

Noise Review Board
October 9, 2019
Minutes

Present: Ernest Harris, Desiree Wright, Kerrie Standlee, Michael Wallace, and Paul van Orden

Minutes: Katherine Couch

Ernest Harris calls the meeting to order 6:02

Continuation of the 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.

Since the September meeting, Paul van Orden, Noise Control Officer and Kerrie Standlee (the acoustical engineer sitting on NRB) had the opportunity to walk the site, to gain a better understanding of the different locations and sound measurements taken. (Board member and construction professional, Desiree Wright also had the opportunity to walk the site)

Noise staff met with PBOT to discuss their perspective of the transportation corridors affected by the project and the narrow window of time transportation would allow on certain streets at peak traffic hours.

Ernest Harris, Acting Chair, asks Portland Bureau of Transportation to speak.

Nameer Ezat-Agha, from PBOT traffic control coordination, reviewed and approved the traffic management plan. There are many benefits to nightwork, including traffic, safety to the public and building trades workers. The traffic count on SW Washington shows that they could allow lane closure on the street. PBOT took a more holistic look beyond the traffic count. Other factors they considered was the location of a frequent bus stop on Washington. Lane closure could cause people queuing up for the bus, and causing delays, cars turning right and waiting for pedestrians crossing 10th, frequency of dump trucks moving, the marked pedestrian crossings on SW 9th and Washington and SW Park and Washington. Given this combination of factors, PBOT feels that nighttime hours work better.

Questions from board members:

- Can Alder be closed? *That was the first option, but Howard S. Wright moved from the original plan to SW Washington.*

- When are lane closures allowed? SW Washington would need to be opened by 3:00 pm or 4:00 pm, due to a traffic peak in the afternoon. Alder has a higher traffic volume in the morning, and Washington peaks in the afternoon.

The Noise Review Board indicated strongly that they need the traffic number report, to help them set conditions.

Nick Cusanelli, General Superintendent from Howard S. Wright, and Tobin Cooley from Listen Acoustics

Howard S. Wright made changes to their request after hearing testimony at last month's meeting. Changes are listed below directly from the narrative provided:

"In response to certain concerns that were expressed during the testimony at the September 11th meeting of the Noise Review Board, we have made a number of modifications to our previously plan. The most significant of those changes are the following:

1. *No nighttime work will take place during Friday evenings, and no nighttime work will begin until 8 p.m. (instead of 7 p.m.) each evening. The nighttime work will be performed from Sunday evening through Thursday evening each week. As such, no work whatsoever will take place on Friday and Saturday evenings. (This was in response to the concern from the restaurant to avoid prime business hours)*
2. *Nighttime truck loading will now take place on Washington Street, rather than on Alder Street. The new location of the loading area is more than 200 feet farther north than the location on Alder Street, which (a) places the loading site at a greater distance from the Sentinel, Dossier, and Woodlark Hotels and the Park Avenue West building, and (b) moves the truck route off of Alder Street, where these hotels are located."* (Additionally, the Target Store has a loading dock on Alder, and closing a lane would not allow for deliveries to the store. Deliveries begin at 5:00 am, and the trucks require both lanes to enter the loading dock. Additionally, moving to Washington makes the route more direct, and cuts down the truck travel time to around half the distance)

HSW retained the services of Tobin Cooley to take sound readings. They applied for a one-night noise variance to do a trial run of the equipment used for hauling. They did this trial run on September 20. Mr. Cooley recorded sound levels at the property line of some of the hotels. There's a summary in the narrative, but the full report is also included. The equipment used was under full operating load. During the trial run the equipment was moving wet earth to duplicate the weight of the actual loads.

We intend to implement the following methods and procedures to minimize noise (and we are willing to accept such methods and procedures as conditions of approval of our application):

- *Trucks will not be allowed to back up.*
- *The operators of trucks and other construction equipment will not use horns to signal or communicate with other operators. (Horns will be allowed only for emergency traffic sounding.)*
- *Truck speeds will be limited to 20 mph, and to 10 mph if trench plates are present in the haul route.*
- *Brakes will be inspected and in good working condition.*
- *Jake braking will not be permitted.*
- *The truck haul route will be monitored by project site supervision for compliance.*
- *Truck haul routes will be established and not vary unless required by traffic closures outside of the project.*
- *Any motion alarms will be disabled or be broadband type if required for safety.*
- *Excavation equipment will be new or like new and well maintained thereafter.*
- *Concrete and rock breaking, should we find any when excavating, will not occur at night.*
- *Trimming the excavation tight to the steel soldier pile will be done only during the day to avoid steel-on-steel banging and scraping.*
- *The bottom 2/3's of the excavation will be accomplished with an electrically driven conveyor, which will replace one piece of equipment with tracks.*
- *Site lighting will be directed downward rather than across the site to avoid light pollution.*

Mr. Cusanelli describes the two phases of excavation. The first phase (top 1/3) will be excavated in a traditional method with excavators and dozers. The bottom 2/3 will reduce the equipment to one excavator and dozer, due to the addition of the electric conveyer belt, listed above.

Tobin Cooley from Listen Acoustics summed up the measurement report. He took remote measurements at two hotel sites (Dossier and Sentinel, Woodlark, partial measurement from Park West. (HSW office is in the same building as the Woodlark) with the windows open, and microphones were on a tripod outside. Hotel measurements were taken at actual levels in various rooms. (Sentinel on the 4th floor, Dossier was on the 17th floor, and the HSW office on the 6th floor.) Measurements were taken simultaneously, and recorded the LEQ and LMax, right next to one another. They also measured ambient noise. Windows were open and the microphone was outside on a tripod.

With no further questions, the meeting was opened to public testimony.

- **Ciaran Connelly**, attorney with Ball Janik, representing the Provenance Hotels. Mr. Connelly is against granting the variance for a number of reasons, including the decibel levels are above City Code, six months is a long time to be suffering from the effects of the variance, the location is next to businesses and residents, there is no traffic study from PBOT. He had a list of conditions, including paying for all the hotel rooms during

the variance time, an independent monitor, and staying any decision until after they appeal and are heard at City Council.

- **Vanessa Sturgeon** – CEO of TMT Developments. She opposes nighttime construction and feels there are too many detrimental effects.
- **Melissa Velasco** – resident, Eaton Apartments. She opposes the variance due to noise
- **John Caufield** – resident, Eaton Apartments – Wants the board to deny the variance. His apartment faces Alder
- **Michael Ard** - Sherwood OR – He is a traffic engineer consultant. He says that in actuality, it is more dangerous for pedestrians and workers when nighttime work is done, even though the numbers are lower.
- **Anne Kroma** – She lives at Morrison Apartments, and was not notified when Park Avenue West was being built. She also doesn't get notifications from Pioneer Courthouse Square
- **Jay Friedland** – Opposed to the variance. He feels that since residents can't move, but traffic can, they supersede traffic impacts.
- **Farrah Perry** – Park Avenue West Manager. She is still opposed to the variance
- **Karen Moyer** – in-house council for Provenance Hotels. She is opposed due to revenue loss during construction and resulting bad Yelp reviews
- **Jared Dayton** – resident, Park Avenue West. He is opposed to the variance from the resulting lack of sleep
- **George Schweitzer**- Benson Hotel. He is opposed to the variance. The Benson did not get notified. (Note: They are at SW Broadway and Harvey Milk)
- **Melissa Kaloski** – resident, Park Avenue West. She is opposed to the variance.

Kerrie Standlee moves to approve a trial of two weeks, between October 23, 2019 and November 6, 2019, for variances work for the hours between 5:00 am and 7:00 am. Ernest Harris makes a friendly amendment to work to get an analysis for understanding measurements of sound sources and traffic impacts with a combination of sources. Kerrie Standlee accepts the friendly amendment. There will be monitoring full time during the variances operations at the Woodlark Hotel, contingent on The Woodlark giving permission to have a monitor at their location, with a permanent monitoring system collecting sound level data using second-by-second LMax in 15- minute LEQs. The variances times are only for excavation and hauling and no other work. Data measurements will be reported back at the November meeting. Other conditions described in the narrative will be required. Desiree Wright seconds the motion.

Motion passes 3 aye, 1 nay, with Michael Wallace being the dissenting vote.

In order to line up with the window of work just approved, the next NRB meeting will tentatively be moved to November 6, 2019.

Request by Portland Bureau of Transportation for a noise variance to allow nighttime construction for the Sullivan's Crossing Pedestrian/Bicycle Bridge over I-84 and the Union Pacific Railroad.

Dan Layden from PBOT, and Michael Minor, Acoustic Consultant with Michael Minor and Associates, present the variance request

The pedestrian bridge is located Lloyd District and Central Eastside across 7th avenue. Most of the work is to at either end of the work zone to construct foundations for the bridge. There will be some night work occurring on the freeway and some on the bridge, which spans the freeway. Freeway work will have to be done at night due to the need for lane closures. Typically, single lanes will be closed to allow traffic, but there will be one weekend when they close the freeway entirely in order to place the bridge on the foundations.

There is one receptor house located 260 feet away from the work zone, but other receptors are farther away, and blocked by buildings. This receptor has been notified but has not responded. Activities included in the variance are lifting the bridge into place, cranes, removing framing from bridge, and a little work to shore the hillside before the bridge is put in. The bulk of the work is during daytime hours, but PBOT is requesting up to 50 non-consecutive nights to take place over 15 months between November 2019 through January 2021. They are expecting 20 nights at 66 dBA, and 30 nights at 68 dBA.

Destiney Wright moves to grant this variance. Kerrie Standlee makes a friendly amendment requiring the applicant to contact the Noise Office if there are any complaints so amendments may be made if necessary. Destiney Wright accepts the friendly amendment. Kerrie Standlee seconds the motion to grant the variance with the friendly amendment.

The motion passes 4-0

Meeting adjourned at 8:43 pm