



CITY OF

**PORTLAND, OREGON**

OFFICE OF NEIGHBORHOOD INVOLVEMENT

**AMANDA FRITZ, COMMISSIONER**

Amalia Alarcón de Morris, Bureau Director

**Noise Control Program**

1221 SW 4th Avenue, Room 110

Portland, Oregon 97204

*Promoting a culture of civic engagement*

**FINDINGS AND DECISION OF  
THE NOISE REVIEW BOARD**

APPLICANT: PIONEER COURTHOUSE SQUARE \*SHANNON WEISINGER\*

REQUEST: FIVE-YEAR VARIANCE FOR EVENTS AT PIONEER COURTHOUSE SQUARE  
(2016 – 2021)

VARIANCE NUMBER: 16-123730-000-00-NV

DECIDED: APRIL 13, 2016

***DECISION: APPROVED WITH CONDITIONS***

**BACKGROUND:**

Title 18 establishes sound levels based on the zones of both the source and receivers of noise. Events that produce noise above permitted levels may be considered for variance from the code. The Noise Review Board is charged by code to review and act upon some of these applications. The review must consider the physical characteristics; times & duration of the emitted sound; the geography, zone and population density of the affected area; whether the public health, safety or welfare is impacted; whether the sound source predates the receiver(s); and whether compliance with the standard would produce hardship without equal or greater benefit to the public. The code does not preclude review of other factors, nor does it specify the weight to be given to each criterion.

Staff at Pioneer Square, in conjunction with direction from the Noise Control Officer Paul van Orden, had contacted a mailing service organization, AD Mail Inc to obtain addresses for 3,000 letters distributed to residences and businesses surrounding Pioneer Courthouse Square, to inform them, as well as offering detail on the computerized hotline number, and the direct line of the Production Director for Pioneer Courthouse Square. The same mailing area was utilized to do notification for this variance application as the last multi-year noise variance.

**REQUEST:**

A 5-year variance (2016-2021) is requested in order to present events at Pioneer Courthouse Square during the lunch hour as well as on weekends. Similar events occur each year. Requested hours for the variance are from 11:30 a.m. to 1:30 p.m. and after 5:00 p.m. to 10:00 p.m. Monday through Friday. Unspecified hours are requested for Saturday and Sunday from 8:00 am to 10:00 pm. The applicant has requested the same decibel levels as their previous variance, namely, 75-80 dBA, as measured at any unaffiliated neighboring commercial property.

### **FINDINGS:**

- A. The last multi-year noise variance that Pioneer Square held is expiring at midnight April 30, 2016.
- B. The emitted sound consists of live music and amplified human voices.
- C. The affected area includes, besides the immediate area of the square, limited residential use and a number of offices, especially within 1-2 blocks of the square. Since the last variance, a mixed use building with residential units on upper floors has been built, and measurements at the residences should be measured in some way, to assure that noise doesn't negatively affect the inhabitants.
- D. The public's health, welfare and safety are not affected by the anticipated noise levels, except possible temporary interference with sleep at later hours and for closer-in properties.
- E. The sound source does not predate receivers.
- F. The last criterion in reviewing Noise Variances speaks to a sort of "balancing test", in which compliance/non-compliance is measured against the "public good." Will the denying of this application produce hardship without equal or greater benefit to the public? Although "benefit" usually refers to economic gain, the Board also includes the pleasure obtained from the viewing of an event, the fostering of interest in an activity, or the pride in one's city, which occurs via national exposure. In the present case, the events are well recognized community events. The Noise Review Board finds that denying this application will not benefit the public good.
- G. The development patterns of this neighborhood are changing with new high-rise buildings being added to the nearby environment. The Noise Control Officer has noted for the applicant the need to be ready to adapt to a new set of impacted parties from noise. The other sensitive factor is the noise will carry in new ways with the change to reflection of sound.

### **DECISION:**

**Motion was made by Melissa Stewart to grant a variance for Pioneer Courthouse Square for the period of May 1, 2016 through April 30, 2021 with the conditions below. Julie Greb seconded the motion. The motion passed unanimously, 4 - 0**

### **The Variance is approved with the following conditions:**

- The variance will run from May 1, 2016 through Midnight April 30, 2021.
- The variance shall include the following variances times. On weekdays, the permitted hours are 11:30 a.m. to 1:30 p.m., and from 5:00 p.m. to 10:00 p.m. On weekends and holidays the permitted hours are all day from 8 a.m. up to 10 p.m.
- The general standard for the variance shall be as follows: The permitted sound levels shall be 75 dBA (Max) with occasional peaks up and not exceeding 80 dBA, as measured at any unaffiliated neighboring commercial property.