

NRB Meeting
12/10/14
Minutes

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

Absent: Carol Gossett

Minutes: Kathy Couch

Call to order: 6:03 pm

Minutes for November: – Julie Greb moves to approve the minutes from November with one amendment: in the vote tally, change the % sign to 5. Melissa seconds, for final results of minutes approved as corrected. Motion carries 4 Ayes, 0 Nays

Request for variance from Andersen Construction for crane erection on NW 13th Avenue, between NW Overton & NW Pettygrove St December 17, 2014 (Unico site)

Chair Sweet shares that ordinarily this is the type of variance that would be handled by the Noise Control office. Due to the large number of people impacted and increasing objections, any construction variances in the Pearl District are to come before the NRB.

Representing parties asking for the variance are: Andersen Construction's Brian Anthony, Project Superintendent; Steve Jones, Project Executive, and Sicklesteel's Scott Brown.

When asked by one of the NRB members how timeframe is determined for crane erections, Scott replied that he looks at the amount of time it takes to build the crane and then looks at the schedule to see when it would be safest. Tower crane erections include several truckloads of equipment.

Brian adds that the truck for crane, mast and jib typically goes into the evenings. He explains that time may be made up in one area, and then lost in others. He adds that Andersen is a local company and has been in business since 1937 and places a great deal of value on keeping good community relations. Length of time to erect a tower crane is not an exact science. It takes 5 to 6 hours to assemble the assembly crane alone.

Main crane erection generally takes 10-12 hours. Breaking it into 2 days impacts cost, scheduling, safety issues, and use of manpower. The project has already given

up weekends, and shutting it down for 2 work days for jobs typically done during varianced hours at large constructions sites throughout the city is a very unusual expectation.

Paul discusses details on neighborhood notifications for this variance request. Andersen staff passed out over 900 flyers to 5 apartment buildings, getting contact information from representatives of each building who received the flyers. The Noise Control staff followed up calls to all 5 contacts. We confirmed that they did receive them. Days later, two of the buildings had yet to distribute anything to residents.

Brian adds that along with the flyers, several of the neighbors have been on his e-mail distribution list. He feels that a good rapport has been established, and neighbors appreciate his efforts to keep them apprised of the project activity. Andersen is trying to minimize the noise as much as possible, within the parameters set by the activity of building a large building. He, along with the rest of his staff, realize that they are working in the equivalent of neighbors front yards and try to work with respect for that. Building an \$80 million high rise with only 1 variance is almost unheard of. He feels like their project may be taking the brunt for the all of the combined construction activities in the Pearl District, and does not feel that it's fair to lay the burden at his feet.

Paul confirms that cranes have had no noise issues, as far as complaints to the Noise Control office.

Scott goes over the different aspects of the project request: Specific noise-making components include: Assembly of job and impact ranges, hammering of pins as tower sections are put together, engines revving for support crane. They will mobilize the crane onsite. Other components include leveling the crane and bringing in the counterweight. This part will include the revving motor for the trucks. Assembly of the crane itself is several hours into the process. This will begin in the late morning hours. They will be starting the crane at the lower level. Crane jumps can happen during working hours. The noise from the support crane when standing next to it is much like the noise a garbage truck makes. It has a high rev and isn't hoisting very fast.

Public testimony

David Vanadia, Pearl resident – appreciated the notification, and has no objections to the request. He added that he agreed that the Unico project has been getting the brunt of the cumulative construction projects in the Pearl District.

Julie Greb moves to approve the variance request for Andersen Construction to operate on NW 13th Avenue, between NW Overton St. and NW Pettygrove St on December 17, 2014, between the hours of 5:00 am and 10:00 pm, to erect a tower crane. If possible, she would like the Noise Control office to get a representative sample of dB levels.

Melissa Stewart seconds the motion.

Motion passes 4 Aye, 0 Nay.

Chair Sweet delegates that the variance fee be charged as an over-the-counter variance.

Request from Chenoweth Law Group to address cleaning up code for references to noise in Title 18 and exploring references to noise in Title 14

Brooks Foster testifies on behalf of the Chenoweth law Group on two issues in Title 18 and Title 14 he feels are easily correctable.

The first issue is a code provision within 14A with cross references to Title 18 that appears to reference the wrong subsection.

He would like the Noise Review Board to amend city code so that it references the intended section, as follows “Unlawful operation of sound producing or reproducing equipment as defined in Portland City Code 14A.30.020

The second issue is a drafting error in Portland City Code, PCC 14B.060.010.D.18 that currently defines nuisance activities to include the following: state “Unlawful operation of sound producing or reproducing equipment as defined in Portland City Code 14A.30.010 and/or excessive noise as defined in Portland City Code Chapters 18.04 and/or 18.14.

Chenoweth Law Group feels that there is a drafting error in this provision that must be corrected to be consistent with the drafters’ original intent, and says the corrected text should state “Unlawful operation of sound producing or reproducing equipment as defined in Portland City Code 14A.30.010 and/or excessive noise as defined in Portland City Code Chapters 18.04 through 18.14.

Chair Sweet explains that text changes generally occur every several years as housekeeping or when we ask for several changes to the code. It would be logical to bring this request forward with pile driving. Along with this, tweaks in the noise code will change with the updated zoning code, possibly as soon as February/March.

Paul feels this is a clear element we should be exploring.

Public testimony

None

Adjourn 7:01 pm.