

Noise Review Board
September 11, 2019
Minutes

Present: Ernest Harris, Destiny Wright, Michael Wallace, and Paul van Orden

Absent: Karrie Standlee

Minutes: Katherine Couch

Call to order: 6:01 pm by Paul van Orden

Election

In the absence of a Chair, Ernest Harris was voted in as Chair for this meeting. Michael Wallace makes the motion, and Destiny Wright seconds the motion. Paul van Orden calls for a vote, and Ernest Harris is voted in as temporary Chair. The motions passed unanimously, 3-0

Howard S. Wright Construction

Request from Howard S. Wright Construction variance for nighttime excavation and trucking of excavation materials between 7:00pm and 5:00am from October 2019 to March 2020 for Block 216; A 35-story mixed use building which will be the future home of the Ritz-Carlton Hotel and other residential units, including 5 stories of underground parking. Location of the project is bounded by SW Alder, SW 9th Ave, SW Washington, and SW 10th.

The Noise Control Officer gave some background on the first request on the agenda, after taking a walk-through around the perimeter of the site. When the item was placed on the agenda, it initially looked like a decision would be tonight. This would be somewhat challenging, however, due to a major transportation component and other concerns in the near-vicinity of the project. There are hotels from a block to a block and a half away from the construction site. Additionally, the construction site is in the direct line of site to Park West Apartments. Last component- acoustical engineer on the board is not available tonight. The absence of the acoustical engineer on the board at this meeting would also make the decision more difficult.

The Chair asked if Bureau of Transportation was in attendance, and they weren't. This left an absence of information.

The applicant, Nick Cusanelli, General Superintendent from Howard S. Wright, then presented the request

Notification was made to buildings within a two-block radius, with the majority being mailed, and notices hand-delivered to the three hotels within the boundaries of the notification. The hotels in question were part of the Provenance Hotel group and are all located on SW Alder Street, and consist of the Sentinel, Woodlark, and Dossier Hotels.

At the meeting, Mr. Cusanelli went through the reasons for the variance request. The information that follows is taken directly from the narrative included with the variance request submitted:

“Description of Work: With the project bounded by major downtown roadways, much consideration was given to transportation to and from the project site to minimize both pedestrian and vehicle impacts to pedestrian traffic, downtown commerce, and commuting. Accordingly, we submitted, and PBOT approved, a Traffic Management Plan that will not require closures of Washington and Alder Streets and 10th Avenue for day-to-day construction for the entire project. Ninth Avenue will remain closed for the duration of the project and is not viable for loading.

The mass excavation for the project is currently scheduled to take approximately 70 working days to move approximately 136,000 cubic yards of material. To accomplish this, a dump truck and trailer will be loaded every 4 minutes. That frequency and line up of trucks with trailers on downtown and regional roadways would snarl traffic beyond current conditions that are already congested. If the variance is granted, dump trucks will be loaded in a closed travel lane on Alder Street on weeknights between 7:00pm and 5:00am to minimize the impact on downtown and surrounding highway traffic.

If all such work had to be performed during daytime hours, the adverse impact on the public would be significant: already congested downtown streets would become even more congested and the duration of the excavation work would be significantly extended as it would be limited by the number and frequency of trucks that could service the site.

We believe that the noise generated at night for our excavation and hauling will be close to the current noise level readings taken at the site prior to construction. The acoustical consultant for the building design found that current noise levels around the site during the day and night, in the absence of any construction activities, were 65dB and 68dB, respectively. Recent daily activity for comparable excavation equipment and trucks working at the site showed an average reading of 66dB with intermittent peaks maxing at 79dB. It should be noted that noise limiting measures were not implemented during this daytime work we sampled.”

During the testimony presented at the meeting, further detail was shared, and points are bulleted below:

- Washington and Alder are major corridors, with direct access to the Morrison Bridge in both directions, along with I-405.

- Howard S. Wright has worked with the excavators to come up with twelve sound mitigation measures, outlined in their narrative, and one additional measure of having supervision onsite to ensure mitigation measures are followed.
- In addition to traffic concerns during the day, there was also concern expressed regarding safety of pedestrians, bicyclists, and e-scooter riders.
- Target Store has a loading dock on SW Alder. Closing a lane during the daytime would not allow them to get deliveries of product.
- The streetcar track is on SW 10th, which means this street would be out of play.

Public testimony was heard from:

1. Bashir Nali, representing Provenance Hotels, who says that the Woodlark is in extremely close proximity to the construction site, and the Sentinel is between this site and another construction site. He feels it would destroy their business. Additionally, another hotel in the group (The Lucia) is on SW Broadway and they don't know how far the sound would travel.
2. Jennifer Quist, representing the hospitality group that runs food and beverages out of the hotel across the street from the site. Among other concerns, 7:00 pm is peak dinner hour at the restaurant, and there would be a significant financial impact to their business.
3. Emma Paustian, representing TMT Development and Management company for Park Avenue West and the Eaton Apartments. TMT never would have asked for a nighttime variance. She says that the ramifications on the residents of their over 200 apartment units would be extremely detrimental.
4. Farrah Perry, representing the property management company for Park Avenue West, echoes the concerns over the effects on their residents, with the likelihood of interrupted sleep.

Additionally, a report from AAA Acoustics, along with a document from Provenance Hotels detailing financial implications, was distributed to board members.

After hearing the testimony from all listed, without PBOT testifying, and the Board's acoustical engineer not present, a motion was made by Michael Wallace to table this item until the October 9th meeting. Destiny Wright seconded the motion. The motion passed 3-0.

Bylaws Update

Paul van Orden, Noise Control Officer, explained the background of this agenda item. The City of Portland has changed its approach to boards and commissions and are standardizing bylaws to provide consistency to our many advisory boards.

Staff filled out a template, and that is what is being presented to the board. The components clarify terms and term limits, quorum issues, frequencies of meetings, or removing someone from the board. This clarifies matters that the board understood, but it makes them more formal. Until the new bylaws are updated, we are unable to move forward with recruiting for a new board member.

Michael Wallace asked if there are any substantial changes and was told that the only new item is the standard city clause stating no board member can serve more than eight consecutive years, as opposed to the current standard of the Noise Review Board of six years. When asked whether that meant that a board member could serve two and a half terms, noise staff weren't completely certain. Someone on the noise staff will double-check this and relay the information as to this possibility.

Ernest Harris asked about the conflict of interest clause, and what defines it. This clause, much like the conflict of interest form all board members signed, refers to economic conflict of interest.

Livability Program Lead, Kenya Williams, would the board to consider adding a position to the staff liaison. The Noise Control Officer is a non-voting member of the board and has a very specific role, such as helping with order and the actual operations of running of the meeting. There is another aspect to staffing, which includes preparing for the meeting, ordering food, receiving calls and emails, public records requests, sending out the agenda and taking minutes, and other similar duties. As a question of function, it seems there should be another staff person in addition to the Noise Control Officer. This could be Noise Office staff, Program Coordinator, or another alternative title. After a short discussion, it was decided to include two liaison positions; Noise Control Officer and Noise Program Coordinator.

Michael Wallace moved to add the title of Noise Office Coordinator and Noise Control Officer as board liaisons. Desi Wright seconded the motion. Motion passed 3 -0

Michael Wallace moved to approve the bylaw template as amended. Desi Wright seconded the motion. The motion passed 3-0.

Adjourn 7:30 pm