

## **ORDINANCE No. 188563**

Revoke ordinance allowing Meier & Frank use along the south side of SW Alder Street between SW 6th and 5th Avenues for loading and unloading operations (Ordinance; revoke Ordinance No. 147912)

The City of Portland ordains:

### **Section 1. The Council finds:**

1. Ordinance No. 147912 (attached as Exhibit A) was approved by Council on June 20, 1979 granting a permit to Meier & Frank Company, Incorporated ("M&F"), 621 SW 5<sup>th</sup> Avenue, to continue M&F on-street loading and unloading operations along the south side of SW Alder Street between SW 6<sup>th</sup> and 5<sup>th</sup> Avenues.
2. Ordinance No. 147912 incorporated conditions including, but not limited to, the following:
  - a. Per Section 1.1, permission was granted as long as the store remains in operation under the present owners and occupants.
  - b. Per Section 1, subsection 2.a, permission was granted to M&F on a revocable basis.
  - c. Per Section 1, subsection 2.a.4, the permit was revocable at any time at the pleasure of Council.
  - d. Per Section 1, subsection 2.a.7, the permit was personal to the grantee and did not run with the land, nor could it be transferred or assigned by the grantee.
2. Meier & Frank was acquired by May Department Stores ("May") in 1966. May operated M&F as a separate division until 2003 when it was consolidated into California-based Robinsons-May company (although the historic doing-business-as name of Meier & Frank was retained in Portland). Subsequently, Federated Department Stores ("Federated"), the parent company of Macy's, acquired Robinsons-May on August 30, 2005 at which time operational control over all former May divisions, including M&F, were merged under Macy's Northwest. The next year, Federated renamed M&F as Macy's in Portland.
4. Macy's ceased operations at 621 SW 5<sup>th</sup> Avenue as of the end of March 2017.
5. PBOT staff met with post-Macy's legal and transportation representatives for development interests at 621 SW 5<sup>th</sup> Avenue on March 9, 2017 and notified them of City intent to seek revocation of Ordinance No. 147912 before Council to recognize nullification of ordinance applicability resulting from ownership changes occurring to the original Meier & Frank Company per Section 1.1.
6. PBOT and City Attorney staff subsequently met with property owners and tenants and reached agreement regarding future parking configuration of the blockface,

including (1) full blockface truck loading zone 7:00 a.m. to 11:00 a.m. daily and, (2) 40 feet of truck loading zone all other hours, with 2-hour parking zone 11:00 a.m. to 7:00 a.m. Mon.-Sat., and 1:00 p.m. to 7:00 p.m. on Sundays, for the remainder of the blockface.

NOW, THEREFORE, the Council directs that:

- a. Ordinance No. 141912 is hereby revoked.

Passed by the Council,

AUG 24 2017

Commissioner Dan Saltzman  
Prepared by: Kelly Sills; IR  
Date Prepared: June 27, 2017

**Mary Hull Caballero**

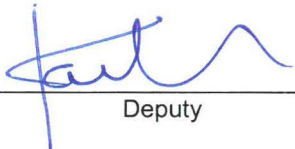
Auditor of the City of Portland

By *CP Phillips*

Deputy

Agenda No.  
**ORDINANCE NO. 188563**  
Title

✓ Revoke Ordinance No. 147912 allowing Meier & Frank use along the south side of SW Alder Street between SW 6th and 5th Avenues for loading and unloading operations (Ordinance); *revoke Ordinance No. 147912*

<p><b>INTRODUCED BY</b> Commissioner/Auditor: <b>COMMISSIONER DAN SALTZMAN</b></p> <p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Wheeler</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Eudaly</p> <p><b>BUREAU APPROVAL</b></p> <p>Bureau: <b>Transportation</b></p> <p>Parking Services</p> <p>Assistant Director: Chris Warner</p> <p>Group Manager: Dave Benson</p> <p>Prepared by: Kelly Sills</p> <p>Date Prepared: April 11, 2017</p> <p>Supervisor: Malisa McCreedy</p> <p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <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><b>City Auditor Office Approval:</b> required for Code Ordinances</p> <p><b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter</p> <p><b>Council Meeting Date</b> <del>July 26, 2017</del> <b>Aug 16th</b></p>	<p>CLERK USE: DATE FILED <b>AUG 08 2017</b></p> <p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By:  Deputy</p> <p><b>ACTION TAKEN:</b></p> <p><b>AUG 16 2017 PASSED TO SECOND READING</b> <b>AUG 23 2017 9:30 A.M.</b></p> <p><i>FOLD ME BENS ON 7.5.2017</i></p>
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<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: <b>10 MIN</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>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

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