

March 10, 2014

To: Members of the Plan Commission

From: Jamie McCarville, [REDACTED] Madison, WI 53703

Re: Agenda Item 9 Alcohol Outlet Density

These changes in are not sufficient to insure public safety and provide for the common good. There are too many venues selling alcohol in Madison. It is clear that the goal of the preliminary plan is to allow additional venues to sell or serve alcohol in the Campus/State Street area which will certainly increase the over concentration of alcohol outlets that currently exists.

Research on outlet density clearly shows that all venues selling and serving alcohol contribute to an over-concentration of alcohol outlets resulting in increased levels of alcohol related crime and disorder. Accordingly, while additional taverns and bars are prohibited, the proposal focuses on adding additional venues that could serve alcohol in the State Street /Campus area.

This proposal does not cap State Street alcohol outlet density. It simply redefines the problem as an over-concentration of taverns while allowing alcohol licenses to be awarded to other types of venues. Dangerously, the proposal is silent on occupancy limits or limitations on the "licensed area" as described on the license. Alcohol can only be sold, served and consumed in the licensed area. In Madison, it is standard to procedure to license the entire structure. After the initial license is issued, this description cannot be changed unilaterally by either the City or the licensee. In some venues such as a movie theater, licensing the entire building is likely to result in a significant increase in underage drinking as alcohol beverages pass into the theatre area. Licensing the entire building in an arcade is likely to create additional vertical drinking space.

The reference to additional parking in another part of the proposal, hints at an anticipated or at least desirable increase in the number of people in the State St. area. A fixed limit on the capacity of each new licensee would be an essential tool for law enforcement in crowd control.

Narrowing the circumstances retailers may receive a Class A license could cap or slow the growth in Class A outlet density. Unfortunately, the parameters of such restrictions are not outlined beyond the general suggestion that a 0.5 mile distance be required between outlets. Assuming this was the final recommendation it is important to determine how existing licensees would be treated under that restriction; new owners are, by state law, new applicants. Would any "grandfather" exceptions be carried over to the next owner of a general retailer? Would the next owner of a BP gas station be allowed to hold a Class A license? Such a proposal would most likely to vigorously opposed by

current Class A licensees. But without some step-down language, this proposal can only offer a ceiling on off-premises licensees and is unlikely to reduce existing pockets of over concentration.

Improve point system:

The staff memo proposes a revised point system similar to that used by the Wisconsin DMV with a suggested threshold of 10 points for sanctions. In addition the proposal allows licensees to "earn" points for attending tavern safety training, calling it a "carrot built into our stick". This is a new idea for Madison but similar to the system many municipalities use that allows a licensee to substitute training and heightened supervision for sanctions. The proposal is silent the current bargaining system that allows licensees seek a reduction in the number of points assessed for violations. This is troubling, unless point bargaining is eliminated Madison is left with a weak system and licensees can easily earn back points lost.

Online database:

The online public access data base on licensees, a feature available in several states is an excellent suggestion. A Madison web site could provide easy access for information to citizens on local licensees. Madison residents used the reporting systems created in other jurisdictions and found them useful.

Improve Alcohol Licensing Program:

The proposal suggests changes in the license approval process. The problems city staff experience documenting alcohol and food sales for license compliance is well-known. The burden an audit places on city staff is clear – but the proposed solution is not responsive to that problem. A dedicated position is requested to process applications and assist the public; but given the wide skill set required to duplicate the multiple city employees involved in alcohol licensing, it is unlikely a single individual will ever be able to handle all aspects of alcohol licensing.

The proposals suggests a single individual will manage the proposed database, process applications, renewals, document sanctions and, conduct audits of licensee books for compliance. While desirable it may be impractical to combine these tasks in a single position. While the proposal alludes to requiring more information from applicants such as business plans; similar suggestions have drawn vigorous opposition from the BID in the past. The proposal recommends a thorough background check into any licensed premises previously owned by an applicant, a current practice among many law enforcement agencies. The Madison police Department may have requested adding that step to city ordinance.

Finally, my neighbors and I have lists of household items that we need and would buy from downtown businesses. Please keep downtown Madison family friendly and recovery friendly all the time.