



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*

Noise Review Board

9/10/14

Minutes

**Present:** David Sweet, Carol Gossett, Julie Greb, Melissa Stewart, Elki Lahav, Paul van Orden

**Minutes:** Kathy Couch

**Call to order: 6:01**

**Review construction noise variance from Multnomah County Department of Community Services- Broadway Bridge painting**

Mike Pullen, Charles Maggio presenting

Charles Maggio describes the process for painting and ensuing noise impact.

Mike Pullen reports on efforts regarding noise outreach:

More residences have been contacted since the last Broadway Bridge painting project. The closest neighbors are The Yards, McCormick Pier, Alber's Mill. (These are the same neighbors as the last project.) They talked to all of the above listed as well as Pearl District Neighborhood Association and Portland Downtown Business Association. They were happy to know that the painting will be finished, but both groups were concerned about lighting, especially at The Yards, which is the closest location to the bridge) A noise hotline will be up for any concerns or questions, and Multnomah County will work with property managers for information on night work. There will be up-to-date news on a project website, additionally. They are requiring the contractor to engage in the noisiest activity during the daytime regular construction hours. They will be using portable noise meters, and smart back-up alarms instead of beepers. Monitors will be testing ambient noise prior to the project and posted on residences. They have made no contact yet with the Eastside beyond the Rose Quarter. Mike Pullen will make the contacts and share the results with the Noise Control Office. Power will be shut off during the day at times, which will impact the streetcar line. This would be daytime work, so would not be a factor in the variance request.

David Sweet says that nighttime noise of up to 85 dBA LEQ mentioned in the variance application wouldn't be likely to be approved by the Board. As another point, 90 nights seems excessive. 40 nights seems more realistic, considering the work described in the application and supporting documents, according to the NRB construction representative, Julie Greb. Both Ms. Greb and Chair Sweet felt there was no need for a variance every night if work isn't taking place every night. There was a lack of understanding as to the need for 5 dBA over ambient sound.

Paul van Orden feels that night work should be 5dBA over ambient measured in LEQ an hour. Noise readings would be taken before the project begins to measure and document ambient. If the consultant sees a red flag, then we can discuss it further.

Julie Greb and David Sweet craft the wording for the motion, as follows:

David Sweet moves to grant construction variance to Multnomah County, Department of Community Services, Bridges for a variance between March 1, 2015 and November 30, 2015, for painting the Broadway Street Bridge, spans 2, 3 and 7, between Lovejoy Street and NE Interstate Avenue between the hours of 6 pm – 7 am.

at no more than 5dBA above ambient noise for up to 40 nights, to be measured with LEQ hourly updates to be measured at the property line of the closest residence. Proposed mitigation measures are adopted by reference. They are:

- Restrict the noisiest activities to daytime hours
- Reduce truck movements at night
- Use silent “smart alarms” instead of standard reverse signal beep alarms on vehicles at night
- Use portable noise meters on site to measure noise levels
- Maintain an up-to-date telephone response line for noise complaints. Address complaints within 24 hours or before the next scheduled night work
- Permittee will make contact with the apartment complex and motel on the eastside of the river before any work proceeds.
- Report complaints to the Noise Control Office within a week of receiving them.

Melissa Stewart seconds the motion.

Motion passes – 5-0

Note: Carol Gossett would appreciate reaching out to neighbors before any closure of the bridge or closure of the streetcar, due to the heavy volume of commuter traffic.

### **Review of Noise Variance request from Superfly and Zidell Yards for the Pabst Project**

#### **Representing Project Pabst:**

Molly Zidow; Superfly, Matt Slesser of Pabst, Pete Siegal of R & R Sound ,Connie Wohn and Matt French (both from Zidell)

Molly Zidow briefly describes the event:

Project Pabst is a 2 day event for ages 21 and over. It will feature music emanating from 2 stages. Gates will open at noon each day and end at 9 pm. Additionally, Thursday and Friday are requested for sound checks. Specifically, Thursday between 3:00 pm – 7:00 pm to test the sound system(turn it on and make sure it’s working), with recorded music and white noise is part of the request, along with Friday between 3:00 pm and 7:00 pm with sound checks for bands.

The request for variance for Saturday and Sunday is between the hours of 9:00 am-9:00 pm for both days for 75 dBA with peaks to 80.

R& R Sound will be the sound company, with an independent party hired to take measurements. All 1700 parties requested by the Noise Control Office have been notified. A community hotline has been established and running for 3 weeks. So far, the only calls have been 3 hang-ups. An e-mail address on the Project Pabst garnered nothing. They have also reached out to Neighborhood Associations, canvassed South Waterfront. There has been no response from Brooklyn or Hosford- Abernethy Neighborhood Associations.

Pabst Project has been working on various fronts to help with traffic congestion.

They are partnering with the streetcar for free rides and additional streetcars will be running. There will be free bike valet service. OHSU will rent surface parking lots to the project for patrons. They are working with the police to help with traffic during the events. Have been working with OHSU communications office.

**Staff report:**

Paul van Orden states that this is the biggest outdoor show since Portland Meadows used to host music concerts many years ago. That venue was isolated and still had challenges. Recently, he accompanied a different promoter to the property for a system check and noted some challenges to the site. Given the topography into the hills, there is a high propensity for neighbors up to a mile away or further to hear it and see it as a nuisance. The noise Control Office has recognized this space would be a notable challenge for our office. If we're not careful there could be a negative impact which would hinder the Zidell property owners from holding other events. He anticipates a notable response from the public after the event. He also feels that there is some capacity for people on the Eastside to be impacted, since it isn't too far away. We do need to be very careful and Paul will propose several measurement locations. He will need to be there on the sound check days to check locations. This will take a bit of work to alleviate the predominant negative impact to the nearby residents.

Paul van Orden also spoke with Bureau of Development Services to obtain zoning code information. According to the zoning requirements, there is a limited capacity for how many shows may be held within a year. Each time an event is held at this property, they need to wait 4 times as long as the length of the event. This would eliminate being able to have events every weekend. However, it still offers quite a number of opportunities for events.

In order to protect the community, Officer van Orden would like to see a requirement in the variance decision for a signatory from Zidell Yards. He would also like to see conditions included for the complaint hotline to take more than one call at once.

**Sound Report:****R & R Sound**

First measurement is taken at mix position. (Typically this is 125 feet from the stage) For this event, due to close proximity of residents, mix position will be 80 feet from stage. This, hopefully, will lessen the desire of the artists own sound staff to bump up levels. By moving the mix position closer, the noise would fall off even closer behind the sound board. Noise levels would be 95- 100 dBA at front of house. Moving closer, falloff even closer behind. Because of the ability to focus the noise impact dramatically toward the audience, noise emanating sideways from the stage is less of an impact.

The Thursday sound check gives a better chance for adjustments. They should be able to find out the biggest impact zones and adjust to them.

They will be building the stage and roof on the first day in (Tuesday). On Wednesday, they'll and sound and lighting. Thursday is the day the sound system will be tested. Friday is band load-in.

One of the representatives from R & R Sound will be at the board along with band's sound engineer to maintain dBA level requirements.

Speakers will be facing out from the stage. Speakers will be programmed so that the sound is focused at attendees. Bodies will also absorb sound, once the venue opens. The biggest challenge is the atmospheric conditions and what they will do.

**Public Testimony**

**John Tate**, President of the Atwater Homeowners Association (HOA) and the Chair of the South Waterfront Neighborhood Association: He receives many concerns from residents regarding all events, including this one. Traffic is a huge concern. Crowd noise is a concern. He would like the opportunity to discuss other concerns about foot traffic and safety. The wind typically comes from the south and blows north, which would benefit the event. He sees challenges but thinks it's doable. He says that we should expect phone calls though.

David\_

Moves to grant Superfly, and Zidell Yards (ZRZ Realty Inc) a variance for Project Pabst, a two day music festival for September 25, 2014 through September 28, 2014.

76dBA at 1200 feet.

Conditions:

- Sound checks on Thursday, September 25, 2014 between 4:00 pm and 7:00 pm, and Friday, September 26, 2014 between 3:00 pm and 7:00 pm
- Saturday, September 27, 2014 and Sunday, September 28, 2014 between 9:00 am and 9:00 pm, with amplification to end at 9:00 pm SHARP.
- Sound levels not to exceed 72 dBA measured at 15 minute LEQ, with peaks to 75 dBA, measured FAST at a distance of 1500 feet, and other locations to be agreed upon.
- Sound levels to be adjusted as necessary, using standard attenuation measurement. Measurements with noise meters to be made by a person experienced with sound measurements, and in regular communications with the sound board.
- Residential properties to be notified of the complaint hotline, which will be staffed during the event with live person.
- Complaint hotline must have the capability of taking multiple calls.
- Report of any complaints (consisting of a full report, with details on who complained, and what was done) within a week of the event.
- Signatory of property owner needs to be added to the variance

Julie Grebs seconds the motion.

Motion passes 5-0.

**Public Testimony**

**Maura Jess**; Pearl District resident- distributes a construction map that shows 3 buildings going up simultaneously surrounding Sitka (the apartment complex she resides at). She feels ~~that the Pearl District is being developed too quickly and the cumulative health effects of construction noise are detrimental to residents.\*~~ **Amended by Maura Jess** “due to the unprecedented concentration of high rise construction developemtns currently underway in the Pearl, the absence of a clear and transparent variance policy that reflects the unique impact this is having on the livability of the community is resulting in adverse health and safety issues.” Traffic is also stressful. She wanted to discuss the Anderson variance application, but there was a misunderstanding as to what kinds of variances the Noise Review Board has a hand in. (this was a standard variance for early morning concrete pours, along with some Sunday deliveries). This body of work has been delegated to the Noise Control Officer for review.

**Stephen Spain**; Goose Hollow Neighborhood – Would like to know if there are any next steps to revisit leaf blower limits. He was told by Officer van Orden that there are a group of citizens beginning to coalesce again on leaf blower regulations and he was encouraged to join them.

**Adjourn - 8:31**