



CITY OF

PORTLAND, OREGON

OFFICE OF NEIGHBORHOOD INVOLVEMENT

CHARLIE HALES, MAYOR

Amalia Alarcón de Morris, Bureau Director

Noise Control Program

1221 SW 4th Avenue, Room 110

Portland, Oregon 97204

Promoting a culture of civic engagement

Noise Review Board

Minutes

1/14/15

Present: David Sweet, Melissa Stewart, Paul van Orden

Absent: Carol Gossett, Julie Greb

Minutes: Kathy Couch

Call to order – 6:06 pm

This meeting does not meet the conditions for a quorum. A meeting may be called to order if three members are present, but a vote may not take place unless three voting members are present. Although Paul is a member of the board, he is not a voting member. Accordingly, the meeting will be conducted on the record with minutes and recording. Since the board is unable to make an official decision, David will delegate authority to the Noise Control Officer to render any decisions that need to be made between now and the February 11 meeting. At that time, he would rather not reopen the case, but rather ask the board to ratify to make it official.

Andersen Construction Block 17 Request for Variance for 7 extended work days between 5 am- 9 pm.

Testifying for Andersen: Thomas Quesenberry and Jared Kowalewski

Andersen is requesting 7 days that extend beyond permitted construction work hours. The request consists of 4 days for concrete pours and 3 days for demobilization and disassembly of their tower crane. The stated reason for the request for extended time is the large quantity of pour and the amount of square footage. David asks for an explanation for why additional time for those activities is needed. They respond, with regard to concrete pours, with the number of yards needing to be poured they are unable to stop the pour midway for structural safety issues. They start early to they don't force their crews to work late into the night. Even with this, it's still a long day.

The concrete needs time to set up and finish. With the cold weather it's been taking longer to get done even using the accelerator to help set up to make the pour faster. Loud noise begins at 6 am for pumps running and moving trucks.

This part wraps up between 4-6 pm, with concrete finishing after that. During finishing, power trowels and hand tools are used. The end of the day is pouring of columns. The job is less noisy once the pumps are done.

For crane disassembly and demobilization, Set up is on Thursday. Set up means that they use this day to build a crane to demobilize the tower crane. On Friday they will be disassembling the tower crane. The goal is to be completed on Friday. Saturday is for demobilizing the tower crane and moving it out. They are asking for 3 days purely for wiggle room, in case something goes very wrong. Giving 3 days is for wiggle room. They strongly want to avoid working on Sunday

There are safety concerns in the process of crane demobilization. The crane is at its most unstable during disassembly. They also need time when they are able to limit pedestrians and traffic. Typically, they like to do this on weekends for safety issues. They will not be working the other trades the day they are taking the crane down. Again, this is for safety concerns.

Public Testimony

Gwenn Seemel, Brooks Hickerson and David Vanadia testify against granting a variance to Block 17

More elaboration on the Block 17 variance request

Paul specifies that between 5-7 am and 6-9 pm, they will need smart alarms for the pours, as opposed to back-up beepers. Concrete truck limited to no more than two trucks maximum, with two waiting. Andersen says that they are staging their trucks to be lined up onsite. They are planning for 3 trucks waiting.

The estimated next pour is Thursday, January 22, and then between January 30 and February 3rd. The final 2 pours are scheduled for the middle of February. This will be the final slab. They will then break for variance times until May.

Since the concrete pours are on upper stories, they also use a secondary pump to push the concrete up. Also, vibrators are used to help liquefy the concrete.

Tangentially, Paul asked about the prevalence of concrete getting stuck in pipes recently in the Pearl District. He asked either of the construction company representatives if they had noticed this, and if so, why this was happening. It was explained that with continuous flight auger frilling, there are a lot of bends in the concrete pumping lines, and along with relative humidity and the material used in the lines, and causes more clogs that take a long time to flush out in order to resume work.

Lacking a quorum, no formal decision was rendered. David requested that the Noise Control Officer draw up a variance for approval by the full board at the next meeting that grants up to 7 days to work outside permitted hours. There will be no Sunday work approved. Permitted variance hours are between 5 am and 9 pm, with 4 days allocated for concrete pours and 3 for disassembling and demobilizing the tower crane. David recommends that during the hours of 5am-7am and 6pm-9pm back up beepers be disabled or switched to smart alarms during these hours. He also suggests that the Noise Control Officer require Andersen to work with him to arrange an alternate spot for staging of additional trucks if there are more than five concrete trucks onsite at any time. Additional trucks should be staged in such a manner that they would not disturb residents, especially during the variance hours. When dates are certain, Andersen should post on their Facebook page and inform by email anyone who has requested that information, with as much notice as possible. Melissa Stewart concurs.

David clarifies that he does not expect Anderson to come back to the February meeting. He expects Paul to work up a variance and the board may ratify at the next meeting, unless Paul has any questions regarding the next two pours.

Walsh Construction Variance Request for Extended Workdays for 2 days between 5:00 am – 8:00 pm

Testifying for Walsh – Erik Holte and Joe Bowles

The construction project is located between NW 12th & 13th and NW Raleigh and Savier, to be used for affordable housing. The project, when completed, will have 6 stories, two levels of concrete, one parking garage level below grade, a deck that's at grade and an elevated deck that's the second pour. Above that is wood frame. Structurally, the way the building is broken up, there are eight concrete pours. One of them is small enough that they feel they can complete during normal work hours, but the other seven are such a size that it's physically impossible to place and finish during a given work day.

There are 2 pours scheduled to occur roughly January 21 and February 2 before the Noise Review Board next meets.

They are here in order to procure a variance for the first two pours starting at 5:00 am.

Paul clarifies that Walsh came in the prior week to get a variance for the pours, as they typically have done in the past, and then learned that any variances for construction within the Pearl District needs to come before the board.

Erik explains that the 1st pour is the NW corner of the basement slab and is as far away from residents as possible. They will be bringing the trucks in on Savier Street and staged on NW 14th. The subsequent pour on February 2nd will be on the SW corner. Access for concrete trucks is the corner of 13th and Raleigh. Staging is west of 14th.

David wonders if they could skew the hours from 6-9

They explain that in order to get a large batch of concrete dispatched, you need to do it early. The company that supplies their concrete is also supplying Andersen, Hoffman, and many other companies. In order for them to pour 650 yards placed before the rest of the customers come on line. If they were to ask that concrete be delivered at 7 am, they would be turned down by the concrete company. It also has to do with traffic on the road. Getting enough concrete trucks on the road to do a continuous pour is almost impossible during rush hour traffic. The place they get the concrete from is on Front Street. Trains are a factor. If the concrete trucks get halted by trains, that's when you see ten trucks show up at once. They are producing a finished product with each pour and would like to do it in daylight hours, when there is enough light.

David says that even if the NRB had a quorum, they wouldn't be issuing a noise variance because no notice was given to neighbors, but since some neighbors are here, he would love to hear their comments tonight.

Public Testimony

David Vanadia and Gwenn Seemel

Testimony consisted of asking clarifying questions regarding lights, parking, and entrance and exit routes of concrete trucks

He then asked if they have any suggestions as to how communication can be improved that would benefit the construction companies and the community. Walsh offers to email David and Gwenn with any information. Gwenn tells him they have been talking with their apartment manager and have been told that Walsh is doing a very good job communicating. Gwenn asks him to be very aware of communicating with residents as the project moves forward.

Walsh will call CalPortland and makes sure that the backup beepers are off during the variance time.

Lacking a quorum, no formal decision was rendered. David requested that the Noise Control Officer draw up a variance for approval that grants up to 2 days to work outside permitted hours for concrete pours approximately January 21st and

February 2nd. Permitted variance hours are between 5 am and 8 pm, with David recommends that during the hours of 5am-7am and 6pm-8pm back up beepers be disabled or switched to smart alarms during these hours. When dates are certain, Walsh should inform by email anyone who has requested that information, with as much notice as possible.

Walsh then is released, and will come back before the board for the February meeting.

There is a discussion with David and Gwenn about noise levels and zones. EX Zone is 75dBA, reduced by 5dBA because they predate the sound source. The noise levels would then be 70 dBA until 10 pm, 65 dBA after 10 pm at receiver's property line. There is then an exchange about "grace periods" for construction. There has been a perception that Paul has said there is a 30 minute grace periods and he explains this is not the case, but if someone begins around 15 minutes early, he needs to be judicious in citations, and citing for a very small amount of time once in a while such as this would not be well considered. David would expect that even if this was an ongoing issue, he would expect Paul to begin with a conversation, as opposed to a citation.

David asks about Bob Ball's citation and amount fined. They wonder why Paul won't write a letter with them about construction. Paul asks them to filter questions through Livability Manager Theresa Marchetti, in order to allow Paul to spend time with the remainder of noise complainants. He feels that letter would be best served coming from the Noise Review Board as opposed to him.

David explained about the timeline of short term construction variances and why Walsh did not come in earlier. Discussion ensued on appeal process. David suggests that Walsh does not get the variance because he feels there has not been due process. David explains that he is not going to halt a major construction project because the construction company did not know that they would now need to go before the NRB for project components traditionally handled by noise staff.

Everyone leaves at 7:51. (No formal adjournment occurred)

GWENN SEEMEL

1550 NW FOURTEENTH AVENUE #620

PORTLAND, OR 97209

503.784.9248

WWW.ONEFACEATATIME.COM

12 January 2015

Noise Review Board
City Hall
1221 SW 4th Avenue
Portland, OR 97204

Dear Noise Review Board,

As Andersen is applying for another variance at Block 17, I'd like to submit for your consideration a summary of some of Andersen's illegal noise producing activity as well as ONI's response over the last ten days.

On Friday 2 January, Patrick Owen of ONI called my partner and me in the evening to tell us that Andersen would be working late due to an emergency. When I emailed ONI about this a few days later, Theresa Marchetti informed me that it would have been unreasonable to ask Andersen to wait until Monday to unstick their auger. When I asked Marchetti why Andersen would have had to wait until Monday since Saturday work is allowed between 7 AM and 6 PM, she did not respond to my question.

On Tuesday 6 January, Andersen worked until 9 PM. Since the neighborhood had had no notification of a variance, we were surprised by Andersen's ordinance violation. When ONI responded about this work a few days later, Marchetti said that it was permitted under variance #3551108, a one-day variance for crane activity that was granted by the Noise Review Board for work originally to be done on 17 December of last year.

When asked to share the variance details, Marchetti provided a packet of random documents: a photocopy of business cards from local apartments, a photocopy of a Andersen's calendar notes dated 5 January and 17 December with handwritten tallies for the number of units in each apartment building, an undated letter explaining that Andersen was granted a variance for December but due to internal problems they rescheduled the work for January, an email about an unrelated concrete pour, and an unsigned and undated one-page photocopy of variance #3551108, which had the stipulation requiring neighborhood notification haphazardly blacked out. Despite the removal of this condition, this packet of documents seems to be trying to tell the story of Andersen notifying the neighborhood on foot, counting units, and collecting business cards, while at the same time failing to mention the scheduled late variance work to its neighborhood notification email list. What's more, when my partner asked the staff in our building's office about the notice for variance #3551108, they said that they had not received any.

On Thursday 8 January, Andersen worked until 8 PM. I emailed Brian Anthony of Andersen the next morning and asked which variance he was using so we could keep track. He replied, "One of 40 that I have." Anthony is the superintendent of the Unico Overton. As of last week that site had two active variances, not forty. Either he was confusing a variance with a variance workday or he was being flippant due to his stated frustrations that noise from Andersen sites nearby was causing his to be "punished."

ONI later confirmed that Andersen did not in fact have a variance for the late work on Thursday but claimed Andersen had a good reason for the outside-of-ordinance noise. Marchetti wrote:

"Equipment needed to be removed in order to open the road for the community. Otherwise, the road would have remained closed, which has its own negative impacts to



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CHARLIE HALES, MAYOR
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1221 SW 4th Avenue, Room 110
Portland, Oregon 97204

Promoting a culture of civic engagement

Noise Variance / Permit

Application #: 3551108

Applicant: ANDERSEN CONSTRUCTION *BRIAN ANTHONY*
6712 N Cutter Circle
Portland, OR 97217

FILE COPY

Organization:

Activity: crane erection

Event Location: 1333 NW 12TH AVE

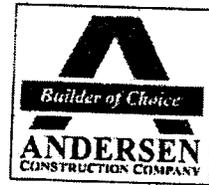
Date(s): ONE DAY BETWEEN JANUARY 5, 2015 AND JANUARY 9, 2015

Hours: 5:00 AM - 10:00 PM

Application for the above has been reviewed by the Noise Control Officer, City of Portland; and is hereby:

Approved, with the following conditions:

- A. The variance shall run for one day between from January 5, 2015 through January 9, 2015. The hours of the variances construction work shall be from 5:00 a.m. to 10:00 p.m.
- B. This variance has been approved for the purpose of the erection of a construction crane and is not intended to cover other construction activities.
- C. 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.
- D. The Applicant shall work to utilize a direct connection to power whenever possible. Use of gasoline or diesel generators or other stationary equipment will be isolated from any residential neighbors with the safe use of a 3/4 inch plywood enclosure that does not impact the need of the unit to be properly ventilated.
- E. The Applicant will send complaint reports along with a complaint log and details of how the problem was resolved to the City of Portland Noise Control Officer. These logs can be faxed to the Noise Office at (503) 823-8030 with a follow-up call to (503) 823-7350 to verify receipt of fax.
[REDACTED]
- F. [REDACTED] ph
radius of the construction work. The notice shall include [REDACTED] a
sources that neighbors [REDACTED] during the period of variances work activity.
- G. The Applicant shall be prepared to develop a noise mitigation plan with the Noise Control Office should complaints arise.



NOISE VARIANCE NOTIFICATION CHANGE OF DATE:

Dear Neighbor of The Sitka, The Wyatt, The Parker, The Ramona, and The Freedom Center Apartments:

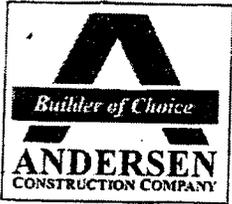
Andersen Construction was granted a noise variance on December 10, 2014 by the Noise Review Board to erect a tower crane during times outside regular construction hours. We received approval to operate on NW 13th Ave. between NW Overton St and NW Pettygrove St. on December 17, 2014, between the hours of 5:00 am and 10:00 pm for this purpose.

Transportation delays from the manufacturer to our supplier has caused us to reschedule this work. We will instead be erecting the tower crane on January 5th, 2015 during those same hours granted in the variance.

Please call the Andersen Community Hotline at 503-384-2546 for all inquiries regarding this variance. Questions will be answered within 24 hours.

For information during the event please call Brian Anthony, Andersen Construction Senior Project Superintendent at 503-969-4686.

You may also contact with Noise Control Office at noise@portlandoregon.gov, 503-823-7350 with any concerns.



ANDERSEN

CONSTRUCTION COMPANY

The Builder of Choice

6712 North Cutter Circle
 Portland, OR 97217
 503.283.6712
 Fax 503.283.3607
 www.andersen-const.com

PROJECT: Unico Overton 1/5/15 DATE: 12/17/14 **2012**
 WITH: NOISE APP Notification

MEETING TELEPHONE OTHER PROJECT # _____

SITKA 209 UNITS

RAMONA 138 UNITS

WYATT 244 UNITS

PARKER 177 UNITS

FREEDOM CENTER 150 UNITS

918 UNITS/NOTICES

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**THE PARKER
APARTMENT
HOMES**

RICKY WILMOTH
Leasing Professional

theparker@riverstoneres.com
P 503.973.5555

1447 NW 12th Avenue
Portland, OR 97209
TheParkerApartments.com



Melinda Hamilton
Assistant Manager

503-688-6008 Office
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Melinda@TheRamona.com
www.TheRamona.com

1550 NW 14th Avenue
Portland, OR 97209

Freedom Center

Matt Jacobs
Business Manager

1430 NW Pettygrove
Portland, OR 97209
office 503.841.6447
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FreedomCenterLiving.com

PINNACLE



freedomcentermgr@pinnaclefamily.com



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e-mail: barb@theSitka.com

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Jenn DeFrancesco | Assistant Business Manager

1221 NW Marshall street
Portland, OR 97209
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JDeFrancesco@allresco.com

TheWyatt.com

Couch, Kathy

From: Brian Anthony <banthony@andersen-const.com>
Sent: Friday, January 09, 2015 6:43 AM
To: Alaina Martin; Bob Ball; Brian Anthony; gwenn@gwennseemel.com; Irene Ridgway; Joe Vaughan; Julie Currier; Maura Jess; patrice939@gmail.com; Penelope Welsh (pennyloafer@gmail.com); Skyler Schiewe; Steve Yoon; storyworks@vanadia.com; Tracy Bohnstedt; Amanda Schulz (aschulz@allresco.com); barb@thesitka.com; courtney@thesitka.com; Crystal Haight (crystal@theramona.com); freedomcenter@pinnaclefamily.com; jen@thesitka.com; Couch, Kathy; van Orden, Paul; The Wyatt; theparker@riverstoneres.com
Subject: UOA- SAT JAN 10 CONCRETE POUR
Attachments: UOA- 2015.01.10 Concrete Pour Routes.pdf; UOA- 2015.01.08 Recovery Form Plan.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning,

Attached is the time line and logistics plan for tomorrow's largest placement of concrete. This is pour one of two of the 30" thick mat slab. There will be many mixer trucks required to get the concrete down by 1:00 pm. Finishers will be complete by 5:00 pm.

Foundation Pier Drilling is complete and we have hoisted all their equipment out of the excavation and off site.

As for the tower crane raising delay, a critical tower section transition pieced was missing and when it finally arrived on site from across the Country, and we inspected it, we found it was unable to be used. We removed the crane parts from NW 13th Ave to open the road until the issue is resolved and we can again attempt to raise the tower crane. Until then we will continue to use mobile cranes with Pettygrove being closed. I have also attached a plan of what this looks like for the next couple weeks.

Thanks

Brian Anthony
Senior Project Superintendent

ANDERSEN CONSTRUCTION
OFFICE 503.283.6712
CELL 503.969.4686