

April 3, 2017

Portland City Council  
Auditor's Office  
The Portland Building  
1121 S.W. Fourth Avenue, Room 320  
Portland, OR 97204

**RE: Appeal of Noise Variance / Permit - REVISED #3889851-001**

Dear Portland City Council:

We, the undersigned residents of the 937 Condos building in the Pearl District, are writing to formally appeal the March 23, 2017 decision of Portland's Noise Control Office, which grants Bremik Construction Company the right to conduct six day-long concrete pours with setup beginning as early as 4:00 a.m. (two pours) and 5:00 a.m. (four pours) at the Canopy by Hilton hotel construction site at the corner of N.W. Glisan and 9th streets in Portland.

We are submitting this appeal on behalf of ourselves and the several hundred residents who reside in our own condominium building, the Elizabeth condominium, the Gregory condominium, and multiple other apartment buildings located adjacent to the Canopy site.

The high level of building construction currently occurring in our immediate area in the Pearl District is without precedent. The daily disruption of our lives due to excessive noise, truck traffic, sidewalk and street closures, dust, diesel fumes, and construction debris pushes the envelope in terms of what reasonable residents should have to accept.

Thus, we believe that it is not reasonable for us to have to accommodate six early morning concrete pours which will make sleep or relaxation impossible once setup activities are underway at 4:00 or 5:00 a.m. For example, Bremik conducted an early morning concrete pour on Thursday, March 16 (without prior authorization by the Noise Control Office), which began with setup at 5:15 a.m. and concrete pumps beginning at 6:15. Given that all of 937's south-facing condo units are but 55 feet from the north side of the Canopy site and where the

concrete pumping truck is positioned, the noise within our units — even with all windows closed — was exceptionally loud and intrusive and continued that way for the next several hours.

We have no legal basis on which to challenge Bremik’s right to construct the new hotel within city-mandated work hours on weekdays and Saturdays. More specifically, we have no objection to Bremik commencing concrete pours at 7:00 a.m., as this has been the City-mandated allowable start time.

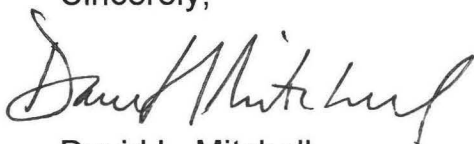
Simply put, our objection is to Bremik's right to initiate this activity any earlier than 7:00 a.m.

In support of this appeal, we have attached a copy of a recent email exchange that, David Mitchell, one of the undersigned 937 residents, had with Paul Van Orden, Noise Control Officer, concerning this issue. Please pay particular attention to the last sentence of the second paragraph of Paul’s email to David on March 17 in which Paul states “I am not looking to add any more pours before 7 AM at this point.” However, less than a week later, Paul reversed himself after a conversation with Bremik representatives, and he subsequently granted Bremik the right to six early morning pours.

Also attached is a copy of the Noise Variance / Permit – REVISED that is being appealed.

Thank you for your consideration of this appeal request.

Sincerely,



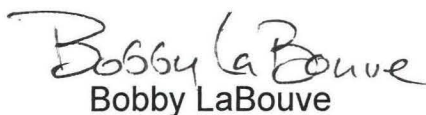
David L. Mitchell



Judith L. Bradley



Jorge Blanco



Bobby LaBouve



Eileen Vicki Hammer



Loran Yehudai



Mary Chang



Sheila Burns



Ozan Ugurlu



John Haimsohn



Loraine Haimsohn





Rebecca Clemons

  
Jerry Pike

  
Karen Pike

  
Hyung W. Pak

  
Diana S. Woodruff-Pak

  
Scott G. Mahalick

  
Alexander Wilmerding

  
Miguel Fernandez

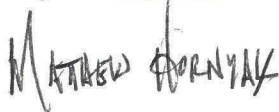
  
Hairong Gui

Keith Scott  


~~Alysa Strobusch~~

~~Donna Mattscheck~~

Robert Klobucnik

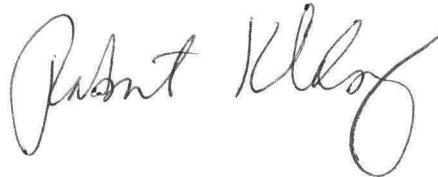
  
Matthew Hornyak

  
Juha Tuominen

  
Stacy Tuominen



Attachments (2)





CITY OF

**PORTLAND, OREGON**

OFFICE OF NEIGHBORHOOD INVOLVEMENT

CHLOE EUDALY, COMMISSIONER

David Austin, Interim Bureau Director

Noise Control Program

1221 SW 4th Avenue, Room 110

Portland, Oregon 97204

*Promoting a culture of civic engagement*

## Noise Variance / Permit- REVISED

**Application #:** 3889851-001

**Applicant:** BREMIK CONSTRUCTION \*DEZMOND EVANS\*  
1026 SE STARK ST  
PORTLAND OR 97214

**Organization:**

**Activity:** CONSTRUCTION – 6 LARGE CONCRETE POURS; EARLY DELIVERY OF LARGE EQUIPMENT

**Event Location:** 485 NW 9TH AVE

**Date(s):** Mar 27, 2017 through Mar 26, 2018 (Concrete pours will occur between March 27, 2017 and August 1, 2017)

**Hours:** Concrete pours -2 pours with set up beginning at 4:00 am, with pour beginning no earlier than 5:00 am  
4 pours with set up beginning at 5:00 am, with pour beginning no earlier than 6:00 am. All pours shall cease by 8:00 pm  
Deliveries - 6:00 am - 8:00 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 from March 27, 2017 through March 26, 2018. The hours of the variances construction shall be from 4:00 a.m. to 8:00 p.m. for 2 of the concrete pours (set up beginning at 4:00 am and pour beginning at 5:00 am, with the remaining 4 pours 5:00 am to 8:00 pm (set up beginning at 5:00 am and pour beginning at 6:00 am. Deliveries shall be allowed between 6:00 am and 8:00 pm.
- B. Concrete pump trucks will be staged on NW 9<sup>th</sup> Avenue, in front of the construction site.
- 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.



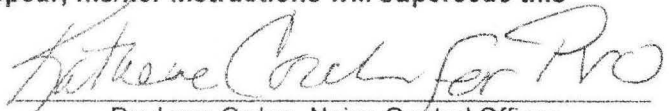
- E. The Applicant will send complaint reports along with a complaint log and details of how the problem was resolved to the City of Portland Noise Control Officer. These logs can be faxed to the Noise Office at (503) 823-7915 with a follow-up call to (503) 823-7350 to verify receipt of fax.
- F. On Sundays work no shall be permitted.
- G. Notice shall be given to the neighborhood residents. The notice will include a contact person and phone number for construction noise issues. The initial printed notice for the extension will be hand delivered to all buildings within a 2 block radius of the construction work, and will request the emails of all interested parties. The notice shall include the nature of the work and the anticipated noise sources that neighbors will hear during the period of the varianced work activity. In moving forward, the notices for pour dates shall utilize the e-mail list to keep all interested parties apprised of the varianced activity.
- H. The Applicant shall be prepared to develop a noise mitigation plan with the Noise Control Office should complaints arise.
- I. The noise variance will be reviewed upon receipt of complaints. If complaints are filed, the Noise Control Officer may modify the variance, as needed, to resolve community noise disturbances.
- J. The Applicant will notify the Noise Control Officer by the next morning if the variance was needed to work outside the normally permitted construction hours. The Applicant will keep a running tally of varianced days used. This log shall be made available to the Noise Control Office upon request.
- K. Deliveries that start at 6:00 am under this variance shall not include concrete. They are intended to permit larger vehicles to gain access to the area during low volume times. This is not anticipated to be a loud activity.

**To the Applicant:**

1. Carry this document with you during the activity. This is not a permit to make more noise than is minimally necessary for your needs.
2. Violation of the conditions of this variance constitutes grounds for revocation of the variance, and denial of future applications, and may also result in the issuance of citation(s) for violations of City Code.
3. **If a Police or Noise Control Officer should appear, his/her instructions will supersede this variance and take precedence.**

Date:

3/23/17

  
Paul van Orden, Noise Control Officer

From: **Dave Mitchell** [d.leighton.mitchell@gmail.com](mailto:d.leighton.mitchell@gmail.com)  
Subject: Re: [User Approved] REVISED Noise Variance Permit for Bremik at Canopy by Hilton construction site



Date: March 27, 2017 at 4:00 PM

To: Paul van Orden, [Paul.VanOrden@portlandoregon.gov](mailto:Paul.VanOrden@portlandoregon.gov)

Cc: Mary Sipe [maryesipe@gmail.com](mailto:maryesipe@gmail.com), Couch, Katherine [Katherine.Couch@portlandoregon.gov](mailto:Katherine.Couch@portlandoregon.gov), Coulter, Jason [Jason.Coulter@portlandoregon.gov](mailto:Jason.Coulter@portlandoregon.gov), Austin, David [David.Austin@portlandoregon.gov](mailto:David.Austin@portlandoregon.gov), Archer-Masters, Amy [Amy.Archer@portlandoregon.gov](mailto:Amy.Archer@portlandoregon.gov), Carroll, Nicholas [Nicholas.Carroll@portlandoregon.gov](mailto:Nicholas.Carroll@portlandoregon.gov), Patricia Gardner [patig57@gmail.com](mailto:patig57@gmail.com), Stanley Penkin [stanleypenkin@comcast.net](mailto:stanleypenkin@comcast.net), Bill Dolan 503-256-1010 [bill@dolanlending.com](mailto:bill@dolanlending.com), Marchetti, Theresa [Theresa.Marchetti@portlandoregon.gov](mailto:Theresa.Marchetti@portlandoregon.gov), Judy Bradley [judybradley99@gmail.com](mailto:judybradley99@gmail.com)

Bcc: David L. Mitchell [d.leighton.mitchell@gmail.com](mailto:d.leighton.mitchell@gmail.com), John Wertzler [jdwertzler@gmail.com](mailto:jdwertzler@gmail.com), Gail Bradley [gaimbradley@gmail.com](mailto:gaimbradley@gmail.com)

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Paul,

I appreciate your prompt response to my message expressing surprise — and might I add dismay — at your decision to allow Bremik to conduct noisy, disruptive, and prolonged concrete pours for entire floors of the Canopy hotel, beginning as early as 5:00 a.m. in at least two instances and as early as 6:00 a.m. in four others.

Practically speaking, a pour at such an early hour generally necessitates moving heavy machinery into place an hour or two before the pour begins, so basically neighbors such as us must endure noises that prevent sleep from about 3:00 a.m. onward. This means that any of the 100+ residents in our building who face the Canopy, plus the 100+ residents who live in the Elizabeth, and others who live in the Gregory and other nearby apartment buildings will look forward to a wake-up as early as 3:00 a.m.

All this is in addition to the fact that we have been dealing with loud noise coming from the Canopy site beginning around 6:30 a.m. (or earlier on some days) M-F and on many Saturdays since the demolition on the previous parking garage began early last summer.

I appreciate the logistical challenges that Bremik and other contractors face in this period of intense construction activity. However, this needs to be counterbalanced with an appreciation for what we residents have to endure already, not to mention what will be entailed on the days when the concrete pump will fire up its roaring generators at 5:00 or 6:00 a.m., preceded by the noise when the pumps are delivered and set up.

I believe that, if you were to survey residents nearby who are affected by your most recent waiver decision, you'd find the majority would favor extending the pours later into the evening rather than face pours beginning at 5:00 or 6:00. With daylight saving and natural light running to 9:00 p.m. or later, it would seem to me that sticking with the customary 7:00 a.m. start time — with no exceptions whatsoever — would be far preferable.

Because I feel strongly that your recent waiver decision unduly favors the vested interests of the construction sector and marginalizes the interests and concerns of residents who live closeby, I intend to take steps to appeal and hopefully change your decision through legal channels.

Thank you.

Sincerely, Dave Mitchell

**David L. Mitchell**  
937 N.W. Glisan Street, #1337  
Portland, OR 97209-3266  
(619) 840-6715  
[D.Leighton.Mitchell@gmail.com](mailto:D.Leighton.Mitchell@gmail.com)

On Mar 27, 2017, at 12:07 PM, Van Orden, Paul <[Paul.VanOrden@portlandoregon.gov](mailto:Paul.VanOrden@portlandoregon.gov)> wrote:

Dave, Mary and neighbors in the Pearl,

I want to answer Dave's questions and make sure you can reach me with additional questions. Our main administrative person, Katherine, is out this week. I am bouncing between the two offices our staff are split at City Hall and out at the old police precinct in the 4700 Block of East Burnside. The quickest way to reach me is on my City field line at 503-793-5160.

Here is a link to the permit which we are discussing:  
<https://www.portlandoregon.gov/oni/article/633643>

Last week when Dave Mitchell brought the issues with early construction to my attention it was clear I had issued a variance for one specific mass pour on the project. I felt that it was appropriate to issue a citation with the proper details in place, such as a signed affidavit from a citizen or a police report to document the infraction. I did not foresee at that time approving more concrete pours with the initial information before me.

On the topic of a citation, I am moving forward with a first citation. Our administrative folks are getting the log in order and I have a draft that was written to review this afternoon when I am back at City Hall in the early afternoon. The initial citation is not intended to be a fiscal impact, it is intended to tell the construction company or developer that we really need them to be more careful about following our directions and expectations.

Last week after the initial dialog on the topic with Dave and Mary, I had staff set up a meeting at City Hall with Bremik. It was a respectful and helpful dialog. It allowed me to better understand what parameters existed on this project. It was a good opportunity to explain our intentions to limit the noise impacts on the community. I listened critically and heard reasonable concerns to explore the requested changes they filed regarding their noise variance. I also learned that a Bremik staff person appeared to sincerely believe they had more pours covered under the permit. A mistake was made and they will be cited. We met for an hour on the topic and discussed the work they had moving forward and our concerns for better notification parameters.

After meeting with them and discussing all of the parameters of the remaining work, we focused on how we could adapt to the particular challenges of the location and the recent weather limitations to large pours. I have crafted the current set of conditions working to address the weather by giving them limited earlier leeway on a few days, and a later start on the remaining days.

I am aware that there is an ongoing perspective in the community that all concrete pours, or the majority of them can happen during the 7 AM to 6 PM, normal construction hours. As the City becomes more dense and traffic concerns, supply challenges, labor availability and other factors come into play, that is not always possible. There are some smaller pours that occurred in the past that could have happened after 7 AM. These are not small pours, and the weather has offered limited times to pour this season. The weather will be changing soon making earlier starts less necessary as we explore the list of reasons to potentially allow an early pour.

Starts less necessary as we explore the list of reasons to potentially allow an early pour.

starts less necessary as we explore the list of reasons to potentially allow an early pour.

Respectfully, the system tries to offer checks and balances when a project is more than a single day or weekend of work. We are very responsive to impacts that we can make improvements on as the project proceeds. Noise Variance require the applicants to work with our office to make changes. We move equipment around , add additional abatement and modify permit times and dates as we explore specific site issues. One can also appeal the decision that I have arrived at for the project. If it is a single day permit , an appeal does not offer a change to the permit before the work is finished. However, a project with more days over a length of time, an appeal can change the permit.

We are also working through additions to our notifications to include appeal language on the other side of the notification to make that process more clear.

As a clarification of appeal rights, City Code Title 18.14.020 Variance In section I of the code reads as follows:

**I. Appeals to City Council.** A variance decision of the Noise Control Officer or the Noise Review Board may be appealed to the City Council as follows:

1. Eligibility to appeal. A variance decision may be appealed by the applicant, his legal representative, any affected neighborhood association, or any person who has submitted oral or written testimony on the application.
2. Appeal acceptance criteria. Notice of intent to appeal shall be in writing to the City Auditor's Office within 10 days of the effective date of the decision. The notice shall identify the decision that is being appealed, and include the appellant's name, address, and signature, phone number, relationship to the variance decision action, and a clear statement of the specific reason(s) for the appeal including any alleged misapplication of City Codes.
3. Upon receipt of such appeal, the Auditor shall then place the matter upon the Calendar of the City Council.
4. At the time of the hearing, the City Council may consider such new matter as it deems appropriate, as well as the record developed before the Noise Control Officer or the Noise Review Board, and thereafter may affirm, reverse, modify or remand the decision

As a clarification on appeals , the interpretation has been that it is 10 business days to appeal, not simply calendar days. The approval was for March 23, 2017. One can file to appeal with the Auditor's Office by the end of the business day on April 6<sup>th</sup>.

The Noise Review Board is currently actively exploring how we can better communicate across construction and utilities companies and agencies regarding the growing body of night work that we see coming with the rapid growth of our City. We will be looking forward to hearing the thoughts of all community members to help address that challenge.


Please let me know if I can answer any additional questions.

Respectfully,

Paul van Orden

**Officer Paul Van Orden**

Noise Control Officer/ Noise Control  
Office of Neighborhood Involvement  
City Hall, 1221 SW 4<sup>th</sup> Ave, Room 110  
Portland, Oregon 97204  
503-823-5829 (office)  
503-823-3050 (fax)  
[Paul.vanOrden@portlandoregon.gov](mailto:Paul.vanOrden@portlandoregon.gov)  
<http://www.portlandonline.com/oni>

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**From:** Dave Mitchell [<mailto:d.leighton.mitchell@gmail.com>]

**Sent:** Sunday, March 26, 2017 10:37 AM

**To:** Van Orden, Paul <[Paul.VanOrden@portlandoregon.gov](mailto:Paul.VanOrden@portlandoregon.gov)>

**Cc:** Mary Sipe <[maryesipe@gmail.com](mailto:maryesipe@gmail.com)>; Couch, Katherine <[Katherine.Couch@portlandoregon.gov](mailto:Katherine.Couch@portlandoregon.gov)>; Coulter, Jason <[Jason.Coulter@portlandoregon.gov](mailto:Jason.Coulter@portlandoregon.gov)>; Austin, David <[David.Austin@portlandoregon.gov](mailto:David.Austin@portlandoregon.gov)>; Archer-Masters, Amy <[Amy.Archer@portlandoregon.gov](mailto:Amy.Archer@portlandoregon.gov)>; Carroll, Nicholas <[Nicholas.Carroll@portlandoregon.gov](mailto:Nicholas.Carroll@portlandoregon.gov)>; Patricia Gardner <[patig57@gmail.com](mailto:patig57@gmail.com)>; Stanley Penkin <[stanleypenkin@comcast.net](mailto:stanleypenkin@comcast.net)>; Bill Dolan 503-256-1010 <[bill@dolanlending.com](mailto:bill@dolanlending.com)>; Marchetti, Theresa <[Theresa.Marchetti@portlandoregon.gov](mailto:Theresa.Marchetti@portlandoregon.gov)>; Judy Bradley <[judybradley99@gmail.com](mailto:judybradley99@gmail.com)>

**Subject:** [User Approved] REVISED Noise Variance Permit for Bremik at Canopy by Hilton construction site

Paul,



I'm quite confused.

At the end of the second paragraph of your message to me on March 17 (see below), you stated "I am not looking to add more pours before 7 AM at this point."

Then I received the attached message from Josh Ring at Bremik Construction, accompanied by a Revised Noise Variance Permit signed by Katherine Couch, allowing Bremik six concrete pours that could begin as early as 5 a.m. in two cases and 6 a.m. for four pours.

Moreover, in our phone conversation on Friday, March 17, you reiterated to me that Bremik's previous permit entitled them to just the one early morning pour last October. Further, you led me to believe that you had no intention of allowing more than the one early morning concrete pour at the Canopy site last October.

What gives???

Sincerely, Dave

**David L. Mitchell**  
937 N.W. Glisan Street, #1337  
Portland, OR 97209-3266  
(619) 840-6715  
**D.Leighton.Mitchell@gmail.com**

On Mar 17, 2017, at 3:12 PM, Van Orden, Paul  
<[Paul.VanOrden@portlandoregon.gov](mailto:Paul.VanOrden@portlandoregon.gov)> wrote:

Dave,

Thanks for documenting the violation of the noise code for after-hours construction activity in your neighborhood. I have a project to finish out by 5 PM. I am going to ask one of the administrative folks in our office to give you a call to see if you would like to fill out a legal affidavit of complaint, commonly called a citizen noise complaint log, that signed and detailed document is what allows the City to cite the violator.

As a clarification on this case, there was no confusion in my discussion with applicant. They asked for one date for a single concrete pour. I administered one larger concrete pour. We do not simply issue variance for each pour, it depends very often on the size of the pour and traffic constraints. It was a specific discussion point in my review of their request and is clearly in the permit conditions and even in my hand written note onto the permit. I am not looking to add more pours before 7 AM at this point.

I will be having the administrative folks add your notes to the case. We can't cite

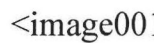
→ I will be having the administrative folks add your notes to the case. We can't cite them based on your email and photos. We simply need a signed statement with specific details you attest to move a penalty forward. Nicholas or Katherine will work to connect with you to see if you want to fill out a citizen noise log. We can't cite

I will be in dialog with the operator later today or tomorrow to let them know the status of their variance and my concerns with their violation.

Thanks,  
Paul

**Officer Paul Van Orden**

Noise Control Officer/ Noise Control  
Office of Neighborhood Involvement  
City Hall, 1221 SW 4<sup>th</sup> Ave, Room 110  
Portland, Oregon 97204  
503-823-5829 (office)  
503-823-3050 (fax)  
[Paul.vanOrden@portlandoregon.gov](mailto:Paul.vanOrden@portlandoregon.gov)  
<http://www.portlandonline.com/oni>

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**From:** Dave Mitchell [<mailto:d.leighton.mitchell@gmail.com>]  
**Sent:** Thursday, March 16, 2017 11:05 AM  
**To:** Van Orden, Paul <[Paul.VanOrden@portlandoregon.gov](mailto:Paul.VanOrden@portlandoregon.gov)>  
**Cc:** Couch, Katherine <[Katherine.Couch@portlandoregon.gov](mailto:Katherine.Couch@portlandoregon.gov)>; Carroll, Nicholas <[Nicholas.Carroll@portlandoregon.gov](mailto:Nicholas.Carroll@portlandoregon.gov)>; Coulter, Jason <[Jason.Coulter@portlandoregon.gov](mailto:Jason.Coulter@portlandoregon.gov)>; Mary Sipe <[maryesipe@gmail.com](mailto:maryesipe@gmail.com)>  
**Subject:** [User Approved] Re: Rude wake up today!!!

Hi Paul,

I've attached photos of the concrete pumping truck from the vantage of street level and from our condo unit on the 13th floor.

I was jolted awake at exactly 5:15 a.m. this morning with the loud sounds of banging metal objects, not unlike what we are accustomed to hearing each weekday morning anywhere from 6:15 a.m. onward until the "official" work start time of 7:00. I got out of bed, when to the window, and saw the pumping truck already set up in place and a small group of workmen nearby. The loud metallic noises continued for the next hour, and then the loud steady roar of the concrete pumps began around 6:15. Judy awoke about 10 minutes later. The noise has continued unabated since then.

Josh Ring from Bremik started off this project doing an exemplary job of sending 937 residents a detailed report each week on what had been accomplished in recent days and what was planned for the next few days. These reports tapered off in frequency in late January or early February and we haven't had a similar report for several weeks.

Thus, while it was obvious from looking down from our unit that a pour was imminent given no rain forecast for today, we had no clue that Bremik would be so thoughtless as to start an hours-long and extremely loud concrete pour so early in the morning with absolutely no advance notification whatsoever. Moreover, it is clear that they could have started the pour later this morning and completed the job in plenty of time before the workday is completed.

I hope this information is helpful.

Sincerely, Dave

**David L. Mitchell**  
937 N.W. Glisan Street, #1337  
Portland, OR 97209-3266  
(619) 840-6715  
**D.Leighton.Mitchell@gmail.com**

On Mar 16, 2017, at 9:30 AM, Van Orden, Paul  
<[Paul.VanOrden@portlandoregon.gov](mailto:Paul.VanOrden@portlandoregon.gov)> wrote:

Dave,

I made a call this AM over to my administrative staff across town in City Hall from my current office at 4747 E Burnside to let them know I want to look into this issue today before I am out of the office in the

↪ afternoon  
afternoon,

afternoon.

Any extra details you can offer on the specific sounds and equipment that were loud at the earliest time are very helpful for me to explore solutions, but I do understand that at such an early hour one is not tracking all the events as closely as during the normal daytime.


I will be reviewing the conditions and looking to see if there are opportunities for changes that better serve the community.

Thanks for getting a message out to us quickly so we can jump on the issue.

Respectfully,  
Paul

**Officer Paul Van Orden**

Noise Control Officer/ Noise Control  
Office of Neighborhood Involvement  
City Hall, 1221 SW 4<sup>th</sup> Ave, Room 110  
Portland, Oregon 97204  
503-823-5829 (office)  
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<http://www.portlandonline.com/oni>

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**From:** Dave Mitchell (mailto:d.leighton.mitchell@gmail.com)  
From: Dave Mitchell (mailto:d.leighton.mitchell@gmail.com)

~~From: Dave Mitchell [mailto:d.leighton.mitchell@gmail.com]~~  
**Sent:** Thursday, March 16, 2017 7:02 AM  
**To:** Van Orden, Paul <Paul.VanOrden@portlandoregon.gov>  
**Subject:** Fwd: Rude wake up today!!!

Paul,

I want to report that the Bremik construction group began very loud preparations for a concrete pour at 5:15 a.m. this morning at the Canopy by Hilton site at NW 9th and Glisan.

Josh Ring, Bremik's representative, has usually notified our building in advance of any major activity so we can be prepared for early or late work at the site, but on this occasion there was no advance notice.

My wife and I could not go back to sleep, and I presume the 100+ residents facing the Canopy site are like me pretty pissed off!

Sincerely, Dave Mitchell

**David L. Mitchell**  
937 N.W. Glisan Street, #1337  
Portland, OR 97209-3266  
(619) 840-6715  
**D.Leighton.Mitchell@gmail.com**

Begin forwarded message:

**From:** Dave Mitchell  
<d.leighton.mitchell@gmail.com>  
**Subject:** Rude wake up today!!!  
**Date:** March 16, 2017 at 6:48:38 AM PDT  
**To:** Josh Ring <jr@bremik.com>  
**Cc:** BPM Management <julie@bpmmgmt.com>, 937 Residents Google Group <937-Residents@googlegroups.com>

Josh, Probably like dozens of other residents in the 937 Condos across the street from the Canopy site, we were rudely awakened at about 5:15 this morning by loud noises from your concrete pour setup crew. There was no advance notice of this early pour as far as I know, and with no rain expected today, why on earth do you need to disrupt the lives of so many people just for your own convenience? I thought you were committed to letting us know of this type of



disruption. I am not a happy camper, Josh! Sincerely,  
Dave Mitchell at 937

Sent from my iPhone

<image002.jpg><image003.jpg><image012.jpg>