

File No. 120966

Committee Item No. 5

Board Item No. 46

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date July 22, 2013

Board of Supervisors Meeting Date July 30, 2013

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
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| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
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#### OTHER (Use back side if additional space is needed)

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Completed by: Alisa Miller Date July 19, 2013  
Completed by: Alisa Miller Date July 25, 2013

1 [Administrative Code - Healthy Food Retailer Incentives Program]

2  
3 **Ordinance amending the Administrative Code, by adding Chapter 59, Sections 59.1-**  
4 **59.9, to establish a Healthy Food Retailer Incentives Program to oversee and**  
5 **coordinate the City's incentive and assistance programs for Healthy Food Retailers.**

6 NOTE: Additions are single-underline italics Times New Roman;  
7 deletions are ~~strike-through italics Times New Roman~~.  
8 Board amendment additions are double-underlined;  
9 Board amendment deletions are ~~strikethrough normal~~.

10 Be it ordained by the People of the City and County of San Francisco:

11 Section 1. The San Francisco Administrative Code is hereby amended by adding  
12 Chapter 59, to read as follows:

13 CHAPTER 59: HEALTHY FOOD RETAILER ORDINANCE.

14 SEC. 59.1. TITLE.

15 SEC. 59.2. FINDINGS.

16 SEC. 59.3. DEFINITIONS.

17 SEC. 59.4. HEALTHY FOOD RETAILER INCENTIVES PROGRAM.

18 SEC. 59.5. RULES AND REGULATIONS.

19 SEC. 59.6. FUNDING POLICY.

20 SEC. 59.7. ANNUAL PROGRESS REPORTS.

21 SEC. 59.8. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE.

22 SEC. 59.9. SEVERABILITY.

23  
24 SEC. 59.1. TITLE.

25 This Chapter shall be entitled "the Healthy Food Retailer Ordinance."

1 SEC. 59.2. FINDINGS.

2 1. The City and County of San Francisco has a substantial interest in protecting public health  
3 by ensuring that healthy, fresh, sustainable, and affordable food is accessible to all residents of the  
4 City, particularly those living in neighborhoods with high rates of obesity, poverty and chronic disease,  
5 a high concentration of seniors and families with children, and/or a relative lack of public transit.

6 2. More than two in five adult San Franciscans are overweight or obese. Over half of San  
7 Francisco residents do not eat five servings of fruits and vegetables daily. Nearly one third of San  
8 Franciscans eat fast food in a typical week.

9 3. Sedentary lifestyle and poor diet are risk factors for four of the leading contributors to  
10 mortality in San Francisco. Age adjusted death rates for three of these causes – ischemic heart  
11 disease, cerebrovascular disease, and hypertensive heart disease – are among the five causes with the  
12 highest death rates for both men and women. One key protective factor for diabetes and  
13 cardiovascular disease is a healthy, nutritious diet emphasizing whole grains, fresh fruits, and  
14 vegetables, and the local food environment can have a strong impact on residents' dietary choices,  
15 especially if access to healthy food is limited.

16 4. In certain parts of the City, there is a lack of quality full service neighborhood markets with  
17 fresh produce, and an overabundance of corner stores selling alcohol, tobacco, and highly processed  
18 foods that are high in salt, fat, and sugar and low in nutrients. In communities that lack supermarkets,  
19 families depend on corner stores for food purchases, and the choices at those stores are often limited to  
20 packaged food and very little, if any, fresh produce. For example, a 2011 assessment of 19 corner  
21 stores in the City's Bayview Hunters Point neighborhood found that only 20% of the stores stocked a  
22 variety of fresh fruits and vegetables, only 11% stocked whole grain bread, and only 37% stocked low  
23 fat milk.

24 5. The presence of a large number of stores selling low quality foods in a community can  
25 undermine public efforts to promote health and send a message that normalizes the use of unhealthy

1 products in that neighborhood, placing these communities at greater risk for obesity and chronic  
2 disease. A high number of convenience stores per capita is associated with higher rates of mortality,  
3 diabetes, and obesity. Proximity to convenience stores within a neighborhood is associated with higher  
4 rates of obesity and diabetes. The impact of convenience stores on health is even greater in low-  
5 income neighborhoods.

6 6. Research shows that people who live closer to stores that sell healthy food have better diets.  
7 Specifically, the amount of shelf space dedicated to fruits and vegetables at neighborhood food stores is  
8 positively associated with greater consumption of fruits and vegetables among nearby residents. Food  
9 stamp participants who live more than five miles from their primary grocery store consume  
10 significantly less fruit than those who live within one mile of a grocery store.

11 7. Small retailers face a variety of challenges to increasing their offerings of fresh and healthy  
12 foods. The retail environment is often saturated with tobacco, alcohol and highly processed food  
13 subsidies and products; and advertising for these products. Small retailers also lack access to  
14 necessary technical assistance, incentives, training and sourcing systems to stock healthy foods and  
15 fresh produce and shift their business plans.

16 8. Bringing a healthy food retailer into a neighborhood that lacks access to healthy food not  
17 only promotes good nutrition, it can provide economic benefits such as supplying living-wage jobs,  
18 raising the value of surrounding property, and anchoring and attracting additional businesses to the  
19 neighborhood. Small food stores promote foot traffic, which can increase sales for existing  
20 surrounding businesses. These sorts of stores also attract new residents to neighborhoods, as food  
21 stores are an essential service that people may consider important when deciding where to live.

22 9. The Southeast Food Access Coalition ("SEFA") has developed a pilot program for  
23 sustainable healthy retail in the Bayview Hunters Point neighborhood that is being implemented with  
24 SEFA Food Guardians in the community, is based on lessons learned and best practices in health  
25

1 promotion and prevention, and has influenced healthy retail efforts in other underserved  
2 neighborhoods in the City.

3 10. City agencies including the Department of Public Health and the Economic and Workforce  
4 Development Department are undertaking various efforts to increase healthy food retail in underserved  
5 parts of the City.

6 11. While the City has taken important steps forward to promote healthy food retail, there is  
7 little coordination of these efforts, and there is a need to centralize and coordinate City-wide strategies  
8 to recruit and maintain new healthy food businesses, and ensure that existing food businesses are fully  
9 utilizing economic incentives and technical support.

10 **SEC. 59.3. DEFINITIONS.**

11 "Department" means the Economic and Workforce Development Department.

12 "Healthy Food Retailer" means a food retailer operating in a fixed location, including a  
13 grocery store, corner store, convenience store, farmer's market, and any other retailer whose business  
14 is primarily comprised of sales of food and non-food grocery products intended for preparation, use or  
15 consumption off the retailer's premises that (1) devotes at least 35 percent of its Selling Area to fresh  
16 produce, whole grains, lean proteins, and low-fat dairy products, (2) devotes no more than 20 percent  
17 of its Selling Area to tobacco and alcohol products, and (3) satisfies the minimum wage requirements  
18 for employees set forth in Administrative Code Chapter 12R. Notwithstanding the previous sentence,  
19 "Healthy Food Retailer" does not include (1) a Supermarket, as defined in Section 440(h) of the Health  
20 Code, (2) a Restaurant, as defined in Section 471.3(f) of the Health Code, (3) a store that, at the time it  
21 seeks to access the incentives and assistance available through the Program, already devotes at least  
22 35 percent of its Selling Area to fresh produce, whole grains, lean proteins, and low-fat dairy products,  
23 or (4) a Formula Retail Use, as defined in Section 303(i) of the Planning Code.

24 "Program" means the Healthy Food Retailer Incentives Program.

25 "Selling Area" means the combined floor area and shelf space of a food retailer's premises.

1 SEC. 59.4. HEALTHY FOOD RETAILER INCENTIVES PROGRAM.

2 (a) Establishment. There is hereby created a Healthy Food Retailer Incentives Program for  
3 the City and County of San Francisco to be administered by the Department.

4 (b) Purpose. The purpose of the Program shall be to increase access to healthy food; reduce  
5 unhealthy influences such as tobacco, alcohol and processed foods high in salt, fat, and sugar in  
6 underserved parts of the City; and stimulate economic development and job creation by creating  
7 incentives for Healthy Food Retailers to open or expand in those underserved areas.

8 (c) Duties. In administering the Program, the Department shall:

9 (1) Coordinate efforts to promote and support Healthy Food Retailers with other public  
10 agencies in the City, including, but not limited to, the Department of Public Health, the Office of Small  
11 Business, the Planning Department, and the Human Services Agency.

12 (2) Develop strategic partnerships and meet regularly with community based  
13 organizations, schools and others for the purpose of promoting community engagement and Healthy  
14 Food Retailers in the City, and seek feedback from these community partners in major policy decisions.

15 (3) Coordinate and centralize City-wide incentives and technical assistance to promote  
16 the establishment and expansion of Healthy Food Retailers in areas of the City that the Department  
17 identifies as having a lack of access to Healthy Food Retailers. Towards that end, the Department  
18 shall, among other things, perform the following:

19 (A) Identify "underserved areas" of the City that lack access to Healthy Food  
20 Retailers.

21 (B) Identify obstacles deterring new and existing retailers from offering fresh,  
22 healthy foods and locating in the designated underserved areas, and develop strategies to address  
23 them.

24 (C) Coordinate existing incentives and develop new incentives to recruit,  
25 maintain, and develop new Healthy Food Retailers in the designated underserved areas, and ensure

1 that existing food retailers in those areas are fully utilizing economic incentives and technical  
2 assistance. Such incentives and assistance to be made available to Healthy Food Retailers may  
3 include, but are not be limited to, technical support, training, assistance with permits and licensing,  
4 store redesign assistance, retail assessment, façade improvement, and access to grants and loans. In  
5 providing such incentives and assistance, the Department will engage community-based partners to  
6 promote the Program and engage local businesses and the surrounding community.

7 (4) Create, by December 1, 2013, a centralized resource center to provide information  
8 and technical assistance to persons, businesses, and organizations seeking to become Health Food  
9 Retailers.

10 (5) Explore how Healthy Food Retailers can enhance existing job training programs  
11 and provide new job training and employment opportunities for San Francisco residents, including low  
12 income individuals and youth, and create incentives for Healthy Food Retailers to hire San Francisco  
13 residents.

14 **SEC. 59.5. RULES AND REGULATIONS.**

15 The Director of the Department is authorized to adopt such rules and regulations, following any  
16 public hearing or notice that may be required by law, as the Director deems necessary and proper for  
17 the administration of the Program.

18 **SEC. 59.6. FUNDING POLICY.**

19 It shall be City policy that for Fiscal Year 2013-14, the City shall maintain current staffing  
20 levels so as to ensure that there is at least the equivalent of a total of one full-time staff person in the  
21 Department and/or the Department of Public Health to support coordination of Healthy Food Retail  
22 programs among City agencies and community stakeholders.

23 **SEC. 59.7. ANNUAL PROGRESS REPORTS.**

24 By January 1, 2014, and every year thereafter, the Department shall submit a written report to  
25 the Mayor and Board of Supervisors providing a summary of key Program achievements and

1 challenges from the previous year, an accounting of all City funding for Healthy Food Retailer  
2 initiatives, and an inventory of City resources and programs relevant to Healthy Food Retailers in San  
3 Francisco.

4 **SEC. 59.8. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE.**

5 In undertaking the adoption and enforcement of this Chapter, the City is undertaking only to  
6 promote the general welfare. The City is not assuming, nor is it imposing on its officers and employees,  
7 an obligation for breach of which it is liable in money damages to any person who claims that such  
8 breach proximately caused injury. This Chapter does not create a legally enforceable right by any  
9 member of the public against the City.


10 **SEC. 59.9. SEVERABILITY.**

11 If any part or provision of this Chapter, or the application of this Chapter to any person or  
12 circumstance, is held invalid, the remainder of this Chapter, including the application of such part or  
13 provision to other persons or circumstances, shall not be affected by such a holding and shall continue  
14 in full force and effect. To this end, the provisions of this Chapter are severable.

15  
16 Section 2. Effective Date. This ordinance shall become effective 30 days from the  
17 date of passage.

18  
19 APPROVED AS TO FORM:  
20 DENNIS J. HERRERA, City Attorney

21 By:

  
22 FRANCESCA GESSNER  
23 Deputy City Attorney

24 n:\legana\as2012\1300084\00854169.doc

25  
Supervisors Mar, Kim, Cohen  
BOARD OF SUPERVISORS

Page 7  
6/18/13



**REVISED LEGISLATIVE DIGEST**

(6/18/2013, Substituted)

[Administrative Code - Healthy Food Retailer Incentives Program]

**Ordinance amending the Administrative Code, by adding Chapter 59, Sections 59.1-59.9, to establish a Healthy Food Retailer Incentives Program to oversee and coordinate the City's incentive and assistance programs for Healthy Food Retailers.**

Existing Law

The City does not currently have a program to coordinate incentive and assistance programs for healthy food retailers.

Amendments to Current Law

The proposal would amend the Administrative Code to create a "Healthy Food Retailer Incentives Program." The proposal defines a "Healthy Food Retailer" as a store that (1) devotes at least 35 percent of its selling area to fresh produce, whole grains, lean proteins, and low-fat dairy products, (2) devotes no more than 20 percent of its selling area to tobacco and alcohol products, and (3) satisfies the minimum wage requirements for employees set forth in Administrative Code Chapter 12R. (Sec. 59.3.)

The proposal would require the Economic and Workforce Development Department (the "Department") to coordinate and centralize City government incentives and technical assistance to promote the establishment and expansion of Healthy Food Retailers in areas that lack access to healthy food. (Sec. 59.4.) The proposal would require the Department to:

- Coordinate efforts to promote and support Healthy Food Retailers with other public agencies in the City and with community based organizations, schools and others.
- Identify "underserved areas" of the City that lack access to Healthy Food Retailers.
- Identify obstacles deterring new and existing retailers from offering fresh, healthy foods and locating in underserved areas, and develop strategies to address them.
- Coordinate existing incentives and develop new incentives, such as technical support, training, assistance with permits and licensing, store redesign assistance, retail assessment, façade improvement, and access to grants and loans, to recruit, maintain, and develop new Healthy Food Retailers in underserved areas.
- Create, by December 1, 2013, a centralized resource center to provide information and technical assistance to persons or entities seeking to become Health Food Retailers.
- Explore how Healthy Food Retailers can enhance existing job training programs and provide new job training and employment opportunities for San Francisco residents.

The Department would be required to submit an annual progress report to the Mayor and Board of Supervisors providing a summary of key Program achievements and challenges from the previous year, an accounting of all City funding for Healthy Food Retailer initiatives, and an inventory of City resources and programs relevant to Healthy Food Retailers in San Francisco. (Sec. 59.7.)

The proposal would also make it City policy to ensure that for Fiscal Year 2013-14, the City shall maintain current staff levels so as to ensure that there is at least the equivalent of a total of one full-time staff person spread between the Economic and Workforce Development Department and the Department of Public Health to support the Program. (Sec. 59.6.)

#### Background Information

City agencies, including the Department of Public Health and the Economic and Workforce Development Department, are undertaking various efforts to incentivize healthy food retailers to open and/or expand in areas of the City that lack access to healthy food. While the City has taken important steps forward to promote healthy food retail, there is a need to centralize and coordinate City-wide strategies to recruit, maintain, and develop new healthy food businesses, and ensure existing food businesses are fully utilizing economic incentives and technical support.



SMALL BUSINESS COMMISSION  
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO  
EDWIN M. LEE, MAYOR

July 15, 2013

Ms. Angela Calvillo, Clerk of the Board  
Board of Supervisors  
City Hall room 244  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102-4694

**File No. 120966 [Administrative Code - Healthy Food Retailer Incentives Program]**

Small Business Commission Recommendation: **Approval**

Dear Ms. Calvillo:

On June 24, 2013 the Small Business Commission (SBC) voted 5-0 to recommend approval of BOS File No. 120966.

The Small Business Commission supports the creation of a program to coordinate incentive and assistance programs for healthy food retailers through a collaboration program involving the City's Office of Economic and Workforce Development's Invest in Neighborhoods Program and Department of Public Health.

The Commission first heard this item at a Legislation and Policy Committee in October of 2012. At this time, the proposal, while bold and far reaching, lacked detailed plans and achievable strategies. Commissioners requested that the Supervisor and Department's draw up detailed strategies and plans and outline them before the full Commission. The Commission was pleased to receive a detailed presentation from the Supervisors staff, OEWD, DPH, and program consultants on June 24, 2013. Following this presentation, and upon reviewing the program proposal in detail, the SBC finds that the programs goals are not only commendable, but are as well achievable and therefore the Commission recommends approval.

The Commission looks forward to being briefed in the upcoming years on the successes of the program.

Sincerely,

Regina Dick-Endrizzi  
Director, Office of Small Business

Cc: Supervisor Mar  
Supervisors Cohen, Kim  
Jason Elliott, Mayor's Office  
Amy Cohen, Office of Economic and Workforce Development  
Susanna Hennessy, Department of Public Health

SMALL BUSINESS ASSISTANCE CENTER/ SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, ROOM 110 SAN FRANCISCO, CALIFORNIA 94102-4681  
(415) 554-6408

Miller, Alisa

---

**From:** Heather Wooten [hwooten@changelabsolutions.org]  
**Sent:** Friday, July 19, 2013 10:24 AM  
**To:** Wiener, Scott; Kim, Jane; Chiu, David  
**Cc:** Miller, Alisa; Mar, Eric (BOS)  
**Subject:** Support letter for Healthy Food Retailer Ordinance  
**Attachments:** ChangeLabSolutions\_San Francisco Healthy Retailer Legislation.pdf

Dear Supervisors Chiu, Kim and Wiener:

On behalf of ChangeLab Solutions, attached please find a letter in support of the Healthy Food Retailer Ordinance that is before the Land Use and Economic Development Committee on Monday. I would be happy to answer any follow-up questions you might have about our position or the healthy retailer resources and tools our organization has developed.

Best regards,

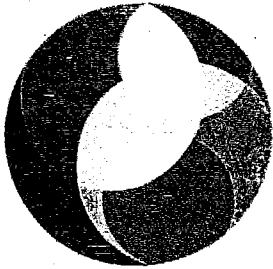
Heather Wooten

CC: Supervisor Eric Mar  
Alisa Miller, Committee Clerk

**Heather Wooten**  
**Senior Planner & Program Director**  
**ChangeLab Solutions**  
2201 Broadway, Suite 502  
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July 18, 2013

Land Use and Economic Development Committee  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102

Dear Members of the Land Use and Economic Development Committee:

On behalf of ChangeLab Solutions, I am writing to file comment in support of the Healthy Food Retailer Ordinance (File No: 120966). We commend San Francisco for being one of the first municipalities to consider codifying existing healthy food retail work into policy. Once again, San Francisco is poised to be a beacon of innovative and important strategies to ensure all residents have access to healthy, affordable food.

ChangeLab Solutions is a national non-profit based in Oakland, CA. For nearly two decades, we have worked to strengthen the capacity of state and local governments and public health stakeholders to create healthy communities. ChangeLab Solutions works directly with government agencies, elected officials, and community groups by providing in-depth legal and policy analysis that serves to strengthen each of their capabilities, and enable them to take effective action towards positive health outcomes.

As a co-convener of the Healthy Corner Stores Network, ChangeLab Solutions has long-standing relationships with healthy food retail programs across the country. We've provided technical assistance, hosted webinars, conducted trainings for program managers and gathered and shared best practices to support effective solutions to improve the food retail environment. Our expertise in healthy food retail programs has also lead to the development of model policies and toolkits built to support local governments in using policy to ensure the continuation of healthy food retail initiatives. Two notable recent products include:

- *Health on the Shelf: A Guide to Healthy Small Food Retailer Certification Programs.* <http://changelabsolutions.org/publications/health-on-the-shelf>
- *Licensing For Lettuce: A Guide to the Model Licensing Ordinance for Healthy Food Retailers.* <http://changelabsolutions.org/publications/HFR-licensing-ord>

*ChangeLab Solutions is a nonprofit organization that provides legal information on matters relating to public health. The legal information in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their state.*

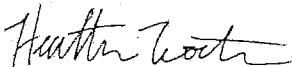
## ChangeLabSolutions

Building on our existing relationships with healthy food access advocates in San Francisco, we would like to continue to support this policy in the next steps of its development and implementation phases. We also offer the following recommendations to strengthen the proposed code:

1. ***Tiered levels of assistance tied to store owner commitment.*** In our experience, store owner commitment and capacity is an overwhelming determinant of success. Healthy corner store conversions are essentially asking small retailers to change their business model. The shift from shelf stable unhealthy items to healthy, fresh foods can be a risky proposition that requires dedication in addition to technical assistance and incentives. Processed foods, alcohol, and tobacco are low-risk, high-profit items that do not require special knowledge to sell. On the other hand, produce requires special handling and marketing knowledge to effectively sell without losing product and money due to spoilage. To address these risks, structured incentives should increase according to a fair and transparent process for store owners to demonstrate commitment. For example, stores owners may start selling a small selection of fruit in exchange for trainings and shelf talkers to highlight existing healthier items. Larger investments such as store remodeling may be tied to stores meeting a set of benchmarks related to increased sales of healthy foods. Additionally, these larger investments should be tied to stronger accountability for stores to meet the requirements set forth in the proposed ordinance.
2. ***Clear mechanisms of accountability.*** We support the goals and benchmarks set forth in the proposed ordinance. However, we feel that these benchmarks will be most effective if there is a mechanism to ensure incentives produce the desired outcomes. We applaud the language that directs the department to collaborate with community organizations. Community support and involvement is an important factor in continued program success and accountability. The city may want to also consider options to remove support or offer partial support if stores are not following through on commitments. A tiered structure, as proposed above, may also be an effective strategy to ensure city resources are best employed to improve food access and promote health.

Thank you for your consideration. We look forward to continuing to support these important efforts to bring healthy foods to all residents of San Francisco.

Best regards,



Heather Wooten, MCP  
Senior Planner & Program Director  
[hwooten@changelabsolutions.org](mailto:hwooten@changelabsolutions.org)

Miller, Alisa

---

**From:** Eli Zigas [ezigas@spur.org]  
**Sent:** Thursday, July 18, 2013 7:43 PM  
**To:** Wiener, Scott; Kim, Jane; Chiu, David  
**Cc:** Miller, Alisa; Mar, Eric (BOS)  
**Subject:** SPUR letter in support of Healthy Food Retailer Ordinance  
**Attachments:** SPUR\_letter\_BOS\_Healthy\_Food\_Retail\_Ordinance\_FINAL.pdf

Dear Supervisors Chiu, Kim and Wiener:

Attached is SPUR's letter in support of the Healthy Food Retailer Ordinance that is before the Land Use and Economic Development Committee on Monday.

Please let me know if I can get you any additional information or answer any questions about our position.

Sincerely,  
--Eli

CC: Supervisor Eric Mar  
Alisa Miller, Committee Clerk

---

Eli Zigas  
Food Systems and Urban Agriculture Program Manager  
SPUR • Ideas + Action for a Better City  
415.644.4881  
[ezigas@spur.org](mailto:ezigas@spur.org)

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July 18, 2013

Land Use and Economic Development Committee  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102

Dear Members of the Land Use and Economic Development Committee:

Thank you for the opportunity to comment on the Healthy Food Retailer Ordinance (File No. 120966). SPUR supports this ordinance and its goal of focusing greater attention and concentrated effort on increasing healthy food retail options throughout the city.

As we detail in our recent report, *Locally Nourished*, the ability of residents to access and afford fresh, healthy food is important to both the quality of life and the public health of San Franciscans. Many people in the city, especially those with low incomes, do not have convenient access to fresh fruit, vegetables, and other healthy options near their homes.

Though the proposed ordinance would create a new program in the Office of Economic and Workforce Development, it is also clear in its aim to build on existing efforts within that department as well as those supported by the Department of Public Health, including the corner store initiatives of the Southeast Food Access Working Group (SEFA) and the HEAL Zone. Alongside our general support of the ordinance, we recommend the following considerations for the new program:

**1) Establish a clear set of targets and evaluation metrics in the program's first year.** The legislation lists three goals: "increase access to healthy food; reduce unhealthy influences such as tobacco, alcohol and processed food high in salt, fat, and sugar in underserved parts of the City; and stimulate economic development and job creation." However, the legislation does not include any provision detailing how the City will measure progress toward those goals. Potential metrics include: increased sales of healthy food; increased availability of healthy food; greater affordability of healthy food; reduced prevalence or sales of tobacco, alcohol, and junk food; increased customer traffic among fresh food retailers; and/or job creation. A more difficult metric – but an important one – is measuring the long-term effects of access to healthy food retail on consumer behavior and health. Deciding on specific metrics and targets should be a top priority for the program so that its effectiveness can be evaluated going forward.

**2) Ensure that incentives and assistance offered by the program to local businesses have some measure of accountability.** The current pilot projects sponsored by SEFA with corner stores in the Bayview require a contract between the business owners and the city agency providing assistance that includes commitments to participate in the healthy food retail program for a certain length of time; to provide

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Gabriel Metcalf
- Urban Center Director  
Diane Filippi
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- Advisory Council  
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Bill Stotler  
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James Tracy  
Will Travis  
Molly Turner  
Jeff Tumlin  
Steve Vettel  
Francesca Vietor  
Fran Weld  
Allison Williams  
Cynthia Wilusz Lovell  
Cindy Wu



data to the city to track the effectiveness of the program; and to receive reduced benefits if they exit the program early. This is an important model to continue going forward that could be expanded to include various tiers of commitment in exchange for various levels of assistance. Another idea that could help sustain the program is to ask business owners who have participated for a number of years to serve as mentors for business owners who are new to the program and transitioning to a new range of product offerings. However the details are structured, it will be important for the program to clearly detail the obligations of both the city and the business owners.

**3) Structure assistance with an eye toward long-term financial sustainability.** Improving food access requires not only increasing supply, but also matching it with demand. A truly successful incentive program will provide businesses with enough assistance to make positive changes that they can then sustain, with customer support, after the government assistance finishes. The pilot projects in the Bayview have already started to provide lessons regarding the difficulty of fresh food distribution to corner stores and building consumer demand. Incorporating these lessons in any future assistance programs is one way to increase the chance of long-term success. Another tool that could be useful is the use of loans to businesses that complement any grant assistance.

With clear targets, evaluation metrics, and programs that offer commitments that support both long-term healthy food retail goals and business success, we believe that the Healthy Food Retailer Ordinance will provide a positive step forward for city's food access efforts. Thank you for consideration of our comments.

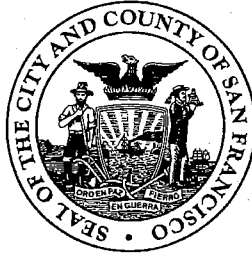
Sincerely,



Eli Zigas  
Food Systems and Urban Agriculture  
Program Manager

CC: Supervisor Eric Mar

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Barbara Garcia, Director, Department of Public Health  
Todd Rufo, Director, Office of Economic and Workforce Development  
John Rahaim, Director, Planning Department  
Trent Rhorer, Executive Director, Human Services Agency

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee  
Board of Supervisors

DATE: June 28, 2013

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Economic Development Committee has received the following **substitute** legislation, introduced by Supervisor Mar on June 18, 2013. This matter is being referred to your department informational purposes only and no additional action is required.

**File No. 120966-2**

Ordinance amending the Administrative Code, by adding Chapter 59, Sections 59.1-59.9, to establish a Healthy Food Retailer Incentives Program to oversee and coordinate the City's incentive and assistance programs for Healthy Food Retailers.

If you do wish to submit any reports or documentation to be included as part of the file, please send those to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Greg Wagner, Department of Public Health  
Scott Sanchez, Planning Department  
Sarah Jones, Planning Department  
AnMarie Rodgers, Planning Department

BOARD of SUPERVISORS



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San Francisco 94102-4689  
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TDD/TTY No. 554-5227

# MEMORANDUM

TO: Regina Dick-Endrizzi, Director  
Chris Schulman, Commission Secretary  
**Small Business Commission, City Hall, Room 448**

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee  
Board of Supervisors

DATE: June 28, 2013

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS  
Land Use & Economic Development Committee

The Board of Supervisors' Land Use and Economic Development Committee has received the following **substitute** legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

**File No. 120966-2**

Ordinance amending the Administrative Code, by adding Chapter 59, Sections 59.1-59.9, to establish a Healthy Food Retailer Incentives Program to oversee and coordinate the City's incentive and assistance programs for Healthy Food Retailers.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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**RESPONSE FROM SMALL BUSINESS COMMISSION - Date:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ **No Comment**

\_\_\_\_\_ **Recommendation Attached**

\_\_\_\_\_  
**Chairperson, Small Business Commission**

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Barbara Garcia, Director, Department of Public Health  
Todd Rufo, Director, Office of Economic and Workforce Development

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee  
Board of Supervisors

DATE: October 10, 2012

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Mar on September 25, 2012. This matter is being referred to your department informational purposes only and no additional action is required.

**File No. 120966**

Ordinance amending the San Francisco Administrative Code by adding Chapter 59 (Sections 59.1-59.9) to establish a Healthy Food Retailer Incentives Program to oversee and coordinate the City's incentive and assistance programs for Healthy Food Retailers.

If you do wish to submit any reports or documentation to be included as part of the file, please send those to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.  
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ 120966 ]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative**

**Sponsor(s):**

Mar, Kim, Cohen

**Subject:**

Healthy Food Retailer Incentives Program

**The text is listed below or attached:**

See attached.

Signature of Sponsoring Supervisor: \_\_\_\_\_



For Clerk's Use Only:

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee:   
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
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Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.**

**Sponsor(s):**

**Subject:**

**The text is listed below or attached:**

120966

Signature of Sponsoring Supervisor: \_\_\_\_\_

A handwritten signature in black ink, consisting of several fluid, overlapping strokes, positioned above a horizontal line.

For Clerk's Use Only:

