

From: [Cory Baker](#)
To: [Council Clerk – Testimony](#)
Subject: Cafe" Nell
Date: Tuesday, April 27, 2021 2:53:54 PM
Attachments: [image001.png](#)

To whom it may concern

I am writing in regard to Café Nell's noise variance application. I have dined at Café Nell for many years now. I have found it to be a welcoming, inclusive gem of a restaurant. I have watched as the owner of Café Nell has done everything in her power to cling to life while so many in our community have not been able to hold on. It would be a shame if the City of Portland is not willing to help our small business owners (especially the hard-hit restaurant industry) by removing any obstacles that could potentially inhibit the already agonizingly slow recovery of Portland's restaurant industry. I appreciate your time.

Thank You

Cory Baker
Superintendent



Cell: 503-719-3048

Office: 503-914-0012

cbaker@conconow.com

From: [kathleen boniface](#)
To: [Council Clerk – Testimony](#)
Subject: Regarding Cafe Nell and Rene Mercado
Date: Tuesday, April 27, 2021 3:23:43 PM

Good Afternoon .

I am a local patron of Cafe Nell and have been going there for 10 years. No one that I know of has done a more respectful ,well ventilated job of creating a safe and beautiful space for people to go and feel a sense of respite from stress during this very difficult time. I go there on an average of 4 times a week at various times of day .I am not aware of it ever being loud or ever having loud music playing.The tables are spaced far apart and every table is protected from the others with shipping plastic dividers.In years past when tables were on the side walks the noise levels seemed much higher than they do in the tented area today.I believe that the tented area is closed by 10 pm.

I also have known Vanessa personally for 10 years and know that she has always tried to be respectful of the neighbors and making the area beautiful.

There seems to be a heightened anger brewing and I personally have been harassed regarding the tented area at Cafe Nell (with no provocation on my part) by Rene at Yurs bar and Grill just days ago while I was sitting with my son.There have been many angry confrontations made toward the staff by the Mecados at Nell and multiple personal accusations made concerning various patrons and public published false accusations of favor given to the restaurant by public officials . This seems like a situation that could be resolved with a mediator and the neighbors reasonably coming to an understanding with Cafe Nell.

Thank you for your time in this matter.

Kathleen Boniface
310.990.8234
Boniface Skin Care
1235 NW 19th avenue
Portland Oregon
97209

From: [M.R](#)
To: [Council Clerk – Testimony](#)
Subject: Re: Wed 4/28 2:45p Scheduled Agenda
Date: Wednesday, April 28, 2021 2:30:46 PM

To: Portland City Council

Re: Appeal by Renee Mercado against the Noise Variance granted to Café Nell to add two speakers, located at the corner of NW 20th and Kearney (Report introduced by Auditor Hull Caballero)

*As a team member of Café Nell, I have first hand knowledge of how hard we've always worked to follow the example set by our owner and GM, Vanessa Preston, in continuing to be considerate of others in our community. We not only follow the decibel levels and time frames outlined in the Noise Variance granted to us, but also intentionally choose to play music of a more soothing tonal quality, and actively guide our guests on maintaining lower speaking volumes past the cutoff.

Unfortunately, the same consideration was *not* afforded to us by Ms. Mercado herself, who spent months prior using Bluetooth speakers placed at the edge of our two properties to blast our guests with music of an *extremely* explicit lyrical nature during all hours of operation. This even included times when younger ones were more likely to be present, such as Weekend Brunches.

As such, I respectfully request that you DENY Ms. Mercado's appeal.

Sincerely,
Mary Rebello

From: [Travis Phillips](#)
To: [Clerk General](#)
Subject: Re: Noise Variance Appeal for Cafe Nell
Date: Wednesday, April 28, 2021 2:31:09 PM
Attachments: [Vannatta-Phillips-CafeNell.pdf.pdf](#)

Hi Keelan - please see attached for testimony from me and my husband JC Vannatta. Sorry to get this to you so late, but it sounds like it's next on the agenda.

Travis

On Wed, Apr 28, 2021 at 8:21 AM Clerk General <councilclerk@portlandoregon.gov> wrote:

Good morning Travis,

The hearing will actually be this afternoon during the 2 PM Council meeting (beginning at approximately 2:45 PM), so you haven't missed it yet. Once that video is live streamed on YouTube, it will immediately be available to watch at your convenience. Here is that link again <https://www.youtube.com/watch?v=kHQDkXRTxSo>

Thank you,

Council Clerk's Office

Office of the City Auditor: Operations Management: [Council Clerk](#)

City of Portland | 1221 SW 4th Ave., Room 130 | Portland, OR 97204

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From: T Phillips <phillips.travis@gmail.com>
Sent: Wednesday, April 28, 2021 7:20 AM
To: Clerk General <councilclerk@portlandoregon.gov>
Subject: Re: Noise Variance Appeal for Cafe Nell

Hi Keelan,

Unfortunately, I wasn't able to tune in for last night's hearing and I believe it takes a couple days before the video is posted online. Can you let me know if a decision was made, or if testimony is still productive?

Thanks

Travis

Sent from my iPhone

On Apr 27, 2021, at 4:02 PM, Clerk General
<councilclerk@portlandoregon.gov> wrote:

Of course! I'm sorry I forgot to answer that question about written testimony. Written testimony will be accepted up until the vote is taken by City Council, though I would recommend submitting written testimony before the hearing starts to ensure members of Council have enough time to read it before the meeting starts. I would recommend sending it this evening if you can.

Thanks,

Keelan

From: Travis Phillips <phillips.travis@gmail.com>
Sent: Tuesday, April 27, 2021 3:58 PM
To: Clerk General <councilclerk@portlandoregon.gov>
Subject: Re: Noise Variance Appeal for Cafe Nell

Hi Keelan -

I don't need to provide live testimony, but will be sure to watch the hearing.
Thanks for the link.

If I'd like to follow up with written testimony, can you let me know the deadline for this?

Thanks

Travis

On Tue, Apr 27, 2021 at 3:53 PM Clerk General
<councilclerk@portlandoregon.gov> wrote:

Hi Travis – do you want to provide testimony for this item, or do you want to just watch the meeting? If you want to provide 3 minutes of testimony either in support or opposition of the appeal, let me know and I will help you get registered. Otherwise, you can watch the live stream of the meeting on the City's YouTube channel, eGov PDX, <https://www.youtube.com/channel/UCcPIUh7CWwtBXisMPHWG65g>, or on Channel 30. Please let me know as soon as you can if you want to provide testimony so we can make sure you receive an invitation to join the meeting.

Thanks,

Keelan McClymont (she/her)

Council Clerk

Cell: 503-865-6646

Office of the City Auditor: Operations Management: [Council Clerk](#)

City of Portland | 1221 SW 4th Ave., Rm 130 | Portland, OR 97204

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From: Travis Phillips <phillips.travis@gmail.com>

Sent: Tuesday, April 27, 2021 9:54 AM

To: McClymont, Keelan <Keelan.McClymont@portlandoregon.gov>
Subject: Noise Variance Appeal for Cafe Nell

Hi Keelan -

Can you add me to the Zoom meeting for this hearing? I live immediately behind Cafe Nell (1974 NW Lovejoy) and would like to listen in.

As well, please let me know when any written testimony needs to be submitted.

Thanks

Travis Phillips

April 28, 2021

Mayor Ted Wheeler
Commissioner Jo Ann Hardesty
Commissioner Mingus Mapps
Commissioner Carmen Rubio
Commissioner Dan Ryan
City of Portland
1221 SW 4th Avenue
Portland, OR 97204

RE: Appeal of Noise Variance Granted to Cafe Nell

Dear Mayor and Commissioners,

I am writing today to provide testimony regarding a noise variance granted to Cafe Nell and the subsequent appeal made by Renee Mercado. Specifically, I ask you to grant the appeal made by Ms. Mercado and revoke the variance previously approved.

Portland is a city that prides itself on inclusive decision making, and in that spirit, I emphatically request that you consider the voices and concerns of the residential neighbors which surround Cafe Nell. Admittedly, the current variance granted to Cafe Nell will expire at the end of this week, but the decisions you make today will establish a valuable precedent for the ways that Cafe Nell and other restaurants with newly-granted outdoor space ensure the continued viability of their business while simultaneously ensuring these businesses remain good neighbors--specifically the ones surrounded by residential uses.

Cafe Nell's request to add two speakers to their outdoor area may not seem significant, but as a neighbor whose property is immediately adjacent to Cafe Nell, I urge you to consider the additional impacts of approving this variance: the noise is not limited to the speakers. And the volume of the noise does not end when the speakers are required to be turned off at 9pm. As you might imagine, many patrons have taken advantage of Cafe Nell's great bar, and their voices are far louder than any of the music that comes from the outdoor space.

If Cafe Nell were a thoughtful neighbor, there might be an opportunity for further discussion. But Cafe Nell has not been the considerate neighbor one might hope for in a predominantly residential neighborhood. They did NO outreach around when they began their parkettes. They did NO outreach when they erected their incredible outdoor space. They did not reach out to us around the original noise variance, save for one notice posted on our door after applying for the variance (and after other neighbors had expressed complaints and frustration).

Further, Cafe Nell's lack of effort to be a good neighbor isn't just limited to this noise variance hearing. The crash of glass as the evenings bottles are emptied into their receptacles every night or morning is audible at least a block away. The roar of their cleaning crew's leaf blower starts before most neighbors are awake. And during their last cleaning of their grease traps and exhaust fan, their contractor showed up after 11pm with a generator-powered pressure washer. Multiple neighbors tried calling Cafe Nell to

no avail (and NO response) and even resorted to calling the police when attempts to get a response from Cafe Nell failed.

Cafe Nell operates in a predominantly residential neighborhood. This is not a situation like that of someone who moves in near the airport, then complains about the noise of the airplanes. We're happy to have the diversity of businesses in our midst, including Cafe Nell, but are not amenable to disruptive and unresponsive neighbors.

I urge you to rescind the approval provided to Cafe Nell for their noise variance.

Sincerely,

JC Vannatta and Travis Phillips
1974 NW Lovejoy St. #5
Portland, OR 97209

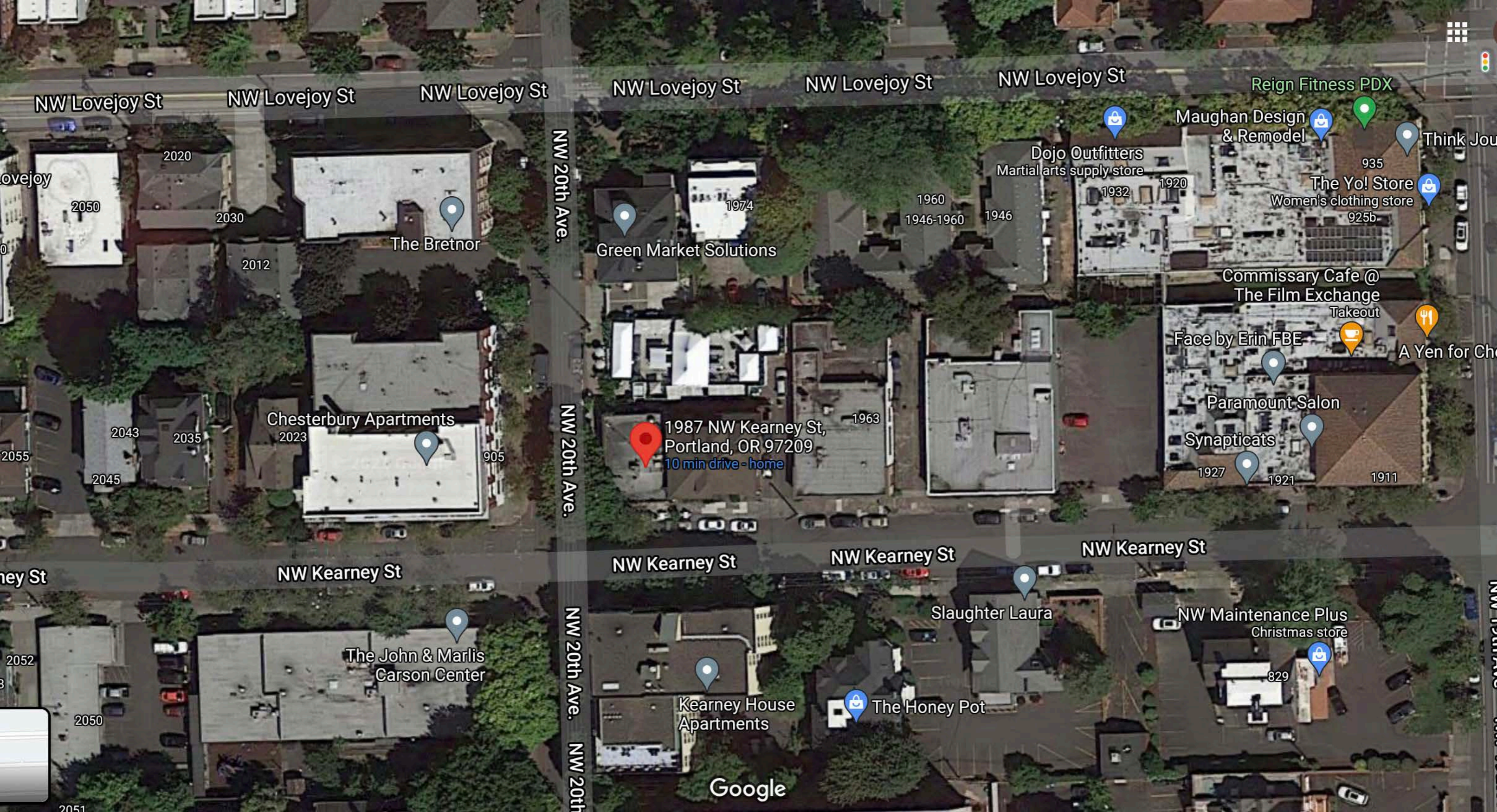
City Council Meeting - Wednesday, April 28, 2021 2:00 p.m.

Opponents of the Appeal

Agenda No 292	First Name	Last Name	Zip
O-1	Jen	Bressler	
O-2	Joseph	Krebs	

Supporters of the Appeal

Agenda No 292	First Name	Last Name	Zip
S-1	Cameron	McKeown	97209
S-2	Laura	McKinney	97239
S-3	Sofia	Mercado	97209
S-4	Neville	Mercado	97209
S-5	Jennifer	Keyser	



NW Lovejoy St

NW Lovejoy St

NW Lovejoy St

NW Lovejoy St

NW Lovejoy St

NW Lovejoy St

Reign Fitness PDX

Maughan Design & Remodel

Think Jo

Dojo Outfitters
Martial arts supply store

The Yo! Store
Women's clothing store

Green Market Solutions

Commissary Cafe @
The Film Exchange
Takeout

Face by Erin FBE

A Yen for Ch

Chesterbury Apartments

1987 NW Kearney St,
Portland, OR 97209
10 min drive - home

Paramount Salon

Synapticats

NW Kearney St

NW Kearney St

NW Kearney St

NW Kearney St

The John & Marlis
Carson Center

Slaughter Laura

NW Maintenance Plus
Christmas store

Kearney House
Apartments

The Honey Pot

Google

18.10.010 Land Use Zones.

A. The sound levels established are as set forth in Figure 1 before any adjustments are applied:

FIGURE 1

PERMISSIBLE SOUND LEVELS

(7 am-10 pm, otherwise minus 5 dBA)

Zone Categories of Source	Zone Categories of Receiver (measured at property line)			
-	Residential	Open Space	Commercial/ Mixed Use	Industrial
Residential	55	55	60	65
Open Space	55	55	60	65
Commercial/ Mixed Use	60	60	70	70
Industrial	65	65	70	75

B. Adjustments to Figure 1.

- 1. During the night hours, the sound levels of Figure 1 shall be reduced 5 dBA.

The Highlighted YELLOW decibel level is with no noise variance applied and is the level permitted by code in this case.