

City's proposed alcohol impact area goes flat with OLCC

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STAFF WRITER

Portland's two-year effort to create a controversial alcohol impact area in downtown Portland in the hopes of decreasing public drinking and inebriation appears scuttled.

The Oregon Liquor Control Commission (OLCC) informed City Commissioner Amanda Fritz, who has spearheaded the impact area's creation, along with the Portland Police Bureau and Office of Neighborhood Involvement late last week that it did not have the legal authority to designate impact areas in cities.

Tom Bizeau, Fritz's chief of staff, says OLCC Director Steve Pharo told Fritz's office that the OLCC's position derives from legal counsel the commission sought from the Department of Justice. According to Bizeau, the Department of Justice told the OLCC that state statute would have to be changed in order for the OLCC to have legal authority to create alcohol impact areas.

Neither the OLCC nor the Department of Justice returned phone calls for comment. Bizeau says the Department of Justice has not made its opinion public. "There's no documentation," Bizeau says, adding that the OLCC has not given the city a specific reason why creating impact areas is not legal. "We don't even know why we can't do it."

"It surprised everybody," says Chris Girard, the owner of Plaid Pantry, a convenience store chain that would have been affected by the alcohol impact area.

It's an abrupt about-face on the OLCC's part. The city of Portland has been

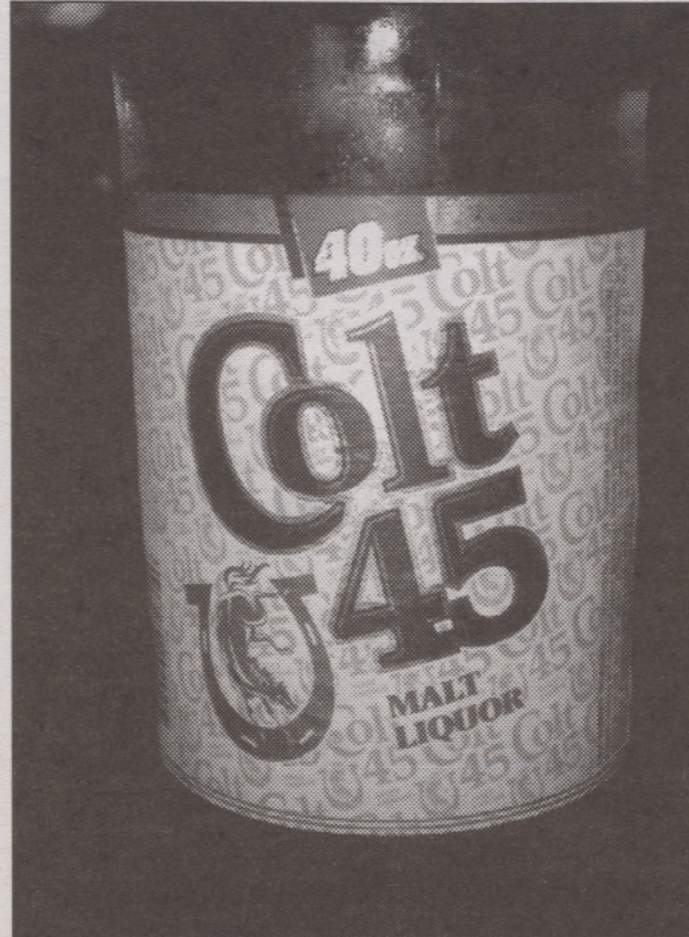
communicating with the OLCC for the last two years regarding the creation of the impact area. And Girard says the formal rule-making process to create the impact area was slated to begin in the next month.

The OLCC's refusal to create an alcohol impact area won't help cool growing tension and strain between the city and the OLCC. Recently, the OLCC approved the ability for outdoor food carts to have liquor licenses, which the city strenuously objected to. In a press release issued July 2, Fritz did not mince words when she referred to the OLCC's decision regarding the alcohol impact area as a "bait and switch."

"(This) is another example of the agency showing indifference to problems linked to alcohol sales in local jurisdictions, and a disgraceful lack of transparency and accountability," Fritz said.

The impact area would have restricted alcohol sales in convenience stores, and would have encompassed downtown Portland, Old Town, and parts of the Goose Hollow and Northwest neighborhoods. It would have been the first alcohol impact area in the state.

The impact area would have prohibited convenience stores from selling malt liquor and beer containing more than 5.75 percent alcohol by volume, and wine containing more than 14 percent alcohol. Stores also would have been prohibited from selling beer in individual 16-ounce cans, which Girard says is a highly popular product in Plaid Pantry and other convenience stores. Microbrews would have been exempt from the restrictions.



Large servings of high alcohol beverages would have been banned from downtown shelves under the city's proposed alcohol impact area

The intent of the impact area was to decrease what proponents call "street drinking," or drinking in public. Currently illegal in Portland, offenders are given a citation. The Portland Police Bureau gave 1,700 citations for public drinking in the proposed impact area in 2009, accounting for 55 percent of all public drinking citations in the city.

The city first tried to get store owners to voluntarily agree to restricting alcohol sales in an initiative called "VibrantPDX." It failed

disasterously — only 9 out of 43 stores signed the voluntary agreement.

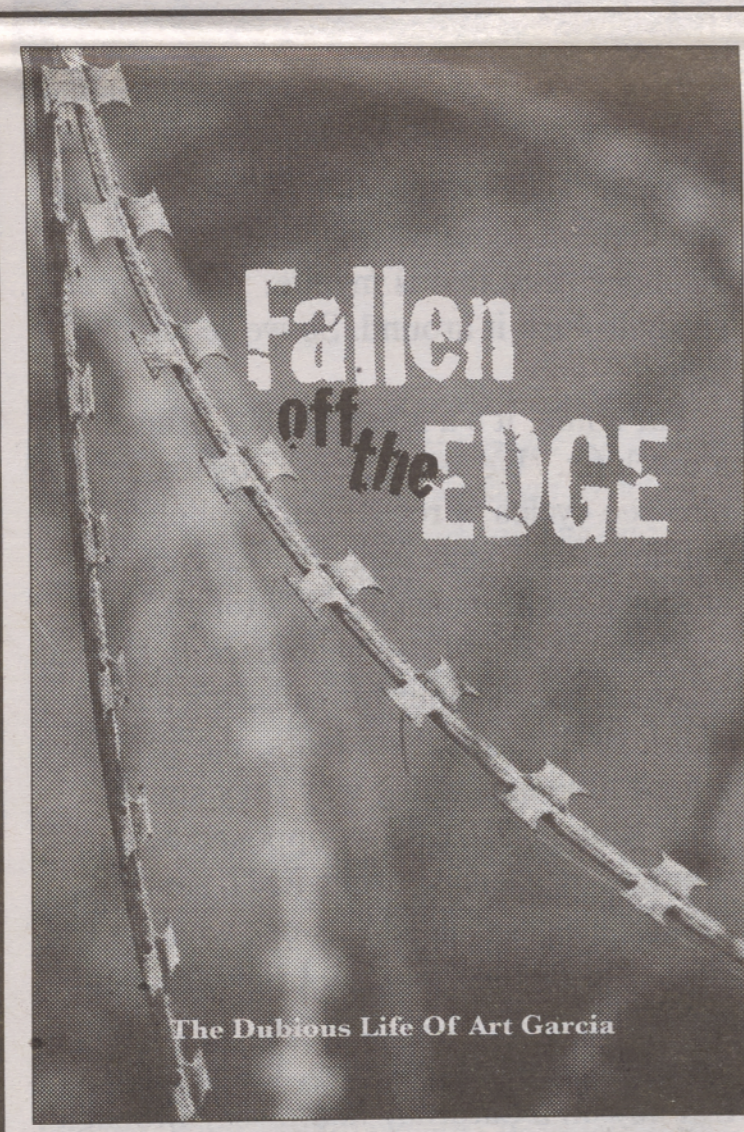
Owners balked at having the city attempt to impose restrictions on private businesses and to stop them from selling products they said accounted for a quarter of their total sales. Girard says the city's insistence on prohibiting alcohol products based on alcohol content rankled store owners, including him.

Girard says he attempted to work with the city to ban particular brand names of alcohol beverages known to be preferred by problematic street drinkers, rather than alcoholic products above a certain alcohol content. That is the method alcohol impact areas in Spokane and other Washington cities use to regulate alcohol sales.

Plaid Pantry has stores in Washington, and Girard says such an approach both tackles street drinking problems and prevents stores from losing business.

But he says the city was unwilling to find a compromise. "I thought we could have agreed, but apparently we couldn't," Girard says. "We were more than willing to support a restriction. [But] we didn't think the city's plan was the right way to go."

Bizeau says Fritz's office plans to file a formal public records request to see the Department of Justice opinion. He also says the city will begin looking at the possibility of asking the state Legislature to write a statute allowing for the creation of alcohol impact areas.



Fallen Off the Edge

A new book by Art Garcia

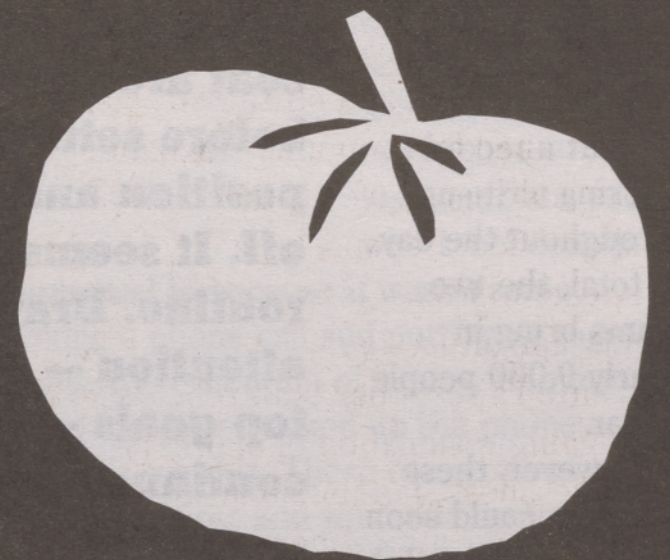
"Fallen Off the Edge" is a chronicle of one man's experiences after returning from the Vietnam War. Told through the eyes of Street Roots columnist Art Garcia, this book celebrates the major victories born from a series of questionable choices. Art's jocular storytelling takes the reader along with him in and out of the California prison system over the course of 10 years until he found the strength and courage to pull himself up from the fall.

The book is available online at www.blurb.com under searchword Art Garcia.

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29 Biwa	30 Davis Street Tavern Beulahland	31 The Observatory				