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| **Petition from the city of Spokane –**  **Initiate the process to recognize the East Central Alcohol Impact Area** | |
| Date: | May 9, 2012 |
| Presented by: | Jo Ann Sample, Management Analyst  Licensing and Regulation Division |
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Problem or Opportunity

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| The city of Spokane has been unsuccessful in their 2-year initiative to mitigate the effects of chronic public inebriation (CPI) through a voluntary Alcohol Impact Area in the east central section of the city. Board recognition will enable mandatory product restrictions within the geographic bounds of the Alcohol Impact Area, significantly improving the potential for positive change in the community. Absent board recognition the city’s public safety initiative will devolve, resulting in increased drain on the city’s law enforcement department, medical responders within the fire department, and community social service organizations. |

Background

May 15, 2010, at the request of the city of Spokane, the Board granted recognition of the Downtown Alcohol Impact Area. The resolution included a listing of low-cost/high alcohol content beverages that would no longer be available for sale within the geographical bounds of the alcohol impact area. Banned products are an essential aspect of the mandatory alcohol impact area recognition, having identified alcoholic beverages that contribute to problematic public safety concerns. The city has requested an expansion of their existing banned products list in accordance with current rule WAC 314-12-215(3)(e).

September 14, 2009, the city amended city ordinance SMC 10.08.270 establishing the East Central Alcohol Impact Area. This action was taken in response to requests from the citizens of the area through the East Central Neighborhood Council and the East Sprague Business Association.

The geographic boundaries are clearly identified in ordinance as:

**East Central – AIA (Adopted September, 2009, Ordinance C34475)**

Beginning at the intersection of the ROW of Rebecca Street and Sprague Avenue and including the properties adjacent to the ROW on the north then west along said Sprague Avenue ROW to the ROW of Sycamore Street. Then north along the ROW of Sycamore Street and including those properties adjacent to and east of said ROW to the intersection of the ROW of Main Avenue. Then west along said Main Ave 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 St 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 Liberty Park Avenue. Then east along said ROW of Liberty Park Avenue to the intersection of Madelia Street. Then South along said ROW of Madelia Street to the ROW of 4th Avenue. Then east along said 4th Avenue ROW to the intersection of Pittsburg Street. Then south along said Pittsburg ROW to the intersection of 5th Avenue. Then east along the 5th Avenue ROW and including all properties south of and adjacent to said ROW to the intersection of Freya Street. Then north along the ROW of Freya Street to the ROW of 5th Avenue (east). 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 said ROW of Rebecca Street and including all properties east of and adjacent to said 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 . . .

August 2011, in response to the request of community residents and businesses and increasing calls for alcohol-related services continuing to negatively impact the quality of life and public safety of the voluntary alcohol impact area, the city expanded the boundaries of the voluntary East Central Alcohol Impact Area. This action extended the voluntary compliance period for the initiative.

**East Central – AIA (Amended August, 2011, Ordinance C34763)**

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 southwesterly 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 . . .

Significant Action Timeline:

* + May, 2009 City and community group(s) launched a voluntary compliance effort.
  + June, 2009 City requested voluntary compliance via Good Neighbor Agreements; no compliance was achieved.
  + August, 2009 City again requested voluntary compliance; 1 of 8 licensees was willing to work with the city, but none would sign an agreement to restrict the sale of fortified beer.
  + September, 2009 City created the East Central Alcohol Impact Area in ordinance.
  + May, 2010 Board recognized mandatory Downtown Alcohol Impact Area. Shortly the east central community started to experience dispersion of CPIs into the area.
  + June, 2011 City created the Spokane International District to promote economic development and revitalization. This area encompasses about ¼ square mile, and is located in the heart of the East Central Alcohol Impact Area.

Public meetings were conducted to gather input about the effect of CPIs within the International District. This meeting was also attended by licensees and residents of the South Perry neighborhood. All attendees reached a mutual agreement to expand the East Central Alcohol Impact Area boundary to include the South Perry neighborhood.

* August, 2011 City amended the boundaries of the East Central Alcohol Impact Area to include the South Perry neighborhood.

There are 13 licensees currently in the East Central Alcohol Impact Area. For the next six months the city and community group(s) actively sought voluntary compliance in the expanded East Central Alcohol Impact Area. However, their efforts did not produce voluntary compliance so the city submitted a request for mandatory recognition of the East Central Alcohol Impact Area.

Recommendations

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| The city, in partnership with the community, has demonstrated the efforts to obtain voluntary compliance in the East Central Alcohol Impact Area to the satisfaction of WAC 314.12. Staff recommends;   * The Board adopts the city’s petition for mandatory recognition of the East Central Alcohol Impact Area, and authorizes the public comment period during which the Licensing division will collect data and report to the Board at a future date to be determined. * The Licensing division is already receiving public comments from the customers of one licensee. Staff recommends the Board conduct the public hearing in Spokane to allow easier accessibility to the constituents that are being impacted. |

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| **Benefits** | **Drawbacks** |
| * There can be more consistent enforcement activities * Distributors and retailers can more easily comply with the amended list * Monitoring of consumer activities will be more productive * Assist the city in maximizing available resources | * We may receive objections related to the negative economic impact * Suppliers may object to their products being added to the list |

Expected Results

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| The Board’s endorsement of this request will help maximize enforcement efforts, and improve the health and safety of the community. |

Estimated Cost and Timeframe

| Date | Activity | Current Status |
| --- | --- | --- |
| May 9, 2012 | Present city’s request for banned product expansion | Pending |
| May 14, 2012 | Distribute notice to licensees, stakeholders, and interested parties. | Pending |
| June 15,2012 | Public comment period ending | Pending |
| TBD | Public meeting | Pending |
| TBD | Present adoption recommendation issue paper to the Board for review | Pending |
| TBD | Present adoption recommendation resolution to the Board for final action | Pending |
| TBD | Distribute notice of Board’s action | Pending |
| TBD | Effective date of new banned products, if approved | Pending |

Funding Source

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| Administrative funding expense will be absorbed into current appropriation |

Stakeholder Impacts

Identify ***internal*** stakeholders and get their feedback about how they might be affected.

| **Stakeholder** | **Impacts (Political, Resource, Other)** |
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| Director’s Office | Political |
| Licensing | Resource |
| Enforcement | Resource |
| Human Resources |  |
| Business Enterprise |  |
| Retail | Resource; confirm banned products are removed from retail liquor store(s) |
| Purchasing |  |
| Distribution Center |  |
| Administrative Services |  |
| Information Technology |  |
| Contracts Office |  |
| Finance |  |

Identify ***external*** stakeholders get their feedback about how they might be affected.

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| **Stakeholder** | **Fiscal and Resource Impacts** |
| Washington State Agencies | N/A |
| Prevention | Resource |
| Industry | Resource |
| Vendors | Resource |

Acceptance

We have reviewed this document and approve resources for project definition:

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| **Approved by** | **Signature** | **Date** |
| Name Sharon Foster  Title Board Chair |  |  |
| Name Ruthann Kurose  Title Board Member |  |  |
| Name Chris Marr  Title Board Member |  |  |

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| **Proposed Banned Product List** | | |
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| **Manufacturer** | **Brand Name** | **Alcohol Content by Volume** |
| **Colt 45** | **Blast (all products)** | **12%** |
| **Stroh Brewing Co** | **Bull Ice** | **8%** |
| **Anheuser Busch Inc** | **Busch Ice** | **5.9%** |
| **Anheuser Busch Inc** | **Cobra** | **5.9%** |
| **G Heileman Brewing** | **Colt 45 Ice** | **6.1%** |
| **G Heileman Brewing** | **Colt 45 Malt Liquor** | **6.4%** |
| **Charge Beverages Corp** | **Core (all products)** | **12%** |
| **Rock Wall Brewing Co** | **Dog Bite** | **10%** |
| **Drink Four Brewing Co** | **Drink Four (all products)** | **10% - 12 %** |
| **City Brewing Co** | **Earthquake (all products)** | **8.1% - 12%** |
| **Pabst Brewing Co** | **Hamm’s Ice Brewed Ale** | **6.1%** |
| **Pabst Brewing Co** | **Hamm’s Ice Brewed Beer** | **6.1%** |
| **City Brewing Co** | **Hard Wired** | **6.9%** |
| **Five Star Brewing Co** | **High Gravity (all products)** | **8.1% - 9%** |
| **Anheuser Busch Inc** | **Hurricane (all products)** | **5.9% - 12%** |
| **JW Distilling Co** | **Jeremiah Weed Lemonade** | **5.8%** |
| **United Brands Co** | **Joose (all products)** | **9.9%** |
| **MillerCoors** | **Keystone Ice** | **5.9%** |
| **Anheuser Busch Inc** | **King Cobra** | **5.9%** |
| **Pabst Brewing** | **Lucky Ice Ale Premium** | **6.1%** |
| **Pabst Brewing** | **Lucky Ice Beer** | **6.1%** |
| **MillerCoors** | **Magnum Malt Liquor** | **5.9%** |
| **Mark Anthony Brands** | **Mike’s Harder Lemonade** | **8%** |
| **Mark Anthony Brands** | **Mike’s Harder Punch** | **8%** |
| **MillerCoors** | **Mickey’s (all products)** | **5.6% - 5.8%** |
| **MillerCoors** | **Milwaukee Best Ice** | **5.9%** |
| **MillerCoors** | **Milwaukee Best Premium Ice** | **5.9%** |
| **Anheuser Busch Inc** | **Natty Daddy** | **8%** |
| **Anheuser Busch Inc** | **Natural Ice** | **5.9%** |
| **Joseph Schlitz Brewing** | **Old Milwaukee Ice**  **(all products)** | **5.9%** |
| **MillerCoors** | **Olde English 800**  **(all products)** | **7.5% - 8%** |
| **Pabst Brewing Co** | **Olympia Ice** | **6.1%** |
| **Pabst Brewing Co** | **Pabst Ice Ale** | **5.9%** |
| **Pabst Brewing Co** | **Rainier Ice** | **5.9%** |
| **Stroh Brewing Co** | **Red Bull Malt Liquor** | **7%** |
| **Diageo-Guinness USA** | **Smirnoff XBT** | **8%** |
| **Pabst Brewing Co** | **Schlitz Malt Liquor**  **(all products)** | **5.9%** |
| **Pabst Brewing Co** | **Schlitz High Gravity** | **8.5%** |
| **Steel Brewing Co** | **Sparks (all products)** | **6% - 8%** |
| **MillerCoors** | **Special 800 Reserve**  **(all flavors)** | **6%** |
| **Saint Ides Brewing** | **St. Ide’s Liquor and Special Brews (all flavors)** | **6% - 7.3%** |
| **United Brands Co** | **Stack High Gravity Lager** | **12%** |
| **MillerCoors** | **Steel Reserve (all products)** | **5.5% - 8%** |
| **Anheuser-Busch Inc** | **Tilt (all products)** | **6.6% - 8%** |
| **Vampt Beverage Corp** | **Vampt Smooth Talker** | **8%** |
| **Vampt Beverage Corp** | **Vampt Midnight Warrior** | **8%** |