

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

May 5, 2016

The Honorable Jerry Brown
Governor of California
California State Capitol, Suite 1173
Sacramento, CA 95814

Re: Board of Supervisors Resolution No. 122-16

Dear Governor Brown:


On April 12, 2016, the Board of Supervisors adopted Resolution No. 122-16 (Urging the California Department of Alcoholic Beverage Control to Deny Alcohol License Applications of Formula Retail Food and Drink Establishments That Do Not Traditionally Sell Alcohol), which was enacted on April 22, 2016.

The Board of Supervisors directs the Clerk of the Board to forward the following document to your attention:

- One copy of Resolution No. 122-16 (File No. 160229)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: board.of.supervisors@sfgov.org.

Sincerely,


Angela Calvillo
Clerk of the Board

- c. Supervisors Mar and Kim
Mayor's Legislative Liaison to the Board of Supervisors, Nicole Elliott

1 [Urging the California Department of Alcohol Beverage Control to Deny Formula Retail Food
2 and Drink Establishments That Do Not Traditionally Sell Alcohol]

3 **Resolution to urge the California Department of Alcohol Beverage Control to deny**
4 **alcohol license applications of Formula Retail food and drink establishments that do**
5 **not traditionally sell alcohol in San Francisco.**

6
7 WHEREAS, The San Francisco Police Department (SFPD) defines “non-traditional
8 alcohol retail businesses” as those with Formula Retail Uses as defined in section 303.1 of the
9 San Francisco Planning Code, that traditionally do not have a sales, service, or consumption
10 of alcoholic beverage program in San Francisco as part of their business operation and/or that
11 their existing business model has established an expectation to the public and their customers
12 that Alcoholic beverages would not be or have not been available; and

13 WHEREAS, The intent of the resolution is for the California Department of Alcoholic
14 Beverage Control to delay granting alcohol licenses to corporate chain stores and/or
15 franchises in San Francisco until a public health and safety analysis has been completed and
16 necessary municipal regulations are put in place; and

17 WHEREAS, According to the California Department of Alcohol Beverage Control as of
18 January 8, 2016, there are 3,809 retail businesses selling alcohol in San Francisco’s 46.9
19 square miles, making San Francisco the most alcohol retail-dense county in California; and

20 WHEREAS, Alcohol consumption is a major contributor to premature mortality in San
21 Francisco, especially among males. The San Francisco Department of Public Health (SFDPH)
22 believes that interventions to avert alcohol-related harms should be taken at the population
23 level and deserve the same attention that is given to other major risk factors, such as smoking
24 or obesity; and

1 WHEREAS, Recent studies using advanced analytical methods by Toomey and
2 colleagues (2007) show that a higher density of alcohol outlets is related to increased rates of
3 crime, particularly homicides and assaults; and

4 WHEREAS, Treno and colleagues (2003) evaluated the effect of alcohol outlet density
5 on driving after drinking among 15- to 20-year-olds, finding that higher alcohol outlet density is
6 associated with greater prevalence of driving after drinking; and

7 WHEREAS, According to the Centers for Disease Control and Prevention, an average
8 of 500 underage youth die annually from alcohol-related causes in California; and

9 WHEREAS, Preliminary findings from recent studies conducted by the University of
10 California San Francisco (UCSF) at San Francisco General Hospital (SFGH) Trauma Center
11 demonstrate that approximately 8% percent of alcohol-related trauma cases die from their
12 injuries. Of a sample of 300 moderate-to-severe traumas, 59% occurred in patients with blood
13 alcohol levels of .08 and above. The study found that patients with a positive blood alcohol
14 level experienced more severe traumas, and therefore faced a greater risk of death; and,

15 WHEREAS, Analysis revealed that the highest rates of alcohol-related injuries treated
16 at the Trauma Center occurred in San Francisco census tracts with a high density of alcohol
17 outlets; and

18 WHEREAS, 33% of all non-vehicular accidental death victims had significant levels of
19 alcohol in their blood; alcohol was a factor in 32.7% of all vehicular fatalities in San Francisco;
20 alcohol also was a factor in 25% of all suicides and 31.8% of all homicide victims tested by the
21 SFME; and

22 WHEREAS, The Center for Open Recovery estimates there are 50,000 individuals
23 living in long-term recovery in San Francisco who frequent establishments that do not sell
24 alcohol and are currently designated as "Non-Traditional" businesses; and
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1 WHEREAS, Conservative estimates conclude that the City and County of San
2 Francisco bears the cost of \$17.1 million annually for the medical care of people with alcohol-
3 related illnesses; alcohol abuse treatment and prevention; alcohol-related emergency medical
4 transport; as well as disability and death due to alcohol use; and

5 WHEREAS, The total cost to California of underage drinking is estimated at over \$6.7
6 billion annually; and

7 WHEREAS, The SFPD projects that approving liquor licenses for Non-Traditional
8 alcohol retail businesses will contribute exponentially to the already extremely high density of
9 alcohol outlets, and therefore cause significantly more alcohol-related health and safety harms
10 in San Francisco; and

11 WHEREAS, The San Francisco Prevention Coalition, San Francisco Alcohol Policy
12 Partnership Working Group, San Francisco Friday Night Live and a broad range of community
13 leaders support the denial of the non-traditional alcohol licenses based on research and
14 evidence reviews provided by experts in alcohol prevention from SFPD, UCSF, and SFDPH;
15 and

16 WHEREAS, States, cities and counties have the power to place a legal limit on the
17 number of alcohol establishments in a neighborhood, city or county as a strategy to reduce
18 alcohol consumption and alcohol-related health and safety problems among the general
19 population; now, therefore, be it

20 RESOLVED, The Board of Supervisors of the City and County of San Francisco
21 strongly urges the California Department of Alcohol Beverage Control to deny licenses to non-
22 traditional alcohol retail businesses in San Francisco; and, be it

23 FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby directs
24 the Clerk of the Board to transmit copies to the California Department of Alcohol Beverage
25

1 Control, California Business, Consumer Services and Housing Agency, and the Office of
2 Governor Edmund G. Brown Jr.

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City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160229

Date Passed: April 12, 2016

Resolution to urge the California Department of Alcohol Beverage Control to deny alcohol license applications of Formula Retail food and drink establishments that do not traditionally sell alcohol in San Francisco.

March 15, 2016 Board of Supervisors - CONTINUED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

March 22, 2016 Board of Supervisors - CONTINUED

Ayes: 10 - Avalos, Breed, Campos, Cohen, Kim, Mar, Peskin, Tang, Wiener and Yee
Excused: 1 - Farrell

April 05, 2016 Board of Supervisors - CONTINUED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

April 12, 2016 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

April 12, 2016 Board of Supervisors - ADOPTED AS AMENDED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160229

I hereby certify that the foregoing Resolution was ADOPTED AS AMENDED on 4/12/2016 by the Board of Supervisors of the City and County of San Francisco.

Peggy Nevin
for Angela Calvillo
Clerk of the Board

Unsigned
Mayor

4/22/2016
Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Angela Calvillo
Clerk of the Board

4/22/16
Date

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May 5, 2016

Mr. Timothy Gorsuch
Director, California Department of Alcoholic Beverage Control
3927 Lennane Drive, Suite 100
Sacramento, CA 95834

Re: Board of Supervisors Resolution No. 122-16

Dear Mr. Gorsuch:


On April 12, 2016, the Board of Supervisors adopted Resolution No. 122-16 (Urging the California Department of Alcoholic Beverage Control to Deny Alcohol License Applications of Formula Retail Food and Drink Establishments That Do Not Traditionally Sell Alcohol), which was enacted on April 22, 2016.

The Board of Supervisors directs the Clerk of the Board to forward the following document to the attention of the California Department of Alcoholic Beverage Control:

- One copy of Resolution No. 122-16 (File No. 160229)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: board.of.supervisors@sfgov.org.

Sincerely,


Angela Calvillo
Clerk of the Board

c. Supervisors Mar and Kim
Mayor's Legislative Liaison to the Board of Supervisors, Nicole Elliott

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7 WHEREAS, The San Francisco Police Department (SFPD) defines “non-traditional
8 alcohol retail businesses” as those with Formula Retail Uses as defined in section 303.1 of the
9 San Francisco Planning Code, that traditionally do not have a sales, service, or consumption
10 of alcoholic beverage program in San Francisco as part of their business operation and/or that
11 their existing business model has established an expectation to the public and their customers
12 that Alcoholic beverages would not be or have not been available; and

13 WHEREAS, The intent of the resolution is for the California Department of Alcoholic
14 Beverage Control to delay granting alcohol licenses to corporate chain stores and/or
15 franchises in San Francisco until a public health and safety analysis has been completed and
16 necessary municipal regulations are put in place; and

17 WHEREAS, According to the California Department of Alcohol Beverage Control as of
18 January 8, 2016, there are 3,809 retail businesses selling alcohol in San Francisco’s 46.9
19 square miles, making San Francisco the most alcohol retail-dense county in California; and

20 WHEREAS, Alcohol consumption is a major contributor to premature mortality in San
21 Francisco, especially among males. The San Francisco Department of Public Health (SFDPH)
22 believes that interventions to avert alcohol-related harms should be taken at the population
23 level and deserve the same attention that is given to other major risk factors, such as smoking
24 or obesity; and
25

1 WHEREAS, Recent studies using advanced analytical methods by Toomey and
2 colleagues (2007) show that a higher density of alcohol outlets is related to increased rates of
3 crime, particularly homicides and assaults; and

4 WHEREAS, Treno and colleagues (2003) evaluated the effect of alcohol outlet density
5 on driving after drinking among 15- to 20-year-olds, finding that higher alcohol outlet density is
6 associated with greater prevalence of driving after drinking; and

7 WHEREAS, According to the Centers for Disease Control and Prevention, an average
8 of 500 underage youth die annually from alcohol-related causes in California; and

9 WHEREAS, Preliminary findings from recent studies conducted by the University of
10 California San Francisco (UCSF) at San Francisco General Hospital (SFGH) Trauma Center
11 demonstrate that approximately 8% percent of alcohol-related trauma cases die from their
12 injuries. Of a sample of 300 moderate-to-severe traumas, 59% occurred in patients with blood
13 alcohol levels of .08 and above. The study found that patients with a positive blood alcohol
14 level experienced more severe traumas, and therefore faced a greater risk of death; and,

15 WHEREAS, Analysis revealed that the highest rates of alcohol-related injuries treated
16 at the Trauma Center occurred in San Francisco census tracts with a high density of alcohol
17 outlets; and

18 WHEREAS, 33% of all non-vehicular accidental death victims had significant levels of
19 alcohol in their blood; alcohol was a factor in 32.7% of all vehicular fatalities in San Francisco;
20 alcohol also was a factor in 25% of all suicides and 31.8% of all homicide victims tested by the
21 SFME; and

22 WHEREAS, The Center for Open Recovery estimates there are 50,000 individuals
23 living in long-term recovery in San Francisco who frequent establishments that do not sell
24 alcohol and are currently designated as "Non-Traditional" businesses; and
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1 WHEREAS, Conservative estimates conclude that the City and County of San
2 Francisco bears the cost of \$17.1 million annually for the medical care of people with alcohol-
3 related illnesses; alcohol abuse treatment and prevention; alcohol-related emergency medical
4 transport; as well as disability and death due to alcohol use; and

5 WHEREAS, The total cost to California of underage drinking is estimated at over \$6.7
6 billion annually; and

7 WHEREAS, The SFPD projects that approving liquor licenses for Non-Traditional
8 alcohol retail businesses will contribute exponentially to the already extremely high density of
9 alcohol outlets, and therefore cause significantly more alcohol-related health and safety harms
10 in San Francisco; and

11 WHEREAS, The San Francisco Prevention Coalition, San Francisco Alcohol Policy
12 Partnership Working Group, San Francisco Friday Night Live and a broad range of community
13 leaders support the denial of the non-traditional alcohol licenses based on research and
14 evidence reviews provided by experts in alcohol prevention from SFPD, UCSF, and SFDPH;
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16 WHEREAS, States, cities and counties have the power to place a legal limit on the
17 number of alcohol establishments in a neighborhood, city or county as a strategy to reduce
18 alcohol consumption and alcohol-related health and safety problems among the general
19 population; now, therefore, be it

20 RESOLVED, The Board of Supervisors of the City and County of San Francisco
21 strongly urges the California Department of Alcohol Beverage Control to deny licenses to non-
22 traditional alcohol retail businesses in San Francisco; and, be it

23 FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby directs
24 the Clerk of the Board to transmit copies to the California Department of Alcohol Beverage
25

1 Control, California Business, Consumer Services and Housing Agency, and the Office of
2 Governor Edmund G. Brown Jr.

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City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
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File Number: 160229

Date Passed: April 12, 2016

Resolution to urge the California Department of Alcohol Beverage Control to deny alcohol license applications of Formula Retail food and drink establishments that do not traditionally sell alcohol in San Francisco.

March 15, 2016 Board of Supervisors - CONTINUED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

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Excused: 1 - Farrell

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April 12, 2016 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

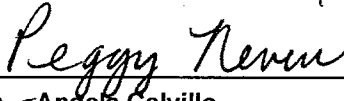
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File No. 160229

I hereby certify that the foregoing Resolution was ADOPTED AS AMENDED on 4/12/2016 by the Board of Supervisors of the City and County of San Francisco.


for Angela Calvillo
Clerk of the Board

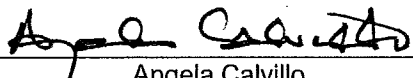
Unsigned

Mayor

4/22/2016

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.


Angela Calvillo
Clerk of the Board

4/22/16
Date

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May 5, 2016

Ms. Alexis Podesta
Acting Secretary
State of California Business, Consumer Services, and Housing Agency
915 Capitol Mall, Suite 350-A
Sacramento, CA 95814

Re: Board of Supervisors Resolution No. 122-16

Dear Ms. Podesta:


On April 12, 2016, the Board of Supervisors adopted Resolution No. 122-16 (Urging the California Department of Alcoholic Beverage Control to Deny Alcohol License Applications of Formula Retail Food and Drink Establishments That Do Not Traditionally Sell Alcohol), which was enacted on April 22, 2016.

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Mayor's Legislative Liaison to the Board of Supervisors, Nicole Elliott

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21 Francisco, especially among males. The San Francisco Department of Public Health (SFDPH)
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12 injuries. Of a sample of 300 moderate-to-severe traumas, 59% occurred in patients with blood
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21 SFME; and

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23 living in long-term recovery in San Francisco who frequent establishments that do not sell
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City and County of San Francisco

**Tails
Resolution**

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April 05, 2016 Board of Supervisors - CONTINUED

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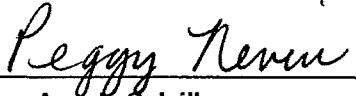
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April 12, 2016 Board of Supervisors - ADOPTED AS AMENDED

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File No. 160229

I hereby certify that the foregoing Resolution was ADOPTED AS AMENDED on 4/12/2016 by the Board of Supervisors of the City and County of San Francisco.


for Angela Calvillo
Clerk of the Board

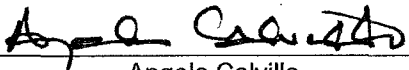
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Mayor

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Date Approved

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