



Washington State Liquor Control Board

3000 Pacific Ave SE • PO Box 43075 Olympia WA 98504-3075 • (360) 664-1600

A RESOLUTION OF THE WASHINGTON STATE LIQUOR CONTROL BOARD RECOGNIZING THE CITY OF SPOKANE'S PROPOSED DOWNTOWN CORE MANDATORY ALCOHOL IMPACT AREA Resolution No. BR-01-2010

Whereas, the Board recognizes its statutory mandate to protect the public's welfare, health, peace, and safety and its responsibility to work with communities to help mitigate the negative impacts of chronic public inebriation associated with the sale of alcohol by the businesses it regulates.

Whereas, in recognition of this mandate, in 1999, the Liquor Control Board adopted the Alcohol Impact Area rules, Washington Administrative Code (WAC) 314-12-210 through WAC 314-12-225. These rules establish a framework for the Liquor Control Board, working in partnership with local government and community organizations, to mitigate negative impacts that result from the presence of chronic public inebriation. Preventing and reducing the harm caused by alcohol consumption requires a comprehensive, multi-dimensional response by neighborhood residents, businesses, and government agencies, including coordinated treatment services, health care, housing services and vocational training. Mandatory restrictions on alcohol sales imposed by the Board are a key element in the effort to mitigate the negative impacts of chronic public inebriation.

Whereas, WAC 314-12-215 sets forth the requirements that the government subdivision must satisfy in order for the Liquor Control Board to recognize the proposed Alcohol Impact Areas.

Whereas, the city of Spokane has designated by Municipal Code Title 10.08.270 the proposed Alcohol Impact Area. The boundary of the proposed Alcohol Impact Area is understandable to the public and liquor licensees within the area are determinable, per the requirements of WAC 314-12-215.

Downtown Urban Core

Beginning at the southwest corner of Lot 10, Block 13 of Dennis and Bradley's Subdivision, said point also being the northeast corner of vacated Dakota Street and Trent Avenue; thence westerly along the north right-of-way of Trent Avenue to the east section line of Section 18, Township 25 North, Range 43 East, W.M. (Division Street centerline), city of Spokane, Spokane County, Washington; thence westerly along the north right-of-way line of Spokane Falls Boulevard to the north right-of-way line of Main Avenue; thence westerly along said north right-of-way line of Spokane Falls Boulevard to said north right-of-way line of Main Avenue; thence westerly along said north right-of-way line of Main Avenue to the northeast corner of Parcel No. 25134.3101, said point also being the northwest corner of Main Avenue and Elm Street; thence southwesterly to the southwest corner of Riverside Avenue and Cannon Street; thence southerly, along the west right-of-way line of Cannon Street to the southwest corner of Cannon Street and Fifth Avenue; thence easterly along the south right-of-way line of Fifth Avenue to the southeast corner of Fifth Avenue and Scott Street; thence northerly along the east right-of-way

line of Scott Street to the intersection of the east right-of-way line of Scott Street and the south right-of-way line of Sprague Avenue; thence northerly to the true point of beginning.

Whereas, the city of Spokane's request meets the requirements for board recognition outlined in WAC 314-12-215(2) by including findings of fact pertaining to the presence of chronic public inebriation. Spokane's adoption of Municipal Code Title 10.08.270, which directed the Chief of Police to request board recognition of the Downtown Core Alcohol Impact Area finds that crime statistics, police reports, emergency response data, sanitation reports, and public health records demonstrate that chronic public inebriation and illegal activity associated with alcohol sales and consumption within the Downtown Core continue to contribute to the deterioration of the general quality of life within this area.

Whereas, the city of Spokane's request satisfies the requirements of WAC 314-12-215(4) that the city tried to control the problem through voluntary efforts in the alcohol impact area for at least six months. The city's efforts were unsuccessful in obtaining the voluntary cooperation of all the licensees with the off-premises alcohol sales privilege.

Whereas, the city of Spokane requests that the Liquor Control Board impose mandatory restrictions on the off-premises sale of alcohol by licensees in the proposed Downtown Urban Core Alcohol Impact Area. Specifically, the city requests no sales of certain low cost/high alcohol content malt beverage products identified by a banned products list.

Whereas, in reaching our decision, the Board has duly considered the city of Spokane's December 16, 2009 request, testimony provided at the March 24, 2010 public meeting, written comments received from stakeholders and the public regarding Spokane's request, and LCB staff presentation at a public work session April 7, 2010.

Now therefore, be it resolved,

Section 1 The Board resolves to recognize the alcohol impact area requested by the city of Spokane as described in Municipal Code Title 10.08.270.

Section 2 Because of the recognition, the Board will immediately apply the extended review process for liquor license applications and renewals for licenses inside the alcohol impact area as outlined in WAC 314-12-215(7).

Section 3 The Board resolves to impose the following mandatory restrictions requested by the city of Spokane, to take effect May 15, 2010.

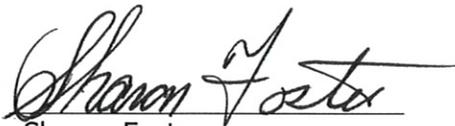
No sales of the malt beverage products identified on the Banned Product List (see page 4). All flavors, alcohol content, and container sizes of the following named products are hereby banned from off-premise sale by licensees in the alcohol impact area.

The Board resolves that these restrictions are reasonably related to addressing the problem of chronic public inebriation demonstrated to exist in the Downtown Core Alcohol Impact Area.

The Board further resolves that such restrictions are reasonable control measures aimed at mitigating the negative effects of chronic public inebriation and are necessary to augment the city of Spokane's efforts to address such problems within the defined Alcohol Impact Area.

Section 4 The city of Spokane shall submit annual updates of data demonstrating how the restrictions imposed by this resolution have helped mitigate the negative impacts associated with chronic public inebriation within the recognized alcohol impact area. The data to be submitted will be collaboratively developed by the city of Spokane and LCB staff. The first report to the Director of the Board's Licensing and Regulation Division is due no later than June 30, 2011.

Signed and Dated April 7, 2010



Sharon Foster
Chair



Ruthann Kurose
Board Member

Banned Products List
 City of Spokane Downtown Urban Core Alcohol Impact Area

<u>Brand Name</u>	<u>Alcohol Content by Volume</u>
Bull Ice	8%
Busch Ice	5.9%
Cobra	5.9%
Colt 45 Ice	6.1%
Colt 45 Malt Liquor	6.4%
Drink Four	10% - 12 %
Hamm's Ice Brewed Ale	6.1%
Hamm's Ice Brewed Beer	6.1%
Hard Wired	6.9%
High Gravity	8.1% - 9%
Hurricane	5.9% - 12%
Ice House	5.5%
Joose	9.9%
Keystone Ice	5.9%
Lucky Ice Ale Premium	6.1%
Lucky Ice Beer	6.1%
Magnum Malt Liquor	5.9%
Mickey's	5.6% - 5.8%
Milwaukee Best Ice	5.9%
Milwaukee Best Premium Ice	5.9%
Old Milwaukee Ice	5.9%
Olde English 800	7.5% - 8%
Olympia Ice	6.1%
Pabst Ice	5.9%
Rainier Ice	5.9%
Red Bull Malt Liquor	7%
Schlitz High Gravity	8.5%
Sparks	6% - 8%
Special 800 Reserve	6%
St. Ide's Liquor and Special Brews	6% - 7.3%
Steel Reserve	5.5% - 8%
Tilt	6.6% - 8%