



CITY OF

PORTLAND, OREGON

OFFICE OF NEIGHBORHOOD INVOLVEMENT

AMANDA FRITZ, COMMISSIONER
Amalia Alarcón de Morris, Bureau Director
Noise Control Program
1221 SW 4th Avenue, Room 110
Portland, Oregon 97204

Promoting a culture of civic engagement

FINDINGS AND DECISION OF THE NOISE CONTROL OFFICER

APPLICANT: HOWARD S. WRIGHT *TODD SMITH*
1455 NW IRVING ST., SUITE 400
PORTLAND OR 97209

VARIANCE NUMBER: 16-213587

REQUEST: Up to 30 concrete pours, between August 16, 2016 to August 15, 2017,
at 525-535 NW 11th Ave.

DECIDED: August 15, 2016

DECISION: APPROVED, WITH CONDITIONS

BACKGROUND:

Title 18 establishes sound levels based on the zones of both the source and receivers of noise. Events that produce noise above permitted levels may be considered for variance from the code. The Noise Review Board is charged by code to review and act upon some of these applications. The review must consider the physical characteristics; times & duration of the emitted sound; the geography, zone and population density of the affected area; whether the public health, safety or welfare is impacted; whether the sound source predates the receiver(s); and whether compliance with the standard would produce hardship without equal or greater benefit to the public. The code does not preclude review of other factors, nor does it specify the weight to be given to each criterion.

REQUEST: Todd Smith, representing Howard S. Wright Construction, requesting permission for a series of early concrete pours on a project at 525-535 NW 11th Avenue. The general request is for up to 30 pours during a years in duration from August 16, 2016 to August 15, 2017.

FINDINGS:

- A. The public's health, welfare and safety are not affected by the anticipated noise levels, except possible temporary interference with sleep at later hours and for closer-in properties.
- B. The sound source does not predate receivers.

- C. The project has limiting factors related to traffic impacts and access to neighboring properties. Since this project is a quarter block site with buildings to the South and West, as well as the Portland Street Car to the East, the only access for deliveries is on Hoyt Street. This include all concrete pours. All concrete pours on the project will require either a single lane closure or a full street closure on Hoyt Street between 11th and 12th Ave. As a result normal day only work would impact or restrict access to the neighboring residential buildings directly to the North of the project. Starting the concrete pour set up at 5:00 am will offer more time early in the morning to complete the pours. The early pour will help to open Hoyt Street earlier, providing a safer and less restricted roadway for our neighbors and the general public.
- D. The issue of concrete pours having challenges with concrete suppliers saying they will not be able to adhere to the requirement for the use of human spotters instead of loud back-up alarms has been a potential issue on some recent projects. The applicant has clarified this matter with their supply chain through Ross Island Concrete. The applicant reports that Ross Island said they are prepared to meet OSHA safety standards via the method of human spotters on this project and will be able to safely and temporarily disable the back-up alarms.

VARIANCE APPROVED BY THE NOISE CONTROL OFFICER WITH THE FOLLOWING CONDITIONS:

- Noise variance shall run from August 16, 2016 through August 15, 2017. The initial permit copy shall cover the first five major pours from August 16th 2016 to the end of November 2016. A second permit document will be drafted with a determination of noise permit conditions for the remaining concrete pours requested. It will not be a separate permit, but rather a clarification of permit conditions and limitations for the second portion of the permit.
- The applicant shall be permitted set up time for pumper trucks and machinery starting at 5 A.M. with the formal pour starting at 5:30 A.M. at this location. The permit is only to cover work between 5 A.M. and 7 A.M., Mondays through Saturdays.
- Sound levels shall not exceed an hourly Leq of 74 dBA, as measured at the closest neighboring residential uses.
- The permit will be re-evaluated at the end of November 2016 to determine the conditions and limitations of the remaining time on the permit based on the applicant's performance and the review of complaints and / or noise data.
- The applicant shall hire an Oregon State Licensed Acoustical Engineer to complete a sound level measurement report for the second concrete pour. The report shall include the following: Two hours of ambient measurements before the work begins from 3 A.M. to 5 A.M. ; A measurement of the second by second Lmax measurements from 5 A.M. to 7 A.M., as measured at the interface of the closest residential noise receiver.; The Acoustical Engineer shall also complete 15 minute Leq sound level measurements during the entire measured period from 3 A.M. to 7 A.M.