



CITY OF

PORTLAND, OREGON

OFFICE OF NEIGHBORHOOD INVOLVEMENT

Chloe Eudaly, Commissioner
Dave Austin, Interim, Bureau Director
Noise Control Program
1221 SW 4th Avenue, Room 110
Portland, Oregon 97204

Promoting a culture of civic engagement

**Noise Review Board
November 9, 2016
Minutes**

Present: Carol Gossett, Kerrie Standlee, Jamie Hurd, Paul van Orden, Melissa Stewart, Ryan Hyke

Absent: None

Minutes: Nicholas Carroll

Call to Order: 6:03 by Carol Gossett

Paul van Orden speaks about the idea of all pile driving required to be in mitigation with Council. Remove exemption from City Code for pile driving. Taking in new testimony, to get severity of the situation. What is this going to mean for the public and what it means to mitigate before taking it to Council?

Public Testimony (Comment time may be limited by the Chair)

Mary Sipe asks Pearl residents who support the proposal to stand up. Paul took picture of the group for a visual of the number of residents in attendance.

Glenn Traeger

One issue to contemplate for mitigation is to lower building until the auger method works. Don't use pile driving next to schools, hospitals, nursing homes and delicate land uses.

Sally Mize

Amount of noise not just sound impact, but also how it impacts one's body.

Bryan Rider

Doctors are concerned about the high risk to pregnancy and suggested before and after hearing test. No noise mitigation was done for surrounding buildings. What are the next steps if you feel the Pearl is not livable? Consider some type of mitigation. Doctor expenses being paid out of pocket.

Kurt Sorenson

OSHA requires noise attenuating devices for crews with certain standards to be met. Gave list of different decibel standards set by OSHA. Time limit for various dBA levels.

Brook Sinkerson

Measuring dBA of 90+ in Fields Park. You can feel impact on your chest. 20 feet from the park (across the street). 100 feet from children's playground.

Mary Sipe plays a recording of the pile driving noise that she heard today in her apartment. 8:59 a.m. for 45 minutes, shared other times and duration. Took a lot longer to drive four piles.

Bryan asks if a sound board around a construction site is reasonable. Ryan Hyke says that the crew can be put at jeopardy because of the lack of visibility. Paul says that barrier does not necessarily help mitigate the sound and asks to consider how we can protect the maximum amount of people. Bryan mentions the frustration in having to pay the extra costs for mitigating the sound created by the construction company.

Dave Mitchell

Hoyt's response was the financial considerations made it untenable, but then argument shifted to geological consideration, which city is in no position to challenge or evaluate. Have independent evaluation with reputable with geologists with no financial relationship with developers. If cost is consideration, they're all going to go that route.

Paul states that BDS needs to address the issue of geotechnical elements on pile driving. Not part of the Noise Control Office / Title 18. NRB's role is to find ways to mitigate the sound.

Ron Alexander

Pile driving contributes to cracks in buildings. Cracks in elevator shafts found in other buildings.

Curtis Holloway

The noise is impacting people who work from home, people with young children who are awoken in the day, emergency room physicians who work graveyards and sleep is impacted, number of animals having stress, people in building who have had surgery

Robert Crane - Crane operator

Vibrohammer dampens the sound. That could be one option.

Kerrie suggests taking pile driving out of exemption clause and putting them in as a condition in a variance. Need some wording that deals with pile driving in a variance.

Paul says that the City Attorney writes the City Code and makes the changes. Part of what we are trying to do with the board is to get to win-win for everyone.

Mary summarizes that the proposal being put forth is that the exemption for pile driving will be removed from Title 18 and would require a Noise Variance Permit to be reviewed by NRB if noise is above 85 dBA. Neighborhood Association is here to support this and want to do what it takes to get it approved by Council.

Melissa asks if people could take their concerns to BDS? Hears the concern about geotechnical aspect, which might be better taken up with BDS.

Joel Burt - DeWitt construction company

Block 20 mitigation was done at company expense. Subcontractors doing the work. Opposed to this because we are taking this out on the known of the contractors and putting it in the unknown factor. How do you bid on a job like that and budget for it? Pile driving is old technology. There is a price cost per unit to lower a building. Spent 3 hours with Kerrie at job site and is taking suggestions into consideration.

(48:40) Kerrie suggests that any application for pile driving needs to come 90 days to 6 months in advance so that pricing can be calculated for the bidding process. Conditions specified in advance so developer will know what they have to pay for.

Pile Driving – Finalize resolution from Kerrie Standlee to require variance for noise mitigation on construction projects using pile driving

Request from Margaret Russell, Bureau of Environmental Services, for a sewer repair project to allow CIPP work, located on SE 82nd, between Duke and Henry Streets, and open trench work on SE 50th Ave between Reedway and Ramona Streets. The requested time is between April 1, 2017 and June 30, 2018, the requested extended hours are between 6:00 pm – 7:00 am

Rhetta Drennan – BES

Cannot be done when school in session. Duke and Henry has to be at night because ODOT says they would obstruct too much traffic due to being in the center of the street, trenching in a new pipe, 18 feet down. Asking for 19 days. Some of the work, like saw cutting, during the day. Closest residence is about 100 feet. Curing time has it run after hours. Liner has to be kept refrigerated until put in place. Refrigerated truck will be at one intersection. Back up the truck to the manhole and blow into it. Refrigerated truck will be in the daytime. Won't be running blowers or generators at night. If in the summertime or holiday week, it's a one day job. 19 nights span of time, out of a year. Continuous nights, broken up in a couple phases to do the work.

Predominately commercial location. Majority is trench work, some is prep and restoration work. Whisper generators, lights. Work includes trenching a section to lay a pipe over several segments with multiple segments happening simultaneously.

Soil conditions can affect the time and mathematical averages, or equipment not working.

Notification from contractor is given 3 days in advance and in person, and emailed 2 weeks before project begins. Does not know dates yet, but given a window of time. Contractor determines when the projects are completed based on site conditions and other factors, so they give a time frame for the work project. April 1, 2017 and June 30, 2018 is the window for the project.

(1:06:29) Kerrie says that the conditions will have limitations on sound levels and asks what's a reasonable sound level in that area with noise receptors?

Paul suggests this would be a good test case project for NRB construction workgroup noise readings. Use conditions from a sample CIPP case. **Wants condition of 2 days of ambient sound and 2 days of average construction work going on** so that the board can operate off of it and select from a menu of conditions.

(1:21:37) Jamie moves to approve with conditions to be worked out later by Kerrie and Paul. Ryan seconds motion. All in favor, none opposed, no abstentions. 5-0

Request from Margaret Russell, Bureau of Environmental Services, for a sewer repair project to allow pipe bursting and CIPP work, located on SE Cesar Chavez Blvd, between Brooklyn and Powell, CIPP work on SE Franklin between SE 54th & 55th, and jack and bore on SE Division at 60th Avenue. The requested time is between June 1, 2017 and September 30, 2018, the requested extended hours are between 6:00 pm – 7:00 am

Rhetta Drennan – BES

Night work in Richmond-South Tabor. Directional drilling at SE Division St. and SE 60th. Manhole cannot be accessed during the day. Asking for 3 nights: 2 nights and a Sunday.

At Cesar Chavez and Powell. Spot repairs and lateral work to cut in. Asking for 7 nights. Lower section will be doing pipe bursting with lateral cut ins and asking for 14 nights because it is more work. On SE Franklin St., work is closer to residents. Residents have been informed and some have been met with. Comment were not from people who lived adjacent to the area and were concerned about "night work".

Kerrie wants to make a similar motion as the previous one. Melissa makes a motion to approve the work with conditions that Kerrie and Paul will come up with and email. Jamie seconds motion. All in favor, none opposed. 5-0

Request from Kyle Crate, representing Oregon Department of Transportation for a roadway maintenance construction project to repair and resurface 2 ramps at the I-5 Morrison Interchange and I-5 Bridge over Moda Center, along with replacing the median barrier from NE Multnomah to SE Salmon, shoulder paving, rehab of Morrison Bridge ramps and resurfacing of Hassalo Bridge. The requested time is between April 15, 2017 and August 15, 2017, and the requested hours are between 6 p.m. and 7:00 am.

Kyle Crate - ODOT: I-5 Bridge Deck Rehab K18564 Project

Starts just south of the Moda Center. Stops at Marquam bridge. 1985 last time for overlay. Morrison Bridge structures to Belmont Street, bridge experiencing some cracking and rusting on bearings. Bridge is one lane and 1200 feet long. Not touching Morrison Bridge or Belmont.

Ramp at I-5 and I-84 intersection. Bridge is one lane and 1100 feet long. Deck seal overlay.

Hassalo structure. Wheel ruts, cracks, torn seals. 6 lane structure on I-5, traffic is immense. Has to be done at night. Repair is PPC overlay. Adds 20 years of life to the bridge.

Replacing a median barrier on that section. Replace with taller more robust barrier that could deflect a hit but not go into oncoming traffic.

Grind and pave on the shoulder.

No seismic upgrade.

Adam Markell – Asst project manager.

Hassalo Bridge Rehab up to 75 nights between June 15 - Sept 30, 2017.

Shot blaster piece of equipment added to table. Barrier stops where the lanes on the Marquam bridge splits.

First category: bridge deck work, 3 structures. I-5 to Belmont, Belmont to I-5. Problems with the deck, cracked concrete which will be repaired. Jackhammering to take out concrete. Joint repair work to reestablish concrete edges. Deck seal is a quick operation. Multi lift layer project on the ramp from I-5 to Belmont. Hassalo Holladay structure has same concrete repairs, thicker material gets overlay with paving machine.

Median barrier, taller held together with bolts and pins. Removing tongue and groove barrier, not certain how easy to remove. Might have to break it up and move it out in chunks so jackhammer might be used. Pavement will be patched and then the new barrier back on top.

Final operation is shoulder paving, a simple operation. Northbound and southbound, just south of Burnside Street overpass. 200 feet grinded out then repaved.

Melissa asks about worst case scenario if having to jackhammer barrier out? Jackhammering may be the noisiest part. Adam says 70 days. Ryan says that barriers should come out easy, as he has experience with that.

Adam anticipates that contractor might shift some work to weekend and off week work.

Patrick Romero - Noise Technical Team.

Took measurements at Milano Apartments. 65-75 dBA, 74-87 dBA at night time. 82-83 dBA is the construction noise average expected. Spoke with Legacy Hospital. Provided the same information and they want to stay in the loop. Predicted noise level is based on background noise levels 100 feet from I-5.

Kerrie asks about the source of the main contributor of the noise, shotblaster? Patrick says that shotblaster did not change the noise volume. Typical usage with multiple pieces of equipment. Used roadway construction model to generator numbers at that distance. Jackhammer was included in the calculations. (1:54:20)

Dee Hidalgo - ODOT

Gave notification to residences, like Milano Apartments. As part of the process, gave noise notification. Sent out on the 2nd week of October. 2 block radius around project workzones, hit a thousand mailboxes. Some industrial areas in the north.

Received comments from Legacy Health, which is opening a psychiatric ward in January and is concerned with potential impact at Unity Center for mental health since noise will add to patients' stress.

Received an email from resident at Milano apartment and read it to the NRB from a couple who go to school and work, so the noise would impact their lives.

Waves of mailings would be sent out to inform residents. Will be in close contact with the impacted businesses and residents. Noise hotline with a live person with info given to construction management and she calls back people who left complaints. Personal information will be printed on notices. Also distributes construction impacts.

Adam says plywood screens that have been used in the past have been effective but does not have the actual reduction data in dBA. Believes 35 nights of work for northbound construction work seems pretty accurate.

Public Testimony:

Megan Panagopoulos

Community manager of Milano Apartments. Worried about well-being at night with the beeping of the trucks and the jackhammering. Would sound going on for 70 days / nights have impact on residents to the point of them moving out and revenue loss?

Requests no Sundays and having a quiet hour. Have jackhammering early in the evening rather than late at night. Don't use back up beeper.

No air conditioning in the apartments, so windows will be open when this takes place in the summer.

Bahar Shamloo

Doctor at Legacy and lives at the Milano. Not healthy for mental patients at Unity, especially when it disrupts sleep. Consider having work until 11 p.m. but not to disturb the sleep.

Kerrie suggests the possibility of attaching a curtain barrier, loaded vinyl added to the edge of the bridge. Carol says there is an example in the Federal manual on highway construction. Kerrie says the challenge is how to get the construction noise down to the level of 75 dBA of the noise from freeway traffic.

Paul proposes to move forward with the variance with spirit and intent, but come back next month with plan to mitigate the noise with neighbors, particularly for the northbound lane with a goal to bring it within 3 or 4 dBA of the ambient noise. Next NRB meeting on December 14th. This would be the first item on the agenda, close to 6 p.m. Talk in the coming weeks about any proposals.

Church bell noise impacts:

Paul gives background regarding the City of Portland and community members having series of questions about volume or historical nature of church bells. Bells have impacted community. Callers have asked what about their rights on this issue. Majority of complaints are about new bells from mechanized bells with speaker.

St. Mary's at NW 18th and NW Davis and NW Couch – replaced old bells with refurbished bells. Real bells have a different tonal quality does reach up to the mid 60s and into the low 70s, measured at 75 feet away.

St. Stephens at SE 41st and Salmon and Taylor – computerized bells played for various events. May have started out louder but have been reduced to 48 to 56 dBA, close to code.

Duration varies from no bells to bells ringing every hour in one scenario.

Eric Anderson - St. Stephens

17 minutes each week if you add up, Monday rings once at 6:43 for one minute duration, Thursday for 2 minute duration at 6:58 and 6:59. Saturday at noon for 90 seconds and at 6 p.m. for 60 seconds, Sunday at 9:57 for a minute, 9:58 for a minute, and 9:59 for a minute at varying times. And occasionally for weddings and funerals. Weddings for 5 minutes, funeral was a 5 minute toll before mass. Done away with after.

PVO: Happened to be in neighborhood on Saturday and heard the bells and found the sound level reduced.

Patrick Brennan - Monsignor at St. Mary's

Bells installed in 1926 and used for 40 -50 years until bells became corroded and had to be pulled and require strong shoulders to pull the bells. A year ago, raised money to restore the

bells and motorize them and have an electronic system to ring them. 9 month period were away and put back in June. Rings at noon for 90 seconds, in different tones. 6 p.m. for 90 seconds. Sunday also has noon and 6 p.m. and for 9 and 11 o'clock mass. Have not done them for weddings and funerals yet, other than to test them out at a funeral. Still working on the bell ringing for married couple just before getting into the car to leave a wedding.

Paul asks about a reasonable and logical way to move forward. Does not think the Council would approve of citations being issued for ringing of bells. A real bell is a different, more pleasant experience than an electronically amplified bell. The churches have reduced the number of times of bells have been ringing. Suggests setting goals, moving forwards, and guidelines regarding bells. Not a lot of guidance from other cities.

Zach Blott

Live across the street from St. Mary's. Mid 70s dBA and as high as 82 dBA. The bells stop everything he's doing at the time. Sunday morning at 8:55 a.m. is the worse because it wakes him up. West of 18th is where his apartment is located. Takes issue with the bell sounds invasive to his house and cannot stop it. 6 p.m. every day disrupts his evenings when he wants to relax at home. Recommends getting sound down to 55 decibels, feels that weekend mornings and at 6 p.m. each day is invasive. Has no issue with bells being played at weddings or funerals.

Bryan Hull

Lives across the street from St. Stephens. Lived 25 years. No conflict with church in the neighborhood until the bells started. Started in 2014. Good neighbor agreement went around. Asked the church to go to mitigation with Resolutions Northwest, but church did not want to continue after two meetings. Feels like the church was not willing to work with him.

Recommendation to church to sit down with neighbors most affected by it and see what can be done. Noise from bells is a little better but it is too little too late after two years of going through with this and there was an incident of a 20 minutes of bell ringing that bothered neighbors. Bells even ring when there is nothing going on at the church. It is invasive and they cannot escape it.

Ann Masters

3 and a half blocks northwest of St. Stephens on Yamhill close to 39th. Heard it all the way to 45th and Hawthorne and Laurelhurst Park. The church has played the bells when no one was at the church. Church was non-cooperative about her questions and concerns. Was told that electronic bell volume cannot be lowered by the person at church. Concerned that the bell volume will increase when they are not under scrutiny.

PVO: No one in city will support a citation issued to the churches for loud bells. Need to look at pathways to resolve this issue. We can decide a noise variance permit or NRB review may be warranted, or residential notification to homes further away from the church than current guidelines.

How can we serve your needs and your needs on this issue? Where is the meeting point? We need to move forward with this with more eyes on this. This could set a precedence for other religions who might look at the decision on this. I don't think we have an instant resolution here tonight.

Kerrie suggests one avenue is to come in with a variance permit application, which we would review and set conditions. Paul says if NRB approves something, neighbors can appeal the decision.

Monsignor of St. Mary's indicates that half of 800 parishioners live in the NW neighborhood. Bells are rung to be heard. Used more for tradition than for calling people to church. Father Eric Anderson at St. Stephens says 200 families with half of those living in the broader neighborhood of the Church within a 30 block radius.

NRB wants to honor diversity of residents who live in the city. Recommends looking to guidelines that we already have and sound practices, and to be good neighbors and work with people. Sounds have to fit the neighborhood, since this is not about a rural area calling people to church, but in a dense, urban environment.

Gregg Everhart

There is a difference between real bells and computerized bells. Cannot be on the phone or hear radio / TV when bells ring. Can't work outside in garden when it goes on. An ugly sound, as compared to real bells. No one can sleep through these bells.

PVO: NRB members can come out to hear the bells to get better understanding.

Shawn Natola - a parishioner at St. Stephens

Loves hearing the bells. Some parishioners work in the area. Does not think 6:45 p.m. is a big deal, especially compared to early morning.

PVO: Requests board members to come out to hear the sounds, require variances with neighborhood notification. Pathway to look at it more closely. This will be second item on the agenda for December 14th.

Adjournment: At 9:54 p.m.