

## ORDINANCE No. 185738

\*Amend Ordinance authorizing permits for certain kiosks on the Portland Transit Mall to delete alteration deadline requirement (Ordinance; amend Ordinance No. 183697)

The City of Portland ordains:

Section 1. The Council finds:

1. Ownership of two significant structures on the Portland Transit Mall at SW 6<sup>th</sup> Ave and SW Yamhill St was transferred to Portland Mall Management, Incorporated (PMMI).
2. Ordinance No. 183697 (Ordinance) authorized the Portland Bureau of Transportation (PBOT) to issue permits and impose conditions of use for modifications and active uses, including retail use of the space.
3. Provision 'u' of the Ordinance required completion of alterations within 365 days or permissions granted under the Ordinance would be automatically rescinded and ownership of the structure transferred back to the Portland Parks Bureau.
4. PMMI incurred delays due to constructability, cost and financing of original proposal to activate their space.
5. Deleting provision 'u' ensures conditions imposed are carried forward as intended under Ordinance No. 183697.
6. Deleting provision 'u' does not pose a risk to the City because provision 'r and s' allow for PBOT to revoke permits and authorizes revocation by Council action.

NOW, THEREFORE, the Council directs:

- a. Ordinance No. 183697, attached as exhibit A, is amended to delete directive 'u'.
- b. All other terms and conditions of Ordinance 183697 remain the same and are not affected by this amendment.

Section 2. The Council declares that an emergency exists because passage of this Ordinance is necessary so that PMMI may move forward with plans and funding for the needed modifications from Trimet and the Portland Development Commission; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, NOV 28 2012

Mayor Sam Adams  
Prepared by: Jeri Jenkins: slg  
Date Prepared: October 26, 2012

**LAVONNE GRIFFIN-VALADE**  
Auditor of the City of Portland

By



Deputy

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J140

887281

Agenda No.  
**ORDINANCE NO.**

**185738**

Title

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No.

<p align="center"><b>INTRODUCED BY</b> Commissioner/Auditor: <b>MAYOR SAM ADAMS</b></p> <p align="center"><b>COMMISSIONER APPROVAL</b></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 align="center"><b>BUREAU APPROVAL</b></p> <p>Bureau: Bureau of Transportation Group Manager: Greg Jones Development &amp; Capital Program</p> <p>Other:</p> <p>Prepared by: Jeri Jenkins Date Prepared: 11/2/12</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 <b>November 28, 2012</b></p> <p><b>City Attorney Approval</b></p>	<p>CLERK USE: DATE FILED <u>NOV 20 2012</u></p> <p align="center">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p align="center"><i>ON BEHALF OF MAYOR ADAMS</i></p> <p>By: _____ Deputy</p> <p><b>ACTION TAKEN:</b></p>
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<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p>Start time: _____</p> <p><b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input checked="" type="checkbox"/></p>
<p><b>REGULAR</b> <input type="checkbox"/></p> <p><b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)</p>

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"/>	