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2707 Colby Avenue Suite 1200
Post Office Box 5267
Everett Washington 98206

January 23, 2015

Lieutenant Bruce Bosman
Everett Police Department
3002 Wetmore Avenue
Everett, WA 98201

Dear Lt. Bosman:

Skotland Real Estate strongly supports the creation of an Alcohol Impact Area (AIA) in the central business district. We own and manage several office, retail, and multi-family properties in downtown Everett that have been adversely affected by alcohol related incidents. Residents in our apartment properties regularly report having contact with intoxicated people on the street, diminishing their perception of safety in their neighborhood. Retail tenants have reported incidents where intoxicated individuals have entered their place of business to request access to bathrooms, water, etc. Such incidents have created a disturbance to their customers and impacted the operation of their business. Professional office tenants have also complained that their employees and customers feel less safe as a result of alcohol related incidents.

In addition to affecting perceptions of safety in downtown Everett, the prevalence of cheap alcohol has also increased maintenance costs for property owners in the central business district. Our employees regularly find and clean-up alcoholic beverage containers in sidewalk planters, building entrances, alleyways, etc. Additionally, publicly intoxicated individuals have urinated and defecated on our properties, requiring our employees to clean-up the mess. The challenge of leasing vacant storefronts has also been multiplied as prospective tenants witness the impacts of alcohol related incidents in the area and decide to open their business elsewhere.

In closing, our employees, apartment residents and commercial tenants strongly support the creation of an Alcohol Impact Area (AIA) in downtown Everett. This is a necessary tool for improving public safety and supporting economic development in the area.

Sincerely,

A handwritten signature in blue ink, appearing to read "Craig Skotland", is written over a light blue circular stamp or watermark.

Craig Skotland
President

BE BUILT DOWN EVERETT | DISCOVER THE URBAN IN YOU



To Whom It May Concern:

My name is Steven Graham and I am the Downtown Services Manager for the Downtown Everett Association. I am writing you in regard to the issues related to the easy access to inexpensive, high content, single serving alcohol in our downtown core.

I spend a good deal of my time walking around downtown Everett meeting with business owners and in doing so I can't help but notice the empty beer and malt liquor containers that are constantly found on the sidewalks or overflowing from trash cans on the streets.

This is a concern of many of our downtown business owners as well who often ask me if anything is going to be done about the intoxicated transients who pass out inside or in front of, or congregate on the sidewalk in front of their businesses panhandling and creating a poor experience for potential customers.

There are a handful of businesses in the downtown core who specialize in selling these items and as a result they have become more of a tallboy and cigarette store than a convenience store. If this is not addressed soon the downtown business owners and I fear that this problem will continue and more of these stores will pop up downtown.

Thank you for your consideration in this matter and please do not hesitate to contact me with any questions or if I can assist you in resolving this issue in some way.

-Steven Graham
Downtown Services Manager
425-258-0700
steven.graham@downtowneverettwa.org



Office of the Superintendent
3900 Broadway, Everett, WA 98201
www.everettsd.org

Board of Directors

February 5, 2015

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Dr. Peter Scott
Assistant Superintendent

Lieutenant Bruce Bosman
Everett Police Department
3002 Wetmore Ave
Everett, WA 98201

Dear Lieutenant Bosman:

Recently, Everett Public Schools was made aware of your pursuit of an Alcohol Impact Area (AIA) for the City of Everett. There are a number of schools in the district that would be positively affected by the AIA and we are very much in favor of the program.

Our schools are impacted frequently by intoxicated individuals both inside our buildings and outside on our school grounds. Many of our students and staff have encountered intoxicated people walking the streets and must navigate through the garbage that they leave behind. We have reviewed many reports of students being accosted by intoxicated individuals as they try to make it to school safely. At North Middle School, School Resource Officer Dave Osman has contacted intoxicated people repeatedly on the grounds altogether too often over the past few years. Recently the Community Resource Center, located at 3900 Broadway, has experienced numerous instances of intoxicated individuals entering the building, causing a disturbance, and threatening the safety of our staff.

The safety of our students and staff at Everett Public Schools is our number one priority. We believe that the AIA would assist us in that regard. We fully support your efforts to make the AIA a reality and offer our assistance in any way we can.

Sincerely,

Dr. Gary Cohn
Superintendent
superintendent@everettsd.org
425-385-4018

The Everett Clinic
For the whole you.

Lt. Bruce Bosman
Everett Police Department
North Sector Patrol Division
Anti-Crime Team

January 23, 2015

Dear Lt Bosman:

As service providers who care about the residents and quality of life in our community, The Everett Clinic strongly supports efforts to limit or ban the sale of high-alcohol single serving beverages in the downtown area and the 41st Street corridor.

While such an effort may only deal with a symptom of a larger problem, we believe this is an important step in the right direction. The health problems associated with alcoholism and alcohol abuse are well known. All too often, abuse of alcohol affects far more people than just the person consuming the alcohol.

Public Inebriates can become loud, verbally abusive and threatening; some commit more serious crimes and inflict harm on others. We see the impact of public drunkenness all the time in the garbage and other residue left behind on the streets, alleys, lawns and garden areas of our Clinic. It has become necessary for us to install costly signage, fencing, and camera systems in order to keep our property safe and secure.

In 2014 Everett Clinic security officers responded to 221 incidents involving drug/alcohol use at our main campus. Of those the most concerning are the Inebriated individuals who have accosted our patients, staff and security staff.

This is why we participated in and continue to support the City of Everett's Community Streets Initiative which focuses on street-level social issues in Everett's urban core. The task force for this initiative - of which the Clinic is a member - identified the sale of single serving high-content alcoholic products as a key concern to the health and vibrancy of our community.

The sale of these products often leads to irresponsible, lewd and dangerous behavior. Such behavior is clearly a community concern that needs to be addressed. The Everett Clinic is in complete support of efforts to restrict the sale of these products.


Mark Mantel
Chief Operating Officer
The Everett Clinic
3901 Hoyt Avenue
Everett, WA 98201
425-339-5460

CC: Lanle McMullen, City of Everett Executive Director of Economic Development

Northwest Washington Region
1321 Colby Avenue
Everett, WA 98201

February 20, 2015



Downtown Everett Association
825 Hoyt Avenue
Everett, WA 98201

Dear Lieutenant Bruce Bosman,

Providence Health & Services is committed to creating healthier communities, and supports public policies that aim to improve the overall health of our communities. This includes efforts and resources that help to reduce the abuse and inappropriate use of substances such as high-alcohol content beverages.

Our goal is to find real solutions that address behaviors and circumstances, which can affect our community's health, stability and well-being. In addition, as a health care provider, we support comprehensive solutions that address not just curbing substance abuse behaviors, but also adequate access to detox and treatment resources. These have to be comprehensive solutions.

Providence does support an Alcohol Impact Area ordinance – in addition to exploring further resources and efforts also needed within our community to help the most vulnerable who suffer from substance abuse.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. Simmons", written over the word "Sincerely,".

Preston M. Simmons, FACHE

Chief Executive Officer
Providence Health & Services
Northwest Washington Region

APPENDIX D
Business Owner Letter

CITY OF EVERETT

Lieutenant Bruce Bosman

3002 Wetmore Avenue

Everett, WA 98201

Dear business owner/operator,

The City of Everett recently passed ordinance 3430-15 which established Alcohol Impact Areas (AIA) within the City. I have attached a copy of that ordinance and related documents to this letter. The goal of this AIA program is to reduce chronic public inebriation and related criminal activity. Please read through the AIA documents so you have a good understanding of the law and process. I plan to have two public meetings which you will be invited to attend. The goal of these meetings is to explain the AIA process and to partner with you in our effort to improve the quality of life in the community. Other cities have gone through this AIA process and found it to significantly reduced the number of alcohol related crimes and issues.

I request your assistance in this voluntary compliance period of the AIA. For the next six months we ask that you not sell any of the products listed on the restricted product list. After six months, we will re-evaluate the alcohol related impact on the city and present findings to City Council for consideration.

Please feel free to contact me by telephone, mail, or email as I may be able to answer questions you have. My office telephone number is (425) 257-8404 and my email address is: bbosman@everettwa.gov

Sincerely,

Lieutenant Bruce Bosman

Everett Police Department

APPENDIX E

Core Commercial Areas Alcohol Impact Area

Restricted Products List

ALL CONTAINER SIZES AND FLAVORS ARE RESTRICTED

BEER / MALT LIQUOR

Bud Ice

Busch Ice

Colt 45 Malt Liquor

Colt 45 High Gravity

Four Loco

HG 800

Hurricane Ice Malt Liquor

High Gravity Hurricane

Ice House

Joose

Keystone Ice

High Gravity Earthquake

Mickey's Iced Brewed Ale

Mickey's Malt Liquor

Mike's Harder Lemonade

Milwaukee Best Premium Ice

Natural Ice

Olde English 800

Pabst Ice

Steel Reserve

APPENDIX F
Work Crew Program



SAFESTREETS

WORK CREW

Program Overview

Work Crew is a form of community restitution where individuals who commit certain misdemeanor offenses can choose to perform volunteer work crew instead of having charges filed in court. The Everett City Prosecutor's Office oversees the program, determines eligibility, and prosecutes cases for individuals who fail to comply with Work Crew rules. Work Crew is supervised by trained supervisor from Friendship Diversion Services, and in addition to directing the clean-up work, the supervisor provides mentoring, connection to services, and training in soft skills important to obtaining meaningful employment. Work Crew also partners with the Everett Gospel Mission, who provides a meeting location and other vital service support.

A person who chooses to enter the Work Crew program must report to the Everett Gospel Mission by 8:45 on his or her assigned day. One day of work crew consists of cleaning, sweeping, and picking up garbage on streets, sidewalks, and public areas of certain businesses. There will be a one hour lunch and educational programming at the Work Crew Office located at 2000 Hewitt Avenue. All participants will be provided with lunch, uniform, and equipment necessary to perform work. They will also be provided with referrals to appropriate social services and educational material. Work Crew concludes at 3:00 pm and operates Monday through Thursday. Participants will be given credit only for completing a full day of Work Crew. The Prosecutor's Office determines how many days are required to divert a particular charge.

Officer Direct Referral to Work Crew

Entry into WC, at this time, is only through a referral by the Everett Police Community Outreach and Enforcement Team (COET). When a COET officer has probable cause for an eligible crime (described below,) he or she can refer an individual to WC along with issuing a citation. The following process should be followed:

1. Verify available days for work crew. All referrals for work crew should be to the closest available day but no less than 24 hours following arrest.
2. If officer determines probable cause and case appropriate for citation, Defendant should be cited for all appropriate crimes and provided the following information:
 - a. Work Crew is a voluntary program that if completed will result in the prosecutor dismissing the citation and not prosecuting the cited case.

- b. Defendant has a mandatory court date on the citation and must appear for this court date unless work crew is completed.
3. Evaluate if defendant is appropriate for work crew based on defendant's interest in perusing this option and any risks to community (for example, if public safety would make booking into jail appropriate, that option should be perused and not WC)
4. Provide Defendant WC Referral form that includes the following information
 - a. Crimes referred to WC
 - b. Date Defendant must appear for WC
5. Complete report and include in narrative that case has been referred to prosecutor and Safe Streets Work Crew.
6. Email Prosecutors Office and WC supervisor all relevant information included on the Officer Work Crew Referral and Tracking Form.

Prosecutor Review of All Referrals

The Everett City Prosecutor's Office will review all WC referrals for probable cause and recommend a sanction. Standard sanctions are set out below but may be increased or decreased based on the severity of criminal activity or defendant's criminal history. Prosecutors should follow this process:

1. Check for referrals each morning.
2. Send WC supervisor approval or denial of all referrals and include recommended sanction.
3. Admin Secretary for Diversion Programs shall enter all referrals into Damien for tracking purposes.
4. Prosecutor shall notify COET of any individual referred who is not approved for WC and inform officers and shall also state reason why referral was not eligible for WC.
5. After learning from WC supervisor if an individual complied, prosecutor must complete the bottom of the Officer Work Crew Referral and Tracking Form indicating successful completion or non-compliance.
6. Prosecutor appears at first appearance and dismisses all citations for successful completion or proceeds as normal for WC non-compliance.

Work Crew Supervisor

The Work Crew Supervisor is responsible for maintaining a list of all referred individuals and for reporting back to Prosecutor's Office on compliance. The WC Supervisor should follow the following process:

1. Supervisor will receive a copy of WC Referral and Tracking Form by email.
2. Supervisor will receive a final list from prosecutor confirming eligibility and recommending any changes to default sanctions.
 - a. For individuals who appear at WC after direct referral but who are declined by the prosecutor, WC Supervisor shall explain to individual that referral was declined and that the individual must appear on the arraignment date listed on the citation.
3. Supervisor prepares crews based on the referrals and schedules individuals for appropriate days of work.
4. Supervisor shall communicate with COET daily on available days to receive referrals.
5. Supervisor shall report all compliance and non-compliance to the Prosecutor's Office.

Eligible Crimes and Sanctions

- COET officers are allowed to directly refer individuals to WC if the officer has probable cause for a non-violent misdemeanor or gross misdemeanor offense
- The following crimes are ineligible for direct officer referral: Assault, Driving Under the Influence or Physical Control of a Vehicle while Under the Influence, Reckless Driving, Violation of No Contact, Protection, or Anti-Harassment Orders, Communication with a Minor for Immoral Purposes, and any crime where the victim and offender have an intimate relationship as defined by RCW 10.99 (DV).
- The prosecutor retains discretion to refer any offender to work crew when permitted by law or to decline a direct referral by an officer when review of individuals' criminal activity and criminal history make diversion inappropriate for reasons of public safety or in the interest of justice.
- No individual should be offered or declined entry into work crew based on race, gender, ethnicity, or age.
- Generally, an individual must work two days WC to have misdemeanor charges dismissed and four days WC to have gross misdemeanor charges dismissed. The prosecutor retains discretion to change this sanction based on totality of referred criminal conduct and/or an individual's criminal history.

Work Crew Rules

- Work Crew is a voluntary program but all participants must follow these rules in order to receive credit for Work Crew
- Participants cannot perform Work Crew when obviously intoxicated.
- Participants must show up by 9:00 on day of work crew to get on that day's crew.
- Participants will be immediately terminated from work crew for having any firearms or dangerous weapons.
- Participants must follow all rules as explained by WC supervisor.

The Safe Streets Work Crew is a pilot program of the Everett City Prosecutors Office and these rules may be changed or modified by the Lead Prosecutor to meet the needs of the program.

APPENDIX G
Ordinance No. 3430-15



ORDINANCE NO. 3430-15

AN ORDINANCE Creating an Alcohol Impact Area in the Core Commercial Areas of the City of Everett, and Requiring a Report to the City Council by November 30, 2015, Regarding the Voluntary Efforts to Reduce Chronic Public Inebriation.

Whereas, the Washington Administrative Code (the "WAC") §314-12-215 authorizes the City to identify areas within its boundaries where there are increased levels of chronic public inebriation and illegal activity associated therewith as Alcohol Impact Areas ("AIAs"); and

Whereas, within an AIA the City seeks to reduce levels of chronic public inebriation and illegal activity associated with alcohol sales or consumption by requesting the voluntary cooperation of businesses engaged in off-premise liquor sales to, in part, stop selling products associated with chronic public inebriation in the AIA; and

Whereas, City data, together with input from City stakeholders, including businesses, services, and residents, supports findings that the geographic area identified in section 1 of this ordinance has increased levels of chronic public inebriation and suffers from its effects, such as increased crime, blight, and use of social and public safety services; and

Whereas, these effects negatively affect the health, safety, and welfare of the nearby businesses, residents, and visitors; and

Whereas, the City has participated in the Everett Community Streets Initiative aimed at solving street level social issues including chronic public inebriation and alcohol related crime and blight; and

Whereas, the establishment of an AIA is supportive of the Streets Initiative plan because it seeks to reduce public chronic inebriation through restrictions on the sale of products associated with chronic public inebriation; and

Whereas, neighborhood groups, schools, and businesses in the affected area support the establishment of this AIA; and

Whereas, if, after six months, the City's efforts to voluntarily reduce chronic public inebriation and illegal activity associated with the sale and

consumption of alcohol in the AIA are unsuccessful, the City Council may direct the Chief of Police to request that the Washington State Liquor Control Board place mandatory restrictions on liquor licensees in the AIA such as prohibiting sales of certain products, or restricting hours of sale; and

Whereas, the City Council finds that the establishment of the area described in section 1 of this ordinance as an AIA is appropriate as a part of the City's effort to reduce chronic public inebriation and the illegal activity associated with the sale and consumption of alcohol, and as an action recommended by the Streets Initiative Task Force;

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. Core Commercial Areas Alcohol Impact Area

- A. The geographical areas in the City of Everett described below, and generally depicted on the map set forth in Exhibit A, are, together, declared to be an Alcohol Impact Area ("AIA") as defined by WAC §314-12-215, and may be referred to as the Core Commercial Areas AIA:
1. South on North Broadway Avenue from 7th Street to Broadway Avenue then continuing south on Broadway Avenue to 23rd Street. Virginia Avenue from 22nd Street to 23rd Street. Colby Avenue from 22nd Street to 23rd Street.
 2. The area bounded by 23th Street beginning at Broadway Avenue, west to Grand Avenue, south to Pacific Avenue, west to Kromer Avenue, south to Laurel Drive, west to Tulalip Avenue, south to 35th Street, east to Norton Ave, south to Grand Avenue, continue south to 46th Street and Evergreen Way, north to Rucker Avenue, continue north to 41st Street, east to S. 3rd Avenue, northeast to Smith Avenue, north to Pacific Avenue, east to Pine Street, north to Everett Avenue, east to Walnut Street, north to 25th Street, west to Cedar Street, north to 23rd Street, west to Broadway Avenue the point of origin.
 3. The area bounded by Wilmington Avenue south to Evergreen Way, south to 52nd Street, east to Claremont Way, north to 50th Street, east to Wilmington Avenue, northwest to Evergreen Way the point of origin.
 4. 46th Street at Evergreen Way, south on Evergreen Way to Airport Road. Pecks Drive from Evergreen Way, east to Cady Road. Madison Street from Evergreen Way, east to Beverly Boulevard. Evergreen Way at East Casino Road, west to West Casino Road, continue west to 5th Avenue West, south to Corbin Drive, southeast to Holly Drive, northeast to East Casino Road. SW Everett Mall Way at Evergreen Way, northeast on SW Everett Mall Way to SE Everett Mall Way,

continue northeast to East mall Drive. 7th Avenue SE at SE Everett Mail Way, south on 7th Avenue SE to 112th Street SE, east to 19th Avenue SE, north to El Capitan Way.

5. The area bounded by Evergreen Way at 108th Street SW, west to Hollow Dale Place, west to Paine Field Way, southeast to 112th Street SW, west to Airport Road, southeast to Evergreen Way, northeast to 108th Street SW the point of origin. The sections of 11200 Evergreen Way to Airport Road and northwest on Airport road are the Everett City limits and therefore will only include the Everett sides of the roadway.
- B. Except as stated in Section 1.A.5 of this Ordinance, the Core Commercial Areas AIA includes businesses on either side of any and all roads, streets, alleys, or other public right-of-ways that are a part of the AIA, including those roads, streets, alleys, or other public right-of-way that are the outermost boundaries of the AIA.
- C. By November 30, 2015, the Chief of Police shall provide a report to the City Council on the voluntary efforts to address chronic public inebriation issues in the Core Commercial Areas AIA. This report may include relevant crime statistics, police reports, emergency response data, detoxification reports, sanitation reports, public health records, and other information that document the success or failure of the voluntary efforts to address chronic public inebriation in the Core Commercial Areas AIA. Based upon the information contained in the report, the City Council may consider the adoption of legislation directing the Chief of Police to request the Washington State Liquor Control Board to impose mandatory restrictions on liquor licensees in the Core Commercial Areas AIA pursuant to WAC §314-12-215. Such legislation must be adopted by the City Council before any representative of the City requests the Liquor Control Board to impose such restrictions.

Section 2. Product Restrictions

Exhibit B to this Ordinance is a restricted products list. This is a list of products the City will seek to restrict the sale of on a voluntary basis. Products may be added to or deleted from the restricted products list administratively by the Chief of Police based on findings that a product is contributing to or no longer contributing to chronic public inebriation in the AIA. A Product that is materially similar to a restricted product but not currently contributing to chronic public inebriation may also be included on the restricted products list.

Section 3. Severability

Should any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or its application to any person or situation, be declared

unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any other person or situation. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Section 4. General Duty

It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

Section 5. Savings

The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

Section 6. Corrections

The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.


RAY STEPHANSON, Mayor

ATTEST:


City Clerk

Passed: 4/15/15

Valid: 4/20/15

Effective: 5/5/15

Published: 4/24/15

EXHIBIT B

Core Commercial Areas Alcohol Impact Area

Restricted Products List

ALL CONTAINER SIZES AND FLAVORS ARE RESTRICTED

BEER / MALT LIQUOR

Bud Ice

Busch Ice

Colt 45 Malt Liquor

Colt 45 High Gravity

Four Loco

HG 800

Hurricane Ice Malt Liquor

High Gravity Hurricane

Ice House

Joose

Keystone Ice

High Gravity Earthquake

Mickey's Iced Brewed Ale

Mickey's Malt Liquor

Mike's Hard Lemonade

Milwaukee Best Premium Ice

Natural Ice

Olde English 800

Pabst Ice

Steel Reserve

APPENDIX H
Ordinance No. 3475-15³



ORDINANCE NO. 3475-15

AN ORDINANCE Directing the Chief of Police to Request the Washington State Liquor and Cannabis Board Recognize the Core Commercial Areas AIA Adopted Pursuant to Ordinance No. 3430-15 and Impose Mandatory Restrictions on Off-Premise Alcohol Sales.

Whereas, upon meeting certain criteria set forth in the Washington Administrative Code (the "WAC") §314-12-215, including adopting an alcohol impact area ("AIA") by ordinance, the City may request the Washington State Liquor and Cannabis Board recognize its AIA and impose mandatory conditions and restrictions on the sale of off-premise alcohol; and

Whereas, on April 15, 2015, the City Council adopted Ordinance No. 3430-15, establishing the Core Commercial Areas AIA, with a purpose of reducing the negative effects of chronic public inebriation within the AIA; and

Whereas, the attempt to reduce the effects of chronic public inebriation by requesting that sellers of off-premise alcohol stop selling certain low cost, high alcohol content products has not been successful; and

Whereas, City Council finds that it is appropriate to direct the Chief of Police to request the Liquor and Cannabis Board recognize the Core Commercial Areas AIA and impose mandatory conditions and restrictions on the sale off-premise alcohol products to reduce the negative effects of chronic public inebriation;

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. The City Council has considered the evidence supporting the establishment of the Core Commercial Areas AIA and current evidence regarding the City's efforts to reduce the negative impact of chronic public inebriation through voluntary efforts within the community, and it makes the following findings:

- A. The City established the Core Commercial Areas AIA pursuant to Ordinance No. 3430-15, which is attached to this Ordinance as Exhibit A.

³ Ordinance No. 3475-15, includes, as an exhibit, Ordinance No. 3430-15. Ordinance No. 3430 is included as Appendix E. To avoid duplication, it has not been included as a part of this Appendix F.

- B. City data, together with input from City stakeholders, including businesses, services, and residents, supports the findings that the Core Commercial Areas AIA has increased levels of public inebriation.
- C. The effects of chronic public inebriation in the Core Commercial Areas AIA includes increased crime, blight, and the use of social and public safety services, and these effects negatively affect the health, safety, and welfare of the nearby businesses, residents, and visitors.
- D. In the six months since the City established the Core Commercial AIA the City has not seen a significant decrease in the effects of chronic public inebriation.
- E. An important element in the plan to reduce chronic public inebriation, and one that is contemplated by AIA regulations, is the restriction on the availability of alcohol commonly sold to chronic public inebriants, like low cost products with high alcohol content.
- F. Since the establishment of the Core Commercial Areas AIA the City has made efforts to reduce chronic public inebriation within the AIA, including by eliciting voluntary participation by community stakeholders.
- G. In May 2015, the Everett Police Department (the "EPD") met with each of the 101 businesses with licenses to sell off-premise alcohol products in the Core Commercial Areas AIA. The businesses received a copy of the WAC §314-12-215 pertaining to the establishment of AIAs, a copy of the City's ordinance establishing the Core Commercial Areas AIA, a letter explaining the City's request for voluntary participation in its AIA efforts, and a point of contact with the City.
- H. The businesses were asked to voluntarily stop selling a list of alcohol products that were sold at a low cost and had high alcohol content, and which the City had identified as products commonly consumed by chronic public inebriants.
- I. Thereafter, the EPD invited each business to attend one of two public meetings to discuss the purposes of the AIA and answer any questions.
- J. Only six businesses voiced an interest in attending and so rather than hold the public meeting, EPD met with each business individually.
- K. In September 2015, EPD again visited all 101 affected businesses in the AIA. About 70% of the businesses were still selling products that the City

asked to be removed from the shelves; about 15% were no longer selling the products; and about 14% never sold the products.

- L. After six months the City's efforts to mitigate the impacts of chronic public inebriation by requesting off-premise alcohol retailers to prohibit the sale of certain products have been unsuccessful.
- M. From April 1, 2015 through October 31, 2015, following the establishment of the Core Commercial Areas AIA, the Everett Fire Department ("EFD") responded to 1,031 alcohol related incidents. This is a mere 10% reduction from the same period in 2014 (prior to the establishment of the AIA), in which EFD responded to 1,122 alcohol related incidents.
- N. Additionally, local business owners have not seen a reduction in the effects of chronic public inebriation, and litter of low cost, high alcohol content products remains prevalent.
- O. The effects of chronic public inebriation continue to negatively impact the residents, businesses, and visitors of the Core Commercial Areas AIA. These effects include blight on the neighborhoods, crime, and increased use and presence of public safety services.
- P. A mandatory restriction on the sale of certain alcohol products by the Liquor and Cannabis Board would promote the health, safety, and welfare of the public, and reduce the negative impact caused by chronic public inebriation.

Section 2. Pursuant to section two of Ordinance No. 34309-15, the City Council directs the Chief of Police to request the Washington State Liquor and Cannabis Board to recognize the Core Commercial Areas AIA and to impose mandatory restrictions on liquor licensees therein in accordance with WAC §314-12-215.

Section 3. Severability

Should any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or its application to any person or situation, be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any other person or situation. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Section 4. General Duty

It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

Section 5. Savings

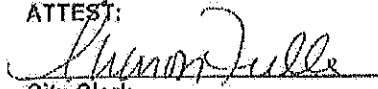
The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

Section 6. Corrections

The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.


RAY STEPHANSON, Mayor

ATTEST:


City Clerk

Passed: 12/30/2015
Valid: 1/05/2016
Effective: 1/20/2016
Published: 1/08/2016



Washington State Liquor and Cannabis Board

Issue Paper

AIA Petition for Mandatory Alcohol Impact Area – City Everett

Date: July 13, 2016

Presented by: Karen McCall, Rules Coordinator & Senior Policy Analyst

Background

The city of Everett has submitted a petition requesting the board formally recognize the Core Commercial Areas Alcohol Impact Area (AIA) in the city of Everett.

The AIA is one tool in a comprehensive approach aimed at identifying and addressing street-level social issues, and promoting a safe and desirable environment for the city's residents and visitors.

The Core Commercial Areas AIA primarily consists of government buildings, retail stores, schools, medical facilities, and residential neighborhoods. Within the proposed AIA there are 101 retail locations licensed for off-premises sales of beer and wine. Public drinking behaviors occur in close proximity to these locations.

Summary of Petition

1. The city of Everett's Alcohol Impact Area Timeline for the Core Commercial Areas is as follows:

April 15, 2015, city ordinance #3430-15 established the Core Commercial Areas Alcohol Impact Area within the city of Everett. Data showed concentrations of alcohol related incidents in the Core Commercial Areas requiring emergency responses was 72% higher than in other areas of the city. Additionally, repeat calls for alcohol related incidents occurred almost entirely within the Core commercial Areas.

May 2015 through November 2015, Voluntary AIA product ban was granted by the city of Everett. The Everett Police Department sent letters to all 101 businesses selling off-premises alcohol products in the AIA asking them to voluntarily stop selling the inexpensive, high alcohol-content products identified on the city's restricted product list. During the voluntary ban for Everett Police Department found that:

- **70.4% of the businesses still sold the restricted products**
- **15.4% of the businesses voluntarily stopped selling the restricted products**
- **14.2% of the businesses never sold the restricted products**

December 2015, city ordinance # 3475-15 was passed by the city of Everett directing the Chief of Police to request the WSLCB recognize the Core Commercial Areas AIA and impose mandatory restrictions on off-premises alcohol sales.

February 2016, Everett Police Department submitted a petition to the WSLCB requesting the board recognize the Core Commercial Areas AIA and place mandatory restrictions on products sold for off-premises consumption in the AIA. WSLCB staff discussed the petition with the Everett Police Department and requested further information.

May 2016, Everett Police Department submitted a new petition to the WSLCB requesting the board recognize the Core Commercial Areas AIA and place mandatory restrictions on products sold for off-premises consumption in the AIA.

2. The City of Everett’s Petition for a Mandatory AIA Highlights: The City outlined the following challenges and risks associated with having a CPI population and the related benefits of establish an AIA within its Core Commercial Areas. The following information was provided by the city to validate their concerns and support their petition: (Please note this information has not been independently validated by WSLCB staff.)

A. **Prior to the establishment of the AIA**, the Everett Fire Department compiled alcohol related statistics, as they related to emergency response. The data showed concentration of alcohol related incidents in what is now the core Commercial Areas AIA. From April 1, 2014 to October 31, 2014, there were 1,121 alcohol related incidents in the city requiring emergency responses. Of those incidents 809 (72%) occurred in the area that has now been designated as the Core Commercial Areas AIA. Additionally, repeat calls for alcohol related incidents occurred almost entirely within the AIA. The data captured included incidents with the following codes:

- ❖ OD – Acute alcohol and/or drug, responsive
- ❖ OD – Withdrawal symptoms
- ❖ OD – Acute alcohol and/or drug, non-responsive
- ❖ OD – seizures secondary to alcohol and or drugs
- ❖ Unconscious – unconfirmed
- ❖ Unconscious – no verifiable info from reporting party
- ❖ Unconscious – acute alcohol/drug intoxication
- ❖ Unconscious – responsive to verbal

❖ Unconscious – slumped over wheel

B. After the establishment of the AIA: The Everett Fire Department again compiled alcohol related statistics for the same time period for 2015, the majority of this time frame occurring after the establishment of the AIA and voluntary ban. Alcohol related emergency responses by the Everett Fire Department dropped from 1,121 to 1,031 incidents citywide, for a 10% decrease in incidents. Nonetheless, alcohol related emergencies within the AIA constituted almost 69% of the total alcohol related emergencies within the entire city.

C. Supporters of the Core Commercial Areas AIA: Supporters of the AIA ordinance include the Office of Neighborhoods, The Downtown Everett Business Association, Skotdal Real Estate, Providence Health & Services, The Everett Clinic, The Everett Public Library, The Everett Public Schools, The Everett Fire Department, The Everett Parks and Recreation Department, and The Everett Police Department.

3. Boundaries of the Core Commercial Areas AIA: The geographical areas in the city of Everett described below are declared to be an Alcohol Impact Area:

South on North Broadway Avenue to 23rd Street. Virginia Avenue from 22nd Street to 23rd Street. Colby Avenue from 22nd Street to 23rd Street.

The area bounded by 23rd Street beginning at Broadway Avenue, west to Grand Avenue, South To Pacific Avenue, west to Kromer Avenue, south to Laurel Drive, west to Tulalip Avenue, south to 35th Street, east to Norton Avenue, south to Grand Avenue, continue south to 46th Street and Evergreen Way, north to Rucker Avenue, continue north to 41st Street, east to S. 3rd Avenue, northeast to Smith Avenue, north to Pacific Avenue, east to Pine Street, west to Cedar Street, north to 23rd Street, west to Broadway Avenue to the point of origin.

The area bounded by Wilmington Avenue south to Evergreen Way south to 52nd Street, east to Claremont Way, north to 50th Street, east to Wilmington Avenue, northwest to Evergreen Way to point of origin.

46th Street at Evergreen Way, south on Evergreen Way to Airport Road. Pecks Drive from Evergreen Way, east to Cady Road. Madison Street from Evergreen Way, east to Beverly Boulevard. Evergreen Way at East Casino Road, west to West Casino Road, continue west to 5th Avenue West, south to Corbin Drive, southeast to Holly Drive, northeast to East Casino Road. SW Everett Mall Way at Evergreen Way, northeast on SW Everett Mall Way to SE Everett Mall Way, continue northeast to East Mall Drive. 7th Avenue SE at SE Everett Mall Way, south on 7th Avenue SE to 112th Street SE, east to 19th Avenue SE, north to El Capitan Way.

The area bounded by Evergreen Way at 108th Street SW, west to Hollow Dale Place, west to Paine Field Way, southeast to 112th Street SW, west to Airport Road, southeast to Evergreen Way, northeast to 108th Street SW to

3. Core Commercial Areas Proposed Banned Products List

The City of Everett has requested the WSLCB ban the products listed below in all container sizes and flavors in the Core Commercial Areas AIA based on litter patrols in the areas:

Beer/Malt Liquor

- Bud Ice
- Busch Ice
- Colt 45 Malt Liquor
- Colt 45 High Gravity
- Four Loko
- HG 800
- Hurricane Ice Malt Liquor
- High Gravity Hurricane
- Ice House
- Joose
- Keystone Ice
- High Gravity Earthquake
- Mickey's Iced Brewed Ale
- Mickey's Malt Liquor
- Mike's Harder Lemonade
- Milwaukee Best Premium Ice
- Natural Ice
- Olde English 800
- Pabst Ice
- Steel Reserve

Staff Recommendation

The city of Everett, in partnership with the community, has demonstrated the efforts to obtain voluntary compliance in the Core Commercial Areas AIA to the satisfaction of WAC 314-12-215. Staff recommends:

- The board authorize the public comment period until August 13, 2016. Staff will collect data and report to the board on August 24, 2016, at the board meeting.

EVERETT CORE COMMERCIAL AREAS AIA

076213	3G	112TH MINI MART	615 112TH ST SE #A	EVERETT	WA	982085044
080056	3G	19TH AVE ARCO AM/PM	615 112TH ST SE #A	EVERETT	WA	982083812
402893	3G	47TH ST MARKET & DELI	615 112TH ST SE #A	EVERETT	WA	982032831
074734	3G	7-ELEVEN #36171B	10117 EVERGREEN WAY	EVERETT	WA	982043860
368740	3G	7-ELEVEN #39581B	1816 112TH ST SE	EVERETT	WA	982084829
083237	3G	7-ELEVEN 2306-33166B	711 112TH STREET SE	EVERETT	WA	982030000
367461	3G	7-ELEVEN 2360-24074E	507 W CASINO RD STE C	EVERETT	WA	982040000
368163	3F	7-ELEVEN 2360-25054F	1611 PACIFIC AVE	EVERETT	WA	982014015
352852	3F	7-ELEVEN STORE 2306-14383G	1302 N BROADWAY	EVERETT	WA	982010000
081326	3G	7-ELEVEN STORE 2306-32681B	11825 AIRPORT RD	EVERETT	WA	982043793
077265	3G	ALBERTSON'S #478	6727 EVERGREEN WAY	EVERETT	WA	982034551
362828	3G	AMERICAN MINI MART	6132 EVERGREEN WAY	EVERETT	WA	982033744
409651	3G	BACK PORCH WINE & SPIRITS IN SILVER LAKE	11014 19TH AVE SE STE 20	EVERETT	WA	982085180
406454	3G	BARTELL DRUG CO. #25	11020 19TH AVE SE	EVERETT	WA	982085155
405188	3F	BARTELL DRUG COMPANY # 48	1825 BROADWAY	EVERETT	WA	982012348
080372	3F	BIG J MINI MART	1806 BROADWAY	EVERETT	WA	982010000
080184	3F	BROADWAY & PACIFIC 76	3105 BROADWAY	EVERETT	WA	982014420
351618	3F	BROADWAY BEVERAGE	1815 BROADWAY	EVERETT	WA	982010000
082845	3F	BROADWAY SHELL FOOD MART	3702 BROADWAY	EVERETT	WA	982015030
408156	3G	CARNICERIA LOS COMPADRES #2	5321 EVERGREEN WAY	EVERETT	WA	982033631
085943	3G	CASA EL DORADO MEXICAN HANDCRAFTS	205 E CASINO RD # 12	EVERETT	WA	982082608
405320	3G	CASCADE CIGARLAND	7601 EVERGREEN WAY STE B2	EVERETT	WA	982036424
077849	3G	CASINO CHEVRON	8402 EVERGREEN WAY	EVERETT	WA	98208
081027	3G	CASINO RD SHELL FOOD MART	8401 EVERGREEN WAY	EVERETT	WA	982042613
081223	3G	CASINO TESORO	425 W CASINO RD	EVERETT	WA	982040000
418485	3G	CEMITAS TEPEACA MEXICAN FOOD 1	11632 EVERGREEN WAY STE C	EVERETT	WA	982040000
081361	3G	CHEVRON FOOD MART #1117	10921 19TH AVE SE	EVERETT	WA	982085154
410633	3G	CHUCK'S CHEVRON AND SERVICE	11704 HIGHWAY 99	EVERETT	WA	982044808
077348	3F	COLBY EZ MART	2608 COLBY AVE	EVERETT	WA	982012922
079834	3G	COSTCO WHOLESALE #114	10200 19TH AVE SE	EVERETT	WA	982080000
089231	3G	DKJ FOOD MART	510 W CASINO RD	EVERETT	WA	982031653
082518	3G	EASTMONT SHELL	9501 19TH AVE SE	EVERETT	WA	982083804
408490	3F	EL GARCIA MARKET	1604 BROADWAY # A	EVERETT	WA	982011724
357318	3F	EVERETT AVENUE GROCERY	3001 EVERETT AVE	EVERETT	WA	982010000

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088734	3F	EVERETT CHEVRON	2620 BROADWAY	EVERETT	WA	982013045
079987	3G	EVERETT GROCERY OUTLET	710 SE EVERETT MALL WAY	EVERETT	WA	982083732
072608	3G	EVERETT MALL AMPM	220 SE EVERETT MALL WAY	EVERETT	WA	982040000
080880	3G	EVERETT MALL CHEVRON	1020 SE EVERETT MALL WAY	EVERETT	WA	982082846
072609	3G	EVERETT MALL PARKWAY SHELL	333 SW EVERETT MALL WAY	EVERETT	WA	982042783
408714	3G	EVERGREEN ASIAN MARKET	7815 EVERGREEN WAY	EVERETT	WA	982036427
080070	3G	EVERGREEN FOOD MART	6309 EVERGREEN WAY STE E	EVERETT	WA	982030000
360277	3G	EVERGREEN FOOD STORE	7306 EVERGREEN WY	EVERETT	WA	982035662
070361	3G	EVERGREEN SHELL FOOD MART	5001 EVERGREEN WAY	EVERETT	WA	982032826
075143	3G	EVERGREEN WAY ARCO AM/PM	7915 EVERGREEN WAY	EVERETT	WA	982030000
418492	3G	EXPRESS SMOKE AND BEER	909 SE EVERETT MALL WAY #E550	EVERETT	WA	982083749
351751	3F	FAMILY MARKET & DELI	807 LAUREL DR	EVERETT	WA	982010000
418216	3F	FASO.GROCER	2024 BROADWAY	EVERETT	WA	982012318
080641	3G	FOREST PARK FUEL	4101 RUCKER AVE	EVERETT	WA	982032212
360885	3G	FRED MEYER #095	8530 EVERGREEN WAY	EVERETT	WA	982042614
368192	3F	IN N OUT MINI MART	3102 RUCKER AVE	EVERETT	WA	982014223
369906	3F	JACKSONS #602	2631 WALNUT ST	EVERETT	WA	982010000
083558	3G	LA MIXTECA DEL NORTE	205 E CASINO RD STE B9	EVERETT	WA	982082600
409657	3F	LIQUOR & WINE	2027 BROADWAY AVE	EVERETT	WA	982012317
400982	3G	LOS GAVILANES	209 E CASINO RD STE H	EVERETT	WA	982011937
080367	3F	LUCKY MARKET GROCERY	1501 WALNUT ST	EVERETT	WA	982047169
083454	3G	MI PUEBLO MEXICAN STORE	9629 EVERGREEN WAY #203	EVERETT	WA	982083264
410839	6C	MIDDLETON BREWING	607 SE EVERETT MALL WAY	EVERETT	WA	982013612
087301	3F	NORTHWEST LIQUOR & WINE	1907B HEWITT AVE	EVERETT	WA	982012320
365660	3F	OK SMOKE MART	2102 N BROADWAY	EVERETT	WA	982040000
081436	3G	OLIVIA PARK CHEVRON	10220 EVERGREEN WY	EVERETT	WA	982014632
071073	3F	ONE STOP DELI & GROCERY	3723 RUCKER AVE	EVERETT	WA	982014503
408436	3F	PROSPECTOR LIQUIDATION	2201 36TH ST	EVERETT	WA	982032828
350621	3G	QUALITY FOOD CENTER / QFC #852	4919 EVERGREEN WAY	EVERETT	WA	982013044
350622	3F	QUALITY FOOD CENTER / QFC #853	2615 BROADWAY	EVERETT	WA	982044631
083969	3G	RANCHO GRANDE MARKET	11216 HIGHWAY 99 STE 1,2 & 3	EVERETT	WA	982032827
369753	3G	RITE AID #5230	4920A EVERGREEN WAY	EVERETT	WA	982043860
071081	3G	RITE AID #5231	10103 EVERGREEN WAY	EVERETT	WA	982010000
363034	3F	RUCKER ARCO AM/PM	4030 RUCKER AVE	EVERETT	WA	982030000

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070556	3F	RUCKER FOOD MART	4231 RUCKER AVE	EVERETT	WA	982010000
350755	3F	S & S DELI GROCERY	4030 HOYT AVE	EVERETT	WA	982032211
356721	3G	SAFEWAY STORE #1484	4128 RUCKER AVE	EVERETT	WA	982012346
352563	3F	SAFEWAY STORE #474	1715 BROADWAY AVE	EVERETT	WA	982085144
363127	3G	SAFEWAY STORE #503	11031 19TH AVE SE	EVERETT	WA	982080000
080563	3G	SILVERLAKE TEXACO	1515 112TH ST SE	EVERETT	WA	982080000
401455	3F	SMOKE AND FOOD PLUS	3510 BROADWAY	EVERETT	WA	982015026
367613	3F	SNO-ISLE NATURAL FOODS CO-OP	2804 GRAND AVE	EVERETT	WA	98201
368963	3F	SOUTH BROADWAY FOOD MART	3532 BROADWAY	EVERETT	WA	982010000
411514	3G	STAR FRUITS AND VEGETABLES	530 SW EVERETT MALL WY STE 101	EVERETT	WA	982043882
079654	3F	STAR MINI MART	1418 HEWITT AVE	EVERETT	WA	982010000
087084	3G	TARGET STORES T-337	405 SE EVERETT MALL WAY	EVERETT	WA	982083243
072610	3F	VIKING MART II	2802 HEWITT AVE	EVERETT	WA	982010000
355678	3F	VIRGINIA MARKET	2231 VIRGINIA AVE	EVERETT	WA	982010000
400464	3G	VLAD'S EUROPEAN FOOD STORE	209 E CASINO RD # G	EVERETT	WA	982082610
405800	3G	WALGREENS #05598	6807 EVERGREEN WAY	EVERETT	WA	982035145
405836	3F	WALGREENS #07570	2205 BROADWAY	EVERETT	WA	982012321
369627	3G	WALMART #3053	1605 SE EVERETT MALL WAY	EVERETT	WA	982082838
403539	3G	WALMART #5195	11400 HWY 99	EVERETT	WA	982044801
353771	3F	WELCH'S FOOD	2230 COLBY AVE	EVERETT	WA	982015606
080529	3F	WICKED CELLARS	2616 COLBY AVE	EVERETT	WA	982012922
407919	3F	WICKED CELLARS	2616 COLBY AVE #1	EVERETT	WA	982012922
351314	3F	WILSON'S MARKET	2601 RUCKER AVE	EVERETT	WA	982010000
407106	3G	WINCO FOODS #104	9900 19TH AVE SE	EVERETT	WA	982083811
418688	3G	ZAKK'S SMOKE AND BEVERAGES	7424 EVERGREEN WAY # B	EVERETT	WA	982035664
082118	3G	FAST EDDIES VALERO	11801 HWY 99	EVERETT	WA	982044807
411335	3G	LATINA	10318 EVERGREEN WAY	EVERETT	WA	982043833
419475	3G	TIENDA Y CARNICERIA LOS PLEBES	500 SE EVERETT MALL WAY STE A5	EVERETT	WA	982088111
400438	3G	EUROPEAN DELI SVITLANA	620 SE EVERETT MALL #270	EVERETT	WA	982083249
363160	3G	EVERGREEN FOOD MART	607 SE EVERETT MALL WAY #A	EVERETT	WA	982080000
080479	3G	GLACIER 76	9640 EVERGREEN WAY	EVERETT	WA	982040000
080612	3G	TRADER JOE'S #139	811 SE EVERETT MALL WAY STE B	EVERETT	WA	982083761
404000	3G	TIENDA Y CARNICERA LOS GUERREROS	8407 EVERGREEN WAY STE 105	EVERETT	WA	982082625
364897	3G	HAGGEN #2123	7601 EVERGREEN WAY STE A1	EVERETT	WA	982036433

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352088	3G	PECKS DRIVE MARKET	801 PECKS DR	EVERETT	WA	982030000
072145	3G	LUCKY MART	5129 EVERGREEN WAY S #G	EVERETT	WA	982032869
365079	3E	RED BARN GAS STATION	600 91ST AVE NE	EVERETT	WA	982051532
072711	3F	BROADWAY CHEVRON	3027 BROADWAY	EVERETT	WA	982010000
363014	3F	7-ELEVEN #34585A	851 N BROADWAY STE 103	EVERETT	WA	982011204