TO: City of Portland City Council: Mayor Strimling

FROM: Ann Machado, Zoning Administrator

SUBJECT: Bonfire LLC, 37 Wharf Street (428 Fore) - 032-R-001

DATE: March 7, 2017

Bonfire, LLC has applied for an entertainment license for their business located at 37 Wharf Street. 37 Wharf Street is located in the B-3 Downtown Business Zone and within the Downtown Entertainment Overlay Zone. Division19.8 of Chapter 14 of the City of Portland Code of Ordinances outlines the requirements for the overlay zone. Section 14-330.13 addresses “dispersal requirements for facilities with entertainment license in downtown entertainment overlay zone”. It states:

*A business with an entertainment license as required or authorized by section 4-51(a) of this code located within the downtown entertainment overlay zone may not be located within*

*100 feet of another business with an entertainment license, as measured along or across public ways from the main entrance or entrances of each.*

*(Ord. No. 164-06/07, 4-4-07)*

It is my understanding that Oasis located at 42 Wharf Street has an entertainment license. The door to Oasis is located thirty-five feet from the door to Bonfire, LLC.

Section 14-330.14 of Division 19.8 does discuss an exemption to section 14-330.13. It states:

*(a) A business with an entertainment license located in the downtown entertainment overlay zone on or before January 3, 2006 shall not have to comply with the requirements of this section and if located within 100 feet of another licensee shall be considered a non-conforming use controlled by chapter 14, division 23 of this code. Such a business is considered an entertainment business for the purpose of calculating dispersion requirements under section 14.330.13 for a new or relocating entertainment business in the downtown entertainment overlay zone.*

*(b) A business with an entertainment license that does not allow amplified entertainment shall not have to comply with the dispersal requirement of section 14-330.13.*

*(Ord. No. 164-06/07, 4-4-07; Ord. No. 68-09/10, 10-19-09)*

It is my understanding that Bonfire occupied the space at 37 Wharf Street in 2014.Since this is after January 3, 2006, this exemption does not apply.

Under the Land Use Ordinance, Bonfire, LLC located at 37 Wharf Street cannot be granted an entertainment license because it is located within one hundred feet of an existing business that has an entertainment license and it does not meet the exemption of having had an entertainment license since January 3, 2006.