

Portland City Council Agenda
Written Testimony - Item 812

Agenda Item	Name or Organization	Comments	Attachment	Created
1 812	Sydan Aguacielos	<p>Hello! I hope this message finds you well and in great spirits!!</p> <p>I had the opportunity to go to the Hozier concert last night at a Live Nation venue. I live in Beaverton and it took me 2.5 hours to drive and finally park. Then, was completely shocked at the only option for a low abv beverage which is about \$4 in a gas station, I paid \$23.43. That's almost a \$20 markup for 1 drink!! 1!!!</p> <p>Traffic is already an issue in Portland. If Live Nation is brought here, weekend traffic will be unbearable and it honestly should be against the law for refreshment markups so outrageous. Especially when you can't even bring your own water in. You're forced to buy something.</p> <p>Please don't let them build a venue here.</p> <p>Thank you for your time.</p>	No	09/10/24 10:06 AM
2 812	Adrian J Musician	<p>Since the merge of Live Nation and Ticketmaster the music industries most important members, the musicians, have been crippled and sucked dry of their ability to convey their work to the public without the avariciously over powering control of the two companies! It would be against the fabric that made up this cities music scene to let live nation in to do what they've done to other cities. Portland and much of its artist are all for small business and preach against the corporate greed that live nation and Ticketmaster practice. If this permit is passed so many of us will stop going to shows all together. Portland and its artists will never side with corporate greed, it's that simple!</p>	No	09/13/24 12:51 PM
3 812	Scott Van Dusen	<p>Regarding the Hearings Office approval of the conditions for Live Nation to develop a venue in the Central Eastside, I urge Council to grant the appeal requested my Music Portland.</p> <p>There are two entertainment venues in the works; this one, and a better one being planned and developed by Monqui Presents.</p> <p>The property being planned in the Central Eastside, owned by Prosper Portland, requires too many conditional use adjustments. Moving truck parking to the right-of way will add congestion, visibility and safety issues. Parking to be used for concert-goers will largely be on the other side of the train tracks. A stopped freight train between the venue and your car can mean everything to the concert experience.</p> <p>The Monqui project at Lloyd Center has existing mall parking structures, and easy access to all public transit. Plus the venue planned will be larger in capacity.</p> <p>We don't need two new large venues, we need one that fits best in Portland. The Live Nation/Beam Development project may be in front of council first, but it's not the best. Add to this the US Justice Dept lawsuit against Live Nation accusing them of operating a monopoly.</p> <p>The Prosper Portland property in the Central Eastside was originally pitched by Beam Development as office & industrial space. Something closer to that for job creation would be appropriate.</p> <p>If you're going to consider denying the appeal from Music Portland, tell Live Nation/Beam that they need to get the trucks & bike parking off the street, build a pedestrian bridge over the tracks, and construct the Eco Roof closer to what was originally proposed.</p> <p>Thanks so much for your time. Scott Van Dusen</p>	No	09/13/24 1:26 PM
4 812	Kate Custer	<p>I do not support a live nation venue being established in Portland, OR. Livenation and Ticketmaster already have a monopoly on ticket sales and music venues across the US and Portland must resist these companies tactics of buying venues and pushing out local owners. I encourage city council to reject Livenation and Ticketmaster venues in Portland to encourage our local economy and music.</p>	No	09/13/24 2:20 PM
5 812	Bunk Bar	<p>I am writing in support of the Central Eastside music venue as it will be a lineline to small businesses in the neighborhood</p>	Yes	09/13/24 2:38 PM

My name is Nick Wood and I'm an Owner/Operator at Bunk Bar/Bunk Sandwiches which is across the street from the proposed venue. We've been in business on SE Water Ave for 14 years and in business in Portland for 16 years. I am writing in support of the proposed venue.

For as long as I've been in the neighborhood the site has been three blocks of blighted empty lots. Those empty lots do not contribute to the character of the neighborhood in any way. Our neighborhood needs something new to breathe life into it, especially at night. We close at 8pm because the neighborhood is pretty empty at night. A lot of businesses have left their offices in the neighborhood over the years so our days aren't as good as they used to be either. At least three bar and restaurant businesses have closed in the area in the past year or so.

We get by selling food on the delivery apps and we do some catering but we need more foot traffic in the neighborhood. Bringing 3500 or so people on a given night to this neighborhood would be a lifeline to us and all the small businesses in the area and with it hopefully we'll still be here for another 14 years, without it, I'm not really sure.

Nick Wood
Owner/Operator
Bunk Bar/Bunk Sandwiches

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6 812	Hannah Hope	I support the appeal. Keep live nation out of Portland and don't give them our money.	No	09/13/24 3:47 PM

Agenda Item	Name or Organization	Comments	Attachment	Created
812	Anthony Bayles	<p>Hello, Portland Mayor and City Council Members —</p> <p>I'm writing to express my concern over the proposed Public Land Use for the Ticketmaster Live Nation venue project on Water Avenue.</p> <p>It seems pertinent that City Council should well evaluate the business operating practices of Live Nation before commencing with final approval of the project.</p> <p>I can accurately say that Ticketmaster Live Nation's business practices are to decimate competition that gets in the way of their operations.</p> <p>It should also be worth your time looking into how the RFP that Beam won for multi-use and office space turned into neither of those things - but solely a concert venue - without due process from the City or the public.</p> <p>It's of no fault of the public that simply because building office spaces is not currently economically viable, that the public land should now be used for a venue directly controlled by the world's largest concert promoter and ticketing company who is under investigation from not only the US Department of Justice but also the State of Oregon.</p> <p>At the bare minimum, the public should have a say on how that public land is used. And that was not the case here. Office space became a concert venue without due process.</p> <p>It's false to say, as you may have heard, that more competition leads to greater public good. That is a common refrain I've been hearing regarding this project.</p> <p>In this case, given how the concert business work, the notion that more venues makes for more competition and greater public good (i.e., lower prices) is not accurate.</p> <p>When a product can only exclusively be sold by one company, there is no competition. They who bid the highest on the rights to sell that product will be the winner.</p> <p>And to do so, the cost of winning the rights to sell that exclusive product is passed directly on to the consumer. Hence, the higher and higher prices and "fees" for concert tickets, food and beverage at said events, and parking at events.</p> <p>It's also false to say that this venue will bring the large scale artists that often skip playing a concert in the market.</p> <p>That is patently not true. Artist who can routinely sell 3000 to 5000 tickets play the market quite frequently.</p> <p>One look at the yearly schedules of concerts at Edgefield, Memorial Coliseum, Theater of the Clouds, PDX Live at the Square and Grand Lodge Concerts, Schnitzer Theater, and Keller Auditorium are booked solid throughout the year and / or their operating periods.</p> <p>To note is that Live Nation promotes the vast majority of the concerts that occur at Theater of the Clouds - a 3,000 to 6000 capacity venue of its own. Live Nation also promotes the majority of concerts (music and comedy) at Moda Center, Memorial Coliseum, Keller Auditorium, and Schnitzer Theater.</p> <p>Of which Moda Center, Memorial Coliseum, and Theater of the Clouds are Ticketmaster venues. Not to mention Ticketmaster and Live Nation's exclusive rights to promote concerts in RV Inn Style amphitheater.</p> <p>Is it really necessary for the City of Portland to give public land for an event venue to a national company that is deeply flawed, anti-competitive, and one who already has many venue options in and around the city already?</p> <p>Thank you for your time, Anthony</p> <p>ps. I do reside in Beaverton, but work in Portland. My office is directly across the street from this proposed venue location.</p>	No	09/13/24 3:50 PM

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812	J M	<p>Please do not allow LiveNation to destroy one of the very best things about Portland: the local music scene. This company is predatory, with no interest beyond their own profits - they will serve only to line the pockets of out of state investors with the hard work and passion of musicians and fans alike.</p> <p>Not only that - we don't in any way need this venue. Local bookers Monqui are working on a similar-sized venue, and have the support of the local music scene (the very people LiveNation will most directly exploit)</p> <p>Y'all need to learn to listen to the people who make up the local music community (and in general to the people who will most be impacted by your decisions) and stop handing public goods to rich assholes. Cancel the LiveNation venue now!</p>	No	09/13/24 6:11 PM
812	Citizen	I support the appeal, which means I disagree with the decision to approve a new concert venue in the Central Eastside. Small community support will make way for diversity in music, and access to the consumer. Without that small community support will squash creativity and eliminate access to everyone to consume this type of art and poetry that we call music.	No	09/13/24 6:43 PM
812	Durant Haruna	<p>I am a Portland resident and local DJ and I strongly oppose the proposed development of a LiveNation owned and operated music venue. The music scene in Portland is a vibrant part of our economy and culture. LiveNation will monopolize on this and push out local promoters and tip the scales out of balance and in favor of a large out of state corporation.</p> <p>Please honor the beautiful scene we have built from the ground up and support local artists and music venues.</p>	No	09/13/24 6:57 PM
812	Jesselynn Amerling	Please do not bring Live Nation to Portland! Keep our music scene alive and local!	No	09/13/24 7:02 PM
812	Ken Thomas	Please do not allow a Livenation venue into Portland. They are a net negative to independent music and the antithesis of what Portland represents in arts and culture. Portland is known for its music scene and Live Nation exploits musicians and fans and provides a subpar service.	No	09/13/24 10:02 PM
812	Neil Crosby	I recently moved to Portland Oregon from out of state. I look forward to building a future here, establishing my career, and I hope to perform music with a band in the future. A large factor in my decision to move here was the incredible independent local music scene for which this city is know. In fact it was the single biggest factor in my decision. Ive worked in music and entertainment for quite some time, and I've seen what Live Nation does to venues, performers, and scenes. Hopefully their corrupt and anti competitive anti consumer monopoly will be broken up soon. However if the city of Portland moves forward with the approval for this venue then in all likelihood hood I won't renew my lease when it's up, and I'll take myself and my tax dollars elsewhere. Thank you for your time and I hope you make the decision your constituents hope for, rather than the decision preferred by businessmen in suits who don't live here that don't play or enjoy music.	No	09/13/24 11:02 PM
812	Jessica Ritland	I do not support a Live Nation venue in Portland. It will take money out of our already fragile live music scene and into the hands of a multinational corporation. Also the venue they want to build is in a dangerous place for getting to. We can do better. This foray is only going to benefit the powers that be and THE PEOPLE DON'T WANT THIS	No	09/13/24 11:20 PM
812	Chris Hammond	Live nation is a monopoly. They are an existential threat to any arts scene, and represent some of the worst practices of unchecked corporate greed.	Yes	09/14/24 6:12 AM

Hello,

Thank you for taking the time to read my thoughts. I do not want Live Nation anywhere near Portland. Their practices across the entire US are an anathema to art, and in my opinion represent an effective corporate monopoly on the music industry. Music is to be enjoyed by all people. Supporting local venues is the life blood for an art scene to find and produce young talent. Live Nation destroys this scene wherever it goes. It wants strict control over every artist in town. Portland is the last bastion of free expression and that is deeply integral to the culture of this place. To allow this would not just hurt the artists involved, it would hurt Portland itself. This is the spirit of 'Keep Portland Weird'. Portland must remain a place where new artists and locally owned venues can experiment with new talent. We know Live Nation would destroy this altogether. Do not let this happen. We will remember your decision on this when we vote.

Thank you for your time.

Sincerely,

Chris Hammond

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16	812 Callie Sacarelos	<p>Live Nation is a monopoly that kills independent music culture. The company is currently being sued by the U.S. Dept. of Justice and 40 states, including Oregon, for violations of antitrust laws. The states seek to break up the Live Nation/Ticketmaster monopoly because the company has a long and documented track record of unfair business practices in music cities like Portland.</p> <p>Representatives from other major music cities, including Austin, Nashville, Chicago, Washington DC, and Des Moines, have outlined specific unfair and unethical practices that have devastated their local independent music industries, including:</p> <ul style="list-style-type: none"> Purchasing and closing competing venues Building or acquiring a smaller capacity venue in close proximity to Live Nation venues to intentionally consolidate control of touring acts Subdividing its larger venue in a market, and booking smaller capacity shows there that would have otherwise gone to smaller independent venues Pressuring local venues to exclusively use its Ticketmaster software platform for all of their events in order to continue booking Live Nation shows Requiring local artists to sign extended proximity and exclusivity contracts, thereby limiting their ability/frequency to perform Requiring sponsors of music-facing events to sign extended proximity and exclusivity contracts Offering local promoters and artists the use of Live Nation spaces, but at above-market inflated prices <p>Live Nation Entertainment is the largest live entertainment company in the world. Live Nation, based in Beverly Hills, Calif., owns or controls 338 music venues worldwide, including the Hayden Homes Amphitheater in Bend, the Gorge Amphitheatre in George, Wash., and Lumen Field in Seattle. It manages 410 bands, from U2 to Pitbull. It promotes concerts and, in 2010, bought Ticketmaster, giving it end-to-end control of the live music business.</p> <p>Luring Live Nation to Portland, the only large American city without a Live Nation venue, is like baiting a bear into your camp on Mount Hood. It might be entertaining for a while, but what happens when the beast won't leave?</p> <p>Portland is the LAST major city in the United States where independent music venues, artists, fans, labels, ticket companies, poster makers and a whole beautiful ecosystem exists without a Live Nation/Ticketmaster owned venue.</p> <p>In order to complete the Ticketmaster purchase, Live Nation had to guarantee the U.S. Department of Justice that the company wouldn't withhold Live Nation tours from independent venues that didn't care to sell tickets through Ticketmaster. But three years later, Live Nation moved a Matchbox Twenty show from the popular Gwinnett Center in Atlanta because it had stopped using Ticketmaster, according to The New York Times.</p> <p>one of Live Nation's biggest investors is Saudi Arabia's Public Investment Fund. The autocratic oil kingdom disclosed a \$500 million stake in Live Nation in April 2020, just as COVID was raging and less than two years after Saudi journalist Jamal Khashoggi was murdered and cut to pieces in the Saudi embassy in Turkey in a plot the CIA says was directed by Saudi leader Mohammed bin Salman.</p> <p>We need a venue of this size, but not like this proposed development. We have no issues with these local agencies and developers. Our concerns are solely with Live Nation. It's the wrong location and the wrong operator for our city.</p>	No	09/14/24 7:40 AM
17	812 Bryan Smith	<p>Live Nation is a predatory corporation with terrible business practices that are getting it sued as a monopoly in Federal Court. As a long time resident of Portland I do not want a single cent of the Coty of Portland's money going to this greedy, money grubbing, monopolistic corporation. I support the appeal, which means I disagree with the decision to approve a new concert venue in the Central Eastside.</p>	No	09/14/24 8:13 AM

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18	812 Nastacia Voisin	Please do not let Live Nation into our city. Institutions like Live Nation are a cancer to society. The pitch themselves as community builders, but they just end up over-charging, exploiting, and gatekeeping music with their aggressive contracts. Keep Portland's music scene free and indie but saying no to Live Nation.	No	09/14/24 1:19 PM
19	812 Robert Withnell	I am a musician and music educator here in Portland. I'd like to join the appeal to prevent the approval of the new venue. Our venues should be run by small business owners who are incentivized to feature local and independent artists. Portland's culture rests on refusing to conform to the mistakes other cities in the U.S. have made. For the sake of myself, my colleagues, and my students, please make the correct decision and sustain our independent musical culture, which is filled with a wide variety of affordable entertainment and thereby maintains a character wholly unique to this city and these people.	No	09/14/24 5:26 PM
20	812 Reese	I strongly believe that live nation should NOT be welcomed into Portland's music scene. They have shown time and time again that they monopolize and drain the life out of independent music scenes. For example Nashville has seen a sharp decline in independent music venues since live nation started operating there. Allowing them to operate a venue in Portland would suck local dollars out of our community to funnel them into live nation. Live nation has also shown to impede the development of local musicians and bands as they either do not allow local acts to perform at their venue or require geographic embargo's to prevent the local acts from performing elsewhere in the Portland area. This is really just all around bad for Portland, there has to be an alternative way to build a midrange music venue that doesn't involve an aggressive monopoly.	No	09/14/24 6:41 PM
21	812 Kaitlin Carpenter	I support the appeal. I disagree with the decision to approve a new concert venue in the Central Eastside. LiveNation has no place in Portland and we should not allow it to stifle what makes our music industry great!	No	09/14/24 6:42 PM
22	812 Ryan Anderson	I support the appeal. Don't let Live Nation ruin Portland's music scene.	No	09/14/24 6:56 PM
23	812 Michael Lipson	Portland does not need to be giving its public land to live nation and ticketmaster. The state of Oregon is suing live nation currently. Portland is a city that values its local community and we can't sell ourselves out to the corporations that are going to bleed us dry. I do not support the building of a live nation owned venue here in the city of Portland. It will be a death sentence for the music scene that is so critical in this city.	No	09/14/24 11:02 PM
24	812 E H	I support the appeal, meaning I disagree with the decision to approve a new Live Nation concert venue in the Central Eastside. As someone who attends dozens of concerts a year in the Portland metro area—regularly spending thousands of dollars per year on live music experiences—I am strongly against adding another Live Nation venue to our lively music scene. Tickets I purchase for shows at Live Nation venues are by far the most expensive in terms of ticket prices and fees. We are lucky to get high caliber acts at small/mid size venues such as Crystal Ballroom and Roseland Theatre. Comparing crowd photos of venues in other cities to my experiences at local Portland venues, I feel very thankful for the more intimate experiences we are able to have with great artists. In addition to convincing the city to avoid partnering with Live Nation on a new live entertainment venue, I am also against the proposed location in the Central Eastside. Traffic in the area is already difficult to navigate with the trains, and parking is sparse. Live Nation charges over \$25 for parking, another fee on top of an already expensive night out. Please don't work with this monopoly. Portlanders can't cope with the additional strain on our wallets when we want to enjoy a night out at a show.	No	09/15/24 9:54 AM
25	812 Jakob Foley	Portland is one of few major cities left in the United States with many small music venues still existing. the predatory practices of companies such as Live Nation or Ticketmaster seek to monopolize the live music industry and swallow up all of the smaller businesses along the way. this is destructive for not just businesses but also the musicians who are able to perform and for people who are able to attend events. providing city support to these big corporations does not foster community within our city whatsoever, it only breaks it down and replaces it with infrastructure that benefits the wealthy and drives our community out of town. that is against what art is for. cherish our local music scene and direct funding towards community organizations such as Friends of Noise.	No	09/15/24 12:32 PM
26	812 Rusty Tedrow	I strongly disagree with this idea. I've been in the music industry nationally for 30 years, and I know that LiveNation is to a vibrant nightclub/venue scene as Walmart is to small independent retailers. Please don't make this mistake.	No	09/15/24 4:13 PM

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27	812	Kacie Bell	I don't agree with Live Nation taking monopoly in Portland venues, over charging tickets, and monopolizing venues that weed out our long time music scene businesses.	No	09/15/24 10:32 PM
28	812	Kirk Larsen	Live Nation/Ticketmaster has made a business model out of destroying small, independent venues like like the ones that make Portland one of the best music cities in the country. As someone who works in the music industry, I can personally attest that Live Nation/Ticketmaster forces artists into deceptive, predatory contracts to grow their monopoly. This is clearly evidenced in the lawsuit brought against them by the U.S. Department of Justice and 30 states Attorneys General. I've seen the damage Live Nation has done in other cities, which is why I'm urging the Portland City Council to reject Live Nation's proposal to build a new venue here. Please don't let our amazing music scene be ruined by a company that only cares about making money and not about our great city and our amazing music scene.	No	09/16/24 10:34 AM
29	812	Ben Toledo	I love the independent music community here in Portland, it's why I moved here in 2008. The dangers that Live Nation poses to this fragile, independent local music ecosystem and the small businesses that power it are real and need to be taken seriously. Monopolies of any kind are dangerous, and we urge the Portland City Council to resoundingly reject Live Nation's venue proposal. Live Nation's predatory, anticompetitive practices pose a serious risk to the health of our venue and the Portland music scene at large.	No	09/16/24 11:34 AM
30	812	Jason Caney-Peterson	Why would we want to hurt our local music scene like this?!?!? It is already struggling!!!!	No	09/16/24 11:39 AM

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31	812 Samantha Gladu	<p>Please Stand Up for Local, Independent Music - Support Appeal - Oppose Live Nation</p> <p>Dear Mayor and Portland City Council,</p> <p>My name is Samantha Gladu, and I'm a resident and homeowner in the Buckman neighborhood, active in civic life, and a touring musician and recording artist who has developed my practice in our beautiful city. I am writing to support the appeal, which means I disagree with the decision to approve a new concert venue in the Central Eastside.</p> <p>I love the Central Eastside/Buckman, and I want it to thrive. However, this proposal is dangerous and imposes severe risks to Portlanders safety and quality of life. I navigate the train tracks in the Central Eastside Industrial District on a regular basis, and I even held my elopement near the train tracks in 2014. I've learned in depth about the rail right ways in the area from my work in the Oregon State Legislature, coming to understand why trains idle there, polluting the air throughout that entire corridor, and how few avenues we have to address it.</p> <p>Live Nation/Ticketmaster's proposed venue is a logistical and safety nightmare next to an active rail line, with minimal parking and frequent delays. I have zero confidence in Live Nation's ability to address these significant issues and urge the Portland City Council to reject their proposal. Significantly increasing traffic on already congested roads along a busy train route and overwhelming an area with very little capacity for parking cannot be ignored or half-heartedly addressed with conditional approval. No one looking at these issues objectively can possibly vote to approve this project. This is a slap in the face to Vision Zero, and any traffic deaths associated with concert goers trying to circumvent the train will be attributed to you if you fail to stop this dangerous project from moving forward.</p> <p>Furthermore, Live Nation/Ticketmaster forces artists into deceptive, predatory contracts to grow their monopoly. I've seen the damage Live Nation has done in other cities, which is why I'm urging you to tell the Portland City Council to reject Live Nation's proposal to build a new venue here. Our local independent music scene is a vital part of Portland's unique cultural fabric, and this proposal potentially threatens its very existence. According to the Department of Justice, Live Nation has harmed local music industries nationwide. The recent Department of Justice lawsuit, supported by 30 state attorneys general, exposes how Live Nation's monopolistic practices prioritize corporate interests over community values. Live Nation inflates ticket prices and stifles opportunities for local artists and venues through exclusive contracts and retaliatory tactics. Based on this, I believe that allowing Live Nation to establish a venue in our city would be a disaster, undermining the independent music scene we cherish while also creating public safety and logistical nightmares.</p> <p>The Oregon Legislature and Representative Rob Nosse have made significant investments in our arts and culture industry, even standing up an Arts and Culture Caucus. The City of Portland has dedicated significant funds to the arts and is refining its processes for distributing funds. Don't betray that by subsidizing Live Nation/Ticketmaster.</p> <p>This move is a blatant betrayal of Portland residents' best interests. Why is the City of Portland proposing to subsidize what the US Dept. of Justice has accused of being one of the most profitable, predatory corporations in the music industry to destroy our local, independent music scene? I urge you to oppose this deal - both the land use, and all City of Portland support for the deal!</p> <p>Sincerely, Samantha Gladu</p>	Yes	09/16/24 11:41 AM
32	812 Central Eastside Industrial Council and Vibrant Table and Events	<p>My name is Art Fortuna and I am the owner of Vibrant Table Catering. And am currently the President of Central East Side Industrial Council. I am testifying today in opposition to the Appeal of the decision to approve the Conditions of the conditional use for the new concert venue in the Central Eastside. We as a council and I personally as a building and business owner in the Central Eastside believe that the development of this new venue will greatly improve our district. The fact is that the proposed site has been a vacant undeveloped property for many years and has been the site of many unattractive uses both sanctioned and not sanctioned the plan to build a state of the art concert venue would be a huge win for the city and our district. In the current struggle that Portland is having with the economic come back the fact that we can attract a national company the size and resource rich such as Live Nation to invest in our community should be seen as a major step in getting the city moving in a positive direction. Thank you for your time and attention to my thoughts and concerns.</p>	No	09/16/24 11:58 AM

Monday, September 16, 2024

Subject: Please Stand Up for Local, Independent Music - Support Appeal - Oppose Live Nation

Dear Mayor and Portland City Council,

My name is Samantha Gladu, and I'm a resident and homeowner in the Buckman neighborhood, active in civic life, and a touring musician and recording artist who has developed my practice in our beautiful city. I am writing to support the appeal, which means I disagree with the decision to approve a new concert venue in the Central Eastside.

I love the Central Eastside/Buckman, and I want it to thrive. However, this proposal is **dangerous** and imposes severe risks to Portlanders safety and quality of life. I navigate the train tracks in the Central Eastside Industrial District on a regular basis, and I even held my elopement near the train tracks in 2014. I've learned in depth about the rail right of ways in the area from my work in the Oregon State Legislature, coming to understand why trains idle there, polluting the air throughout that entire corridor, and how few avenues we have to address it.

Live Nation/Ticketmaster's proposed venue is a logistical and safety nightmare next to an active rail line, with minimal parking and frequent delays. I have zero confidence in Live Nation's ability to address these significant issues and urge the Portland City Council to reject their proposal. Significantly increasing traffic on already congested roads along a busy train route and overwhelming an area with very little capacity for parking cannot be ignored or half-heartedly addressed with conditional approval. No one looking at these issues objectively can possibly vote to approve this project. This is a slap in the face to Vision Zero, and any traffic deaths associated with concertgoers trying to circumvent the train will be attributed to you if you fail to stop this dangerous project from moving forward.

Furthermore, Live Nation/Ticketmaster forces artists into deceptive, predatory contracts to grow their monopoly. I've seen the damage Live Nation has done in other cities, which is why I'm urging you to tell the Portland City Council to reject Live Nation's proposal to build a new venue here. Our local independent music scene is a vital part of Portland's unique cultural fabric, and this proposal potentially threatens its very existence. According to the Department of Justice, Live Nation has harmed local music industries nationwide. The recent Department of Justice lawsuit, supported by 30 state attorneys general, exposes how Live Nation's monopolistic practices prioritize corporate interests over community values. Live Nation inflates ticket prices and stifles opportunities for local artists and venues through exclusive contracts and retaliatory tactics. Based on this, I believe that allowing Live Nation to establish a venue in our city would be a disaster, undermining the independent music scene we cherish while also creating public safety and logistical nightmares.

The Oregon Legislature and Representative Rob Nosse have made significant investments in our arts and culture industry, even standing up an Arts and Culture Caucus. The City of Portland has dedicated significant funds to the arts and is refining its processes for distributing funds. Don't betray that by subsidizing Live Nation/Ticketmaster.

This move is a blatant betrayal of Portland residents' best interests. Why is the City of Portland proposing to subsidize what the US Dept. of Justice has accused of being one of the most profitable, predatory corporations in the music industry to destroy our local, independent music scene? I urge you to oppose this deal - both the land use, and all City of Portland support for the deal!

Sincerely,
Samantha Gladu

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33	812 Edmond Zeringue	DO not let LiveNation open a music venue in PORTland, OR. I cant even imagine the 'Ticketmaster' of live music venues taking shows from worthy small locally owned venues and event spaces. JUST SAY NO TO LIVENATION . This goes against everything that we as Portlanders stand for, and I would guess that if this did happen, the public wouldn't be very 'welcoming'	No	09/16/24 12:00 PM
34	812 Clayton Standley	I am opposed to the selling of public land to Live Nation for a new venue. I am a Portland native, local musician, and fan of Portland's thriving independent music scene. The presence of a Live Nation venue in Portland would threaten Portland's local music scene. Live Nation has a track record of engaging in monopolizing practices such as purchasing competing local venues just to shut them down. Live Nation is also a corporate behemoth that outrageously gouges consumers and has dramatically inflated the cost of live entertainment. It is a multinational corporation with over 300 registered subsidiaries all over the world, a company that cares only about massive profits. In its quest to dominate all sectors of the music industry, it manipulates and controls artists and consumers alike. They are corporate and cookie cutter, the exact opposite of everything that Portland's culture represents. The people of Portland, the music fans, the local musicians that make our home so special, we do not want to do business with this company. I support development, jobs creation, and the construction of new music venues. But we have done that without Live Nation, and we can do it again.	No	09/16/24 12:14 PM
35	812 Michael Hendricks	<p>I and 5 other musician friends moved to Portland from Los Angeles 10 years ago, specifically to escape the saturated and abusive systems that livenation and ticketmaster had put into place in that area.</p> <p>Over the dozen or so years that livenation and ticketmaster spread their influence in that zone, shows became unplayable due to costs to both the venues and musicians, with no profit margin left for either, and hardly any spaces left to perform, as the barrier for entry was raised astronomically high when contrasted with all the extra fees and exclusivity contingencies ticketmaster and livenation placed upon the industry.</p> <p>If they build a venue here, kiss this city's artistic integrity goodbye. Your musicians and venues will suffer terribly and eventually shutter their doors. Portland will no longer be the music mecca it has become.</p> <p>Notice that LA has not been producing good new music on any consistent basis in the last 20 years - it was once a lush musical tapestry, and it's creative sheen and the opportunity for local musicians out there has died in completion. It is in no way a coincidence that this death of culture lines up perfectly with the raise of ticketmaster and livenation's influence in that town.</p> <p>Please, for the love of all who feel or enjoy the product of that creative spark that makes this place special, DO NOT allow livenation and ticketmaster to swallow this town whole, because they will. They will make every dollar they can along the way and our creative and venues will all suffer greatly for it.</p> <p>We already have fantastic venues all over Portland. There is no need for a new mega-venue, we have the MODA center and Edgefield and all sorts of other venues of any needed size here. Do not give our artists and venue owners away to the sharks and wolves, we are struggling enough as it is, most of us working on zero profits or close to it. This would rapidly spike our opportunity to just break even on these creative investments down into the ground, through processing fees, hidden charges and artist and venue restrictions meant only to squeeze every last dime out of people who love art.</p>	No	09/16/24 12:57 PM
36	812 Peter Mohling	This is just another example of Portland City leadership selling the city from under us. They have done it with housing and now they want to do it with our music scene. Right now the "service fees" for a livenation/ticketmaster show cost as much as the ticket itself. This in no way promotes local talent and the revenue generated goes to a large monopolistic corporation instead of being re invested into Portland.	No	09/16/24 1:08 PM

Agenda Item	Name or Organization	Comments	Attachment	Created
37	812 Portland Jazz Composers Ensemble	<p>I am against the conditional use permit being awarded to Live Nation. In an era where income inequality continues to expand, awarding this permit to a corporate entity that has no interest in the local music eco system will contribute the widening gap of haves and have-nots.</p> <p>I believe that the Live Nation venue will negatively impact the local music eco system in the following ways:</p> <p>Competition for Artists: Larger venues can often attract popular national and international acts, leaving less room for local artists to perform. This can reduce opportunities for local musicians to build a following.</p> <p>Venue Costs: Larger venues often have higher operating costs, which can lead to higher ticket prices or fees. This can make it more difficult for local artists to afford to play at these venues, limiting their ability to reach a wider audience. At the PJCE, we already have a hard time securing affordable venues to perform. I believe this will make our problem worse.</p> <p>Booking Power: Corporate-owned venues often have significant booking power, which can make it more difficult for smaller, independent promoters to secure shows for local artists. This can lead to a concentration of power in the hands of a few major players, limiting opportunities for local musicians.</p> <p>Cultural Homogenization: Larger venues may prioritize booking mainstream acts that appeal to a wider audience, which can lead to a homogenization of the music scene. This can reduce diversity and limit opportunities for local artists with unique or niche sounds. As an artistic director that focuses on the unique sound of Portland jazz, this will severely dilute the allure of our product.</p> <p>Loss of Community: Smaller, local venues often have a more intimate atmosphere and a sense of community. The presence of a large, corporate-owned venue can dilute this sense of community and make it more difficult for local musicians and fans to connect. At the PJCE, we are only interested in reflecting the values of our community, and we think this will reduce our ability to do so.</p> <p>The Live Nation concert venue would promote the trend that many of us in the local music community have been seeing creeping into other parts of our community. Taking everything that is cool about Portland, watering it down, and making it less cool just to increase corporate profits.</p>	No	09/16/24 1:22 PM
38	812 Julz Clementine	I do not support a Live Nation music venue in the central eastside of Portland.	No	09/16/24 2:30 PM
39	812 Nicole Lu	<p>I am writing to express my concerns regarding the potential opening of a 6,000-person music venue by Live Nation in our city. As we all know, Portland has long been a hub for independent music and creative culture. Unfortunately, Live Nation's monopoly over the live music industry has harmed local artists, venues, and the very communities that have shaped Portland's vibrant scene. Their dominance often pushes out smaller, independent venues, leading to higher ticket prices and less opportunity for local musicians to thrive.</p> <p>The introduction of another large-scale, corporate venue threatens to stifle the grassroots music scene that has made Portland unique. We must prioritize the preservation of our independent culture, ensuring that artists and small businesses have a fair chance to succeed without being overshadowed by corporate interests. I urge you to consider these impacts and protect the integrity of Portland's music community.</p> <p>Thank you for your time and attention to this important issue.</p>	No	09/16/24 2:34 PM
40	812 Oregon Brand Management	<p>As the owner of Oregon Brand Management, a wine distribution company on SE 3rd Avenue and Alder in Portland, I am deeply concerned that I am just now hearing about the plans to build a 3500 capacity venue just down the street. I worry that this will negatively impact my ability to conduct business. We distribute wine all over Portland and Oregon and we need to be able to easily navigate already congested streets and parking on this side of the city. No one from Live Nation, Beam or Colas Construction has reached out to me as a business owner to tell me about these plans and I hear from and a friend and former employee at MusicPortland that they are saying there is local buy-in from the businesses on this project. How can that be if I didn't even know about it? If my drivers can't easily get in and out of my warehouse, or there is not enough parking, or concert-goers block our driveway (which is something that already happens when there are events in the area), my business will suffer. I support this land use appeal and am urging you not to approve Live Nation's land use permit for the sake of my business and other distributors in the area.</p> <p>Thank you. Jim Closson</p>	No	09/16/24 2:51 PM

Agenda Item	Name or Organization	Comments	Attachment	Created
812	Philip Graham	<p>Honorable Councilmembers,</p> <p>I am writing as the owner of a small manufacturing company building microphones in the inner Northeast for 13 years. I oppose the approval of a the conditional land-use permit for the LiveNation venue project, and want the Portland City Council to direct Prosper Portland to reconsider and re-examine the development agreement under which this development is proposed.</p> <p>The Council should stand up for the local venues, local artists, local labels, local bookers, local audio engineers, and local gear manufacturers who will all be negatively affected by the incursion into our city of one of the most rapacious and unapologetically monopolistic enterprises in the country.</p> <p>To quote local business advocacy group Better Portland: "Entrepreneurship and small business are a crucial component of a healthy city: great jobs, tax revenue, livability, tourism, and attracting and retaining talent." I couldn't agree more, and Portland's independent music ecosystem is a shining example of this local vitality. In 2022 Business Oregon and the Oregon Legislature recognized the commercial music industry as an important emerging industry sector. Business Oregon's analysis found that the commercial music industry employs over 20,000 Oregonians and accounts for over \$3.8 billion in economic output every year, predominantly in Portland. And most importantly this current economic dynamo is almost entirely homegrown and locally owned. Portland is the last US market of any size to NOT have a LiveNation-owned venue, and that is not coincidental to the relative vitality of our independent music businesses and musicians, even though every economic wind in the current corporate-dominated economy is blowing against them.</p> <p>LiveNation, in contrast, is an enormous multinational which manages everything at a corporate level, keeps an iron grip on all concessions and sponsorships, actively minimizes local acts in their venues, sucks all profit to their investors, and has a documented internal playbook on taking over all the venues in a market once they have a toehold. They aggressively leverage their monopolistic control of ticketing, artist management, and an enormous network of their own venues to force other venues first to use their own ticketing services and then to either sell out to them or close. According to the US Department of Justice, Live Nation has harmed local music industries nationwide. The recent Department of Justice lawsuit, supported by 40 state attorneys general, including Oregon's, exposes how Live Nation's monopolistic practices prioritize corporate interests over community values. Live Nation inflates ticket prices and stifles opportunities for local artists and venues through exclusive contracts and retaliatory tactics.</p> <p>It is crazy for Portland to invite this entity - being sued by the DOJ for harming local economies! - into our city, and for any public entity to have any part in assisting them. Any economic activity they may generate is overwhelmed by the harm they would do, especially since all profit from their activity will be sucked out of the region to their large scale international investors (including the Saudi wealth fund). Make no mistake, they are requesting public assistance, from land-use waivers to an absurdly below-market-value 99-year lease on three city blocks (waterfront, adjacent to the upcoming OMSI development) for \$130k a year.</p> <p>I trust that City Council will hear the voices of our hundreds of music small businesses and reject the provisional land use agreement that would allow this travesty of the public interest to proceed, and to request Prosper Portland to re-examine the development agreement under which it is happening.</p> <p>Sincerely, Philip Graham Ear Trumpet Labs</p>	No	09/16/24 3:11 PM
812	Mark funkhouser	I ardently oppose Live Nations unethical business practices, monopoly on the concert ticket industry, price gouging, and especially any attempt on their part to own or build a venue in our city.	No	09/16/24 3:40 PM
812	N/a	I do not support any venues owned and operated by Live Nation in Portland. Independent and small businesses are what makes our city so special, and Live Nation is a monopoly.	No	09/16/24 3:58 PM

Agenda Item	Name or Organization	Comments	Attachment	Created
44	812 Steffen Wade	Live Nation is bad for Portlands local music scene. I specifically asked about the dates held for local acts and whether the radius clause still applied which it does. This would mean a local band would not be able to play Portland or surrounding areas for a period of time. This is detrimental to Banda that cannot afford to not play their local areas and/or cannot afford to drive outside of the radius or had no intention too. This effectively makes the local support a crafty way to shut local artists out of the local community and out of local venues not run by live Nation. This alone is only indicative of other predatory practice and turn of face characteristics of how they undermine local venues and prevent them from booking major acts by enforcing this clause. They are actively addressing major accusations of predatory practices as we talk about welcoming them into our music scene. Do not allow live Nation to take space from other local entities like Marquis as one example who have served our local community. I am in a band that cannot afford to be under such a radius restriction, these dates would not serve the interest of helping local acts in the way that it is conveyed. Please do not allow Live Nation to take away the value that Portlands music scene has worked so hard to establish, let us keep the scene local, let us keep the scene we've worked on. Help us make it better, but this is not the only way or a way forward that I support at all speaking as working artist in the local Portland music scene.	No	09/16/24 5:41 PM
45	812 Sarah	This company does not have Portland's people in their interest, it's just profit. The additional fees alone would leave any venue empty. We have enough venues, let's prioritize people over profit. Bring in a natural history museum, or a company from PDX, we don't need or want this.	No	09/16/24 5:42 PM
46	812 Justyne Triest	Hello- I've been attending concerts and events in Portland for more than 30 years and I consider our arts and music scene one of Portland's best assets. The proposed Live Nation venue is a threat to that and I'm opposed. Ticket prices are already so expensive and fees— especially ones that Live Nation and similar charge- are exorbitant and outrageous. The fees alone have stopped me from attending shows, including one this week. Live Nation hurts concert goers, musicians, local promoters, artists, and others who make their living in this industry. This would hurt Portland and I disagree with this new central Eastside venue being Live Nation or another similar huge company. Keep it local! Thank you, Justyne	No	09/16/24 5:48 PM
47	812 Helen-Thea Marcus	I, Helen-Thea Marcus support the appeal, which means I disagree with the decision to approve a new concert venue in the Central Eastside." Keep Portland's music scene local. Don't allow big corporations to come in and completely control the music people have access to.	No	09/16/24 7:30 PM
48	812 Meg Bender-Stephanski	Hello, I am writing today in support of the appeal which means I disagree with the decision to approve a new concert venue in the Central Eastside. I'd love to see our local government support small businesses not megacorporations in revitalizing Portland. Supporting corporations that make their living on overcharging folks and events not being accessible makes no sense to me. Please show your constituents that you are for the people of Portland by not allowing Live Nation to take over our town.	No	09/16/24 8:58 PM
49	812 MusicPortland	The following represents my personal views on the Live Nation deal. If at all possible, I advocate for a moratorium on any Live Nation development in Portland until the DOJ lawsuit against them is settled.	Yes	09/16/24 10:38 PM
50	812 John Serious	Ticketmaster should not be given any sort of deal or permit exceptions. They gouge prices and art practically a monopoly	No	09/17/24 2:10 AM
51	812 Sinead Cowan-Kuist	I support the appeal, which means I disagree with the decision to approve a new concert venue in the Central Eastside. I am submitting a written testimony to ask that we do not let Live Nation build a venue that is certain to fundamentally damage the music culture in Portland. Let's please learn from other cities' mistakes and the pattern of impact Live Nation has had on other cities and independent music venues. Allowing this will be beyond detrimental. Portland is special and it would be devastating to let a corporation ruin our community.	No	09/17/24 8:16 AM
52	812 Triska Lee	I do not support a live nation venue being established in Portland, OR. Livenation and Ticketmaster already have a monopoly on ticket sales and music venues across the US and Portland must resist these companies tactics of buying venues and pushing out local owners. I encourage city council to reject Live nation and Ticketmaster venues in Portland to encourage our local economy and music. I live in the central eastside and would rather see local businesses supported and not have our public assets allotted to non-local companies that are being sued for their practices.	No	09/17/24 8:47 AM

16 September 2024

Jesse Valencia - Testimony to City Council

LU 23-111784 CU AD

My name is Jesse Valencia, and I am an Indigenous (Yoeme/Yaqui) musician, actor, author, and filmmaker. I moved to Portland a year ago from Northeastern Arizona, where I led my band, Gorky, for twenty years until my creative partner and best friend, Benjamin Holladay, passed away from a rare genetic lung disorder. I came to Portland partly to be closer to my family, who have lived in Oregon for some time, and also because I was drawn to this city's vibrant independent music scene.

When I first arrived, I believed it would be relatively easy to find a new lineup for my band, secure some gigs and practice space, and start making a living doing what I loved, as I had done in Arizona. However, that proved to be more challenging than I anticipated. As I began to look beyond my own struggles, I noticed that our city faces much deeper issues, and I asked myself, "How can I focus only on my own needs when there are so many others in need of real help?"

Two months after I arrived, my friend Zia McCabe from the Dandy Warhols invited me to a Music Policy Town Hall at Lollipop Shoppe. There, I immediately signed up to join MusicPortland and offered to help in any way I could. Their vision of rebuilding the city through a shared focus on music, entertainment, and the arts resonated deeply with what I had been witnessing on the streets. I saw clearly that their mission was to champion small businesses, independent artists, and entrepreneurs, and to advocate for transparency in a free and fair market. I knew I wanted to be part of this effort.

Through MusicPortland, I learned that Portland's independent music economy generates over \$3 billion a year in economic activity—comparable to tourism and manufacturing, and more than the salmon, lumber, and cannabis industries combined. One in four Portland neighborhoods has a local record store, and over 20,000 people make a living from music, not to mention the instrument manufacturers, music schools, and countless musicians throughout the city.

When it became clear that Live Nation was planning to build a venue here at the same time they were being investigated by the Department of Justice and facing a lawsuit involving 40 states for their alleged predatory and monopolistic business practices, I realized that our chance to rebuild Portland with what makes it truly special was being threatened. Live Nation seems to view our vibrant, independent music economy as just another market venture, rather than what it truly is—an organic, self-sustaining network of creatives and small business owners. This network would be at risk from the kinds of business practices Live Nation has been accused of.

The recent news of the sale of the public land in question to Beam Development by Prosper Portland, without sufficient public input and transparency, raises serious concerns. Given the ongoing DOJ investigation, this deal feels more like a move to bolster their position than a

genuinely positive development for Portland. Just last week, there was talk of leasing the land; now, it's being sold outright, just days before this hearing? This raises significant questions.

I trust that this council has the wisdom and discernment to recognize that Live Nation and their partners are already demonstrating the same behaviors they are being scrutinized for in the DOJ lawsuit, right here in Portland. If possible, I urge you to consider canceling this deal and imposing a moratorium on any further developments by Live Nation until the DOJ lawsuit is resolved. I believe this is the best option for Portland, to protect our unique and vital independent music community.

Thank you for your time and consideration.

Sincerely,
Jesse Valencia

Agenda Item	Name or Organization	Comments	Attachment	Created
53	812 Shawn Wiley	Please accept my written testimony in support of the appeal. Portland's independently owned music venues amply serve the area's concert-going community. We should not allow Live Nation, a corporation with documented predatory and monopolistic practices, to have a presence in the city's concert scene.	Yes	09/17/24 10:13 AM
54	812 Jacob Paré	I support the appeal. Keep live nation out of portland! This is a threat to our community and will push out local venues in the way that they have in other cities. Their are lawsuits against live nation and ticket master and for good reason. Keep them out of portland!	No	09/17/24 10:39 AM
55	812 Mario Hernandez	I support the appeal.	No	09/17/24 10:45 AM
56	812 Dylan	I urge council to deny LiveNation/Ticketmaster a permit for a venue in Portland generally and in this location specifically. This company is well known benefiting from scalping of tickets on their own platforms rather than preventing it, exclusivity clauses for venues and bands, as well as many other borderline negligent and apparently anti-competitive behaviors and are mired in anti-trust litigation. While it is clear that Portland could benefit from a venue of this size, I believe the issues with street access due to loading docks and street-level trains around this area make this a poor option for this type of use. Additionally the benefits to the local community and fans in Portland of this sort of venue in theory are outweighed by the damage to the local music scene that LiveNation/Ticketmaster's ownership and operation of their own venue in town poses - They already operate in Portland and compete and contract with local spaces and ticket sellers, but allowing this company to consolidate their vertical market with a major, city land based, venue poses a threat to the work the city has been doing to help strengthen and diversify Portland's live music community. I urge council to deny this permit to LiveNation/Ticketmaster - not at this site and not this company. It will do more harm than good.	No	09/17/24 11:01 AM
57	812 Camden Boyd	I support the appeal	No	09/17/24 11:16 AM
58	812 Stacey Flack	I support the appeal. I do not support LiveNation in Portland!	No	09/17/24 11:49 AM
59	812 DTL, Inc. dba Double Tee Concerts		Yes	09/17/24 12:50 PM
60	812 Portland Jobs with Justice		Yes	09/17/24 1:01 PM

To: Portland City Council

From: Shawn Wiley
Portland, OR

Re: Written Testimony, Agenda Item 812, proposed Live Nation music venue

As a music fan and avid concert-goer, I have attended hundreds of shows in the Portland area alone, and many more across the country. The Portland concert scene, including both national and local acts, is one of the most vibrant in the U.S. and a jewel in the city's crown. Although not without its problems (larger acts bypassing Portland for Seattle, or skipping the PNW altogether), going to a show in one of the many independently owned venues in the area, be it Roseland, Wonder Ballroom, Polaris, Edgefield, or the Moda Center, is one of the best parts of living in a great city.

I write to you today to urge you to grant the appeal requested by Music Portland and deny Live Nation's bid to build a venue in Central Eastside. The issue is not so much what is being proposed. Portland likely could use a 3,500-person capacity music venue to attract acts that draw more than the 1,500-ish capacity of the Crystal Ball Room and Roseland but would struggle to fill Edgefield.

The issue is who is proposing to build and own it. Live Nation/Ticketmaster's predatory practices are well documented, and I need not add to the voices documenting those practices here. But beyond the threat to the many great independent Portland music venues, each with its own personality and feel, Live Nation is simply an awful company from a music fan perspective. Extra charges, overpriced and mediocre food and beverage options, oversold events, and surly and aggressive employees are just a few of the unpleasant things one negotiates at a Live Nation venue. The company has even made attending a concert at the breathtaking Gorge Amphitheater a nightmare, which I personally did not believe was possible.

Sadly, we live in a world dominated by corporations, and we all bear the brunt of such delights as “surge pricing,” the lack of a competitive marketplace (and prices), union-busting, and other predatory corporate practices that make modern life a slog in so many respects. But that does not mean that we should simply cave in when a corporate behemoth comes knocking. Please take this opportunity to keep the focus of the Portland concert scene on small, independent venues that reflect the personality and ethos of the city. Even if the 3,500-capacity venue is not built, we will make do with the fine venues we already have. Thank you for your time and consideration.

My name is David Leiken. I have retired after more than 50 years in the Concert and Ticketing Industry. My companies owned the Roseland Theater, Fred Meyer Fastix in the 1990's, and shows at Portland Meadows, the River Queen, and the Cuthbert Amphitheater in Eugene for a combined 30 years and we were a major arena producer well into the 90's.

I have testified in both the cases filed by the U.S. Justice Department and with the Attorney General's Office of the State of Oregon.

About 3 ½ years ago I asked for a meeting with Prosper Portland about the idea of a music venue at the East end of Couch Street at the soon-to-be vacated University of Oregon properties. The plan was to redo the two properties into a 2,500 – 3,000 capacity music venue. There were dedicated development funds available designated specifically for OLD TOWN. \$57,000,000.00. We had an initial meeting where I emphasized the positive impact it would have for OLD TOWN, and the fact it was located right next to Light Rail, and that the rear of the building was perfect for ingress and egress for the production of the shows. I also mentioned that the two buildings had very valuable modernized infrastructure and significant seismic upgrades, some of which could possibly be used for the project. I also stressed that we would not need anything more than \$25 – 30,000,000.00 of low interest loans and that the University of Oregon Foundation was considering a partnership in the deal. I also stressed that we would put up a \$5,000,000.00 to 10,000,000.00 of our own capital. I pushed for a 2nd meeting and the ensuing result was that it never happened. I contacted the Mayor's office several times and never received a call back. Not long after that time I was told about the venue option that is before you today. This led me to believe that Prosper Portland had already put the venue before you on track.

What was even more interesting to me was that Colas Construction was involved in the project with Beam Development. Colas has strung OLD TOWN and Prosper along for quite a long time on an RFP that they had won in OLD TOWN, then backed out and failed to move forward on the project. To subsequently reward Colas with this new project after that boondoggle seemed very disingenuous to me. The other thing that made very little sense was how and when had that other project morphed into a venue project, and who allowed that to happen.

The project that I was proposing would have made great use of the University of Oregon property and would have had a huge positive impact on commerce in OLD TOWN. As owner of the Roseland Theater and a longtime operator of an OLD TOWN business, and a many years member of the OLD TOWN Board, I was pretty excited. And as a University of Oregon alum, made the idea even more appealing, but now here we are looking at a project that puts our City in a very questionable partnership with an entity that is being sued by the U. S. Justice Department (the American people) and rightfully so. There are now 40 states suing Live Nation/Ticketmaster for unfair, unethical, illegal, and predatory trade practices, including the State of Oregon (the people of the State of Oregon.) It is time to stop this illegitimate use of public money, land, and time.

To enter into this long-term deal with our public resources at a time when such a dark cloud exists over Live Nation/Ticketmaster is frankly negligent. This lawsuit imperils any agreements that may be signed and negotiated. These companies may be broken up or impacted in ways that could jeopardize financing agreements with banks or other financial institutions. How will Beam and Colas guarantee the necessary payments if the financing is impacted by the many lawsuits? Under these circumstances moving forward with this project is imprudent, unconscionable, and hard to believe that the legal staffs of our City and Prosper have taken these actions into account. The decision to move forward with this project when it is clear that everyone has been made aware of the potential negative issues of doing business with Live Nation/Ticketmaster is simply wrong, absurd, naïve, and reeks of a lack of sensible oversight. To reward their illegal, unethical, and predatory behavior with a path to a new venue in Portland that will result in a virtual takeover of our concert market should be stopped now. It will negatively impact numerous local businesses as well as our Performing Arts Centers. What is impossible to believe is how it got this far. Who is looking out for the people of Portland, our taxpayers, and our consumers? It appears that as of now, NO ONE, and for sure not Prosper Portland.

For the City of Portland and Prosper Portland to sell public land at a discount to Beam/Colas in their endeavor to subvert the will of the U.S. Justice Department and the Attorney General of our state, as well as the people of America and Oregon when Live Nation/Ticketmaster is being sued for unfair, illegal, unethical and predatory practices is outlandish.

Dear Portland City Council Members,

I am writing to express my concerns with Live Nation's proposal to open a music venue on Water Avenue near the Hawthorne Bridge. Our local independent music scene is a vital part of Portland's unique cultural fabric, and this proposal potentially threatens its very existence.

As you consider the impacts to infrastructure, it's important to highlight the broader concerns that we have as Portlanders. The community has zero confidence this venue will serve the public good without imposing significant risks. Significantly increasing traffic on already congested roads along a busy train route and overwhelming an area with very little capacity for parking cannot be ignored or half-heartedly addressed with conditional approval. No one looking at these issues objectively can possibly vote to approve this project.

According to the Department of Justice, Live Nation has harmed local music industries nationwide. The recent Department of Justice lawsuit, supported by 30 state attorneys general, exposes how Live Nation's monopolistic practices prioritize corporate interests over community values. Live Nation inflates ticket prices and stifles opportunities for local artists and venues through exclusive contracts and retaliatory tactics. Based on this, we believe that allowing Live Nation to establish a venue in our city would be a disaster, undermining the independent music scene we cherish while also creating public safety and logistical nightmares.

This move is a blatant betrayal of Portland residents' best interests. Why is the City of Portland proposing to subsidize what the US Dept. of Justice has accused of being one of the most profitable, predatory corporations in the music industry to destroy our local, independent music scene?

I urge you to oppose this deal - both the land use, and all City of Portland support for the deal!

Sincerely,

**Tyler Fellini
Interim Executive Director | Portland Jobs with Justice**

Agenda Item	Name or Organization	Comments	Attachment	Created
61 812	Ben Seigel	<p>Dear Mr. Mayor, City Council Members:</p> <p>As an aspiring musician with a day job, I could not attend the Sept 19 hearing about this matter, so I am submitting written testimony instead.</p> <p>At the hearing, you will hear from numerous musicians, small business owners, and other PDX residents about the negative impact of opening a Live Nation venue here.</p> <p>You'll learn they are being sued by the Federal Gov't and dozens of states for anti-competitive behavior; how they follow a playbook in city after city to disrupt and seriously injure vibrant local music scenes; how one great appeal of Portland to both residents and visitors is our independence, our small businesses, a music and arts scene that doesn't just serve up the same old thing you can find in any other U.S. city. People don't come all the way to Portland to hear Nickelback and eat at McDonald's (though it's fine if they do), they can do that in any other big city.</p> <p>So: why do we need to be here today? Why do we have to raise money, organize people in the music ecosystem, chat up music fans outside venues asking them to lend their voice to this opposition effort? Why, when Live Nation's business practices are thoroughly established. It's not like Music Portland is bringing new and surprising information to light. All of this is known, it has been known for years. Are you paying attention?</p> <p>Why should the city welcome with open arms a company with such reprehensible practices? This isn't an edge case, it's a clear example of ceding power and independence to a company that cares about nothing but profit.</p> <p>I urge you to reject this application, and reconsider how Portland city government can support and strengthen its amazing, homegrown music and arts scene instead.</p>	Yes	09/17/24 1:11 PM
62 812	N/A	<p>I am a musician in Portland and I oppose moving forward with a Live Nation venue in the city. I support the appeal, which means I disagree with the decision to approve a new concert venue in the Central Eastside. Instead of introducing a big corporation into the music infrastructure of the city we should focus on building up our already thriving independent music scene. It would be terrible to see a monopoly on music in Portland, a city where we value independent businesses and accessibility for all to participate in creative endeavors.</p>	No	09/17/24 1:24 PM
63 812	Self	<p>I disagree with the decision to approve a new concert venue in the Central Eastside owned and operated by Live Nation. I am writing to urge city commissioners to reject Live Nation's proposal to build in Portland. Live Nation is a monopoly that kills independent music culture. Live Nation has promoted shows in locally-owned venues successfully for many years. Portland is the LAST major city in the United States where independent music venues, artists, fans, labels, ticket companies, poster makers and a whole beautiful ecosystem exists without a Live Nation/Ticketmaster owned venue. Representatives from other major music cities, including Austin, Nashville, Chicago, Washington DC, and Des Moines, have outlined specific unfair and unethical practices that have devastated their local independent music industries.</p>	No	09/17/24 2:57 PM
64 812	Brett Sparrey	<p>I'm writing in to show my disapproval for live nation opening a venue in portland. Live Nation is essentially a monopoly that is interested in making as much money as possible at the expense of artists, fans, and the community as whole. allowing this company to come into Portland will only allow the monopoly to grow when it should be trust-busted immediately. This will only harm the music community in portland.</p>	No	09/17/24 4:02 PM
65 812	Emily Nguyen	<p>Live Nation is a leech and a threat to local independent music. They add insane fees to everything and have a monopoly over so many live events, we can't give them any more power than they already have.</p>	No	09/17/24 4:24 PM



PRESS RELEASE

Justice Department Sues Live Nation-Ticketmaster for Monopolizing Markets Across the Live Concert Industry

Thursday, May 23, 2024

For Immediate Release

Office of Public Affairs

Live Nation-Ticketmaster’s Exclusionary Conduct and Dominance Across the Live Concert Ecosystem Harms Fans, Innovation, Artists, and Venues

The Justice Department, along with 30 state and district attorneys general, filed a civil antitrust lawsuit against Live Nation Entertainment Inc. and its wholly-owned subsidiary, Ticketmaster LLC (Live Nation-Ticketmaster) for monopolization and other unlawful conduct that thwarts competition in markets across the live entertainment industry. The lawsuit, which includes a request for structural relief, seeks to restore competition in the live concert industry, provide better choices at lower prices for fans, and open venue doors for working musicians and other performance artists.

The complaint, filed today in the U.S. District Court for the Southern District of New York, alleges that Live Nation-Ticketmaster unlawfully exercises its monopoly power in violation of Section 2 of the Sherman Act. As a result of its conduct, music fans in the United States are deprived of ticketing innovation and forced to use outdated technology while paying more for tickets than fans in other countries. At the same time, Live Nation-Ticketmaster exercises its

power over performers, venues, and independent promoters in ways that harm competition. Live Nation-Ticketmaster also imposes barriers to competition that limit the entry and expansion of its rivals.

“We allege that Live Nation relies on unlawful, anticompetitive conduct to exercise its monopolistic control over the live events industry in the United States at the cost of fans, artists, smaller promoters, and venue operators,” said Attorney General Merrick B. Garland. “The result is that fans pay more in fees, artists have fewer opportunities to play concerts, smaller promoters get squeezed out, and venues have fewer real choices for ticketing services. It is time to break up Live Nation-Ticketmaster.”

“Today’s announcement reflects the latest efforts by the Justice Department to combat corporate misconduct,” said Deputy Attorney General Lisa Monaco. “Our fight against corporate wrongdoing includes an intense focus on anticompetitive conduct — which disadvantages consumers, workers, and businesses of all kinds. Today’s complaint alleges that Live Nation-Ticketmaster have engaged in anticompetitive conduct to cement their dominance of the live concert market and act as the gatekeeper for an entire industry. Today’s action is a step forward in making this era of live music more accessible for the fans, the artists, and the industry that supports them.”

“The Department is committed to competition throughout the economy, including in live music,” said Acting Associate Attorney General Benjamin C. Mizer. “As our complaint alleges, Live Nation-Ticketmaster monopolizes the markets for concerts and other live events at the expense of fans, venues, and artists across the country. The Department is proud to bring this case to restore competition to this industry.”

“The live music industry in America is broken because Live Nation-Ticketmaster has an illegal monopoly,” said Assistant Attorney General Jonathan Kanter of the Justice Department’s Antitrust Division. “Our antitrust lawsuit seeks to break up Live Nation-Ticketmaster’s monopoly and restore competition for the benefit of fans and artists.”

According to the complaint, Live Nation-Ticketmaster has unlawfully maintained monopolies in several concert promotions and primary ticketing markets and engaged in other exclusionary conduct affecting live concert venues, including arenas and amphitheaters. The complaint further alleges that Live Nation-Ticketmaster’s exclusionary practices fortify and protect what it refers to as its “flywheel.” The flywheel is Live Nation-Ticketmaster’s self-reinforcing business model that captures fees and revenue from concert fans and sponsorship, uses that revenue to lock up artists to exclusive promotion deals, and then uses its powerful cache of live content to sign venues into long term exclusive ticketing deals, thereby starting the cycle all over again. Live Nation-Ticketmaster’s anticompetitive conduct creates even more barriers for rivals to compete on the merits. Specifically, Live Nation-Ticketmaster engaged in a variety of tactics to eliminate competition and monopolize markets:

- **Relationship with Oak View Group:** Live Nation-Ticketmaster exploits its longtime relationship with Oak View Group, a potential competitor-turned-partner that has described itself as a “hammer” and “protect[or]” for Live Nation. In recent years, Oak View Group has avoided bidding against Live Nation for artist talent and influenced venues to sign exclusive agreements with Ticketmaster. For example, Live Nation has scolded Oak View Group multiple times for trying to compete. In one instance, Live Nation asked, “who would be so stupid to . . . play into [an artist agent’s] arms,” and on another occasion, Live Nation stated, “let’s make sure we don’t let [the artist agency] now start playing us off.”
- **Retaliating Against Potential Entrants:** Live Nation-Ticketmaster successfully threatened financial retaliation against a firm unless it stopped one of its subsidiaries from competing to gain a foothold in the U.S. concert promotions market.
- **Threatening and Retaliating Against Venues that Work with Rivals:** Live Nation-Ticketmaster’s power in concert promotions means that every live concert venue knows choosing another promoter or ticketer comes with a risk of drawing an adverse reaction from Live Nation-Ticketmaster that would result in losing concerts, revenue, and fans.
- **Locking Out Competition with Exclusionary Contracts:** Live Nation-Ticketmaster locks concert venues into long-term exclusive contracts so that venues cannot consider or choose rival ticketers or switch to better or more cost-effective ticketing technology. These contracts allow Live Nation-Ticketmaster to reduce competitive pressure to improve its own ticketing technology and customer service.
- **Blocking Venues from Using Multiple Ticketers:** Live Nation-Ticketmaster’s conduct and exclusive contracts prevent new and different promotions and ticketing competitors and business models from emerging. They block venues from being able to use multiple ticketers, who would compete by offering the best mix of prices, fees, quality, and innovation to fans.
- **Restricting Artists’ Access to Venues:** Live Nation-Ticketmaster has increasingly gained control of key venues, including amphitheaters, through acquisitions, partnerships, and agreements. Live Nation-Ticketmaster restricts artists’ use of those venues unless those artists also agree to use their promotion services.
- **Acquiring Competitors and Competitive Threats:** Live Nation-Ticketmaster strategically acquired a number of smaller and regional promoters that it had internally identified as threats. This has undermined competition and impacted artist compensation.

Live Nation Entertainment Inc. is a Delaware corporation headquartered in Beverly Hills, California. It describes itself as the “largest live entertainment company in the world,” the “largest producer of live music concerts in the world,” and “the world’s leading live entertainment ticketing sales and marketing company.” Live Nation also owns or controls more than 265 concert venues in North America, including more than 60 of the top 100 amphitheaters in the United States. It generates over \$22 billion globally in annual revenue from three business segments: concerts (e.g., promotions, venue management, and music festival production), ticketing (e.g., Ticketmaster business), and sponsorship and advertising.

Ticketmaster LLC is a wholly owned subsidiary of Live Nation. It is a Virginia limited liability company with headquarters in Beverly Hills. Ticketmaster sells concert tickets to fans when those tickets first go on sale and operates resale platforms that enable purchasers to resell those tickets at a later time. Ticketmaster is by far the largest concert ticketing company in the United States, multiple times the size of its closest competitor.

[View the complaint.](#)

Updated May 23, 2024

Topic

ANTITRUST

Components

[Office of the Attorney General](#) | [Antitrust Division](#) | [Office of the Associate Attorney General](#) | [Office of the Deputy Attorney General](#)

Press Release Number: 24-653

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PRESS RELEASE

Justice Department Withdraws from 1995 Bank Merger Guidelines

The Justice Department announced today its withdrawal from the [1995 Bank Merger Guidelines](#) and emphasized that the [2023 Merger Guidelines](#) remain its sole and authoritative statement across all industries.

September 17, 2024

SPEECH

Assistant Attorney General Jonathan Kanter Delivers Remarks for the Fordham Competition Law Institute's 51st Annual Conference on International Antitrust Law and Policy

New York

September 12, 2024

SPEECH

Attorney General Merrick B. Garland Delivers Address to the Workforce: "An Independent Justice Department"

Washington

Hello everyone.

And thank you, Dawn, for that overly generous introduction.

September 12, 2024



Office of Public Affairs

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington DC 20530



Office of Public Affairs Direct Line
202-514-2007

Department of Justice Main Switchboard
202-514-2000

Agenda Item	Name or Organization	Comments	Attachment	Created
66	812 Urban Works Real Estate	My name is Craig Sweitzer and I own and operate Urban Works Real Estate. I support the Live Nation concert venue development. Unfortunately, I will be out of town during the appeal hearing and I cannot personally testify to show my strong support for the new concert venue. Urban Works' office is located five blocks from the planned project and I understand how important it is as a stakeholder and for our neighboring retail community. The Central Eastside needs a national draw concert venue and the subject location is excellent since it is both central and not impacting a residential neighborhood with noise or congestion. Urban Works has been helping local and national retailers establish commercial real estate for over 20 years. There is a place for both national tenants and local restaurants, breweries and retailers in the central city. A successful commercial retail zone has both national and local commercial vendors, it is an important symbiotic relationship. One acts as a draw and the other compliments and engages locals and visitors alike. It is not fair to "demonize" a national company such as Live Nation simply because they are the best at what they do, but rather, appreciate their investment in our community and their ability to promote our battered neighborhood. Live Nation will bring jobs and music lovers to our community and fill a critical gap for smaller artists that often skip Portland for other cities. Please support the Live Nation concert venue at Water Ave and help my commercial neighborhood get back to business in one of Portland's most vital and interesting communities... Central Eastside!	Yes	09/17/24 4:41 PM
67	812 Chris Olsion		Yes	09/17/24 5:35 PM
68	812 Kate Stanton	I support the appeal, which means I disagree with the decision to approve a new concert venue in the Central Eastside! Keep Portland independent!	No	09/17/24 6:09 PM
69	812 Alicia Stanton	I support the appeal, which means I disagree with the decision to approve a new concert venue in the Central Eastside. Keep Portland independent!	No	09/17/24 6:10 PM
70	812 Individual	Livenation is a predatory monopoly that will greatly harm local music industry. Supporting them opening a venue is transparently a decision of greed and contempt for your city. Do not allow this.	No	09/17/24 6:21 PM
71	812 Patrick Russell	I disapprove of LiveNation potentially ruining Portland's music scene. Keep them out!	No	09/17/24 6:48 PM
72	812 Blaise	As a resident of the neighborhood where the proposed music venue by live nation is slated to be built, I wanted to put in my opinion. I've been attending live music shows for almost 15 years. I've lived in all parts of the country, and I've fallen in love with Portlands beloved local music scene, and it's something that is relatively unique that doesn't exist in many parts of the country. Please, we do not want to bring a music venue from Live Nation. Let the local music scene prosper. We've come so far since Covid lockdowns, do not take three steps back by allowing them to build a music venue here. They are not welcome in Portland, and I hope you let them know that at the hearing. Make Portland stronger by keeping the money here.	No	09/17/24 8:36 PM
73	812 Cammie Turner	I strongly oppose Live Nation establishing a venue in Portland. The monopoly they have in conjunction with Ticketmaster is an obscene corporate abuse. The arts scene should be able to continue to grow and thrive without the imposition of these companies that only care about the bottom line. The environmental, infrastructural, and social implications of Live Nation being allowed to continue building a music venue in Portland is wholly negative.	No	09/17/24 8:51 PM
74	812 Music man		No	09/17/24 9:33 PM
75	812 Isabel Hoff	I support the appeal, which means I disagree with the decision to approve a new concert venue in the Central Eastside. Portland has so many wonderful independent venues that make it a musically rich city. A Live Nation venue will threaten to shut down the smaller venues and monopolize Portland's music scene, as it has in other cities. Please don't let this happen!	No	09/17/24 10:49 PM
76	812 Tori Anderson	I support the appeal	No	09/18/24 6:39 AM

My name is Craig Sweitzer and I own and operate Urban Works Real Estate. Unfortunately, I will be out of town during the appeal hearing and I cannot personally testify to show my strong support for the new concert venue. Urban Works' office is located five blocks from the planned project and I understand how important it is as a stakeholder and for our neighboring retail community. The Central Eastside needs a national draw concert venue and the subject location is excellent since it is both central and not impacting a residential neighborhood with noise or congestion. Urban Works has been helping local and national retailers establish commercial real estate for over 20 years. There is a place for both national tenants and local restaurants, breweries and retailers in the central city. A successful commercial retail zone has both national and local commercial vendors, it is an important symbiotic relationship. One acts as a draw and the other compliments and engages locals and visitors alike. It is not fair to "demonize" a national company such as Live Nation simply because they are the best at what they do, but rather, appreciate their investment in our community and their ability to promote our battered neighborhood. Live Nation will bring jobs and music lovers to our community and fill a critical gap for smaller artists that often skip Portland for other cities. Please support the Live Nation concert venue at Water Ave and help my commercial neighborhood get back to business in one of Portland's most vital and interesting communities... Central Eastside!

Dear Commissioners,

Portland is known for its unique and vibrant music scene – a scene built by independent artists, small venues, and the community that supports them. Our city is currently the last major city in the U.S. without a Live Nation-owned venue, and that independence has been a key part of why our music culture is so special.

But now, Live Nation wants to change that. The proposed venue in the Central Eastside threatens the future of Portland's independent music community. Live Nation and Ticketmaster have long been known for their predatory business practices – practices that harm local artists, local venues, and the fans who support them. This isn't just my opinion; it's a fact that the U.S. Department of Justice and 40 states, including Oregon, are currently suing Live Nation for violations of antitrust laws. They are actively seeking to break up the Live Nation/Ticketmaster monopoly because of its track record of harming music communities across the country.

I ask you to consider what this means for Portland. Our independent venues are already operating on razor-thin margins. They are places where new artists can get their start, where experimental music can thrive, and where the community can come together in a way that reflects Portland's values of creativity, inclusivity, and diversity. If a giant like Live Nation moves in, they have the power to undercut these local venues by controlling ticket prices, artist contracts, and promotional channels. The result? Fewer opportunities for local artists, higher ticket prices for fans, and the loss of the small, independent venues that are the lifeblood of Portland's music scene.

Portland has always prided itself on being different, on supporting the little guy, and on cultivating a creative culture that is truly unique. Allowing Live Nation into our city is a direct threat to that culture. In cities where Live Nation dominates, we've seen fewer independent shows, less diversity, and a loss of culture that has never been regained.

Best regards,
Chris Olson

Agenda Item	Name or Organization	Comments	Attachment	Created
77 812	AI Synthesis	<p>Hello Commissioners,</p> <p>My name is Abraham Ingle and I live at 4414 SE 28th Place. please do not approve the purchase and sale agreement for the Live Nation project.</p> <p>Live Nation is a monopoly that kills independent music culture. The company is currently being sued by the U.S. Dept. of Justice and 40 states, including Oregon, for violations of antitrust laws. The states seek to break up the Live Nation/Ticketmaster monopoly because the company has a long and documented track record of unfair business practices in music cities like Portland.</p> <p>Representatives from other major music cities, including Austin, Nashville, Chicago, Washington DC, and Des Moines, have outlined specific unfair and unethical practices that have devastated their local independent music industries, including:</p> <ul style="list-style-type: none"> Purchasing and closing competing venues Building or acquiring a smaller capacity venue in close proximity to Live Nation venues to intentionally consolidate control of touring acts Subdividing its larger venue in a market, and booking smaller capacity shows there that would have otherwise gone to smaller independent venues Pressuring local venues to exclusively use its Ticketmaster software platform for all of their events in order to continue booking Live Nation shows Requiring local artists to sign extended proximity and exclusivity contracts, thereby limiting their ability/frequency to perform Requiring sponsors of music-facing events to sign extended proximity and exclusivity contracts Offering local promoters and artists the use of Live Nation spaces, but at above-market inflated prices 	No	09/18/24 9:06 AM
78 812	Carrie Richter representing MusicPortland		Yes	09/18/24 9:39 AM
79 812	Craig Rupert	<p>As an active member in the music community in Portland for 15 years and a touring musician for 20, I'd like to make my voice heard to oppose Live Nation/Ticketmaster's proposed venue. I do not believe it is in our community's best interest to invite in a corporation which is being sued in 40 other states, especially when there is potential for a Monqui venue of similar size which would already have built-in infrastructure for parking and more efficient transportation options to the Lloyd Center. We DO need a venue of this size, but NOT one run by a predatory and monopolistic corporation that would starve smaller, locally owned venues and limit artists from being able to play in town due to proximity and exclusivity contracts.</p> <p>What makes Portland great to me is the community of small businesses and the music/art which can be supported without being overrun by corporate hegemony like other cities.</p> <p>Please oppose Live Nation! Thank you so much for your consideration.</p>	No	09/18/24 10:45 AM
80 812	Jessi Presley-Grusin	<p>Please oppose Live Nation's proposal to open a music venue in the central SE side of Portland. Live Nation is bad for musicians and for the community. They destroy local venues, rip off musicians with exclusivity contracts, and use Ticketmaster to artificially inflate ticket prices so fewer locals can afford to attend. Portland is known for it's thriving independent music scene and Live Nation WILL kill it. Please don't let them open this venue!</p>	No	09/18/24 11:45 AM
81 812	Scott Denny	<p>I do not want additional Live Nation or TicketMaster venues in Portland. They are consistently the most overpriced shows in the city. It's much more enjoyable to use any other company/promoter/owner for going to concerts. I go to at least 50 concerts per year, so I'm very familiar with all the venues.</p>	No	09/18/24 11:58 AM

September 18, 2024

VIA EMAIL TO: councilclerk@portlandoregon.gov

Mayor Wheeler and Portland City Council
1221 SW 4th Ave
Portland, OR 97201

Re: LU 23-111784 CU AD
Live Nation Event Venue on SE Water Street

Mayor Wheeler and City Council:

This firm represents MusicPortland, a non-profit organization that advocates for Portland's independent music industry. Before the Hearings Officer, MusicPortland raised a number of concerns about transportation conflicts and safety, design and adverse economic impacts in a detailed letter dated July 18, 2024. Ex H35. Rather than restate each of those concerns again here, this letter focuses in on two of the specific criteria that the applicant has not and cannot satisfy. For these reasons and the reasons set forth in Ex H35, the Council should deny this application.

Public Benefit – PCC 33.815.215(C)

This proposal is for a conditional use permit for a major event entertainment venue that has been designed for and will be operated by Live Nation. It is Live Nation that will determine when concerts will occur, which artists will perform, and how audiences (and performer crew and staging needs) are directed to and through an event. As evidenced by the significant testimony regarding Live Nation, it is highly likely that these operations will result in the same unlawful, anticompetitive, monopolistic outcomes that have led the US Department of Justice, along with 30 other states, including Oregon, to bring charges against Live Nation for antitrust violations.

Luckily, the City's adopted conditional use criteria allow this Council to consider this issue. PCC 33.815.215(C) requires a finding that the "Public benefits of the proposed use outweigh any impacts that cannot be mitigated." This public benefit / impacts analysis is not limited to traffic, light or noise, which are squarely covered by the other conditional use criteria or other City building or nuisance standards. Instead, this criterion allows the Council to take a broad and searching review of any other unmitigated impacts. By its plain terms, requiring the consideration of "any impacts," grants the City Council discretion to include economic, social, aesthetic and other impacts that the City may identify, including the possibility of requiring a more certain or generous public benefit because of the public subsidy that is making it possible.

During the proceeding below, the applicant argued that this criterion must be limited to considering only land use related elements such as noise, light, or traffic and faulted opponents for interpreting the criteria “to regulate uncertain economic outcomes that would occur at an unknown time and place.” Ex H54, p 13. This statement is entirely belied by the applicant’s reliance on its Economic Impacts Analysis, which the applicant uses to identify purported benefits such as “new employment, payroll, spending with local vendors on construction and operations, new tax revenue, and indirect and induced economic activity to the surrounding area.” These claimed ramifications not only have nothing to do with traditional land-focused zoning regulations, they are exactly the types of economic-related outcomes that are of tremendous concern to opponents.

As for jobs, as the Oregon DOJ has alleged, Live Nation will employ only those artists who agree to using its promoters and its ticketing arrangements. Audiences will pay more in fees that will profit only Live Nation. Smaller promoters will get squeezed out. For a local music industry that provides 20,000 jobs, nearly \$1 billion in labor income and over \$3 billion in local economic activity, these fiscal realities flowing directly from granting this approval, cannot be mitigated and require denial.

LUBA has had one occasion to consider the “public benefit” criteria set forth in the conditional use permit process in the City of Portland. In *Belluschi v. City of Portland*, petitioners challenged the public benefit of removing a previously imposed condition of approval requiring removal of the tower on a certain date. 53 Or LUBA 455 (2007) The public benefit that the City identified was additional collocation capacity made possible by retaining the existing tower. Petitioners argued that the need for high powered transmission antennas in the future was entirely speculative and was pursued only for future private economic gain. LUBA disagreed, affirming the City’s decision, noting the “undefined and subjective nature of the PCC 33.815.225(D)(2) public benefits requirement.”¹ *Belluschi* provides a clear signal from LUBA to the City that: (1) the “public benefits” obligation is broad and not restricted to evaluation of traditional nuisance-like impacts such as noise, dust, or traffic; (2) the City has a practice of not requiring absolute certainty for the expected benefit; (3) the benefit and impact analysis need not be constrained to the immediate surrounding area; and (4) given the “undefined and subjective nature” of the criterion, the City Council has broad discretion in how to use it and LUBA will likely defer to the Council’s decision on this question.

Whether or not the City “typically” looks into the economic effects of an end-use or not, the criteria that the Council must apply includes the highly discretionary “public benefits” criterion that not only allows for such consideration, the public nature of this project demands such a rigorous review. This user has a known track record of harming independent musicians and the greater public as well. You would never think of approving a conditional use for a single-source

¹ PCC 33.815.225 sets forth conditional use criteria for radio control towers and the public benefit criterion is identical to the one set forth in PCC 33.815.215.

pet distributor that would require that exotic or wild animals be sold at any store where dogs and cats are also sold, or if the sole waste management company sought approval of a transfer station but had a demonstrated record of substantial pollution violations. The City would not accept a conditional use that would have such adverse impacts on the public and it must not do so in this case.

Safe Access for All Modes - PCC 33.815.215(A)(3)

In the landmark 1926 case *Euclid v. Ambler Realty Co.*, the US Supreme Court upheld local governments authority to regulate the use of property through zoning. In that case, the Court spoke of “a right thing in the wrong place — like a pig in the parlor instead of the barnyard.” This “pig in a parlor” analogy may no longer be acceptable to discuss single family zoning but it is apt in the conditional use context where the demands resulting from a use cannot be accommodated on a particular property but might be accommodated on a different property located elsewhere. Should the Council conclude that the Live Nation use is not objectionable for its shameful economic practices, it should conclude that locating a use that will attract 3,500 visitors within one block of an active and frequently used train tracks and in an area known for a high vehicle crash rate, is unsafe and akin to a “pig in a parlor.”

Conditional use criterion PCC 33.815.215(A)(3) requires finding that:

“The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not the result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;”

During the review below, opponents raised concerns about train crossings. They noted that train crossings extending for up to 40 minutes at any one time currently create absolute gridlock of the transportation system within the Central Eastside. Ex H26. Inviting 3,500 people seeking to get to a concert where much of the parking and access to transit requires crossing the tracks will create stress and chaos. Train / pedestrian conflicts resulted in two deaths and one injury over the past five years, notwithstanding the existence of “standard protective devices” in existence at all crossings. Ex H33, H52 and H54. Although the applicant relies on certain existing safety protections – flashing light signals, automatic gates, and supplemental signage - neither the applicant’s traffic engineer or PBOT offered any analysis of the numbers of people who will be stuck on the opposite side of the tracks or the safety implications that could likely result. In fact, the applicant’s traffic impact study (TIA) assumed that there was “no pedestrian crossing protection” at any of the train crossings. In the final written argument, the applicant offered what

it claims are examples of railroad tracks located within close proximity to concert venues but there is no expert evaluation of circulation patterns at those stadiums to determine if they are, in fact, comparable. Immediately closure of the public record to new evidence at that point, deprived opponents of any opportunity to point out why these other concert venues are distinguishable.

The only expert evaluation of how many pedestrians, coming from transit, ride share, or on-street parking, could be cut off in the event of a train crossing and what that would mean was offered by licensed traffic engineer Hann Lee in the record at Ex H41.² Other than the opponent's expert testimony, there is no other quantification or evaluation. The Hearings Officer could not claim that he relied on the "best evidence in the record" to find that the proposal will not increase the risk of train related death when no evidence actually supports such a finding. *See Armstrong v. Asten-Hill Co.*, 90 Or App 200, 752 P2d 312 (1988) (the substantial evidence standard is not satisfied when "the credible evidence apparently weighs overwhelmingly in favor of one finding and the [decision maker] finds the other without giving a persuasive explanation.")

According to PBOT, because the site does not abut the tracks, additional safety improvements cannot be required of the applicant. Whether this may be true with respect to uses that might be permitted outright, it has no relevance to a conditional use permit where transportation system adequacy and safety for all modes must be maintained. The Hearings Officer concluded that the applicant cannot be required to install or maintain rail crossings and protective devices without citing to any authority. Whether true or not, there is no consideration of other mitigation solutions. For example, the applicant might build a pedestrian overpass to allow for safe passage. If the applicant cannot mitigate the safety concern, the solution is not just to throw up our hands with nothing more than crossed fingers with the hope that concert goers will make good choices as PBOT and the Hearings Officer have in this case. The correct response is to conclude that this property is not suitable for a music venue of this size and deny the application.

Moving beyond the safety hazards created by trains, this area already experiences a high crash frequency resulting primarily from driver inattention or failure to yield. Ex A10 p 8. Injecting hundreds of more vehicles, pedestrians, cyclists and tipsy concert goers searching out their ride share on a dark and stormy night is an absolute recipe for disaster. There is NO transit on SE Water Ave. The closest transit stations are at SE MLK Blvd and SE Grand, four blocks across the railroad tracks through a largely unlit and mostly vacant industrial area, or climbing the non-ADA accessible stairs to the Hawthorne or Morrison Bridge viaducts. The Hearings Officer did not address these safety conflicts and transit shortcomings at all.

² Just for a sense of scale, according to the applicant's TIA, the intersection of SE Water / SE Salmon accommodates 200 vehicle trips during the weekday 6 pm hour today and 50 weekday trips during the 11 pm hour. Assuming no increase in background traffic, this use will generate 699 trips at 6 pm, a 3-fold increase beyond what exists today and 1011 trips at 11 pm, 20 times the amount of traffic as exists today.

Mayor Wheeler and City Council
September 18, 2024
Page 5

The focus in the applicant's TIA and PBOT's comments is the finding that including the projected levels of traffic, nearby intersections will continue to meet the City's minimum level of service (LOS) standards and that the applicant will address safety by installing sidewalks around their frontage. Although these would be the limits of what the City could demand if the use was permitted outright where the City has otherwise planned for and built infrastructure at levels deemed sufficient. If a concert venue were proposed further to the east, towards the edge of the Central Eastside Industrial Sanctuary where it could take advantage of the transportation system built to serve the commercial and residential uses that would be one thing; but this use is proposed for the deepest bowels of an industrial area where the surrounding industrial-focused transportation system is not capable of accommodating this highly pedestrian demanding use.

Conclusion

For all of these reasons and for the reasons stated in Ex H35, the Council should decide not to allow a pig in Portland's parlor; let's deny this conditional use and the adjustment requests.

Sincerely,



Carrie A. Richter

Agenda Item	Name or Organization	Comments	Attachment	Created
82	812 Cameron Miller	Live Nation is a threat to local music venues that host lesser known/independent artists. These are the types of artists that I listen to and a huge reason why I live in Portland. Please leave indie venues and affordable ticket prices in our city!	No	09/18/24 12:28 PM
83	812 Dunn Carney LLP on behalf of Applicants	On behalf of the applicants in the above-captioned matter, please find the attached written memorandum. Please place the attached before City Council. Thank you.	Yes	09/18/24 12:55 PM
84	812 Isaac King	<p>I am writing to oppose Live Nation's proposal for a music venue on Water Avenue near the Hawthorne Bridge. The Ticketmaster/Live Nation behemoth doesn't just threaten Portland's unique and delicate independent music scene, but also the bodily safety of its citizens.</p> <p>I'm going to start with what should be the very obvious ethical issue; Why in the world would Portland bend over backwards to give this industry predator greater access to our city?</p> <p>Ticketmaster has faced legal scrutiny for its anti-competitive practices, including a 2019 U.S. Department of Justice ruling for violating a consent decree by pressuring venues to use their services over competitors. They've been criticized for monopolistic behavior, inflating ticket prices, and adding excessive fees, which has led to multiple lawsuits and fines. (source - https://www.justice.gov/opa/pr/justice-department-sues-live-nation-ticketmaster-monopolizing-markets-across-live-concert)</p> <p>They've also been responsible for repeated failures to address numerous safety issues, which has even resulted in 200 deaths, and at least 750 injuries since 2006--eight of these as recently as 2021. Why would you want to put our citizens in such danger? (source - https://www.npr.org/2021/11/08/1053548075/live-nation-a-company-behind-astroworld-has-a-long-history-of-safety-violations)</p> <p>There are also a number of legitimate concerns about the impact to local infrastructure. The venue would increase traffic on already congested roads, overwhelm limited parking, and create significant public safety concerns. These issues cannot be adequately addressed through conditional approval.</p> <p>This deal with the devil proposal betrays Portland residents' interests. I beg you to oppose both the land use and any city support for this deal, which all but guarantees a significant net loss to the safety and culture of this beautiful but struggling city.</p>	No	09/18/24 1:13 PM
85	812 Ezza Rose	As a working Portland musician of 17 years I oppose Live Nations ventures to have a venue in our city. Please take into consideration our small venues and small artists. -Ezza Rose	No	09/18/24 1:16 PM
86	812 Leah Maurer	Please overturn the permit granted to Live Nation/Ticketmaster and read my letter for why. Keep Portland music local!	Yes	09/18/24 1:41 PM
87	812 Kate O'Brien, MusicPortland	<p>My name is Kate O'Brien and I am the Board President of MusicPortland, but I am also speaking here on behalf of my husband and my three children, all of whom are musicians and concert-goers, one of whom is attending PSU for a degree in Sonic Arts and Music Production. It is hard to convey the vibrancy of our independent music scene here to those of you who may not participate. To see music in both our large and small venues makes me feel proud to live in a musical community that supports and cultivates opportunities for its people.</p> <p>At a time in history where corporatization is driving a wealth gap that is destroying the middle class it is hard to believe that I even have to testify in order to convince my own City Government not to approve the use of city property with a company that is being sued by the DOJ and 40 states for violating antitrust laws. I truly want to believe that as a city we are investing in a future that preserves and expands upon our existing music economy which, in a study done by the Northwest Economic Research Center and Business Oregon, we now know generates over \$3 billion annually statewide.</p> <p>I urge you to vote against the Conditional Use Permit and exemptions from the zoning code that would allow a behemoth, predatory juggernaut like Live Nation to come into Portland and threaten what we have here with their predatory business practices. There is no public benefit in having a large music venue that controls the ticketing, promotions, booking, venue operations and which has a track record of buying up smaller venues and closing them down.</p>	No	09/18/24 1:43 PM

September 18, 2024

Portland City Council
1900 SW Fourth Avenue, Room 2500
Portland, OR 97201

Re: Beam Development – Memorandum to City Council
(LU 23-111784 CU AD; Hearings Office Case No. 4240010)

Dear City Council:

On behalf of the Applicants (Beam Development and Colas Development Group), we urge City Council to deny the appeal of the Hearings Officer's approval of a new live music venue located in the Central Eastside ("Application").

The proposed venue will host live events that drive the revitalization and activation of Portland's Central City, and approval of the Application will bring a new first-class venue to what has been a vacant lot for over fifteen (15) years. The proposed venue is sized to bring additional acts to town, and represents an expansion of the City's cultural offerings that will provide unique concert experiences for patrons and economic benefit to Central City small business and the hospitality industry. Simply put, the proposed venue is the kind of revitalizing development that the Central Eastside and Central City need to help rebound from some tough years of reduced activity and disinvestment.

I. Single venue is part of this review

Applicants respectfully request that the City Council fairly apply the standards of Title 33 to the proposed venue. Opposition testimony has consistently urged City decision-makers to weigh the merits of an alternative venue proposed in the Lloyd Center when reviewing this proposal. The City's land use review is not a beauty contest or a race between venues.

The Portland live music scene is strong and can accommodate multiple new venues. Ultimately, more venues result in more live events and more public benefits. One new venue is better than none, and two are better than one. Competition is welcome.

II. Private investment that benefits Portlanders

The proposed venue will receive no public subsidy or financial incentives. The land is being purchased for fair market value and all private improvements, street improvements, and venue operations will be 100% privately funded. Appellant has spread substantial misinformation on this point.



The Applicants (Beam and Colas) that are undertaking the co-development of the site are Portland-based organizations. The principals are both raised in Portland, and have worked on the development of this site for multiple years to bring this exciting opportunity to bring people together to enjoy the arts and further the momentum of the Central City's rebound.

During those same years that the Applicants were working on this project, they were engaged in local efforts to revitalize the CEIC and Portland's Central City, including the Central Eastside's 90-day reset working group with the Mayor's office and the Governor's Value Proposition Committee as part of the Governor's Central City Taskforce.

With the proposal before you, Applicants seek to further the objectives of the City, CEIC, local businesses, concert goers, and the hospitality industry, to advance the reactivation of Portland's Central City and rejuvenate an area and site that have seen a disproportionate public safety impact that has started to improve through the hard work of the City Council and numerous stakeholders in the future of the Central City.

The Applicants are deeply committed to Portland and its success. By way of contrast, the venue currently proposed in the Lloyd Center would be owned and developed by a group in Denver, Colorado with the financial backing and operation by Anschutz Entertainment Group Worldwide. That effort is neither grassroots, independent, small, nor local.

III. The proposed music venue satisfies applicable approval standards.

The Applicant agrees with the robust findings and comprehensive analysis contained in the Staff Report and the Hearings Officer's decision. As expressly found by Staff and the Hearings Officer, the Application demonstrates compliance with all applicable conditional use standards in Portland City Code ("PCC") 33.815.215.A-C and with the adjustment standards in PCC 33.805.040.

The Application also demonstrates compliance with all other standards of the IG1 zone and Central City Plan District. The record contains no evidence to the contrary. A detailed response to the claims included in the appeal is attached as Attachment 1 and the Applicant's final written submission to the Hearings Officer is attached as Attachment 2.

IV. Appellant's concerns regarding market impacts are unrelated to approval standards.

Appellant Music Portland has spent much time and effort trying to rally a small but loud opposition to the proposed venue. Much of this effort focuses on the tenant/operator of the proposed venue, Live Nation. Such focus is misplaced because the approval standards address impacts of the venue limited to the surrounding neighborhood (Central Eastside) and transportation system (trips and parking). The review of the City Council is therefore limited to application of the zoning code, not speculative and generalized market impacts.

The zoning code does not address appellant's concerns with hypothetical downstream economic impacts to unspecified other venues from speculative future actions of the



affiliates of the tenant/operator of the proposed venue. The code is clear on this point and appellants blatantly disregard the meaning and intent of the conditional use standards.

V. Applicants have gone above and beyond with project outreach

Prior to and throughout the Application process, Applicant has engaged with numerous business owners, neighbors, and stakeholders to discuss any concerns, including Music Portland. In fact, in April 2022, before the project went public, Applicant engaged with the leadership of appellant Music Portland in good faith to address any concerns with the venue. In June 2022, after the project went public, Applicant again engaged with Music Portland including other stakeholders. Applicant further engaged with Music Portland at two Prosper Portland roundtable meetings in 2023. Appellant also participated in the proceedings before the Hearings Officer. Testimony raising concerns with appellant's involvement in the process amount to misinformation and only seek delay the critical activation and revitalization of the Central City that will flow from people coming together to experience live music at this venue.

In conclusion, the proposed music venue use complies with approval standards subject to review. For reasons above, the Applicant respectfully requests Council to take action: (1) deny the appeal; and (2) affirm the Hearings Officer's decision.

Thank you for your time and consideration of this matter. Please do not hesitate to contact me regarding this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'D. Hall'.

Damien Hall

DRH:mcd

RESPONSE OF APPLICANTS BEAM DEVELOPMENT AND COLAS DEVELOPMENT GROUP TO APPEAL STATEMENT OF APPELLANT MUSIC PORTLAND

The below text in bold constitutes the Applicants' response. Non-bolded type is copied from the notice of appeal submitted by MusicPortland.

Statement of which sections of the Zoning Code the decision violates includes, but may not be limited to:

1) ZC 33.815.215(A)(3) –

Applicant Response: This standard ensures that the “transportation system is capable of supporting the proposed use in addition to the existing uses in the area.” The Applicant has provided expert evidence in its Transportation Impact Study (“TIS”) prepared by a licensed professional engineer with DKS Associates. The TIS addresses in detail each of the evaluation factors under 33.185.215.A.3, and found the standard is satisfied. Staff Report Exhibit A-10, at 58-59. The staff reports from Permitting & Development and PBOT both concurred. See H-5; see also H-16. The Hearings Officer’s approval (“HO Approval”) also found this standard to be satisfied, noting that project opponents “relied on anecdotal inferences that are less persuasive” than the expert TIS and that “project opponents have provided no evidence (expert or otherwise) of the inadequacy of public services to support the proposed venue.” HO Approval, page 10.

- a. Unpredictable and lengthy train crossings will interfere with the transportation demands created by 3,500 concert attendees needing to access transit, parking and rideshare options.

Applicant Response: Contrary to appellant’s assertion, patrons will have ample ways to access the venue that do not require crossing train tracks at-grade. Even when a train is present, patrons have five (5) options to get to the site by bike, four (4) options by car, and four (4) pedestrian options. The Applicant has proposed a Transportation Demand Management (“TDM”) measure to inform patrons of their options for accessing the venue. See Staff Report Exhibit A-10. The Hearings Officer’s approval contains a condition of approval requiring implementation of this TDM measure.

Further, the TIS includes a detailed field survey (Staff Report Exhibit A-10, Section 4) and a queuing analysis (Staff Report Exhibit A-10, at 53-54) demonstrating that train crossings during the time of shows (6pm to 11pm) were an average length of 3 minutes 27 seconds. Having to choose between taking an alternative route and waiting a few minutes hardly amounts to a failure of the transportation system.

- b. This transportation system adequacy criterion requires evaluation of any transportation impacts and mitigation, particularly off-site mitigation, and must extend beyond general PBOT policies and standards that would otherwise apply to uses permitted outright.

Applicant Response: As discussed above, the record contains multiple detailed analyses evaluating the transportation impacts of the proposed venue. Each of these analyses (TIS, P&D staff report, PBOT staff report) conclude that the evaluation factors indicate that standard is satisfied and the transportation system is capable of supporting the proposed use. Project opponents have provided no evidence to

the contrary, and the Hearings Officer correctly found that substantial evidence exists demonstrating that 33.815.215.A.3.a is satisfied.

Contrary to appellant's assertion, 33.815.215.A.3.a does not require mitigation or analysis of mitigation unless there is a finding by PBOT of a failure in one or more of the evaluation factors. There is no such finding here. Nevertheless, the applicant's TIS proposes substantial improvements to the surrounding transportation system to bring SE Main, SE Water, and SE Salmon into compliance with city street standards for the blocks adjacent to the site.

All of 33.815.215 are conditional use standards that by definition are not applicable to uses permitted outright.

- c. Blanket deferral to PBOT analysis is inadequate where it does not respond to expert transportation engineer testimony identifying inadequacies in the analysis.

Applicant Response: The HO Approval does not contain a "blanket deferral" to PBOT analysis. Contrary to appellant's assertion, the Hearings Officer fully considered all testimony and evidence and independently decided to approve the proposed venue, stating as follows:

- "After independently reviewing the record and the applicable approval criteria the Hearings Officer adopts the Staff Report and its recommendation of approval. The Hearings Officer finds the City's analysis thorough and persuasive." HO Approval, page 5.
- "Despite significant and substantial opposition to the proposal, adjustments, and the adequacy of the conditions (contained in both the opposition testimony at the Hearing and the written submissions marked as H-Exhibits), the Hearings Officer finds the proposal meets the approval criteria. On balance, the Hearings Officer finds that, under the facts of this case, the City's and the Applicant's positions are more persuasive than the opposition testimony." HO Approval, page 15.

To the extent that the "expert transportation engineer testimony" refers to Exhibit H-41, appellant incorrectly asserts that the HO Approval did not respond to Exhibit H-41. The HO Approval specifically addresses H-41 and accepts it into the record, despite the exhibit being submitted after the record deadline. HO Approval, page 3. Even after bending the rules for applicant and expressly accepting their untimely submittal, the Hearings Officer still found their transportation system adequacy and impact arguments to be reliant on "anecdotal inferences that are less persuasive." HO Approval, page 10.

2) ZC 33.815.215(B)-

- a. Compatibility in massing and lot coverage alone does not convey the Central Eastside industrial design character. What distinguishes this industrial character is a smooth stucco finish often with highly stylized murals or windows. A "modern" design, whatever that is and angled roof lines is not consistent with any of the surrounding structures.

Applicant Response: This standard requires the appearance of the proposed venue to be consistent with: (1) the intent of the IG1 zone, and (2) the character of the surrounding

uses and development.

The Hearings Officer correctly found that the intent of the IG1 zones includes “building coverages and buildings which are usually close to the street” and that the appearance of the proposed venue is consistent with that intent. The HO Approval also correctly relies on the applicant’s analysis of building facades and materials that demonstrate the character of the surrounding structures in the Central Eastside Industrial Area, specifically including such design elements as punched openings, painted concrete and masonry, and suspended canopies. See Staff Report Exhibits A-12 (page 9) and A-3. In sum, there is substantial evidence in the record that the appearance of the proposed venue takes inspiration from and is consistent with and complimentary to the character of surrounding structures.

3) ZC 33.815.215(C)-

Applicant Response: This standard requires that “Public benefits of the proposed use outweigh any impacts that cannot be mitigated.” The HO Approval found that the record contained “no negative impacts from the proposed major event entertainment use that cannot be mitigated,” because the “venue would largely operate outside the hours of operation of most businesses in the industrial area, and ... public services, including the transportation system, are adequate to accommodate the proposed use.”

By way of contrast, the record is replete with examples of public benefit of the proposed project, including:

- Development of long-time vacant lot
- Heightened activity in the evenings will deter crime, reduce discarded waste, abandoned cars and street camping
- After-hours activity will support nearby bars and restaurants
- Evening concerts would not impact industrial uses, which peak in the daytime
- Substantial improvements to the transportation system
- Economic benefits to the Central City including new employment, payroll, spending with local vendors on construction and operation

Ultimately, the HO Approval found 33.815.215.C satisfied “Since there are no negative impacts identified that cannot be mitigated and which public benefits must outweigh.”

- a. By its plain language, this criterion is focused on “any impacts that cannot be mitigated.” This open-ended “any” language is not constrained in any respect and most certainly can and should consider economic and social impacts following from this use. Allowing a use that will introduce a scourge of anticompetitive operations that will injure artists, fans, small promoters and venue operators that will cause real and tangible harm.

Applicant Response: The purpose of the 33.815.215 is to “ensure that the potentially large size and impacts of [major event entertainment] uses are not harmful to surrounding areas and that transportation services are or will be sufficient to serve the use.”

Appellant presents a novel and expansive interpretation that is plainly inconsistent with the purpose of 33.815.215.C. While it is not stated what

“economic and social” impacts appellants would like to consider, it would appear that this is their attempt to expand the zoning code to include potential impacts to unspecified other venues or operators from speculative future business practices of the affiliated companies of the tenant/operator of the proposed venue.

Such conjecture is well beyond the purpose or intent of Title 33 generally, and the specific purpose of 33.815.215 to address impacts to “surrounding areas” and “transportation services.” The HO Approval correctly rejected appellant’s overly broad interpretation of 33.815.215.C. HO Approval, page 15.

- b. The “use” in this case is not just any event venue but is a use that has been designed and will be constructed through ongoing public subsidy to meet and further Live Nation’s monopolistic business model. The expenditure of individual taxpayer dollars in this effort demands a greater showing of public benefit than might be required of private development. This criterion confers on the Council discretion to interpret and apply the public benefit test more broadly or more rigorously on a case-by-case basis as the facts may dictate.

Applicant Response: Applicant’s argument is riddled with misstatements. As expressly reflected in the record and as correctly found by the Hearings Officer, there is no public subsidy for the proposed venue. See H- 54, at 25; see also, HO Approval, at 15. Applicant is purchasing the land for fair market value. The standard application of 33.815.215.C is the same for public and private land. Finally, the venue design is not unlike that of other similarly-sized venues with different tenant/operators, as demonstrated by Hearings Officer Exhibit 46.

- c. The comparator called for in this criterion is not whether the public benefits of this use outweigh externalities resulting from the property in its vacant and unused state. All of the public benefits identified by the applicant as contributing to Central City are entertainment and leisure-focus objectives that do not further any of the objectives for an industrial zone.

Applicant Response: As discussed above, the applicant has identified numerous public benefits associated with the project. Some of the public benefits relate to reactivation of the area by bringing in patrons. Some of the public benefits relate to economic development both of surrounding businesses and the city more broadly. Some of the public benefits relate to employment creation.

Of course, this standard (33.815.215.C) does not limit the consideration of such public benefits. The standard does not limit public benefit to “the objectives for an industrial zone” or to exclude development of vacant property.

4) ZC 33.805.040(A)-

- a. Allowing trucks to back across SE Water Avenue and park in SE Main Street will block and prevent all “other transportation functions” and compromise the safety of pedestrians, bicycle and vehicles. No conditions of approval mandate the use of flaggers. Any other preventive measures such as signage will likely prove insufficient because drivers in this area are, according to the applicant’s TIA, “inattentive.”

Applicant Response: The applicant has worked with PBOT to identify the optimal street improvements and loading requirements to ensure that the venue operations

do not create any unsafe conditions for users of the surrounding transportation system, including cars, bikes, and pedestrians.

The TIS contains a detailed plan for loading of different size trucks and parking for tour busses. Appellant's generalized assertions are simply contrary to the evidence in the record.

- b. The suggestion that "the street would not have the appearance of a loading area when not in use" is belied by uncontroverted testimony that this loading area would nearly always be in use.

Applicant Response: The record contains no testimony that the "loading area would nearly always be in use." Rather, the record demonstrates that the maximum amount of concerts anticipated in a peak year will be approximately 100 concerts and the loading area will not be in use with a concert for approximately 265 days in a peak year. Thus, the uncontroverted testimony in the record demonstrates that the loading area will not be in use a majority of the time.

- c. Ecoroofs are required because they provide water quality, climate and wildlife objectives. Those objectives are not better met by street trees and roof canopy planters making the site more green than it is today or more green than surrounding development. This finding is not only non-responsive to the language of the standard is particularly problematic since staff found that a revised roof design would accommodate greater ecoroof coverage.

Applicant Response: The HO Approval considered each of the purposes of the ecoroof standards and found that on balance, the proposed adjustment equally or better meets these purposes. Appellant's statement paraphrases extensive and detailed findings and does not address the reasons relied on by the Hearings Officer in approving the ecoroof adjustment.

5) ZC 33.805.040(B)-

- a. The desired character of the area is set by the Buckman Neighborhood Plan policies, among other things. Plan Objective 5.10 expressly prohibits truck loading that blocks streets.

Applicant Response: Buckman Neighborhood Plan objective 5.10 is one of seven applicable objectives that, along with the character statement of the IG1 zone, the purpose statement of the Central City Plan District, and the Central City 2035 Plan, collectively establish the "desired character of the area."

Thus, consistency with objective 5.10 is not determinative of consistency with the desired character of the area. But even if that were the case, the application complies with objective 5.10 of the Buckman Neighborhood Plan.

Worth noting is that appellant mischaracterizes the nature of objective 5.10, which is to "discourage trucks from blocking the streets when loading and unloading, except in the designated truck zone."

The loading proposal would use part, but not all, of SE Main Street when loading and unloading. SE Main would never be blocked during loading or unloading, as two way traffic would still be able to travers SE Main Street during loading and

unloading. Further, the HO Approval requires a PBOT loading permit, which designates the loading area as the truck zone, consistent with objective 5.10. See HO Approval, at 16.

Appeal fee is enclosed.



Memorandum

To: William Guzman, Chief Hearings Officer
From: Damien Hall
Date: July 31, 2024
Re: Applicant's Final Written Argument (Hearings Office Case No. 4240010)

I. Introduction

This memorandum is the final legal argument of Beam Development ("Applicant") in the above-referenced conditional use review for a new live music venue located in the Central Eastside ("Application").

As discussed in additional detail below, the Application proposes the exact kind of live events that are key to activation and revitalization of the Central City, and approval of the Application will bring a new first-class venue to what has been a vacant lot for over fifteen (15) years. The proposed venue is of a size that will bring additional acts to town, and represents an expansion of the City's cultural offerings that will provide unique concert experiences for patrons and economic benefit to Central City small business and the hospitality industry. In short, the proposed venue is the kind of revitalizing development that the Central Eastside and Central City need to help rebound from some tough years of reduced activity and disinvestment.

The Applicant agrees with the findings and recommendation of approval contained in the Staff Report and Recommendation to the Hearings Officer ("Staff Report") [Exhibit 5]. The Applicant also is amenable to imposition of the revised conditions of approval proposed by and City staff in the Staff Memo [Exhibit 6]. The discussion at the hearing and evidence in the record focus on the conditional use standards at 33.815.215.A-C and the adjustment standards at 33.805.040. The Application demonstrates compliance with all other standards of the IG1 zone and Central City Plan District and the record contains no evidence or argument to the contrary.

The balance of this memorandum demonstrates that the conditional use and adjustment standards are satisfied and addresses some of the arguments raised that do not relate to the approval criteria to maintain factual accuracy of the record.

II. Response to Conditional Use Standards - PCC 33.815.215.A-C

The purpose of the Major Event Entertainment conditional use approval criteria is to "ensure that the potentially large size and impact of these uses are not harmful to surrounding areas and that transportation services are or will be sufficient to serve the use." See PCC 33.815.215. There are three (3) applicable approval standards, relating to public services, appearance, and benefit.



The public services standards are the focus of the TIS and review by the bureaus charged with providing public services. As discussed further below, no bureaus have expressed concern about the provision of services. The Applicant has provided extensive expert evidence in the form of the TIS and supplemental analysis, which identifies significant improvements to the transportation systems and transportation demand management measures. The purpose of this expert analysis is not just to demonstrate that the system will have the technical capacity to functionally serve all modes of transportation, but to ensure that venue patrons are able to have a first class experience, not just at the event but on their way to and from the venue and surrounding area. As evidenced by the Staff Report, City staff has reviewed the TIS and supports its conclusions.

In contrast, project opponents have provided no evidence (expert or otherwise) of the inadequacy of public services to support the proposed venue.

Each of the conditional use approval standard is addressed below, with the language of the approval criteria in *italics*. For the following reasons, the Applicant respectfully requests that the Hearings Officer find that the standards of 33.815.215.A-C are satisfied.

PCC 33.815.215 - MAJOR EVENT ENTERTAINMENT

A. Public services.

- 1. The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;*

Response: Compliance with this standard is demonstrated by substantial expert evidence in the record. PBOT provides a detailed written response to this criterion [Staff Report Exhibit E-2; see also, Exhibit 16, at 2]. As expressly determined by PBOT and as adopted by the Staff Report, PBOT found that the proposed conditional use project is consistent with the surrounding street designations of the Transportation Element of the Comprehensive Plan and TSP classifications" [*Id.*; see also, Exhibit 5, at 4].

Further, the Applicant's Traffic Impact Study ("TIS") [Staff Report Exhibit A-10], contains a detailed discussion of how the proposed use is appropriate for the site's traffic street designations identified in Table 1 of the TIS [Staff Report Exhibit A-10, at 57]. The design classifications (SE Salmon Street and SE Main Street are Local Streets, and SE Water Avenue is a Neighborhood Main Street) are also suited for the proposed land use [*Id.*; see also, Staff Report Exhibit A-12, at 5]. The intended land use of these designations is:

- SE Salmon Street and SE Main Street (Local Streets): Local Streets are multimodal and important for local circulation of trucks in commercial and industrial areas.
- SE Water Avenue (Neighborhood Main Street): These are segments of Neighborhood Corridors located within the Central City and areas of intensive commercial activity. They are intended to serve a mix of uses which are oriented toward the street.

In furtherance of these design classifications, Applicant will improve the street frontages of the proposed venue to feature wider sidewalks corridors on SE Main Street and SE Salmon Street, consistent with their local street designations in a Pedestrian District and along SE Water Avenue, consistent with its Major City Walkway and Neighborhood Main Street designations. Such improvements will be reviewed through a Public Works Permit [Exhibit



5, at 8]. Currently, the street improvements do not meet City standards [Exhibits 49 and 50].

2. *If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;*

Response: Compliance with this standard is demonstrated by substantial expert evidence in the record. As addressed in detail in the TIS, the project will not have a significant adverse effect on truck and freight movement and will protect the important freight connection between the Central Eastside and nearby regional truck routes along Interstate 5 and OR 99E [Staff Report Exhibit A-10, at 57]. Adjacent and nearby streets will continue to fully accommodate truck movements (and all modes of transportation). The loading dock and staging area for the proposed venue will be located away from the SE Water Avenue Priority Truck Street to allow efficient passage for large vehicles along SE Water Avenue [Staff Report Exhibit A-10, at 57; Staff Report Exhibit A-10, Section 17 – Traffic Control Plan]. Loading-related truck movements will ultimately be addressed pursuant to an angle loading permit or other permit approved by PBOT, and the TIS contains a traffic control plan for ensuring that movements using Water Avenue are performed efficiently and safely. SE Main Street and SE Salmon Street are not used for truck and freight movement due to vehicular traffic terminating to the west of the site, and the lots along these street sections remaining vacant.

Further, PBOT reviewed and concurs with the TIS, stating as follows:

“The proposed use is located within the Central Eastside Industrial Sanctuary. The applicant’s TIS [Staff Report Exhibit A-10] provided an analysis of existing, projected no-build, and post-development multi-modal transportation patterns. Conclusions indicate that since all of the development is located west of SE Water Ave, with the abutting east-west streets of SE Salmon and SE Main terminate into the Eastbank Esplanade, the proposed development will not conflict with existing truck and freight movement throughout the district. This criterion is met.”

[Staff Report Exhibit E-2; Exhibit 5, at 5; Exhibit 16, at 2].

3. *Transportation system:*

- a. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;*

Response: The Applicant’s traffic engineer has evaluated each of the evaluation factors to determine that that “with the recommended improvements, the transportation system will be capable of safely supporting the proposed venue, in addition to accommodating existing uses” [Staff Report Exhibit A-10, at 58-59]. PBOT staff have also specifically reviewed the TIS (Staff Report Exhibit A-10) and approved the methodologies, analyses, assumptions, findings, and conclusions therein, and confirmed that the evaluation factors under this standard have been addressed and satisfied. The Applicant agrees with the robust findings in the Staff Report



[Exhibit 5, at 5-8] and PBOT's memorandum [Exhibit 16, at 2-5], which determined that the transportation system is capable of supporting the proposed use in addition to existing uses.

The Hearings Officer should find that the Application satisfies this criterion based on extensive evidence in the record. The Applicant further addresses each evaluation factor and responds to oppositional testimony raised during the course of the proceedings, as follows:

- **Safety:** For vehicle safety, the Applicant's traffic engineer utilized Oregon Department of Transportation's (ODOT) Crash Data System over a five-year period from January 2016 to December 2020. See Staff Report Exhibit A-10. There were 66 crashes recorded at the study intersections over the five-year period (see Table 4), with the most crashes occurring at the SE Stark St/SE Grand Ave and SE Stark St/SE MLK Jr Blvd intersections. *Id.* at 19-20. Seven involved people walking or biking, including one at the SE Water Ave/SE Salmon St intersection. *Id.* at 8. The most common collision types at the study intersections were angle, turning and rear-end crashes, many of which show "no yield" or "disregarded traffic signal" as the cited cause. *Id.* In addition, the Union Pacific study rail crossings along the segment between SE Stark Street and SE Clay Street also had three reported incidents in the past five years, two in 2020 and one in 2022, two at the SE Salmon Street and one at the SE Clay Street crossings (see Table 5). *Id.* at 9-10. Each of these incidents included a train striking a pedestrian, with two resulting in a fatality and one resulting in an injury.

When an intersection's crash rate (crashes per million entering vehicles) is greater than the critical crash rate (an intersection's crash history compared to similar intersections, adjusting for volume), it's an indication that a design deficiency may exist and further study is warranted. As shown in Table 6, one of the identified intersections is located at the intersection of SE Water Ave/SE Salmon St – where the proposed use is located. Staff Report Exhibit A-10, at 11. This is a 4-leg intersection with stop control located on the SE Salmon St approaches. Of the 6 recorded crashes over the 5-year period, four involved people running the stop sign (one being a bike running the stop sign), and two involved drivers running into a stopped vehicle (one being a parked car). *Id.*, at 10-11. Of the four collisions where a driver or bike ran the stop sign, the direction of travel was split between the east and west approaches of SE Salmon Street and included either an inattentive driver "failing to yield" or "passing the stop sign" as the cause, rather than an intersection design flaw. *Id.* As further addressed in DKS's Technical Memorandum, the proposed venue will provide frontage improvements adjacent to these intersections which can improve driver awareness when approaching the SE Water Avenue intersection along SE Salmon Street; but overall these collisions were caused by inattentive drivers and the proposed venue is not anticipated to exacerbate it. See Exhibit 15.

Moreover, the predicted accident probability based on current safety protection for each at-grade study crossing is summarized in the table below for the 2025 No-Build and 2025 Build scenarios. As shown in the table, the accident probability analysis found the study crossings to be well below 0.50 accidents per year with existing crossing safety protection, and the increased traffic in the 2025 Build scenario would not be expected to result in any material change to the frequency of accidents compared to the 2025 No-build scenario. See Exhibit 52, at 4-6.



Table 1: At-Grade Study Rail Crossing Safety Assessment

STUDY RAIL CROSSING*	PREDICTED ACCIDENTS (ACCIDENTS/YEAR)		
	FUTURE NO BUILD 2025	FUTURE BUILD 2025	CHANGE (2025 BUILD- 2025 NO BUILD)
SE STARK STREET (754542S)	0.006	0.007	0.001
SE YAMHILL STREET (754550J)	0.004	0.004	0.000
SE SALMON STREET (754552X)	0.207	0.208	0.001
SE MAIN ST (754553E)	0.003	0.004	0.001
SE CLAY STREET (754559V)	0.107	0.107	0.000

Furthermore, the proposal is designed to ensure safe conditions for all modes and PBOT standards are designed to provide safe conditions for all modes, especially pedestrian and cyclists. The Applicant will be required to dedicate property along all three frontages and reconstruct the abutting pedestrian corridor to City standards. Exhibit 16, at 3. The TIS also recommended curb extensions at both the SE Salmon and SE Main Street intersections. The curb extension into SE Main Street (see Figure 10 of Staff Report Exhibit A-10) would shift the travelway slightly south for drivers heading westbound away from SE Water Avenue and would provide space for a tour bus to be staged on-street during events to the east of the loading dock for the proposed venue. Staff Report Exhibit A-10, at 36-37. The curb extension into SE Salmon is adjacent to the proposed bike parking on SE Salmon Street and is recommended to support the proposed bike parking. *Id.*, at 37 and 39. As noted by PBOT, there is also a planned two-way cycle track along the site’s SE Water frontage in the future. Exhibit 16, at 3. Additional safety improvements such as crosswalk stripping, signage, lighting, etc. will be determined during the review of the Public Works permitting process. *Id.*

Project opponents assert that the site may not be adequately lit and that should be accounted under the “safety” factor. Simply put, there is sufficient street lighting in the area surrounding the site and along the streets which provide pedestrian access to the site, as demonstrated by the photographs of the area taken on 7/23/24 at approximately 10pm [Exhibits 49, 50, 51]. Further, development of the proposed venue will result in new street lighting improvements to city standards immediately adjacent to the site, further ensuring an adequately lit and safe experience for venue patrons.

On the issue of traffic safety, a project opponent also submitted testimony alleging various traffic impact-related arguments that the proposed use would generate: conflicts with trains as it relates to pedestrian access and rail crossings; increased darkness and poor visibility for pedestrians at late hours; increased alcohol use; and increased accidents. See Exhibit 35. These contentions should all be denied for the three reasons below.

First, as explained in Applicant’s Exhibit 52, the standard protective devices at rail crossings in Oregon are installed and maintained by the railroad (not the Applicant) per OAR 741-110-0020 to 0090 and 741-115-0010 to 0080. See Exhibit 52, at 4. The



crossing characteristics near the proposed venue are documented in the TIS at SE Stark Street, SE Yamhill Street, SE Salmon Street, SE Main Street and SE Clay Street (see page 6 of the TIS), and include advance warning pavement markings and signage, and post mounted flashing light signals, automatic gates and supplemental signage indicating the number of tracks at the crossing, with the crossing at SE Clay Street also including flashing-light signals on cantilevered supports. *Id.* These grade crossings also include nearby illumination to provide light during hours of darkness. *Id.* In fact, Exhibits 49, 50, 51 show that visibility at night in the surrounding area and at the site are not impaired and include nearby illumination. Exhibit 52 (at p. 2) further demonstrates that rail crossings do not pose operational safety concerns.

Second, regarding alcohol consumption, the approval standards do not require projecting and accounting for impairment of individual users of the transportation system. That being said, our proposed venue operator is committed to responsible alcohol service as evident in the record, and it has been a member of the TEAM Coalition (Techniques for Effective Alcohol Management), which is a non-profit organization that trains and certifies concessions, operations, and security staff on safe and responsible alcohol service. See Exhibit 52, at 12. The proposed venue will also comply with State law, which maintains its own robust alcohol regulations. *Id.*

Third, regarding alleged traffic safety concerns and increased accidents, such contentions are unfounded for the reasons already addressed above. Specifically, as noted in Table 1 above, the proposed use is not expected to result in any material change to the frequency of accidents. To the extent that the project opponent alleges that the TIS failed to consider employee trip generation, that contention is simply untrue. As expressly noted in Applicant's Exhibit 52 (at p. 6), employee trip generation information was considered in the analyses and summarized in the TIS (Staff Report Exhibit A-10, at 21-24)

Further, during the second open record period, traffic expert evidence (Exhibit 41) was submitted on behalf of Bateman Seidel in response to the Applicant's TIS (Staff Report Exhibit A-10). The second open record period was however limited to responses to new evidence submitted during the first open record period. The TIS was not submitted during the first open record period and Exhibit 41 was not in response to any new evidence submitted during the first open record period. Therefore, Exhibit 41 should be excluded from the record in its entirety.

Even if Exhibit 41 is reviewed on the merits, the traffic comments are unsound and inconsistent with the extensive analysis provided in the TIS and additional evidence in the record. The traffic comments simply agree with Bateman Seidel (Exhibit 35) without providing any empirical traffic data and analysis and further argues that the Applicant has not provided adequate traffic analysis to fully determine impacts and mitigation. To the contrary, as noted above, there is extensive evidence in the record demonstrating the methodologies, analyses, assumptions, findings, and conclusions with regard to traffic safety, intersection capacity, Level of Service (LOS), connectivity between travel modes, trip generation including employee trip generation, multi-modal safety, potential impacts, mitigation measures, and proposed public improvements. See Staff Report Exhibit A-10; Exhibit 15; Exhibit 16; see also, Exhibit 52, at 4-6. Thus, any allegations including safety-related contentions raised in Exhibit 41 should be denied.



Finally, a project opponent also contends that no venue can be safely located in proximity to a rail line. Exhibit 35. This is simply incorrect as demonstrated by many venues across the county being located in proximity to a rail line. See Exhibit 52, at 7-11. Specific to the subject site, the traffic engineer analyzed the increase in pedestrian crossings for safety impacts and found that the proposed use would not result in any material change, as discussed above. See Exhibit 52, at 4-6. Even if the Hearings Officer finds that safety remains in question, the Applicant has demonstrated compliance with all of the identified evaluation factors under this standard on balance including safety considerations. Any contentions to the contrary should therefore be denied.

- Street Capacity/Level of Service (LOS): To determine the pre-build and post-build intersection capacity and LOS, turning movement data was obtained for the study intersections during the weekday and weekend pre-event period (6 p.m. to 8 p.m.) and post-event period (10:00 p.m. to 12:00 a.m.). See Staff Report Exhibit A-10, 12. Daily motor vehicle count data was also collected adjacent to the proposed venue along SE Water Avenue, south of SE Salmon Street and north of SE Main Street. *Id.* The count data indicates that approximately 4,900 vehicles pass the proposed venue along SE Water Avenue during an average weekday. *Id.* Of these vehicles, 1,300 travel northbound and 3,600 travel southbound. The highest number of trips along SE Water Avenue occurs from 5:00 – 6:00 p.m., with 488 vehicles passing the proposed venue (157 northbound and 331 southbound). *Id.* During the pre-event and post-event peak hours, 165 and 35 vehicles pass the proposed venue along SE Water Avenue, respectively. *Id.* For City study intersections along SE Water Avenue not designated on the Metro Regional Transportation Plan Arterial and Throughway Network, the City of Portland standards require a LOS “D” or better to be maintained for signalized intersections and a LOS “E” or better for intersections with stop control. *Id.*, at 12-13. As shown in Table 7 of the TIS, all study intersections meet the current mobility targets during the weekday and weekend pre-event and post event peak hours. *Id.*, at 14-15. All intersections along SE Water Avenue operate with a LOS B or better, while the signalized intersections at SE Stark Street/SE Grand Avenue and SE Stark Street/SE Martin Luther King Jr Boulevard operate with a LOS C or better, well below the current mobility targets. *Id.*, at 14.

For Post-build expectations, Table 17 of the TIS shows the future 2025 intersection operations at study intersections, with the proposed venue. *Id.*, at 47-48. As shown, all study intersections are expected to continue to meet mobility targets despite the added traffic growth from the proposed venue through 2025, despite an expected increase up to 14 percent during the pre-event peak hour and up to 41 percent during the post-event peak hour. *Id.*, at 47. All intersections along SE Water Avenue are expected operate with a LOS C or better, while the signalized intersections at SE Stark Street/SE Grand Avenue and SE Stark Street/SE Martin Luther King Jr Boulevard also operate with a LOS C or better. *Id.* Therefore, the system evaluation found no street capacity or level of service impacts with the proposed venue, as shown in Table 17, 18 and 19. *Id.* at 58.

- Pedestrian, Cycling, and Transit Availability: The proposed venue is very accessible to pedestrians and bicyclists and is well-served by a network of continuous sidewalks and bike facilities on the surrounding streets between nearby existing private vehicle parking, bike parking, ride hailing or transit stops. Staff Report Exhibit A-10, at 11. The proposed venue is also adjacent to existing bikeways along the Eastbank



Esplanade, SE Water Avenue and SE Salmon Street. *Id.* at 7. Current transit service near the proposed venue is primarily accessed via stops located on SE Grand Avenue and SE Martin Luther King Jr Boulevard between SE Salmon Street and SE Taylor Street, on the SE Madison Street and SE Hawthorne Boulevard viaducts (accessed via stairs from SE Water Avenue), on the SE Morrison Street and SE Belmont Street viaducts (accessed via stairs from SE Water Avenue), along SW 1st Avenue in downtown Portland across the Morrison Bridge, and near SE Tilikum Way. *Id.* at 7-8, 58. Event attendees and employees who utilize transit for travel to and from the venue would primarily utilize SE Water Avenue, SE Salmon Street and the Eastbank Esplanade to access transit services before and after events. *Id.* at 58. Current schedules indicate that the TriMet Routes 6, 14 and 15 and MAX light-rail service near the proposed venue extends beyond the conclusion of a typical event (i.e., expected to be 11:00 p.m. or later for most events). *Id.*

- **Connectivity:** The subject site located at the intersection of three ROWs meeting the City's Street spacing standards noted in 17.88.040. Therefore, additional connections are not required.
- **Access Restrictions:** Access is not allowed on the SE Water Avenue and SE Salmon Street frontages given the Major City Bikeway designation that prohibits it. Of the three frontages, SE Main Street is the only frontage that allows for vehicular access. As discussed further below, the Applicant proposes to provide loading from SE Main Street, reviewed through a loading permit as determined by PBOT.
- **On-Street Parking Impacts:** Parking surveys were conducted between 6:00 p.m. and 11:00 p.m. on a weekday (Thursday, July 27, 2023) and a weekend (Saturday, August 5, 2023) within a 0.25 mile or about a 10-minute walk of the proposed venue, which is generally considered a comfortable walking distance. Staff Report Exhibit A-10, at 15. This roughly includes the blocks bounded by the Willamette River to the west, SE Morrison Street to the north, SE Grand Avenue to the east and SE Clay Street to the south. *Id.* On-street parking in the surveyed area is either permit parking (i.e., Zone G or Zone N permit) or available via a 2-hour time limit for non-permit holders and enforced on weekdays only from 7 a.m. to 6 p.m. in non-metered spots and 8 a.m. to 6 p.m. in metered spots. *Id.* As shown in Table 14, about 1,318 parking spots were identified within the surveyed area, including 1,084 on-street parking stalls and 234 parking spots in public off-street lots (see Figure 16 and Figure 17). *Id.* at 40-41. A maximum estimated parking occupancy for the entire surveyed area of 32 percent was observed during the weekday and 17 percent was observed during the weekend, both occurring in the 5:00 p.m. and 7:00 p.m. survey period. *Id.*

Table 15 of the TIS shows that a sold-out concert is estimated to generate demand for 915 parking spaces during both a weekday and weekend event, with attendee and employee arrivals occurring between 6:00 p.m. and 9:00 p.m. and most assumed to use parking locations within 0.25 miles of the proposed venue (i.e., 763 of the 915 parking spaces). *Id.* at 42-43. The total occupied parking spaces with the proposed venue is estimated to be highest between 8:00 p.m. and 9:00 p.m. during both a weekday and weekend event when the attendee and employee parking demand is at its highest (i.e., demand for 763 spaces within 0.25 miles of the proposed venue). *Id.* The parking occupancy rate during this period is estimated to reach 82 percent during a weekday event (i.e., 1,074 parking spaces) and 71 percent during a weekend event (i.e., 930 parking spaces) for the 1,318 parking spaces within 0.25 miles of the



proposed venue. The estimated parking occupancy rates between 6:00 and 8:00 p.m. are under 80 percent for a weekday event and under 70 percent for a weekend event. *Id.*

Table 16 of the TIS shows that a weekday special event is estimated to generate demand for 131 parking spaces, with attendee and employee arrivals occurring between 12:00 p.m. and 3:00 p.m. and all are assumed to use parking locations within 0.25 miles of the proposed venue. *Id.*, at 44. The total occupied parking spaces with the proposed venue is estimated to be highest between 1:00 p.m. and 2:00 p.m., when 1,135 parking spaces are utilized. *Id.* This represents an 86 percent occupancy rate for the 1,318 parking spaces within 0.25 miles of the proposed venue. The estimated parking occupancy rates between 12:00 and 1:00 p.m. and are 2:00 and 3:00 p.m. are at or below 84 percent. *Id.* PBOT regularly evaluates the on-street parking demand and has the ability to adjust controlling factors in accordance with existing practices and policies. See Exhibit 16, at 4.

- **Neighborhood Impacts:** The purpose of the IG zone is to protect the Industrial Sanctuary area designated by the Comprehensive Plan. The Industrial Sanctuary zones identify areas where industrial uses may locate, while other uses – such as the current proposal – are restricted to prevent potential conflicts and to preserve land for industry. Here, the proposed venue is located on the edge of the Central Eastside subdistrict, and the majority of proposed operations would occur when many industrial and allowed uses are closed, offsetting the impact to the district.

Accordingly, for the reasons above, the Hearings Officer should find that this criterion is met.

- b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.*

The TIS found no off-site transportation impacts that result from the proposed venue based on the analysis comparison of no-build versus build. See Staff Report Exhibit A-10, at 59. As found in the TIS, the only impacts of the proposed use are on-site transportation impacts resulting from new site generated trips, which will be mitigated with proposed improvements. See Staff Report Exhibit A-10, at 59. Transportation impacts resulting from new site generated trips will be mitigated with improved street frontages to feature wider sidewalks, to include 12-foot sidewalk corridors on SE Main Street and SE Salmon Street, consistent with their local street designations in a Pedestrian District and a 15-foot sidewalk corridor along SE Water Avenue, consistent with its Major City Walkway and Neighborhood Main Street designations. *Id.*, at 58.

In addition, a transportation and parking demand management plan (TDM) (Staff Report Exhibit A-10, Section 1) was also prepared for the proposed venue to reduce the impact of events on the transportation system and provide employees and attendees with information and incentives to use transportation methods other than single occupancy vehicles. The plan provides strategies to increase the transit, walking, and biking travel options, along



with traffic management techniques to ensure that people who travel via motor vehicle effectively navigate to their parking, drop-off, or pick-up location with fewer delays than what would occur under an unmanaged setting. *Id.* PBOT Parking Control and Traffic Engineering will also evaluate ride hailing locations as deemed appropriate to serve the use and reserve the right to modify and relocate such service locations as the project comes online. Staff Report Exhibit E-2.

Further, as described in further detail in Applicant's Technical Memorandum, given the planned future two-way cycle track on the west side of SE Water Avenue adjacent to the proposed venue, no curb extensions are required into SE Water Avenue. Exhibit 15, at 2. To support this future two-way cycle track improvement, the existing curb extension into SE Water Avenue at the northwest corner of the SE Main Street intersection is proposed to be removed as part of the recommended curb extension improvement noted above into SE Main Street at the same corner. *Id.* These proposed improvements are also recommended to include the associated crosswalk striping and signage as required. The final design of the curb extension and overall crossing/street layout will be determined during the public works permitting process. *Id.*

The Applicant also identified several Capital Improvement Projects (CIP) in and around the area that will also help mitigate anticipated impacts and strengthen the City's mode-split goals. See Staff Exhibit A-10, at 55-56 and 59. To the extent that project opponents argue the insufficiency of such CIP or the resulting transportation system, it is worth noting that substantially more trips to the Oregon Museum of Science and Industry (OMSI) are adequately accommodated on a daily basis that would be created by the venue [Exhibit 52, at 2]. OMSI is similarly located west of the rail line in the Central Eastside. As reflected in Exhibit 52, throughout OMSI's history at 1945 SE Water Avenue, it has not had an accident with a visitor and the train, and OMSI does not anticipate operational impacts from any rail operations. Exhibit 52, at 2.

In conclusion, the Staff Report and PBOT evaluated and analyzed the above measures in detail to find that the project will be able to sufficiently mitigate transportation-related impacts immediately surrounding the site and within the district. Exhibit 5, 8-9; Staff Report Exhibit E-2; Exhibit 16, at 2. Thus, with the proposed measures, the Hearings Officer should find that this criterion is met.

- c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.*

Response: As noted above, all required frontage improvements, payment into the bike fund, and implementation of TDM strategies will be in place by the time the development is complete. Thus, this criterion is met.

In sum, as expressly found by PBOT and based on the evidence included in the record, the Applicant has demonstrated with required frontage improvements, implementation of proposed TDM measures, and adhering to conditions set forth in the appropriate angle loading permit as determined by PBOT, the proposed project will support access, safety, and function for users of all modes; and that the transportation system will be capable of supporting the proposed venue, in addition to accommodating the existing uses in the area.



See Exhibit 16, at 5. The Hearings Officer should therefore find that PCC 33.815.215.A.3.a-c is met.

4. *Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.*

Response: The record contains substantial expert evidence demonstrating compliance with this standard. Specifically, each pertinent City bureau has been actively involved in the review of this Application and have confirmed there are no public service inadequacies.

- The Water Bureau and the Fire Bureau reviewed the proposal and responded with no objections, indicating that adequate water supply and fire protection would be available. [Staff Report Exhibits E-3 and E-4; Exhibit 5, at 10].
- The Police Bureau reviewed the proposal and responded that police would be able to adequately serve the proposed use [Staff Report Exhibit E-5; Exhibit 5, at 10].
- The Bureau of Environmental Services also reviewed the application and found the proposed sanitary sewer connection and stormwater management plan are acceptable [Exhibit E-1; Exhibit 5, at 10].
- A project opponent contends that there is nothing in the record indicating that the proposed venue had been reviewed by the City's Fire Bureau. Exhibit 35. To the contrary and as noted above in Staff Report Exhibit E-4, the Portland Fire & Rescue ("PF&R") reviewed the proposal and responded with no objections to the Application. Further PF&R analysis will occur during the building permit process.

B. Appearance. The appearance of the facility is consistent with the intent of the zone in which it is to be located and with the character of the surrounding uses and development;

Response: PCC 33.140.030.C states the intent of the General Industrial zones, including the IG1 zone that applies to the subject site:

"The General Industrial zones are two of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial areas.

1. General Industrial 1. IG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. IG1 areas tend to be the City's older industrial areas.

2. General Industrial 2. IG2 areas generally have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street."



The site is at the western edge of an older industrial area, and the I-5 freeway and the Willamette River are just west of the site. See Exhibit 37, at 11. The lots to the north and south of the proposed building are undeveloped, and no development is currently proposed for these lots. See Staff Report Exhibit A-7, at 2; see also, Exhibit 45, at 1-2. Properties east of the site, on the opposite side of SE Water Street, are developed with one- and two-story industrial and commercial buildings. Exhibit 45, at 1-2. A larger, four-story building (the Eastbank Commerce Center) is one block north of the proposed concert venue.

As intended for the IG1 zone, this area has a grid block pattern and relatively small lots for an industrial area. (The concert venue lot would be about 32,000 square feet after required street dedications.) Since this proposal is to construct a new building on a currently vacant lot, and since that building would be close to all three abutting streets, covering most of the lot area, the proposal is consistent with the intent of the IG1 zone to have "high building coverages and buildings which are usually close to the street." See Staff Report, at 10.

More specifically, the new building would have a four-story scale and a modern design with angled roof lines and minimal ornamentation other than rooftop plantings. See Staff Report Exhibit C-4; see also, Exhibit 36 – Planting Plan, at 38; see also, Exhibit 36 - Roofing Plan, at 39. The design is akin to an "upscale warehouse" (Staff Report Exhibit A-12, at 9), and Staff Report Exhibit A-3 and Exhibit 45 - Neighborhood Building (at p. 4) show how the exterior design, though modern, reflects existing buildings in the area. In effect, contrary to allegations asserted by various project opponents, the appearance of the proposed building would be both attractive and compatible with the industrial character of the area, consistent with the intent of the General Industrial zones to "promote viable and attractive industrial areas."

Finally, to the extent that a project opponent [Exhibit 35] argues that the proposed use is a "wrong use in the wrong place" or questions the appearance of the proposed venue such that it is inconsistent with the zone and surrounding area, that argument is unsound. As noted above, the proposed use is consistent with the intent of the IG1 zone and surrounding area. In fact, neighborhood industrial buildings are similar to the proposed venue as depicted in [Exhibit 45, at p. 4]. Further, there is extensive evidence in the record demonstrating neighborhood support for the proposed use on the site [Exhibits 12, 27]. There is also extensive evidence in the record demonstrating local industry support for the proposed use on the site [Exhibits 10, 11, 27]. Additionally, the approval criteria in 33.815.215 are specifically for Major Event Entertainment Uses, and PCC Chapter 33.140 Table 140-1 explicitly recognizes that these uses may be proposed as conditional uses in industrial zones which includes the IG1 zone. See PCC Chapter 33.140 (Employment and Industrial Zones) – Table 140-1. Therefore, such contentions should be denied in their entirety.

For the reasons above, the Hearings Officer should find that this is criterion is met.

C. Benefit. Public benefits of the proposed use outweigh any impacts that cannot be mitigated;

Response: The Applicant has identified several public benefits from the proposal (Staff Report Exhibit A-12, at 9). The proposed use will operate largely outside of the hours of operation of the nearby businesses, with the exception of nearby hotels, bars, and restaurants which will likely benefit from the increased after-hours business activity. The proposed development is expected to produce public benefits in large part because its higher level of activity will likely reduce the presence of discarded waste, abandoned cars, crime, and illegal camping, all of which have recently been observed in the vicinity. Additionally, the development will



be accompanied by public infrastructure improvements surrounding the block, which will improve the safety and security of the pedestrian environment for people who live and work in the district. Staff Report Exhibit A-12, at 9; see also, Exhibit 16.

As further reflected in the Economic Impacts Analysis, the proposed use also provides extensive public benefits that positively contribute to the Central City. See Exhibit 36, at 4-37. As described in detail in the analysis, these benefits include: new employment, payroll, spending with local vendors on construction and operations, new tax revenue, and indirect and induced economic activity to the surrounding area. *Id.*

Further, the only "impact" are the amount of trips the site generates, as summarized in the TIS. Mitigations are summarized in the TIS and transportation and parking demand management (TDM) and include public frontage improvements and TDM methods. See Staff Report Exhibit A-10, Section 1. There are simply no impacts that cannot be mitigated. In fact, as expressly found in the Staff Report, there are no identified negative impacts from the proposed use that cannot be mitigated. Exhibit 5, at 11. As noted above, the venue would largely operate outside the hours of operation of most businesses in the industrial area, and as stated in the findings above for criterion A, public services, including the transportation system, are adequate to accommodate the proposed use.

Project opponents present novel and expansive interpretations of the conditional use standards. Such interpretations focus on the "benefit" standard at 33.815.215.C, which states "Public benefits of the proposed use outweigh any impacts that cannot be mitigated." The thrust of opponent arguments is that the Hearings Officer should interpret the phrase "any impact" as broadly as possible to include their misgivings about the future economic impacts on unspecified other venues from speculative business practices by the affiliated companies of the operator of the proposed venue. To articulate this overbroad interpretation is to reject it.

Such an overbroad interpretation is inconsistent with the purpose of the Major Event Entertainment conditional use standards, which is to ensure that the impacts of such uses "are not harmful to surrounding areas and that transportation services are or will be sufficient to serve the use." PCC 33.815.215. Impacts to the surrounding area and transportation services are typical land use standards applying a geographically constrained analysis related to land use impacts such as noise, light, traffic, etc. In contrast, opponents would interpret the criteria to regulate uncertain economic outcomes that would occur at an unknown time and place. The Hearings Officer should decline to extend the conditional use standards in such a fashion.

Finally, a project opponent (Exhibit 35) contends that there no public benefits that flow to industrial uses and such use improperly develops an industrial lot as a non-industrial use. These contentions are simply misguided. As an initial matter, without the proposal, the lot would remain vacant and unproductive as it has been since July 2007, and would continue to consist of unimproved roads. See Exhibit 45, at 1-2; see also Exhibit 48. With the proposal however, as noted above, the proposed use provides extensive public benefits to the surrounding uses and area including public infrastructure improvements and benefits to local industry activity (e.g. employment, income, or business revenues). Exhibit 36, at 4-37; see also, Exhibit 16.

In fact, as prioritized in the Governor's Central City Task Force and the Mayor's Central City Recovery Plan, uses like the proposed venue use will revitalize the Central City by generating



more activation points and increased foot traffic. See Exhibit 47; see also, See Exhibit 36, at 4-37. Specifically, the proposed use addresses the many challenges facing Central City Portland in the wake of the COVID-19 pandemic by increasing “activation and reconnection” (especially in previously vacant spaces), which is a priority identified by the Task Force. The proposed venue use also specifically aligns with the goals outlined in the Central City Recovery Plan, which also prioritizes immediate impact actions like “generating more events and public activations.” Exhibit 47, at 57, 60-61.

Further, project opponents appear to argue that the proposed venue use is not consistent with industrial uses and that a Major Event Entertainment use should not meet approval criteria because it is not an industrial use in the industrial zone. Exhibit 35. Such contentions should be denied as a matter of law. Per code, all employment and industrial zones in the City conditionally allow Major Event Entertainment uses. See PCC Chapter 33.140 (Employment and Industrial Zones) – Table 140-1. Specifically, as reflected in PCC Chapter 33.140 Table 140-1, major event entertainment uses are allowed as conditional uses in the IG1 zone. Furthermore, as explained above, the proposed use will not hinder any nearby industrial uses as the proposed use will predominantly operate outside of the hours of nearby industrial uses. Thus, these contentions should be denied in their entirety.

Accordingly, because there are no negative impacts identified that cannot be mitigated and which public benefits must outweigh, the Hearings Officer should find that this criterion is not applicable.

D. In the campus institutional zones. These approval criteria allow Major Event Entertainment facilities to be part of an institutional campus. They also ensure that the impacts of the facility on nearby areas are mitigated and that affected neighbors have an opportunity to comment on the proposals for mitigation. The approval criteria are:

- 1. The facility is to be established as part of a school or college. Such facilities are prohibited as part of a medical center campus;*
- 2. The facility is limited to events that feature the athletic or performance skills of students, faculty or staff or which supplement the institution’s programs;*
- 3. In the IR zone the facility is listed in the mission statement as part of the institution’s impact mitigation plan;*
- 4. In the IR zone the mitigation activities completed to implement the impact mitigation plan are adequate to mitigate for the expected impact of the facility. The location chosen and mitigation measures used are consistent with the institution’s approved impact mitigation plan; and*
- 5. All approved limited uses and major event entertainment uses in aggregate occupy 30 percent or less of all campus net building area including portions of parking structures associated with these uses. If the institutional campus includes structured parking, 250 square feet of the structured parking will be associated with the major event entertainment facility for each parking space associated with the facility. Size exceptions are prohibited.*

Response: This site is not in a campus institutional zone, thus these criteria are not applicable to the Application.

III. Adjustments Review

The Application requests two adjustments:



- To reduce the minimum number of on-site, Standard A truck loading spaces from 2 (Zoning Code Section 33.266.310.C.2.c) to instead provide loading area partially on-site and partially within SE Main Street right-of-way.
- To reduce the amount of ecoroof area required from 10,872 square feet (total roof area minus allowable exemptions for roof slope greater than 25%, mechanical equipment, and the elevator overrun) to 4,670 square feet (Zoning Code Section 33.510.243.B.1).¹

The adjustment standards are addressed below.

PCC 33.805.040 – Approval Criteria

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Loading Response: PCC 33.266.310.A states the purpose of the on-site loading space requirement:

“A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.”

The Applicant proposes to intermittently utilize a portion of the SE Main Street right-of-way for truck loading. The proposed loading area will accommodate two large trucks simultaneously, consistent with the number of loading spaces required by code (PCC 33.266.310.C.2.c) and the loading area would be as large as would be required by code (PCC 33.266.310.D.1). The loading area will be adequate to serve the proposed venue, and meets all code standards other than being entirely within the site. The record contains no argument or evidence to the contrary. Thus, the purpose of providing “A minimum number of loading spaces ... required to ensure adequate areas for loading for larger uses and developments” is equally or better met by the proposed adjustment.

The appearance of the loading areas will be consistent with that of required parking areas. Here, there are no required on-site parking areas, and the proposed loading areas will be visually standard loading areas consistent with required setbacks, and indistinguishable when trucks are not present from other loading areas. Similarly, the Staff Report expressly found that the street would not have the appearance of a loading area or parking area when not in use for truck loading, and using the public street for loading rather than creating a dedicated loading area on-site reduces visual impacts by reducing the amount of pavement area required for the proposal. Exhibit 5, at 12. The record contains no evidence or argument to the contrary. Thus, the purpose of ensuring that “appearance of loading areas will be consistent with that of parking areas” is equally or better met by the proposed adjustment.

¹ The Applicant has revised its Application to increase eco-roof areas from 12% to 43%. See Exhibit 36, at 39.



The Applicant has provided a detailed analysis of loading-related truck movements and traffic control plans to ensure traffic safety and continuous transportation functionality while trucks are loading and accessing the loading area. The TIS includes a traffic control plan illustrating how vehicle, bike, and pedestrian travel will be maintained on SE Main Street during the time that trucks are loading. The final measures and improvements are subject to the public works and angle loading permitting process, but the Applicant has presented feasible plans that achieve the following traffic safety measures:

- SE Main Street remaining accessible to two-way vehicular and bicycle traffic at all times. Even with the largest trucks loading, no less than 21.6 feet of the street will remain usable for vehicles. 20 feet is the standard minimum width to accommodate two-way traffic.
- Full signage and certified flagger support for truck movements to access the loading area.
- Swinging gate that closes the sidewalk and landscape area, directing pedestrians to use the sidewalk on the other side of SE Main Street when trucks are present in the loading area.

[Staff Report Exhibit A-10, at 35-36]. Further, construction of the venue would result in improvements to adjacent rights-of-way resulting in substantial improvement for transportation functionality of the adjacent rights-of-way. The improvements are listed at Table 21 of the TIS and benefit all modes of transportation [Staff Report Exhibit A-10, at 55-56]. Currently, the abutting street improvements do not meet City standards and result in conflicts between modes. Exhibit 48, at pages 2 and 3, show a pick-up truck of a local services provider navigating the current illegal angle parking on SE Salmon and lack of sidewalk improvements resulting in pedestrians in the vehicular travelway.

City staff evaluated and the TIS and concurred with Applicant, finding that the loading area adjustment in this case would not have a negative effect on traffic safety or other transportation functions in the right-of-way, as long as the Applicant obtains and maintains continuous compliance with the appropriate angle loading permit determined by PBOT [Staff Report Exhibit E-2; Exhibit 16].

Ecoroof Response:

PCC 33.510.243.A states the purpose of the ecoroof requirement:

Ecoroofs provide multiple complementary benefits in urban areas, including stormwater management, reduction of air temperatures, mitigation of urban heat island impacts, air quality improvement, urban green spaces, and habitat for birds, plants and pollinators. The standards are intended to:

- Maximize the coverage of ecoroofs;
- Allow for the placement of structures and other items that need to be located on roofs; and
- Support the architectural variability of rooftops in the Central City.

The Applicant agrees with the findings of the Staff Report that the proposed adjustment equally or better meets the purposes of the ecoroof requirement [Exhibit 5, at 12-13].



Since the hearing, the Applicant has modified the ecoroof plans in a manner that furthers meets such purposes.

Specifically, the applicant proposes to increase the square footage of ecoroof provided, going from 2,100 to 4,670 square feet [Exhibit 36, at 39] The applicant has also provided additional analysis of the roof design and area required to meet the ecoroof requirement. The outcome of these modifications has been an ecoroof proposal that meets 43% (i.e. 4,670 sq ft of the required 10,872 sq ft) of the unadjusted ecoroof standards, where it previously met 14% of the unadjusted ecoroof standards (i.e. 2,100 sq ft of 14,617 sq feet).

While 4,670 square feet of ecoroof is proposed over parts of the roof, the long spans of the sloped roof areas are not capable of supporting the weight of additional ecoroof area. See Staff Report Exhibit A-6, at 3. As found in the memorandum by DCI Engineers, an ecoroof area can add up to 1,243,000 pounds, which is 20% increase in mass to the structure. Exhibit 36, at 3. With the structural challenges identified in the memorandum, reducing eco-roof weight on the subject structure as much as possible is recommended to reduce gravity and seismic loads to the structural framing, lateral system, and piles, given the low quality soils and depth of fill. *Id.*

As such, with more eco-roof weight added to the building structure itself, the additional tons in steel and concrete would significantly increase CO2 emissions. In fact, with the proposed adjustment, approximately 222 tons of CO2 emissions generated from additional steel is avoided and 289 tons of CO2 emissions generated from additional concrete is avoided. See Exhibit 47, at 64-65. That amount of avoided emissions is equivalent to driving a typical passenger vehicle for about 1,130,400 miles, an annual electrical use of approximately 90 average American homes, and burning around 1,057 barrels of oil. Exhibit 47, at 66. Such CO2 emissions offset many of the environmental benefits of compliance with the full ecoroof standard, and the air quality purpose of the standard is particularly better met by avoiding such emissions and providing 43% of the required ecoroof.

Further, without this adjustment, construction of an ecoroof would be cost-prohibitive totaling up to nearly \$4.2 million to increase the foundation piles and upsize the roof trusses and structural steel elements as found to be necessary to support full ecoroof compliance by DCI Engineers [Exhibit 36] and as demonstrated in the cost analysis prepared by Colas Construction [Exhibit 38]. Therefore, the proposed adjustment meets the overall purpose of the eco-roof requirement by maximizing the amount of ecoroof that can be provided without over-engineering the building so as to be economically infeasible.

Additionally, with this adjustment and as found in the Staff Report, the proposed building design illustrated in Applicant's Exhibit C-4 would be unique in the area, supporting architectural variability as noted in the purpose statement above [Exhibit 5, at 13]. The Application creates meaningful, complementary benefits that are intended to be provided by ecoroofs in the purpose statement above. *Id.* Besides the 4,670 square feet of ecoroof area, Applicant also proposes the following:

- 1,500-square-foot stormwater planter on the south side of the building that exceeds the stormwater management requirements for ecoroof area (Exhibit 36, Floor Plan – Roof; Exhibit 36, Planting Plan);



- Stainless steel cables would allow plants to climb toward the roof (Staff Report Exhibit C-4); and
- Planting of new street trees adjacent to the site (Staff Report Exhibits C-1 and E-8).

With these features, the site would be much greener than it is currently and would appear greener than typical for sites in the industrial area. While most of the new greenery does not qualify as ecoroof area under PCC 33.510.243.B.2, all the new plants and trees will reduce stormwater runoff, improve air quality, mitigate heat island impacts, and provide habitat for birds and insects. The stormwater management requirements for the site will be fully met (Staff Report Exhibit E-1), and the landscaping plan for the ecoroofs and the other planters includes several plant varieties known to attract pollinators (Staff Report Exhibit A-8, at 14-15); thus, the proposed ecoroof design equally meets these goals. See also, Exhibit 36, Roof Floor Plan; and Exhibit 36, Planting Plan. The planters would utilize a geocell grid to prevent soil erosion, and that plantings would be denser than typical. Staff Report Exhibit A-12, at 16. The Applicant also previously submitted an operations and maintenance plan that would promote the long-term success of the planters (Staff Report Exhibit A-11). Again, without these green features, the lot would continue to be a vacant, un-vegetated combination of paving and gravel [Exhibit 45, at 1; Exhibit 48]. Thus, with these measures, the proposed adjustment will exceed the purpose of the eco-roof standards.

Furthermore, the roof will consist of Thermoplastic Polyolefin (TPO) roofing material for heat island reduction. See Exhibit 36, at 2. Specifically, un-planted roof areas would be white TPO roof material. As evident by Applicant's Exhibit 36, such roofing materials have highly reflective properties that effectively reflect solar radiation to reduce heat island impacts. *Id.* In effect, the proposed adjustment would meet the purpose of the eco-roof standards by reducing heat islands and air temperatures.

For all these reasons, the purposes of the ecoroof standards are better met by the proposed adjustment.

B. If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Response: Since the site is in an industrial (I) zone, the adjustments must be consistent with (1) the classifications of adjacent streets; and (2) the desired character of the area. The Applicant agrees with the findings of staff that the proposal complies with this criterion [Exhibit 5, at 13-16] and provides additional reasons explained below.

1) Street classifications:

The adjustment to the loading requirement would allow SE Main Street, which is classified as a Freight District Street, to be used for truck loading for this development. PBOT is supportive of this request. Staff Report Exhibit E-2; see also, Exhibit 16, at 5-6. PBOT noted that truck loading has been traditionally accommodated in the right-of-way in this area, and that with continuous compliance with a PBOT-approved loading permit, negative impacts on streets adjacent to the site are not expected. *Id.*



The adjustment to the ecoroof requirement affects only the interior of the site and would have no impact on travel demand or the function of adjacent streets. With the condition of approval recommended by PBOT for the Angle Loading Permit, the Hearings Officer should find the proposal is consistent with the adjacent street classifications.

2) Desired character of area:

"Desired character" is defined in PCC Chapter 33.910. Pursuant to this definition, the desired character for this site is determined by:

- the character statement for the IG1 zone
- the purpose statement for the Central City Plan District
- the Buckman Neighborhood Plan
- the Central City 2035 Plan

As identified in the statements and plans above, the desired character area for this site are addressed in detail below.

IG1 zone

The character statement for the IG1 zone is in Zoning Code Section 33.140.030.C:

The General Industrial zones are two of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial areas.

1. General Industrial 1. IG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. IG1 areas tend to be the City's older industrial areas.

2. General Industrial 2. IG2 areas generally have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street.

The new building would cover most of the lot and would be close to each of the abutting streets, and as discussed above in the Conditional Use Review findings under PCC 33.815.215.A, the quality building design would be compatible with nearby development and contribute to a more attractive industrial area more appealing to other uses including industrial. Thus, the Hearings Officer should find that the Application is consistent with the character intended for the IG1 zone, and that neither of the adjustment requests would detract from this character.

Central City Plan District

The purpose statement for the Central City Plan District is in Zoning Code Section 33.510.010:



The Central City plan district implements the Central City 2035 Plan. The regulations address the unique role the Central City plays as the region's premier center for jobs, health and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit-supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river.

A new concert venue for 3,500 spectators at this location would broaden the use mix in the Central Eastside and reinforce the Central City's role as the premiere location in the region for entertainment and tourism. The location is easily accessible by multiple transit lines, and pedestrians and cyclists can easily access the site from the nearby Eastside Esplanade as well as from the neighborhood street grid. Neither of the Adjustment requests would detract from the purpose of the Central City Plan District.

Furthermore, as reflected in the Economic Impact Analysis (Exhibit 36, at 4-37), the proposal positively impacts and contributes to the Central City. These positive impacts include new employment, payroll, spending with vendors on construction and operations, new tax revenue, and indirect and induced economic activity as desired by the Central City 2035 Plan. *Id.*

Thus, the Application is consistent with the purpose statement for the Central City Plan District.

Buckman Neighborhood Plan

As identified in the Staff Report, the following objectives from the Buckman Neighborhood Plan are relevant for purposes of this Application:

Objective 1.6. Support planning and design of new developments that enhance neighborhood livability.

Objective 1.7. Promote the development of a clear identity for commercial nodes on Burnside, Belmont/Morrison, Hawthorne and the Central Eastside.

Objective 5.1. Control neighborhood traffic and parking to ensure safety and livability for neighborhood residents.

Objective 5.2. Encourage alternatives to automobile use.

Objective 5.10. Discourage trucks from blocking the streets when loading and unloading, except in the designated truck zone.

Objective 6.16. Encourage visual, literary, and performing arts to thrive in Buckman.

Objective 7.2. Encourage pedestrian-oriented commercial development.

Here, the proposal would create a new destination and amenity in the Buckman Neighborhood, support the performing arts, and contribute to a higher profile for the Central Eastside. Since the concert venue would be several blocks from residential areas, impacts on neighborhood livability are minimal.



The development would have a pedestrian-oriented design with the building facades close to the street lot lines, improved public sidewalks, and no on-site motor vehicle parking. In fact, PBOT found that street parking in the vicinity would be adequate to support the development, and PBOT also recommended a condition of approval to require compliance with a transportation demand management (TDM) plan to limit single-occupancy vehicle trips associated with the proposed use. Staff Report Exhibit E-2; see also, Exhibit 16.

The adjustment to the loading requirement would allow trucks to partially, but not fully, block SE Main Street when loading or unloading, but only within a designated, PBOT-approved truck loading area. As recommended by PBOT, the Applicant will obtain an approval of and comply with an appropriate permit as determined by PBOT to prevent truck loading from significantly impacting the functions of the public right of way in SE Main Street. Staff Report Exhibit E-2; see also, Exhibit 16.

Project opponents argue that the Objective 5.10 cannot be met. However, the loading proposal is consistent with objective 5.10 because loading in the street is limited to the portion of SE Main Street within the proposed loading area. In short, the loading area is the designated truck zone.

Central City 2035 Plan

As identified in the Staff Report, the following statements from the Central City 2035 Plan are relevant for purposes of this Application:

Goal 1.A. Portland's Central City is the preeminent regional center for commerce and employment, arts and culture, entertainment, tourism, education and government.

Policy 1.1. Regional image. Strengthen the roles of the Central City and Willamette River in enhancing a positive image for the city, region and state.

Policy 1.4. Tourism, retail and entertainment. Expand upon activities in the Central City that support tourism and complement economic success, vibrancy, and livability, with a special focus on retail, cultural events and institutions, public spaces, arts and entertainment, urban design, and transportation.

Policy 1.CE-1.a. Industrial center. Protect the Central Eastside as a centralized hub of industrial businesses and services that support the regional economy by serving other industrial districts and businesses located throughout the Portland metropolitan area.

Policy 3.16. Loading. Support the delivery of goods in the Central City. Pursue strategies that bring new ways of delivering goods to the Central City in a way that optimizes loading and freight access and makes efficient use of limited urban space.

Policy 5.6. Distinct and vibrant districts. Enhance the existing character and diversity of the Central City and its districts, strengthening existing places and fostering the creation of new urban places and experiences.

Central Eastside 2035 Vision. The Central Eastside is a large, multimodal and vibrant employment district where existing industrial and distribution businesses



continue to thrive while the district's job base grows and diversifies to attract new and emerging industries.

The new investment on this site would broaden the use mix in the Central Eastside, reinforce the Central City's role as the region's premiere location for entertainment and tourism, and support a positive image of the city as a vibrant, healthy community. The venue will activate a site that has been vacant, and an area where restaurant and retail uses will benefit from the influx of venue patrons.

Since the site is at the edge of the industrial area, and since the concert venue would operate in the evenings, the proposal would not significantly impact neighboring industrial businesses, which operate primarily in the daytime.

The adjustment to allow truck loading from the SE Main Street right-of-way is supported by PBOT (Staff Report Exhibit E-2 and Exhibit 16) and would make efficient use of urban space by avoiding the need for a separate truck loading area on-site. For these reasons and as expressly found in the Staff Report, the Hearings Officer should find the proposal is consistent with the Central City 2035 Plan.

For the above reasons, this criterion is met.

C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Response: PCC 33.140.030.C describes the purpose of the IG1 zone:

"The General Industrial zones are two of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial areas..."

The new building would cover most of the lot and would be close to each of the abutting streets, and the quality building design would contribute to a more attractive industrial area. The proposal is therefore consistent with the purpose statement above. In particular, the adjustment for loading will allow the required number of loading spaces in a more urban setting, which is quite typical within the Central Eastside industrial area. See Staff Report Exhibit A-12, at 17; see also, Exhibit 16. Further, as in the present instance, being located in the Central Eastside Industrial Sanctuary, truck loading has historically been accommodated in the ROW with review from PBOT via a loading permit as determined by PBOT or equivalent. Exhibit 16, at 5-6.

The ecoroof adjustment will allow for less ecoroof coverage than required, but the proposal includes several unique and innovative green design features, including partial eco-roofing combined with stormwater facilities to meet the purpose of the standard as noted above. See Exhibit 36 – Email from Doug Sheets, at 2; Exhibit 36 – Planting Plan, at 38; Exhibit 36 – Eco-roof Area Plan, at 39. Thus, whether considered individually or cumulatively, the effects of the adjustments do not detract from the proposal's consistency with the purpose of the IG1 industrial zone.



Ultimately, the proposed venue will have trip peak hours that do not overlap with peak hours for industrial uses in the Central Eastside, presenting a low-conflict means to benefit the existing restaurant and retail operations in the neighborhood and surrounding areas.

For the above reasons, this criterion is met.

D. City-designated scenic resources and historic resources in Historic, Conservation and National Register Districts and within the boundaries of Historic, Conservation and National Register Landmarks are preserved; and

Response: City-designated scenic resources are identified on zoning maps with an "s," and historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. Because there are no scenic resources or historic resources mapped on the subject site [Staff Report Exhibit B], this criterion is not applicable.

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Response: The adjustment to the requirement for an on-site loading area is mitigated by the proposed loading area within the SE Main Street right-of-way [Exhibit 5, at 17; Staff Report Exhibit A-12, at 18; Exhibit 16, at 5-6]. Although off-site loading areas do not count toward the loading requirements, the proposed loading area would be adjacent to the building's loading and staging room [Staff Report Exhibit A-8, at 2] and would meet the dimensional requirements that would apply to an on-site loading area (33.266.310.C.2.c and 33.266.310.D.1). The proposed loading area effectively provides equivalent loading area and capacity to that required by the loading requirements of 33.266.310, and mitigating the impact of providing fewer on-site loading areas.

Another impact is that when trucks are loading, a portion of the SE Main Street right-of-way will be blocked. To mitigate this impact, the Applicant proposes various measures to ensure that SE Main Street will be safe and functional for all modes of transportation. The TIS includes a traffic control plan illustrating how vehicle, bike, and pedestrian travel will be maintained during the time that trucks are loading. The final plans and improvements are subject to the public works and angle loading permitting process, but SE Main Street will:

- Be accessible to two-way vehicular traffic. Even with the largest trucks loading, no less than 21.6 feet of the street will remain usable for vehicles. 20 feet is the standard minimum width to accommodate two-way traffic.
- Reduction to on-street parking on the southern side of SE Main.
- Full signage and certified flagger support for truck movements to approach the loading area.
- Swinging gate that closes the sidewalk and landscape area, directing pedestrians to use the sidewalk on the other side of SE Main Street when trucks are present in the loading area.

[Staff Report Exhibit A-10, at 35-36]. Impact of the loading adjustment is further mitigated by the dead end nature of vehicular traffic on the section of SE Main Street west of SE Water



Avenue and all adjacent lots being vacant. The vehicle trip counts are substantially lower than a comparable through street [Staff Report Exhibit A-10].

The adjustment to the ecoroof requirement reduces the square footage of ecoroof coverage. This adjustment is mitigated by Applicant's use of a cool white roof for heat island reduction. Exhibit 36, at 2. Further, the proposed plans satisfy the on-site stormwater management requirements with the proposed ecoroof area, thus mitigating any reduction in stormwater benefits associated with a larger ecoroof area.

Accordingly, the Hearings Officer should find that any potential impacts of both adjustments are mitigated to the extent practical and that this standard is therefore met.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable

Response: Environmental overlay zones are designated on zoning maps with either a "p" (Environmental Protection overlay zone) or a "c" (Environmental Conservation overlay zone). Because there are no environmental overlay zones mapped on the subject site (Staff Report Exhibit B), this criterion is not applicable to the Application.

IV. Response to Issues Unrelated to Approval Criteria

A. Venue Operator

The City is not tasked with approving the venue operator, only the venue. Project opponents make various arguments about the business practices of the proposed operator of the proposed venue [Exhibits 13, 18, 25, 26, 31, 32, 33, and 35]. Those arguments are inapposite to this land use review and thus are not worth repeating here. Ultimately, the Hearings Officer need not engage in this line of argument because it is unrelated to any applicable approval criteria.

The Hearings Officer can similarly discount arguments that the operator is inherently part of the use and therefore part of the review [Exhibit 35, at 11]. This argument is unmoored from the language of the code, which is clear that the use being proposed is Major Event Entertainment, which is agnostic of the operator (public, private, large, or small). PCC 33.920.230. Demonstrating the point is that the application is not dependent on the proposed venue operator being the operator and should the lease end or be terminated, the owner could contract with a new venue operator. Another variation on the theme is the argument that the physical venue is designed so that only the proposed venue operator could ever operate the venue [Exhibit Exhibit 35, at 11]. No specific design elements supporting this argument are identified. The Applicant has provided a comparison of the floor plan of the proposed venue with that of an existing and planned venue of comparable size, both with a different operator [Exhibit 46]. This comparison shows that the design elements and layout of the proposed venue is typical for similar sized venues and is not operator specific. *Id.*

B. No Public Subsidy

Project opponents assert that the proposed venue is reliant on receiving a public subsidy [Exhibits 35 and 43]. This is incorrect. The property will be sold to Applicant for fair market value and no public funding is being provided for construction or venue operations.



Accordingly, assertions that the conditional use standards be applied differently based on the existence of public subsidy need not be addressed by the Hearings Officer.

C. Untimely Submittals

Project opponents submitted new evidence during the second week of the post-hearing open record (7.17.24 to 7.24.24), after the deadline established for such evidence by the Hearing Officer for such evidence. Specifically, Exhibit 41 constitutes new evidence that is not responsive to evidence submitted during the first week of post-hearing open record (7.10.24 and 7.17.24). Exhibit 41 is an analysis of the TIS, which was an exhibit to the Staff Report and has been in the record since May. The Applicant submitted no transportation-related evidence during the first week of the post-hearing open record period. Accordingly, the Hearings Officer should reject Exhibit 41 as untimely filed and decline to include it in the record.

However, should Exhibit 41 be included in the record, please note that it contains no independent analysis or new data. Rather, it is comprised of a traffic engineer's generalized statements of agreement with argument presented by a non-expert in Exhibit 35.

D. Other ecoroofs. A project opponent contends that the proposed eco-roof design could do more because there are examples of larger eco-roofs on similar venues in other places [Exhibit 30]. First, this contention does not relate to any approval standard, and this review is based solely on the design of the proposed building—not other buildings. Second, the identified buildings in Exhibit 30 are not comparable to the proposed venue for various reasons. These buildings are significantly larger in size, budget, and scale, and have dramatically differing geotechnical considerations [Exhibit 37, at 10]. In sum, the passing references to other venues does not result in a meaningful comparison of site and design comparisons for the proposed venue.

V. Conclusion

For the above-stated reasons, the Application meets all applicable approval standards and criteria. The Applicant respectfully requests that the Hearings Officer approve the Application.

To whom it may concern:

I want to voice my concern about a Live Nation music affiliation as a concerned citizen and community organizer in Portland.

Portland is at a crossroads for our music scene. I love how independent and local our scene is here and support our local artists and venues as much as possible, and have since moving here in 2009. LiveNation/Ticketmaster is known across the country for price manipulation and for icing out smaller venues. I understand that the City has given a permit to use City owned land to build a venue. This is the last thing that a local music scene still recovering from the pandemic needs. MusicPortland.org has been a big piece of the backbone of the music community here, and they have a ton of good ideas on how we can improve and uplift local music and bring in touring acts without letting a monopolistic corporate giant such as Live Nation/Ticketmaster into our community. As a citizen who has enjoyed the beautifully local and organically grown music scene in this town for over a decade, I am hopeful that we can see this permit overturned.

Thank you,
Leah Maurer

Agenda Item	Name or Organization	Comments	Attachment	Created
88	812 Peter Walden, board member of Russell Neighborhood Association and member of Portland musicians union	There is no way that permitting Live Nation to barge into East Portland will benefit our city in the long term. Please know that we voters of Portland are deeply invested in a sustainable future for local our music industry that upholds local businesses and local developers. Farming our valuable resources but to a corrupt corporation like Live Nation is a selling out of Portland wealth, and your Portland constituents. Under no circumstances should you allow this development to move forward.	No	09/18/24 1:50 PM
89	812 Kate Sunderland	I support the appeal to prevent LiveNation from building a venue in Portland. Their plan for this venue endangers the local music scene and local music venues. LiveNation has a history of choking out smaller venues and damaging the local music scene. Austin, Chicago, Nashville, and many other cities have experienced this destruction. LiveNation has bought out competing venues and closed them, they have subdivided their venues to direct artists to perform there, rather than at a smaller local venue, has pressured local venues to use LiveNation/Ticketmaster software, and other intentionally harmful actions. LiveNation is infamous for monopolizing cities' music scenes and damaging local business owners and venues. The people of Portland do not want this to happen to our city. Portland has a proud independent music scene and LiveNation endangers this beloved aspect of portland culture and community. Do what is right for Portland, its artists, venues, and music community. Do not allow LiveNation to build in Central Eastside.	No	09/18/24 1:53 PM
90	812 Michael Taylor		Yes	09/18/24 1:58 PM
91	812 Kallista Mason	As a perpetual concert goer, I love how Portland offers such a variety of venues. The best part, most of the venues don't associate with big ticket conglomerates like Live Nation, making tickets more affordable. I wouldn't be able to enjoy as many shows as I do if prices start hiking from "fees". Help keep the money local and stay away from Live Nation!	No	09/18/24 2:14 PM
92	812 Bridgid Blackburn		Yes	09/18/24 2:59 PM

Wednesday, September 18, 2024

Dear council members,

My name is Mike Taylor, and I oppose this appeal. I have lived in and worked in the Portland music business for over 25 years. I would have loved to have been able to speak to you in person tonight, and physically show my support but I am currently working as the production manager at a major venue in the PNW for a show this evening.

I have worked at most venues in Portland including Roseland Theater, Crystal Ballroom, Wonder Ballroom, Aladdin Theater, Keller Auditorium, Arlene Schnitzer Concert Hall, Veterans Memorial Coliseum and Moda Center. I have also worked for every major promoter in Portland including Mike Thrasher Presents, Double Tee, Monqui Presents, True West, Portland 5, AEG and Live Nation over the span of the last 22 years. If anyone knows we need a larger, up to date and sustainable venue here, it's me.

My job as a Production Manager and Promoter Representative is to make sure the artists playing in Portland have all the things they need. Things in Portland I hear about our venues, "the load in is awful, the PA is ancient, the lighting rig is old, this is crazy expensive for the age and state of things in here". Bands are attracted to places where they can do their full shows, hang their shows, use all their lighting, along with places that have friendly and knowledgeable staff. We have the potential to have more bands come through our city, but we need a new room with all the amenities to begin the rebuilding process in our market.

We need a new venue that can accommodate current touring needs. This is an opportunity to have a new space that we as Portlanders can be proud of and it would supply a very attractive new space to popular bands and give us another chance to have bands play here again and grow back our market. As a lifelong music lover and listener AND an active working member of our music community I ask you to deny this appeal and leave in place this land use permit so that we will ALL have a beautiful new venue to share, in an often-overlooked part of our city that is bursting with potential and ripe for something new.

Thank you for your time and consideration.

Mike Taylor
Matoo5320@mac.com

My name is Bridgid Blackburn, I Co-Own Cargo, an independent retailer in Portland for over 28 years. Cargo relocated to the Central Eastside from the Pearl District 11 years ago, looking to connect with small businesses, we reached out to the Central Eastside Industrial Council (CEIC) to create representation for retail, restaurant, and maker communities. The CEIC encouraged us to form a committee, and the Merchant + Makers Committee was formed over 10 years ago, marking the first time this sector was recognized by the CEIC.

Cargo is located a few blocks from the three vacant lots along Water Avenue and we have a keen interest in the development of the blocks. As such we've been very involved in the planning meeting for the project; attending public meetings, joining the Prosper Portland led Venue Impact Study meetings, as well as the Central Eastside Industrial Council Land Use and Traffic Advisory Committee meetings. We've seen the lengthy process that the local development and construction team has gone through, and the collaborative approach they have taken. We are confident that this is the best plan to secure this much-needed venue for Portland.

The ODOT blocks have been a blight for decades, the location, adjacent to the Eastbank Esplanade and a short walk to OMSI should be the welcoming gateway to our vibrant district. Although we were encouraged when mountains of concrete and asphalt recycling were removed years ago; the lots have remained empty, unimproved, and underutilized for far too long.

During the pandemic, the blocks were used as a temporary transitional houseless space, and it became clear how inhospitable the site is. It's dirty, noisy, void of greenery, and extremely exposed. During the 90-day reset, working with the CEIC and the City to advocate for the houseless community, we helped create a humane barrier around the spaces, to help ensure privacy. This experience illustrated the delicacy of finding the right user for this site. A midsized concert venue manages the land use concerns perfectly, and will be an ideal use for this unique lot and location.

The Central Eastside small business community knows that this project will energize the district, especially our evening use, bringing foot traffic and visitors to the city's Central Core in this highly visible location.

We believe in this project, and we see a brighter future for Portland once the venue is completed and activated.

Agenda Item	Name or Organization	Comments	Attachment	Created
812	Dennis Osterlund CEO, Optimizing Systems	<p>Dear Mayor & Commissioners</p> <p>I am asking you to support Local businesses and reject Live Nation's attempt to dominate the local music scene. As you know, Monqui is planning a desperately needed improvement to the Lloyd Center. This location has parking, public transportation and will boost a center that desperately needs one. Allowing Live Nation's plan to move forward will likely kill the Lloyd Center proposal and significantly impact local businesses like Monqui.</p> <p>As you consider the impacts to infrastructure, it's important to highlight the broader concerns that we have as Portlanders. The community has zero confidence this venue will serve the public good without imposing significant risks. Significantly increasing traffic on already congested roads along a busy train route and overwhelming an area with very little capacity for parking cannot be ignored or half-heartedly addressed with conditional approval. No one looking at these issues objectively can possibly vote to approve this project.</p> <p>According to the Department of Justice, Live Nation has harmed local music industries nationwide. The recent Department of Justice lawsuit, supported by 30 state attorneys general, exposes how Live Nation's monopolistic practices prioritize corporate interests over community values. Live Nation inflates ticket prices and stifles opportunities for local artists and venues through exclusive contracts and retaliatory tactics. Based on this, we believe that allowing Live Nation to establish a venue in our city would be a disaster, undermining the independent music scene we cherish while also creating public safety and logistical nightmares.</p> <p>This move is a blatant betrayal of Portland residents' best interests. Why is the City of Portland proposing to subsidize what the US Dept. of Justice has accused of being one of the most profitable, predatory corporations in the music industry to destroy our local, independent music scene?</p> <p>I urge you to oppose this deal - both the land use, and all City of Portland support for the deal!</p> <p>Sincerely,</p> <p>Cheers,</p> <p>Dennis Osterlund CEO & Chief Consultant 503.771.8597 (P) 503.957.8864 (M) Osterlund@OptimizingSystems.com</p>	No	09/18/24 3:22 PM
812	Esa Hall	<p>Recently I had the opportunity to go to The Gorge, a venue owned by Live Nation. It sucked! The price of parking (\$120) and food (\$20 for a corn dog) were extortionate.</p> <p>The attitude and business practices of Live Nation affects the culture and interactions of the people participating in events at their venue. Hierarchies are evident in those that can afford a more expensive ticket vs those that can not, or those that can afford a fast pass vs those that can't. It makes things less fun, it makes socializing less cohesive, which is exceptionally important post-covid.</p> <p>Currently, Portland has a beautiful music scene. Please don't let Live Nation, a company that clearly takes advantage of people and favors profit over all, fuck up what makes Portland beautiful.</p>	No	09/18/24 4:11 PM
812	The Domestics	Portland is one of the last vestiges of truly local music venues and bringing Live Nation into the mix would be detrimental to local businesses and musicians.	No	09/18/24 4:41 PM

Agenda Item	Name or Organization	Comments	Attachment	Created
96	812 Sesame Collective DBA Shalom Y'all	<p>Hello there!</p> <p>At Shalom Y'all, we're thrilled about the opportunity to bring a dynamic music venue to our neighborhood—and we know it's a game changer for Portland! As operators of multiple spaces across the city, we've witnessed firsthand how events like Blazer and Timber games can significantly boost local businesses.</p> <p>Investing in arts and entertainment is crucial for revitalizing Portland, and this venue would be a powerful catalyst for that change. Imagine the vibrant atmosphere it would create, driving traffic to surrounding businesses and solidifying Portland's reputation as a music hub. We've seen too many incredible artists head to Seattle and Bend, and this venue could be the key to keeping them right here in our city!</p> <p>Let's work together to stimulate the Downtown and Eastside Portland economy and create a thriving arts scene that benefits us all. Thank you for considering this exciting opportunity!</p> <p>Best, Kasey Mills Shalom Y'all</p>	No	09/18/24 5:19 PM
97	812 Alex Little		No	09/18/24 5:39 PM
98	812 Sarah Newlands	I support the appeal, which means I disagree with the decision to approve a new concert venue in the Central Eastside.	No	09/18/24 6:45 PM
99	812 Oved Valadez	<p>To the city of Portland,</p> <p>In short , I OPPOSE the appeal, and agree with the decision to approve a new concert venue in the Central Eastside.</p> <p>My name is Oved Valadez.</p> <p>I am the founder of Industry Creative, and industry one foundation . Over the past 4 years we have been working tirelessly to revitalize and reposition Portland as a creative capital in America . Our goal is to foster positive awareness, jobs , and tourism using the power of creativity to inspire the world .</p> <p>Most recently we have been working with Travel Portland , Port of Portland , and editorial companies world wide to make sure Portland is perceived and experience as the amazing city it is.</p> <p>We as INDUSTRY and me as an individual support and are extremely excited about a venue for the Central Eastside for the following reasons .</p> <ul style="list-style-type: none"> - we believe it will bring awareness and tourism the city desperately needs . this venue will help attract larger national tours that the Portland region is missing out on and will create more opportunities for local artists and promoters. - the Venue will stimulate Central Eastside, this current area has needed an attraction for years. We believe this will revitalize local business, and future businesses in the area. More so stimulate job growth and spend . -There are no public funds being used to develop this project. Very important . - the two companies involved are fully invested in the well being of the city . Portland-based Beam Development and Colas Development Group, two second-generation, family-owned companies, are leading the project. - Bean and Colas have been very collaborative in involving the diverse community and leaders to make the right decisions . - In our experience with independent and at scale entertainers , we strongly believe both acts and venues will stimulate each-other. Co-exist in making Portland the legendary creative music city it is. This time with some scale . <p>Ultimately , we are very excited about the venue . And will be involved in creating the excitement it deserves .</p> <p>Sincerely Oved Valadez</p>	No	09/18/24 7:55 PM
100	812 Matthew Curran	I support the appeal. I am an avid concert goer and this will only make things more financially predatory. Please do not let live nation ruin our music scene.	No	09/18/24 8:07 PM

	Agenda Item	Name or Organization	Comments	Attachment	Created
101	812	James Dalton	Portland would be gutting it's own culture and heritage by bringing Live Nation in to pollute the city.	No	09/18/24 9:24 PM
102	812	Zane	Please don't allow the Live Nation monopoly ruin the flourishing music scene/economy in this city. Financially accessible music makes Portland, Portland.	No	09/18/24 9:47 PM
103	812	Vinyl on Demand	No to Live Nation Venue	No	09/18/24 10:02 PM
104	812	Carol A. Herzog	To the Honorable City Council members: I am writing to urge you to halt the progress on the Live Nation proposal. It would be detrimental to small live music venues in Portland if this proceeds. As an avid concert-goer, I do not believe the Ticketmaster/LiveNation monopoly is beneficial to either musicians or their fans. Thank you for your consideration.	No	09/18/24 10:03 PM
105	812	Paul Troiano	I oppose the appeal to this land-use application, and so should any advocate for musicians, tourism, hospitality and economic development in Portland. Our local music ecosystem can take advantage of this growth opportunity and evolve from a solid local & regional scene to powerful national music destination city. Both Austin & Nashville are examples of this type of evolution. In both cases, among others, large multi-national music corporations invested locally, and the net results are growing, vibrant music scenes that significantly increase the number of opportunities for local artists and businesses across multiple sectors. The data supports a "rising tide raises all ships" scenario both in other cities and in the economic impact analysis prepared for Prosper Portland regarding this new venue. I understand the fight to protect what we have and to look out for our Portland artists, venues and local music scene. It's an important and necessary fight. Keeping Portland weird means keeping Portland viable & vibrant for artists and cultural arbiters who need to make a living in our city and have access to a growing set of creative and economic opportunities. I have dedicated my career to pursuing the best interests of independent musicians, artists and music entrepreneurs, establishing several music-focused, artist-centric companies in Portland spanning across recording, equipment manufacturing, event listings, live event production, music rehearsal facilities and music licensing. My Portland-based music-licensing company Rumblefish, with the support of Beam and the Malsin family, established its headquarters in the Central Eastside. We created millions of dollars of income for Portland artists and musicians, as well as hundreds of local, music-industry jobs. We did this in large part by tapping into the greater music industry globally to grow our music ecosystem locally. The way for our local music ecosystem to thrive is to embrace the momentum of the greater entertainment industry by opening our doors, being collaborative and becoming the music destination and creative hub that we deserve to be. Look around. Live Nation is already a key member of the local music ecosystem in Portland. They book countless shows at local and regional venues, funnel significant revenue to local service providers who provide support for these shows and now are committing to make a significant investment in a state-of-the-art venue, with a local trusted developer, in a great part of town that will grow our local economy across multiple sectors. Portland shouldn't pass this up. Live Nation has proactively & regularly reached out to myself and other local music industry executives seeking specific details on how to best support the local music community and economy with this new venture. Let's leverage this moment to protect, grow and promote the community that we're all so proud of and passionate about. Let's get this venue built. Let's collaborate with Beam Development and Live Nation and fuel a much-needed economic tailwind for our city, the next great music destination city in America.	No	09/18/24 10:03 PM
106	812	Isa Guragain	My wife and I grew up in the Bay Area and separately grew an appreciation for live music and local venues. The monopoly Ticketmaster and LiveNation have created across this country and world with multi-million dollar venues is disgraceful. Local venues like Aladdin Theater, Crystal Ballroom, and Hawthorne are where artists big and small can thrive economically and creatively. (Ticketmaster/LiveNation) TM/LN financially hemorrhage the artist, the fans, and the city their venues operate in. Multiple consulting firms have conducted geo-economic studies that show the rise in tourism from concerts do not benefit the locality or its citizens. It's great to see places like MODA Center helping fans connect, but TM/LN doesn't repay the cities it operates in. This monopoly is a disaster for everyone involved, and they already own most large venues in the PNW. Don't let them continue to run rampant on the local music scene	No	09/18/24 10:25 PM
107	812	1000 Friends of Oregon		Yes	09/18/24 11:20 PM



September 18, 2024

Portland City Council
1900 SW Fourth Avenue Room 2500
Portland, OR 97201

Dear Portland City Council Members:

1000 Friends of Oregon works with Oregonians to advocate for safe, complete, connected communities that enhance the quality of life through land conservation and development. Notably, 1000 Friends of Oregon also enjoys having its headquarters located in the Central Eastside Industrial area. 1000 Friends of Oregon has identified numerous concerns with Live Nation's proposed music venue on SE Water Avenue. **We request that the City of Portland withdraw its support for the project as planned.**

We have repeatedly heard state and local lawmakers call for the need to expand urban growth boundaries across rural working lands for industrial development, despite the availability of underutilized industrial lands within urban growth boundaries across the state. Every non-industrial use of land zoned for industrial development puts farmland and green space at risk of being sacrificed for development that can only occur on these designated lands. Allowing a music venue on industrial land, in an area with infrastructure designed primarily for industrial purposes, is an irresponsible land use decision.

The infrastructure around the proposed site is not designed to accommodate the thousands of people who would be traveling to the venue. Streets designed for freight and industrial business are not suitable for concert attendees. Our transportation infrastructure concerns include the following:

Connectivity to the Eastbank Esplanade. The Central Eastside already suffers from a lack of East-West connectivity to the Eastbank Esplanade, and the proposed use and blocking of the Main Street connection would only further limit these connections. The only people benefitting from this would be a wealthy music industry monopoly at the detriment of people living in and traveling through the area.

Conflicts between visitors, freight, and rail. With the area primarily being designed for industrial uses, the conflicts between people walking, rolling, and driving to the venue, and freight traffic and trains would increase significantly. With a majority of available parking being on the east side of the train tracks, people will regularly be having to cross and therefore interact with freight trains. The crossings have poor pedestrian infrastructure and accessibility, and the whole area lacks adequate lighting. How long will it take before we see fatalities as a result of

these interactions? How often will visitors or emergency responders be blocked by trucks or trains preventing them from getting to and from the venue?

Climate, options, and accessibility. Transportation accounts for 44% of Multnomah County’s greenhouse gas emissions. A music venue in the central city should be easy to access via transit, walking, or rolling – our city’s climate goals and reality demand it. Instead, the proposed location of this venue would encourage people to drive to access it due to a lack of human-scale transportation infrastructure, no required bicycle parking, and distance and poor connectivity to transit stops. Approximately 30 percent of Oregonians can’t or don’t drive. Getting to this venue would be incredibly difficult for this part of the population. A lack of transportation options will also be bad for drivers. The freeway off-ramps from I-5, particularly the one that deposits directly onto SE Water Avenue, will be even more congested and unsafe than they already are. The only way to address parking and traffic congestion is to get people out of cars in the first place.

Lastly, the public benefits of the proposed use of this site will not outweigh the negative impacts that cannot be mitigated. Portland is known for its well-loved, independent music scene and venues. Live Nation is known for being an industry monopoly that has harmed local music industries across the country. Allowing that to happen here would cause irreparable damage to Portland’s independent music scene.

We request that you address these land use, climate, and safety concerns by withdrawing your support and approval for this proposal.

Sincerely,

A handwritten signature in black ink that reads "Cassie Wilson". The signature is written in a cursive, flowing style.

Cassie Wilson
Transportation Policy Manager
1000 Friends of Oregon

Agenda Item	Name or Organization	Comments	Attachment	Created
108	812 John Hatfield	Portland is a creative city comprised of many independent businesses and specifically independent music venues. This culture is our differentiator. This is why people enjoy visiting and living in Portland. It is totally unique within American society. Livenation is not needed in this city. There are other solutions to get a venue this size while keeping out a monopoly. Portland can find a better solution for a venue this size that fits our city's culture.	No	09/19/24 8:03 AM
109	812 Katherine Zipman	I am originally from NY and whenever anyone asks me what I adore about Portland, top of my list is our music scene. I truly believe the independent venues of all sizes allow us to cultivate an exciting scene. Inviting LiveNation in also invites their extensive control to choke Portland businesses, creatives, and musical artists. Yes we do need a large venue as our city continues to grow. Lets work together to find an equitable solution, learning from what LiveNation has done to other cities, to create an equitable solution and exciting way foward.	No	09/19/24 8:09 AM
110	812 CJ Alicandro	Hello Council Members, I am a music consumer living in the Mt Tabor neighborhood and I stand against the Live Nation/Ticketmaster monopoly ruining our world's relationship to live music. Ticketmaster and Live Nation have put so many small and medium-sized venues out of business and made it significantly more difficult for musicians to make enough money to survive. Portland is supposed to be a place where independent artists and musicians can experiment and grow. It's supposed to be a place with interesting and beloved local venues, not soulless corporate buildings. Regardless of whatever financial positives Live Nation has promised, Portland does not benefit from them being here. Thank you for your consideration and, of course, keep Portland weird.	No	09/19/24 8:12 AM
111	812 Seth Kaufman	I support the appeal, which means I disagree with the decision to approve a new concert venue in the Central Eastside. I have been involved in Portland's music scene since I moved to town in 2006. This has included three years on the board of the non-profit PDX Pop Now! This people and vibrancy of Portland's local music scene are legendary. Folks move to Portland because of its music scene. Allowing Live Nation here would kill much of what makes not just the music industry, but Portland itself, so special. As proof that Live Nation are bad actors, the United States Department of Justice, the State of Oregon, and 39 other states and D.C. are suing the company for monopolistic practices. They are demonstrated bad actors, and have been for decades. They break promises, pay the fines, then crush the competition. Letting them into Portland is bad for other businesses, bad for the people who go see shows, and bad for the city.	No	09/19/24 8:59 AM
112	812 Robin Levy	Hi, my name is Robin and I am a professional musician, as well as live events production staff. I moved here 8 years ago from Los Angeles, in hopes of a bright musical future, and in response to the tragedy that has fallen on the Los Angeles music scene at the hands of LiveNation and AEG. These 2 companies singlehandedly have monopolized the live events sector, and allowing them to move into our city and buy city property at under market value, with exemptions to building clauses, is an atrocious use of policy. I love Portland because of it's music scene, and it's general reaction to corporate powers trying to take over what we have built. If you allow this venue to be built, it will be out of blatant disregard for the music community in town, and we as a voting body will hold you accountable in November. Do the right thing.	No	09/19/24 8:59 AM
113	812 Jane Ellen Unger	I support the appeal. A Live Nation venue in Portland creates a dead music scene.	No	09/19/24 8:59 AM
114	812 Jane Ellen Unger	I support the appeal. A Live Nation venue in Portland creates a dead music scene.	No	09/19/24 8:59 AM

Agenda Item	Name or Organization	Comments	Attachment	Created
812	National Independent Venue Association	<p>September 19, 2024</p> <p>Portland City Council 1221 SW 4th Ave, Suite 240 Portland, OR 97204</p> <p>Re: Docket LU 23-111784 CU AD (Central Eastside Concert Venue) – September 19, 2024</p> <p>Dear Members of the Portland City Council:</p> <p>I write on behalf of the National Independent Venue Association (NIVA), the national trade association for independent venues, promoters, festivals, and performing arts centers with more than 1400 independent stages as members. Our stages are the center of live performance in every community, including music, comedy, theater, spoken word, and dance.</p> <p>We urge you to require that the new concert venue planned for the Central Eastside be operated and booked by a local independent promoter or venue operator. Thanks to the tireless efforts of Portland's homegrown independent promoters and venues, national acts and local up-and-coming artists have a place to connect with their fans—and the community has gained an economic and cultural engine.</p> <p>We are disappointed that the City has not been heeding the legitimate concerns of these promoters and venues. Their ability to continue operating in an already challenging industry will be further hindered by the City's eagerness to partner with Live Nation—a publicly-traded, multinational conglomerate being sued by the U.S. Department of Justice and 39 state attorneys general for anti-competitive practices.</p> <p>The City is offering Live Nation significant favorable terms for a Central Eastside concert venue with land the Prosper Portland board has voted to sell them at a fraction of the price it would sell for on the open market—terms rarely extended to independent promoters and venues. The City is giving preferential treatment that poses significant issues for Portland's independent music scene, local businesses, and investment.</p> <p>Local Small Businesses Must Survive: In cities like Austin, Boston, Des Moines, Philadelphia, and more, local governments' embrace of Live Nation has led to challenges for independent venues and artists that have invested in their communities for years.</p> <p>Independent Stages Boost Local Artists: Independent promoters and venues provide essential opportunities for emerging local artists to perform and grow their fan base.</p> <p>Portland's Live Economic Impact Fueled By Homegrown Venues: Local independent operators reinvest in the community by creating jobs, supporting local vendors, and stimulating nearby businesses such as restaurants and retail shops. Keeping the venue under local management ensures that economic spending by local and visiting fans stays within Portland, fostering sustainable growth rather than flowing to investors all over the world.</p> <p>Viable Local Promoter Alternatives to Manage Central Eastside Venue: With a decades-long track record, local promoters have demonstrated they are ready and capable of operating a venue in Central Eastside without compromising Portland's independent spirit.</p> <p>In light of these concerns, we call on the City of Portland to: Require that the new venue be operated by a local independent promoter or venue operator. Protect and nurture Portland's local music ecosystem. Maintain Portland's unique cultural identity and community engagement. Ensure that economic benefits remain within the local community.</p> <p>If the City Council moves forward with this deal in its current form, they are risking the future of independent promoters and venues who have poured their passion, sacrifice, and hard work into building a music scene that is a point of cultural pride and economic development for Portland.</p> <p>We implore you to take immediate action to safeguard Portland's independent music scene and choose to listen to the local small businesses and nonprofits that have served your community for decades.</p> <p>We stand ready to assist in any way. Thank you for your attention to this critical matter.</p>	Yes	09/19/24 9:11 AM

115



September 19, 2024

Portland City Council

1221 SW 4th Ave, Room 340
Portland, OR 97204

Re: Docket LU 23-111784 CU AD (Central Eastside Concert Venue) – September 19, 2024

Dear Members of the Portland City Council:

I write on behalf of the National Independent Venue Association (NIVA), the national trade association for independent venues, promoters, festivals, and performing arts centers with more than 1400 independent stages as members. Our stages are the center of live performance in every community, including music, comedy, theater, spoken word, and dance.

We urge you to require that the new concert venue planned for the Central Eastside be operated and booked by a local independent promoter or venue operator. Thanks to the tireless efforts of Portland's homegrown independent promoters and venues, national acts and local up-and-coming artists have a place to connect with their fans—and the community has gained an economic and cultural engine.

We are disappointed that the City has not been heeding the legitimate concerns of these promoters and venues. Their ability to continue operating in an already challenging industry will be further hindered by the City's eagerness to partner with Live Nation—a publicly-traded, multinational conglomerate being sued by the U.S. Department of Justice and 39 state attorneys general for anti-competitive practices.

The City is offering Live Nation significant favorable terms for a Central Eastside concert venue with land the Prosper Portland board has voted to sell them at a fraction of the price it would sell for on the open market—terms rarely extended to independent promoters and venues. The City is giving preferential treatment that poses significant issues for Portland's independent music scene, local businesses, and investment.

- **Local Small Businesses Must Survive:** In cities like Austin, Boston, Des Moines, Philadelphia, and more, local governments' embrace of Live Nation has led to challenges for independent venues and artists that have invested in their communities for years.
- **Independent Stages Boost Local Artists:** Independent promoters and venues provide essential opportunities for emerging local artists to perform and grow their fan base.
- **Portland's Live Economic Impact Fueled By Homegrown Venues:** Local independent operators reinvest in the community by creating jobs, supporting local vendors, and stimulating nearby businesses such as restaurants and retail shops. Keeping the venue under local management ensures that economic spending by local and visiting fans stays within Portland, fostering sustainable growth rather than flowing to investors all over the world.

- **Viable Local Promoter Alternatives to Manage Central Eastside Venue:** With a decades-long track record, local promoters have demonstrated they are ready and capable of operating a venue in Central Eastside without compromising Portland's independent spirit.

In light of these concerns, we call on the City of Portland to:

- Require that the new venue be operated by a local independent promoter or venue operator.
- Protect and nurture Portland's local music ecosystem.
- Maintain Portland's unique cultural identity and community engagement.
- Ensure that economic benefits remain within the local community.

If the City Council moves forward with this deal in its current form, they are risking the future of independent promoters and venues who have poured their passion, sacrifice, and hard work into building a music scene that is a point of cultural pride and economic development for Portland.

We implore you to take immediate action to safeguard Portland's independent music scene and choose to listen to the local small businesses and nonprofits that have served your community for decades.

We stand ready to assist in any way. Thank you for your attention to this critical matter.

Sincerely,

A handwritten signature in black ink that reads "Stephen Parker". The signature is fluid and cursive, with the first name "Stephen" being larger and more prominent than the last name "Parker".

Stephen E. Parker
Executive Director
National Independent Venue Association

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Agenda Item	Name or Organization	Comments	Attachment	Created
812	Steve Novick	<p>Dear members of the Council,</p> <p>I hope you can find a way to keep Live Nation out of Portland.</p> <p>I confess, as a lawyer, that I have not done the research on the extent to which you can legally rely on Live Nation's record of predatory and lawless business practices as you make this decision - and of course I would not want you to do anything illegal. But to the extent you can rely on their record, it is clear: they are a monopolistic company, bent on destroying competition. And they area threat to Portland's vibrant music scene.</p> <p>I live every day with regret for not keeping another lawless company - Uber - out of Portland, with the corresponding impact on our local taxi companies and drivers. I fear that you will live with regret if you have a way to keep Live Nation out, but let them in.</p> <p>I realize that Portland should have a mid-sized music venue, but as you know, Monqui Presents is planning such a venue in Lloyd Center. Importantly, when Mike Quinn was asked, "Do you have any dream acts that you would love to see play there?" his response was: "Not right now. Maybe a couple Jack White shows." It was a perfect answer. At one point Jack White was the gold standard for music hipness, so naturally Quinn thought of him first. And White may still be so; who else would call his tour the "Supply Chain Issues Tour"? But at this point, White might be a bit dated, so Quinn's caution in not just saying "Jack White," period, makes sense, too. The answer makes me feel that Portland's mid-sized music venue future is safe in Monqui's hands .</p> <p>Best regards,</p> <p>Steve Novick</p>	No	09/19/24 9:24 AM
812	Todd Mylet, Owner of Portland Fret Works (Instrument repair shop)	<p>I am opposed to the development/land use deal to allow LiveNation to build a venue in inner SE Portland. This development would be contrary to the public good. I oppose it for two reasons:</p> <ol style="list-style-type: none"> 1. The siting is poor. 2. More importantly, LiveNation is a national corporation that acts to stifle competition and would increase the cost of attending concerts for fans and drive out smaller local promoters and venues by using it's considerable financial resources to control and corner the live music market in Portland. I highly prefer and diverse, local, and grassroots music scene. We should promote local. The public is better served when we promote local. 	No	09/19/24 9:34 AM
812	Ellen	<p>Independent music venues are a huge part of what makes Portland so wonderful. Please don't let a mega corporation crowd out existing venues.</p>	No	09/19/24 9:40 AM

Agenda Item	Name or Organization	Comments	Attachment	Created
119	812 MusicPortland	<p>Dear Council Members,</p> <p>I am an active musician in Portland and as the Director of Operations for MusicPortland. There's nothing I care more about than making life better for folks in the music industry. MusicPortland's mission is to provide economic opportunity for the music sector. This venue may seem like it creates jobs for us, but the cost of Live Nation's business practices is more than enough for us to say, NO, we can't allow them to operate a venue in this Portland.</p> <p>Oregon is one of 40 states joining the DOJ in a lawsuit against Live Nation for anti-competitive monopolistic practices. When the DOJ approved the Ticketmaster merger in 2010, the terms were that they had to play fair in the market, and they proceeded to dominate local music scenes all over the country. If the DOJ can't make Live Nation play fair, then why should we expect that the City of Portland can?</p> <p>I ask you to Google these 3 articles and consider these red flags: - Live Nation Accused of Cheating MET Owner out of Concert Proceeds - City of Atlanta Performance Audit - Management of Live Nation Lease Agreements - Live Nation facing \$47M lawsuit over Times Square McDonalds Cleanup</p> <p>If we invite Live Nation in, we WILL be one of these headlines. They already violated noise code for unapproved fireworks at Providence Park in the last few weeks when Foo Fighters played and refused to talk to the city when they asked to meet about it.</p> <p>I am concerned that they will breach their contract with Beam and Colas, revered local businesses here, and that they will follow the example they've set in most major cities in the U.S. as bullies out for themselves. We can't let them do this to our music industry and our city.</p> <p>Thank you for your time.</p> <p>Renée Muzquiz</p>	No	09/19/24 9:43 AM
120	812 Kristy Overton	Keep Live Nation out of Portland! They do not care about the prosperity of our city or the musicians who play here. A larger music venue is a great idea, but PLEASE, give it to a local developer!	No	09/19/24 9:48 AM
121	812 Kaitlyn Morgan	I do not support a live nation venue being established in Portland, OR. Livenation and Ticketmaster already have a monopoly on ticket sales and music venues across the US and Portland must resist these companies tactics of buying venues and pushing out local owners. I encourage city council to reject Livenation and Ticketmaster venues in Portland to encourage our local economy and music.	No	09/19/24 9:53 AM
122	812 Missi Hasting	I support the appeal and hope that the Council will reject Live Nation's proposal. It is damaging to our local music scene and there are better options for our city.	No	09/19/24 9:57 AM
123	812 Jessica Dalton	<p>I support the appeal by Portland Music against the Hearing Officer's decision to approve with conditions a Conditional use and Adjustment Review for a new concert venue in the Central Eastside.</p> <p>As a Portland and Eastside resident and supporter of our local music and art community, allowing Live Nation access to the Portland market will be detrimental to the vibrant and diverse music and art scene that is a major part of making Portland the city that we love. Live Nation works in direct opposition to the growth and sustainability of our small venues that support local and touring musician.</p> <p>I oppose any actions by Portland's government that would facilitate Live Nation entering the Portland market.</p>	No	09/19/24 10:07 AM

124

125

126

Agenda Item	Name or Organization	Comments	Attachment	Created
812	Jeremy Wilson - Musician	My name is Jeremy Wilson. I am a member of the Dharma Bums (formed 1986) and founder of The Jeremy Wilson Foundation 501(c)3 Musician Health & Services Program assisting musicians in Oregon and Clark County WA since 2010. I have been a life long musician and it has been said that my band Dharma Bums has had a cultural impact on Portland and Oregon identity. Portland has a well deserved reputation as a worldwide influencer on progressive ideas and culture at large: food; art; design; environmental awareness; to name a few, and most specially from the strong pioneering spirit and influence that our hardworking musicians have been able to have. Musicians have made our town vibrant and have shined a remarkably positive light on our city worldwide. This has been in large part because Portland has been an artist friendly place where artists are actually able to scrape out a living because of their direct connections to venues large and small that help support them and spread the word about their fabulous talents. It makes NO SENSE to me whatsoever that the City of Portland would invite such a disruptive force as Live Nation/Ticket Masters into our town to change the dynamic of everything that makes Portland one of the greatest cities on earth. Especially when we have so many home grown solutions to keep our economy strong and our city vibrant and unique such as local promoters and music focused companies like MonQui Presents and McMenamin's and others with a strong interest in not only promoting local identity and artists but to drive our economy and keep dollars circulating in our community. Please do not sell out this power to Live Nation and the multinational company that owns them. It's been proven over again that Live Nation consolidates local power, influence and money and has devastating impacts on the local identity and independents of the regions they occupy. Please just say No!	No	09/19/24 10:32 AM
812	Melissa Hood	I believe building a new Live nation venue in Portland will not be beneficial to the city or surrounding cities. LiveNation is operating as a monopoly that will harm our local music scene by starving and restricting locally owned venues and bands. Instead of the profits from this new venue going back into the community, they will only fill the pockets of a multinational corporation that is currently being sued for violations of antitrust laws. There is evidence of this happening in other cities across the US. Please consider the opinions and wellbeing of the community in your decision.	No	09/19/24 10:39 AM
812	Stacey Philipps	I support the appeal of the Conditional Use Permits for Live Nation and DISAGREE with the decision to approve a new concert venue owned and run by this company, which has a long, unethical track record of violating antitrust laws and monopolizing music venues at the expense of locally owned, independently operated musicians and businesses. Come on, Ticketmaster--are you kidding?! Let's keep the Portland music culture independent and weird, like it should be, and find another locally funded and owned way to get this kind of venue in town, so it's actually a real public benefit, not a corporate one.	No	09/19/24 10:43 AM

Agenda Item	Name or Organization	Comments	Attachment	Created
127 812	Mía Keeler, CEO of Local Fest Connects LLC	<p>Dear Portland City Council Members,</p> <p>As an active and dedicated member of Portland's Music Community, I am writing to express my concerns with Live Nation's proposal to open a music venue on Water Avenue near the Hawthorne Bridge. Our local, independent music scene is a vital part of Portland's unique cultural fabric, and this proposal potentially threatens its very existence.</p> <p>I have seen the beauty in our local music community. I have seen the opportunities afforded by Portland's locally-owned and operated music venues, organizations, LLCs and nonprofits. These coalitions work diligently to uplift our marginalized communities and provide opportunities to our youth musicians and players. Music Portland has advocated for Portland musicians for years, lobbying for adequate pay to artists as we face inflation, and providing resources to collect compensation for performing original music using ASCAP and BMI. Meara McLaughlin is a champion of Portland's Music Community. Andre Middleton with Friends of Noise continues to bring opportunity to youth musicians. Friends of Noise provides classes to youth on music and business, providing performance workshops and regularly hosting showcases where these teen and youth performers are being paid their worth! At a local watering hole for singer-songwriters, The Atlantis Lounge on Mississippi Street, players come together to share their newest works. This is where the band Glitterfox got their start, now signed by the label Kill Rock Stars, and committing to nationwide tours. Down the street at The 1905, Portlanders can sit down next to Mel Brown (a prolific jazz drummer, born and raised in Portland, OR) and witness up and coming jazz musicians come together for nights of improv on jazz standards. This is where Charlie Brown, a jazz pianist, got his start. Charlie Brown now travels worldwide with MonoNeon, a Grammy-winning, international act. Brown represents Portland's Music Community every time he tickles the ivories.</p> <p>Speaking personally, my small business, Local Fest Connects LLC, has had the pleasure of uplifting over 130 local musicians and performance acts. We are indiscriminate on age, music genre and performance style. Comedians, drag shows, kiki ballroom dance performances, improv puppeteers, genres from pop to punk and everything in between have all had their place on our stages. We have highlighted performers as young as 10, and as old as 87. Local Fest Connects has also been able to uplift and provide vending space to over 85 local businesses and visual artists/creators. As a small business owner with a vested interest in being able to continue to provide spaces of community and connection, across genre, age, identity and community affiliation, I know Live Nation's presence poses a threat to this invaluable work.</p> <p>According to the Department of Justice, Live Nation has harmed local music industries nationwide. The recent Department of Justice lawsuit, supported by 30 state attorney generals, exposes how Live Nation's monopolistic practices prioritize corporate interests over community values. Live Nation inflates ticket prices and stifles opportunities for local artists and venues through exclusive contracts and retaliatory tactics. Based on this, we believe that allowing Live Nation to establish a venue in our city would be a disaster, undermining the independent music scene we cherish while also creating public safety and logistical nightmares.</p> <p>This move is a blatant betrayal of Portland residents' best interests. Why is the City of Portland proposing to subsidize what the US Dept. of Justice has accused of being one of the most profitable, predatory corporations in the music industry to destroy our local, independent music scene?</p> <p>I deeply urge you to oppose this deal - both the land use, and all City of Portland support for the deal!</p> <p>Sincerely, Mía Victoria Keeler CEO of Local Fest Connects LLC</p>	No	09/19/24 10:54 AM
128 812	Max Lamb	I understand that there is valid and good intent in wanting to build a venue under black ownership but doing so through a criminal organization seems counter productive and hypocritical. There are other avenues and ways that this city can support black owned businesses and I think that turning live nation down and asking for support from the city to still build an independent venue that is owned by the black community would have overwhelming support from the city. There are better ways to elevate communities than using predatory criminals to do so.	No	09/19/24 11:15 AM
129 812	Portland State University	My name is Henry O'Brien and I am a Musician and Music student at PSU. I support the appeal and believe LiveNation should not be aloud to have a venue here. It puts our music community in danger and Portland needs a thriving music community like the one is has now.	No	09/19/24 11:24 AM
130 812	Jeff Miller, Travel Portland	Testimony in support of the proposed venue	Yes	09/19/24 11:28 AM

TRAVEL PORTLAND

100 S.W. MAIN ST., STE. 1100 | PORTLAND, OR 97204 | 503-275-9750 | TRAVELPORTLAND.COM

September 19, 2024

Dear Mayor Wheeler and Commissioners,

I am writing to urge you to deny the appeal of the Hearings Officer's decision regarding a new concert venue in the Central Eastside. This is a land use decision which does not rise to council action and the appeal seems to be based on the user of the building, not the land use issue at hand.

I support the proposal to construct a new major event entertainment venue because I believe the public benefits in this case outweigh any impacts that cannot be mitigated.

As Portland continues to face economic headwinds we are all seeking pathways to revitalize and restore the vibrancy of our central city.

Redevelopment projects such as the one proposed by Beam Development are necessary to increase entertainment offerings, reactivate underutilized spaces and draw locals and visitors out to enjoy the central city once again.

The proposed project is especially important, as Portland has no mid-sized venues to be able to offer high caliber performances to audiences too large for a club and too small for a stadium.

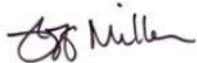
We can no longer afford to let old ways of thinking stand in the way of a more vibrant future for Portlanders.

Nonetheless, it is still critical for the owners of the new venue to ensure that their tenant is additive to the local music scene and that they will not harm our existing venue ecosystem.

To that end, I would like to call upon Beam Development, Colas Construction and representatives of LiveNation to sit down for a conversation with representatives from Music Portland to be facilitated by Mike Thelin, who has offered to bring both sides together. Should any of the parties refuse to negotiate, then in my estimation, they have no standing.

They should be able to come to an agreement so that everyone can support this investment in Portland.

Sincerely,



Jeff Miller
President and CEO

	Agenda Item	Name or Organization	Comments	Attachment	Created
131	812	Frank O'Brien	I am in support of the appeal and do not think a live nation venue would be good for Portland.	No	09/19/24 11:45 AM
	812	Jason Sotomayor	<p>Dear Portland City Council Members,</p> <p>I am writing to express my concerns with Live Nation's proposal to open a music venue on Water Avenue near the Hawthorne Bridge. Our local independent music scene is a vital part of Portland's unique cultural fabric, and this proposal potentially threatens its very existence.</p> <p>As you consider the impacts to infrastructure, it's important to highlight the broader concerns that we have as Portlanders. The community has zero confidence this venue will serve the public good without imposing significant risks. Significantly increasing traffic on already congested roads along a busy train route and overwhelming an area with very little capacity for parking cannot be ignored or half-heartedly addressed with conditional approval. No one looking at these issues objectively can possibly vote to approve this project.</p> <p>According to the Department of Justice, Live Nation has harmed local music industries nationwide. The recent Department of Justice lawsuit, supported by 30 state attorneys general, exposes how Live Nation's monopolistic practices prioritize corporate interests over community values. Live Nation inflates ticket prices and stifles opportunities for local artists and venues through exclusive contracts and retaliatory tactics. Based on this, we believe that allowing Live Nation to establish a venue in our city would be a disaster, undermining the independent music scene we cherish while also creating public safety and logistical nightmares.</p> <p>This move is a blatant betrayal of Portland residents' best interests. Why is the City of Portland proposing to subsidize what the US Dept. of Justice has accused of being one of the most profitable, predatory corporations in the music industry to destroy our local, independent music scene?</p> <p>I urge you to oppose this deal - both the land use, and all City of Portland support for the deal!</p> <p>Sincerely, Jason Sotomayor</p>	No	09/19/24 12:00 PM
132					
133	812	M Mathews	PLEASE DO NOT ALLOW LIVE NATION- TICKETMASTER to create another music venue. The negative impacts far outway the positive. We definitely do not need another big ugly gorilla monopolizing in our city.	No	09/19/24 12:01 PM

Agenda Item	Name or Organization	Comments	Attachment	Created
134	812 Steph Routh	<p>Good Afternoon Mayor Wheeler and Members of City Council,</p> <p>My name is Steph Routh. I am a Portland resident who studied opera performance and theatre in college. Portland's independent music scene is a citywide treasure that plays a vital role in what makes this city beloved and special. To the best of my understanding, Portland is the only city of its size that has so far managed to skirt away from a long term relationship with Live Nation, a corporation that has been recently sued by the US Department of Justice for monopolizing markets through exclusionary contracts (https://www.justice.gov/opa/pr/justice-department-sues-live-nation-ticketmaster-monopolizing-markets-across-live-concert). Monopolies are not great for developing a vibrant, resilient economy, nor does it offer the conditions for the creativity and innovation that Portland has been known and loved for. I'm not sure why Prosper Portland has offered to sell the "ODOT lots" to support a Live Nation venue in a sudden move that has surprised many, but it seems ill-advised, especially given the federal pending lawsuit.</p> <p>Time and more consideration seem the more prudent path here. Please oppose this deal.</p> <p>Thank you, Steph Routh</p>	No	09/19/24 12:03 PM
135	812 Honkytonk Basement	<p>I run a local newsletter and IG account for country and roots music events in town and everything I've discovered about Live Nation is appalling. I've attached a document here about why this is bad for the Portland music scene. I can't think of any reason why this permit was approved without taking in the consideration of the local music scene and also why a company that is being sued by the government for being a monopoly is being allowed to start a music venue here. This is BAD for business and the local music scene. Listen to your constituents. They matter. We matter and there are many other ways you can support and foster our local music scene without giving in to the monopoly of Live Nation.</p>	Yes	09/19/24 12:14 PM
136	812 Lewi Longmire	<p>I am in support of the appeal to have more community input about the development of this site as a venue owned by outside interests.</p> <p>This project should not move forward without complete transparency and input from the general public of Portland!!</p>	No	09/19/24 12:16 PM
137	812 Carolyn Burnes	<p>I am in support of the appeal. Independent artists and music venues in Portland are the life blood of the city's culture. It would be a tragic disservice to the community to allow Live Nation to come in and monopolize the scene, driving out the longstanding community.</p>	No	09/19/24 12:17 PM
138	812 Kevin Killian (VINNISCO)	<p>The live nation venue will not benefit the local music community. Live nation has a history of shady business practices and harmful contracts that limit upcoming artists from reaching their potential. They create a monopoly on ticket sales and stress local smaller venues until they are beat out or can be acquired. I am an emerging music producer/DJ and all of my shows currently are independently run, if live nation is allowed to move into Portland they will make it difficult for me to continue growing as an artist and DJ</p>	No	09/19/24 12:19 PM
139	812 Erin Lamb	<p>Why bring a known problem into our cherished City?</p> <p>Please stop Live Nation coming to Portland. Damaging our local music scene would decrease Portland's cultural cache, which would likely inhibit economic recovery.</p> <p>Thank you.</p>	No	09/19/24 12:21 PM
140	812 Stefan Reichardt	<p>No live nation! Make the right choice don't let them ruin our local music scene</p>	No	09/19/24 12:27 PM
141	812 SE Portland Resident	<p>LIVE NATION is not welcome in Portland. Please do not support the continuation of this conversation and DO support Music Portland and our local venues by uplifting community in the Portland way. Why would we want to bring in an out of state revenue monster that is being sued by the government so that it can turn our vibrant local creative scene upside down? Stop breaking everything as you head out the door. The new city council should have a voice in these major decisions and not the current sitting council. We can do better Portland. Do the right thing and do not advance Live Nation's interests in setting up shop here--support the local folk that are here doing the work. An example of good business would be the Port of Portland's newly expanded airport with ONLY local businesses and eateries at our airport. Take heed and learn from folk that support the local economy.</p>	No	09/19/24 12:27 PM

10.Lack of Competition:

With fewer independent venues and promoters able to compete, fans have limited choices in concerts, artists, and venues, leading to less variety and innovation in live music experiences.

Agenda Item	Name or Organization	Comments	Attachment	Created
812	Kathleen Bundy	<p>Dear Portland City Council Members,</p> <p>I am writing to express my concerns with Live Nation's proposal to open a music venue on Water Avenue near the Hawthorne Bridge. Our local independent music scene is a vital part of Portland's unique cultural fabric, and this proposal potentially threatens its very existence.</p> <p>As you consider the impacts to infrastructure, it's important to highlight the broader concerns that we have as Portlanders. The community has zero confidence this venue will serve the public good without imposing significant risks. Significantly increasing traffic on already congested roads along a busy train route and overwhelming an area with very little capacity for parking cannot be ignored or half-heartedly addressed with conditional approval. No one looking at these issues objectively can possibly vote to approve this project.</p> <p>According to the Department of Justice, Live Nation has harmed local music industries nationwide. The recent Department of Justice lawsuit, supported by 30 state attorneys general, exposes how Live Nation's monopolistic practices prioritize corporate interests over community values. Live Nation inflates ticket prices and stifles opportunities for local artists and venues through exclusive contracts and retaliatory tactics. Based on this, we believe that allowing Live Nation to establish a venue in our city would be a disaster, undermining the independent music scene we cherish while also creating public safety and logistical nightmares.</p> <p>This move is a blatant betrayal of Portland residents' best interests. Why is the City of Portland proposing to subsidize what the US Dept. of Justice has accused of being one of the most profitable, predatory corporations in the music industry to destroy our local, independent music scene?</p> <p>I urge you to oppose this deal - both the land use, and all City of Portland support for the deal!</p> <p>Sincerely, Kathleen</p>	No	09/19/24 12:28 PM
142				
143	812 Nathan Varner	I don't support live nation and support giving more rights to the musicians	No	09/19/24 12:28 PM
144	812 MusicPortland	As an independent musician in Portland I am in favor of the appeal. A LiveNation venue would have negative impacts on the music scene here and the ability for small venues to thrive. For the future of the music scene ensuring fair competition between venues and affordable ticket prices for fans is essential.	No	09/19/24 12:37 PM
145	812 Duncan Richins	Ticketmaster and the like can blow me!	No	09/19/24 12:38 PM
146	812 Music Portland	As a musician and someone who cares about Portland, I'm in support of the appeal. I'm deeply concerned about the negative impact that LN will have on small venues and vulnerable artists.	No	09/19/24 12:40 PM
147	812 Amy Carrick private citizen	I vehemently oppose Live Nation's venue development in Portland. This is a monopoly being sued by the Department of Justice , a suit the State of Oregon signed on to so you explain how Portland with good conscience can knowingly & willfully approve permitting for an entity they legally recognize as a monopoly, illegal and bad for business and ultimately bad for EVERYONE except Livenation. I beseech you to reverse the permitting approval granted to Livenation. Keep Portland rooted in doing what's right rather than selling out like everyone else has in Seattle, San Fran & LA. Keep our musicians thriving and our music scene vibrant .	No	09/19/24 12:43 PM
148	812 Emily Hinshaw	I am against taking away hard-earned money from the musicians that deserve it.	No	09/19/24 12:45 PM
149	812 Central Eastside Industrial Council		Yes	09/19/24 12:51 PM



To: Mayor Wheeler and Commissioners Gonzalez, Mapps, Rubio, and Ryan
From: Carlyne Holcomb, Executive Director, Central Eastside Industrial Council
Subject: Central Eastside Industrial Council expresses support for Central Eastside Music Venue (Agenda Item 812 - [LU 23-111784 CU AD](#))

The Central Eastside Industrial Council (CEIC) enthusiastically supports the 3,500-person music venue on SE Water Avenue, a catalytic investment that promises to enhance our central city's economic and cultural vitality.

The Central Eastside, home to over 1,300 businesses and more than 22,000 employees, has become a focal point for innovation, arts, and culture. The proposed venue will fortify the District's distinctive food, beverage, and retail scene, fostering a more vibrant, prosperous, and harmonious business environment. Additionally, the venue will fill a vital gap in Portland's entertainment infrastructure, adding a flexible space to host 125 annual events.

The Central Eastside music venue will serve as a catalyst for growth by aligning with numerous efforts that have cast a vision for the Water Ave corridor. The proposed site abuts a long-vacant property, which has created significant challenges at tremendous cost to our organization, local businesses, and our bureau partners. The transformation of this vacant lot will invigorate the surrounding area, supporting business resiliency by improving the daytime economy and aiding in the evolution of nightlife activity.

The venue placement aligns with Governor Kotek's Central City Task Force recommendations for revitalizing the city core, particularly through job creation, public safety improvements, and community activation—principles central to the CEIC's mission of building a vibrant and economically thriving District.

The CEIC has appreciated Beam Development and Colas Development Group's prioritization of meaningful dialogue with local stakeholders, which recognizes that for a project of this scale to succeed, it must reflect the community's needs and values. By partnering with Prosper Portland, the development team held multiple community roundtables, which the CEIC has participated in, to provide a forum for residents, business owners, and cultural leaders to share their thoughts, ask questions, and provide feedback.

The CEIC believes that this level of engagement demonstrates a thoughtful and inclusive approach to this project, ensuring it aligns with the Central Eastside's broader vision. Additionally, the CEIC has partnered with Beam and Colas through our Land Use and Transportation, Parking, and Advisory Committees, hosting multiple community engagement sessions. These committees provided essential feedback to the developers on integrating the



venue into the existing urban environment while protecting the industrial character of the Central Eastside and adding value to the District.

Our support for the Central Eastside Music Venue cannot be overstated. The Central Eastside music venue will be a transformative addition to Portland's Central City, driving economic growth, enhancing safety, and increasing our district's vitality by attracting local and regional visitors to our businesses and public spaces.

The CEIC is proud to add our voice in support of the Central Eastside music venue and we look forward to the positive impact it will have on our City.

Sincerely,

A handwritten signature in blue ink that reads "Carolyn Holcomb". The signature is fluid and cursive.

Carolyn Holcomb
Executive Director
Central Eastside Industrial Council

	Agenda Item	Name or Organization	Comments	Attachment	Created
150	812	Edward Reinfranck (Mr. Happy)	Without the independent music scene I would not be at the level I am. I have opened up sold out concerts for my musical idols and it has given me the confidence to pursue music. This describes so many of my friends. Keep Portland independent! We are so lucky with what we have here	No	09/19/24 12:52 PM
151	812	Colt Kranig	Portland has the healthiest and most vivacious music scene I've ever experienced. It's been an oasis in a sea of monopolized corporate controlled live music culture. Don't let live Nation come in here and sterilize this beautiful and unique scene. Keep Portland special. Keep Portland weird. Keep Portland unique. Keep Portland local. I want to continue supporting local venues and local businesses hosting live music. Don't let this money be funneled out of Portland to a monopoly that doesn't care about the people here, the business is here, or the music culture here.	No	09/19/24 12:54 PM
152	812	Sydney Fara	Please do not let Live Nation kill our beautiful local scene! We want a larger venue but NOT run by a monopoly like Live Nation / Ticketmaster. I saw how those companies ruined the Chicago scene by imposing heavy radius clauses, shuttering small independent venues, hiking ticket prices, etc. Ticketmaster also will buy up tickets from venues / artists who choose not to work with them and then resell their tickets on the Ticketmaster resale site for inflated prices so they can still make a dime off everyone else!	No	09/19/24 12:55 PM
153	812	Ola Kalejaye	Live Nation will be a death knell for the local music scene in Portland. Don't let one of the best things about the city get ruined by this monopolistic monster. Keep Live Nation out of Portland - the rest of the country is watching.	No	09/19/24 12:57 PM
154	812	Luke Hendrickson	As a musician growing up in Portland the local music scene has always been part of my life. Playing at small venues like the Alberta st pub, and seeing my favorite local bands at larger ones like the Crystal Ballroom has always been a special part of living here. As part of the next generation of Portland musicians, Live Nation threatens my career and future in this scene. It will drive musicians like me out of the area and irreversibly damage the invaluable local music culture we have here. City Council members, please consider that live nation does not meet the public benefit criteria of land use during this hearing. Thank you.	No	09/19/24 12:57 PM
155	812	Riley Harris	My name is Riley Harris, I am a musician and college student. As someone coming into the music scene, I would hope the local scene that we know and love is not overpowered by outside, unjust forces. Monopolies are not good for community. Lobbies are not good for community. Please consider halting the Live Nation building plans, and choose a more sustainable path for our local venues and musicians. Thank you.	No	09/19/24 12:58 PM
156	812	Syrah Rae	The music scene in this city is vast, eclectic, and close knit. Myself as a performer and so many of the musicians I call my dear friends and are inspired by are not able to sustain their art or livelihood based on the how revenues are disbursed. It would be a disgrace to allow a huge corporation like Live Nation to sabotage our creative community by underpaying the creatives and overcharging their fans. Keep the music alive and allow our support to fund the artists and not the already wealthy.	No	09/19/24 12:58 PM
157	812	Emma Morgan	I don't want live nation in Portland. I want our local music scene to thrive.	No	09/19/24 1:00 PM
158	812	Rachel Severein	PLEASE do not let Live Nation destroy our vibrant local music scene. Please stop them from coming in.	No	09/19/24 1:00 PM
159	812	Kari Schlaht / Honey Latte Cafe	We don't want live nation here!!!	No	09/19/24 1:00 PM
160	812	Will Zesiger	Please protect the vibrant Portland music scene from a monopolistic corporate entity that solely cares about its profits and not about our community/music scene. They have broken promises and damaged music communities around the country. Protect Portland and support local artists and entrepreneurs build this city.	No	09/19/24 1:01 PM
161	812	Jeremy Baron	My name is jeremy baron and I am a local musician and former venue owner. I want to full heartedly express my vehement opposition to having a Live Nation venue here in Portland. I have seen them ruin the music scene in several other cities I have lived in, and oppose their monopolistic tactics to dominate local music scenes. We can have this venue with a better company that shares the same values as this community. Please vote no.	No	09/19/24 1:10 PM
162	812	Curt Allan	I support the appeal. This is Portland. We have a thriving independent local music scene. Here in Portland we support local independent businesses. There's a reason this is only one Walmart within the city limits. Why would we allow a giant monopoly currently being investigated by Congress into our city? This is a direct threat to everything that makes the Portland music scene what it is. Please do not allow this to happen.	No	09/19/24 1:17 PM

Agenda Item	Name or Organization	Comments	Attachment	Created
163	812 Jason Quigley	I'm a lifelong Oregonian and Portlander of 26 years. As long as I've lived here, I've frequently gone out to see live music, mostly smaller local shows. I consider the musicians, venues, sound engineers and everyone else in the independent music community, vital to Portland's culture and economy. I'm not opposed to a venue of this size being built. I am opposed to Live Nation owning and operating the venue, due to their well-documented history of running local music businesses into the ground in cities all over the country.	No	09/19/24 1:18 PM
164	812 Emmett McGregor	<p>I support the appeal, which means I disagree with the decision to approve a new concert venue in the Central Eastside.</p> <p>Dear Portland City Council,</p> <p>You have before you today the opportunity to decide on the Land Use Permit for a proposed music venue which will be occupied by Live Nation. Your decision on this matter will have substantial and lasting impact on the character of the neighborhood, commercial district, entertainment business sector, and city at large.</p> <p>Live Nation and it's parent company Ticketmaster are a monopoly business currently under investigation by the Department of Justice with a record of using anti-competitive practices to put other event venues out of business and reduce the choice of consumers, booking agents, musical acts and performers of how an under what terms they would like to consume live events. The entertainment business, entertainment consumers, and the culture of Portland as a hub for both independent and mass market musical performance will be negatively impacted if Live Nation is allowed a permit to operate a medium-scale events venue in the city. Please consider that the economic wellbeing of the city as a whole is better supported by a strong and competitive events industry without the pressures of the Ticketmaster/Live Nation behemoth using every legal means available to them to undermine their competing venues and booking agencies, as they have consistently in other cities which have permitted equivalent projects.</p> <p>The location of the proposed venue is also problematic. As you consider the impacts to infrastructure, it's important to highlight the broader concerns that we have as Portlanders. The community has zero confidence this venue will serve the public good without imposing significant risks. Significantly increasing traffic on already congested roads along a busy train route and overwhelming an area with very little capacity for parking cannot be ignored or half-heartedly addressed with conditional approval. The proposed permit does not adequately address the strain on parking and transit infrastructure that would result from the construction of the venue. The proposed land use will negatively impact the planned high-density commercial/residential development of the neighborhood, and make it more difficult for development projects with higher overall economic value to the city to be designed and funded for their greatest potential good for the city.</p> <p>Please prevent land use permits from being issued, and vote to repeal any already issued permits for the proposed venue. Stand up for proper land use. Stand up for the local events business community, and performing artists. Stand up for Portland's strong creative culture.</p> <p>Thank you, Emmett McGregor, Portland Resident</p>	No	09/19/24 1:19 PM
165	812 Mandy Allam	I support the appeal!	No	09/19/24 1:27 PM
166	812 KC Weimann	I support the appeal, which means I disagree with the decision to approve a new concert venue in the Central Eastside. I know that the city needs a midsize venue space. I get that. But handing this opportunity over to the notoriously predatory and monopolistic LiveNation/Ticketmaster flies in the face of everything I love about Portland. I have been a Portland resident for 12 years, and am an active member of music scene here. As a music fan, concert-goer, venue employee, music photographer, and member of a touring band, I have seen all sides of this issue. I have attended more shows, and performed on more stages than I could ever remember, but being at a LiveNation venue is a memorable experience for all the wrong reasons. I have been to, and performed at LiveNation venues in other parts of the country and everything about these places is inauthentic. When they recently announced that they were going to stop skimming money off touring artists merch sales, they billed it as this amazing thing they were doing to help put more money in artist pockets, as if they weren't the ones stealing from them to begin with. Please do not be fooled by whatever it is they are promising to bring to the city to help "revitalize" it. They are not interested in community. Their only interest is revitalizing their bottom line by any means necessary, even if it is at the expense of Portland artists and independent venue owners. I know the city needs this, but there has to be a way to get this project done without LiveNation.	No	09/19/24 1:33 PM
167	812 Liz Rubin	I support the appeal, which means I disagree with the decision to approve a new concert venue in the Central Eastside	No	09/19/24 1:35 PM
168	812 Live nation	I support the appeal, which means I disagree with the decision to approve a new concert venue in the Central Eastside	No	09/19/24 1:37 PM

Agenda Item	Name or Organization	Comments	Attachment	Created
169	812 Jaclyn Smith-Moore	<p>I will not go over what many other individuals are going to say. I share their views about the corporate entity that is Live Nation/Ticketmaster, their anti-competitive behavior, their concerns of their effect on our local music ecosystem, and the terms of this proposal. I believe their venue would be detrimental to our city and their track record indicates they are unlikely to uphold their side of the lease.</p> <p>We have legitimate concerns involving this proposal and Live Nation has not done enough to address them. Vote no to provide more time for Live Nation to address the concerns of our community. They can re-submit their proposal to the new City Council who will be better positioned to represent the needs of Portlanders. There are a lot of great candidates running and I trust them to guide the city in the right direction.</p> <p>If you approve this permit without addressing the concerns presented I fear that the fallout may be significant. It will fall to the new City Council to hold Live Nation accountable to the terms of this permit and to address the flaws of the current proposal. And Live Nation is going to fight every constraint put on them with an army of lawyers. Because ultimately they are not coming here out of goodwill, or to improve our city, they are here to make a profit. And whether that comes out of Portlanders' pockets, from the lifeblood of our local venues, or from the city itself, they will have their due.</p> <p>All the more reason to vote no. Live Nation can afford to wait, let them address our concerns and return with a new proposal next year.</p>	No	09/19/24 1:37 PM
170	812 Shannon Fitzpatrick	Please keep live nation out of pdx. Our city has a thriving music culture that we need to protect.	No	09/19/24 2:00 PM
171	812 777 Booking / Northwest Hardcore Fest	As someone that has resided in and participated in numerous music scenes across the country, I can say without a shadow or a doubt that Portland currently has the strongest local music scene that I've ever been apart of. This city is full of independent promoters putting together shows across a wide variety of genres. I believe, as already seen across nearly every major city in the country, that live nation will stifle this. In Portland we have many historic venues that have shows at fair and accessible prices. Without a live nation venue, artists have a lot of options when it comes to picking a venue. If other cities are any indication, and this permit is approved, these venues days are numbered which will ultimately result in less shows in Portland and therefore less revenue for the city due to the limited number of places to play. Please do not approve this permit.	No	09/19/24 2:03 PM
172	812 Mandy ohara	I support the appeal against Ticket master/live Nation building a venue in Portland.	No	09/19/24 2:05 PM
173	812 Malachi Graham	<p>Live Nation is a vital threat to our Portland music ecosystem. I support the appeal by MusicPortland in defense of our vibrant local music economy as a local musician and music business employee who has played music in Portland for 10+ years.</p> <p>Also, this is a terrible location for a music venue because of the train and public safety risks.</p>	No	09/19/24 2:10 PM
174	812 North Rim Development Group; Jeffrey Weitz; Matthew Schweitzer		Yes	09/19/24 2:31 PM
175	812 Kristina Nelson	Please do not let a LiveNation venue come to Portland.	No	09/19/24 3:49 PM
176	812 Brendan Hale	I live in Southeast and take exit 300 off the I5 towards SE Yamhill. This exit is often backed up, particularly at rush hour and when a freight train is passing through the Central East Side at Water Ave. I'm concerned that this particular route will become all but unusable when it comes to driver safety, as the work-around for when a freight is passing is to drive south on Water towards Division. With a new venue in place, given that traffic and parking for 3500 people has been largely under-considered, I'm concerned traffic will continue to pile into I5, which is terrifying. With 3500 people in the street, including load-in and load-out, there is no direct route to move around a train. Traffic will pile up on I5, more than it already does.	No	09/19/24 4:10 PM



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September 18, 2024

Portland City Council
1900 SW Fourth Ave, Room 2500
Portland, OR 97201

Re:Appeal of the Conditional Use and Adjustment Review approval for a new concert venue in the Central Eastside (LU 23-111784
CU AD) Agenda Item: 812

Dear Portland City Council,

We oppose the appeal filed by MusicPortland and we are writing to express our 100% support of Beam Development, Colas Development Group, and Live Nation Entertainment Inc.'s proposal to build a concert venue in SE Portland based on its future positive impact on the local economy and the Central Eastside District. This development promises to enhance our vibrant music scene, promote economic growth in the district, attract new businesses to the area and create vitality and increase commerce.

As local business owners, real estate developers, general contractors, and property managers, my partner and I have a vested interest in the enrichment of the close-in central east side district of Portland. Here are several key ways the Live Nation development is expected to enhance the area:

1. **Increased Foot Traffic:** A concert venue naturally attracts large crowds, bringing significant foot traffic to the surrounding area, especially in the evening hours. This influx can benefit nearby businesses, including restaurants, bars, hotels, and retail stores, leading to increased sales and revenue. The economic impact of such a venue cannot be overstated. By drawing visitors from both near and far, it will further support our community and enhance Portland's status as a destination for live music and revitalize the Central Eastside District.
2. **Job Creation:** The construction and operational phases of the venue will create many new and numerous jobs, contributing to the local economy. With more employment opportunities, demand for commercial real estate in the area, including offices, restaurants, light industrial and retail spaces will increase and grow.
3. **Promoting new developments and Investments in the district:** As the venue attracts visitors, the desirability of the surrounding District will rise. This will lead to making the area an attractive option for real estate investors and developers looking to invest and contribute to the area's growing popularity. The establishment of a major entertainment venue will entice other businesses to invest in the area which can lead to the development of new commercial projects which will further enhance the attractiveness to the district and to the greater Portland business district.
4. **Diversification of Amenities and Support of the Local Arts Scene:** The concert venue will enhance Portland's cultural landscape, making it a more vibrant place to live and work. This diversity in entertainment options can draw in new residents and businesses and a new concert venue would serve as a catalyst for even greater artistic expression. This facility would not only attract top-tier talent but also provide local artists with a platform to showcase their work, fostering a thriving environment for musicians of all genres. By incorporating sustainable practices and community-focused planning, Live Nation can ensure that this venue not only entertains but also enriches the lives of Portland residents.

In conclusion, the planned concert venue represents a significant opportunity for Portland to enhance and stimulate the economy of the central business district as well as add a significant cultural and music scene which is poised to yield long-lasting social and community benefits. A new concert venue is an exciting opportunity for Portland to further establish itself as a cultural hub and I urge you to support Beam, Colas, and Live Nation in their efforts to bring this vision to life and to add much needed vibrancy to the Central Eastside District!

Thank you for considering the positive impact this venue will have on our city.


Jeffrey Weitz & Matthew Schweitzer
Owners, North Rim Development Group LLC

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Agenda Item	Name or Organization	Comments	Attachment	Created
812	Heather Cummings	<p>I do not support the LiveNation Venue on the eastside of Portland. The infrastructure in the area is inadequate and the location next to the commercial train tracks is incredibly dangerous, the area is unprepared for this amount of people, parking and traffic. As someone who used to visit this area late in the evening for parties, I have seen drunk people climb in between stalled trains while waiting for them to move. Someone who is tipsy and impatient to get home will climb over or under a train to get to their car. The sidewalks and roads are inadequate and actively dangerous for people who are in wheelchairs or with any sort of cane or walker, the streets and sidewalks are incredibly rough. This is not an investment in Portland's people, art or music, this tenant will quash small music venues, shows and makers and will make the local area, including the Yamhill exit, I405 and I5 so much more dangerous.</p> <p>Listening to the speakers today, including people with disabilities, neighbors, businesses, musicians, it's even worse than I had originally imagined. This is not a neighborhood that is prepared for thousands of drunk concertgoers. Please do not approve this venue.</p>	No	09/19/24 4:14 PM

Portland City Council Meeting
Thursday, September 19, 2024 - 2:00 p.m.
Verbal Testimony - Item 812

I SUPPORT the appeal, which means I disagree with the decision to approve a new concert venue in the Central Eastside.

- S-1 Timothy Wilson
- S-2 Jesse Valencia
- S-3 Cheri Jamison
- S-4 Ben Jamison
- S-5 David Leiken
- S-6 Jason Raistakka
- S-7 Renée Muzquiz
- S-8 Alex Blosser
- S-9 Steven Ungar
- S-10 Katie Dalziel
- S-11 Brian Conley
- S-12 Anna Martinez
- S-13 John Carter
- S-14 Jordan Krinsky
- S-15 Kate O'Brien
- S-16 Amy Maxwell
- S-17 Laura Streib
- S-18 Santiago Ortega
- S-19 Marshall Runkel
- S-20 Clara Baker
- S-21 Cassie Wilson
- S-22 Francisco Mercado
- S-23 Tony Prato
- S-24 Katelyn Convery
- S-25 Jacob Westfall
- S-26 Matthew Fox

I OPPOSE the appeal, which means I agree with the decision to approve a new concert venue in the Central Eastside.

- O-1 Nick Wood
- O-2 Kathleen Culbert
- O-3 Sam Cole
- O-4 Nate McCoy
- O-5 Patrick Fleming
- O-6 James Posey
- O-7 Bridgid Blackburn

O-8 Andrew Hoan
O-9 Sydney Mead
O-10 Preston Greene (Oregon Museum of Science and Industry)
O-11 Mike Theln
O-12 Carlyne Holcomb
O-13 Art Fortuna
O-14 Loretta Smith
O-15 Marney E Smith
O-16 Joe Rogers
O-17 Chris Oxley