Report to the Board of Supervisors, Fiscal Year 2010-11  
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

October 2011

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 fifth 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 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.

Summary of Report for Fiscal Year June 2010-July 2011:

Accomplishments:
San Francisco Department of Public Health: Vendor and Public Education
During the fiscal year the DAO Education and Outreach program was redesigned to ensure that all vendors receive a visit from DAO staff. 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; and to strengthen neighborhood and community partnerships to promote the health, safety and welfare of the residents of San Francisco. Below is a summary of major accomplishments:

- Conducted 813 Educational Site Visits to H73 permit-Type 20 & 21 vendors in San Francisco County providing 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. Compliance for all aspects of the DAO is handled by the San Francisco Department of Public Health through the IMPACT program.
- 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.
- Revised all vendor and public educational materials including; the DAO website for the public; Performance Standards; vendor and public FAQ sheets; Educational Site Visits form; and How to Comply with the Deemed Approved Uses Ordinance
- 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
- Downloaded and cleaned up ABC database of current Type 20 and 21 businesses in San Francisco to provide list to Tax Collector for FY 11-12 license fee invoice mailing.

**Tax Collector:**
- For the period from July, 2010 thru June, 2011, the Tax Collector received $238,989.70 in license fees and $4,286.10 in penalties.
- Grand total collected for FY 2010-11 was $243,235.80.
- Total number of H73 license fee bills and educational materials sent to vendors in FY 2010/2011 was 813

**San Francisco Police Department- Vice Crimes Division-IMPACT-Informed Merchants Preventing Alcohol-Related Crime Tendencies (IMPACT) Inspections Program**
In May 2010 the Chief of Police created a new unit called the ABC Liaison Unit (ALU). All permanent ABC licensing responsibilities are being centralized for better monitoring and improved service to the public.

During the fiscal year 2010-2011, the Police Department visited 164 ABC licensed premises. Personnel generated 13 police reports documenting illegal activity. Incident reports were submitted to the California Department of Alcohol Beverage Control for review and administrative action.

**Summary of IMPACT Inspections:**
- 72 Initial Inspections
- 92 Re-Inspections
- 164 Total Inspections
- 13 Incident Reports
- 11 Decoy Operations
- 154 Premises
- 22 Incident Reports/Criminal Citations Issued

**City Attorney**
During fiscal year 2010-11 the City Attorney’s activities related to DAO included the following:
- 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.
- Pursues legal remedies against owners found to be not in compliance with the DAO Performance Standards.
- Provides advice to City agencies regarding compliance and enforcement under the DAO.

**Vendor and Community Outreach & Education**
The Department of Public Health coordinate the education and outreach on DAO to vendors and the community. Activities this fiscal year included:
- DAO staff provided education and information on the DAO to 813 vendors. Vendors in need of additional information were referred to DAO Administrative staff or other DAO city partners for clarification of issues related to Performance Standards and other issues.
DAO outreach and education and educational materials were provided at neighborhood meetings and community organizations by direct contact through emails, one-on-one meetings, and community group meetings.

A new vendor education packet was developed and has been disseminated to vendors. Vendor education packets were also uploaded onto the DAO website.

**DAO Administrative Activities**
Department of Public Health staff is lead on implementing administrative responsibilities and general coordination for DAO, 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 with the IMPACT program.
- Additional meetings were held with staff from each DAO city agency: SFPD, Tax Collector’s Office & City Attorney.
- Staff attended community meetings and events with Youth Leadership Institute’s Alcohol Prevention Coalition and Renaissance Bayview.
- A training packet was developed for new DPH staff and consultants working on DAO.
- All educational site visits were documented and entered into DAO database. All reports are maintained in an Access database.
- Periodic reports were made to other DAO city department partners on vendor performance based on inspection reports.
- 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.
- Participate in the San Francisco Department of Public Health’s Alcohol Work Group, which meets to discuss the ways to reduce alcohol related health problems in San Francisco.

**Plans for FY 2011-2012**

- Continue activities and processes outlined above.
- DAO staff work with the Tax Collector and the City Attorney to establish protocols for addressing collection on delinquent accounts.
- 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.

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