

ORDINANCE No. 184690 As Amended

*Grant revocable permit to Perierra Creperie on behalf of Ankeny St businesses to close SW Ankeny St between SW 2nd Ave and SW 3rd Ave from 7:00 a.m. June 20, 2011 until 11:00 a.m. November 1, 2011. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. On behalf of Ankeny Street businesses Perierra Creperie, 220 SW Ankeny Street, Portland, Oregon 97204, through Dustin Knox, has requested permission to close SW Ankeny Street between SW 2nd and SW 3rd avenues from 7:00 a.m. June 20, 2011 through 11:00 a.m. on November 1, 2011 for the purposes of converting the street area to cafe seating to be delineated for each abutting business and used by patrons of each abutting businesses.
2. SW Ankeny Street between 2nd and 3rd avenues has unusually narrow sidewalks that prohibit the opportunity for the adjacent businesses to establish sidewalk cafe seating. The street closure provides the necessary space for a pilot program to explore options for sidewalk cafe seating for each business.
3. The applicant requests permission for Ankeny Street businesses to delineate sections of the street area to locate tables, chairs, benches and fencing to provide patron sidewalk seating for each abutting business and to possess, use and sell food and alcoholic beverages in the area covered by the requested closure June 20, 2011 through 2:00 a.m. November 1, 2011.
4. The abutting property owners have agreed in writing to this activity on the street in front of their property.
5. The applicant has agreed to pay costs associated with the closure, lost meter revenue, and permit fees per the current fee schedule as provided for by Section 17.24.020 of the City Code and that such fees shall be paid prior to the permit effective dates.
6. Applicant has provided an Insurance Certificate, which has been approved by the City Attorney, with limits of coverage that will meet the minimum requirements for liability of a public body as set forth in ORS 30.260 through 30.300 which names the City, its officers, agents and employees as an additional insured.
7. The Traffic Engineer, Fire Marshal and Portland Police Bureau have no objection to the closure for the purposes of a pilot program.
8. Granting said permission, under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. The Mayor and Auditor are authorized to grant revocable permit to Perierra Creperie on behalf of Ankeny Street businesses to close SW Ankeny Street between SW 2nd Avenue and SW 3rd Avenue from 7:00 a.m. June 20, 2011 until 11:00 a.m. November 1, 2011.

The provisions of Section 14A.50.10 related to possession, sale and consumption of alcoholic beverages, for the purpose of this permit only are hereby waived, subject to the following conditions:

- (1) This permit is for the use of the street area only, and shall not exempt the permittee from obtaining any license or permit required by the City Code or Ordinances for any act to be performed under this permit, nor shall this permit waive the provisions of any City Code, Ordinance, or the City Charter, except as herein stated.
- (2) The area west of SW 2nd Ave and east of SW 3rd Ave from the south curb line of SW Ankeny to the north curb line of SW Ankeny shall be defined as sidewalk and as such shall be permitted as a 'Sidewalk Cafe' for the duration of this ordinance. Each abutting business shall delineate their space and obtain a Sidewalk Café permit for section delineated prior to placing tables and chairs in the closed street area and shall have insurance on file listing the City of Portland as additionally insured.
- (3) The permittee shall obtain from the City Noise Officer any requirements or permits regarding noise levels past 10:00 p.m. for the duration of the closure. In any case service to the cafe seating shall not extend past 2:00 a.m.
- (4) The street area shall be used for customer seating for abutting businesses on SW Ankeny between 2nd and 3rd and delineated as such. The permittee or other businesses on the closed street shall not sublet any portion of the street area.
- (5) Sidewalks are permitted to the extent that they are used as a pass through for service to and from each abutting business to the permitted cafe area but otherwise shall remain unobstructed and open for pedestrian through passage all hours, all days and shall be ADA accessible.
- (6) This permit is for use of the street area only and shall be subject to necessary use by emergency vehicles.
- (7) The permittee shall provide immediate access for emergency utility repair and routine access for maintenance of existing utility facilities with 48 hours advance written notice.
- (8) The permittee shall hold the City of Portland, its officers, agents, and employees free and harmless from any claims for damages to persons or property, including legal fees and costs of defending any actions or suits, including any appeals which may result from the use of the street area under this permit.

- (9) This permit is revocable at any time at the pleasure of the City Council and no expenditure of money hereunder, lapse of time, or other act or thing shall operate as an estoppel against the City of Portland, or be held to give the permittee any vested or other right.
- (10) Nothing contained herein shall limit the authority of the Bureau of Police and the Bureau of Transportation in maintaining the public peace and safety and upon a request of said Bureaus, the permittee shall immediately reopen the street to its normal use.
- (11) The permittee shall obtain any required Oregon Liquor Control Commission permits and shall comply with all provisions of said permits. Failure to obtain or comply with OLCC regulations shall result in immediate revocation of this permit. A fence, delineating the area to be used for consumption of alcoholic beverages and providing secure ingress and egress to the area shall be constructed and installed to the satisfaction of the OLCC.
- (12) The permittee shall, at their own expense, be responsible for cleaning the area within and around the closure and opening the street to pedestrian and vehicular traffic prior to 11:00 a.m. November 1, 2011.
- (13) This permit is personal to the permittee and may not be transferred, assigned or otherwise conveyed, and will require insurance with limits of coverage that will meet the maximum requirements for liability of a public body as set forth in ORS 30.260 through 30.300 or as it may be required by subsequent amendment and naming the City, its officers, agents and employees as an additional insured. Said insurance is to be kept in full force and effect at all times. This permit is automatically revoked without further action by the Council if this insurance is permitted to lapse, is canceled, or for any other reason becomes inoperative.

Section 2. This Ordinance will not become effective until the permittee has filed with the City Auditor a document accepting the terms and conditions hereof which has been approved by the City Attorney. This Ordinance shall be automatically revoked without further consideration by the Council if the acceptance is not on file with the City Auditor within 5 calendar days of the passage of this Ordinance.

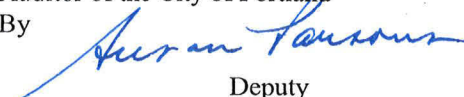
Section 3. The Council declares that an emergency exists because delay in the enactment of this Ordinance will result in an unnecessary hardship on the part of the applicant as to the status of the requested permit; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, **JUN 22 2011**

Mayor Sam Adams
Prepared by: Jeri Jenkins; slg
Date Prepared: May 27, 2011

LaVonne Griffin-Valade
Auditor of the City of Portland

By


Deputy

611

647

Agenda No.
ORDINANCE NO. 184690 As Amended
 Title

* Grant revocable permit to Perierra Creperie on behalf of Ankeny St businesses to close SW Ankeny St between SW 2nd Ave and SW 3rd Ave from 7:00 a.m. June 20, 2011 until 11:00 a.m. November 1, 2011. (Ordinance)

<p>INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS</p>	<p>CLERK USE: DATE FILED <u>JUN 10 2011</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams <i>[Signature]</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p>	<p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: <i>[Signature]</i></p> <p>Prepared by: Jeri Jenkins:slg Date Prepared: 5-26-11</p>	<p>ACTION TAKEN:</p> <p>JUN 15 2011 CONTINUED TO JUN 15 2011 2 P.M. JUN 15 2011 PASSED TO SECOND READING As Amended JUN 22 2011 9:30 A.M.</p>
<p>Financial Impact Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Council Meeting Date June 15, 2011</p>	
<p>City Attorney Approval</p>	

AGENDA
<p>TIME CERTAIN <input checked="" type="checkbox"/></p> <p>Start time: <u>10:00</u></p> <p>Total amount of time needed: 20 min (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/></p> <p>Total amount of time needed: 20 min (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	✓	
Adams	✓	