

Testimony to Portland City Council – September 13, 2017 – Lawrence Cwik

Good Morning Mayor Wheeler, and Commissioners Saltzman, Fritz, Fish, and Eudaly.

My name is Lawrence Cwik. I have lived in Portland since 1982. Since 2005 I have lived at 731 SW King Avenue, Unit 12, in a four-story 1908 building in the Kings Hill Historic District of Goose Hollow. Last week I dropped off for each of you with Council Clerk Moore-Love a two-page summary of serious, long-term noise and health problems, and property damages to at least two different units in our building, during the past seven months related to ongoing construction in the 2100 block of SW Yamhill, which in recent weeks has been centered 20 feet below our residence (copy attached). This is to provide lessons learned and to respectfully give suggestions to the City.

1. Construction companies allowed to operate in Portland but not headquartered in Portland should be required to meet stricter permit standards. They have less interest in a community they do not live in.
2. Construction permits should have a requirement that any staff of any contractor or subcontractor who lies about the hours they are permitted to operate will receive a \$500.00 fine per occurrence.
3. The City should hire more Portland Police Bureau officers dedicated to noise-related issues. One is not enough for a growing city the size of Portland.
4. Rank and file police officers should receive briefings and be trained in the impacts of noise pollution and noise standards annually. They focus, rightly, on serious crimes, but know very little or nothing about noise.
5. City staff should respond promptly to constituents. I called and left voice-mails requesting a call back from the Mayor's office on August 30 and 31st. No one has called back. When there is a very slow or no response to residents, residents lose faith in local government.
6. The Mayor should implement a Meet the Mayor forum where for one hour weekly the Mayor meets with Portland residents.
7. The City should enable free online access to the permits for major new construction in Portland. I was told I would have to come downtown, pay a \$20.00 research fee to see a permit, and then pay more if I wanted to copy it. It should be all free and online.
8. The City should ensure people within two blocks of a major construction project be notified in writing in advance of the project. We get notices in the mail of design changes in signs a block and a half away, yet there was no notice from the City of this project which has caused major disruption and long-term health and safety impacts 20 feet below our home.*
9. The City should weigh major new construction projects closely prior to approving them when they are proposed for extremely densely packed urban neighborhoods such as Kings Hill, especially in today's increasingly work-from-home environment. Growth will and needs to occur. We need more new housing. But at what cost to long-term Portland residents and to the integrity of existing historical buildings in a historic district?*** I respectfully ask, you, the City's five policy-makers, to please reflect on these lessons learned and implement these changes.

Thank you.

Lawrence Cwik
731 SW King Avenue, Unit 12
Portland, Oregon 97205
503 827 7163

*Including: multi-day violent shaking of our building from excavators drilling a long trench in the pavement 20 feet below our residence; frequent and sustained noise levels of 80 decibels (the same as an alarm clock) inside our residence; occasional noise levels of 90 decibels (the same as a lawnmower) inside our residence. These conditions have severely interfered with our ability to peaceably use our home. The property manager of another historic multi-family building in the 2100 block of SW Yamhill has also noted in September 2017 that the noise, dust, and vibration from the construction project are unacceptable. Staff of the Portland Inn and Suites across SW Yamhill from our residence have also noted in September 2017 that they have lost income due to complaints from their guests about the impacts from the construction project.

**As Commissioner Fish's policy advisor Jamie Dunphy stated in the Oregonian on September 7, 2017, "Great cities take care of their heritage and preserve it for the future . . . "

Cc: Michael Mehaffy, President, Goose Hollow Foothills League

Karen Karlsson, President, Northwest District Association

Emily Keane, President, Kings Hill Condominium Homeowners Association

Larry Cwik <photogart@gmail.com> Sep 1 (4 days ago)
to Emily, Sharon, contact, president, Van

Thank you for the email, Officer Van Orden. Will be compiling the log as requested and getting it back to you.

Portland Police Bureau Officer Peyton responded at 550 am today to another noise disturbance caused by the construction work. She is making a formal police report. A person named Sam from one of the subcontractors of Seabold Construction was driving a John Deere bulldozer/excavator down the street in front of our open bedroom window at 520 am, which combined with its loud beeping outside our bedroom window and his lifting the large metal panels covering the trench in the street outside our home, which clanged loudly on the street, awakened us from a sound sleep. I asked him why he could not do it at 8 am. He said he had "other obligations".

I did call and talk with the inspector for the project, Evgeniy, as you recommended, yesterday. He said to speak with his manager, Cindy, manager of commercial construction for the City. I left a voice-mail for her yesterday. She has not called back.

As mentioned I have previously contacted both the developer, Seabold Construction, of Beaverton, and Koz Development, of Snohomish, Washington. They are the responsible entities for the new multi-family housing project on SW Yamhill between SW King Avenue and SW Sinclair. There has been no response from either. They do not care about their impact on neighbors, as shown by their continued worsening of the problems combined with their non-responsiveness.

There has been unfortunately no response whatsoever from either the Mayor or his staff to date to my request to schedule a 15 minute meeting with him on this public health and safety emergency, despite speaking with Amber in the Mayor's office and several messages, including one to his scheduler, Lisa Taylor, yesterday and the day before. As mentioned, the noise level was above 80 decibels in our living room yesterday and above 90 decibels on Wednesday. The normal sound level in our unit is 37 decibels. The construction has often gone on after 7 pm. Three days in one week in August, on consecutive days, the construction noise has continued until 10 pm. These cause lack of sleep, the requirement to keep windows closed on hot (90 degree plus) days, and stress, and are serious health issues. I have suffered many headaches and had to consult with both my doctor and his nurse. There is also damage due to one wall of the structure of our unit and to the ceiling of our neighbor's unit due to the severe vibration from the adjacent construction work in the street that has violently shaken our four-story building last week and this week. The Mayor needs to get involved. He is the Police Commissioner. He also sets much of the policy for the City. I am waiting for a call back from his office. The problem is getting worse. The Mayor needs to get involved. He was elected to represent all Portlanders. Hopefully he will do so.

Thank you again for your time and for your good information yesterday when we spoke by phone.

Larry Cwik
[503 827 7163](tel:5038277163)

cc: Emily Keane, President, Kings Hill Homeowners Association
Karen Karlsson, President, Northwest District Association

Related Information of Health Impacts of Recurrent Noise Pollution:

HEARING LOSS If you use noisy tools and machinery at work, you are at risk of hearing loss. Loud noise going on for too long will cause permanent damage to your hearing. It is not a general loss of hearing; instead you lose the ability to hear some frequencies of sound in the initial stages. Noise-induced hearing loss (hearing loss due to excessive noise) can occur gradually over time, or it can be instantaneous if you are exposed to a one-off, very loud noise like a shotgun going off next to your ear. The damage that hearing loss causes cannot be fixed – once you lose the ability to hear noise at a certain frequency, it is gone forever.

ACTIVITY DECIBEL LEVEL MAXIMUM SAFE EXPOSURE WITHOUT HEARING PROTECTION (EACH DAY)

Normal Conversation 60 Decibels Max. Time Of Exposure: More Than A Day
Driving A Vehicle 70 Decibels Max. Time Of Exposure: More Than A Day

Standing By A Busy Road 80 Decibels Max. Time Of Exposure: 24 Hours
Operating Forklift Trucks 84 Decibels Max. Time Of Exposure: 8 Hours
Air Compressors 85 Decibels Max. Time Of Exposure: 8 Hours
Operating A Welder 85 Decibels Max. Time Of Exposure: 8 Hours
Operating A Lawnmower 91 Decibels Max. Time Of Exposure: 2 Hours
Operating A Hand Held Power Tool 94 Decibels Max. Time Of Exposure: 1 Hour
Belt Sander 95 Decibels Max. Time Of Exposure: 30 Mins

<http://construction.worksafe.govt.nz/assets/resources/WSNZ-1311-Construction-Machinery-Fact-Sheet-v5.pdf>

Van Orden,

Aug 31 (5 days

Paul <Paul.VanOrden@portlandoregon.gov>

ago)

to me

Lawrence,

It was good chatting with you today about your concerns regarding the impact of the construction in your neighborhood two doors from your home. You had reported activity that is occurring outside the permitted City of Portland hours for louder construction activity. The normally permitted hours of construction are from 7 AM to 6 PM , Mondays through Saturdays.

I have attached the citizen complaint log to fill out with the level of detail that we discussed so our office can look to move to enforcement with a citation.

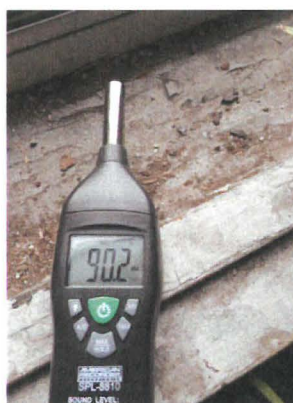
I will be updating the Mayor's Office on our conversation and encourage you to chat further with the Bureau of Development Services for assistance on the construction and vibration related concerns. As I mentioned, the City has a very brief statement on vibrations within the body of code language overseen at the Bureau of Development Services. I believe I shared their main front desk line with you at [503-823-7300](tel:503-823-7300).

Our Noise Inspector, Jason, was working to get out there today. I have been in meetings and will check in with him tomorrow to discuss his findings on your case.

Respectfully,
Paul van Orden

Officer Paul Van Orden

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



View from living room of home, 8/22/17, 10:08 am

Noise level reading of 90.2 decibels at south window in living room of home, 8/30/17, 11:31 am

Hi, my name is Neel Banerjee, and I live in the Hawthorne neighborhood with my wife and two boys aged 4 year and 10 months. I am also representing the Hawthorne Neighbors and this is a follow up from a few months ago. We live around the block from 36th and Hawthorne. We moved to the neighborhood 4 years ago and have seen a rapid decline in family safety and livability. Today I am going to spend my 3 minutes to give you a pulse of our neighborhood and how citizens are mobilizing to try to solve these issues but we need your help!

The topics I'd like to cover today are related to family safety, livability, and the confusion around how to deal with these issues in the city.

A few days ago I had to take a mandatory training a work that was on hostile work environments. It got me thinking about how we should be applying the same principles to our kids neighborhood environments. With our proximity to Sunnyside school, preschools surrounding the area, and the belmont library we have one of the most densely packed kid friendly areas. My family was victimized by a person that attacked our home and tried to attack contractors working on our home. These are not one off incidents. Violent behavior and sexual harassment are reported on Nextdoor (a popular social media platform) on a weekly basis now. A noble attempt at a citizen walking patrol was started, but they are not enough. A week after the start, a pool of blood the size of a doormat was dried up on the hood of a car the morning after a resident was attacked by hoodlums that were at the Sunnyside park after it was closed. With the growing encampment across from Ben and Jerry's, families fear walking nearby. People blocking the sidewalk by Fred Meyers force people to walk or wheelchair in the street in an already dangerous and deadly road. What type of PTSD will kids have who are sexually harassed on the streets or see violent behavior in their living areas. Families including my own don't feel safe.

The safety issue also dovetails into a livability issue. In this same area we have seen an increase in open air drug use and sales. Stabbing are now taking place when drug deals go south. SE Uplift had to fence their entire site down due to drug and disturbing behavior. Needle can be found discarded in playgrounds and areas where children play. Are we waiting for some child to get stuck with a needle before we do something to address the growing issue in our neighborhood? Feces and urine are left on sidewalks and area that children play. We can do better than just letting this happen in our city. Citizens are gathering to try to clean up the street in fear of losing businesses from Hawthorne, but it's not enough.

I'll close by describing the confusion between law enforcement, the DA's office and the mayor's office. The non-emergency dispatchers do a great job of capturing information and sending a police officer if possible. When the police officer arrives they try their best to try to understand the problem, but much of the time no action in the form of a citation or arrest is made. Don't get me wrong the solution is not mass incarceration, but rather compassionate recovery programs for those that need it. The problem as described to me and witnessed first hand is that the system is not setup for helping individuals who need support. We need a system in which police officers work doesn't just go wasted. The misdemeanors and violations for laws on the books need to be tracked and either increasing level of consequence applied or recovery support is given. Doing a quick check of portland mug shot and people who are consistently causing issues in the neighborhood you can see that there has been decrease in the recording of open container arrests and misdemeanors arrests for violence.

The last time I was here we were told a walking patrol would be initiated. But there seems to only be reactive police activity. We know a solution is hard and takes time, but I request that the city publishes the plans and timelines of execution for their solution to improving safety and livability in our neighborhood.

Thank you for your time.

3

Moore-Love, Karla

From: Neel Banerjee <mr.neel@gmail.com>
Sent: Thursday, August 03, 2017 12:19 PM
To: Howard A. Newman; Moore-Love, Karla; Parsons, Susan
Cc: Boo Rigney; Newman Law Offices
Subject: Re: [FWD: Request for time at next available city council meeting - Hawthorne Neighbors]
Attachments: image007.jpg

Hi Karla,

Here is my information:

Neel Banerjee
3524 Se Madison St
Portland, Or 97214

541-250-9810

Let me know if you need anything else.

Thanks,
Neel

On Thu, Aug 3, 2017 at 1:02 PM Moore-Love, Karla <Karla.Moore-Love@portlandoregon.gov> wrote:

Hello Mr. Newman,

Thank you for your request to address the Portland City Council. I will list you on the Wednesday, Sept. 13th agenda. Communications are the first item on the official agenda and we start at 9:30 a.m. You will have three minutes to speak but you may also submit written material, please provide seven copies.

Communication allow the Council to hear issues that interest the community but does not allow an opportunity for dialogue.

Council takes place at City Hall, 1221 SW 4th Ave., 2nd floor, Council Chambers.

Please let me know if you are not able to keep this appointment.

I will wait for Howard to email me his information.

Regards,

Karla



Karla Moore-Love |Council Clerk

City of Portland |Office of the City Auditor
1221 SW 4th Ave Rm 130

Portland OR 97204-1900

email: Karla.Moore-Love@portlandoregon.gov

Testimony Email: cctestimony@portlandoregon.gov

phone: 503.823.4086

Clerk's Webpage: www.portlandoregon.gov/auditor/councilclerk

From: Howard A. Newman [<mailto:howard@newmanlawoffices.com>]

Sent: Thursday, August 03, 2017 9:30 AM

To: Moore-Love, Karla <Karla.Moore-Love@portlandoregon.gov>; Parsons, Susan
<Susan.Parsons@portlandoregon.gov>

Cc: Boo Rigney <boo.rigney@gmail.com>; Newman Law Offices <assist2@newmanlawoffices.com>;
mr.neel@gmail.com

Subject: [FWD: Request for time at next available city council meeting - Hawthorne Neighbors]

Ms. Moore-Love:

Good morning. I request a speaking spot for September 13, 2017 at 9:30am. Please see my information below.

By way of this email, Neel Banerjee also requests a spot. He will send you his contact information separately.

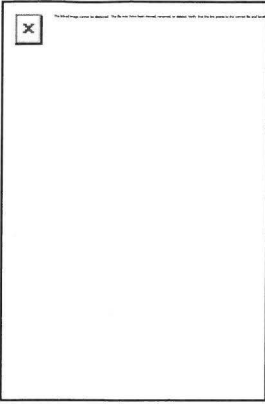
Howard

~~~~~

Howard A. Newman, Esq. (MBA)

Registered Patent Attorney

Admitted: OR - DC - MD - FL



NEWMAN LAW OFFICES

(Litigation : Business : Intellectual Property)

**Washington, D.C. Office**

1717 K Street, NW; Suite 900  
Washington, DC 20006  
(202) 544-8040

**Portland, OR Office**

1001 SW Fifth Ave; Suite 1100  
Portland, OR 97204  
(503) 535-8040

Facsimile: (866) 544-8040

Email: [howard@newmanlawoffices.com](mailto:howard@newmanlawoffices.com)

[www.newmanlawoffices.com](http://www.newmanlawoffices.com)

**IMPORTANT NOTE**

Email is covered by the Electronic Communications Privacy Act, Title 18, Sections 2510-2521 of the United States Code and is legally privileged. Internet email is inherently insecure. Message content may be subject to alteration, and email addresses may incorrectly identify the sender. This e-mail message and any attached files are confidential and are intended solely for the use of the addressee(s) named above. This communication may contain material protected by attorney-client, work product, or other privileges. If you are not the intended recipient or person responsible for delivering this confidential communication to the intended recipient, you have received this communication in error, and any review, use, dissemination, forwarding, printing, copying, or other distribution of this e-mail message and any attached files is strictly prohibited. If you have received this confidential communication in error, please notify the sender immediately by reply e-mail message, [info@newmanlawoffices.com](mailto:info@newmanlawoffices.com), or by calling (202) 544-8040 or (503) 535-8040. Please permanently delete the original message. This email does not create an attorney-client relationship, as an attorney-client relationship is only created by the execution of a retainer agreement. Thank you.

----- Forwarded message -----

From: **Moore-Love, Karla** <[Karla.Moore-Love@portlandoregon.gov](mailto:Karla.Moore-Love@portlandoregon.gov)>

Date: Tue, Aug 1, 2017 at 12:33 PM

Subject: RE: Request for time at next available city council meeting - Hawthorne

Neighbors

To: Boo Rigney <[boo.rigney@gmail.com](mailto:boo.rigney@gmail.com)>

Cc: "Parsons, Susan" <[Susan.Parsons@portlandoregon.gov](mailto:Susan.Parsons@portlandoregon.gov)>

Boo,

If you and the others still want the three communication's spot on September 13<sup>th</sup> please send in your requests right away. There are no other dates available in September and I will have to give these spots to others if I do not receive your requests by Friday, Aug. 4<sup>th</sup>.

Thank you,

Karla



Karla Moore-Love |Council Clerk

City of Portland |[Office of the City Auditor](#)  
1221 SW 4th Ave Rm 130  
Portland OR 97204-1900

email: [Karla.Moore-Love@portlandoregon.gov](mailto:Karla.Moore-Love@portlandoregon.gov)

Testimony Email: [cctestimony@portlandoregon.gov](mailto:cctestimony@portlandoregon.gov)

phone: 503.823.4086

Clerk's Webpage: [www.portlandoregon.gov/auditor/councilclerk](http://www.portlandoregon.gov/auditor/councilclerk)

**From:** Council Clerk – Testimony

**Sent:** Friday, July 14, 2017 3:29 PM

**To:** Boo Rigney <[boo.rigney@gmail.com](mailto:boo.rigney@gmail.com)>

**Subject:** RE: Request for time at next available city council meeting - Hawthorne Neighbors

Hello Boo,

The first open week is September 13<sup>th</sup>. September 20 & 27 also currently has 3 spaces available.

I'll pencil you in for 3 spots on the 13<sup>th</sup>. Let me know if that date works, or if another date is better.

Please also ask the other 2 individuals to email us with their requests.

Kind regards,

Susan

Susan Parsons

Assistant Council Clerk

City of Portland

[susan.parsons@portlandoregon.gov](mailto:susan.parsons@portlandoregon.gov)

[503.823.4085](tel:503.823.4085)

**From:** Boo Rigney [mailto:[boo.rigney@gmail.com](mailto:boo.rigney@gmail.com)]

**Sent:** Friday, July 14, 2017 8:16 AM

**To:** Council Clerk – Testimony <[CCTestimony@portlandoregon.gov](mailto:CCTestimony@portlandoregon.gov)>

**Subject:** Request for time at next available city council meeting - Hawthorne Neighbors

We enjoyed speaking to the mayor and council members on Wednesday July 12th regarding issues with bad behaviors of people on the streets in our neighborhood. We feel that we should return to a future meeting to re-visit the situation.

Can you please inform me of the next available time/date that is open? We would again request 3 speakers each having 3 minutes to present.

Thank you,  
Boo Rigney

1003

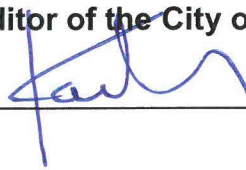
Request of Neel Banerjee to address Council regarding issues with  
bad behavior of people on the streets (Communication)

SEP 13 2017

PLACED ON FILE

Filed SEP 05 2017

**MARY HULL CABALLERO**  
Auditor of the City of Portland

By  Deputy

| COMMISSIONERS VOTED<br>AS FOLLOWS: |      |      |
|------------------------------------|------|------|
|                                    | YEAS | NAYS |
| 1. Fritz                           |      |      |
| 2. Fish                            |      |      |
| 3. Saltzman                        |      |      |
| 4. Eudaly                          |      |      |
| Wheeler                            |      |      |