

ALCOHOL IMPACT AREA IN DOWNTOWN

IF YOU WISH TO SPEAK TO CITY COUNCIL, PRINT YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
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✓ Alvin Rackner	1221 SW 10 <sup>th</sup> #501 97205	shiraj5@comcast.net
✓ Mike O'Callaghan	<hr/>	<hr/>
✓ Doug Peterson	Peterson's Convenience Stores 115 S.W. Yamhill	dgpete@teleport.com
✓ Pauline Gustafson	7143 SW Hawk	
✓ Rob Wheaton	725 NE 80 <sup>th</sup> Ave	
✓ Elyss Argueta	2717 NE Wasco	
✓ MARVIN MITCHELL	522 SW 13 <sup>th</sup> AVE	marv@restoringtomorrow.org
✓ Barry Joe Stull	PO Box 11008 Port OR 97211	cannabisboo@yahoo.com
✓ Katie Jacoy	31 West Road N Tacoma, WA 98406	katiejacoy@comcast.net
✓ Lisa Stevens	3228 SE Brooklyn St Portland OR 97202	lisa.kstever@comcast.net

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NAME (print)	ADDRESS AND ZIP CODE	Email
✓ CHRIS GIRARD	10025 SW Allen Blvd Beav.	chrisg@plaidpantry.com
✓ N. David Owens	625 NW Everett #112, PDX	dave@pdxphotography.com
✓ RICHARD KOSEMAN	1270 CUENEVETA & SALEM 97301	
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✓ JOE GILLIAM	8565 SW SALISH LANE #100, Wilsonville 97070	joe@nwgrocery.org

September 15, 2010

Good evening Mayor Adams and City Commissioners:

Thank you for the opportunity to speak to you tonight.

My name is Lisa Stevens. I serve as Project Manager of Policy Initiatives for the Oregon Winegrowers Association. I'm here to represent the Oregon wine industry. We appreciate the City's desire to increase livability and improve the quality of life for downtown residents, businesses and visitors by addressing the issue of chronic public inebriation.

While we regret that we were not a part of the process leading up to the development of the proposal, we appreciate tonight's opportunity to comment.

The Oregon wine industry is comprised of more than 400 wineries located throughout the state. Our wineries produce a wide-range of high-quality wines including Pinot Noir, Chardonnay, Pinot Gris, Cabernet Sauvignon, Merlot and Zinfandel. The majority of our wines are sold right here in Oregon.

The Oregon wine industry contributes over \$1.4 billion in economic activity to the state economy each year, including over 8,500 wine-related jobs and \$200 million in wages. Our industry's economic impact extends beyond the vineyard and the winery and creates many other wine-related jobs in the transportation, distribution, grocery and retail sectors to name a few.

While the Oregon wine industry supports the objectives of the proposed AIA, we have serious concerns that the proposal before you this evening is too far reaching and will have the effect of preventing law abiding citizens from accessing many quality wines sold at larger grocery stores and other retailers in Portland.

Our greatest concern is with the proposal's recommendation to ban the sale of wine with over 14% alcohol by volume (ABV) in grocery and convenience stores within the AIA. The city's staff report and proposal dated July 2010 states that "very few wines are over 14% unless they are fortified wine." This is simply not true.

A survey conducted last week of the wine inventory at the Safeway at 1030 SW Jefferson revealed that more than 160 labels and at least eight varietals of wine from Oregon, Washington and California along with several international wines contain more than 14% ABV. (A copy of the OWA survey is attached).

Alcohol volume is not a fixed feature of any wine. Alcohol volumes vary depending on varietal and growing conditions. For example, among the varietals with ABVs over 14% inventoried at Safeway were Pinot Noir, Chardonnay, Pinot Gris, Merlot, Zinfandel, Cabernet Sauvignon and Syrah along with several red "blends" and some locally-produced Sake.

Growing and harvest temperatures greatly impact alcohol levels – the hotter the year - especially at harvest - the higher the natural alcohol levels. In Oregon, the 2009 harvest included extended periods of hot weather and as a result the majority of the soon-to-be-released 2009 Pinot Noirs will have ABVs over 14%.

But even now, if I were a resident of the Museum Place high-rise located across the street from the Safeway on SW Jefferson and the ban were in place and I wanted to enjoy a bottle of Oregon Pinot Noir with my dinner, I would not be able to purchase this bottle of 2007 Sokol Blosser Pinot Noir – as I did last night at that Safeway - because it has an ABV of 14.5%. This is one of the many bottles of quality wine that would no longer be available to shoppers at Safeway, the Fred Meyer located on W. Burnside. Or other convenience stores within the proposed AIA.

The City has done a remarkable job of developing both the University district and the area around Museum Place into a vibrant cultural and residential area. The Safeway store has been an important part of that renaissance and serves as a valuable shopping resource for city residents and downtown office workers who prefer to shop close to where they live and work.

It does so in the same way that the Fred Meyer located on W. Burnside – also in the proposed AIA - serves as an anchor store for residents of NW Portland and the West Hills.

The City's proposed ban on wines over 14% holds what we believe are unintended consequences for many city residents who would be without access to high-end, quality wines.

Therefore, as the City seeks to establish an AIA, we urge you to establish parameters that target the problem of chronic public inebriation without casting a wide-net over products that are not the root cause of the problem. It would be short-sighted to create an AIA that would serve as a model to be imported to other municipalities with ever-widening negative impacts on the wine industry and its consumers with little or no positive impact on the end goal.

We would suggest you consider one of two alternative proposals:

First and foremost, exclude wine from the Portland AIA ban.

Or second, consider a “targeted” AIA regime similar to ones adopted by cities in Washington State that bans products that have been clearly identified as a source of the problem. (A copy of the list of the products that have been banned in Seattle and Tacoma is attached).

We are interested in working with the City towards a reasonable solution – one that does no harm to an industry that is a valuable contributor to the economy and whose products are enjoyed legally and safely by residents throughout the City.

Thank you for tonight’s opportunity to comment.

Lisa Stevens  
Project Manager, Policy Initiatives  
Oregon Winegrowers Association  
1200 NW Naito Parkway Suite 400  
Portland, OR  
Tel: 503.228.8336

Attached:

1. OWA Survey of wine at Safeway on SW Jefferson
2. List of alcohol products banned by municipalities within Washington State AIA



prepared by: Oregon Winegrowers Association  
 9/10/10 36815

SUBMITTED BY  
 LISA STEVENS

1/0

Safeway @ 10th & Jefferson   Wines above 14% alcohol content		
Variety	Originating State / Country	% of Alcohol (above 14%)
MERLOT	CA	14.7
MERLOT	OR	14.5
MERLOT	WA	14.7
MERLOT	WA	14.5
MERLOT	WA	14.5
MERLOT	CA	14.4
MERLOT	CA	14.3
MERLOT	CA	15.0
MERLOT	CA	14.2
MERLOT	WA	14.5
MERLOT	WA	14.5
MERLOT	CA	15.0
MERLOT	CA	14.5
MERLOT	WA	14.9
MERLOT	WA	14.1
MERLOT	CA	14.0
PINOT NOIR	OR	14.5
PINOT NOIR	OR	14.5
PINOT NOIR	CA	14.5
PINOT NOIR	CA	14.5
PINOT NOIR	CA	14.2
PINOT NOIR	CA	14.5
PINOT NOIR	CA	14.4
PINOT NOIR	CA	14.2
PINOT NOIR	CA	14.2
ZINFANDEL	CA	14.5
ZINFANDEL	CA	15.5
ZINFANDEL	CA	15.0
ZINFANDEL	CA	14.9
ZINFANDEL	CA	14.9
ZINFANDEL	CA	14.5
RIS	Australia	14.5

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2/6

Safeway @ 10th & Jefferson | Wines above 14% alcohol content

Variety	Originating State / Country	% of Alcohol (above 14%)
CAB SAV	CA	14.5
CAB SAV	CA	14.5
CAB SAV	CA	14.2
CAB SAV	CA	14.2
CAB SAV	CA	14.5
CAB SAV	CA	14.5
CAB SAV	CA	14.5
CAB SAV	CA	14.1
CAB SAV	CA	14.5
CAB SAV	CA	14.4
CAB SAV	CA	14.3
CAB SAV	CA	14.5
CAB SAV	CA	14.1
CAB SAV	CA	14.1
CAB SAV	CA	14.7
CAB SAV	CA	14.9
CAB SAV	WA	14.3
CAB SAV	WA	14.5
CAB SAV	WA	14.5
CAB SAV	WA	14.5
CAB SAV	WA	14.5
CAB SAV	CA	14.6
CAB SAV	CA	14.5
CAB SAV	CA	14.3
CAB SAV	CA	14.2
CAB SAV	CA	14.2
CAB SAV	CA	14.2
CAB SAV	CA	14.2
CAB SAV	CA	14.5
CAB SAV	CA	15.0
CAB SAV	CA	14.2
CAB SAV	CA	14.1
CAB SAV	CA	14.4
CAB SAV	CA	14.5

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3/6

Safeway @ 10th & Jefferson | Wines above 14% alcohol content

Variety	Originating State / Country	% of Alcohol (above 14%)
chardonnay	CA	14.5
chardonnay	CA	14.5
chardonnay	CA	14.2
chardonnay	CA	14.2
chardonnay	CA	14.3
chardonnay	CA	14.2
chardonnay	CA	14.9
chardonnay	CA	14.3
chardonnay	CA	14.5
chardonnay	CA	14.5
chardonnay	CA	14.1
chardonnay	CA	14.3
chardonnay	CA	14.5
chardonnay	WA	14.4
chardonnay	OR	14.5
chardonnay	WA	14.2
chardonnay	CA	14.5
chardonnay	CA	14.2
chardonnay	CA	14.3
chardonnay	CA	14.5
chardonnay	CA	14.6
chardonnay	CA	14.1
chardonnay	CA	14.5
chardonnay	WA	14.5
chardonnay	WA	15.0
CAB SAU	WA	14.9
CAB SAU	WA	14.5
CAB SAU	WA	14.3
CAB SAU	WA	14.4
CAB SAU	CA	14.3
CAB SAU	CA	15.0
CAB SA	CA	14.5

9/10/10

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4/6

Safeway @ 10th &amp; Jefferson | Wines above 14% alcohol content

Variety	Originating State / Country	% of Alcohol (above 14%)
CAB SAV	CA	14.5
CAB SAV	WA	14.1
CAB SAV	CA	14.5
CAB SAV	CA	14.3
CAB SAV	CA	14.8
CAB SAV	CA	14.5
CAB SAV	CA	14.5
RED BLEND	CA	14.9
RED BLEND	CA	14.5
RED BLEND	CA	14.5
RED BLEND	CA	14.5
RED BLEND	CA	15.0
RED BLEND	CA	14.5
RED BLEND	WA	14.5
RED BLEND	WA	14.2
RED BLEND	WA	14.8
RED BLEND	WA	14.3
RED BLEND	WA	14.2
RED BLEND	CA	14.7
RED BLEND	CA	15.6
RED BLEND	WA	14.1
RED BLEND	WA	14.5
RED BLEND	WA	14.4
RED BLEND	WA	14.3
RED BLEND	WA	14.5
RED BLEND	WA	14.1
RED BLEND	WA	14.5
MERLOT	CA	14.5
MERLOT	CA	14.1
MERLOT	CA	14.6
MERLOT	CA	14.5
MERLOT	CA	14.2

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Safeway @ 10th & Jefferson   Wines above 14% alcohol content		
Variety	Originating State / Country	% of Alcohol (above 14%)
ZINFANDEL	CA	14.5
ZINFANDEL	CA	14.4
ZINFANDEL	CA	15.0
ZINFANDEL	WA	15.3
ZINFANDEL	CA	15.1
ZINFANDEL	CA	14.5
ZINFANDEL	CA	14.4
ZINFANDEL	CA	15.0
ZINFANDEL	CA	14.5
ZINFANDEL	CA	14.5
ZINFANDEL	CA	15.0
ZINFANDEL	CA	15.0
ZINFANDEL	CA	14.5
ZINFANDEL	CA	15.0
ZINFANDEL	CA	14.3
ZINFANDEL	CA	14.5
SHIRAZ / SYRAH	CA	14.1
SHIRAZ	WA	14.1
SYRAH	WA	14.5
SYRAH	WA	14.5
SYRAH	WA	14.7
SYRAH	WA	14.1
SHIRAZ	Australia	14.5
SHIRAZ	Australia	14.9
SHIRAZ	Australia	14.5
RED	Australia	14.5
RED	Australia	14.7
RED	Australia	14.5
RED	Australia	14.5
RED	Argentina	14.7
RED	Chili	14.1
SPANISH	SPAIN	14.5

DWTS/KS  
 FAW 503 228 8327

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Safeway @ 10th & Jefferson | Wines above 14% alcohol content

Variety	Originating State / Country	% of Alcohol (above 14%)
PINOT GRIS	OR	14.2
PINOT GRIS	OR	14.3
MERLOT	CA	14.5
SAKE	OR	18.0
		164 labels

over 900 labels  
in stock



36815

Plaid Pantries, Inc. • 10025 SW Allen Blvd. • Beaverton, Oregon 97005 • Telephone: 503.646.4246 • Facsimile: 503.646.3071

Chris Girard Oral Testimony – Portland City Council, September 15, 2010

Good evening Mayor Adams, Commissioners. My name is Chris Girard, and I am president and CEO of Plaid Pantries, Inc. You have received my written testimony in advance, so I won't take up time reviewing those details, but I would like to summarize a couple of key points.

I've been involved with helping to find solutions for Portland's street-drinking problems for over 20 years now. We've tried a patchwork of City Alcohol Impact Areas, Good Neighbor Plans, and Community-Policing Agreements. We have had a hodge-podge of inconsistent restrictions placed at various times by OLCC on some Licensees and not others in the same area. I'm not being critical of OLCC, just pointing out the result of not having a comprehensive uniform overall policy for all Licensees.

Most of these efforts worked to some degree, for some period of time, in some of the areas. I believe that we're ready for a more comprehensive solution, and we support getting rid of cheap, high-alcohol-content beverages in the downtown Portland area. Unfortunately, the current proposal will not do the job.

The Impact Area isn't large enough. By Staff's own analysis, it is obvious that we need to take in the full northwest area of inner downtown. We also need to pick up a handful of Licensees south of I-405 and we need to go across the river connecting to the City-designated AIAs; at least the full eastern one, and a southern portion of the larger northern AIA. There is a much higher probability that a voluntary program will work, if all Licensees have uniform restrictions, without any Licensee having a competitive advantage over another.

The Seattle Alcohol Impact Area is frequently cited as an example of what works. I agree that it works, but what's proposed here is not the Seattle AIA. We need to have product-specific restrictions, not broad package-size restrictions that capture products not preferred by street-drinkers, or documented as contributing to street-drinking. The current proposal bans a large portion of the beverage category that is popular among our non-offending customers.

Finally, there appears to be some misunderstanding by some about the Alcohol Impact Area process when it gets to the Oregon Liquor Control Commission. This petition may be returned to the City under the Automatic Denial criteria because it falls well short of the OLCC acceptance criteria. We were in a similar situation five years ago. I hope we don't go through a similar exercise, and take our focus away from working productively on a solution to the problem. If not denied, the petition simply puts the AIA process in-play. It is the OLCC Commissioners who will ultimately determine the types of restrictions and the boundaries of the AIA. I think that the City and Licensees should continue to work together to come up with a plan that will work, with the modifications we are suggesting. If it doesn't work, we can then proceed with an OLCC petition for a formal Alcohol Impact Area for Portland, and it would go before the Commissioners with a much larger consensus from Licensees.

Thank you for allowing me to speak tonight.



Plaid Pantries, Inc. • 10025 SW Allen Blvd. • Beaverton, Oregon 97005 • Telephone: 503.646.4246 • Facsimile: 503.646.3071

September 13, 2010

Mayor Sam Adams  
Commissioner Amanda Fritz  
Commissioner Dan Saltzman  
Commissioner Randy Leonard  
Commissioner Nick Fish

Portland City Hall  
1221 SW 4<sup>th</sup> Avenue  
Portland, OR 97204

Dear Mayor Adams and Commissioners:

Please accept this letter and the enclosed documents as the testimony of Plaid Pantries, Inc. ("Plaid") regarding Portland's proposed Alcohol Impact Area ("AIA") petition, as provided for under Oregon Administrative Rule OAR 845-005-0303.

Plaid operates 103 stores in Oregon and Washington, with over half of our stores located within the City Limits of Portland. Portland is a very important market for our company. Under various Good Neighbor Plans and older Community Policing Agreements, our company has already voluntarily restricted our inner-city Portland stores from carrying and selling certain alcohol products and package sizes that are known to be favored by street-drinkers. Plaid also participated in the recent "Vibrant PDX" effort to attempt to reach a voluntary agreement, and was a signer to the agreement.

On a related note, I would also like to point out that our company has achieved the most favorable compliance record of any multi-store Licensee in the state, in terms of alcohol compliance inspections conducted by law enforcement agencies and OLCC Compliance Inspectors. I'm pleased to report that Plaid has a two-year compliance rate that is over 99%. We take the responsibilities associated with alcohol privileges very seriously.

Plaid will continue to cooperate with the City in attempting to address its downtown problems; however, we have three significant issues with the proposed AIA: 1. It does not meet OLCC criteria for an AIA, 2. The proposed boundary is not appropriate, and 3. Product restrictions should be specific, not size based.

The proposed AIA petition does not meet the criteria of the OLCC Rule in a number of key areas. Specifically, the proposed petition does not meet the rule in terms of the types of products banned, the required economic analysis for individual Licensees and the area, or the rationale for the selected boundaries. In addition, the boundaries of the proposed AIA were expanded beyond the boundaries that were in the good-faith effort for a voluntary plan. Expanding the area without including the newly affected Licensees in a required voluntary process effort makes it impossible for the City to comply with the prerequisites for petitioning in paragraph (3) of the rule.



But aside from the technical deficiencies, the proposed AIA simply will not work as intended. For the AIA to work, it needs to be for an area even larger than the proposed expansion from the Vibrant PDX designated area. The boundaries of the proposed AIA are not consistent with the Staff's definition of the problem and their analysis of street-drinking incidents in the City's Exhibit 11 in the petition, in terms of the distances determined from street-drinker contacts and the boundaries of the proposed AIA.

Also, the graphics in Exhibit 12 of the City's petition, which show some drinking violations and detox incidents, only show data points that lie within the proposed AIA boundaries. This is potentially confusing, since such incidents do not stop at the proposed designated boundaries. The enclosed Portland CrimeMapper map of liquor crimes depicts a more accurate picture of the problem, and shows liquor law violations for the entire downtown area, including Eastside. There are still significant problems adjacent to and well outside the proposed boundaries and plenty of potential suppliers of alcohol from Licensees outside the proposed AIA boundaries.

The proposed AIA boundary unnecessarily and unfairly creates "winners and losers" .... Not because those outside the boundary are expected to sell to street-drinkers, but because they will benefit from legitimate, non-abusing customers who prefer the brands or package sizes prohibited under the proposed AIA. This is a significant reason that the Vibrant PDX effort failed. Many Licensees were concerned about competitors' right across the line from their businesses. This is still the case with the proposed expansion, except that different Licensees are now impacted.

The proposed expansion from the Vibrant PDX boundaries does not bring in any additional Plaid stores. In fact, we would have two stores that would benefit from the situation just described. On the other hand, we would be unfairly disadvantaged at a third store by non-restricted Licensees just outside the southern border of the proposed AIA area. Please refer to the enclosed maps that illustrate these points.

Seattle is often cited as an example of a successful Alcohol Impact Area. I am on the record as saying that it worked for us up there, it did not adversely affect our sales in the long run, and I stand by that characterization. But the Seattle AIA failed at first because the boundaries were too close to the identified problem area, so the area covered was way too small. After the boundaries were expanded significantly in a several-step process, the Seattle AIA finally had the desired effect, and street-drinking impacts were reduced within the most central area of the AIA.

Another reason that the Seattle AIA is working is because, unlike the Portland proposal, it designates specific products that are restricted. Portland's proposed approach restricts package sizes, including a lot of non-high-alcohol-content beverages that are not favored by street drinkers. The Seattle AIA lists and restricts specific brand names of cheap high-alcohol-content malt beverages, and the list is easily updated from time to time as products and package sizes occasionally change. During the recent events leading up to the AIA petition, Plaid recommended that Portland adopt this product-specific approach, and that Portland also consider expanding the proposed AIA boundaries.

It is not clear to me why the City would not consider this approach. The AIA rule requires that the proposed measures be "designed to reduce the documented problems". The City's documentation and analysis clearly indicate that street-drinking problems extend well beyond the proposed AIA

boundaries. Also, the proposed product restrictions exceed the stated purpose of the AIA by including products that are not documented as being associated with street-drinking.

As it stands at this point, the current Portland proposal is a "double-whammy" for Licensees within the AIA. They cannot meet the preferences and desires of their non-street-drinking customers, and there is a readily available supply of the desired packages and brands from competitors in close proximity across the AIA boundary. Licensees within the AIA, particularly near the boundaries, not only lose a regular non-abusing customer for alcohol purchases, but we know that customers will change their shopping habits and visit the competitor's store for their other non-alcohol purchases.

Plaid Pantries Inc. cannot support the current proposed petition because it does not meet the required criteria of the Rule. In addition, the proposed boundary is not fair to Licensees that have non-restricted stores that by all indications should be included in the AIA, that are in close proximity immediately across the AIA boundary. And finally, we cannot support the petition as currently proposed because it simply will not work as intended due to the improper boundary selection.

We recommend that the City re-define and expand the proposed boundaries, and model the product restrictions on the Seattle AIA procedures before taking this AIA petition to the OLCC. We could then go back for a renewed attempt at voluntary compliance for the revised area, and if that fails, then pursue a properly structured AIA petition and process if necessary to achieve the desired outcome. The other alternative is to keep the current proposal and proceed with the formal OLCC rulemaking process, assuming the petition is not returned to the City under the Automatic Denial criteria.

The rulemaking process will involve public hearings, with input and testimony from all interested parties. After reviewing the rulemaking record, the OLCC Commissioners will then determine the appropriate restrictions and boundaries for Portland's Alcohol Impact Area, as is their charge and sole discretion under paragraph (8) of the rule. Specifically, the Commissioners will "set boundaries and uniform limitations", and "may extend the boundaries beyond the actual area where problems are concentrated".

I believe the process will be better served to continue work on the restrictions and boundaries with City Staff and downtown Licensees, before asking the OLCC to weigh the facts and establish the parameters of Portland's Alcohol Impact Area.

Respectfully submitted,



Chris Girard  
President & CEO

Portland Police Bureau

Distance in feet between the Purchase Locations and the Contact Locations during this time period\*.

Number of Records	Maximum Distance	Minimum Distance	Median Distance	Average (Mean) Distance
327	24,154 ft	25 ft	1,460 ft	2,521 ft

Distance was 1,000 feet or less	124	38%
Distance was 2,000 feet or less	185	57%
Distance was 3,000 feet or less	216	66%
Distance was 5,000 feet or less	280	86%
Distance was 6,000 feet or less	318	97%
Distance was 18,000 feet or more	5	2%

- 1) Approximate Average distance between intersections in Downtown Portland is 280 Feet.
- 2) There were 371 unique locations provided by ONI, 368 had addresses within the City of Portland. Mapping coordinates (X,Y) for both the Purchase and Contact location were able to be determined for 327 of the addresses. Addresses such as "W. Burnside St." were too general to be mapped.

GEOCODING:

- a) Locations and distances are approximates due to the use of GIS for the coordinate system, mid-point of the X,Y for block address and location point, using the X,Y coordinate system on 5-19-2010.
- b) For certain known locations/landmarks, the locations X,Y was provided by PPDS (example, IRA Keller Park/Fountain).
- c) Where a specific corner was not provided the mid-point of that street location was used to identify the X,Y location.
- d) Where a Contact Location indicated a Block address the low end of the Block range was used.

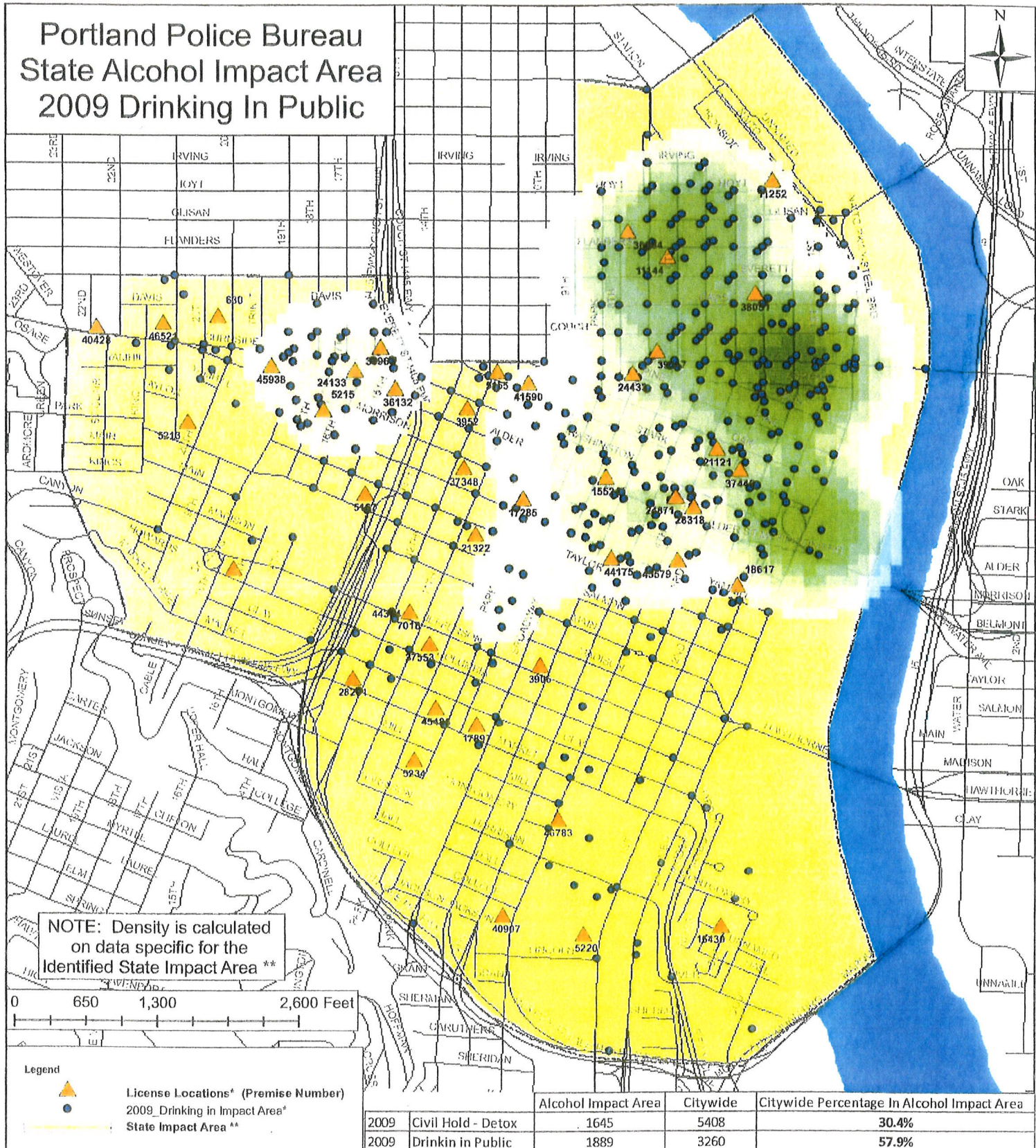
\*Time period noted was between 8/29/2008 and 4/18/2010.

NOTE:

When the 5 location (Purchase/Contact) distances that were over 18K feet were taken out these were the resulting calculations.

Number of Records	Maximum Distance	Minimum Distance	Median Distance	Average (Mean) Distance
322	9,451 ft	25 ft	1,446 ft	2,240 ft

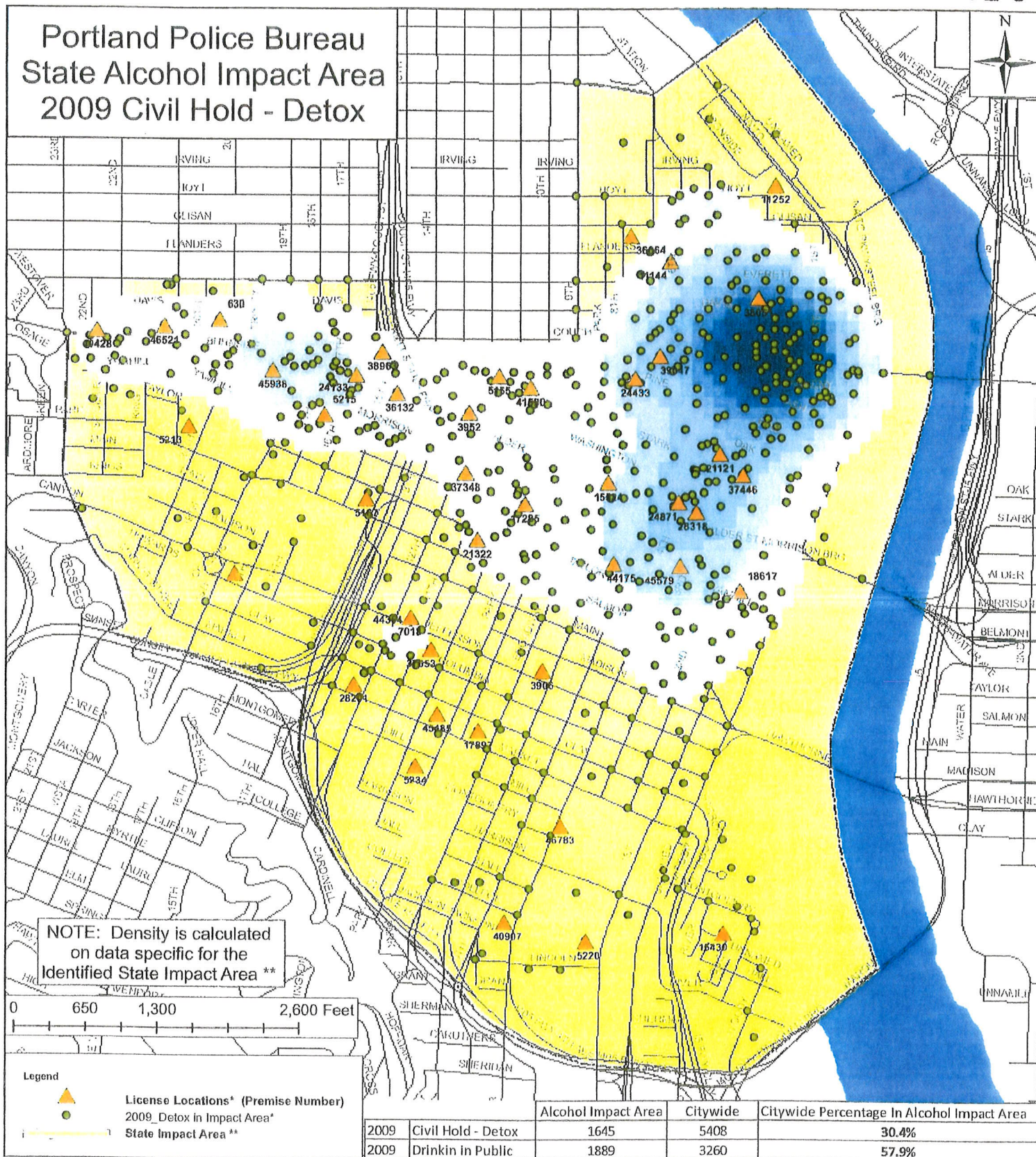
# Portland Police Bureau State Alcohol Impact Area 2009 Drinking In Public



\* Symbol may represent more than one premise license or Incident at that location.

\*\* City of Portland - Office of Neighborhood Involvement (ONI) Identified State Alcohol Impact Area:  
(Map area identified from west to east and within border described below)  
SW Vista Ave.- West along W. Burnside to NW 22nd Ave. - North to NW Everett St. to I-405 - South to W. Burnside - East to NW 9th Ave. - North to NW Lovejoy. - West and then South along the waterfront to Marquam Bridge - East along I-405 to Sunset Hwy. - West along Sunset Hwy to SW Vista. - North to W. Burnside.

# Portland Police Bureau State Alcohol Impact Area 2009 Civil Hold - Detox



\* Symbol may represent more than one premise license or Incident at that location.

\*\* City of Portland - Office of Neighborhood Involvement (ONI) Identified State Alcohol Impact Area:  
(Map area identified from west to east and within border described below)  
SW Vista Ave.- West along W. Burnside to NW 22nd Ave. - North to NW Everett St. to I-405 - South to W. Burnside - East to NW 9th Ave. - North to NW Lovejoy. - West and then South along the waterfront to Marquam Bridge - East along I-405 to Sunset Hwy. - West along Sunset Hwy to SW Vista. - North to W. Burnside.

36815

# CrimeMapper

[New Search](#) | [Mapping](#) | [Help](#) | [Set-up Monthly Notification](#)

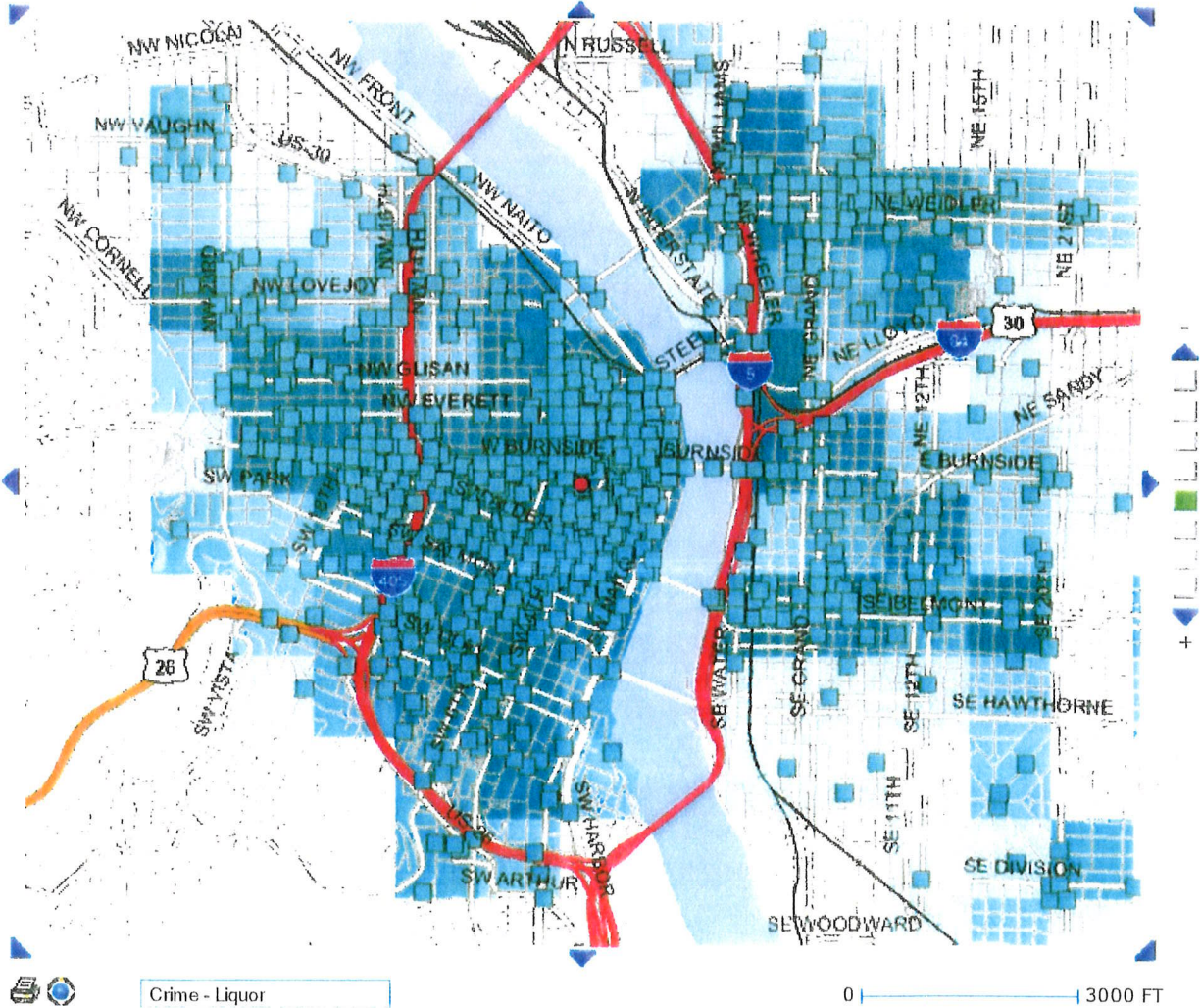
## SW 5TH AVE & SW PINE ST - DOWNTOWN - PORTLAND

**Explorer** | [Crime](#)

Explore the area, view different themes

Crime - Liquor Detail

Long -122.67583 Lat 45.52214



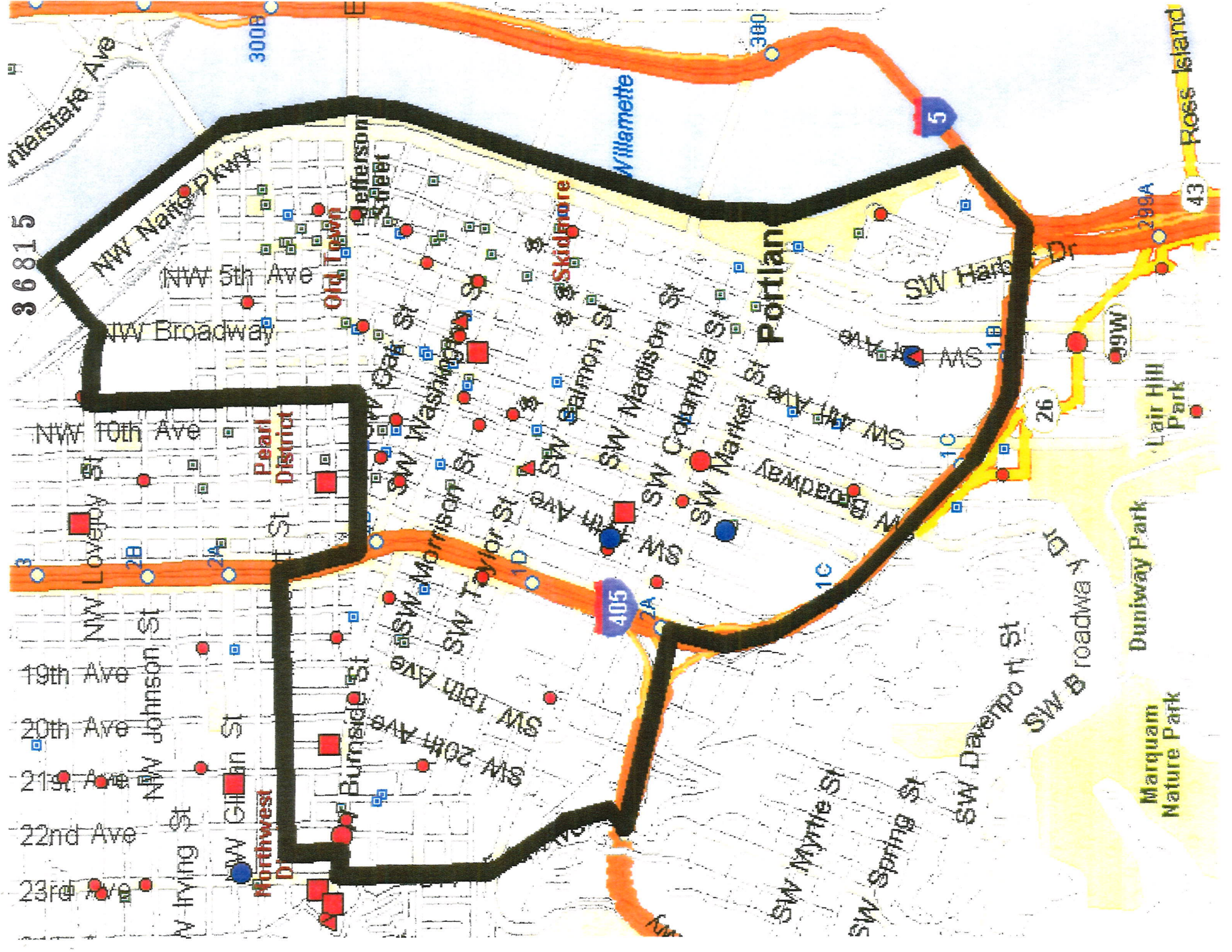
City of Portland, Corporate GIS

9/11/2010

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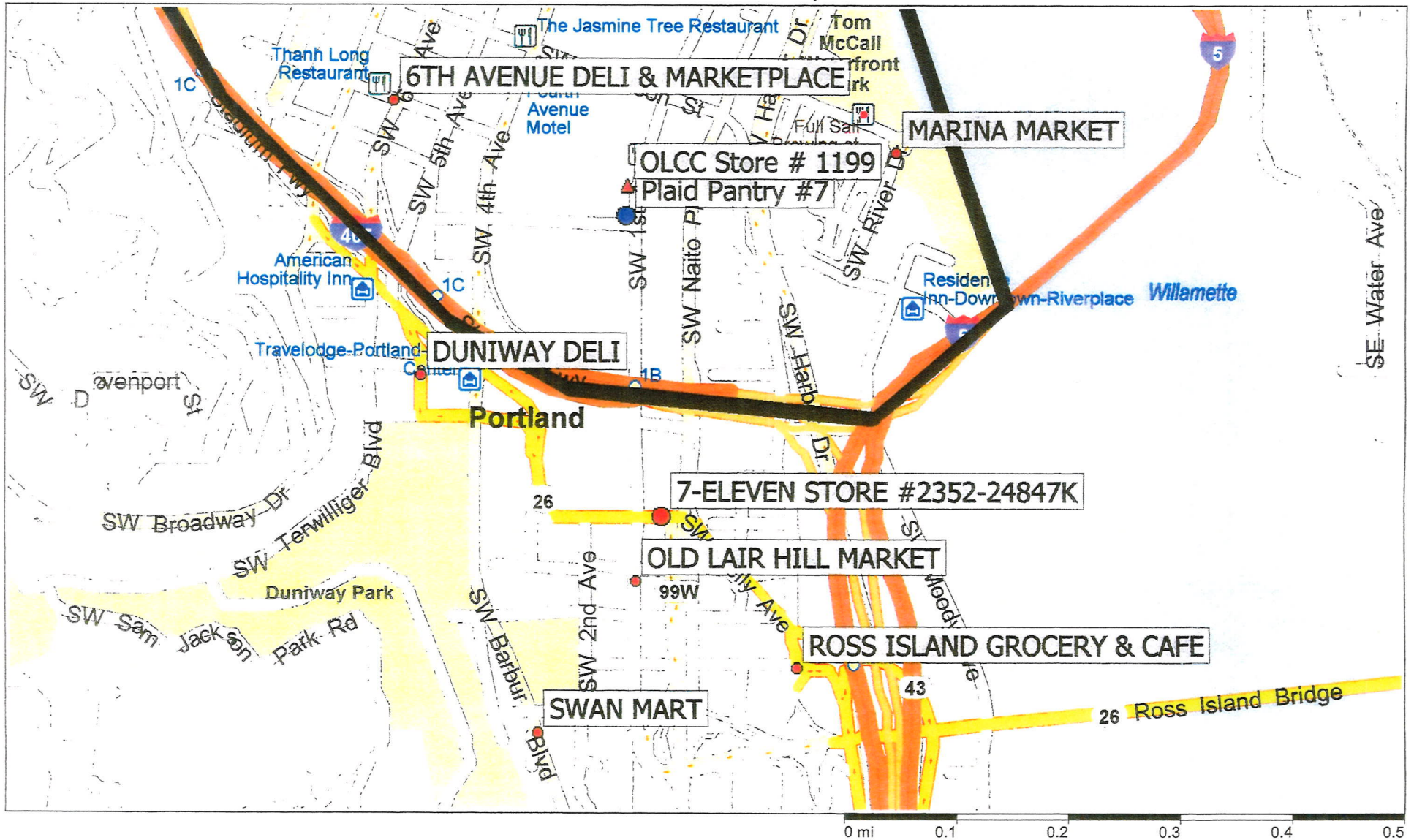
Proposed Portland AIA Map 081910



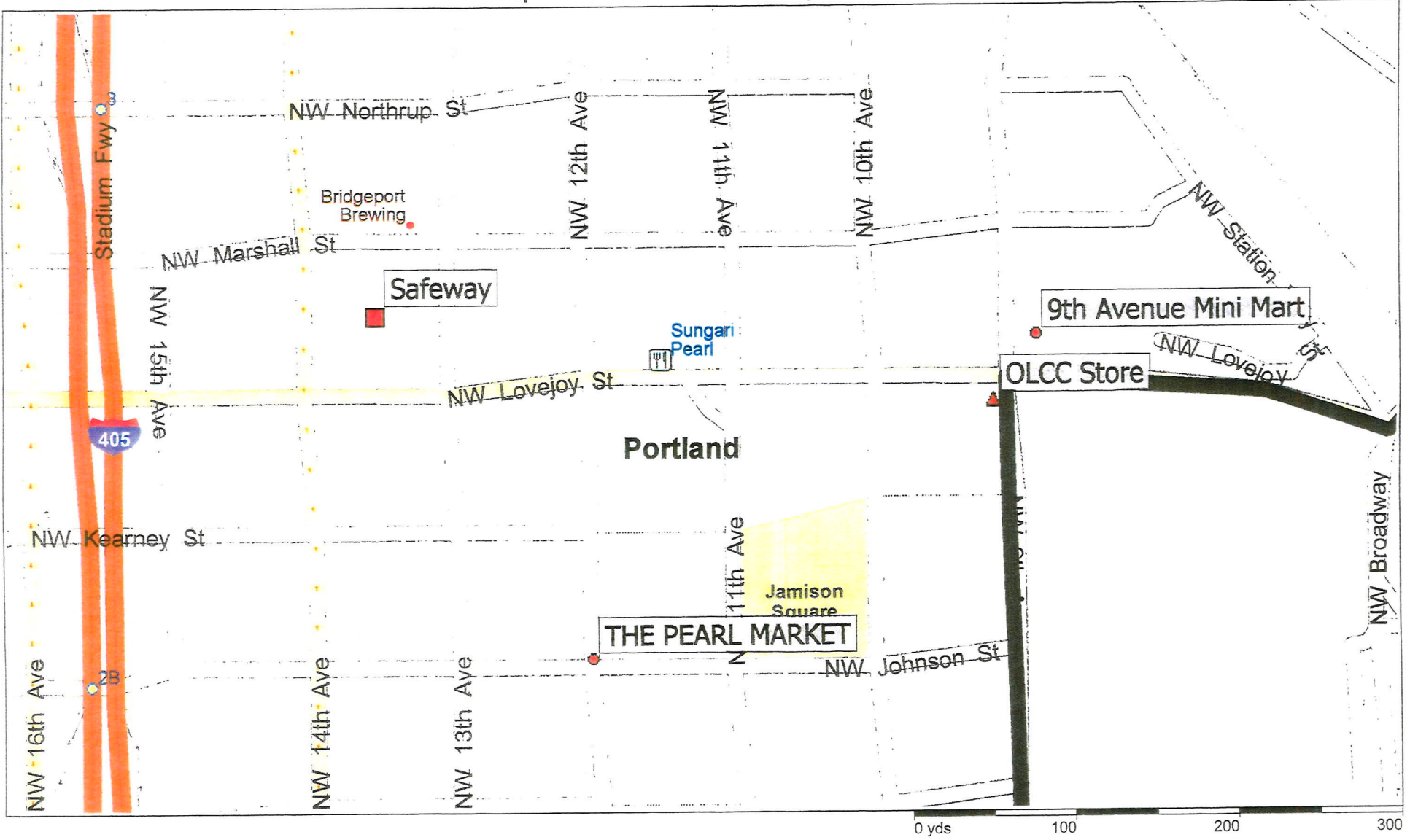
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Proposed Portland AIA Map 081910

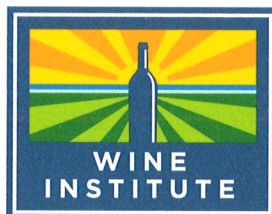
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Proposed Portland AIA Map 081910







Katie Jacoy  
Western Counsel

**Testimony of Wine Institute  
City of Portland's Petition regarding the Alcohol Impact Area**

**Katie Jacoy  
Western Counsel**

Mayor Sam Adams  
Commissioner Amanda Fritz  
Commissioner Dan Saltzman  
Commissioner Randy Leonard  
Commissioner Nick Fish

September 15, 2010

Wine Institute ("WI") is a public policy organization based in San Francisco representing 914 California wineries. We understand and applaud the goal of making the center of Portland's downtown a cleaner, safer and more livable community. This is also a goal of the urban areas in your neighboring states of California and Washington. The decision to ask the Oregon Liquor Control Commission (OLCC) to formally recognize the proposed area of Portland an Alcohol Impact Area (AIA) is an extreme step, given that the request includes a ban on the sale of alcohol beverages legally produced and legally sold in the state of Oregon. If you determine that there is sufficient documented need to justify any restrictions on the sale of wine products, we urge you to tailor the restrictions as narrowly as possible to ONLY impact products that can be shown to have reasonably caused a significant issue within the AIA.

WI was not contacted as a stakeholder during this process. We became concerned and involved only after reading about the proposal in the news. You can imagine our surprise to learn that more than 160 wines currently available in the Safeway, located in the AIA, would be banned from sale. Even more astounding is that the proposal appears to suggest that banning over 160 wines is necessary to address about 47 documented cases of public drinking of some wine product over a 9 month period of time. We have asked staff of the Office of Neighborhood Involvement (ONI) for the reports from the Portland Patrol Incorporated (PIP) documenting those drinking wine in public, but to date, we have not received anything.

The Petition to Adopt Rule that the Portland City Council will consider Wednesday evening ("Petition") requests a ban on the sale of the following wine products in market/convenience stores and market/grocery stores located within the AIA:

- Licensee will not sell wine over 14% ABV (alcohol by volume)
- Licensee will not sell wine packaged in a removable bladder or flexible soft package
- Licensee will not sell wine in quantities greater than 2 liters per package

WI opposes the ban on the sale of these broad categories of wine products. The proposed ban would negatively impact the vast majority of wine consumers, who purchase these products

within the AIA and consume them responsibly at home. This proposal bans a significant number of wine products with none or very limited evidence of problems associated with such products. As mentioned above, the requested ban, as described in the Summary Report from the ONI attached to the Petition, is based on 472 PPI reports (not arrests or citations). Between April to August, 2009 and January to April, 2010, PPI officers approached individuals drinking on the street and asked where they purchased their alcohol and what they were drinking. Based on these reports, the drinking in public broke down as follows: 87% were malt beverage, 10% were wine, and 3% distilled spirits. The proposed ban on wine products, therefore, is based on approximately 47 people over a 9 month period drinking some wine product in public.

Banning products based on category or alcohol content will inevitably lead to banning products that have no relationship with the documented problem. This is evident in banning all wines over 14% ABV, which include many premium wines and expensive port wines. The Summary Report from the ONI states: "Very few wines are over 14% unless they are fortified wines, . . .". This is simply not true. Many of the premium and ultra-premium wines produced in Oregon, Washington and California exceed 14% ABV. These also tend to be the more expensive products. In fact, based on an informal survey at the Safeway within the proposed AIA, there were at least 160 wine products over 14% ABV, which are not fortified with spirits. The wines were from Oregon, Washington, California, Italy, and Australia and included Chardonnay, Pinot Noir, Cabernet Sauvignon, Zinfandel, Merlot and Syrah.

This proposal, which exempts wine shops, discriminates against those consumers in central downtown Portland who enjoy the convenience of buying wine along with their groceries or snacks. Many consumers who responsibly enjoy wine and purchase it in grocery or convenience stores do not feel comfortable in wine shops that typically cater to more sophisticated wine consumers purchasing premium and ultra-premium product.

The ONI Report points to the experience in Washington with AIAs to support the Portland AIA proposal; however, ONI did not adopt the approach Washington took with regard to product restrictions. In Washington, a request for mandatory product restrictions requires evidence that the **specific products** are reasonably linked to problems associated with chronic public inebriation or illegal activity in the area. The jurisdiction requesting the bans develops a list of specific products that contribute to the documented problem. This approach may take more work and has not been perfect, but has avoided banning legal alcohol beverage products that have no relationship to the specific issues within an AIA boundary.

There are six (6) mandatory AIAs in Washington located in three cities - Seattle, Tacoma and Spokane. At most, there are eight (8) wine products (all fortified with the addition of spirits) banned in these areas:

Seattle (three AIAs) – 8 wine products restricted  
 Tacoma (two AIAs) – 5 wine products restricted (all these are also restricted in Seattle)  
 Spokane (one AIA) – No wine products are restricted.

In contrast, the proposed Portland AIA bans more than 160 wine products currently sold. In addition, none of the Washington AIAs ban bag-in-box wines or large format bottles of table wines as in the Portland proposal.

The Petition to Adopt Rule in paragraph 11 states: Results indicate that street drinking is associated with high alcohol content products in large containers." Wine products available in large containers are typically not products that are high in alcohol content and therefore, should

not be subject to the ban. Moreover, WI encourages you to consider the other positive attributes of bag-in-box (BIB) packaging before subjecting them to a ban. All of Oregon, but especially the Portland area, prides itself on being environmentally friendly. Environmentally-friendly BIB packaging results in a 55% smaller carbon footprint than traditional glass bottles, requiring far less energy to produce and transport, and 85% less landfill waste than traditional glass bottles.

BIB packaging is a growing trend in the wine industry because wine sold in BIB packaging keeps wine fresh for a minimum of six weeks after opening. When wines are packaged in BIBs, the consumer can enjoy a glass anytime without concern about finishing a bottle, and the last glass is as good as the first. Many BIB wine products have lower alcohol content and are a less expensive wine alternative for consumers. In addition, BIB products are more likely to be sold in the grocery and convenience stores that would be subject to the ban, and less likely to be found in more upscale wine shops that are exempt. So this proposal will not only inconvenience consumers, but will have a greater adverse impact on lower income responsible wine drinkers.

We urge you to amend the current proposal to exempt wine products or revise the proposal to only ban those specific wine products that are proven to cause a significant problem in the proposed AIA. If such amendments or restrictions are not considered, please vote NO on the proposed Portland AIA.

If you have any questions, please do not hesitate to contact me at (360) 790-5729 or Hasina Squires, WI's Oregon lobbyist, at 503-708-8079.

**Parsons, Susan**

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**From:** Oregon Neighborhood Store Assn. [contact@onsa.net]  
**Sent:** Wednesday, September 15, 2010 2:12 PM  
**To:** Parsons, Susan  
**Subject:** AIA Comments for tonight's Council meeting

**Attachments:** ONSA\_AIA2010.pdf



ONSA\_AIA2  
10.pdf (126 KI

Ms. Parsons,

Attached is a letter regarding the proposed AIA petition submitted to the Portland City Council. If possible, please provide copies to Mayor Adams and the Council Members prior to tonight's 6:00 pm meeting.

Thank you for your assistance,

Richard Kosesan  
Executive Director

Oregon Neighborhood Store Assn.  
1270 Chemeketa St. NE  
Salem, OR 97301  
Ph: 503. 316-9638  
www.onsa.net





**Oregon  
Neighborhood  
Store  
Association**

**Board of Directors:**

John Alley  
Alley Valley, Inc.  
Odell, Oregon

Brian Barry  
Core-Mark International  
Portland, Oregon

Matt Carlough  
Clatskanie Mini Mart  
Clatskanie, Oregon

William (Chris) Girard, Jr.  
Plaid Pantries, Inc.  
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Jacksons Food Stores  
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Lila Leathers-Fitz  
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Capital City Companies  
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Frank Schuchard  
Schu Marts Garden Valley  
Roseburg, Oregon

Gary Straube  
Darimart Stores  
Junction City, Oregon

Administrative Office  
1270 Chemeketa St., NE  
Salem, Oregon 97301  
Phone: 503-316-9638  
Fax: 503-585-1921  
www.onsa.net

Sept. 15, 2010

Mayor Sam Adams  
Commissioner Amanda Fritz  
Commissioner Dan Saltzman  
Commissioner Randy Leonard  
Commissioner Nick Fish

Portland City Hall  
1221 SW 4th Avenue  
Portland OR, 97204

Dear Mayor Adams and Commissioners,

The Oregon Neighborhood Store Association appreciates the opportunity to provide comments on the proposed Alcohol Impact Area (AIA) petition. For the reasons that follow, ONSA respectfully submits that further consideration is necessary and asks the City not to move forward with the petition at the present time.

Applicable administrative rules establish a number of prerequisites for AIA petitions. The first of these rules is that a city must initially pursue voluntary efforts to address problems that might otherwise prompt an AIA petition. OAR 845-005-030(3). ONSA submits that voluntary efforts should proceed further before seeking to advance a petition for a mandatory AIA.

In addition, any AIA that is ultimately developed is required to be uniform. OAR 845-005-030(1). The petition under consideration is not uniform. As proposed, the petition seeks to exempt high alcohol content beverages produced by small brewers, while restricting the sale of high alcohol content beverages produced by larger out-of-state brewers. There is no rational basis for treating substantially identical products differently based on the size of the brewer producing the product. The differential treatment, among other problems, causes the proposed AIA petition to fail the test of uniformity.

The proposed AIA petition fails the test of uniformity for other reasons as well. For example, the petition does not extend equally and uniformly to all off-premise licensees within the defined area. Similarly,

Portland City Council  
September 15, 2010

Page 2

the geographical scope of the proposed AIA is not uniform in the sense that areas adjacent to the proposed AIA boundaries still have significant documented problems and ready suppliers of alcohol who would not be subject to the AIA restrictions.

While a voluntary approach is still the approach ONSA would recommend, if the City is convinced a mandatory AIA is necessary, then the City should seek to follow a proven model. In this regard, the City of Seattle provides one example of a workable and successful model. The Seattle model demonstrates that a successful AIA should be product specific and broad in geographic scope. By contrast, Portland's proposed AIA is not product specific, is overly limited in geographic scope, and is structured in a manner that causes its restrictions to encompass products not associated with street drinking.

For the reasons summarized herein, ONSA respectfully asks the City not to move forward with the proposed AIA petition at the present time. Instead, ONSA encourages the City to renew efforts to develop a voluntary program and if that fails, proceed to develop and propose an AIA petition that is uniform and predicated upon the best elements of the Seattle model.

Respectfully,



Richard Kosesan  
Executive Director

36815

**Parsons, Susan**

**From:** Chris [chrisg@plaidpantry.com]  
**Sent:** Thursday, September 09, 2010 5:24 PM  
**To:** Boyer, Michael  
**Cc:** Marchetti, Theresa; Moore-Love, Karla  
**Subject:** RE: Resolution Authorizing Petition for an Alcohol Impact Area  
**Attachments:** Portland AIA Marchetti ONI 081610.pdf; Proposed Portland AIA Map 081910.jpg; Proposed Portland AIA Map Northern Boundary.pdf

Thanks Michael. Plaid Pantries, Inc. would like to provide comments to the City Council at their meeting on the 15<sup>th</sup>.

Ms. Moore-Love, would you please accept the attached documents for the Commissioners prior to my oral testimony? If you would prefer that I send you printed copies in advance please let me know.

Thanks,

Chris Girard  
 President & CEO  
 Plaid Pantries, Inc.  
 503-526-8300

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**From:** Boyer, Michael [mailto:Michael.Boyer@portlandoregon.gov]  
**Sent:** Thursday, September 09, 2010 4:10 PM  
**To:** Undisclosed recipients:  
**Subject:** FW: Resolution Authorizing Petition for an Alcohol Impact Area

Good Afternoon everyone,

Please see the message below from Theresa Marchetti. Alcohol Impact Area Petition will be heard my Council on 9/15/10 at 6:00 PM. Please feel free to contact me anytime with questions or concerns.

Thank you,

Mike Boyer

Crime Prevention Program Coordinator  
 Downtown / Chinatown / Old Town  
 Office of Neighborhood Involvement - City of Portland  
 Desk: 503-823-5852  
 Fax: 503-823-3050  
 E-mail: [michael.boyer@portlandoregon.gov](mailto:michael.boyer@portlandoregon.gov)  
 Website: [www.portlandonline.com/oni/downtowncrimeprevention](http://www.portlandonline.com/oni/downtowncrimeprevention)

---

**From:** Marchetti, Theresa  
**Sent:** Thursday, September 09, 2010 1:58 PM  
**To:** Marchetti, Theresa; Archer, Amy  
**Subject:** Resolution Authorizing Petition for an Alcohol Impact Area

The Resolution to authorize a Petition to the Oregon Liquor Control Commission for an Alcohol Impact Area will be heard by City Council on September 15th at 6pm. If you would like to provide comments at the hearing you may contact Karl Moore-Love at 503-823-4086 or [Karla.Moore-Love@portlandoregon.gov](mailto:Karla.Moore-Love@portlandoregon.gov).

9/13/2010

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For more information on the Resolution or accompanying Petition please visit the following link.

<http://www.portlandonline.com/oni/index.cfm?c=32419>

More information about the City Council Hearing can be found at the Auditors Office Website.

<http://www.portlandonline.com/auditor>

Thanks!

*Theresa Marchetti*

Liquor Licensing Specialist - ONI

1221 SW 4th Ave Ste 110

Portland OR 97204

503-823-3092

[theresa.marchetti@portlandoregon.gov](mailto:theresa.marchetti@portlandoregon.gov)

To view applications currently in process go to <http://www.portlandonline.com/oni/index.cfm?&c=48007>

I apologize if this is a duplicate message.



Plaid Pantries, Inc. • 10025 SW Allen Blvd. • Beaverton, Oregon 97005 • Telephone: 503.646.4246 • Facsimile: 503.646.3071

August 16, 2010

Ms. Theresa Marchetti  
Liquor Licensing Specialist  
City of Portland  
Office of Neighborhood Involvement  
1221 SW 4th Ave Ste 110  
Portland, OR 97204

Dear Ms. Marchetti:

Thank you for the opportunity to testify last week regarding the proposed Alcohol Impact Area ("AIA") for Portland.

As you know, Plaid Pantries, Inc. was a participating signer to the voluntary "Vibrant PDX" agreement, which restricted certain package sizes and alcohol content of alcoholic beverages. It is my understanding that enough other Licensees chose not to participate in the voluntary agreement, and the City now intends to go forward with a formal AIA petition to the Oregon Liquor Control Commission ("OLCC").

As I testified last week, Plaid Pantries, Inc. is not in a position to indicate whether we will be claiming an exemption to the AIA since we have not seen the proposed petition. Also, the AIA rule (OAR 845-005-0303) requires a considerable amount of supporting documentation, analysis, rationale for the boundaries, and other information to be included in the petition, and Licensees have not been provided with this information. Licensees cannot take informed action as requested at last week's meeting until we are provided this information.

In addition, I note that the proposed AIA boundaries and proposed restrictions are significantly different from the voluntary agreement that was negotiated between the City and Licensees. This is inconsistent with the requirements of the rule.

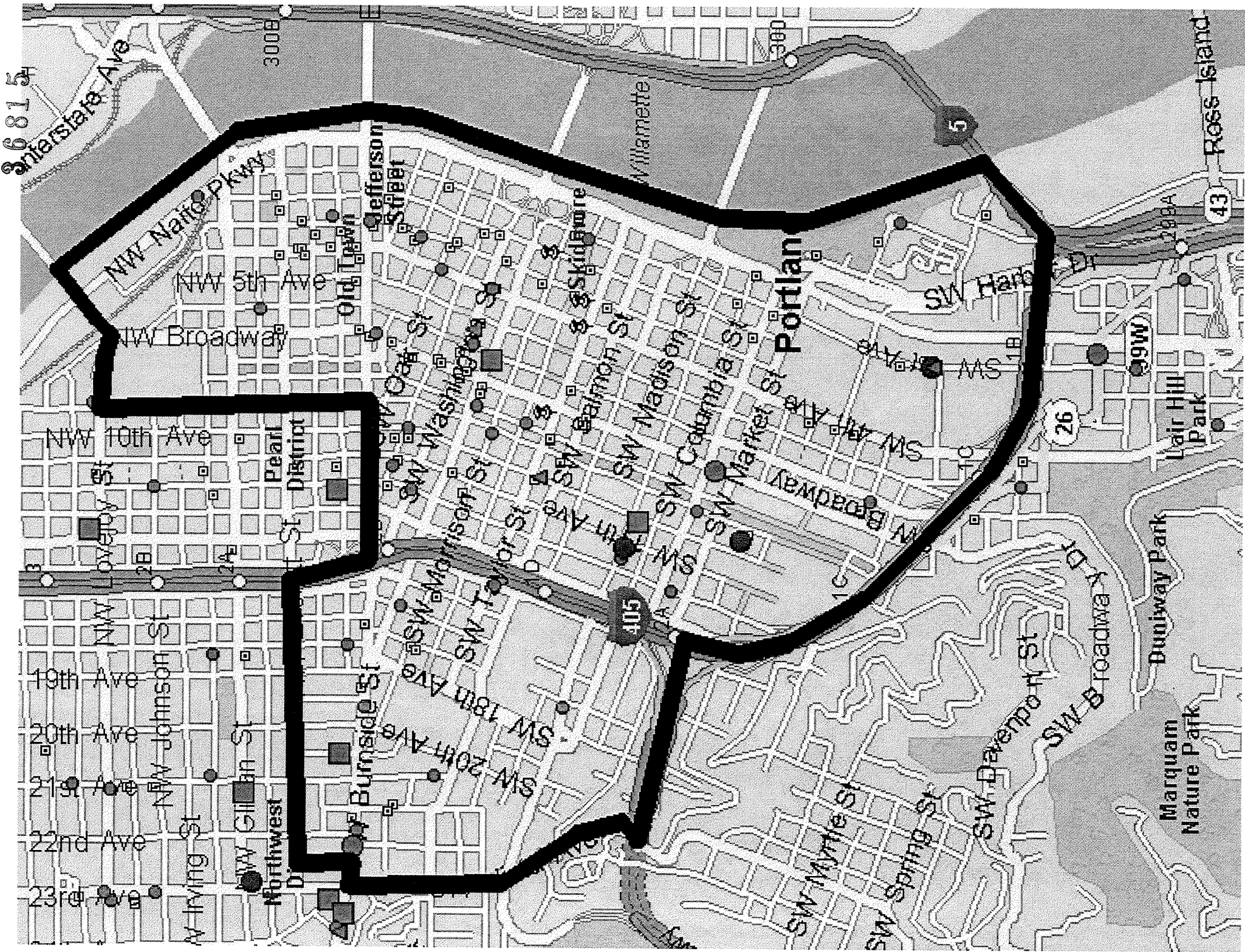
Plaid Pantries, Inc. will continue to cooperate with the City in attempting to address its downtown problems, however the City needs to follow the procedures in the OLCC rule to insure that the process will work fairly and as intended. At this point, the City has not conformed to the required and proper administrative process.

As I indicated last week, we will not be able to meet your request until you provide specific details about the City's proposed petition. We reserve our right to provide input, and objections if necessary and appropriate, after receiving this information.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Girard". The signature is fluid and cursive, written over a white background.

Chris Girard  
President & CEO  
Plaid Pantries, Inc.



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Interstate Ave

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Willamette

Ross Island

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NW Naito Pkwy

Jefferson Street

NW 5th Ave

NW Broadway

Old Town

Skidmore

Portland

SW Harbor

NW 10th Ave

Pearl District

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SW Salmon St

SW Madison St

SW Columbia St

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### Proposed Portland AIA Map 081910

