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**Noise Review Board**  
**June 9, 2021**  
**Minutes**

Kerrie Standlee/ Chair called the meeting to order at 6:02 pm.

**Present:** Mary Sipe, Kerrie Standlee, Ernest Harris, Desi Wright, Michael Wallace, Paul van Orden

**Minutes:** Katherine Couch

**Public Comments**

Former NRB Chairs Melissa Stewart and David Sweet thanked Kerrie Standlee for his many years of service, Mary Sipe shared a poem she wrote about Kerrie, and Paul van Orden described the plaque that will be given to Kerrie.

Justin Mitzimberg: - resident of Vista, submitted multiple noise complaints about an event space and has not received relief from Portland Police Bureau.

**Approval of May Minutes**

Desi Wright “Aye”, Mary Sipe “Aye”, Michael Wallace “Aye”, Kerrie Standlee “Aye”. Ernest Harris was not in attendance at the May meeting  
The motion passes 4-0

**Walsh Construction Holden Pearl Early Morning Concrete Pour Variance Request**

Abby Anderson, Assistant Superintendent, Walsh Construction presented.

The project is located at Northwest 13th Avenue at Quimby Street, and Walsh needs approximately 35 slab-pours over the next 12 months.

They are requesting variances to start at 4:00 am on five different instances due to large-sized pours. These pours will take multiple hours. Additionally, they are asking for early start times when the temperature gets hot in the summer. This request is to protect crews from heatstroke. There is also an issue with concrete availability.

They are requesting a start time of 6:00 am for the remainder of the year. The pours will happen once a week or less. All backup beepers that are necessary will be low-decibel alarms.



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Abby clarified that starting at 4:00 am on those days does not mean that they leave early. It will take twelve to fourteen-hour days for these large pours. They will be pumping concrete for eight to nine hours and then working on it for another four to five hours. Long days are physically hard on the crew, and with the addition of hot weather during the summer, safety is a genuine concern. Another concern is concrete availability around the city and possible curing problems due to weather, whether very hot or very cold.

Mary Sipe/ Chair (Elect) wanted affirmation of the requested conditions. Five pours are for a 4:00 am start. The remaining 30 pours are planned 6:00 am start, and they would not be any more often than once a week.

They have one pour over 1000 cubic yards, another that's around 700, and one that's about 600. They are hoping to have two or three pumps. Their request is pending due to availability, with many other pours happening around the city.

After the third floor, the building goes down to a quarter block, and the tower for the remaining 12 stories will be poured using a placing boom.

They will be using CalPortland as their concrete supplier, which is three to four miles away.

Due to CalPortland's plans to shut down for maintenance, they are currently waiting on enough concrete trucks.

High-heat days they are concerned about would be when the temperature is predicted to be in the 80s, when the afternoon is typically hot, particularly with the heat emitted from the curing concrete.

Desi Wright/ NRB Professional in Construction is concerned about requesting a 4:00 am start-time for the 315-yard pour. Abby Anderson sent out a revised schedule with no pours under 400 cubic yards until they are in the tower.

For those pours, they would like to set up at 5:30 am for the pump and the ability to start pumping by 6:00 am.

Walsh Construction indicated they emailed updated numbers, but they weren't seen by any board members or noise office staff.

Mary Sipe/ Chair (Elect) shared information and photos of the street level of the site that might help to visualize what the logistics are.

### **Public comments**

Justin Mitzimberg thought it was a different project on the agenda and after finding out it was on Quimby and not across the street from him still had concerns.

He wanted to know about procedures and high heat days.

Carole Ory lives across the street from the project and opposes it.

Andrew Zigman lives in Vista. He is concerned that, as a health care worker, this will interfere with his sleeping time. He opposes the variance request. He especially feels that the 4:00 request is too early

Betsy Q Tong is a Bridgeport resident and feels the Board has more sympathy for the workers and the project than for our lives and livelihood.

Carole Ory says she's a retired CDC epidemiologist from Atlanta, where she watched construction people work through much hotter and much more humid conditions than what she observed in Portland.

Brooks Hickerson wondered about concrete trucks and their routes through the neighborhood

### **Deliberations**

Mary Sipe lives just down the street from the site and took some photographs of the site and the proximity to several residences, many of which are low-income apartment buildings. When asked for a viable start time, Abby Anderson said they would appreciate the 4:00 am start time for the 1,350-yard pour and the 700-yard pour, but they could make 5:00 am work if they had to.

Mary Sipe said she has lived in the Pearl for 21 years and doesn't know any 4:00 am starts for the new construction she's lived near.

The project across Naito Parkway had a 2,600 cubic yard pour with over 200 concrete trucks. They had three pumps going, and the trucks began arriving at 5:30, and according to the supervisor at CalPortland, the last truck had left by 12:30 pm.

### **Motion – Mary Sipe with suggested friendly amendments from other Board members**

- The applicant is required to have a web-based camera in operation during variance periods and facing the job site to capture a clear picture of the construction operations.
- The webcam shall be capable of recording the video footage during the construction day. This camera data is for the noise control office to receive, review, and observe the operations and length of the workday. The applicant must activate the web-based camera 30 minutes before the variance activity starts and runs through the end of the day.
- The following requirement is very standard, and it speaks to the generators and power connections.
- Before 7:00 am, the applicant shall work to utilize the direct connection to power whenever possible.
- The gasoline or diesel generators and any other stationary noise-producing equipment shall be positioned and acoustically treated to minimize the noise impacts on all

structures where sleeping occurs typically. Treatment can include using a one-half to one pound per square foot density acoustical curtain or three-quarter inch thick plywood to barrier the equipment from the receiving structure.

- Request for a requirement for photos of the sound abatement measures implemented each day shall be taken and sent in an email for each day of variances work to the noise control office no later than the day after variances work is completed.
- The applicant shall provide public notice about each upcoming early morning variance activity to all buildings within 500 feet of the project site seven days in advance.
- The notice will include the nature of the work, the anticipated noise sources the neighbors may hear during the variance period, and a contact person and phone number for noise issues. The applicant will supply copies to the building management for each residential unit within a given building.
- A 24-hour noise hotline will be set up that describes any upcoming variances construction activities to reach the applicant during off-hours. The hotline information number will be supplied to neighbors within the notification letter to the community as outlined above. The 24-hour noise information hotline number could be used for both complaints and information.
- Upon receipt of complaints, the noise variance will be reviewed. If objections are filed, the noise control officer and Noise Review Board Chair may modify the variances needed to resolve community noise disturbances.
- The variances can be re-evaluated to determine the conditions and limitations on the remaining time on the variance based on the applicant's performance or noise data collected.
- The applicant will keep a complaint log and send a copy of the log and details of how complaints received directly by Walsh Construction was addressed to the Noise Control Officer within 24 hours.
- The applicant shall be prepared to develop a noise mitigation plan with the Noise Control Office should complaints arise.
- The variance and activities covered by this variance may occur between July 12, 2021, and July 25, 2022
- Early starts for high heat days in which the temperature is forecasted to be 85 degrees or higher through September.

- The applicant will notify the noise control officer the following day when the variance was used and keep a running tally of the days used. This log will be made available to the noise office upon request.
- Lower deck concrete pours over 700 cubic yards can have a 5:00 am pumper arrival with a 5:30 am concrete pour start time.
- Lower deck concrete pours between 400 cubic yards and 700 cubic yards can have a 6:00 a.m. pump arrival and 6:30 for a.m. concrete pour start time.
- Upper deck concrete pours will be allowed early morning starts only under the high heat conditions of this variance.
- These early morning upper deck concrete pours will be approved conditioned upon the temperature on the variances day being predicated by the National Weather Service to exceed 85 degrees Fahrenheit by 3:00pm.
- The applicant must notify the Noise Control Officer and the community about the planned use of a "high heat" day variance within seven days of the planned early morning start.
- 6:00 a.m. Concrete pumper arrival and set up begins
- 6:30 a.m. Concrete pumper is primed, and concrete trucks arrive and pour begins.

**Desi Wright seconded the motion.**

**Votes were as follows: Michael Wallace "Aye", Ernest Harris "Aye", Desi Wright "Aye", Mary Sipe "Aye", Kerrie Standlee "Aye."**

**The motion passed unanimously**

#### **Fuller Events LLC variance request for music and concert events at Zidell Yards in S. Waterfront**

Paul Van Orden gave some background information to the Board. He said Zidell Yards had events for several years but in more limited numbers. The applicant has started this summer with a variance for a small number of events between May and June. Noise Office staff administered them under the guidance of the Noise Review Board Chair.

The request tonight is for events occurring between July and September. It includes the Blues Festival, usually in Waterfront Park, and other events. Many of the events would not require the Noise Review Board to administer a noise variance. The Board should be sensitive to more bass-intense music. He would like the Board to focus on the number of events that need variances.

Tyler Fuller and Christina Fuller, co-owners and founders of Fuller Events, LLC., were in attendance. Christina Fuller presented the request. Peter Horne, from Horne Audio (Fuller Events, LLC sound company used), joined the meeting.

They are working with Horne Audio to develop a plan that works for the concertgoers with minimal impact on the neighbors. They have already had eleven events at Zidell Yards, with no noise complaints.

Zidell Yards is temporarily a 300-person live music and event space built out for the summer. On July 1, when the fundraiser for the Blues Festival starts until the final performance, accommodations will increase to 600 for the largest audience size for the summer. Fuller Events, LLC built the temporary stage during the pandemic to provide a space for musicians, artists, and organizations to get back together and perform in front of an audience. The earlier events have allowed them to solve and identify any operational issues and dig into the measurement locations around the property.

After providing a complete list of events, Paul van Orden noted many of them didn't require a variance.

The 34<sup>th</sup> Waterfront Blues Festival is the highest impact event during the variance request, July through September, of ongoing programming.

Waterfront Blues Festival will be different than in previous years. The music ends at 10:00 pm, and it will be a series of concerts instead of a full-day festival.

There is also a series of movies and live music that Fuller would like to extend until 10:30 pm.

Peter Horne - Horne Audio: the system components focus the sound forward and control where they are putting the sound. There is also a sub-woofer system called an array. It allows them to shape the sound and minimize the distance that it grows.

They begin taking readings when they show up on-site until after the show. It logs five-minute readings by Ronald McDonald House, behind and to the west of the stage. The readings show the A-weighted and C-weighted readings. They can capture the audio, which allows them to listen to what's happening at Ronald McDonald House.

Christina Fuller said they've been in regular contact with Jessica Miller - Executive Director of the Ronald McDonald House.

Residents at the Mirabella didn't voice concerns.

After Peter Horne shared data, Kerrie Standlee said it was showing that this did not exceed code.

## **Public Comment**

Michael Harrison, OHSU, Director Local Relations

OHSU is the state's medical school, dental school, effective nursing programs, pharmacy programs, and physician assistant programs. These are primarily in the Robertson Life Sciences Building.

Their concern is about the site becoming a significant concert venue at some point

Christina Fuller said they are hoping to add more dates in August and September.

She would like to know the process to add more dates. The Noise Review Board said the Noise Control Officer could administer those requests.

**Mary Sipe/ Chair (Elect) moved to approve a noise variance for Fuller Events, LLC for the Waterfront Park Blues Festival for July 2, July 3, July 4, and July 5, 2021, and will include the fundraising event on July 1, 2021**

- The Noise Control Officer will examine sound readings to ensure the levels do not exceed 75 dBA at the measurement location near the OHSU Robertson Building.
  - There shall be no more than a three decibel increase in the octave band sound levels specified in the variance approved for Fuller Events, LLC in May and June by the Noise Control Officer.
  - The standard conditions that were in the variance by the Noise Control Officer will apply to this variance.
  - The Noise Control Officer will administer any requests for additional dates authorized by the Noise Review Board.
  - Fuller will work with OHSU on any potential additional dates to collaborate or consult with the Noise Control Officer on these additional dates.
  - Kerrie Standlee will work with the Noise Control Officer to take the information out of the previous variance and transfer it to this variance for the final wording.
- Understanding the Noise Review Board will approve the variance with a limit of 75 dBA at the Robertson Building measurement location.

**Desi Wright seconded the motion.**

**Votes were Desi Wright "Aye", Mary Sipe "Aye", Kerrie Standlee "Aye" with the motion passing unanimously.**

Mary Sipe thanked Kerrie Standlee for his 31 years of service.

Desi Wright moved to adjourn.

