

**OPPOSE  
APPEAL**

**NOISE APPEAL OF ARLINGTON HEIGHTS NA**  
**HEMPSTEAD WORLD MUSIC FESTIVAL CONCERT JULY 4**

IF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)

ADDRESS AND ZIP CODE

Email

✓ Tim Pate	5506 N.E. 38 <sup>th</sup> Ave Portland	TimpateMusic@Aol.com
✓ Brad Zusman	3477 SW Wonderlew Ave, Corvallis	Brad@RiversEdgeCatering.com
✓ STEW DODGE	2343 N. Rosa Parks Way 97217	stewdodge@comcast.net
✓ NIKI Davis	426 Seventh St Lake Oswego, OR 97034	niki@nikidavis.com

**SUPPORT  
APPEAL**

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NAME (print)

ADDRESS AND ZIP CODE

Email

✓ Steve Bloom	611 SW Kingston 97205	sbloom@japanesegarden.com
✓ JOE Angel	356 S.W. Kingston	
✓ Eric Nagle	2710 SW Rutland	ericnag4@hotmail.com
✓ Mike Dowd	0753 SW Miles St.	office@dowdarchitecture.com
JEFF BOLY	2879 SW CHAMPLAIN DR	jeff@jeffandlinda.org

**DOCUMENTS SUPPORTING APPEAL BY  
ARLINGTON HEIGHTS NEIGHBORHOOD  
ASSOCIATION OF NOISE VARIANCE FOR  
HEMPSTEAD MUSIC FESTIVAL**

## Summer Free For All

### Washington Park Summer Festival

[Free for All Sponsors](#)

[Playground Programs](#)

[Movies in the Park](#)

[Swim Program](#)

[Rock Climbing Wall](#)


[Concerts in the Park](#)

## WPSF Information

### Performance Schedule

#### Plan Your Trip!

Avoid parking hassles by riding TriMet to the Washington Park amphitheater. Take MAX Blue or Red line to PGE Park, King's Hill Station or the Oregon Zoo, then catch the Washington Park Shuttle which runs approximately every 25 minutes until 9:00 PM. Overflow parking is free in the Archery Range, about a mile up Kingston Drive from the Rose Garden. You may walk down or board the WP Shuttle to ride up to the Zoo and around to the amphitheater. After the concert the WP Shuttle will return you to MAX or to your parked car. Regular TriMet fares apply.

 Wheelchair users are invited to enter through the accessible parking area at the stage level.



### Presented by DAIMLER

The Children's Hospital/Legacy Emanuel  
Key Bank

Sondland-Durant Foundation  
NW Natural  
Pacific Power

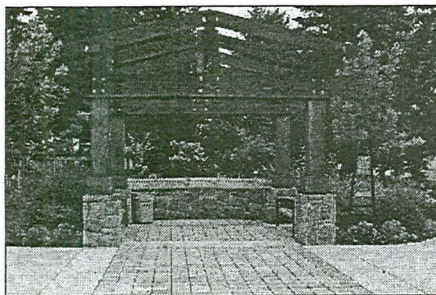
### Performances begin at 6:00 PM

<b>THU, August 4</b>	<b>Linda Hornbuckle &amp; the Divas of Soul</b> Inspired and breathtaking soulful power backed by a tight and talented band.
<b>FRI, August 5</b>	<b>Portland SummerFest Opera in the Park</b> A concert performance of <i>Carmen</i> featuring exciting young singers from across the country.
<b>SAT, August 6</b>	<b>Dr. Theopolis</b> Original grooves weaving together wacky funk, old-school soul, and modern hip-hop.
<b>SUN, August 7</b>	<b>Portland Festival Symphony</b> Celebrating the magic of classical music under the inspired baton of Maestro Lajos Balogh.
<b>MON, August 8</b>	<b>Painted Sky: Northstar Dance Company &amp; Moveo</b> Honoring Native American culture through the universal languages of music and dance. Traditional roots and contemporary innovation.
<b>TUE, August 9</b>	<b>Chervona</b> Fiery Eastern-Euro carnival music from Balkan, Ukrainian, Klezmer, and Russian traditions.
<b>WED, August 10</b>	<b>Dan Reed &amp; Friends</b> A rare hometown appearance by the inspired singer-songwriter turned world musician.
<b>THU, August 11</b>	<b>Dr. P's Miraculous Rejuvenation Radio Hour</b> A theatrical salute to old-time variety shows. Live sound effects, local humor, and plenty of bluegrass music.
<b>FRI, August 12</b>	<b>NW Dance Project &amp; the Blue Cranes</b> Modern dance meets original jazz in a dynamic collaboration that originated with <i>Cool Yule</i> .
<b>SAT, August 13</b>	<b>Dina y Bamba Su Pilon D'Azucar</b> Steamy Havana nights, brought to Portland by Cuba's own cognoscenti of salsa, cumbia, and merengue.
<b>MON, August 15 TUE, August 16</b>	<b>Rain Dates</b>

## Other Featured Gardens & Locations

There are several other parks and garden settings for your outdoor wedding that may be scheduled anytime during park hours. Only one wedding will be allowed per park per day, except at the Peninsula and Washington Park Rose Gardens. (Due to their popularity, these sites should be reserved well in advance).

- **Mt. Tabor Summit**..... \$146.50  
SE 60 Ave. & Salmon St.  
(Limit 100 people, 12 chairs)
- **Hoyt Arboretum**  
4000 SW Fairview Blvd. (Limit 100 people)  
Hoyt Meadow..... \$155.00  
Hoyt Picnic Shelter.....(half day) \$245.00  
.....(full day) \$399.00  
Redwood Deck.....\$155.00  
.....(with Meadow)....\$85.00  
deWeese Clssrm.\* (M-Sa 9am-4pm)....\$45.00  
deWeese Clssrm.\* (after hours)..... \$58.00  
\*Key - deposit required for access
- **Portland Memory Garden** ..... \$186.25  
SE 99 Ave. & SE Powell Blvd.  
(Limit 100 people, 12 chairs)



Portland Memory Garden

- **Washington Park Amphitheater** ..... \$1,364.50  
400 SW Kingston Blvd.  
(Limit 2000 people)
- **Mt. Tabor Amphitheater** ..... \$310.25  
SE Salmon St. east of SE 60 Ave.  
(Limit 500 people)
- **Rocky Butte Summit** ..... \$146.50  
(Limit 100 people)
- **Council Crest Summit** ..... \$146.50  
(Limit 100 people)
- **South Waterfront Park** ..... \$272.00  
(Limit 150 people)

## Cancellation & Rescheduling

You may cancel your permit at any time by contacting the Customer Service Center. Refunds are only issued when the permit and any signs and passes are returned to the Customer Service Center before the scheduled event date. When these items are received, a refund may be issued under the following guidelines:

- If your permit, signs and passes have been received by the Customer Service Center at least 3 business days before your event, you may receive a full refund of all but the Application/Processing Fee.
- If your permit, additional signs and passes have been received by the Customer Service Center less than 3 business days before your event, you may receive a 50% refund of all but the Application/Processing Fee.

You may reschedule your event once without paying additional non-refundable application fees.

## Additional Locations

Please contact each of the following sites individually for information on fees, rules, and availability. You may also view our website for additional venues ([www.PortlandParks.org](http://www.PortlandParks.org)).

### Leach Botanical Garden

6704 SE 122 Ave., 503-823-9503

The Manor House at Leach Botanical Garden features a Great Room with heavy wooden beams, fireplace, piano, and French doors leading to an outdoor terrace. 50 to 70 people can be comfortably accommodated inside. The capacity is slightly higher when utilizing the adjacent outdoor terrace. Kitchen facilities, serving area, and dressing rooms are available as well.

### Oaks Pioneer Church / SMILE Station

455 SE Spokane St., 503-233-1497

SMILE Station, 503-234-3570

### Crystal Springs Rhododendron Garden

SE 28 Ave. & Woodstock Blvd., 503-771-8386

Located on the east side of the Eastmoreland Golf Course, this lovely seven-acre garden provides a beautiful setting for weddings and receptions.

### World Forestry Center

4033 SW Canyon Rd., 503-228-1367

Located just west of the Oregon Zoo.

Revised: 12/17/2010



**PORTLAND PARKS & RECREATION**

Healthy Parks, Healthy Portland



Commissioner Nick Fish

Director Zari Santner

[www.PortlandParks.org](http://www.PortlandParks.org)

### PP&R Customer Service Center

OFFICE LOCATED ON THE FIRST FLOOR

1120 SW 5th Ave., Suite 1302

Portland, OR 97204

Tel: (503) 823-2525 Fax: (503) 823-2515

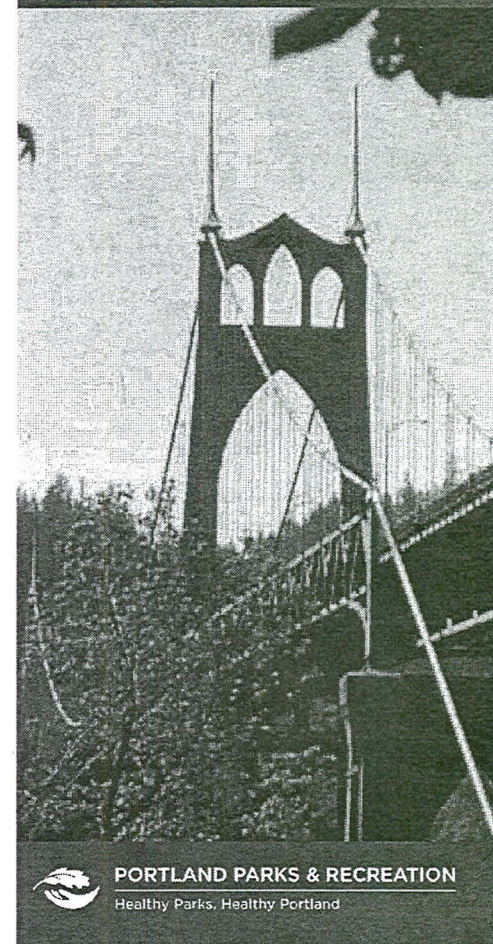
Open: Monday-Friday 8:30am - 5:00pm

## How to Reserve a Park for Your Wedding

• Rates & Fees Effective January 1, 2011

• Portland Parks & Recreation

Customer Service Center - 503-823-2525



**PORTLAND PARKS & RECREATION**

Healthy Parks, Healthy Portland

## Liquor

### Requirements:

Permittee may be granted permission to serve alcohol as a part of their permit. All permittees obtaining permission to serve alcohol will be required to provide insurance coverage, obtain an Oregon Liquor Control Commission license, and obtain a Portland Police Bureau sign off prior to Portland Parks & Recreation granting permission and signing any OLCC forms. Permission to serve/sell alcohol is subject to any and all OLCC rules and regulations. Sale of alcohol requires an OLCC license. For further information contact the OLCC office at 123 NE AVE, Portland, Oregon, phone (503) 872-5070. Permittee is responsible for meeting all OLCC requirements.

### Beer and Wine only:

Alcohol in Portland Parks is limited to beer and wine, except under certain circumstances where limited sales/service of other alcoholic drinks may be allowed as part of a special event. Applicant must provide a written request detailing reasons for serving liquor other than beer and wine.

## Music/P.A. System

### Criteria:

Permission may be granted to have music and/or to use a PA system throughout an event. Portland Parks & Recreation approval is based on the park location with respect to the neighborhood, the time of day requested, and the length of the use. If approved by PP & R, a noise permit will be required from Noise Control, (503)-823-7350. Permittee is responsible for obtaining noise permits, keeping noise levels within the allowed levels and terminating the music at the approved time.

### Noise Variance Standards:

Notwithstanding the granting of any permit by Portland Parks & Recreation, no permittee may exceed applicable noise standards without obtaining a noise permit or variance as required by law.

### Peninsula Park:

Portland Parks & Recreation will not approve a permit for Peninsula Park that includes amplified music or the use of a PA system.

### Hoyt Arboretum

Portland Parks & Recreation will not approve a permit for Hoyt Arboretum that includes amplified music or the use of a PA system.

### Mt. Tabor Park:

Portland Parks & Recreation will not approve a permit for Mt. Tabor Park outside of the hours of noon- 5 p.m. that includes amplified music or the use of a PA system without written approval of the Mt. Tabor Neighborhood Association.

## Vehicle Access

Vehicle traffic is not a normal use of Park property, and as such, park users, especially children, are not aware of the possible danger of vehicles in a park.

### Allowable Uses:

Vehicles necessary to the set up, take down, and operation of a major special event may be allowed in some parks. Permission to have vehicles in the park can be obtained only from the Customer Service Center with approval of the Park Supervisor. Access will not be granted until the vehicle access fee is paid and a validated vehicle access permit for each vehicle is obtained from the Customer Service Center and placed in the windshield of the vehicle.

### Hard Surfaces:

Vehicles must stay on hard surfaces. Parks must not be treated like parking lots. The Parking Patrol or Portland Police may issue parking citations and tow vehicles in city parks that do not have a valid vehicle access permit in their front windows.

### Turf Damage:

Heavy vehicles can cause damage to turf and in-ground irrigation for which permittee will be billed. Pre-event meetings with Park Supervisors can prevent this damage. In order to minimize turf damage from oil and grease, permittee is required to provide drip pans for any vehicle to be parked in the park as part of their event.



**TYPICAL TRAFFIC JAM ON SW FAIRVIEW DURING  
CONCERT AT ROSE GARDEN AMPHITHEATER**

July 4th Tookst Maytals

Coast To Coast

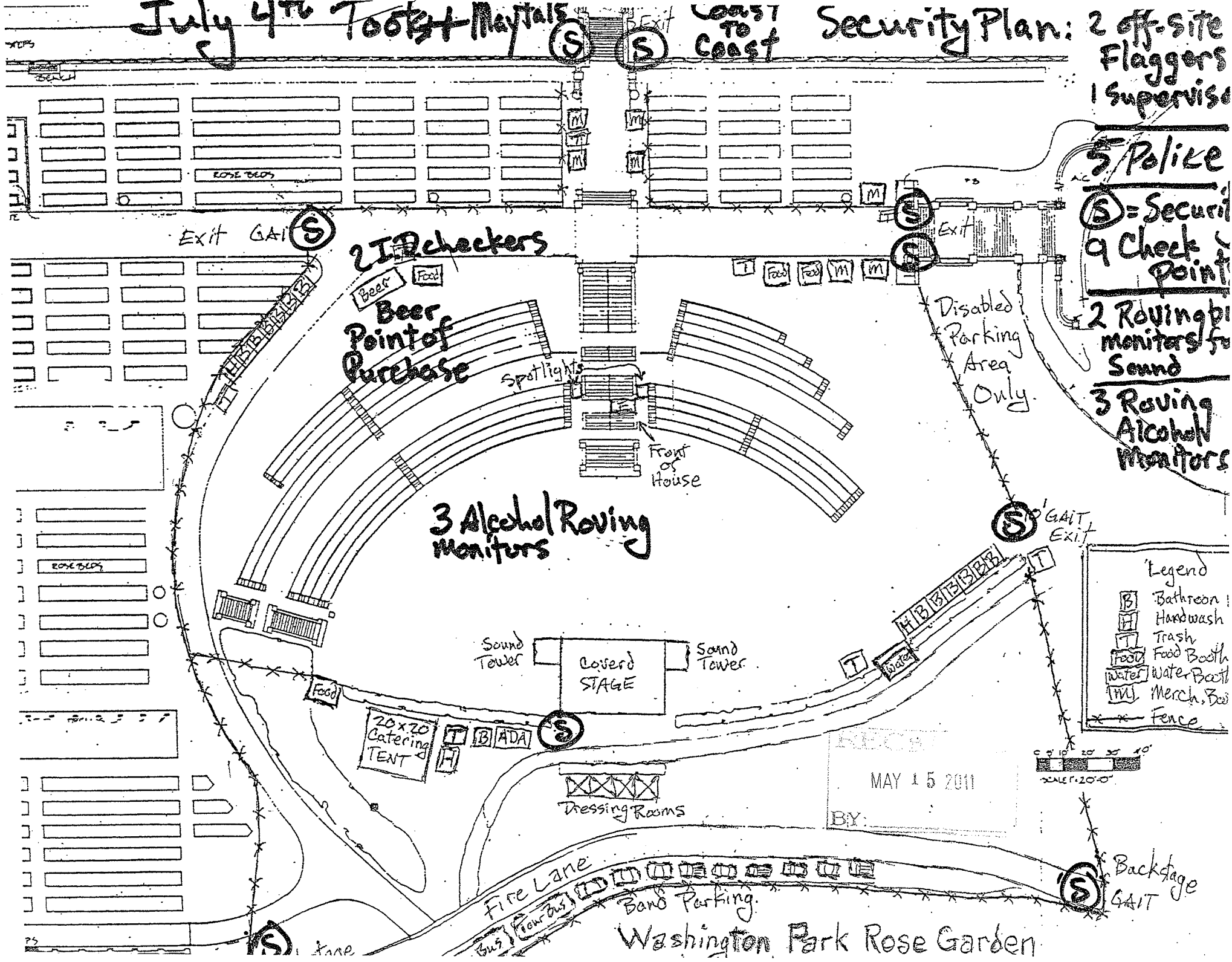
Security Plan: 2 off-site  
Flaggers  
1 Supervisor

5 Police

9 Check Point

2 Roving monitors for Sound

3 Roving Alcohol Monitors



# ARTS & LETTERS

We welcome letter, preferably typewritten, on arts and entertainment stories and reviews published in The Oregonian's daily living section, Friday's A&E and Sunday's Arts sections. The writer's name, address and a daytime phone number must be included for verification. Letters may be edited for length and clarity. Send to:

Arts Editor  
The Oregonian, 1320 S.W. Broadway  
Portland, 97201

## Concertgoer wants apology for a 'monumental ripoff'

To the Editor:

Regarding Lynn Darroch's review of the Jackson Browne concert at the Rose Garden, I fully agree that the artists were superb, but I must take issue with Darroch's glowing assessment of the venue ("Browne sings of life's sweet transitoriness," Arts & Books, Sept. 4). He obviously had a prime seat.

My fiancée and I arrived a full hour before the beginning of the show. We were obligated to thread our way through a jam-packed hillside, to find that the only remaining seating was off to one side of the stage, hard by the concession-stand lines, because the promoters shamelessly oversold tickets. We suffered through a constant parade of people squeezing in front of us and behind us, spilling beer and engaging in boisterous conversation, even while the concert was in progress.

This might have been tolerable if we had been able to see the performers, but The Oregonian (co-sponsor of the show) had erected huge advertising banners on either side of the

The percussion principal

stage, which completely blocked the view of about one-quarter of the concertgoers.

To this list of indignities add the lack of safe and accessible parking, the ban on bringing food or drink into the amphitheater and the exorbitant ticket price (\$30 each when ordering by phone), and you have a monumental ripoff.

I have been a Jackson Browne fan for 25 years, and this was my first opportunity to see him in concert. I was anticipating an evening of great music in a romantic setting; instead, I was subjected to rough treatment at the hands of greedy sponsors. The Oregonian in particular owes an apology to the patrons of this show.

— WARREN LITSINGER  
Newport

## The full life of Kay Boyle certainly was no failure

To the Editor:

How enjoyable to read the article on Kay Boyle by Angie Jabine ("Kay Boyle led a full, unrealized life," Arts & Books, Aug. 7). As a former student of hers at San Francisco State College, I have always held her in more than esteem. I have known true gratitude toward her life, that of a teacher who knew how to stoke the creative fires in a young man's mind.

I do wish to assure Jabine that the life of Kay Boyle was no failure. Her centeredness protected a unique and powerful woman's soul that simply, truly, loved more people than most humans are emotionally capable of. They were celebrated as living, fully formed characters in her writing. Kay Boyle had the true curse of the born writer. She was never able to fool herself that she wasn't put on this world alone. Her brilliance was hard as a diamond when I knew her in her in 1972. Her dinner table at her house in the Haight-Ashbury was often filled with young people full of intellectual joy. Her class was where I produced and grew in response to her own vast talent and intellect, all life experience being a feast for her creative soul.

In this time of strident feminist correct-think, the reaffirmation of her life in the public eye is like a shot of pure water across a polluted ocean of ideological garbage. Don't try and box her in death. Nobody could in life.

Thank you for having lived, Kay. I will always honor your life as a writer, poet, lover, mother, worker, fighter and teacher. Not bad, for one life. You were quite a woman.

— BRUCE ORTON  
Eugene

## Hollywood does not equal real life — it's pure fantasy

To the Editor:

In the Entertainment section of The Oregonian we read: "Cross-dressing (in movies and theater) is bigger than ever." ("Movie hunks become drag queens — but it's all for the bottom line," A&E, Sept. 1.) There follows a list of films — from "Tootsie" to "The Little Rascals" to "Mrs Doubtfire" — whose storyline includes guys (or kids or animals) in drag.

Then: "We're on the verge of an eye-popping revolution." That's absurd. Cross-dressing has been around since silent movie days, and it has always been included for amusement — not for social comment.

Mrs. Doubtfire was a loving normal father driven to dress as his children's amusing nanny in order to share their lives. Spanky and Alfalfa are normal kids doing amusing things on screen. Let Hollywood do a serious social comment with a "hunk" cross-dressing to go to the office, and you'll have a box-office bomb. The bottom line rules the industry, and whatever it takes is what the moguls will do. But it must entertain.

The article asks, "Is society truly abolishing gender lines?"

I can't believe you said that! Mug us if you must, but don't insult our intelligence. Equating the movie industry with "society" is barmy!

Most of us realize that Hollywood inhabits another universe altogether . . . the one loosely referred to as "never-neverland." A number of po-

Oregonian 9-18-94

Submitted by  
Mike Dawd  
6/23/11

June 23, 2011

Portland City Council  
1221 SW Fourth Avenue, Room 110  
Portland, Oregon 97204

**Re: Support for Arlington Heights Neighborhood Association appeal of Noise Variance  
for Hempstead World Music Festival Concert**

**Specific noise variance comments**

Dear Council Members:

I have the following specific comments on the noise variance decision:

--The facts as to numbers of concerts and years are all wrong

---The Board didn't even evaluate public good, nor can they, really. They ignored the impacts to other park activities and users, they ignored that the promoter had other, better venue alternatives, and they ignored that there are many, many alternative events and activities for the concertgoers—most notably one of the country's best blues festivals a mile away. The event basically displaces other park users, who have few negative impacts on the park

--The fact that the Board gave no conditions on anything other than noise shows that they really didn't or couldn't address other issues, such as parking, traffic, emergency vehicle access or park impacts, although these are all part of determining the "public benefit" of the event.

--there was consensus in the past that while the amphitheater works well for smaller, non-commercial events, the noise limits will always be a problem for large commercial ones. If they are low enough to protect the neighbors and other park users, they'll be too low for a successful major commercial concert, and vice versa.

Sincerely,



Michael Dowd  
0753 SW Miles Street  
Portland, Oregon 97209  
(503) 282-7704

June 23, 2011

Portland City Council  
1221 SW Fourth Avenue, Room 110  
Portland, Oregon 97204

**Re: Support for Arlington Heights Neighborhood Association appeal of Noise Variance for Hempstead World Music Festival Concert**

Dear Council Members:

The Parks Bureau's conditions regulating the concert are totally inadequate

Here is only one section of the conditions being required by Parks of the promoter—Security and Traffic Management. I didn't comment on the entire set of conditions--this one alone is so bad as to guarantee major problems for the neighborhood and for concertgoers. Other sections are similarly inadequate.

Note that these comments are based on what was done at the 90s concert series, which had much more planning, a more experienced promoter, and were smaller and much shorter.

*SECURITY & TRAFFIC MANAGEMENT*

*Promoter will hire off duty uniformed police for parking patrol on day of shows. The Police will insure that concert traffic or parking will not block emergency vehicle access in the Arlington Heights neighborhood within reasonable amount of time.*

*Hiring 2 officers from 3pm-10pm, with the expectation that they will patrol the perimeter and deal with parking issues. This is for parking issues only. Central Precinct may require additional officers be hired to ensure public safety based on Special Events Sergeant assessment.*

*Parking signage will be supplied by Promoter to discourage illegal parking. Signage will state intent to tow and must be posted around park and at venue gates.*

*Promoter must encourage attendees to leave the car at home and take public transportation. (Max to the Zoo and Shuttle to the venue, or TriMet Line 63, etc.)*

**Problems:**

**--Two officers is a fraction of what is needed for traffic control.** There were many more than that in the 90s for much smaller, shorter concerts and there was still total chaos at times, with buses stuck on Fairview, etc.

**--Signing to "discourage illegal parking" is worthless:**

--First, people already know what is illegal.

--Second, "no parking" must be posted and enforced even in areas where it is normally legal, such as up Fairview and along Kingston. Otherwise there aren't adequate clearances for buses or heavy volumes of cars

**--Signage stating "intent to tow" isn't enough**—several tow trucks must be on site and must tow cars that are blocking streets, driveways, crosswalks, fire hydrants, etc. At the 90s concerts, there were dozens or hundreds of illegally parked cars each concert even with planning and patrols—see photos attached. And remember, towing a car will absolutely destroy the owner's

concert experience. Failure to plan for parking and traffic control guarantees a need to tow, and this year, the planning has been a failure

--**Signage "posted around park and at venue gates" is worthless.** By the time most people see it, they'll be several blocks from where they parked

--**Encouraging use of public transportation is worthless because it isn't available in any meaningful amount**—great idea, but the promoter already isn't doing that as required by the noise variance. Plus, there isn't much public transportation available. The bus hardly runs. The shuttle may run to the zoo, but can only accommodate tiny numbers of people. Plus, the shuttle and bus are both worthless when they can't get through the traffic jams on Fairview and Kingston.

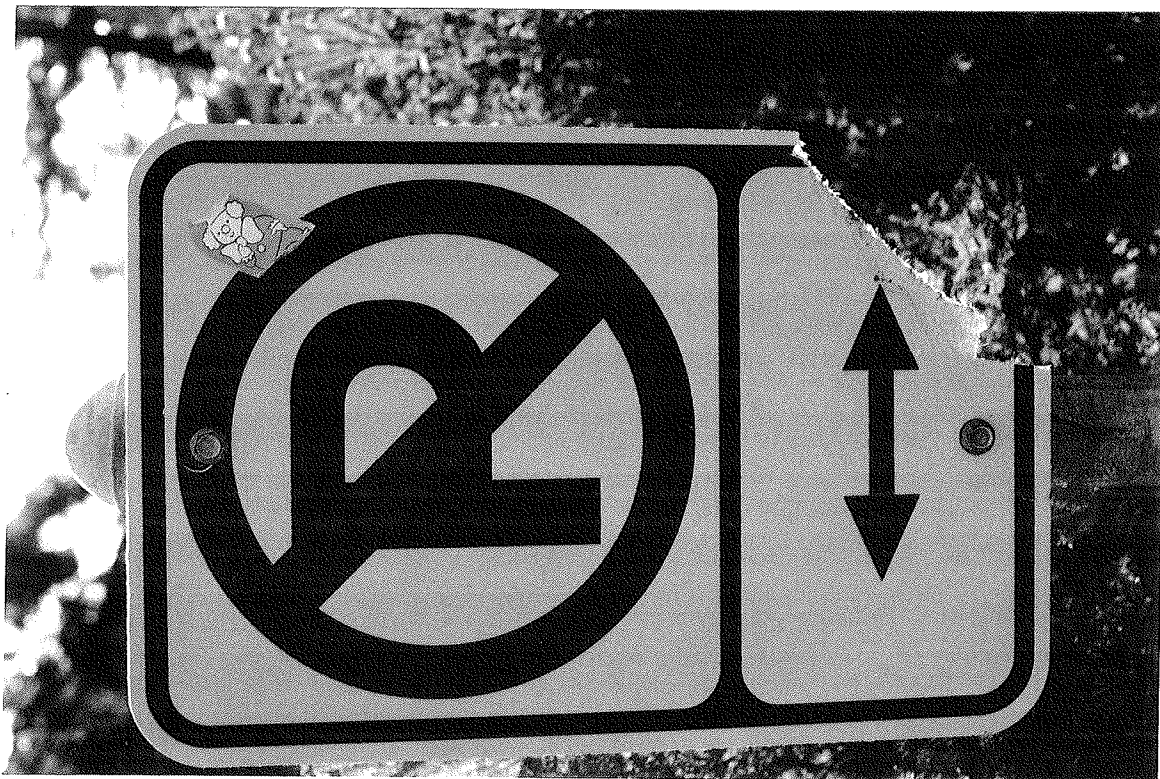
--**Parking is illegal after 10 PM in the neighborhood without permits.** The conditions ignore this. Scheduling the concert to end at 9:30, with encores to 9:45, guarantees that most people will not be able to even get to their cars by 10. The parking limits were put in effect for a reason. The concert forces almost everyone attending to violate the parking regulations.

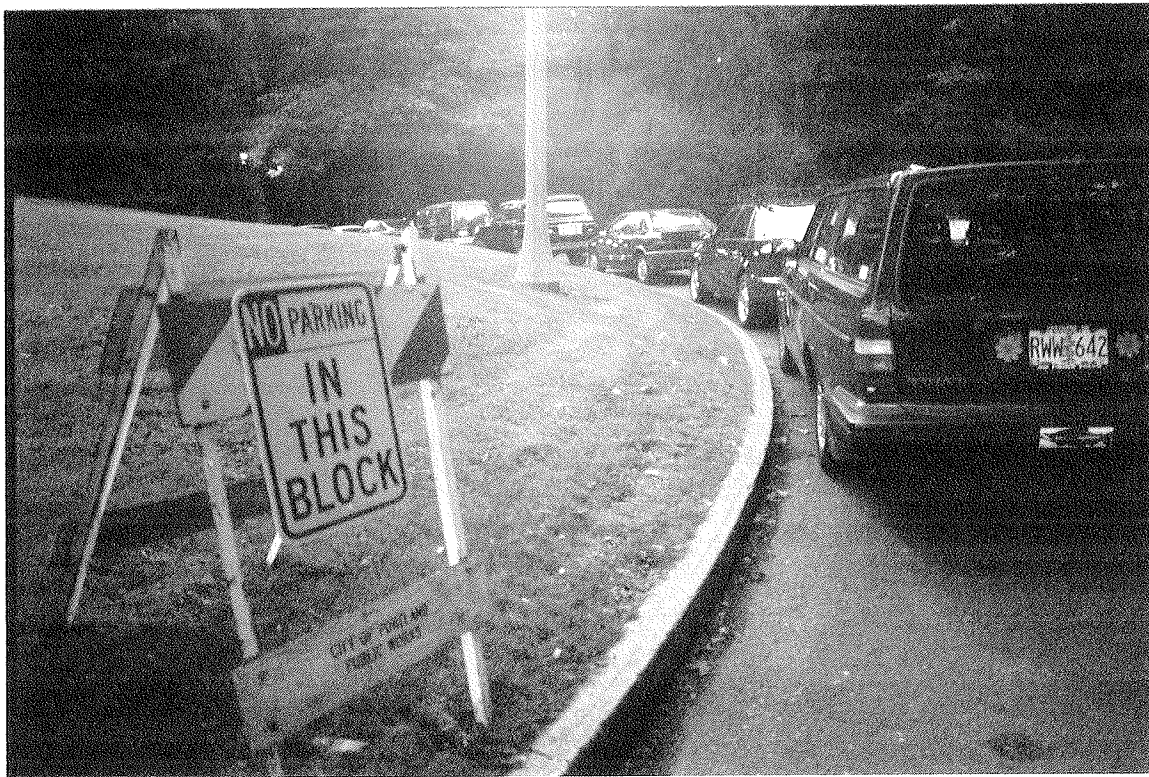
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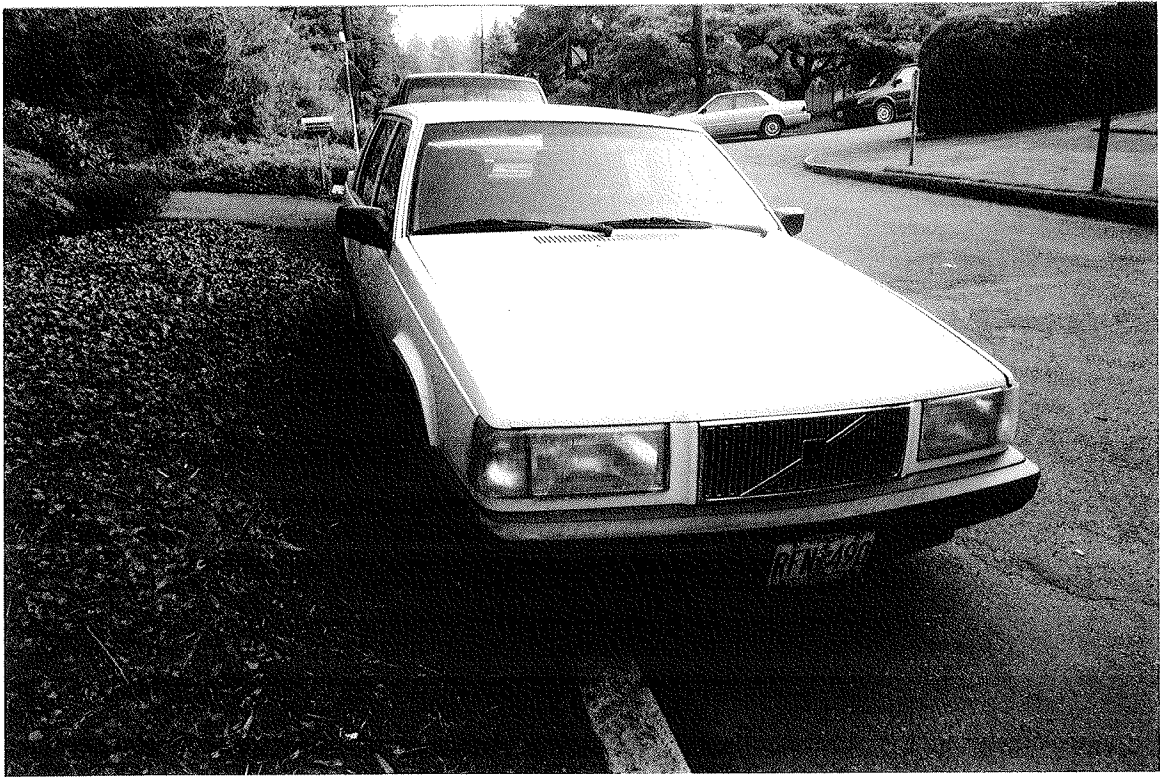
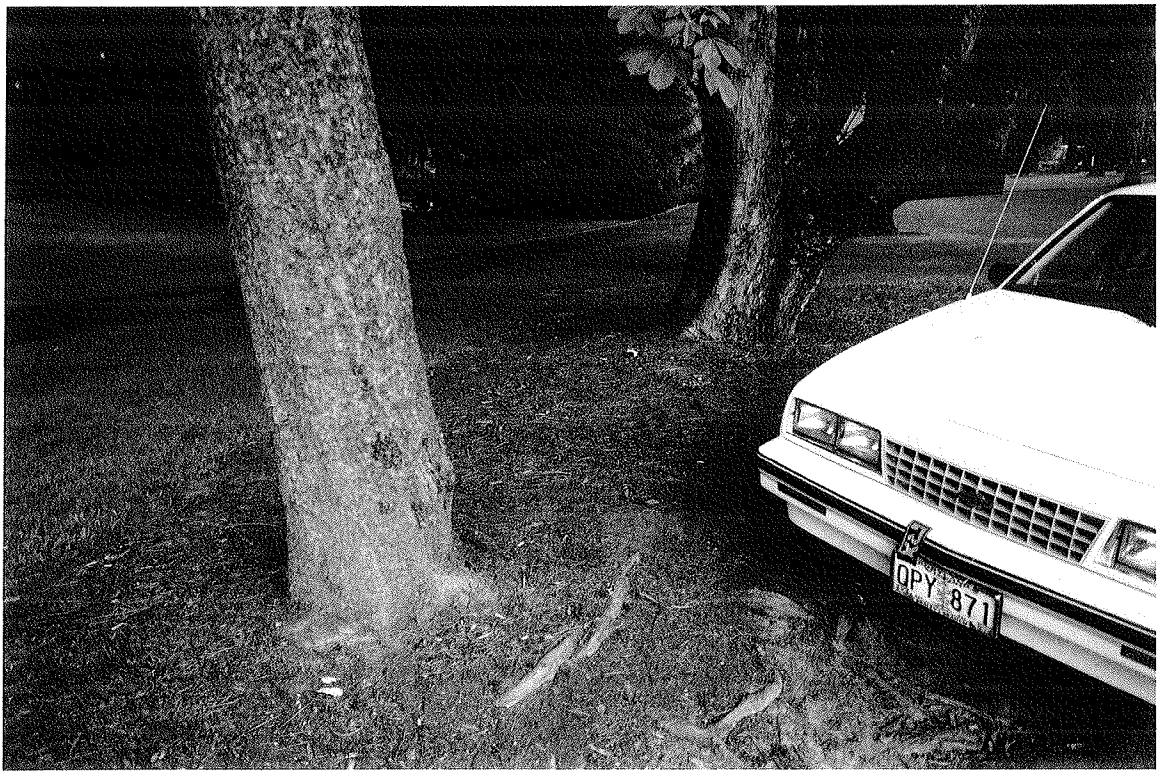
Michael Dowd  
0753 SW Miles Street  
Portland, Oregon 97209  
(503) 282-7704

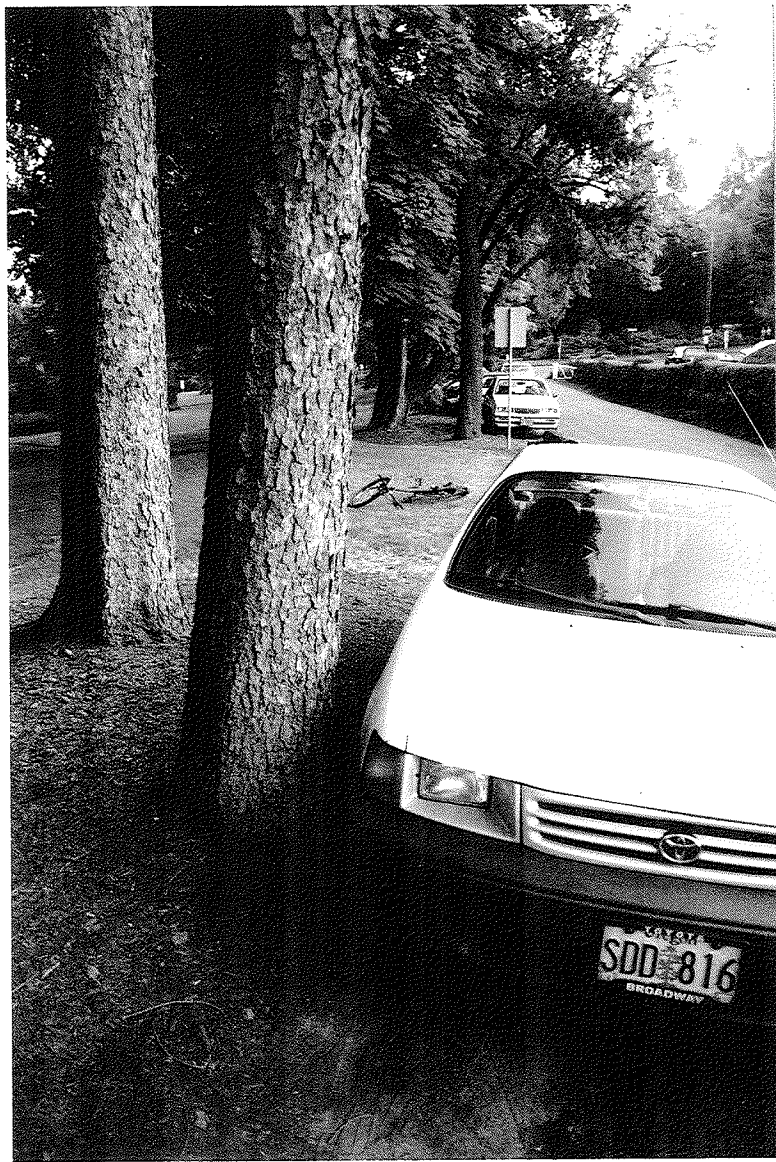




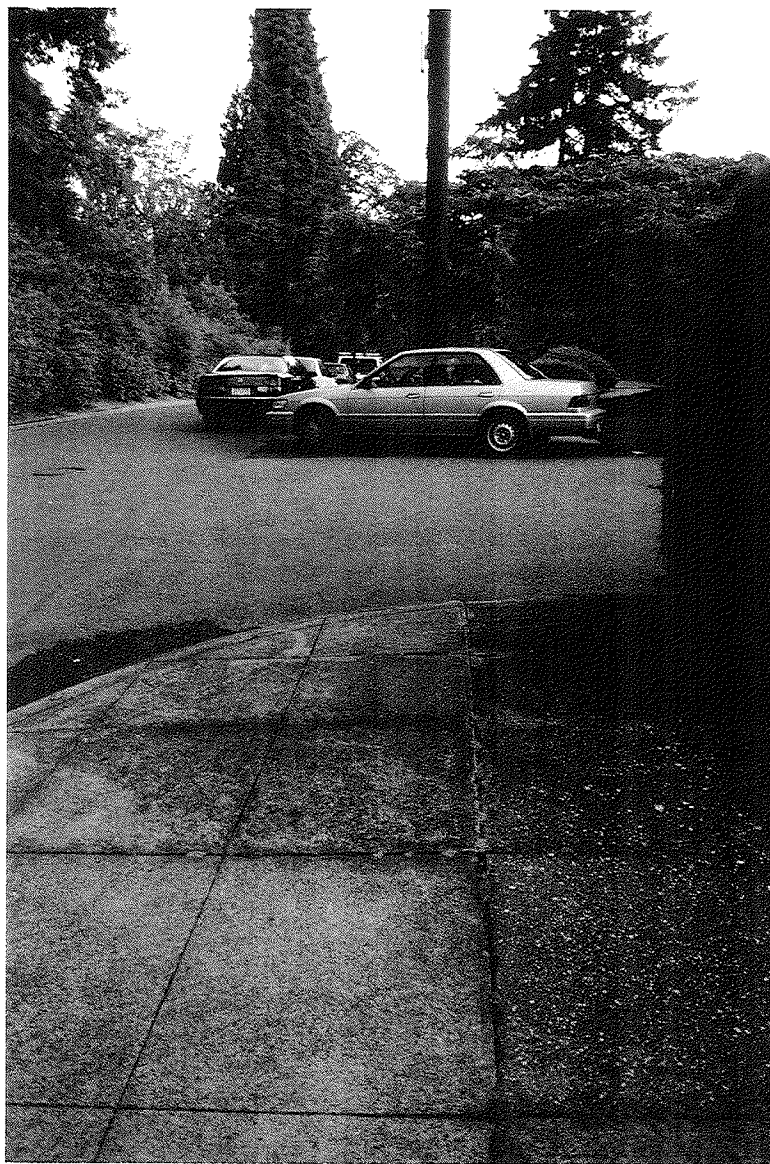












Eric Nagle  
2710 SW Rutland Ter  
Portland, OR 97205  
503-231-2141

June 12, 2011

Portland City Council  
c/o Lavonne Griffin-Valade  
Portland City Auditor  
1221 SW 4<sup>th</sup> Ave., Room 140  
Portland, OR 97204-4082

Subject: Appeal of noise variance for Hempstead Music Festival on July 4 in  
the Rose Garden Amphitheater

Dear Members of the City Council:

The Arlington Heights Neighborhood Association, and I in my individual capacity, appeal the June 8, 2011 decision of the Noise Review Board to grant a noise variance for a 7-hour concert in the Washington Park Rose Garden Amphitheater on July 4, 2011. The event, a reggae concert called the Hempstead World Music Festival, is scheduled to run from 3 p.m. to 9:45 p.m., and will draw 3200 people.

Arlington Heights is adjacent to Washington Park in southwest Portland, and includes about 300 homes. We have standing to file this appeal because I appeared in opposition to the variance at the Noise Review Board's hearing on June 8. We urge the Council to reverse the variance decision, because we believe it does not meet the public benefit test under the noise ordinance.

**I. On July 4, use of Washington Park's roads, facilities, and parking will far exceed its capacity even without the addition of a large commercial event.**

Washington Park is Portland's most heavily used park. The southern part of the park includes the Zoo, the Children's Museum, the World Forestry Center, the Vietnam Memorial, Hoyt Arboretum, and an archery field. The northern part of the park includes the Amphitheater, the Rose Garden, the Japanese Garden, the Holocaust Memorial, a soccer field, five tennis courts, and four picnic areas. The Rose Garden includes two areas that can be reserved for weddings. It also includes

one of the city's most popular playgrounds: the Elephant House Playground. Parents from all over the city take their kids there. The park has miles of popular hiking trails, as well as the Zoo Railway.

On any summer weekend day, the park overflows with visitors, even when no public events are scheduled. July 4 will certainly be one of the most crowded days of the summer. There are 300 parking spaces in the north part of the park, and all of them are used on weekends. Groups often reserve the picnic areas, and the wedding sites in the Rose Garden are booked up months in advance. Arlington Heights serves as overflow parking for the park, and visitors' cars often line the neighborhood streets. The Zoo already draws far more visitors than its parking lot can accommodate, and it rents an auxiliary lot to provide additional capacity. Arlington Heights is currently working with the Zoo and other Washington Park tenants in an attempt to address the chronic parking and traffic problems that have plagued the park for years.

**II. The Amphitheater is appropriately used for free cultural events, such as the Summer Concert Series.**

The Amphitheater is used for the free Summer Concert Series, community theater, and other free public cultural events. The neighborhood supports use of the Amphitheater for these well-established purposes. The noise and traffic impacts of these events are clearly outweighed by the public benefit of free entertainment for people of all ages. The free summer concerts usually start at 6 p.m., and are three hours long.

**III. The Hempstead Music Festival will be larger, longer, louder, and more heavily attended than the free events that the Amphitheater is normally used for, and will deny many other people access to the Park's facilities.**

The Hempstead Festival, by contrast, will be much longer, and will not be free to the public. The event will include 4 bands, and is scheduled to run 6 ½ hours, from 3 p.m. to 9:30 p.m. It will be expensive: tickets cost \$39 to \$100. The reggae music will be much louder than the Portland Symphony or the Opera, and will be audible to a large portion of the neighborhood. According to the head of event permitting at Parks & Rec, there has never been a concert this long at the amphitheater. Because it will begin three hours earlier than is typical for evening concerts at the Amphitheater, it will substantially interfere with daytime users of the park. Unlike the Summer Concert Series, the Hempstead Festival will be

heavily promoted through advertising, and will draw a larger crowd. Alcohol will be sold at the event, which will result in additional noise as loud, intoxicated persons walk through the neighborhood when returning to their cars.

Portland Parks & Recreation has a policy of “blacking out” reservations for other events in the park when an event is scheduled in the Amphitheater. That means 4 picnic areas and 2 wedding sites will not be available for reservations on July 4. So, because of the Hempstead Festival, others will be denied use of the park.

The Amphitheater is not well served by public transit. The nearest MAX station is a mile away, and there is no late-night bus service to the Amphitheater. Consequently, the event will bring an extra 1500 cars to the park. There isn't nearly enough parking in the park, so cars will fill the neighborhood. This will also make it hard for visitors to the Rose Garden, Japanese Garden, and other attractions to find parking. Hempstead's promoter has done little to address the parking issue. He intends to use the Archery Field for parking, but that holds only 150 cars, only about 10 percent of the number likely to come to the event.

Paragraph 18.14.020.D.5 of the Portland City Code states that a variance should turn on whether granting it would provide a “greater benefit to the public” than would result from compliance with the noise limit. We believe the Hempstead Festival will not provide a benefit to the public to offset these negative impacts. It will commercialize a public space that's normally open to the public. While many private individuals will profit from the event, the people of Portland will not. Ticket sales will gross more than \$125,000, plus the profits made through alcohol sales and by vendors, while the fee paid to the city for using the Amphitheater is only about \$6000.

We asked the promoter why he didn't choose another venue with better parking and less impact on residential neighborhoods, such as the amphitheater at the Zoo. He replied that he would have had to pay more to use that venue. So, ultimately, this is about the money. There are many other venues for outdoor concerts in Portland, such as Oaks Park or Kelley Point Park, that would have less impact on residential neighborhoods, but Hempstead chose the one that would have the greatest impact because it would net the most revenue.

**IV. Portland Parks & Recreation has failed to set any policy regarding the type, frequency, timing, and duration of events allowed at the Rose Garden Amphitheater**

Parks & Rec currently places virtually no limits on use of the Amphitheater, and has largely abdicated its management responsibilities to other city bureaus that don't consider the park management implications of their actions. Event size is determined, not by PP&R, but by the Fire Bureau. That limit is based only on emergency access criteria, and not on parking capacity or an event's effect on neighborhoods or other park users. The noise limits are left up to the Bureau of Development Services and the Noise Review Board.

This stands in sharp contrast to Parks & Rec's policy regarding use of the amphitheater at Mount Tabor Park. There, an event involving amplified sound is allowed after 5 p.m. only with the neighborhood association's assent. The Arlington Heights Neighborhood Association believes that a similar policy should apply to the Rose Garden Amphitheater.

## **V. Conclusion**

In light of the above, the Arlington Heights Neighborhood Association urges the Council to reverse the Noise Review Board's decision to grant the variance, because it would not serve the public interest.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Eric W. Nagle', with a stylized, flowing script.

Eric W. Nagle, Board Member  
Arlington Heights Neighborhood Association

Eric Nagle  
2710 SW Rutland Ter  
Portland, OR 97205  
503-231-2141

June 12, 2011

Portland City Council  
c/o Lavonne Griffin-Valade  
Portland City Auditor  
1221 SW 4<sup>th</sup> Ave., Room 140  
Portland, OR 97204-4082

Subject: Appeal of noise variance for Hempstead Music Festival on July 4 in  
the Rose Garden Amphitheater

Dear Members of the City Council:

The Arlington Heights Neighborhood Association, and I in my individual capacity, appeal the June 8, 2011 decision of the Noise Review Board to grant a noise variance for a 7-hour concert in the Washington Park Rose Garden Amphitheater on July 4, 2011. The event, a reggae concert called the Hempstead World Music Festival, is scheduled to run from 3 p.m. to 9:45 p.m., and will draw 3200 people.

Arlington Heights is adjacent to Washington Park in southwest Portland, and includes about 300 homes. We have standing to file this appeal because I appeared in opposition to the variance at the Noise Review Board's hearing on June 8. We urge the Council to reverse the variance decision, because we believe it does not meet the public benefit test under the noise ordinance.

**I. On July 4, use of Washington Park's roads, facilities, and parking will far exceed its capacity even without the addition of a large commercial event.**

Washington Park is Portland's most heavily used park. The southern part of the park includes the Zoo, the Children's Museum, the World Forestry Center, the Vietnam Memorial, Hoyt Arboretum, and an archery field. The northern part of the park includes the Amphitheater, the Rose Garden, the Japanese Garden, the Holocaust Memorial, a soccer field, five tennis courts, and four picnic areas. The Rose Garden includes two areas that can be reserved for weddings. It also includes

one of the city's most popular playgrounds: the Elephant House Playground. Parents from all over the city take their kids there. The park has miles of popular hiking trails, as well as the Zoo Railway.

On any summer weekend day, the park overflows with visitors, even when no public events are scheduled. July 4 will certainly be one of the most crowded days of the summer. There are 300 parking spaces in the north part of the park, and all of them are used on weekends. Groups often reserve the picnic areas, and the wedding sites in the Rose Garden are booked up months in advance. Arlington Heights serves as overflow parking for the park, and visitors' cars often line the neighborhood streets. The Zoo already draws far more visitors than its parking lot can accommodate, and it rents an auxiliary lot to provide additional capacity. Arlington Heights is currently working with the Zoo and other Washington Park tenants in an attempt to address the chronic parking and traffic problems that have plagued the park for years.

**II. The Amphitheater is appropriately used for free cultural events, such as the Summer Concert Series.**

The Amphitheater is used for the free Summer Concert Series, community theater, and other free public cultural events. The neighborhood supports use of the Amphitheater for these well-established purposes. The noise and traffic impacts of these events are clearly outweighed by the public benefit of free entertainment for people of all ages. The free summer concerts usually start at 6 p.m., and are three hours long.

**III. The Hempstead Music Festival will be larger, longer, louder, and more heavily attended than the free events that the Amphitheater is normally used for, and will deny many other people access to the Park's facilities.**

The Hempstead Festival, by contrast, will be much longer, and will not be free to the public. The event will include 4 bands, and is scheduled to run 6 ½ hours, from 3 p.m. to 9:30 p.m. It will be expensive: tickets cost \$39 to \$100. The reggae music will be much louder than the Portland Symphony or the Opera, and will be audible to a large portion of the neighborhood. According to the head of event permitting at Parks & Rec, there has never been a concert this long at the amphitheater. Because it will begin three hours earlier than is typical for evening concerts at the Amphitheater, it will substantially interfere with daytime users of the park. Unlike the Summer Concert Series, the Hempstead Festival will be

heavily promoted through advertising, and will draw a larger crowd. Alcohol will be sold at the event, which will result in additional noise as loud, intoxicated persons walk through the neighborhood when returning to their cars.

Portland Parks & Recreation has a policy of “blacking out” reservations for other events in the park when an event is scheduled in the Amphitheater. That means 4 picnic areas and 2 wedding sites will not be available for reservations on July 4. So, because of the Hempstead Festival, others will be denied use of the park.

The Amphitheater is not well served by public transit. The nearest MAX station is a mile away, and there is no late-night bus service to the Amphitheater. Consequently, the event will bring an extra 1500 cars to the park. There isn't nearly enough parking in the park, so cars will fill the neighborhood. This will also make it hard for visitors to the Rose Garden, Japanese Garden, and other attractions to find parking. Hempstead's promoter has done little to address the parking issue. He intends to use the Archery Field for parking, but that holds only 150 cars, only about 10 percent of the number likely to come to the event.

Paragraph 18.14.020.D.5 of the Portland City Code states that a variance should turn on whether granting it would provide a “greater benefit to the public” than would result from compliance with the noise limit. We believe the Hempstead Festival will not provide a benefit to the public to offset these negative impacts. It will commercialize a public space that's normally open to the public. While many private individuals will profit from the event, the people of Portland will not. Ticket sales will gross more than \$125,000, plus the profits made through alcohol sales and by vendors, while the fee paid to the city for using the Amphitheater is only about \$6000.

We asked the promoter why he didn't choose another venue with better parking and less impact on residential neighborhoods, such as the amphitheater at the Zoo. He replied that he would have had to pay more to use that venue. So, ultimately, this is about the money. There are many other venues for outdoor concerts in Portland, such as Oaks Park or Kelley Point Park, that would have less impact on residential neighborhoods, but Hempstead chose the one that would have the greatest impact because it would net the most revenue.

#### **IV. Portland Parks & Recreation has failed to set any policy regarding the type, frequency, timing, and duration of events allowed at the Rose Garden Amphitheater**

Parks & Rec currently places virtually no limits on use of the Amphitheater, and has largely abdicated its management responsibilities to other city bureaus that don't consider the park management implications of their actions. Event size is determined, not by PP&R, but by the Fire Bureau. That limit is based only on emergency access criteria, and not on parking capacity or an event's effect on neighborhoods or other park users. The noise limits are left up to the Bureau of Development Services and the Noise Review Board.

This stands in sharp contrast to Parks & Rec's policy regarding use of the amphitheater at Mount Tabor Park. There, an event involving amplified sound is allowed after 5 p.m. only with the neighborhood association's assent. The Arlington Heights Neighborhood Association believes that a similar policy should apply to the Rose Garden Amphitheater.

#### **V. Conclusion**

In light of the above, the Arlington Heights Neighborhood Association urges the Council to reverse the Noise Review Board's decision to grant the variance, because it would not serve the public interest.

Very truly yours,



Eric W. Nagle, Board Member  
Arlington Heights Neighborhood Association



## CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

**Council / Contracts Division**

1221 S.W. 4th Avenue, Room 140, Portland, Oregon 97204

phone: (503) 823-4082

[www.portlandoregon.gov/auditor/](http://www.portlandoregon.gov/auditor/)



June 17, 2011

Eric Nagle  
2710 SW Rutland Terrace  
Portland, Oregon 97205

RE: Noise Appeal  
Hempstead World Music Festival – July 4, 2011

Dear Mr. Nagle,

Please be advised that the City Auditor's Office received your appeal of the noise variance for Hempstead World Music. A hearing has been scheduled before City Council for June 23, 2011 at 2:00 pm. The hearing will take place in Council Chambers located in City Hall, 1221 SW 4<sup>th</sup> Street on the 2<sup>nd</sup> floor.

If you have any questions, please do not hesitate to contact me at 503-823-4022 or [toni.anderson@portlandoregon.gov](mailto:toni.anderson@portlandoregon.gov).

Sincerely,

Toni Anderson, Deputy Auditor  
Council/Contracts Division

cc: Arlington Heights Neighborhood Association c/o Neighbors West/Northwest

## Agenda Item 652 2:00 PM Time Certain

Call the case, this is an Appeal of the Arlington Heights Neighborhood Association and Eric Nagle against the Noise Review Board decision to grant a noise variance to the Hempstead World Music Festival for a concert on July 4, 2011 in the Washington Park Rose Garden Amphitheater

✓ Staff Report from BDS ( Noise Control Office)	10 minutes (or as needed)
✓ Appellants <ul style="list-style-type: none"><li>• Eric Nagle, on behalf of the Arlington Heights Neighborhood Association , and on his own behalf as an individual</li></ul>	10 Minutes
✓ Supporters of Appellants (from Karla's sign-up sheets)	3 minutes each
✓ Principal Opponent of Appeal ( Timothy Pate, applicant of variance, with the Hempstead World Music Festival)	15 minutes
✓ Other Opponents of the Appeal (Supporters of the Hempstead World Music Festival event from Karla's sign up sheets	3 minutes each
✓ Appellant Rebuttal <ul style="list-style-type: none"><li>• Eric Nagle</li></ul>	5 minutes
Council Discussion , As needed	

**June 23, 2011 - Motion Agenda Item 652.**

Motion to overturn the appeal and uphold the decision of the Noise Review Board with the following conditions:

- 1) The promoter will be responsible for picking up any trash generated by the concerts**
- 2) The promoter agrees to pay for parking patrol during the event**
- 3) The promoter will work with Mr. van Orden and the Noise Office in developing a process by which the noise standard as outlined in item 3 in the decision on page 3 be enforced immediately**
- 4) The Japanese Garden parking lot be used for garden patrons until 5:00 p.m.**

Moved by Leonard  
2<sup>nd</sup> by Fish

Roll: Y- 5



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Compliance Services - Noise Control Program**

1900 SW 4th Avenue, Suite 5000  
Portland, Oregon 97201  
503-823-7350  
Fax 503-823-7915  
TTY 503-823-6868  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

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

**APPLICATION #:** 3072889  
**APPLICANT:** HEMPSTEAD WORLD MUSIC FESTIVAL \*TIMOTHY PATE\*  
**ORGANIZATION:** HEMPSTEAD WORLD MUSIC FESTIVAL  
**ACTIVITY:** TOOTS & THE MAYTALS CONCERT with guests  
**EVENT LOCATION:** 4033 SW CANYON RD/ Washington Park Rose Garden Amphitheater  
**DATE:** July 4, 2011  
**HOURS APPROVED:** 4:20 P.M. TO 9:30 P.M., with a 15 minute grace period to 9:45 PM,  
as defined below

### **REQUEST:**

Timothy Pate, representing the Hempstead World Music festival, requested a concert performance by Toots and the Maytals and three additional acts, at the Washington Park Amphitheater on July 4, 2011.

The request was for the series of four performers running from 3 PM to 9:45 PM. The anticipated attendance is from 3000 to 3500 people.

### **BACKGROUND:**

Concerts at the Washington Park Rose Garden Amphitheater of a larger and commercial nature have not occurred on the level of the one requested in this application since the summer of 1999. In the summers of 1999, 1998, and 1997 there were 5 larger concerts approved by the Noise Review Board that were of a commercial nature. In 1999 the promoter who was producing the concerts, namely Showman Inc, determined the concerts were no longer a viable fiscal risk and they discontinued their involvement in the concert series.

The concerts that have continued at the location were for smaller concerts and were primarily of a free and community focused nature.

The number of attendees at the largest of the past commercial and gated concerts was reported to have exceeded 3000. This concert is anticipated to be on par with the largest of the concerts of the past. In the past, well known performers, such as David Byrne of Talking Heads fame, played the Rose Garden Amphitheater.

## **FINDINGS:**

1. The sound consists of amplified music. Sound checks will be conducted during the afternoon of the concert, and can be accomplished within one hour. The concert begins at 4:20 p.m. and is expected to end at 9:30 p.m. on July 4, 2011. Encores may require an additional 15 minutes.
2. The area is densely residential and mostly single-family. Most receivers are above the stage area.
3. The public health, safety and welfare is not impacted by the generated sound levels which tend to be 70 dBA or less at all receivers. Music will be clearly audible and that which emphasizes a strong bass beat will be occasionally intrusive.
4. Most, if not all of the receivers predate the source.
5. Compliance with the standard would effectively preclude the activity. The Board finds that considerable benefit accrues to the public provided appropriate conditions of performance are met.
6. The Board heard testimony in opposition of the application at the hearing from Eric Nagle, of the Arlington Heights Neighborhood Association.

## **DECISION:**

**The motion was from Kerrie Standlee. It was seconded by Susan Pearce. Vance Yoakum was the third vote. The motion passed unanimously 3-0**

**The variance is hereby approved as requested, with the following conditions:**

1. A concert was approved for July 4, 2011 to run from 4:20 PM to 9:30 PM. The event was offered a 15 minute grace period at the end of the event for an ultimate end time of 9:45 PM. It is only to be used if they are running behind schedule or to have an extended encore. All amplification must cease at 9:45 PM Sharp, at the latest, including any use of background music.

2. This is a single year approval and does not set a precedent, as noted by the Noise Review Board.
3. The following sound levels were approved for the event, with further definition of the measurement points noted below in the additional conditions of the permit:
  - a. The applicant shall be permitted a 70 dBA (FAST) Lmax at any residence from 4:20 PM to 5:30 PM. The sound shall not exceed the 70 dBA level at any time.
  - b. From 5:30 PM to 9:30 PM, the applicant shall be permitted a 72dBA with occasional peaks to 75 dBA, as measured at any residence.
    - i. The L50 will not exceed the 72 dBA (FAST) sound level.  
The L1 will not exceed 75 dBA
    - ii. Measurements for compliance of the statistical noise descriptors shall be for a continuous 2 minute period, as further defined below. The applicant shall collect the following data during all required measurement periods, Lmax, L1, L10 and L50
    - iii. The sound level meter used for recording compliance shall be capable of simultaneously collecting the following noise descriptors with a FAST measurement criteria: Lmax, L1, L10, and L50.
4. The collected sound level measurements will be delivered to the Noise Control Office within three working days after the concert date. Therefore, the required sound level readings should be in the hands of the Noise Control Office by 5 PM on July 7, 2011.
5. The applicant will use two "Roving" sound level monitors in addition to the stationary sound level measurement location. These roving monitors shall be on bikes and utilize sound level meters to test the Lmax sound levels out in the community. They will respond live as complaints are received to the complaint hotline number.
6. A telephone line will be established as a day of the event hotline number that neighbors can call to file complaints regarding noise. The phone will be answered live.
7. The record of complaints will be made available to the Noise Control Officer on the day of the event and will be supplied to the Noise Control Office as a written report within the 3 working days after the concert.
8. The applicant will notify the neighbors and the neighborhood associations in advance of the concert.
9. The applicant will establish a series of patrols during the event to help monitor the quiet departure of the concert goers as they leave the concert.

10. The Noise Review Board recognized the potential for increased impacts on the community from transportation noise from the large number of cars potentially parking and driving through this community. The Board required that any additional mailings and advertisements after the June 8, 2011 Noise Review Board hearing will include language to encourage the concert goers to use mass transit, including shuttle buses, and / or car pooling to the event.
11. The main sound level for monitoring and compliance location will be identified by the Noise Control Officer in conjunction with representatives from the neighborhood association. The stationary measurement location selected will be made readily available to neighborhood representatives to see the sound levels being recorded for compliance.
12. Sound level monitoring will be made at the stationary location every 30 minutes for each performer. There are four performances that have been identified. The first performance will start at 4:20 PM. The first measurement set for compliance will be made at the beginning of each performer's set. Each set of measurements for compliance will collect the following noise descriptors with a FAST measurement criteria: Lmax, L1, L10, and L50. The measurement period is a two minute measurement.

It is understood by the applicant that this variance is subject to review upon receipt of complaint.

This decision becomes effective on June 8, 2011

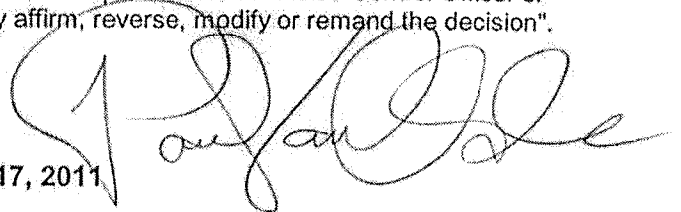
APPEAL PROCEDURES: PCC Section 18.14.020 (j) states that "A variance decision of the Noise Control Officer or the Noise Review Board may be appealed to the City Council as follows: (1) A variance decision may be appealed by the applicant, his legal representative, or by any person who has submitted oral or written testimony on the application.

(2) Notice of intent to appeal shall be submitted in writing to the City Auditor's Office within 10 days (business days) of the effective date of the decision. The notice shall identify the decision that is being appealed, and shall include the appellant's name, address and signature, phone number, relationship to the variance decision action, and a clear statement of the specific reason(s) for the appeal including alleged misapplication of City Codes.

(3) Upon receipt of such appeal, the Auditor shall then place the matter upon the Calendar of the City Council. At the time of hearing, the City Council may consider such new matters as it deems appropriate, as well as the record developed before the Noise Control Officer or the Noise Review Board, and thereafter may affirm, reverse, modify or remand the decision".

Paul van Orden,  
for the Noise Review Board,  
City of Portland

June 17, 2011




652

Agenda No.  
**REPORT NO.**  
 Title

World

Appeal of Arlington Heights Neighborhood Association and Eric Nagle against the Noise Review Board decision to grant a noise variance to Hempstead Music Festival for a concert on July 4, 2011 in the Washington Park Rose Garden Amphitheater (Hearing introduced by Auditor Griffin-Valade)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>LaVonne Griffin-Valade</b>	CLERK USE: DATE FILED <u>JUN 17 2011</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland  By: <u></u> Deputy
<b>BUREAU APPROVAL</b> Bureau: Auditor Bureau Head: L. Griffin-Valade Prepared by: T. Anderson Date Prepared: 6/16/2011 Financial Impact Statement Completed <input type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input checked="" type="checkbox"/> Council Meeting Date <b>June 23, 2011</b>	<b>ACTION TAKEN:</b>  <b>JUN 23 2011 DENY THE APPEAL AND UPHOLD          THE NOISE REIVEW BOARD' S          DECISION WITH CONDITIONS</b>
<b>City Attorney Approval</b>	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input checked="" type="checkbox"/> <b>Start time: 2:00 pm</b>  <b>Total amount of time needed: 1 hr</b> (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input type="checkbox"/> <b>Total amount of time needed: _____</b> (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz <input checked="" type="checkbox"/>	
2. Fish	2. Fish <input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman <input checked="" type="checkbox"/>	
4. Leonard	4. Leonard <input checked="" type="checkbox"/>	
Adams	Adams <input checked="" type="checkbox"/>	