



Req. #14-0879

### ORDINANCE NO. 28253

1 AN ORDINANCE requesting the Washington State Liquor Control Board to  
 2 recognize the West End Alcohol Impact Area adopted by the City Council on  
 3 February 26, 2013, in Ordinance No. 28135; and imposing restrictions on  
 off-premises alcohol sales.

4 WHEREAS the Washington Administrative Code ("WAC") § 314-12-215  
 5 provides that, upon satisfying certain conditions, a city may request the Washington  
 6 State Liquor Control Board ("WSLCB") to recognize an Alcohol Impact Area ("AIA")  
 7 that has previously been adopted by the city's council, and

8  
 9 WHEREAS, on February 26, 2013, the City Council enacted Ordinance  
 10 No. 28135, adopting the West End AIA, and

11 WHEREAS voluntary efforts to reduce the effects of chronic public  
 12 inebriation in the West End AIA have not been successful, and

13  
 14 WHEREAS, on August 14, 2014, the Public Safety, Human Services and  
 15 Education Committee voted to forward to the City Council a proposal for  
 16 consideration and approval to request the WSLCB to recognize the West End AIA  
 17 and impose restrictions on off-premises alcohol sales; Now, Therefore,

**BE IT ORDAINED BY THE CITY OF TACOMA:**

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 20 Section 1. Having considered the August 2014 Tacoma Alcohol Impact Area  
 21 Task Force Report, attached as Exhibit "A"; the record of the Committee meetings,  
 22 including documents provided to the Public Safety, Human Services and Education  
 23 Committee ("Committee") and on file in the office of the City Clerk; as well as the  
 24 testimony received by both the Committee and the City Council during public  
 25 hearings and comment, the City Council makes the following findings of fact:  
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1. That the West End Alcohol Impact Area ("AIA") in the City of Tacoma, adopted by Ordinance No. 28135, is described as follows:

That area within the city limits bounded on the north by the waters of Puget Sound and Commencement Bay, on the east by a line running due south from Commencement Bay to the Intersection of Schuster Parkway and North 30th Street, then west on North 30th Street to North Alder Street, then South on Alder Street to the Cedar Street transition and continuing south to SR 16, on the south by the south side of SR 16 to South 19th Street, then west on South 19th Street to the waters of Puget Sound, on the west by the waters of Puget Sound and, then west and north along 6th Avenue to North Jackson Avenue, then north on Jackson Avenue to the Narrows Drive transition and continuing north to North 26th Street, then east on North 26th Street to Pearl Street/SR 163, then north on Pearl Street/SR 163 to the waters of Puget Sound. Any boundary formed by a street includes the parcels on either side of the street.

2. The Tacoma-Pierce County Board of Health has declared, by resolution, that chronic public inebriation is a public health problem of the highest order.

3. In 2001, the Washington State Liquor Control Board ("WSLCB") approved an AIA in the downtown area of Tacoma, and in 2008, approved an AIA in the Lincoln District of Tacoma.

4. Citizens and neighborhood groups have raised concerns that the problems associated with chronic public inebriation in the West End have been increasing and have affected the health, safety, and welfare of residents of the West End.

5. Statistics from the Tacoma Fire Department and the Tacoma Police Department show an increasing incidence of problems associated with chronic public inebriation in the West End AIA.



6. Neighborhood groups in the affected area are in support of the  
1 establishment of the West End AIA, including the West End Neighborhood Council,  
2 North End Neighborhood Council, Central Neighborhood Council, Old Town  
3 Business District, Proctor Business District, 6th Avenue Business District, Tacoma  
4 Public Schools, Geiger Montessori Elementary School, Washington Hoyt  
5 Elementary School, University of Puget Sound, Tacoma Community College,  
6 Bellarmine Prep School, St. Charles Borromeo Catholic School, Pierce Transit,  
7 Tacoma Metro Parks, West End Kiwanis, Allenmore Ridge Condominium  
8 Association, St Joseph Hospital, and the Tacoma-Pierce County Health Director.  
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11 7. The City has adopted the Housing First model as part of its  
12 comprehensive strategy to reduce chronic public inebriation, which aims to  
13 eliminate homeless encampments and house chronically homeless individuals and  
14 provide case management services to homeless individuals, including those with  
15 alcohol problems, with encampments in and adjacent to the West End AIA being  
16 part of this effort.  
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18 8. In August 2004, the City, Pierce County, Metropolitan Development  
19 Council, Franciscan Health System, and MultiCare Health System created the  
20 Sobering Center of Tacoma to provide alternative care for chronic public  
21 inebriants ("CPIs") as part of the City's comprehensive strategy to reduce chronic  
22 public inebriation. The Sobering Center was officially closed March 31, 2014,  
23 because both Franciscan Health and MultiCare now offer alternative care that  
24 replaces that offered by the Sobering Center. The Detox Center remains open and  
25 running at or near capacity daily. The City subsidizes services for CPIs which  
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include housing, mental health services, detox services, health care, and  
1 counseling.

2 9. An important element in the plan to reduce chronic public inebriation is to  
3 restrict the availability of alcohol sold to CPIs in areas where such sales threaten  
4 the health, safety, and welfare of the public and that of CPIs.  
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6 10. In August 2011, the City established an Alcohol Impact Area Task Force  
7 ("Task Force"). The Task Force was charged with planning and successfully  
8 implementing all requirements for Tacoma's third AIA, as detailed in Washington  
9 Administrative Code ("WAC") 314-12-215.  
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11 11. In August 2013, the City sent all 41 off-premise licensees in the  
12 proposed AIA area a formal letter, informing them of the City's decision to work with  
13 the WSLCB and conduct activities for establishing a third AIA in Tacoma. The letter  
14 asked all of these licensees to consider signing and complying with a Voluntary  
15 Good Neighbor Agreement ("Good Neighbor Agreement") and the accompanying  
16 malt and wine product line list, attached hereto as Exhibit "B." This communication  
17 also included copies of Tacoma City Ordinance No. 27602, WAC 314-12-210, and  
18 WAC 314-12-215.  
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20 12. In the follow-up to the letter, licensees were personally contacted by  
21 members of the Task Force – some repeatedly – in an effort to have them agree to  
22 voluntary restrictions. Beginning in August 2013, members of the Task Force  
23 undertook a continuous outreach and education effort directed to the AIA retailers in  
24 collaboration. They endeavored to establish ongoing relationships with licensees  
25 by regularly engaging and educating them on the AIA. They promoted an approach  
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1 that encouraged retailers to work with the community to improve public health and  
2 safety by signing and complying with the Good Neighbor Agreement. Only one of  
3 the 41 retailers offered to sign the Good Neighbor Agreement.

4 13. In September 2012, members of the AIA Task Force invited  
5 representatives from local alcohol distributors to a briefing on the proposed new AIA  
6 and other issues, such as MSRA infections, related to our local CPI population.

7 14. Months of consistent outreach by the AIA Task Force failed to obtain  
8 significant compliance within the AIA, with less than 40 percent of the licensees  
9 agreeing to comply with the proposed AIA conditions (38.5 percent compliance at  
10 the end of the voluntary compliance period).

11 15. The AIA Task Force was unable to obtain voluntary compliance by  
12 licensees in the West End AIA; therefore, the community is denied the  
13 demonstrated public health and safety benefits.

14 16. A pervasive pattern of public intoxication and public consumption of  
15 alcohol have been documented in the West End AIA, and this area has experienced  
16 a deterioration of the general quality of life due to public intoxication, as  
17 documented in this report. The welfare, health, peace, and safety of the area's  
18 visitors and occupants, including school children, have been compromised by this  
19 pattern of public intoxication.

20 21. The AIA Task Force has worked since September 2012 to obtain  
22 voluntary compliance, but those efforts have not been successful. Most off-premise  
23 licensees continue to sell cheap, high-alcohol beer and wine to CPIs and the West  
24 End AIA continues to suffer from the effects of public intoxication.



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18. The restriction of off-premise alcohol sales in the West End AIA would promote the public health, safety, and welfare and reduce the detrimental effects of chronic public inebriation.

Section 2. That the Tacoma Police Chief is directed to request the Washington State Liquor Control Board, pursuant to Washington Administrative Code § 314-12-215, to restrict the sale of alcohol products identified in Exhibit "B" in the West End AIA.

Passed OCT 28 2014

*Mark P. ...*  
Mayor

Attest:

*Doris ...*  
City Clerk

Approved as to form and legality:

*[Signature]*  
Deputy City Attorney