



Noise Variance / Permit

Application #: 4017642

Applicant: Fuller Events *Christina Fuller*
13285 NW Lovejoy St
Portland, OR 97229

Organization: FULLER EVENTS

Activity: PRIDE FESTIVAL

Event Location: TOM MCCALL WATERFRONT PARK

Date(s): Jun 17, 2017 through Jun 18, 2017

Hours: 10:00 a.m. - 9:00 p.m.

Application for the above has been reviewed by the Noise Control Officer, City of Portland, and is hereby:

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. This application was processed by the Noise Control Officer. The decision was based primarily on two factors. The event has not historically created significant noise issues for the neighborhood and the event is requesting a reduced decibel level in comparison to the major events that occur in Waterfront Park. It is less focused on loud amplified entertainment and incorporates quieter cultural aspects into their entertainment.

FINDINGS:

A. The emitted sound consists of live music, being played primarily from a main stage facing northwest in section C of Waterfront Park, across the street from SW Pine and SW Stark.

B. The affected area includes: besides the immediate areas of Waterfront Park; several high-rise apartment units to the west and SW; the Four Points Sheraton Hotel at 50 SW Morrison; and a number of offices and commercial spaces within 1-2 blocks of the park. In past years, complaints for Waterfront Park events have been received from offices up to 3 blocks distance, and from residential property near the site.

C. 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.

D. The sound source does not predate receivers.

E. The last criterion speaks to a sort of "balancing test", in which compliance/noncompliance 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 event is not only a well recognized community event, per se, but it also contributes to the national exposure of the City of Portland. The Noise Control Officer finds that denying this application will not benefit the public good.

DECISION:

Approved, with the following conditions:

- Operation times for the variance dates are as follows: Saturday, June 17, 2017 and Sunday, June 18, 2017, operation is permitted from 10:00 a.m. to 9:00 p.m.
- Sound levels from 10:00 a.m. up to 9:00 p.m. may not exceed 70 dBA (peaks to 73 dBA) as measured on the west side of Naito Parkway. Sound will be measured with an "A" meter weighting and a FAST meter response.
- Sound level monitoring on the west side of Naito Parkway is to be performed by the applicant, or an appointed party, twice during each afternoon, and twice during each evening of the Festival. A set of sound level measurements shall include: a reading on the west side of SW Naito between SW Pine and SW Oak; and a reading on the west side of SW Naito between SW Oak and SW Stark. Measurements at the sound board are to be correlated via walkie-talkie and will be included for the entire set of readings. For example, a sound level reading at Naito Parkway at 6:00 PM will have a correlating measurement at X feet from the stage, at the soundboard, for the exact same time period.
- The recorded measurements are to be submitted, as a summary and legible report, to the Noise Control Office, by July 14, 2017. The person(s) monitoring sound shall also do general screening for compliance of the remaining areas along SW Naito Parkway. No sound level measurements will be required for the general monitoring. The recorded logs should be immediately available during the event for the Noise Control Office to review.
- The Applicant also needs to be sensitive of the sound levels from any radio stations that are using speakers as part of their corporate promotions. Corporate amplified promotions are not part of the cultural aspects that have partially defined this event as a benefit to the community. Sound levels from radio station amplification and promotions shall not exceed 64 dBA on the west side of Naito Parkway during the duration of the event.
- If the variance is violated, or the event receives complaints, the event will be forwarded in future years to the Noise Review Board for review. This will require the applicant to file at least 45 days prior to the event and complete all of the normal requirements of the Noise Review Board, including payment of an appropriate variance fee to help cover the cost of a detailed review before the Board.