



Objection to a Noise Variance for Crow's Feet Commons on 7/16/17

June 26, 2017

Eric King
City Manager
City of Bend

Dear Mr. King:

I am writing to add the voice of the Bend Neighborhood Coalition to that of the Tower Theater Foundation in objecting to the noise variance application by Crow's Feet Commons on July 16th.

This community has invested substantial resources in creating and sustaining the Tower Theatre, which is the major indoor performing arts venue in Bend. This important asset needs to be protected, not abused by competing temporary concerts outside its back door that interfere with programs being staged in the theatre, as occurred on June 3rd.

The event on July 16th is not just a small acoustic group entertaining the patrons of Crow's Feet Commons. It is a major paid concert organized by promoters (Parallel 44 Presents & Random Presents) who are not the property's tenant. The concert will feature "Matisyahu with his full NYC band", according to online ticketing agencies; the ticket price is \$28 (plus fees).

This is not an accessory use incidental to Crow's Feet Common's tenancy in the Allen-Rademacher House. It is a major event staged by an unrelated third party that has no substantive connection to the primary business of Crow's Feet Commons.

As a public space, Mirror Pond Plaza should require, at a minimum, a special event permit for a major concert like this, not just a noise variance. There are serious implications for traffic, parking, emergency access, and crowd control. Who will be setting a limit on occupancy for this event, and how will it be enforced?

I seem to recall that the city entered into some sort of agreement with Crow's Feet to allow it to use the Plaza in order to reduce vagrancy and loitering in the area. We would assert that Crow's Feet shouldn't have the right to "sublet" the space to outside promoters, unless that authority is specifically granted to it in the agreement.

In addition, we question whether this use is even permitted under table 2.2.300 of the Development Code. While acknowledging that definitions for permitted uses are sorely lacking in the City's code, the table says in plain English that "entertainment and recreation - not enclosed" is not permitted in the Central Business District. If a major concert staged by professional promoters, for which there is a paid admission, isn't "entertainment", what is?

Unless a property has submitted a proper land use application to become an event center and been subjected to staff, planning commission, council, and public review, we believe that noise variances should only be granted to a property's legal occupant for its use in entertaining its patrons or guests. Outside promoters should not be allowed to stage major concerts or similar events in spaces that have not undergone a public permitting process, including parking lots that were required for permitted uses, and public places like Mirror Pond Plaza — unless in connection with a special event permit.

We object to allowing the spread of unplanned and unregulated outdoor event centers where they have enormous negative impacts on nearby residences and established businesses.

Mirror Pond Plaza is not an appropriate venue for major concerts. The impact on the Tower Theatre, other nearby businesses, and the homes across Mirror Pond — whose interests ought to have precedence — is unacceptable. We request that the application for a noise variance by Crow's Feet Commons on 7/16/17 be denied, as well as any further applications for similar events organized by third-party promoters at Mirror Pond Plaza.

Sincerely,

Bill Bernardy
Chair, BNC Steering Committee