



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 REVIEW BOARD**

APPLICANT: HOFFMAN CONSTRUCTION *TOVA ROMERO*

VARIANCE NUMBER: 16-274745-000-00-NV

DECIDED: January 3, 2017

FILE COPY

DECISION: APPROVED WITH CONDITIONS, DELEGATED FOR AUTHORITY BY NOISE CONTROL OFFICER, PER BOARD CHAIR, CAROL GOSSETT

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:

Tova Romero, representing Hoffman Construction, is requesting a noise variance for construction of the Multnomah County Courthouse, located on the city block bounded by SW Madison St, SW 1st Ave., SW Jefferson St, and SW Naito Parkway. The variance request is for days between January 6, 2017 through January 31, 2019, between the hours of 7:00 pm – 6:00 am.

The variance request is requested by 3 factors:

Sanitary Sewer/Stormwater in-street work scheduled to commence in February 2017. PBOT requires limited hours for construction to occur between the hours of 8:00 pm and 6:00 am Monday through Saturday to reduce impact to commuters. To further minimize impacts, Hoffman Construction will establish a 4 day 10- hour schedule Monday – Thursday with Friday and Saturday reserved to offset weather delays that may be incurred.

Concrete pours will commence in June 2017 and continue through April 2018. Deck pours will be approximately 300 yards per pour and total pours shall not exceed 64 throughout this time period. The

start time for pours will be 5:00 am due to their size and hours required to complete finishing. It will take 5-6 hours to place concrete and 6-8 hours to finish, dependent on weather. (cold air will take longer)

Crane and manlift erection/dismantle, due to high risk inherent in these operations. Due to the need to close or partially close the jobsite, as well as perimeter roads, the effort will be completed with an early start and late finish over a weekend. The crane will be erected on a Saturday or Sunday in July of 2017; dismantle September 2018. The manlift will be erected on a Saturday or Sunday in November of 2017, with a dismantle November 2018.

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 last criterion in reviewing Noise Variances speaks to a sort of "balancing test", in which compliance/non-compliance is measured against the "public good." Will the denying of this application produce hardship without equal or greater benefit to the public? Although "benefit" usually refers to economic gain, the Board also includes the pleasure obtained from the viewing of an event, the fostering of interest in an activity, or the pride in one's city, which occurs via national exposure. In the present case the event is not only a well recognized community event, per se, but it also contributes to the national exposure of the City of Portland. The Noise Review Board finds that denying this event will not benefit the public good.

DECISION:

APPROVED WITH CONDITIONS, DELEGATED FOR AUTHORITY BY NOISE CONTROL OFFICER, PER BOARD CHAIR, CAROL GOSSETT, DUE TO INCLEMENT WEATHER-RELATED CANCELLATION OF THE DECEMBER 14, 2016 MEETING.

The Variance is approved with the following conditions:

- A. The variance shall run from January 6, 2017 through January 31, 2019. The hours of the variances construction shall be from 7:00 p.m. to 6:00 a.m.
- B. From 6:00 p.m. until 9:30 p.m., the contractor will be required to use 'smart alarm' back up beepers, instead of a standard reversal alarm, for all equipment activity. After 9:30 p.m. and until 7 a.m. the following morning, back up alarms will be disconnected and spotters will be used to safely back up vehicles.