

**ORDINANCE NO. 183496**

\*Authorize a temporary entertainment event and site preparation work by the Cirque du Soleil (Ordinance; waive Title 33)

The City of Portland ordains:

Section 1. The Council Finds:

1. Cirque du Soleil, a world-renowned acrobatic performing company proposes to use CXdg (Central Commercial with Design and Greenway overlay zones) zoned land for a period of eighty nine days (89 days) to present performances. The 10 acre site is in the North Macadam Subdistrict of the Central City Plan and is located immediately south the Marquam Bridge right of way.
2. The Cirque du Soleil brings with them, from city to city, tent structures designed to accommodate the specific needs of their performances. The tent structures are temporary in nature, but nonetheless require building permits to meet fire and life safety standards.
3. The Cirque du Soleil will occupy the site, which is legally described as follows: Section 03, 1S 1E, TL 500 and Section 10, 1S 1E, TL 200, for 89 days to accommodate set up and take down.
4. All development, permanent and temporary, will be outside the South Waterfront Greenway Area and Sub-area (per figure 510-2 Portland Zoning Code) and, therefore, will not require a greenway review.
5. The performance will attract approximately 2,700 people per performance. 540 parking spaces are provided on site. 100 additional spaces will be provided on blocks 24 and 28. A free shuttle will be provided.
6. Title 33, the Planning and Zoning Code, limits such use in the CX zone as a "temporary use" (as Fairs and Carnivals) for up to two consecutive weeks at any one time (PCC 33.296.030 B (3)). Temporary activities in the CX zone that are maintained beyond the allowed time limits are considered permanent uses, and are subject to the use and development standards of the base zone (PCC 33.296.040 E). If this were a permanent use, it would be a major event entertainment use, which is permitted use in the CX zone.
7. The Cirque du Soleil proposal to site the tents has all the characteristics of a temporary use in the CX zone. The Cirque du Soleil desires a stay beyond the two-week period and desires status as a temporary use for a period from March 8, 2010 to June 4, 2010.
8. The installation of the geotextile fabric, crushed rock and asphalt for site preparation, that was installed in 2008 for the previous Cirque Du Soleil performances will be removed no later than December 31, 2010.
9. The site proposed for this use is unique for its size and location in the Central City.

10. The land is owned by OHSU and is partially developed with a surface parking lot on the north third of the site. The south two thirds is currently vacant. OHSU intends to develop the site at some future time to meet OHSU expansion needs. The temporary use for the event and the installation of the geotextile fabric, crushed rock and asphalt will not impede future OHSU development.
11. The Cirque du Soleil is requesting using two South Waterfront lots for storage of their trucks during the duration of the performance. Both lots are in the CX zone. Sections 33.130.245 and 33.130.255 of the City of Portland Code do not allow exterior storage or exterior parking in a CX zone.

NOW THEREFORE, the Council directs:

- a. The provision of Section 33.296.030 B (3) and 33.296.040 E of the Code of the City of Portland, Oregon are hereby waived to allow the Cirque du Soleil to use the site located at 2750 SW Moody Avenue for performances for a period not to exceed 89 days. The 89-day period authorized by this ordinance shall begin on March 8, 2010 and shall expire on June 4, 2010.
- b. The provision of Sections 33.130.245 and 33.130.255 of the Code of the City of Portland, Oregon are waived to allow storage and parking of the Cirque du Soleil heavy trucks on lots that are legally described as follows: Section 03, 1S 1E, TL 800 and Section 10, 1S, 1E, TL 200, for the duration of the event, March 8, 2010 through June 4, 2010.

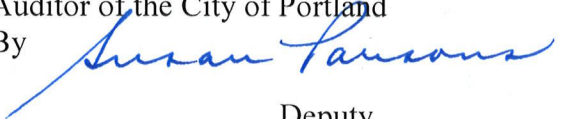
Section 2. The Council declares that an emergency exists because of the unique and temporary nature of the Cirque du Soleil performances in Portland; therefore this ordinance shall be in full force and effect from and after its date of passage.

Passed by the Council: JAN 27 2010

Randy Leonard  
Commissioner of Public Safety  
Prepared by: Mary Pat Gardner, BDS/lt  
Date Prepared: January 27, 2010

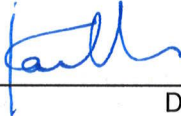
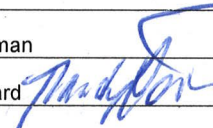

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By



Deputy

\*Authorize a temporary entertainment event and site preparation work by the Cirque du Soleil (Ordinance; waive Title 33) ~~timelines and waive Title 33 parking and exterior storage regulations.~~

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Commissioner Randy Leonard</b>	CLERK USE: DATE FILED <u>JAN 22 2010</u>
<b>COMMISSIONER APPROVAL</b>	<p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u></u> Deputy</p> <p><b>ACTION TAKEN:</b></p>
Mayor—Finance and Administration - Adams	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard <u></u>	
<b>BUREAU APPROVAL</b>	
Bureau: Bureau of Development Services Bureau Head: Paul L. Scarlett <u></u>	
Prepared by: Leanne Torgerson Date Prepared: 1/19/10	
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date <b>1/27/10</b>	
<b>City Attorney Approval</b>	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____ <b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)
<b>CONSENT</b> <input checked="" type="checkbox"/>
<b>REGULAR</b> <input type="checkbox"/> <b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	4. Leonard	<input checked="" type="checkbox"/>	
Adams	Adams	<input checked="" type="checkbox"/>	