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**PORTLAND, OREGON**

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OFFICE OF NEIGHBORHOOD INVOLVEMENT

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*Enhancing the quality of Portland's Neighborhoods through community participation*

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**Proposed Alcohol Impact Area – Portland Downtown Core**

**Summary Report – August 2010**

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## INTRODUCTION

### **Background:**

Street drinking is a chronic problem within the Downtown core of Portland, Oregon. This area which represents a little over 1 % of the land area in Portland's city limits, is responsible for almost 60% of all drinking in public citations in the City<sup>1</sup>. Official statistics from the Portland Police Bureau and the Hooper Detoxification Center confirms that the problem of street drinking and public inebriation has been consistently concentrated in this area since at least the year 2000.<sup>2</sup>



### **VIBRANT PDX<sup>3</sup>– Voluntary Community Effort to Address Street Drinking**

The City of Portland worked with affected licensees, police and the community to develop stipulations that would best address the problem of street drinking while being sensitive to impacts on the market community. Through a collaborative voluntary agreement development process, VIBRANT PDX, stipulations were developed to most narrowly address the dynamics that contribute to drinking in public incidents.

Each establishment that holds an off premises license privilege was visited by City staff twice, and issued a survey to assess impacts and obtain feedback. Additionally, the Office of Neighborhood Involvement (ONI) Liquor Licensing Program and ONI Crime Prevention Program hosted and attended 67 community/neighborhood/ and stakeholder meetings in an effort to include as many viewpoints as possible. The language of the voluntary agreement was developed through the collaboration of the stakeholders in this area. However, only 9 of the 43 market stores within the area were willing to voluntarily participate. Although the voluntary effort proved unsuccessful, it provided guidance for the restrictions and requirements presented here for a state recognized Alcohol Impact Area (AIA).

### **Proposed Solution:**

After considerable efforts to address the problem voluntarily with businesses that have licenses to sell off premises alcohol, ONI and the Portland Police Bureau (PPB) are requesting permission from Portland City Council to petition the Oregon Liquor Control

<sup>1</sup> Portland City Code Section 14A.50.010 pertains to drinking in Public.

<sup>2</sup> Hooper Detox Center (2000 to 2010). Central City Concern...June 10<sup>th</sup>, 2010.

<sup>3</sup> Volunteering as Innovative Businesses to Address Alcohol Related Nuisances Together – more information at [www.portlandonline.com](http://www.portlandonline.com)

Commission (OLCC) to designate a state recognized Alcohol Impact Area as allowed under Oregon Administrative Rule 845-005-0303.

The City of Portland has designated local Alcohol Impact Areas in City code in the past and the currently defined Burnside Impact Area is encompassed in the Downtown core area (PCC 14B.100.160). However, the local designation has proven ineffective for dealing with the issue of street drinking since it is not recognized by the State for use in decision-making when granting or reviewing licenses in the area.

## **ALCOHOL IMPACT AREA**

### **Examples of Impact Areas and Local Experience:**

If approved, this will be the first recognized AIA in the State of Oregon. However, Washington has more than 13 AIA's that have been successful in addressing the crimes, nuisance activities, and harms associated with street drinking and chronic inebriation. In Tacoma, WA, medical calls for service involving alcohol dropped 35% and drinking in the parks dropped 60% since implementation of the AIA. Tacoma also saw a decrease in drinking in public and disorderly conduct, while surveys indicated a decrease in residents' fear of crime.<sup>4</sup>

Seattle, WA has implemented three AIA's with similar results. The residents within the AIA's in Seattle were more likely to report positive changes in their neighborhoods than neighborhoods outside the AIA's, including improvements in cleanliness and overall livability and a decrease in aggressive panhandling.<sup>5</sup>

The analysis of the overall monthly sales receipts for pre – AIA implementation and post-AIA implementation in both Tacoma and Seattle showed no statistical difference in sales. Additionally, although beer and wine distributors were adamantly opposed to the AIA in Tacoma, the data available shows increases in revenues for distributors after the implementation of the AIA.

Two establishments in the Portland area were mandated for 90 days to individually abide by these restrictions on an individual basis because of documentation showing their contribution to drinking in public citations. After the mandatory period was expired, they continued with the restrictions voluntarily and were supporters of the VIBRANT PDX effort. According to these licensees, they saw less loitering outside their businesses by intoxicated individuals and a decrease in shoplifting incidences. The employees shared

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<sup>4</sup> Tarnei, J (2003). Evaluation of Tacoma Washington Alcohol Impact Area, Social & Economic Sciences Research Center, Seattle Washington.

<sup>5</sup> Tarnel, J (2009). Seattle alcohol impact area evaluation: Executive summary. Social & Economic Sciences Research Center, Seattle Washington.

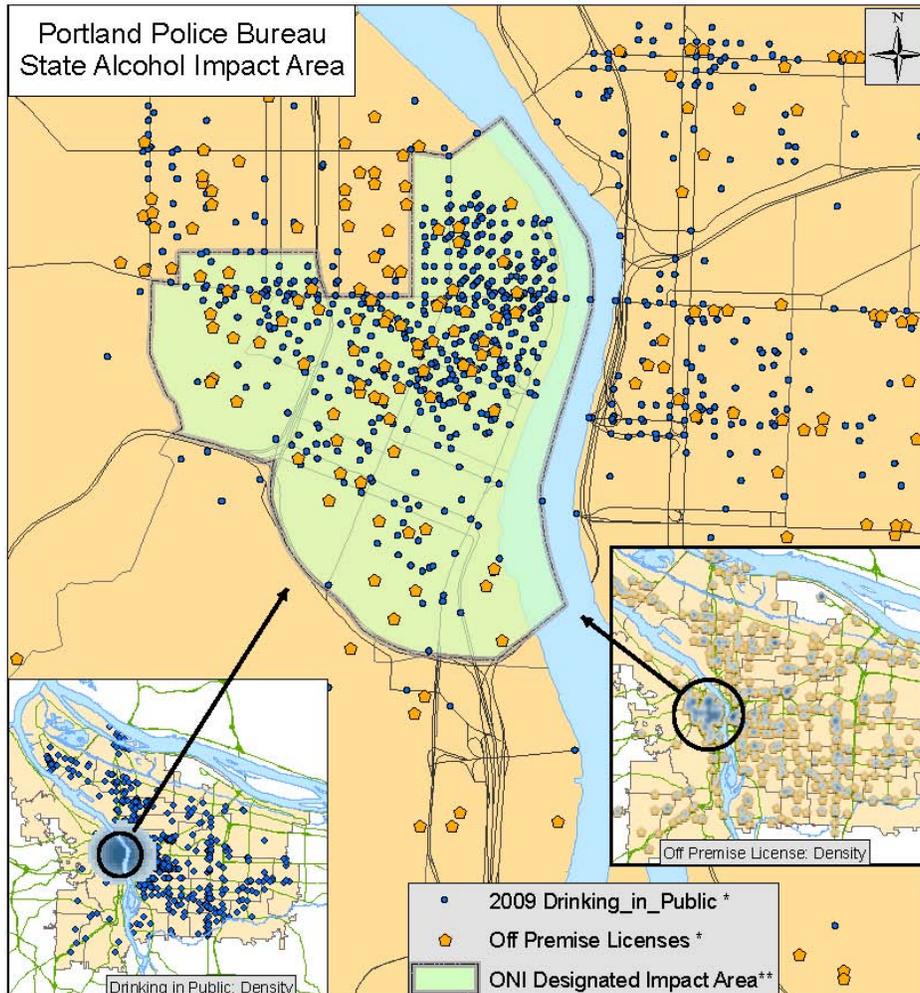
their relief at no longer having to confront intoxicated individuals or chronic inebriates at the counter.

**The Alcohol Impact Area Defined**

Specifically, the area referred to hereafter as the Alcohol Impact Area (AIA), has the following geographical designation (see map below):

The AIA is the area bounded by:

- HWY 26 and HWY 405 on the South, the Willamette River on the East;
- South of NW Lovejoy Street from the Willamette River to NW 9<sup>th</sup> Ave;
- West of 9<sup>th</sup> Ave until W Burnside St;
- South of West Burnside to I-405 freeway;
- East of I-405 and South of NW Everett St. until NW 22<sup>nd</sup> Ave on the North side of Burnside and West of SW Vista Rd on the South side of W Burnside St.



YEAR	OFFENSE	CITYWIDE	IMPACT AREA**	Percentage in the Impact Area**
2009	Drinking in Public	3,260	1,908	58.5%

\* Symbol may represent more than one incident or premise license.

\*\* 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.

This boundary was developed to follow the density of the drinking in public incidents and off premises liquor licensed market stores within the area at the time of review in 2009 and 2010. According to a Portland Police Strategic Services analysis, the average drinking in public offender travels 2,521 ft from the purchase place before consuming alcohol on the street. Ninety seven percent 97% of drinking in public incidents occur within 6,000 ft, or approximately 1 ¼ miles from the location where the alcohol was purchased, indicating that individuals who drink in public are likely to consume alcohol in close proximity to where they purchase it. Additionally, 30% of all civil detox incidents are also associated with this area. Civil detox occurs when an individual is taken into custody due to their inability to care for themselves because of their intoxication level.

### **Documenting the Issues**

In an effort to assess the particulars of the problem, Portland Patrol Incorporated (PPI), who provides security for parts of Downtown, partnered with ONI and PPB to gather information about the products and outlets associated with drinking in public incidents.

From April-August 2009 and January-April 2010, PPI officers approached individuals drinking on the street and asked where they purchased their alcohol and what they were drinking. These incidents did not always involve an arrest or citation if a Portland Police Bureau officer was not available. Four hundred and sixty two (462) PPI reports were used to assess what drinking in public looks like within this defined area.

## **PROPOSAL OF AIA GUIDELINES AND REGULATIONS**

ONI, in collaboration with PPB, has proposed regulations and guidelines for business that would be located in the AIA.

### **Stores affected by the Alcohol Impact Area:**

All establishments that hold an (OLCC off premises sales license area, subjected to the AIA guidelines with the exception of the following types of businesses:

- a) Those that operate as a gift shop with no street entrance;
- b) Those that also hold a full on premises or limited on premises liquor license; or
- c) Those that operate as a wine store where wine represents over 50% of the inventory.



Ninety five percent (95%) of incidents within these boundaries were associated with alcoholic beverages purchased at off premises licensed locations that operate as a market/convenience store or as a market/grocery store. Therefore, the requirements of the proposed AIA exclude premises with off premises liquor licenses that are not market operations.

### **Products Covered under the AIA:**

Data collected illustrates that malt beverages and wines are the most prolific items consumed illegally on the street. Eighty- seven percent (87%) of products involved in drinking in public incidents are malt beverages, 10% are wine, and 3% are distilled spirits.

#### 1. Large Containers:

Analysis indicates that high alcohol content beverages in large containers are favored by those who drink in public (see Table 1).

Seventy five percent (75%) of the beverages consumed on the street are in 16-24 ounce containers. Twenty four ounce (24 oz) containers are sold as single containers and make up over 40% of products associated with drinking in public incidents.

**Table 1. Consumption of alcoholic beverages by container size**

<b>Malt Beverages by Container Size</b>	<b>N</b>	<b>%</b>	<b>Cumulative %</b>
<b>24 oz</b>	139	44.4%	44.4%
<b>16 oz</b>	96	30.7%	75.1%
<b>40 oz</b>	37	11.8%	86.9%
<b>12 oz</b>	32	10.2%	97.1%
<b>Other: Non-Manufactures Package</b>	7	2.2%	99.4%
<b>22 oz</b>	1	0.3%	99.7%
<b>750 ml</b>	1	0.3%	100.0%
<b>TOTAL:</b>	313	100.0%	N/A

Note: 159 records were removed due to missing data

#### 2. Alcohol Content

The majority of alcohol purchased on the street is over 5.75% Alcohol by Volume (ABV). Although traditionally restrictions based on favored products have targeted products over 6% ABV, analysis indicates that 25% of the incidents involving drinking in public involve beverages between 5.75% and 6% ABV (see Table 2).

**Table 2. Consumption of alcoholic beverages by alcohol by volume (ABV) content**

<b>Malt Beverages by ABV</b>	<b>N</b>	<b>%</b>	<b>Cumulative %</b>
<b>&lt; 5.75%</b>	87	23.3%	23.3%
<b>5.75% - 6%</b>	95	25.4%	48.7%
<b>6.1% - 7%</b>	13	3.5%	52.1%
<b>7.1% - 8%</b>	7	1.9%	54.0%
<b>8.1% - 9%</b>	83	22.2%	76.2%
<b>9.1% - 10%</b>	53	14.2%	90.4%
<b>Over 10%</b>	36	9.6%	100.0%
<b>TOTAL:</b>	374	100.0%	N/A

Note: 101 records were removed due to missing data

Further, although alcoholic beverages under 5.75% ABV make up only 23.3% of total incidents, 70% of those incidents involved containers 16 ounces or larger (Table 3). Malt beverages produced as microbrews or specialty beers were evident in only 2% of the incidents.

**Table 3. Consumption of alcoholic beverages under 5.75% ABV**

<b>Malt Beverages under 5.75% ABV by Container Size</b>	<b>N</b>	<b>%</b>
<b>12 oz</b>	19	29.2%
<b>16 oz</b>	31	47.7%
<b>24 oz</b>	8	12.3%
<b>40 oz</b>	4	6.2%
<b>Other</b>	3	4.6%
<b>TOTAL:</b>	65	100.0%

### **Proposed Rules for Businesses Selling Malt Beverages:**

As a result of the numerous public drinking violations and incidents that have occurred in Downtown Portland, the following regulations for businesses in the AIA that sell malt beverages, have been developed:

- Licensee will *not* sell single containers of malt beverages
  - EXCEPTION: This does not apply to beverages in 22-24 ounce glass bottles brewed by breweries that fall under the Federal Definition of a Small Brewery for tax purposes under Section 5051(a) (2) of Title 26 U.S.C.

- Licensee will *not* sell malt beverages over 5.75% alcohol by volume.
  - EXCEPTION: This does not apply to beverages produced by breweries that fall under the Federal Definition of a Small Brewery for tax purposes under Section 5051(a) (2) of Title 26 U.S.C.
- Licensee will not sell packages of multiple malt beverages that are larger than 12 ounces per container, or packaged in less than 4 items per package

### **Proposed Rules for Businesses Selling Wine:**

Drinking in public that is associated with wine is also evidenced to be related to the product's size, type of container, and alcohol content. In drinking in public incidents that involve wine, the wine is reported to be over 13.5% ABV approximately 83% of the time. Analysis also shows that over 69% of the street drinking incidents involving wine over 13.5% ABV also involve wine in a box/flexible bladder. Many specialty wines are over 13.5% but are not sold in large quantities as those seen consumed on the street. Very few wines are over 14% unless they are fortified wines, which are products known to be problematic by the OLCC in terms of street drinking. As a result, the following rule language was developed regarding wine:



- Licensee will not sell fortified wine over 14 % ABV except port, sherry, madeira, marsala and vermouth.
- 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

### **Employee Training:**

The City of Portland received feedback from many of the licensees in the area that clerks and employees face intimidation and harassment if they refuse to sell alcohol to individuals that are intoxicated or are known street drinkers. Clerks are not OLCC permittees and are therefore not required to receive the alcohol server training. Educating licensees and their employees on the appropriate response and techniques in the responsible sale of alcohol is an important component for businesses to successfully and safely sell alcoholic beverages. Therefore, the following proposed rule language requiring training of clerks and employees is also included in the guidelines and regulations for the AIA:

- Mandatory training on the responsible service of alcohol will be taken by all clerks employed at establishments in the impact area by an OLCC approved educator regarding the sale of alcohol

## CONCLUSION

The aforementioned guidelines and regulations are designed to address a chronic problem in a very specific part of Portland. Drinking in public can be associated with disorderly conduct, offensive littering, harassment, and shoplifting. The Downtown area is home to 43 off premise liquor licensed establishments with a market operation. The density of the establishments that sell products favored by those who choose to drink on the street is a major contributor to the problem due to the multiple venues that supply these products. Although each store may be involved in a small number of incidents, cumulatively the problem is a significant drain on both public and private resources. Additionally, if one premise is known to be contributing more than the others, efforts to address the sale at the particular location are often futile due to the close proximity of the other 44 supply venues.

A concern frequently raised by licensees during the voluntary process was the potential negative financial impact of the restrictions. However, evidence from other jurisdictions that have implemented similar restrictions indicates that the financial impact is limited<sup>6</sup>. Licensees also shared concerns and many were reluctant to participate in a voluntary agreement since it would not guarantee that all licensees would comply and therefore have a more severe impact on those licensees that did comply.

In light of the concentrated and documented problems of drinking in public in Downtown Portland, the City believes that a State recognized Alcohol Impact Area is the only area-wide systemic solution to a chronic and pervasive problem.

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<sup>6</sup> Tarnel, J (2009). Seattle alcohol impact area evaluation: Executive summary. Social & Economic Sciences Research Center, Seattle Washington

**ALCOHOL IMPACT AREA – VIBRANT PDX WORKGROUP MEMBERS**

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- Charles Harris – PPB Drugs and Vice Division Liquor Licensing Investigator
- Frank Silva – ONI Crime Prevention Program Coordinator
- Hillary Scott - PPB Neighborhood Response Team Officer
- Jenny Melius – PPB Crime Analyst – Strategic Services Division
- Joe Churella – PPB Neighborhood Response Team Officer
- Mark Friedman – PPB Neighborhood Response Team Officer
- Michael Boyer – ONI Crime Prevention Program Coordinator
- Richard Kepler – PPB Crime Analyst - Strategic Services Division
- Stephanie Reynolds – ONI Crime Prevention Manager
- Theresa Marchetti – ONI Liquor Licensing Specialist