



CITY OF

PORTLAND, OREGON

OFFICE OF NEIGHBORHOOD INVOLVEMENT

CHARLIE HALES, MAYOR

Amalia Alarcón de Morris, Bureau Director

Noise Control Program

1221 SW 4th Avenue, Room 110

Portland, Oregon 97204

Promoting a culture of civic engagement

**Minutes
Noise Review Board
June 10, 2015**

Present: David Sweet, Carol Gossett, Julie Greb, Paul van Orden, Kerrie Standlee (arriving late due to traffic)

Absent: Melissa Stewart

Minutes: Kathy Couch

Call to Order: 6:02

- Review of Transcription by Accuscript from the April 1, 2015 special meeting of the Board.
- Carol, Julie 3/0 (Kerrie and Melissa absent)
- Approve minutes from the April 8, 2015 meeting of the Board
- Carol/Julie 3/0 (Kerrie and Melissa absent)
- Approve minutes from the May 13, 2015 meeting of the Board
- Change “app” to “act” Carol/Julie 3/0 (Kerrie and Melissa absent)

Review of a noise variance application from Brandon Wilson, representing Bureau of Environmental Services.

They are requesting a noise variance for the Lower Powell Green Street and Sewer Project. The noise variance is for sewer repair work taking place between October 3, 2015 through December 31, 2016 between the hours of 6:00 pm and 7:00 am. The work will consist of open trench repair work to replace aging sewers and will, in addition, add 22 green street planters. (Ana Brophy, Brandon Wilson)

Matt Gough, presenting:

Update with number of nights requesting – last time, numbers were still in play. Now they have actual number of nights. The entire project will take 15 months.

Outreach began in 2013. BES flyered all residences prior to night work. One residence is within 20 feet on the attached map. It will take place for 4 nights. They have 1100 people on their email list and this residence did receive a flyer hand delivered. They need to do night work there due to backup congestion.

David Vanadia asks how many nights and the date range of project.
Total number of nights is 167. It will begin in September or October 2015.

Julie makes a motion to grant the variance request to BES for the Lower Powell Green Street and Sewer Project for the nights defined in the table in the application.

Duration will be October 2015 through December 31 2016

Conditions of the variance will allow night work outside of allowable hours.

- From 6:00 p.m. until 10:00 p.m. the applicant will be required to use “smart alarm” back up beepers instead of a standard reverse alarm for all equipment activity.
- From 10:00 p.m. until 7:00 a.m., the applicant is required to disconnect the backup alarms and spotters will be used to safely back up vehicles.
- The applicant is required to use direct connection to power whenever possible. Use of gasoline or diesel generators or other stationary equipment will be placed away from residential neighbors when possible, and at all times isolated from any residential neighbors with the safe use of a ¾ inch plywood enclosure that does not impact the need of the unit to be properly ventilated.
- Saw cutting shall be performed during daytime allowable work hours. If saw cutting is required during night work it shall be done between 7:00 pm – 10:00 pm. Saw cutting necessary between 10:00 p.m. and midnight shall include portable sound barriers being utilized to mitigate the sound to nearby buildings.
- Notice to be mailed and emailed two weeks prior to start of work to a two block radius of the work site. Notice shall include nature of work, anticipated noise sources and a contact phone number for a person on site to explain the work and possibly mitigate the issue.
- Noise office will work with BES to approve the access areas once a staging area has been chosen for the project.
- BES inspector to be on site to address complaints with published phone number during all work hours.
- Noise complaints will be addressed they night they are received.
- The applicant will send complaint reports within a week of the complaint along with a complaint log and details of how the problem was resolved to the City of Portland Noise Control Officer. These logs can be emailed to noise@portlandoregon.gov . These logs shall include any actions taken to mitigate
- The applicant shall prepare to develop a noise mitigation plan with the Noise Control Office should complaints arise.
- The noise variance will be reviewed upon receipt of complaints. If complaints are filed, the Noise Control Officer may modify the variance as needed to resolve community noise disturbances.
- The applicant will notify the Noise Control Officer by the next morning if the variance was needed to work outside the permitted construction hours. The applicant will keep a running tally of variance days used. This log shall be made available to the Noise Control Office upon request.

Carol Gossett seconds the motion. Motion passes unanimously:

4 in favor (Melissa absent)

0 opposed

0 abstentions

Review of a noise variance application from Bill Melrose, representing MCRT PNW Construction LLC.

They are requesting a noise variance for the construction project Modera Pearl, bound by NW 13th Avenue, NW Quimby Street, and NW Pettygrove Street, 14th Ave. The noise variance is for 4 large concrete pours taking place between July 18, 2015 through September 19, 2015 between the hours of 6:00am and 10:00 pm.

Bill Melrose – Mill Creek, Jason McArvy – Marion Construction presenting

9 story apartment building with 290 units. All concrete with 2 floors below grade for parking. Bound by Pettygrove, Quimby, 13th & 14th. It's approximately a 2-year schedule. They are proposing 4 large concrete pours. They have no driven pile on this job and instead have a mat foundation. Due to size of the building and geometry no driven pile will be required. 1400 yards on biggest pour. Best time to do that is on a Saturday for both concrete delivery & traffic. They proposed 6am – 7am to set up the pump station, no beepers, and start pour at 7:00 am and are expecting to pour 200 yards per hour. The pour itself will be done during normal working hours, with finishing occurring potentially as late as 10 pm. Finishing volume has a volume similar to a lawn mower at low idle. It will be down in the hole, so although it will echo a little bit, it won't go directly to residences. They have notified 680 through the property manager, and heard nothing so far. By doing large pours on a Saturday, they can eliminate structural defects and any other problems. They will use 2 pumps to accelerate the process. First pour 1456 yards and can cut the job from 16 hours to 8 hours by doing it on a Saturday. CalPortland can provide 40 trucks per hour on Saturday, but can't provide this volume during the week. There will be constant cycling of trucks during the pour, so no queue sitting by waiting.

Public Testimony

Gwenn Seemel:

She says she would like to talk to Bill. She wants to let him know there is one person onsite who throws things around and dragging stuff every morning at 6:00 am. She wants him to either wait until 7:00 am or put things down in a different manner. She tell him that they stayed late on a couple of days and that impacts her a lot. Bill tells her they have been shut down by 4:00 pm every day. She says they haven't been, and she has video of it. He says he would like to see the video. She says "they" aren't going to do anything and that's why she's talking to him. She tells him they are real people who are really tired because they've had so much construction around them. She asks him to think of them as his sisters and daughters or sons, to think of them as real people who really need his help because the city isn't going to help them so its got to be him.

David Vanadia says he would like to testify but is not going to get up because his leg is asleep. He is a Pearl resident and lives directly across from the site. He has some questions and some comments. He's aware that they are going to be granted a variance and is curious to know where are they going to put pumps? Bill gives him the maps and shows him the location of pump stations.

David says that he realizes that by coming in and saying they are starting at 6 is a nice way of saying they're starting at 5. Because currently the ordinance says that people start at 7 but they really start at 6 and in summertime they start even earlier and a lot of times crews are there before 6. We all know that's the case. So he wants to know if they are asking for 4 days, maybe they will stay there until 10 at night but the bigger impact for the community is in the morning. So let's say it's 2 hours a day, and you're asking for 4 days. That's 8 hours and what I've heard a lot from David Sweet and people on the board and construction is that Time is money. I agree with that and so let's say that time is worth \$25 an hour. You're asking for 8 hours, times 25 – that's \$200 We have 5 floors with 5 apartments that face out there, so that's 25 apartments, let's say an average of 2 people per apartment. That's 50 people. Times \$200 and that would be a \$10,000 impact on just our side of the building, that's not including the Parker, or The Freedom Center, or any

businesses. So if we put time into an equation as a financial impact, we often get told these are million dollar projects, the citizens in the neighborhood aren't viewed as a financial entity. We're viewed as – I don't know how you view us. So what I'm asking here is for you to think of it in those terms. That our time is worth money too and we are. You're asking for our time, and so many construction sites are taking our time. Our neighborhood is decimated and our livability is really difficult. So what I'm asking you is, what are you giving back to the community, not in terms of we're putting a new building in your neighborhood, because I don't know if it's important for the citizens to have a new building next door. But, better yet, would you as Mill Creek, as being like a good neighbor, because if I'm a neighbor and I have a big party, I'll invite my neighbor, so they can come over, or maybe I'll leave some vegetables from my garden at their door or front stoop, so we have an exchange. I'm wondering would you sponsor the Ramona's big annual BBQ that we have? In August? Bill says he can go back to his boss and ask. David wants him to give them a contact. That would be a nice thing. Cavalia came into the neighborhood on the lot east of us. They put up a huge tent and played music every night until 11 pm and we had a lot of cars coming in and out. It was an impact on our neighborhood. There are 150 children in our building. I don't know if you've ever lived in an environment where there's construction going on around you and will be for years. But it does make people stressed out and so people will start infighting, like people will start fighting with their spouses, their children get amped, it's a hard situation to be in. There's a lot of money behind the growth of our neighborhood so we're just citizens that don't have the time and we don't have the money to fight it. Something like giving back to the community would be huge. When Cavalia came into town they gave everybody free tickets- VIP tickets. It was a neighborly gesture. So far from the city and from the construction companies we haven't gotten any kind of a neighborly gesture. It feels more like a whole bunch of. Nasty bikers have moved into town and they could care less about the kids or the community. That's how it feels, so it's a huge impact and they would love a contact or for someone to reach out to the Ramona because you're impacting our community in a negative way.

Also,

Multiple trucks and pumps measure 85 dB A. At property line. It's a huge impact on the community. He's measured 92 dB A from his balcony. He can't open the windows because of the contaminated dirt and because of the smells and noise. It's a really huge impact on our community.

Kerrie is noticing the size of the 4 pours – 2 are smaller than the first 2. Wondering if they need the same start hours or is it possible to shift those last 2 for a later start time? Asks if all 4 pours need an extended start time, or could some begin later.

Jason McArvy discusses pour sizes:

Mat pour 1 is 1456 yards

Mat pour 2 is 1368 yards. Both of these are 8 hours of straight pumping due to size.

Mat pour 3 is 937 yards

Mat pour 4 is 876 yards. These are anticipated to be 4 5 hours of pour time each. They would be able to start set up at 7am for 3 & 4. They may need to extend hours for finishing. Considerations are temperature, concrete mix, how long it's going to set up until finishers can come off.

Bill says he can't tell right now when they can begin, due to PGE, and other soil factors. They could be as late as mid September. Worst case - in between in July and September, ideally 4 consecutive weekends.

Julie Greb moves to grant variance to **MCRT PNW Construction LLC**.

- Four variances Saturdays between 7-18-15 and 9-19-15 to accommodate 4 concrete pours.
- First 2 pours will be allowed to start staging at 6 am, with actual work to begin at 7 am and go until 10pm.
- Remaining 2 pours will have the normal 7 am start time and run until 10 pm.
- When scheduled, notice provide to same buildings that were given notice of this meeting with dates in advance. No back up beepers before 7 am. Use pumpers in good working order, low throttle.

Kerrie Standlee seconds the motion. Motion passes unanimously

0 opposed

0 abstentions

PBOT

Paul frames things for the board. We've received complaints on street sweeping and leaf blowing. Many years ago, PBOT got a variance for street sweeping and leaf blowing to handle complaints. Now we're seeing complaints again.

Instead of granting a variance outright, Paul suggested PBOT come in and provide an opportunity for the board to give feedback as to what they would like to see included in a variance.

Ryan Hughes- Night Operations Street Cleaning; interim Supervisor, Daniel Puha, Supervisor Maintenance, and Lee Munson Internal Division Manager at Maintenance. They indicate they didn't receive complaints until when the bus mall was reconfigured. Currently they are leaf blowing within the Downtown Central Business District 5 nights a week. Leaf blowing takes place 10 pm -5 am. Street sweeping is between 2:30 am – 5:00 am. With complaints, trying to get work done other time or avoid area. 6th and 5th – Irving Madison Light rail 11th to 1st. Average street sweeping time is 10 minutes per block face. Tested 3 different blowers and found Stihl is better than what they're using now. Operations started up in mid-May. Extensive cleanup was done after the Starlight Parade. 2:30 am was when cleanup began and included leaf blowing and hosing the streets. No feedback or complaints on that. Paul says that a variance helps us to know where PBOT is and helps differentiate between City work and private entities. This would also give notification to neighboring and hotel uses to get a chance for the public to vocalize concerns and get feedback.

David is not sure what we would be giving them a variance from (considering it's a public right of way), though appreciates them coming down, memorializing what's happening, public hearing and giving residents way to weigh in. MOU instead between PBOT and Noise Office. Paul will work with City Attorney to see what mechanism is. Get with PBOT for next steps.

Update from the Noise Control Officer on the pile driving code change suggestions from Noise Review Board.

The Hearing before Portland City Council was confirmed on Thursday, May 28, 2015 and is now set for July 9, 2015 at 3:00 pm, in Portland City Council Chamber, City Hall.

Website Priorities

Paul invites the board to look at the noise website priority list and give feedback and suggestions. He got sign off from the Mayor about what we can get to with just 3 staff members.

PIR

Things are not going well with the new neighborhood meter. They keep having issues and Paul is ready to let them know that they are going to need to hire a different firm to install. He needs to go back and look at minutes but is under the impression that we said in the PIR meeting that variance is dependent on meter. David Sweet wants Parks Bureau to come back in July to discuss meter and wants Commissioner Fritz to know that NRB is displeased and they are in danger of revoking variance for major car race because meter wasn't up

and running. Next meeting will be after race, so instead, letter, Fritz, Sweeney, and PIR manager will get a letter.

Letter to go out ASAP – Paul will write, David will review.

General Open Public Testimony

David Vanadia wants to know what is going to council. Is the report generated on website what's going out? He is informed that there are no changes to what is being proposed, may be more documentation prepared before the meeting. Paul is going to add a staff recommendation about EX zoning stays industrial in Central Eastside Industrial area. David would like clarification on 5 pm end time as opposed to 6 pm.

Mill Creek folks – he only saw notice today and their office had to get it faxed over from the other building. Communications has not been approved. He received it at office but it wasn't disseminated. Wants variances mailed instead.

Anderson – Unico. They are there early. This morning they were out by 6 am. Receiving impulse hits of 73 dB A, as they are throwing stuff around.

They also worked on Sunday. Paul asked for detail. Police spelled out that he could hear hammering and people and vehicles but nothing egregious in industrial zone. For citation, it would need to report something that exceeds allowable noise level. David wants Anderson to not work at all on Sunday. Violation of agreement. Carol leaves and David says that there goes the only citizen representative. Sweet explains that agreement was that we would not issue any further variances for Sunday work. Paul says that Vanadia is welcome to go above his head. He agrees that Anderson agreed to be less intrusive. Paul enforces specific noise standard. If he's told to write a ticket, he is happy to issue citation. It needs to be a violation of Title 18 unless he is asked to do. Paul feels the ticket will not hold up in court. There is no clear violation with a statement of hammering. Paul feels he has asked for more information as to what violates Title 18. Sweet explains that if something less than the limit to noise code if operating within limit he can do that. Noise code does not specify that you can't have construction worker onsite and if limits are not exceeded then they have a right to do that. Vanadia says that Anderson and Council agreed that no work on Sundays and that means nothing. He keeps hearing that it doesn't matter who he goes to and what he does, none of it matters. Had an agreement and agreement has been broken and he interprets it different. Julie asks what we can do to help and it's a bunch of bureaucratic hurdles. Kerrie asks if he's gone to council staff to ask for clarification. Appeal was granted. Removed variance, but that's all appeal did. Gwenn asks why they are supposed to pursue it instead of noise office. Both Paul and David say that they are the one who are unclear about interpretation. Gwenn says she doesn't need to hear from David.

David Sweet then adjourns the meeting.

Adjournment 7:58