



City of Spokane

Petition for Alcohol Impact Area March 28, 2012

Whereas:

On September 14, 2009, the City of Spokane revised City Ordinance SMC 10.08.270 (in accordance with WAC 314.12.215) to add the East Central Alcohol Impact Area (AIA). This Alcohol Impact Area was requested by the citizens of the East Central community through the East Central Neighborhood Council and the East Sprague Business Association. Justification for the AIA was based on findings of fact and the need to mitigate the continuing problems associated with Chronic Public Inebriation and the crimes associated with alcohol sales of fortified beer.

The City of Spokane experiences a disproportionate population of transient homeless who are predominately Chronic Public Inebriates (CPI's) who travel to and through Spokane utilizing accessibility by way of national railroads and Interstate 90. The Burlington Northern & Santa Fe RR and the Union Pacific RR main lines run east and west through the City of Spokane which encompasses the East Central neighborhood. The railroad lines and Interstate 90 run directly through the East Central AIA providing attractive locations amidst local businesses and residential homes where CPI's congregate to consume their alcohol.

Chronic public inebriation and associated crimes have a direct effect on public safety within this AIA. Industrial and commercial buildings and vacant land abut the rail lines providing temporary shelter and drinking locations for the CPI's. Additionally, Interstate 90 is within two blocks of the central corridor of this area and runs lengthwise through the middle of this AIA providing additional access and shelter for public drinking.



“Spokane – Near Nature, Near Perfect”

808 W. Spokane Falls Blvd., Spokane, Washington 99201-3335
Phone: (509) 625-6250 FAX: (509) 625-6563

The demographics of the East Central Alcohol Impact Area entails retail and commercial businesses as well as single and multiple family housing.

On August 4th, 2009 a meeting was held with the liquor licensed businesses in this district. Only 1 of the original 8 Licensees within this AIA was willing to work with the community through voluntary efforts to restrict the sale of fortified beer, 5.7%-12% (ABV). However, none of these licensees would sign a voluntary agreement to restrict sales of fortified beer. Since that time, crime statistics, calls for police service to alcohol related problems, Fire Department medic calls for alcohol related incidents and Detox calls for transports continue to increase.



The sale of fortified beer products containing more than 5.7% alcohol is the alcohol of choice by the CPI population within this AIA. The sale of these products contributes to public consumption and alcoholism among this population. See appendix B for list of currently identified malt products.





At present there are thirteen (13) off-premise licensees¹ within this AIA contributing to the chronic inebriate problems. The community and the Spokane Police Department have made multiple contacts with these licensees since May 2009 asking for their cooperation in curbing chronic inebriation. In June 2009 we contacted the licensees asking them to enter into Good Neighbor Agreements to restrict sales of singles and six packs of fortified beer. These efforts have clearly failed. The licensees argue loss of revenue and blame each other for community problems and alcohol related nuisance crimes.



¹ See Appendix D

In May 2010 the Washington State Liquor Control Board recognized Spokane's Downtown Urban Core AIA as a mandatory AIA. With this recognition we have seen a significant displacement of CPI's to other areas of Spokane. The most prolific area of CPI displacement was to the east along the Sprague Avenue corridor leading into the East Central (voluntary) Alcohol Impact Area. Again, the rail lines and I-90 run directly through this zone providing additional avenues of ingress and egress for the transient inebriate population.



BNSF Rail lines



Interstate 90 and Thor Street



The City of Spokane has worked with community stakeholders, the East Sprague Business Association and the East Central Neighborhood Council since May 2009 in the establishment of the East Central AIA. In August 2009 we met with Liquor Licensees and presented the problems associated with chronic public inebriation and asked for Good Neighbor Agreements to restrict the sale of single and six pack containers of fortified beer (5.7%-12% ABV). At this time there were eight licensees. These licensees all refused to work with the neighborhood to reduce chronic public inebriation.

In September, 2009 the Spokane City Council voted to add the East Central Alcohol Impact Area to City Ordinance SMC 10.08.270. We entered the voluntary phase of this AIA in accordance with WAC 314-12. The implementation of this AIA was based on increasing police calls for alcohol related incidents, fire medic calls for alcohol incidents and Detox transports of intoxicated persons to the Spokane Detoxification facility.



Additionally, in September of 2009, the City of Spokane established the “Spokane International District” which is a culturally mixed district about a ¼ square mile of small business, light industrial and detached single family dwellings located in the heart of the East Central Alcohol Impact Area. The Spokane International District is part of an economic development and revitalization plan for East Central Spokane. This area is severely affected by chronic public inebriation due to off premise alcohol sales.



Spokane International District



Neighborhood Action Plan
September 2010

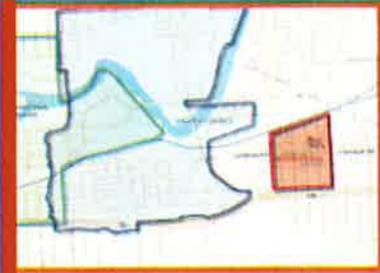


**SPOKANE
INTERNATIONAL
DISTRICT**



discover the opportunities

The Spokane International District was launched in 2009 as part of Impact Capital's Vibrant Communities Initiative. This program works with stakeholders on the ground to strengthen neighborhood commercial districts, increase public safety and cleanliness, create parks and open space, improve educational opportunities and help families build assets. The City of Spokane and East Central Community Organization have partnered with Impact Capital to develop and implement a District Action Plan, leading revitalization efforts.



The district is located within the East Central Neighborhood, one of Spokane's most racially diverse. Covering approximately 1/4 square mile the area has a mix of small businesses, light industrial, and predominately single family detached dwellings. Commercial establishments are located along Sprague Avenue, a major arterial and proximity to the University District and Downtown provides easy access.

Over twenty partner organizations developed the action plan to guide the creation of a vibrant, safe, and culturally diverse business and retail district. A district that preserves the unique historic character while providing housing opportunities for people of all incomes. Four priorities were identified: creating a destination commercial district, inviting and safe, preserving historic identity, and diverse housing options.



The district has been spruced up, a marketing and branding campaign launched, and infrastructure put in place to help lower small business start up costs. A storefront improvement program was just completed and new businesses are opening. The first mixed-use housing project is being initiated in 2011. Efforts are underway to increase multifamily housing, help rehab existing single family homes, and provide single family infill. More capital improvements are being planned for 2011 positioning the area for a strong comeback. The relatively low cost of real estate gives the Spokane International District an edge while revitalization efforts continue to improve the area.

become part of the

change

www.spokaneinternationaldistrict.com

From September 2010, we continued to monitor and document the increasing problems and incidents involving off premise alcohol sales in East Central. In June 2011 we again attempted to obtain voluntary cooperation from the liquor licensees asking them to restrict sales of single and six pack containers of the fortified beer products. The City's

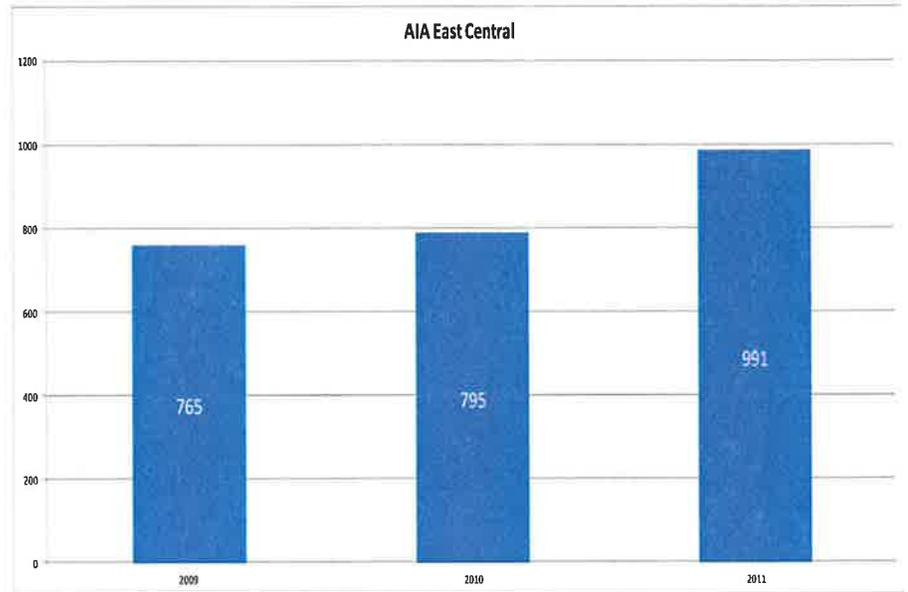
efforts to work with the licensees in this AIA have been without success. The licensees continue to resist our efforts to attain voluntary compliance.

In reviewing incidents involving consumption of alcohol in public places we found several “hot spots” of activity frequented by the CPI’s. These hot spots of activity are within yards of several off premise liquor licensees in the East Central AIA. Public consumption of alcohol is contributing to the degradation and health and welfare of this community. Chronic inebriate activities and public consumption of alcohol create a perception of fear in the community as an unsafe environment. This fear drives normal law abiding citizens away from local businesses and further hinders economic development and prosperity in East Central. CPI’s frequently break into abandoned commercial buildings and vacant residential homes causing extensive property damage and creating unsanitary environments that endanger the surrounding community.

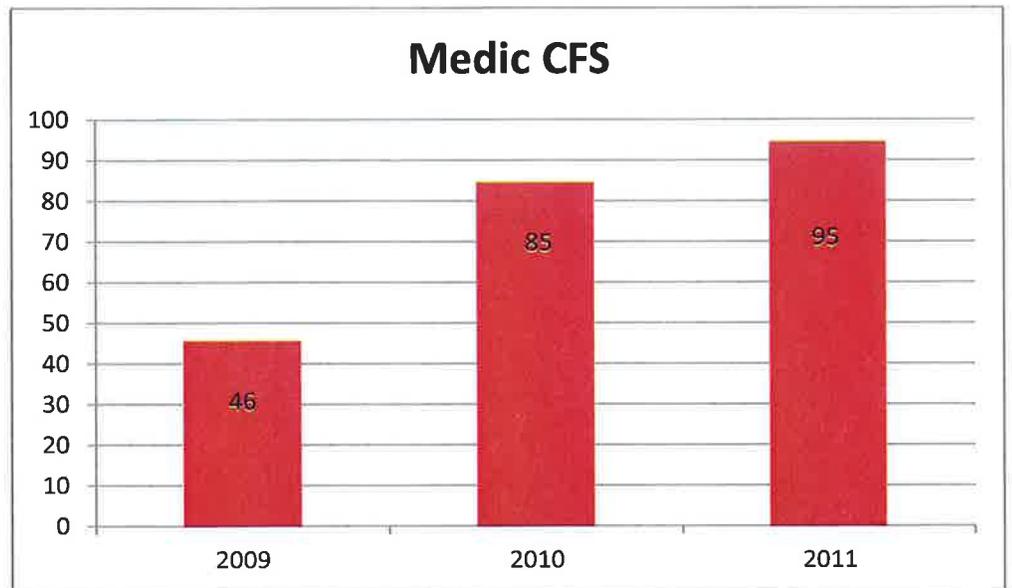
Typical of Licensees throughout the State of Washington, these businesses cite loss of revenue (profits) from sales to the CPI’s if they are restricted from the sale of single and six pack containers of the less expensive high alcohol content fortified beer. They have shown a lack of concern for the health, safety, and well being of their neighborhood and community where they do business. A common argument by licensees against participating in voluntary efforts is “if we don’t sell it to them, they will buy it down the street.”



An evaluation of police statistics since 2009 shows a steady increase in crimes associated with chronic inebriation and the sale of cheap fortified beer. These statistics show an increasing trend from 2009 through 2011. Costs to the City for police services in the East Central AIA for alcohol related incidents are estimated to be in excess of \$16,830 for 2009, \$17,490 for 2010 and \$21,802 for 2011.

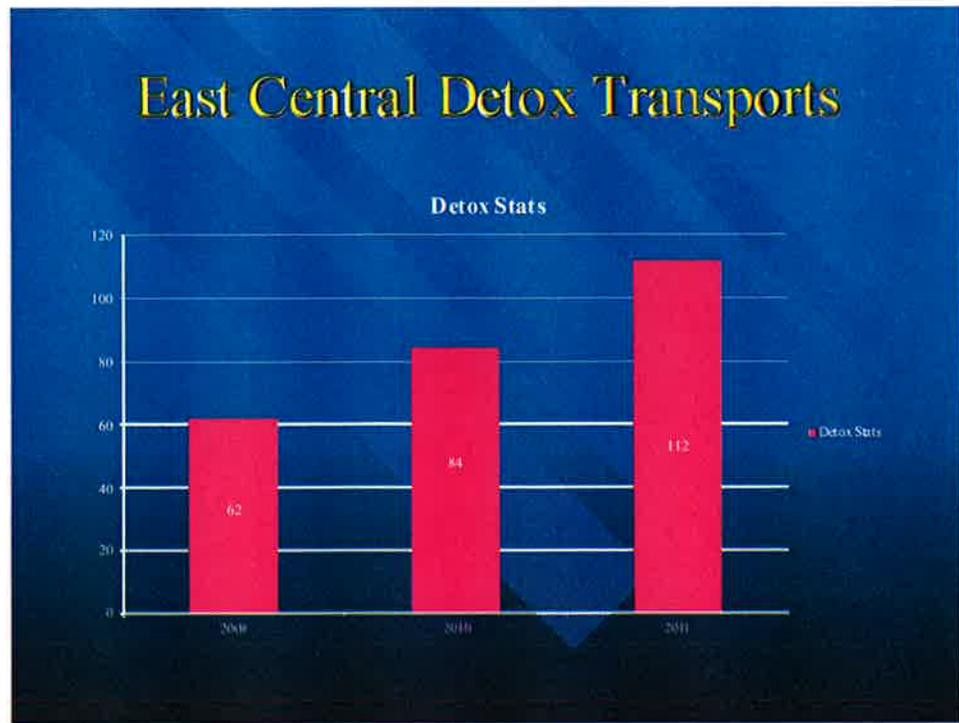


Fire Department Medic calls for alcohol related incidents in East Central have increased significantly. Costs to the City for alcohol related Medic calls are estimated at \$17,710 for 2009, \$32,725 for 2010 and \$36,575 for 2011.



East Central Detox Transports

Detox transports from East Central to the Detox facility have increased by approximately 80% between 2009 and 2011.



Chronic public inebriation in East Central has contributed to a steady decline in the well being of this neighborhood and creates a hazardous and unsafe environment for the citizens of this neighborhood.



On June 7th, 2011 the City of Spokane Office of Neighborhood Services facilitated a meeting with the East Central Neighborhood Council, citizens, East Sprague Business Association, representatives from the Spokane International District Initiative, City Council representatives, Liquor Licensees from East Central and local alcohol suppliers. The purpose of this meeting was to develop additional dialog about the chronic inebriate problems in East Central and to again attempt to gain voluntary participation from the Liquor Licensees to help mitigate the alcohol related problems occurring in this community.

At this meeting, the off-premise liquor licensees requested adding additional area to the existing East Central AIA citing that an economic disadvantage would exist if the East Central AIA was recognized with its current boundaries. With the added area to the east, there were four more off-premise licensees located within four city blocks. Additionally, the South Perry District which is also within four blocks of the southwest boundary of the East Central AIA has two off-premise liquor licensees who contribute to the chronic public inebriants in this AIA. The residents of South Perry are part of the East Central Neighborhood Council and were requesting inclusion in the East Central AIA. The South Perry District Business association also supported this request.

CPI's buy beer in South Perry District and transported to East Central for consumption



On July 27th, 2011, letters were sent to all the liquor licensees, including those in the revised boundaries of the East Central AIA, requesting their support and cooperation in reducing chronic public inebriation and asking they stop selling inexpensive fortified beer products with 5.7%-12% alcohol. The licensees continued to ignore the community's requests for voluntary cooperation. On August 22nd, 2011, Spokane City Council took public testimony and approved the revision to Spokane Municipal Code 10.08.270² adding the additional area to the East Central AIA. This revision was based on community response and recognition of increasing calls for service for alcohol related incidents involving chronic public inebriants within the new boundaries.

The Revision of the East Central AIA boundaries extended the voluntary monitoring period to give the new licensees an opportunity to work with the community. Again, notices were sent to all the licensees in the new boundaries asking for voluntary compliance to restrict the sale of fortified beer. To date, voluntary compliance has failed, yet calls for service continue to increase causing the quality of life to decline in the East Central Community.



² See Appendix A & B

The citizens of the East Central Community and the East Central Neighborhood Council, in partnership with the East Sprague Business Association, the Spokane International District and with the support of the Spokane City Council, have asked the City of Spokane to support this petition to the Washington State Liquor Control Board.

Mayor David A. Condon hereby submits this Petition for recognition of the East Central Alcohol Impact Area with a mandatory ban on specified fortified beer products that have identified on the following pages, here to fore attached.



Document prepared by Officer Max Hewitt #439
Special Police Problems
Spokane Police Department
1100 W. Mallon, Spokane WA 99260
509-363-8289

Summary

Our review of off-premise consumption and problems associated with public inebriation shows increasing alcohol related incidents in the East Central area. We believe those statistics support this petition for recognition of a mandatory Alcohol Impact Area in the East Central area. The City of Spokane therefore asks the Washington State Liquor Control Board to recognize and adopt the East Central Alcohol Impact Area with a mandated restriction on the sale of fortified beer as listed in Appendix C, list of products.

Sincerely,



David A. Condon
Mayor



Scott A. Stephens
Interim Chief of Police



Appendix A

AIA Boundaries

SMC 10.08.270

B. East Central – AIA

Beginning at the intersection of the ROW of Alki Avenue and Havana Street and including the properties north, south and west but not east of that Intersection, then west along said Alki Avenue ROW to the intersection of Alki Avenue and Alki Way. Then westerly along the ROW of Alki Way and Alki Avenue to the intersection of Alki Avenue and Freya St. then south on Freya Street to the intersection of Freya Street and Main Ave.

Then west along said Main Avenue ROW extended and including the properties north of and adjacent to said ROW to the intersection of the ROW Altamont Street and Main Avenue then continuing along the Main Avenue ROW as before to the northerly extension of the ROW of Perry Street. Then southerly along said Perry Street ROW extension and including all properties west of and adjacent to said ROW to the intersection of Perry Street and the center line of Perry Street I-90 overpass then along said center line to the intersection with 3rd Avenue then westerly along 3rd Avenue to the intersection of 3rd Avenue and Perry Street extended. Then southerly along Perry Street Extended and Perry Street to the intersection of Perry Street and 7th Avenue, then southwestly along the 7th Avenue/Perry Street combined ROW to the intersection of 7th Avenue/Perry Street combined and the Newark Avenue ROW. Then southerly along said Newark Avenue ROW said ROW becomes Perry Street, then south along Perry Street to the intersection of 9th Avenue. Then west along said 9th Avenue to the intersection of 9th Avenue and Arthur Street, then south along said Arthur Avenue ROW to the intersection of 12th Avenue. Then east along 12th Avenue ROW to the intersection of 12th Avenue and Helena Street, then north along said Helena Street ROW to intersection of Helena Street and Hartson Avenue. Then east along said Hartson Avenue to the intersection of Hartson Avenue and Pittsburg Street, then north along said ROW of Pittsburg Street to the intersection of Pittsburg Street and 5th Avenue.

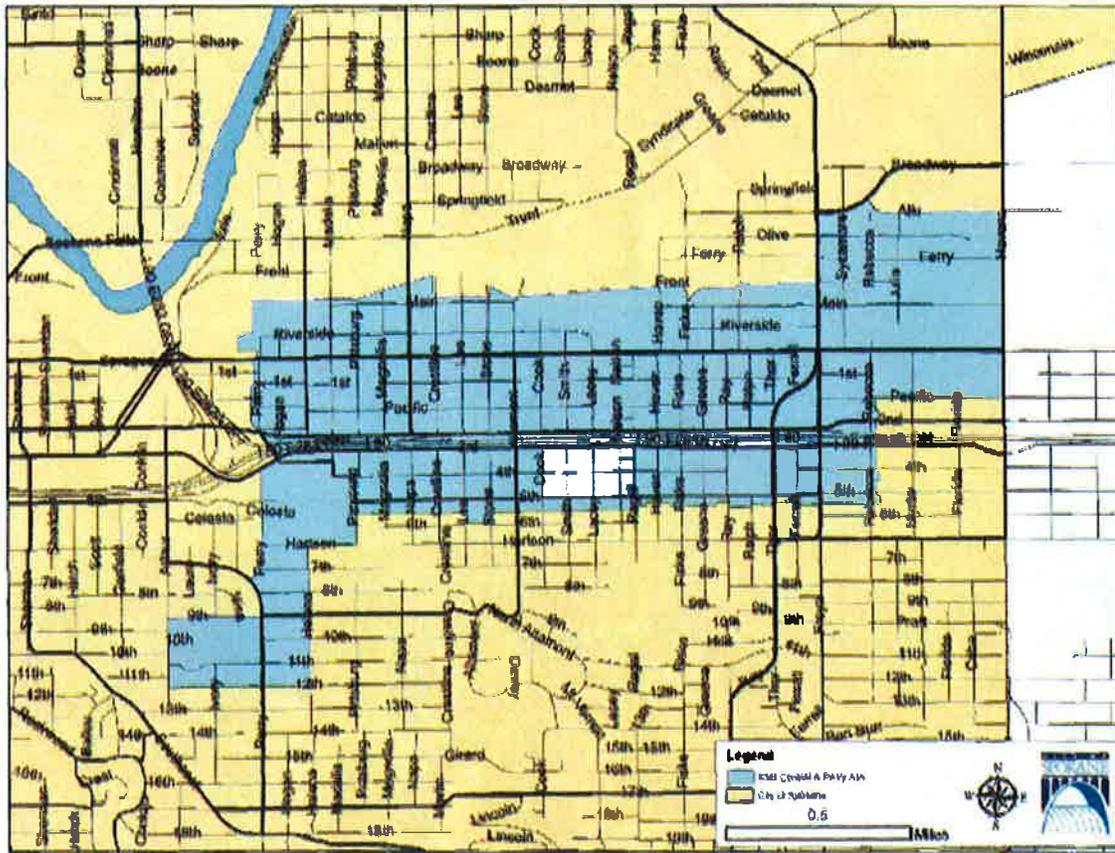
Then east along the 5th Avenue ROW and including all properties south of and adjacent to said ROW to the intersection of Rebecca Street, then north along the ROW of Rebecca Street to the ROW of Pacific Avenue. Then east along said ROW of Pacific Avenue to the intersection of Havana Street and including the properties north, south and west but not east of that Intersection. Then north along the ROW of said Havana Street but including only those properties on the west side of said Havana Street ROW to the Point of Beginning.

The boundaries shall include properties located on both sides of the public right-of-way that constitute the boundaries of the alcohol impact area as further depicted on the attached map.

Date Passed: Monday, August 22, 2011

ORD C34763 Section 1

Appendix B



ORD C34763

Appendix C

Product List of Fortified Beer Products

Fortified Beer Products			
5.7% to 12% alcohol content			
■	Bull Ice	8%	
■	Busch Ice	5.9%	■ Milwaukee Best Ice
■	Colt 45 Ice	6.1%	■ Milwaukee Best Prem Ice Beer
■	Colt 45 Malt Liquor	6.4%	■ Old Milwaukee Ice
■	Hamm's Ice Brewed Ale	6.1%	■ Olde English 800 (all products)
■	Hamm's Ice Brewed Beer	6.1%	■ Olympia Ice
■	Hurricane (all products)	5.9-12%	■ Pabst Ice
■	Natural Ice	5.9%	■ Rainier Ale (Ice)
■	Mike's Harder Lemonade	8.0%	■ Red Bull Malt Liquor
■	Schlitz Malt Liquor (all products)	5.9% - 8.5%	■ Schlitz High Gravity
■	Simionoff NBT	8.0%	■ Special 800 Reserve (all flavors)
■	Keystone Ice	5.9%	■ St. Ide's Liquor & Special Brews
■	Cobra & King Cobra	5.9-6%	■ Steel Reserve (all products)
■	Lucky Ice Ale Premium	6.1%	■ Loose (all products)
■	Lucky Ice Beer	6.1%	■ Four (all products)
■	Magnum Malt Liquor	5.9%	■ Hard Wired
■	Mickey's (all products)	5.7%	■ Earthquake High Gravity Lager
■	Sparks (all products)	6-8%	■ Slack High Gravity
■	Tilt (all products)	6.6-8%	■ Natty Daddy
■	Earthquake (all products)	8.1-12%	■ Vampi
■	Core	12%	■ Blast
■	Jeremiah Weed Lemonade	5.8%	■ Dog Bite
			■ Mike's Harder Punch

Appendix D

Current Businesses selling fortified beer

- ❑ Chevron Food Mart
- ❑ Mo Market
- ❑ Somenberg's Market
- ❑ Zip Trip #23
- ❑ Tesoro 2 go Mart
- ❑ Fred Meyer
- ❑ Hai's Mini Market E. Sprague
- ❑ Big Kmart
- ❑ Rainbow Grocery Outlet
- ❑ Quick E Mart
- ❑ Stop N Shop
- ❑ Hai's Mini Market S. Perry
- ❑ Hico Market

