REPORT OF THE PRINCE GEORGE'S COUNTY WORKGROUP ON ALCOHOL OUTLET DENSITY ZONES

AUTHORIZED PURSUANT TO

2019 MD. LAWS CH. 353/HB 1157/PG 303



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Report on Alcohol Outlet Density Zones

3

December 8, 2020

Dear Members of the Maryland General Assembly:

I am pleased to submit Recommendations on behalf of the Workgroup on Alcohol Outlet Density Zones. Over the past year, the Workgroup received presentations from a wide array of public and private sectors leaders, and dedicated an incredible amount of time analyzing data and crafting recommendations for submission to the Maryland General Assembly.



Throughout the process, I was struck by the dedication and seriousness of purpose exhibited by each Workgroup member. Indeed, even in the wake of COVID-19, members remained steadfast and vigilant as they continued to meet virtually—sometimes more than once per week. The final Workgroup work product is a reflection of hard work and a commitment to providing well-researched and well-reasoned analysis that, we hope, will prove useful to the Maryland General Assembly as the body considers the efficacy of designating *Alcohol Outlet Density Zones*.

I would like to offer a special thank you to Senator Malcolm Augustine and Delegate Jazz Lewis, for sharing their vision and for playing such an important role during the Workgroup process. I would also like to recognize and thank the co-chairpersons of the three Subgroups: Mussie Tewolde and Robert Clarke (Data), Elaine Zammett (Format and Content), and Larry Hentz and Dr. Stephen Thomas (Best Practices) for their outstanding leadership. Last, but not least, I would like to thank all the members of the Workgroup, the presenters, and subject matter experts who played such a pivotal role in preparing this Report. It was truly an honor and privilege to draft this Report in collaboration with these committed community trustees.

Marva Jo Camp, Esq.

Table of Contents

EXECUTIVE SUMMARY	6
BACKGROUND	7
Workgroup Process	
Off-Premise Alcohol Outlets	9
ALCOHOL OUTLET DENSITY ZONES	9
Geocoding	
Methodology and Calculations.	
Container-Based Methodology	
Population Denominator	
Legislative Districts	
Contextual Factors	
Public Safety	16
Health	
Growth Boundaries Plan 2035	
Kernel Density Raster	
FINDINGS AND RECOMMENDATIONS	19
REFERENCES	23

The Prince George's County Workgroup on Alcohol Outlet Density Zones was established pursuant to 2019 MD. Laws Ch. 353/HB 1157/PG 303. The purpose of the Workgroup was twofold:

- 1. Identify areas of high concentration of alcohol outlets, which the legislation established as 1.15 outlets per square mile.
- 2. Determine whether to designate any of these areas as *Alcohol Outlet Density Zones* based on CDC guidance and any other considerations deemed relevant by the Workgroup.

Utilizing data from the Board of License Commissioners, the Workgroup identified a total of two hundred and eighteen (218) census tracts in Prince George's County. Eighty-five (85) of those

tracts met the threshold of having at least 1.15 alcohol outlets per square mile. The number of tracts increased to one hundred and thritythree (133) census tracts when factoring in a population denominator of 10,000 adult residents per census tract. The Workgroup also analyzed supplementary data, including public safety, health, and future growth. The data, while informative, was insufficient to complete a full analysis of the impact of alcohol outlets. As a result, the Workgroup recommended designating all 85 tracts for consideration as Alcohol Outlet Density Zones. The Workgroup also recommended that further analysis prior to the General Assembly designating any zone or taking any further legislative actions.



On April 30, 2019, Maryland Governor Lawrence Hogan signed into law 2019 MD. Laws Ch. 353/ HB 1157/PG 303, Prince George's County – Workgroup on Alcohol Outlet Density Zones. The original legislation provided for a repeal of limitations on the number of Sunday off-sale permits that the Board of License Commissioners for Prince George's County could issue and authorized the Board of License Commissioners for Prince George's County ("License Board") "to approve the transfer of a Class A, beer, wine and liquor license from a certain alcohol beverages district any off-sale retail licenses from an alcohol outlet density zone in the County, to another location in the County under certain circumstances".

As enacted, 2019 MD. Laws Ch. 353/HB 1157/PG 303 provided for the establishment of a Workgroup comprised of a cross section of public and private sector representatives, including the County Executive for Prince George's County, or designee; the Director of the Prince George's County Department of Health, or designee; the Dean of the University of Maryland School of Public Health, or designee; the Chair of the Board of License Commissioners, or designee; two community members, one each appointed by the House and Senate delegations; one member of the House of Delegates appointed by the Speaker of the House; one member of the Senate, appointed by the President of the Senate; the Prince George's County Police Chief, or designee; and the Director of the Department of Permitting, Inspections and Enforcement ("DPIE"), or designee. The legislation also directed that the Chair of the Prince George's House Delegation appoint a Workgroup Chair, and that The Maryland-National Capital Park and Planning Commission ("M-NCPPC") provide data analysis and administrative support for the Workgroup.

In addition to establishing the Workgroup's composition, 2019 MD. Laws Ch. 353/HB 1157/ PG 303 directed that the Workgroup use the Centers for Disease Control and Prevention Guide for Measuring Alcohol Outlet Density ("CDC Guide") to identify potential areas with high concentrations of off-premise liquor sales. The legislation also gave the Workgroup the option of designating *Alcohol Outlet Density Zones* based on any factors determined relevant by the Workgroup, provided that those areas met a threshold of 1.15 off-premise alcohol outlets per square mile.

The legislation further directed the Workgroup to Report its recommendations to the Senate and House Delegations for Prince George's County, and to the License Board. An initial Report was submitted to the General Assembly on December 1, 2019. The final Report is being submitted by the December 31, 2020 deadline.

WORKGROUP PROCESS

The inaugural meeting of the Workgroup on Alcohol Outlet Density Zones was held on November 20, 2019. The primary purpose of that meeting was to introduce Workgroup members, receive background information, share expectations, and develop a framework for completing the Report in accordance with MD. Laws Ch 353/HB1157. The Workgroup established a three-phase process to guide its analysis and deliberations.

Phase One. In Phase One of the process, the Workgroup reviewed the CDC Guide and data provided by the License Board. Workgroup members also received presentations from the License Board, as well as industry leaders and subject matter experts that included the Police Department; DPIE; the University of Maryland, Department of Health; M-NCPPC; the Prince George's Economic Development Corporation; liquor store owners; and the liquor industry trade association.

Phase Two. In Phase Two, the Workgroup Chair divided members into three Subgroups:

- 1. Data Analyze data in accordance with the CDC Guide and legislative mandates.
- 2. **Best Practices** Identify best practices among jurisdictions that adopted alcohol outlet density zones.
- 3. Format and Content Determine the content and format for the final Report.

Phase Three. In the final phase, the Workgroup reviewed and finalized the analysis and determined recommendations that would be included in the final Report.



OFF-PREMISE ALCOHOL OUTLETS

The CDC Guide set forth step-by-step guidance for measuring alcohol density. The first step required the Workgroup to obtain data about licensed alcohol outlets in an area, and to select the type of alcohol outlets that would be included in the assessment. In accordance with the legislative mandate, the Workgroup limited its analysis to alcohol outlets with off-premise sale privileges. These outlets, which include liquor stores, big box retailers, grocery stores, and gas stations, can sell alcohol for consumption offsite. Off-premise outlets can be contrasted with on-premise outlets, which only allow patrons to consume alcohol on-site. These outlets include restaurants, bars, and clubs.

As reflected in Figure 1 below, Prince George's County has nine (9) categories of licenses with off-premise sale privileges. A total of two hundred and seventy-eight (278) of these licenses have been issued by the License Board.



License Type	Count	License Type Definition	
AW	1	Liquor Store selling Beer & Wine	
B(R)	2	Restaurants that sale Beer only on/Off sales over the bar.	
BW(R)	3	Restaurants that sale Beer & Wine On/Off sales over the bar.	
D(R)	9	An establishment that can sell Beer On/Off without food requirement	
DW(Off)	22	An establishment that can sell Beer & Wine Off without food requirement	
BL+	24	Restaurant with Beer, Wine & Liquor, with a Liquor Store attached	
DW(R)	34	An establishment that can sell Beer & Wine On/Off without food requirement	
BL(R)	44*	Restaurant with Beer, Wine & Liquor On/Off sales over the bar.	
AL	139	Liquor Store selling Beer, Wine & Liquor	

Figure 1. Licenses with off-premise privileges in Prince George's County

*Only forty-one (41) of the forty-four (44) BL(R) licenses are currently being utilized by licensees. However, all forty-four (44) were included in the analysis because these license holders have the right to utilize the off-site privileges at any time.

GEOCODING

Measurement strategies that are location-specific generally require information about the exact location of the outlet, including geographic coordinates. Through the utilization of geocoding techniques, the Data Subgroup was able to convert address location text to special coordinates as recommended by the CDC Guide. The data was preprocessed

and geocoded using the PG **Composite Address Locator** ("Locator"), which is a geocoding service maintained by M-NCPPC's Planning Department. The **Geographic Information System** software application ("ARC GIS") was then used to run the geocoding and test the accuracy of rates. All addresses of licensees with off-premise sale privileges were geocoded with one hundred percent (100%) accuracy and validated with the Locator. Map 1 shows the distribution of all the alcohol outlets with off-site privileges in Prince George's County.



Map 1. Distribution of all licensees with off sale privileges.

METHODOLOGY AND CALCULATIONS

After geocoding all outlet densities in Prince George's County, the Data Subgroup considered the most appropriate methodology for its analysis. The CDC Guide identified three methodologies for calculating alcohol densities: (1) Container-Based; (2) Distance-Based; and, (3) Spatial Access-Based.



Figure 2. Options for measuring alcohol outlet density

CONTAINER-BASED METHODOLOGY

The Workgroup selected the Container-Based Methodology to analyze the data because it most closely aligned with the requirement of 2019 MD. Laws Ch. 353/HB 1157/PG 303, which required that any alcohol outlet density zone have a minimum of 1.15 off-premise outlets per square mile. The Workgroup used census tracts to make the calculations because it was a useful tool for analyzing small-area data and could be grouped to fit more wellknown geographies, such as town and city boundaries. Utilizing the census tracts also had the benefit of considering additional data from the United States Census Bureau and other

surveys that could help the Workgroup better understand population distribution (Map 2).

Based on this analysis, the Subgroup determined that there were a total of 218 census tracts in Prince George's County. Of the 218 tracts eighty-five (85) or thirtynine percent (39%), met the 1.15 threshold established by 2019 MD. Laws Ch. 353/HB 1157/PG 303.

12



Map 2. Census tracts with 1.15 outlets per square mile

POPULATION DENOMINATOR

While rate measure by square mile is an effective tool for determining the number of alcohol outlets in an area, it does not account for population densities. Therefore, the CDC Guide suggested also using "denominators" to help normalize the measure and to allow for comparisons of alcohol outlet density among communities. The CDC Guide identified three (3) potential denominators. After reviewing each, the Data Subgroup selected the population-based denominator. The Subgroup then used a

denominator of ten thousand (10,000) adult residents per census tract for its analysis.

As reflected in Map 3, the analysis showed that one hundred and thirty-three (133) of the two hundred and eighteen (218) census tracts, or sixty-one percent, met the 1.15 threshold. This compares to a United States average of 3.34 off-premise for every 10,000 residents (American Beverage Licensees), which equates to Prince George's County having 105 census tracts with densities above the national average.





LEGISLATIVE DISTRICTS

MD. Laws Ch. 353/HB 1157/PG 303 is the outgrowth of concerns by members of the General Assembly and community stakeholders that certain districts contained a disproportionate share of alcohol outlets. In response, the Workgroup analyzed the number of legislative districts containing alcohol outlets with densities above the 1.15 threshold per square mile, as adjusted by the population denominator. The analysis showed that of the eleven (11) legislative districts, one (1) district, 27B, had no alcohol outlets with census tracts of more than 1.14 per square mile. Six (6) districts had alcohol outlets in single digits, and four (4) had outlets in double digits. District 47A had

double digits. District 47A had the highest number of outlets with eighteen (18) (Map 4).





The Subgroup also analyzed the data to determine the actual densities in each district. The analysis showed that five districts met the 1.15 threshold. District 24 had 1.1.5 outlets; District 22 had 1.17 outlets; District 21 had 1.18; District 47B had 1.97 outlets; and District 47A had 2.62 outlets (Map 5).





CONTEXTUAL FACTORS

In addition to analyzing data based on legislative districts, the Subgroup looked at crime, health, future growth, and kernel rasters. This information was used to provide additional context for the Workgroup's overall analysis.

Contextual Factor 1: Public Safety

The Subgroup analyzed data provided by the Prince George's County Police Department from the National Incident-Based

Reporting System ("NIBRS") for the year 2019. Map 6 reflects 2019 crime-related data in two categories: (1) crimes typically associated with alcohol use; and (2) "Other Offenses".

The Workgroup also received presentations from the Police Department. While the data and presentations were very informative, they were insufficient to fully analyze the correlation between alcohol use and crime. As a result, additional analysis will be required to determine the impact of alcohol outlets on public safety in Prince George's County.





Contextual Factor 2: Health

Because of the COVID-19 pandemic, the Prince George's County Health Department was not able to provide data or assistance in this study. However, Map 7 and Chart 1 were obtained from the Prince George's County Health Department website. Map 7 shows the age-adjusted hospitalization rate due to acute or chronic "alcohol abuse" per 10,000 population aged 18 years and older within specified ZIP codes. For the purposes of the analysis "alcohol abuse" included alcohol dependence syndrome, nondependent alcohol abuse, alcoholic psychoses, toxic effects of alcohol, and excessive blood level of alcohol. It did not include diseases of the nervous system, digestive system, or circulatory system caused by alcohol. The analysis showed that ZIP codes 20712, 20722 and 20781 had 4.9 hospitalizations per 10,000 adult residents. ZIP codes 20710 and 20784 had 5.3 hospitalizations per 10,000 adult residents, and ZIP codes 20740 and 20742 had 5.8 hospitalizations per 10,00 adult residents. Chart 1 shows the average annual age-adjusted emergency room (ER) visit rate related to alcohol or substance abuse per 100,000 population aged 18 years and older. In 2017, Prince George's County ER visits per 100,000 populations was 1,423. It should be noted that the national coding transition from ICD-9 to ICD-10 in 2015 may have caused some of the jump from 2014-2016. While the continued increase in 2017 suggests that the ER rate may be on upward trajectory. However, the data is insufficient to find any statistically significant correlation between alcohol outlets and alcohol abuse. Therefore, additional analysis will be required to determine the impact of alcohol outlets on health. The Workgroup suggests looking at correlations between alcohol outlets and the designation of Maryland Health Enterprise Zones in its analysis.

Map 7.







Contextual Factor 3: Growth Boundaries Plan 2035

In addition to public safety and health factors, the Subgroup analyzed the data based on growth projections contained in General Plan 2035. Map 8 visually illustrates where County growth should evolve over the next fifteen (15) years, and which parts of the County will not experience substantial change. The Growth Boundary Policy Area takes into account existing development patterns, environmental features, existing and planned transportation investments, and projected growth. These factors are considered in the context of the County's capacity to meet the needs of existing communities and to accommodate future development.

Contextual Factor 4: Kernel Density Raster

Boundaries that are drawn in a designated space (e.g., by census tract or legislative district) do not always provide a complete picture of the proximity of alcohol outlets. The Workgroup analyzed the data based on kernel density raster, which is a boundaryfree approach that shows alcohol outlets per square mile across all land areas. In this method, the density calculation is not restricted by census tract boundaries and instead looks only at the proximity of outlets. Map 9 shows that 95, or 44 percent, of the outlets are in the raster area of 2 to 3.5 licenses per square mile. Although the Workgroup did not consider the Kernel Density Raster in its analysis, the information has been included as a Contextual Factor.



Map 8. Overlay of the outlets with the General Plan 2035 Growth Boundary



Map 9. Kernel density-based alcohol outlet density zones

In accordance with the legislative mandates set forth in 2019 MD. Laws Ch. 353/HB 1157/ PG 303, the Workgroup on Alcohol Outlet Density Zones offers the following Findings and Recommendations to the Maryland General Assembly.

Findings:

- Prince George's County has a total of two hundred and eighteen (218) census tracks. Eightyfive (85), or thirty-nine percent (39%) of those tracts, were identified as areas with high concentrations of alcohol outlets based on the legislative definition of 1.15 off-premise alcohol sales per square mile.
- Factoring in a population denominator of 10,000 adult residents per census tract increased the number of areas with a high concentration of alcohol outlets to one hundred and thirty-three (133), or sixty-one percent (61%).
- An analysis of "other considerations" was insufficient for the Workgroup to recommend the designation of any Alcohol Outlet Density Zones.

Legislative Recommendations:

- The Workgroup recommends further research and analysis regarding the correlation between alcohol outlets and public safety should be conducted prior to the designation of Alcohol Outlet Density Zones.
- The Workgroup recommends further research and analysis regarding the correlation between alcohol outlets and health should be conducted prior to the designation of Alcohol Outlet Density Zones. Analysis should include a review of Maryland Health Enterprise Zones.
- The Workgroup recommends that consideration should be given to Growth Boundary Policy Areas when designating Alcohol Outlet Density Zones.
- The Workgroup recommends considering the one-hundred and thirty-three (133) alcohol outlets meeting the 1.15 threshold for designation as *Alcohol Outlet Density Zones*.

Additional Recommendations:

In addition to analyzing available data and information, the Best Practices Subgroup researched best practices in other jurisdictions that might inform whether to designate any of the 133 census tracts as *Alcohol Outlet Density Zones*. Despite an exhaustive search, the Subgroup was unable to identify any jurisdiction that had enacted legislation to designate an Alcohol Density Outlet Zone. However, the Subgroup was able to identify a number of regulatory options. While these recommendations go beyond the scope of the legislative mandates, they are being offered by the Workgroup as potential regulatory tools that can be utilized for alcohol outlets irrespective of whether those areas have high concentrations of alcohol outlets or been designated as *Alcohol Outlet Density Zones*.

Department of Permitting, Inspections, and Enforcement ("DPIE")

Based on discussions with the Department of Permitting, Inspections, and Enforcement ("DPIE"), the Best Practices Subgroup offered four (4) recommendations:

- **Increased Staffing of DPIE Inspectors** DPIE currently employs approximately 12 inspectors to enforce regulations upon all businesses within the County. DPIE inspectors are responsible for ensuring property maintenance and compliance with zoning requirements. Increasing the number of inspectors, specifically for liquor stores, would allow DPIE to conduct daily inspections of liquor stores throughout the County and better enable inspectors to monitor liquor store maintenance and appearance.
- Suspension or Revocation of Use and Occupancy Permits DPIE issues use and occupancy permits for all commercial business in the County. Authorizing DPIE to suspend use and occupancy permits for violations of BOLC and Maryland Comptroller regulations would help deter bad actors and illegal behavior.
- Authorize Regulation of Interior Liquor Store Signage Most liquor stores use an abundance of signs on site including neon lights and paper flyers on the inside of windows; however, DPIE only regulates signage on the exterior of the property and building and not the interior. Signage posted inside the building on the windows blocks visibility into the stores and poses safety issues for police officers. Limiting regulation to the exterior of the building also prevents enforcement that can improve the overall appearance of store fronts. To help control signage issues DPIE should require stores to obtain a permit for a framed advertisement board up to 4-foot by 8-foot or 4-foot by 10-

20

foot in size that can be displayed on two outside walls of the building. This centralized advertisement approach would help make liquor stores' signage more consistent with each other, be easier for DPIE to enforce, and save liquor store owners from obtaining numerous permits throughout the year. This approach would also greatly enhance the overall appearance of all liquor stores.

• **Expand DPIE's Authority to Issue Citations** - DPIE's ability to write citations for liquor store violations is currently constrained by state regulations, while other entities have greater capability to do so. For example, through the Health Department, the state can issue a \$5,000.00 fine on Partial Closures of Single-Family Houses. The Revenue Authority can also issue citations exceeding \$1,000.00 for food truck violations under Council Bill 51-2015.

DPIE's current citation fees are perceived as too low and essentially permit businesses to pay a menial fee, while continuing to operate, until DPIE completes the court enforcement process. The Best Practices Subcommittee recommends an initial citation of \$2,500, a second citation of \$5,000 with the potential of a cease and desist of activities, and a third citation of \$10,000 with a possible padlocking of the business.

This proposed citation system would not only improve enforcement for liquor stores, but also improve the regulation of illegal and noncompliant businesses in the County. This proposed citation system should apply to both zoning and property maintenance violations and could be especially helpful to address the growing issue of trash and illegal dumping that occurs throughout the County.

Board of License Commissioners

On August 20, 2020 the Board of License Commissioners conducted a survey of neighboring jurisdictions that oversee alcohol beverage licenses. Based on the survey and additional research, the Best Practices Subgroup offered six (6) recommendations:

- Offer Sunday Sales as an automatic privilege to any establishment that relocates to another area within the County that is outside of the Capital Beltway.
- Authorize tax breaks for five years to any establishment that relocates to an area within Prince George's County, but outside of the Capital Beltway.

- Permit a licensee to own two liquor stores in the County, which would require the County to remove the cap on the number of liquor stores within the County.
- Require "Off Sales" licenses, that were not permitted to be transferred, to be returned to the BOLC for redistribution to another location outside of the Capital Beltway. This requirement would assist the County in relocating liquor stores to more desirable locations.
- Create an outreach program to enable regular, on-going communication among the BOLC, liquor industry associations, and liquor store owners to help improve industry and community outcomes.

- 1. Centers for Disease Control and Prevention, Guide for Measuring Alcohol Outlet Density, Atlanta, GA: Centers for Disease Control and Prevention, US Dept of Health and Human Services; 2017.
- 2. U.S. Census Bureau. 2014-2018 Census American Community Survey 5-year estimates.
- 3. House Bill 1157 http://mgaleg.maryland.gov/2019RS/chapters_noln/Ch_353_hb1157E.pdf
- 4. Age-Adjusted ER Rate due to Alcohol/Substance Abuse, Prince George's County Health Department website. Date retrieved 9/10/2020 http://www.pgchealthzone.org/index. php?module=indicators&controller=index&action=view&indicatorId=3995&localeId=1260
- Age-Adjusted Hospitalization Rate due to Alcohol Use (by ZIP Code), Prince George's County Health Department website. Date retrieved 9/10/2020 http://www.pgchealthzone.org/indicators/index/view?indicatorId=141&localeId=1260
- 6. American Beverage Licensees (Map 7)
- 7. Neustar population data

A special thank you to Prince George's County Planning Department team members Robert Getz, Sam White, and Frederick Stachura who worked with me to complete the layout for the Final Report.

24