined that, given the need for start-up, the program would commence in September 2006 and the fee would be pro-rated.

The group settled on the division of labor for start-up. The Tax Collector developed the late fee penalty schedule. The City Attorney and the DPH created a *“How to Comply with the*

ORDINANCE" document to accompany the fee request/invoice. DPH arranged for translation of this document into Chinese, Spanish, Vietnamese and Arabic; and agreed to maintain them on a demand-basis. DPH acquired the State ABC list of type #20 and type #21 licensees. The State ABC provides the City and County monthly updates. This list was given to the Tax Collector who in turn asked DTIS (Telecommunications and Information Services) to convert it into a useable format for creating and mailing invoices. DPH took responsibility to inform other departments of the Ordinance and their roles as articulated in the legislation. DPH scheduled multiple vendor informational meetings and secured personnel from SFPD, and the City Attorney to participate.

Representatives from the performing departments met several times during the start-up phase and on regular intervals throughout the first year of operation.

Outreach and Education for Vendors and the Public

Materials Development

DPH was responsible for developing information and educational materials. All materials were developed in English and translated into Spanish, Chinese, Arabic and Vietnamese. The following is a list of materials developed; samples are attached.

"How to Comply with the ORDINANCE" was sent by the Tax Collector with the invoice/request for payment. This briefly describes the purpose of the Ordinance, the fee and penalties associated with late or non-payment of the fee and non-compliance with the Ordinance Performance Standards. The City Attorney's Office reviewed and edited the document to ensure that the key elements of the Ordinance were covered. This document was also distributed at the vendor information meetings.

"Performance Standards" from the Ordinance were formatted and printed to be posted on the licensee's premises, serving as proof of fee payment. The Tax Collector sends the *Performance Standards* to the vendor after payment is received. Translations of the *Performance Standards* were done on a demand basis. Additionally, an English version in cardstock for information purposes only was developed for distribution to vendors by the SFPD.

"Frequently Asked Questions (Vendors)" and *"Frequently Asked Questions (Public)"* were developed in English and translated into Arabic, Chinese, Vietnamese and Spanish. Based on feedback from Supervisor Maxwell, these were edited and re-translated. These materials have been used to inform and educate vendors and the public about the Ordinance.

Vendor Education

As required by the Ordinance, DPH staff scheduled and conducted four noticed informational meetings for vendors to provide information about the ordinance before implementation. Participating in the meetings were representatives from the DPH, SFPD and the City Attorney's office. These meetings were sparsely attended by vendors. DPH also fielded phone calls from vendors, who called primarily for information about the fee and how to report a change in their type #20 or #21 license.

The SFPD conducts regular visits to businesses that sell alcoholic beverages with type #20 or #21 ABC licenses. On these visits, whether for inspection or other purposes, ORDINANCE education occurred.

Outreach and Education to the Public

The DPH was required to conduct educational meetings with neighbors of type #20 and #21 licensed premises, "Uses" and other stakeholders of immediate interest. To do this, DPH hired 2 bilingual (Arabic-English, Vietnamese-English) public service aides to assist in outreach and education for both vendors and the public. The DPH trained youth associated with the DPH's

YouthPOWER project at the Youth Leadership Institute and the public service aides on Ordinance messages to be relayed to vendors and the public. DPH and City Attorney staff presented the Ordinance and outreached to the public at the following venues/events:

- All ten district police captains' community forums/meetings
- Churches, temples and mosques
- Neighborhood groups/associations
- Public Housing /Section 8 Forum at San Francisco State University (7/14/2007)
- Vendors throughout the city and county, with a focus on Supervisoral Districts 6, 10 and 11 due to the high density of type #20 and #21 licensed premises / "Uses" in these districts
- Meetings with representatives of the Grocer's Associations whose membership reflect many of the owners of type #20 and #21 licensed premises / "Uses."

A community advisory committee (CAC) was established through an open application process. The CAC's role is to advise the Ordinance performing departments and to provide recommendations on the implementation and outreach for the Ordinance by engaging in a regular process feedback and input. The CAC is comprised of city government representatives, community members, business association representatives, merchants, and community advocates, all who have a broad range of expertise. In May 2007, DPH organized the first CAC meeting, which resulted in recommendations and next steps for Ordinance implementation. There were approximately 15 members in attendance. The following recommendations were made by CAC members.

- Decentralize location of vendor outreach/education meetings to allow more vendors to attend
- Add ORDINANCE information in community newsletters/newspapers
- Conduct community outreach with community based organizations instead of government agencies and develop partnerships
- Change the tone of the ordinance to be more friendly not punitive
- Involve merchants at all levels
- Use the ORDINANCE website for changing information and offer recommendations
- Develop central email for CAC to provide recommendations
- Initiate a blog format for CAC or community to provide input/feedback on ORDINANCE
- Continue to involve youth in the process
- Possibly develop vendor guidelines to be community friendly
- CAC to outreach to their constituents about the ORDINANCE
- Continue and follow-up with faith-based associations
- Add Korean to the list of languages to be translated for frequently asked questions sheets
- Asking vendors to change the names of their stores if "Liquor" is in the store name to remove negative connotation

Finally, Ordinance webpages were developed on the DPH website where the public and vendors can navigate to find information.

At the urging of Supervisor Maxwell and in conjunction with the DPH YouthPOWER Project (funded through a grant from SAMSHA, now ended), the DPH staff organized store redecoration events. Students from Thurgood Marshall High School, one of the YouthPOWER sites, redecorated corner stores in districts 6, 10, and 11 by replacing some alcohol advertisements with positive pictures of San Francisco neighborhoods and communities. The intent was to decrease young people's exposure to alcohol-related advertising, which may influence their risk-taking behaviors, eg., under-age drinking. Positive depictions San Francisco made the interior of these stores more pleasant to customers of all ages. Moreover, the beautification of these premises, moves the "Uses" toward compliance with the Ordinance

Performance Standards. These efforts by young people strengthened neighborhood and community partnerships to promote the health, safety and welfare of the residents of San Francisco.

Documentation

All performing departments must keep logs of and/or other documentation of all contacts with vendors. The Tax Collector's Office prepared a print-out and an electronic copy of the list of businesses that received a request for payment/invoice and the *Performance Standards*. The SFPD developed a database of all related visits. The DPH created a log of all phone calls, visits to the office, visits to the vendors, vendor meetings and other meetings where vendors may have participated with the DPH for educational and informational purposes. With the exception of the DPH log, the documentation has the vendor name, dba, dba premises's address, type #20 or type #21 license number, and purpose of contact. Because of the nature of the educational process, DPH contacts often included simply a vendor name, dba, and/or dba premises address.

Recommendations and Next Steps

Problems Encountered	Resolution
Sparse attendance at officially noticed vendor meetings.	Held additional meetings at different times of the day; met with grocer's associations, and conducted outreach to vendors' premises. In the future some vendor meetings will be held in collaboration with community-based organizations.
The ABC database format different from the Tax Collector's format. Original database and updates required computer programming time.	There appears to be no user-friendly computer application available to conduct this function. DTIS was asked to routinely write the computer program and make the updates as of the second year of implementation.
Vendors with type #20 and #21 received request for payments/invoices, but licenses had been surrendered or temporarily suspended.	State ABC website has an online "look-up" to verify current license status. DPH asked the Tax Collector's Office to inform their staff of this in order to expedite status changes.
The "How To Comply" document had DPH contact information; the request for payment/invoice had a pre-addressed envelope and instructions to mail the payment to the Tax Collector. These two items were mailed together. This caused some confusion on the part of the vendors.	DPH and the Tax Collector's Office worked together to assist the vendors in paying their fee. The "How To Comply" document was edited to reduce confusion for the second year of implementation.
The text of the "How To Comply" was complicated and contained legal language; not user-friendly.	The "How To Comply" document was edited and reformatted, but maintained integrity to the legislation.
The text of the FAQs were complicated and contained legal language; not user-friendly.	The FAQs were re-written and formatted to reflect the benefits of the Ordinance to vendors, stakeholders and the San Francisco community.
In the majority of cases of vendor contact and education, the contact logs do not reflect the "Uses" name (vendor), premise address, DBA or ABC license number.	Maintain the current process. A vendor who seeks information and wants to ask questions may become discouraged, if they have to give detailed contact information.
Funding for store redecoration and beautification ends on September 29 th , when	Fee generation exceeded anticipated revenues; funding from year 1 has been rolled into year

the SAMHSA funded Youth POWER project ends.	two in order for the YouthPOWER project to continue to support the Ordinance activities.
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Attachments

Documents

“How To Comply” (revised)
 “FAQ” – Vendor (original and revised)
 “FAQ” – Public (original and revised)

Vendor meeting schedule(s)

List of Community Advisory Committee members

Press Release for store redecoration