

To: City of Portland: Jon Jennings, City Manager;
Ethan Strimling, Mayor; and City Council

From: Casey Gilbert, Executive Director, Portland Downtown

Date: April 10, 2016

Subject: Noise/Sound in Downtown Recommendations



Portland is growing. The demand for residential housing has spurred investment both on and off the peninsula. Portland is recognized nationally and ever-increasingly on a global scale as a destination. The city has a thriving arts & music culture that drives tourism and attracts people to live and work in Portland. The ‘foodie’ scene – our award winning chefs and restaurants and a growing craft beer and distillery business – is drawing more and more entrepreneurs and is another factor that drives tourism. It is no longer just lobsters and lighthouses.

Over the past few years, there has been increasing friction between those who live and stay in Downtown – both full-time residents, part-time residents and visitors – and the nightlife/entertainment sector. Complaints have been filed at city hall, but many feel their voices are not being heard. Portland Downtown is in a unique position to hear from both sides, as we represent business owners, residents and visitors alike. We are invested in the success of Downtown and want to support Portland as it grows.

Upon the request of Councilor Suslovic and City Manager Jon Jennings, Portland Downtown hosted two open forums to discuss issues surrounding noise/sound in Downtown. The first forum occurred on January 27th, 2016 and the second on February 24th, 2016. Attached are the minutes from both of those forums. Around the table were representatives from the hotel industry, owners of restaurants and bars, residents, and owners and managers of other businesses who simply have an interest in seeing Downtown thrive. We feel that all interests were represented and that the forum provided an opportunity to hear concerns on all sides of the issue.

The result of the forums is the following list of recommendations for your consideration.

Recommendations

i. The City, under the guidance of corporate counsel, should review its DEOZ, B-3 zoning ordinance and licensing pertaining to sound and entertainment/nightlife to correct inherent conflicts and clarify the ordinances and expectations as they pertain to sound in Downtown.

ii. The Sound Oversight Committee should (a) meet on a regular basis, (b) revisit how a noise complaint is handled, and (c) offer a method for mediation between the complainant and the business that may be in violation.

iii. Anyone applying for a building permit within the Downtown Entertainment Overlay Zone (DEOZ) should be encouraged, not required, during the permitting process to build according to a code that will withstand noise, using best practices and suggested STC Ratings.

iv. City of Portland should have an independent sound engineer install devices (ambient monitors) throughout Downtown to measure the ambient noise level. This will be useful as a baseline for any future ordinance revisions.

v. Businesses applying for an entertainment license in the DEOZ zone shall be encouraged to monitor their sound system and reduce the use of 63 hertz bandwidth (which was identified by sound engineers in our sound forums as the bandwidth that causes the most annoyance/complaints). This suggestion could also be used by the Sound Oversight Committee as a suggested change for licensed bars/entertainment licensees to mitigate noise when there are ongoing complaints.

vi. Hire a full-time position at the City of Portland that specifically deals with Ordinance Enforcement (eg. Ordinance Enforcement Officer).

vii. Enforce the existing ordinance, which prohibits the use of outdoor speakers in the Portland Downtown footprint except in the instance of special one-time event licenses, or where licensing specifically allows.

We understand that some of these recommendations may be easier to implement than others. Please know that we stand in support of the city and want to help in any way that we can to find a more equitable solution for all involved. Should you have any follow-up questions regarding the process or our recommendations, I would welcome a conversation.

Sincerely,



Casey T Gilbert
Executive Director