



City Council

Amending Alcohol Impact Area Banned Product List

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Title

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Recommended Action

Committee Recommendation:

Move to direct staff to present 2014 Alcohol Impact Area data collection to full Council and propose amended banned product list.

City Manager Recommendation:

Move to authorize City Manager or designee to petition the Washington State Liquor Control board for an expanded banned product list.

Report

Issue:

New beer can litter and police arrest data suggest and warrant an expansion of the Alcohol Impact Area banned products list in order to further promote the goals of the original AIA.

Staff Contact:

Brian Wilson, Downtown Liaison, Community Planning & Development, 360.570.3798

Presenter(s):

Brian Wilson, Downtown Liaison, Community Planning & Development, 360.570.3798

Background and Analysis:

In December, 2013, the Washington State Liquor Control Board (WSLCB) approved the City of Olympia's petition to adopt a mandatory Alcohol Impact Area (AIA) in Downtown Olympia. An AIA is a ban on certain high-alcohol content brands in off-premises retail locations. The only other Washington State cities with WSLCB recognized AIAs are Seattle, Tacoma, and Spokane. All three of these cities have shown that AIAs have been a statistically significant tool for reducing chronic public inebriation in urban cores.

The boundaries of Downtown Olympia's AIA can be found in Attachment 1. There are currently eight (8) off-premises retail locations in the Downtown Olympia AIA with active licenses allowing the sale of beer, wine and liquor. On February 15, 2014 the WSLCB recognized ban on the sale of 9 brands took

effect.

In Spring/Summer of 2014, city staff collected data to test the effectiveness of the current ban. An alcohol container litter survey was conducted in the month of June. The survey area included a 4 week sweep of the AIA area and the areas surrounding the two closest off-premises retailers outside the boundary. Surveyors found 351 containers during their four week. Results are as follows:

| Total Containers Found by Alcohol Quantity | | |
|--|-----|---------|
| High Gravity | 97 | 27.64% |
| Low Gravity | 247 | 70.37% |
| Hard Alcohol | 7 | 1.99% |
| Total | 351 | 100.00% |

As seen in the above table, the majority of found containers classify as low-alcohol brands as defined by WAC 314-12-215. A similar litter survey in 2013 yielded an opposite result where 68.04% of the containers found were high-alcohol containers. While the results show that some progress has been made, over 25% of the found containers are still high-alcohol content. It is important to note that high-gravity brands are often cheaper, in single-serve containers, and contain 3 to 4 times the alcohol content than their low-alcohol counterparts. Although the industry predicted that people would bring banned products into Downtown, the evidence has not supported that contention.

Staff also recorded container size during the litter survey. The industry had also contended that a ban only on single serve would be effective. Results revealed that it was nearly a 50/50 split between single serve containers (24 oz and above) and multipack containers. Results can be found in the following table:

| Multipack vs. Single | |
|--------------------------|-----|
| Multipack (12 & 16 oz C) | 176 |
| Single Serve Containers | 175 |
| Total | 351 |

In addition, the Olympia Police Department completed a year-to-year drinking in public comparison. In 2013, there were 73 drinking in public arrests between February 15 and July 31. Looking at the same time period for 2014, police made 69 arrests between the same dates. The availability of similar substituted beverages continues to cause problems associated with public inebriation and illegal activity.

To help explain the lack of change in the year-to-year arrest data, staff analyzed the found brands in the 2014 litter survey. Results found a wide variety of different high-alcohol brands in the June survey that were not as widely present in the 2013 analysis. The 2014 results showed an increase in 10 high-alcohol content brands compared to the 2013 survey. This suggests that sales of non-banned high-alcohol brands increased after the WSLCB ban took effect on February 15, 2014. Of the four cities that have recognized AIAs (Olympia, Seattle, Tacoma and Spokane), Olympia is the only city with a list containing less than 30 high-alcohol brands. In order to have a true test of effectiveness of a downtown Olympia AIA, staff recommends amending the existing banned product list to include all known high-alcohol content, low-cost beverages.

WAC 314-12-215 gives a local authority the ability to petition the WSLCB to add brands to a banned list which fit any of the following criteria:

- High-alcohol content with supporting evidence of use related to chronic public inebriation
- Brands that are “materially similar” to other brands on the existing banned list
- Brands that appear on other WSLCB-recognized banned product lists

Although staff feels that the ban has had some benefit, the rapid substitution by retailers of other similar high gravity beverages has undermined the effectiveness of the AIA.

As the City had predicted, retailers began selling other high gravity beverages, when the list of banned beverages took effect.

Therefore, staff suggests amending the current banned list with the products found in Attachment 2.

City staff is required to report back to the WSLCB in early 2015 with an annual report of the effectiveness of the recognized AIA.

Neighborhood/Community Interests:

Alcohol Impact Areas have shown to be an effective tool in decreasing Chronic Public Inebriation and Drinking in Public in three other Washington State cities. In addition, other cities have conducted studies which show a decrease in alcohol related arrests within AIA borders, a decrease in alcohol-related medical calls for service, and an increase in the public’s perception of safety.

Options:

1. Authorize City Manager or designee to petition WSLCB for an amended AIA banned product list.
2. Revise banned product list and authorize staff to petition WSLCB to adopt revised list.

Financial Impact:

None.