

28th Avenue Promenade Project and Kerns Neighborhood Association
DRAFT Good Neighbor Agreement
July 3, 2020

See the document:

Kerns Neighborhood Association Supports the 28th Avenue Promenade Project - With Caveats

https://docs.google.com/document/d/1ERe09P7fNXzN7x2pg823ZJ_SBVfaPJLQDF5RVcDTHus/edit

For background

These points are to be incorporated into the legal document below - from Josie Booth:

TIMELINES should just be for the summer ending in September when FALL begins.

HOURS OF OPERATION outside and restaurant street seating should be from breakfast or lunch until 10 pm.

SEATING should be removable either folding chairs, folding tables, wooden planters, tables, benches on wheels that are removed from the street at 10pm to be stored on or nearby the premises of respective restaurants. This will help prevent VAGRANCY and loitering after restaurant outdoor and street seating closes.

ALSO restaurants will use indoor seating with 6ft social distancing guidelines in place. Plexiglass shield installed at the bar. Patrons seating at 6ft distances. Barrier installed behind seating If needed. Of course, both patrons & restaurant staff will wear masks when being seated and getting up from their table to go to the restaurants bathroom facilities.

TRAFFIC PLAN in place before opening worked out with PBOT, Whole Foods, Coca Cola, businesses and homeowners living on 28th Ave. and nearby streets.

PARKING designated and in place before opening worked out with neighbors, businesses and restaurants. All delivery trucks, vans and vehicles that service the businesses need to be advised they cannot park on 28th Ave. They will have to park on side streets close to respective businesses.

These are a list of the reasons for Kerns NA support and a list of caveats - to be incorporated into this document below:

Why we could support the 28th Avenue Promenade Project:

- It will greatly help local **restaurants and businesses** increase income and stay in business
- It will improve the **safety** of the community by spacing out customers and providing outdoor seating - which is much safer than operating indoors during this COVID-19 pandemic
- It will provide **neighbors and community members** with a much needed outlet for dining and socializing in a safe environment

- It will bring in customers and **economic vitality** to the neighborhood
- It will help **lead the way forward** on how to safely re-open the local economy after the devastating COVID-19 closures of 2020.
- It will build on the success of **Ankeny Plaza** around the corner on SE Ankeny St between 28th and 27th (in the Buckman Neighborhood) - which has brought good businesses and joy to the neighborhood. Here is an article about it:
<https://bikeportland.org/2020/06/26/the-rainbow-road-on-se-ankeny-is-portlands-best-distanced-dining-street-plaza-317752>
- It will build on the Safe Street Initiative that allows restaurants to set up tables in the parking lane of the street to create outdoor seating. Several restaurants along 28th are already doing this.
<https://www.portland.gov/transportation/safestreetspdx>
- This project has nearly **unanimous business** support among local businesses - most of whom have added their signature in support of the 28th Ave Promenade project. A partial list of those is on this page:
<https://www.28thstreetpromenade.com/>

These are the caveats that we would like to be worked out before this plan is implemented:

- A **Good Neighbor Agreement** should be drafted between the Kerns Neighborhood Association and 28th Avenue Promenade Project. We have started a draft here - which should be finalized and signed by both parties before proceeding:
https://docs.google.com/document/d/1bYRPEIK_uka2LgdCo7P2VBK1hC3mi5O_h-kRUVkFt1Y/edit
- It is essential that strict health measures are taken to prevent the spread of **COVID-19**. We are in the midst of the worldwide COVID-19 pandemic and this should be considered front and center of the entire plan. The whole idea is to reduce infection danger by creating a clean open air public environment rather than an indoors environment. Utmost safety standards must be maintained to avoid any COVID-19 outbreaks - and if an outbreak occurs then immediate measures must be taken to counter it. The safety plan could include on-site COVID-19 educational information, masks, sanitizers, health-educators - even potentially medical representatives.
- There should be a clear plan for **traffic** diversion - to avert traffic jams and make sure drivers are very clear what is happening. Neighbors are very concerned about traffic cutting through the side streets. We want to make sure there are clear detours set up to circumvent the immediate neighborhood.
- There should be a clear plan for **parking**. This plan would reduce the number of parking spots along 28th - so it's important to have a plan in place for cars to park that won't have a significant negative effect on the neighborhood
- **Businesses, residents and local stakeholders** should all be included in the process to make sure they are not negatively impacted. Some restaurants and businesses have reservations about this plan. We should make sure that their voices are heard and work with them to mitigate any negative impact to them.
- There should be a clear line of **communication** with PBOT and with the 28th Promenade Project. How do we reach PBOT with concerns and requests once the program starts? How do we reach the Promenade Project with concerns and requests?
- There should be a clear plan to prevent **vagrancy** and loitering on the street when it is not in operation. Neighbors are concerned that the area will attract unwelcome activities when not open for business.
- There should be clear **timelines** set - both regarding how many months the program will be in place - and the exact hours of operation. These are needed to maintain clarity among all parties as to exactly when and for how long the promenade will be operational.

1.0 Background

_____ is a _____ which is located at _____ within the Kerns Neighborhood Association. The **parties** to this agreement are committed to minimize the negative impact of this business and it's customers on the livability of the neighborhood.

2.0 Formation of the Partnership

The following Good Neighbor Agreement is made between _____ at _____, owned and operated by _____ hereinafter referred to as _____, the Kerns Neighborhood Association hereinafter referred to as the KNA, the Portland Police Bureau, and the Office of Neighborhood Involvement Crime Prevention (hereinafter referred to collectively as the "Parties"),

This Agreement is founded on the belief that a successful business relies, in part, on the strength, cooperation, and support of the neighborhood around it, and that the strength of the neighborhood relies, in part, on the responsibility, vitality, and strength of the businesses operating within it.

The issues addressed in this Agreement have been agreed upon by all of the parties mentioned above. We acknowledge that this document represents the good faith effort by all parties to resolve the issues identified herein.

So long as the owner continuously complies with each undertaking enumerated below, Kerns Neighborhood Association will not contest or oppose the granting or renewal of an alcohol license to _____.

3.0 Duration

The Agreement shall begin on _____. The Parties shall meet approximately _____ after the agreement is signed to review and evaluate this agreement. The Parties further agree to address issues as they arise after _____ pursuant to section 7.02.

Neighbors living and/or working near the establishment will be invited to the meetings.

4.0 Goals of the Agreement

4.01 Maintain the livability and safety of the neighborhood. 4.02 Minimize nuisance issues, crime and fear of crime in and around the bar. 4.03 Develop and maintain clear communication

channels between all parties and neighbors living or working near the bar.

5.0 _____ Operating Policies

5.01 Operations

_____ is open _____ until _____. Opening time is _____ and _____.

5.02 Outdoor Seating

When an outdoor seating plan is applied for _____ agrees to meet with the Kerns Neighborhood Association and neighbors that live or work nearby to share the outdoor seating plan sketch. Discuss and air any issues about the layout, locations of planted , dimensions and details of enclosed smoking and open non- smoking areas. Oregon Liquor Control Commission (OLCC) restrictions should stipulate that all outdoor seating at _____ is allowed no later than _____. In the event that noise complaints arise as a result of the sidewalk seating, Owner agrees to work with the neighbors living or working near the bar and association to mitigate concerns. Providing an onsite smoking area will prevent loud disruptive conversations being carried out in front of neighbors houses and onto the street and cigarette butts not being properly disposed of. If a designated smoking area is not provided the _____ staff will be responsible for seeing that all cigarette butt receptacles are used and emptied as needed. Employees, owners or patrons will not sit on the unimproved roof drinking beer and smoking cigarettes. Owner agrees to work with the neighbors living or working near the bar and the Kerns Neighborhood Association (KNA) to mitigate concerns.

5.03 Litter/Vandalism

_____ shall keep the exterior of the premises and the sidewalk and street free of litter, garbage and graffiti. The Owner or employees shall make every effort to document any graffiti by taking pictures of the graffiti before cleaning it off of the premises. _____ will report and share photos of any graffiti with the Graffiti Abatement Program (503-823-4TAG) and the Portland Police Bureau non-emergency line (503-823-3333).

_____ shall utilize appropriate methods (such as locking cans and dumpsters) to minimize availability of garbage and recycling for transients after hours. Staff from _____ will conduct a litter sweep every night immediately after closing and before opening and will clean up any cigarette butts, cans, bottles, paper debris, vomit

and bodily fluids found. The "patrol area" included in the sweep will be curbs, street parking and sidewalks on _____

In order to provide a long-term solution to the graffiti on the building _____, _____ (_____) and homeowner plan to _____

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5.04 Delivery Trucks/Garbage Haulers

Delivery trucks and garbage haulers shall not provide services to _____ between the hours of _____

5.05 Noise

The Owner shall take reasonable actions to manage and control the noise level of patrons inside and outside _____. Encourage patrons who exit the bar to use their cell phones to walk to the sidewalk on _____ make their calls, not in front of neighbors homes. Neighbors living or working near the bar that are disturbed by noise caused by _____ or patrons of the bar should **call** _____. The police and/or Noise Control, Office of Neighborhood Involvement Liquor Licensing (ONI). Office will be notified by neighbors of any situation that is not responded to by the staff or the owner of _____.

_____ shall post signs inside and outdoors and make announcements for departing parties (if appropriate) reminding patrons to be considerate of residents and keep the noise down in the neighborhood. "Please Be Considerate And Quiet To Our Neighbors." "Please Do Not Litter In Our Neighborhood."

5.06 Entertainment

Per OLCC restrictions _____ will not have live music unless there is a specific waiver by the OLCC. In the event that noise from recorded music creates complaints from neighbors the base and volume shall be turned down, and the bar shall attempt to mitigate concerns and meet with neighbors to discuss resolution if appropriate (set a lower music base and volume, employing security, etc).

5.07 Bike Rack

If _____ obtains a bike rack for a parking space it is their responsibility to keep the area free of loud conversations, cigarette butts, bottles, glasses, litter, garbage and graffiti.

5.08 Troubleshooting

_____ shall utilize appropriate methods to diffuse and eradicate any problems:

- _____ staff, _____ business owner will address any problems immediately.
- All types of disturbances, inside and outside the premises related to bar customers and bar operations.
- Phone calls to law enforcement. If not called to respond, or slow response neighbors will also call.

6.0 Roles/Duties of Parties

6.01 _____ agrees to:

- Provide a copy of the Good Neighbor Agreement to the OLCC.
- Starting at _____m, Staff from _____ will walk the "Patrol Area" (described in 5.03 Litter/Vandalism above) every 15 minutes, and make every attempt to persuade potential incoming or outgoing bar patrons to arrive and depart silently.

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- Utilize the main bar line for complaints from neighbors living or working near the bar. If there is not a satisfactory response, _____ agrees **to provide _____ in advance to the parties to this agreement and to neighbors living or working near the _____ for follow-up. The bar staff or owner** will record all neighbor complaints in the incident log.
- Encourage patrons who exit the _____ to use their cell phones to do so quietly and walk to the sidewalk near _____ to make their calls.
- Staff from the _____ who are escorting patrons or conducting patrols will wear shirts prominently identifying them as bar staff.
- Follow the operation guidelines agreed upon in the previous section.
- Maintain an ongoing relationship and open communication with neighbors and parties.
- Participate in follow up meetings.
- Follow up promptly on neighbor concerns related to the bar or its customers.
- Provide all employees with a copy of this agreement.

6.02 Kerns Neighborhood Association agrees to:

- Not Oppose the granting and renewal of _____ liquor license so long as the owner continually complies with each undertaking using the procedures in 6.01.
- Report any nuisance issues to _____ management.
- Report any crime issues to the police and _____ management.
- Document incidents occurring in and around _____ and forward documentation to the appropriate partner and/or agency.
- Participate in follow up meetings when appropriate.

6.03 Neighbors living or working near the bar agree to:

- Report any nuisance issues to _____ management **using the procedures in 6.01.**
- Report any crime issues to the police and _____ management.
- Document incidents occurring in and around _____ and forward documentation to the appropriate partner and/or agency.
- Participate in follow up meetings when appropriate.

6.04 Office of Neighborhood Involvement Crime Prevention Program agrees to:

- Maintain a copy of the Good Neighbor Agreement and provide copies to the parties upon request.
- Provide technical assistance.
- Facilitate meetings and mediate minor disputes among parties if requested.
- Provide information and updates to parties regarding problems in the area.
- Provide follow-up training upon request.

6.05 Portland Police Bureau, Southeast Precinct agrees to:

- Provide information and updates to officers who regularly patrol the area.
- Respond to specific requests from _____ to address issues. Provide training, if available.
- Participate in follow up meetings when appropriate.

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7.0 Administration

7.01 Maintenance

The Crime Prevention Specialist will keep this agreement at the Office of Neighborhood Involvement downtown. The ONI Crime Prevention Program shall maintain this Agreement and make it available to the undersigned parties at their request.

7.02 Meetings

As set out in 3.01 the parties shall meet in 6 months to evaluate the agreement.

7.03 Sale of the Business

In the event that the Building Owner sells _____, the current Business Owner

agrees to give the buyer a copy of the Good Neighbor Agreement. The Business Owner will make every reasonable attempt to ensure/persuade the buyer to continue the Good Neighbor Agreement and allow it to be incorporated into the contract of the sale of the business. The Building Owner will give the KNA 30 days notice of intent to sell the bar.

7.04 Problem Solving

If a problem does arise, the KNA will encourage neighbors living or working near the bar to first attempt to contact bar management to resolve the problem. Management will make every effort to address the concerns in a timely fashion.

All parties recognize that if problems involve illegal activities neighbors will contact the police to report the activity, as well as following the steps outlined above.

8.0 Signatures

By their signature, all parties agree to abide by the Good Neighbor Agreement.

_____ Building
Owner Date Building Owner Contact Address: Building Owner Contact Telephone
Number:

_____ Business

Owner Date Business Owner Contact Address: Business Owner Contact Telephone Number:

Business

Owner Date Business Owner Contact Address: Business Owner Contact Telephone Number:

Kerns

Neighborhood Assoc. Date Email Address: kernsna@gmail.com Contact Address: Contact Telephone Number: 503-000-0000

Crime

Prevention Center, ONI Date Contact Address: Contact Telephone Number: 503-000-0000

Portland Police Bureau, Southeast Precinct NRT Date Contact Address: Contact Telephone Number: 503-000-0000

Neighbor living or working near the bar Date Email: _____ Web: _____ Contact Address: _____ Contact Telephone Number: _____

Neighbor living or working near the bar Date Email: _____ Contact Address: _____ Contact Telephone Number: _____

Neighbor living or working near the bar Date Contact Address: Contact Telephone Number: