

ORDINANCE No. 184614

Grant revocable permit to Whole Foods to close NE 43rd Ave between NE Sandy Blvd and NE Tillamook St from 10:00 a.m. until 6:30 p.m. on July 2, 2011. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Whole Foods, 4310 NE Sandy Blvd, Portland, OR 97213, through Megan Hornbeak, has requested permission to close NE 43rd Ave between NE Sandy Blvd and NE Tillamook St from 10:00 a.m. until 6:30 p.m. on July 2, 2011 to host the Beer and Wings; a Love Story event to benefit The Hollywood Theatre.
2. The applicant requests permission to locate a tent, concessions, restrooms, stage and fence in the requested street closure.
3. The applicant requests permission to possess, use and sell food and alcoholic beverages in the area covered by the requested closure July 2, 2011.
4. The adjacent property owners have agreed in writing to this activity on the street in front of their property.
5. The applicant has agreed to pay 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 reviewed the plans for the closure and for the tent and stage listed in Section 1-2 above and, under certain conditions, have no objection.
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 a revocable permit to Whole Foods, 4310 NE Sandy Blvd, Portland, OR 97213 to close NE 43rd Ave between NE Sandy Blvd and NE Tillamook St from 10:00 a.m. until 6:30 p.m. on July 2, 2011 to host the Beer and Wings; a love story event to benefit The Hollywood Theatre. 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) 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.
- (3) 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.
- (4) The permittee, as directed by the City Traffic Engineer, shall furnish necessary barricades, signs and illumination to accomplish said closure.
- (5) The barricades shall be illuminated at each end during the evening hours and the barricades and any fences required in Section a-9 below shall be staffed at all times.
- (6) No vehicles shall be allowed in the area to be closed except for those delivering or picking up equipment needed during the closure and emergency vehicles. The permittee shall be responsible for ensuring that no vehicles are allowed to remain parked in the closed area.
- (7) This permit is for use of the street area only and shall be subject to necessary use by emergency vehicles. A 15' minimum width access lane for emergency vehicles must be provided at all times.
- (8) 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.
- (9) The permittee shall obtain all 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.

- (10) The permittee shall obtain from the City Noise Officer any requirements or permits regarding noise levels for the duration of the closure.
- (11) The permittee shall, at their own expense, be responsible for cleaning the area around the closure and opening the street to pedestrian and vehicular traffic prior to 6:30 p.m. on July 2, 2011.
- (12) 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 44 calendar days of the passage of this Ordinance.

Passed by the Council,

MAY 25 2011

Mayor Sam Adams
Prepared by: Kristan Alldrin;slg
Date Prepared: April 28, 2011

LaVonne Griffin-Valade

Auditor of the City of Portland

By



Deputy

~~-479-521~~

Agenda No. **184614**
ORDINANCE NO.
 Title

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<p>INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS <i>K. Griffin on behalf of Mayor Adams</i> COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</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>BUREAU APPROVAL Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: <i>Greg Jones</i> Prepared by: Kristan Alldrin:slg Date Prepared: 4-28-11 <i>slg</i></p> <p>Financial Impact Statement 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 May 18, 2011</p> <p>City Attorney Approval</p>	<p>CLERK USE: DATE FILED <u>MAY 13 2011</u></p> <p style="text-align: right;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN:</p> <p style="text-align: center;">MAY 18 2011 PASSED TO SECOND READING MAY 25 2011 9:30 A.M.</p>
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AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input checked="" type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

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