



OFFICE OF Community & Civic Life

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Noise Review Board

April 14, 2021

Minutes -draft

Present: Mary Sipe-Chair-Elect; Destiny Wright (Desi)-Construction Representative, Kerrie Standlee-current Chair, Michael Wallace-Member-at-Large, Paul van Orden-Noise Control Officer

Guest: Kareen Perkins, Civic Life Livability Manager

Absent: Ernest Harris-Member-at-Large

Minutes: Katherine Couch- Noise Program Coordinator

Kerrie Standlee called the meeting to order at 6:01pm and announced that the agenda had been revised to include a request from Friends of PIR to extend two races canceled due to the pandemic.

Public Comments

None

March Minutes

Mary Sipe moved to approve the March 10, 2021 Noise Review Board meeting minutes. Michael Wallace seconded the motion. Votes are as follows: Mary Sipe "Aye", Desi Wright "Aye", Kerrie Standlee "Aye", Michael Wallace "Aye"

The motion passed unanimously, 4-0

Dave Sweeney, representing Friends of PIR, and Sportscar Vintage Racing Association requesting a date change on two races. Since this was included after the agenda was distributed, the Board will listen, but not decide. It will be included in the May meeting agenda for a vote.

Dave Sweeney

Friends of PIR is the promoter of the Rose Cup Races. This year will be the 60th Rose Cup Race at Portland International Raceway. Friends of PIR and the Rose Cup was granted a multiyear variance. The Rose Cup Race event was not held in 2020 due to COVID restrictions. Friends of PIR is requesting a revision to the Noise Variance to extend Rose Cup Race that should have been held last year is granted an extension for July 9 through 11th, 2021 with the same plan and conditions.



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Sports Car Vintage Racing Association has had an annual, historic race in July. Due to COVID, this race didn't occur in 2020. They are in their third year of an approved variance. They are asking that the race will now be extended to July 22 through 25th of 2021 with the same conditions and plan.

Paul van Orden explained that, although more community input is needed, the board members present indicated which way they will vote when this request returns in May. All board members attending plan to approve the request, since it's only an unavoidable date change and otherwise the same as the requests presented earlier when they were approved.

Andersen Construction Fremont Apartments Variance Request

Ian Anderson, Project Engineer for Anderson construction requested 48 early morning start times between April 2021 and June 2022 on a new 17-story apartment building located at 1550 NW Naito Parkway. The requested 48 early mornings encompass all deep foundation concrete pours and elevated deck pours. The expected total of all early morning concrete pours is 33 days. They are also requesting ten miscellaneous days for high heat. In the heat, wearing a full-face mask would pose a threat to the construction workers. There are seven miscellaneous days included for hydraulic mobile crane mobilizations, constructing and deconstructing the man and material hoist. They have been working with Paul van Orden and had an original application for two days prior to this board meeting. They used one of the days on March 23 and didn't have a chance to use the second one. They are requesting that unused date be added to this request, for a total of 49 days.

The reason they're applying to do work prior to 7:00 am is the need for ample time to set up concrete trucks and get the service needed from their concrete supplier. It takes about 45 minutes to set up the concrete pump truck and get it primed.

To get the service required for these large pours, for instance, an upcoming pour in May is over 2000 cubic yards of concrete. This will take just over 200 concrete trucks. They would like to work in an efficient and safe manner. There is a requirement on the application to notify neighbors within a 500-foot radius of the job site. Andersen extended the 500-foot radius to neighbors that might be impacted by the noise, for a total of 12 or 15 buildings with responses from all but three.

There was a pour that occurred in March. It lasted about 11 hours and was approximately 1277 cubic yards.

Monitoring of noise levels showed sounds that are 30 feet from the job site averaging about 70 - 75 dBA.

Mary Sipe asked for a clarification regarding the time setup began and the concrete pour ended, and if that work could have happened during permitted construction hours. Andersen responded that for large pours, supply and demand is an issue, due to the shortage of concrete suppliers and the timeframe before the concrete in the truck is no longer viable.

Andersen has not received any neighbor complaints they are aware of. They have received a few comments thanking them for notifying.

Public Comment

Franklin Weichelt- Park Avenue West resident

He wanted to know if there were complaints from the surrounding towers.

Andersen said that next to the job site the decibels were between 72 and 75. When they used a welding hammer, the decibels rose to 91 dBA.

Rabia Shahab and partner Zachariah - Abigail Apartment Building.

They are worried that with warmer weather with their windows and doors are open, noise will not be blocked anymore. If the decibels from the construction site, particularly in the early morning, approach that level, it would be destructive to sleep. Personally, they would prefer later in the evening for noise.

Kerrie Standlee wanted to know how many concrete pours per week they are expecting and was told that it would be approximately once a week.

They will be giving ample notice to neighbors before each concrete pour, with a weekly Friday email update.

Mary Sipe asked how many total days they will be pouring concrete and was informed there will be around 100 altogether. She then asked the average yardage on each of the early morning concrete pours. Andersen responded that there are two that are 1,000 yards, one that is around 2,600 yards, and the remainder are between 400 to 800 yards.

She wanted to know if the smaller pours would be done during permissible construction hours.

Andersen replied that service was an issue, and in the coming summer months, heat would be a factor for worker safety and proper curing.

Paul Van Orden then shared the complaints that came directly to the noise office. They appeared to be unrelated to the variance being currently being requested

Kerrie Standlee closed the public hearing and went into deliberations.

Desi Wright moved to grant the variance for Anderson construction with the 48 early morning starts.

Mary Sipe added that she would like a clarification that set up is not before 5:00 am.

Paul Van Orden said the board can put any start time they prefer and any mitigation requirements with stationary equipment-If mitigation is utilized photos of the mitigation utilized will be sent to the Noise Review Board.

After a question from Kerrie Standlee, Paul Van Orden said that on some other projects there has been a webpage that the public can access for the latest updates. The Board could definitely add a condition that requires keeping the neighbors abreast of what's coming up.

Mary Sipe wanted the stipulation that only two concrete trucks will be staged on site and the others will be staged awaiting delivery to the site and is important condition.

After Kerrie Standlee raised a question clarifying the need to add the date they hadn't used from the previous variance, raising the total request from 48 to 49 early morning start times.

Paul Van Orden explained that Andersen was given some flexibility to lead up to the board meeting, but it wasn't used.

Ian Anderson further explained that the variance was between March 22 and April 12 for the second big pour. They had been having equipment problems, so it got postponed.

Mary Sipe wanted to know what the other requested days would be used for and was told by Ian Anderson that ten of the days were for extreme heat when wearing a face-mask can pose a threat to workers on an elevated deck. The other seven are for the assembly and disassembly of the crane, used to move materials and aid the crew. It also considers the possible service needed to get the mobile crane onsite early, since it will be coming from another state. It takes time to arrive and almost a full day to set it up.

Mary Sipe wanted to incorporate some detail into the 49 days that are being requested. For instance, the specific ten days for heat are only for days when the temperature is predicted to be over 90 degrees. She asked why they need to start so early for the crane erection, since the mobile cranes come down on a flatbed. Andersen explained that the cranes typically come from out of town and it takes an entire day to unfold their 256-foot tall crane. It is assembled piece-by-piece and takes a twelve-person crew to construct it.

Kerrie Standlee asked if it was possible to assemble the crane past 6:00 pm. He offered to extend the workday to 8:00 pm. He was told that they would prefer the early starts, and mobile crane construction is not a noisy task, but it is a long task.

Michael Wallace wanted to know what they would do if the variance request was denied. After some explanation, they indicated they would appeal the decision to City Council.

Desi Wright asked how many of the early start times for concrete pours over 1,000 yards and was told by Andersen that it was the next two. She asked if a 5:00 am start would work, with nothing on site before 5:00 am and Andersen responded that 5:00 am would work.

Michael Wallace asked if a 6:00 am start would work, and the extension shift more towards evening work.

Mary Sipe said that based on challenges with the delivery later in the day, including heavy traffic until approximately 10:30 am, a later start time for pours 400 yards or smaller seems reasonable. She suggested cutting back on the amount of early start times for pours with stipulations about the number of cubic yards being placed. Andersen requested a 6:00 am early start time for small pours, as opposed to beginning at 7:00 am.

Kerrie Standlee shared that he didn't understand how the high-heat days to factor in the concrete pours.

Ian Anderson replied that the requested early start time wasn't concrete related, but instead was for days with the predicted temperature over 90 degrees. He elaborated that on elevated decks they've encountered temperatures over 110 degrees. A 5:00 am beginning is requested for worker safety, since the temperature increases in the afternoons.

Paul Van Orden offered a suggestion of setting these detailed conditions in a meeting with a subgroup of the board.

Kerrie Standlee proposed incorporating similar conditions used last year on construction variances requesting early starts for high-temperature days.

Kerrie Standlee rephrased the motion Desi Wright made to allow for up to 49 early morning starts to the workday. Broken down, this includes 32 possible morning concrete pours, 7 days for the assembly and disassembly of the tower crane, including getting all the components delivered, and 10 early starts for high temperature days for general work.

They will be required to have a webcam operating on concrete-pour days. Andersen must provide some kind of access for residents to be notified. 5:00 am for pours over 500 yards, and 6:00 am starts for pours under 500 yards. Any complaints must be provided to the Noise Office within a 24-hour period.

Mary Sipe suggested adding a condition limiting the number of trucks onsite.

Paul Van Orden suggested incorporating conditions for the first variance Andersen received for work in March and April.

Michael Wallace indicated he would vote against granting the variance. He feels that too often the Noise Review Board in its effort to be supportive of the construction industry has not taken sufficient account of neighbor complaints. This request has garnered several complaints.

Mary Sipe seconded the motion.

Kerrie Standlee **agreed** with Michael and explained he thinks that what the board tried to do with this request.

The vote was as follows: Desi Wright “Aye”, Mary Sipe “Aye”, “Kerrie Standlee “Aye”, Michael Wallace “Nay”. The motion passed 3-1.

Request from TriMet to improve the Max Blue Line at two locations; Northeast 33rd Avenue overpass area and the Gateway Transit Center area.

Theresa Minor, Project Manager, Carrie Kent, Construction Manager, and Clay Thompson, Outreach Coordinator were all in attendance.

Theresa Minor said the work is replacing rails and railroad ties in need of repair or replacement due to their age. There are three work zones and they don't anticipate a great deal of noise. There is no demolition or excavation involved. The anticipated sound is primarily cutting rail, moving it out of the way, adding new rail and then welding it together. This area at the 33rd curve is very dense due to recent apartment buildings built.

They're asking for a nine day shut down May 15, 2021 through May 23, 2021. All the night work will be continuous. They have notified around 5,100 people living within roughly 500 feet of the work zone. As a transit agency, they would like to minimize the duration of the shutdown. They would like to get the work done as quickly as possible to reduce impact to the neighbors and riders.

Though the other two areas don't have much of an impact, they will also need to be night work. They have rented the lower half of the parking lot owned by Lloyd Cinema for deliveries and rail vehicles moving in and out from that location.

The final location is North Gateway. They have already been doing some work prior to this project at the South Gateway.

TriMet has contacted the neighbors that are within that 500-foot range. The North Gateway location Does not have anybody close enough to require notification, but the people that live to the south and the east of the project were notified anyway.

Theresa Minor shared that they don't have decibel levels for the upcoming work but based on her experience witnessing this work it's not particularly loud. The sound will mainly consist of the rumble of machines they will be using; like an excavator, and a machine that removes the wood ties and then replaces it with a new concrete tie. There will also be welding, which is hooked up to a propane tank. The associated sound is sound of propane running.

After notifications went out, they haven't received any complaints at TriMet.

After Kerrie Standlee asked if they had received any complaints at TriMet, Clay Thompson from TriMet answered they haven't received any complaints so far. The nearby residents received this information quite a while ago, so they have plenty of time to express concern. Kerrie Standlee replied that he was mainly concerned about the area around Lloyd Center, where it appears TriMet will be doing actual construction. Theresa Minor responded that it would be predominantly material staging. They will also be setting up a flash welding machine. It is currently in this location just outside the staging area along the track way and it shouldn't be loud. She added that during the process of their application the Marriott Extended Stay was converted to apartments. They did send out a notification to the management of this apartment building, nobody has moved in yet, but he's going to let people know as they move in. The cinema is between the new apartment building and the end of the work zone, which is hopefully a pretty good sound block. Additionally, this location is not the work zone. Whatever they're doing will be minimal and they will always try to limit the noise to daytime hours.

Kerrie Standlee wondered if they can minimize the work at night at this location. TriMet responded they will minimize to the extent they are able, but the project is dependent on them being able to react quickly. The machine being used is not very loud, as most of the activity happens inside the machine.

Kerrie Standlee voiced concern because there are already multiple cuttings going there.

Theresa Minor clarified that activity was not at the Lloyd District location, but it was a component of the 33rd St area. Most of that work will occur during the daytime.

He wondered if it possible to say the radial cutting will not occur at night.

Theresa Minor responded that she would be concerned if that was a condition for their variance, if he had to limit certain types of activities to the day it may reduce their ability to get the repairs finished as quickly as possible.

After a back and forth between Kerrie Standlee and Theresa Minor on limitations on nightwork at Lloyd Center, he wanted to look to the other board members to see how to craft a condition in which mitigation would be required.

Desi Wright asked how many riders a day depend on this line. Clay Thompson responded that even though ridership was lower right now daily, they still have about maybe 10,000 to 20,000 passengers a day. Currently they are **at** only about 30% ridership but feels it will get higher than that when things ease up. He gave these numbers as an approximation, but can get the exact numbers, if the board is interested.

Public Comments

Franklin Weichelt asked if they have specific hours that this this work will be done between beyond just after 10:00 pm.

Theresa Minor explained that the work would be 24 hours-a-day. This means there will be a day shift and a night shift.

Franklin Weichelt said that it's going to be a nine-day project. To have this work completed, even with the lower amount of transit **riders** currently, he thinks it's imperative that the work is completed as quickly as possible, even if causes some discomfort to the surrounding neighbors. The comparable sound from I-84 during the day, especially rush hour, to rails being done and welding being completed in a geographic area that is a little bit set off from everyone else that's living around, it's imperative and to support TriMet completing this project as quickly as possible.

Mary Sipe asked what Kerrie Standlee had in mind when he mentioned mitigation. He replied that when cutting the rail if it's after a certain time, such as 10pm and 5:00am, because traffic does pick up during rush hour, a sound barrier would need to be used

Theresa Minor responded between TriMet tracks and the people to the south there is the freeway and the TriMet trackway. She didn't think they would need anything to the south, but it is possible that a barrier to the north would be helpful to those neighbors.

Desi Wright asked what distance this part of the project covered. Carrie Kent said it was approximately 1500 feet. Desi Wright wanted to know if they were removing portions of the track, replacing, and moving on to the next, or is the removal happening all at one time. TriMet confirmed They will be removing portions of the track, replacing, and moving on to the next location. She wanted more details about somebody listening to this for the entire nine days, or if the work would be transitory

Theresa Minor said it moves around so there's going to be different activities that will be heard at different times and locations. Desi Wright asked If all the rail cutting is going to be done the first four or five days, and if they felt mitigation would work. Theresa Minor indicated they would put up a barrier if they discovered it was needed.

Desi Wright moved to approve TriMet's variance request for nine days for May 15, 2021 through May 23, 2021 at the 33rd Overpass track rehabilitation project, and for two days to take place May 21, 2021 through May 22, 2021. At the North Gateway project, with rail cutting to occur the first four days of the variance. TriMet will make every concerted effort to have all the rail cutting or concrete cutting done prior to 10:00 pm

Kerrie Standlee offered a friendly amendment to 5:00am because of the traffic noise, along with a friendly amendment that any cutting between 10:00 pm and 5:00 am include a barrier to block sound radiating to the apartment buildings to the North.

Desi Wright agreed to the Friendly Amendment and finished the motion. To be included in the motion- TriMet will do their best to cease the loudest activities between 10:00 pm and 5:00 am. If they're unable to make the cuts in that timeline, the project may be extended out. To aid TriMet riders waiting for the tracks to be rehabbed, they can make needed cuts at between 10:00 pm and 5:00 am but with noise mitigation barriers in place.

Mary Sipe seconded the motion.

The final vote: Mary Sipe "Aye", Desi Wright "Aye", Michael Wallace "Aye", Kerrie Standlee "Aye"

General Public Comments

none

Noise Office report

Paul Van Orden introduced Kareen Perkins, newly hired Livability Manager. She has worked for the City of Portland for many years including twenty years at Bureau of Development Services.

Kareen Perkins shared that she has spent almost thirty years in public service, including managing the permitting center and has been a member of the demolition subcommittee for Development Review Advisory Committee.

Most recently, she was the customer success manager at BDS and is happy to be here.

She has been working with Nicholas Carroll on first quarter complaint records. The numbers are as follows:

March - 197 complaints

February 127

January 117

In March of 2020 there were 104 complaints; an increase of 93 complaints this March.

Kerrie Standlee that the Board has been looking at the monthly complaints. They have been getting from Nicholas Carroll a daily list and are more interested in knowing the category of the noise complaint. Last month Kerrie Standlee took the February data and reorganized it by category. He asked the rest of the board to look at the report sent last month, and be ready for the May meeting to discuss further.

Mary Sipe spoke of the need to look at this data to help identify noise causing issues for people,—which is not included in the code. She wondered if the Board should be looking at the Code and encompassing some of these issues.

The Board appreciated the information Paul van Orden put together, combining the original data that Nicholas Carroll sent and Kerrie Standlee's revised layout and included a pie chart of the areas of the city where complaints were coming from.

Pioneer Courthouse Square

Paul Van Orden talked about an ongoing incident in Pioneer Courthouse Square with two people that had been happening for several weeks in a row. They were sharing a message they had, but the way they shared resulted in an extremely high decibel level. Pioneer Courthouse Square tried to dissuade them and failed. Park Rangers engaged them without a resulting decrease in volume. An attempt then was made by the police that didn't work. Paul van Orden then began taking readings, which took a couple of weeks. Due to the volume, noise complaints were coming from some distant locations. What wound up happening was the police sergeant calling them to see how Police Bureau could assist them. The sergeant explained there were no concerns about the message, but the sound level needed to be reduced. The sergeant succeeded in getting them to lower the volume. This summer there are many anticipated complaints, and it will be difficult to have much time for intensive responses. Paul Van Orden said that after having a conversation with the sergeant-he was impressed at the way she approached the situation which did help.

Franklin Weichelt asked for the ability to make a public comment. He lives in Park Avenue West facing Pioneer Square and knew about the specific encounter regarding the noise complaint and engagement with all parties mentioned. If they have a permit and are going through the proper channels, he supports their ability to express their opinion. The enforcement activity with the police didn't necessarily curb that the level of noise. In an effort to protest what had just happened, they merely crossed the street. Pioneer Square is extremely reflective and sound carries. Some situations are unavoidable in Portland's living room however, he would just like to emphasize, as long as it's done through the proper channels with the city. He supports those directly affected by those noise levels, and added the need to find different ways of engaging them or orchestrating those activities to happen, such as the directions that their speakers are facing or the amount of power that those speakers are able to provide.

Paul Van Orden said the date that Franklin Weichelt was speaking about was a few weeks ago. When police asked them to disengage and they went across the street property and continued with the same behavior.

Early Morning Concrete Pour Guidance Committee

Mary Sipe said the committee will gather information on concrete pours to solidify the draft put together. This Anderson variance is a great opportunity to gather data if they install the webcam. She is going to find out when the next pour is happening so she can observe it. She lives very close by. The next step after will be solidifying the guidelines so the board can use them with the next Noise Variance application for early morning concrete pours.

Paul Van Orden added they are data gathering. They will check back in quarter to see how the first couple of months went with concrete pours to see a pattern, and if so, adjust the guidelines as necessary.

Noise Program move to BDS

Kerrie Standlee has had two conference calls with Derek Bradley of Commissioner Hardesty's office to talk about the idea of the noise office noise moving to BDS. He explained to Kerrie Standlee that both bureaus need to have a discussion and come to an agreement before anything may happen. He suggested contacting Commissioner Ryan's office to discuss the idea. Kerrie Standlee asked Eben Hoffer (MusicPortland) to let him know when the next meeting was, to join Eben Hoffer and Charity Montes. They met via Zoom and discussed it. She explained that the concern is due to the Noise Program being funded by General Funds. The Bureau of Development Services has moved away from projects or programs that are based on General Funds in favor of programs that generate their own income. Eben

Hoffer explained their concerns were more about the compatibility of the Noise Program and BDS. Charity Montes was meeting with Derek Bradley. She would report back to Commissioner Ryan about the conversation.

Kareen Perkins verified that BDS is funded through generated income, except for very small programs completely funded as cost recovery. She understood the need, since the Noise program is a regulatory enforcement program that is being proactive with the community. She is familiar with ways to set up feedback loops to set expectations for the public. For a program this size there's a need for an inspector position that will be filled as soon as possible.

Kerrie Standlee said that since Civic Life is working toward getting an inspector, he wants to change the position from an inspector position to an environmental specialist position. When you're hiring people to fill these positions, they have no knowledge of acoustics. He felt that the program can't just take any person and train them to be an inspector of acoustics. She needs to be thinking about hiring people who have an undergraduate degree or a master's degree in acoustics.

Kareen Perkins thought it's critical to reach out to people with those qualifications. She would need more information on the environmental specialist but is willing to hear more.

Kerrie Standlee will be available to discuss things and he's interested in working with Kareen Perkins.

Noise Review Board 2021 Work Plan

Tabled.

Mary Sipe asked if it was possible for the Noise Review Board to have a special session on the work plan, and was told that the board can decide when and how often they want to meet.

Mary Sipe proposed considering having a couple of special meetings this year to build a foundation. The board has good momentum and great ideas, and the board would make more progress if we had some special work sessions instead of trying fit it into the last 15 minutes of each board meeting.

Kerrie Standlee suggested they schedule this for June or July.

Mary Sipe will reach out to board members for dates and times.

Desi Wright floated the idea of a quarterly check in for the work plan consisting of a meeting of an hour and a half or two hours.

Kerrie Standlee announced he would communicate with members to get input about the layout of the noise complaint data.

Meeting adjourned at 8:45pm