

CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Council / Contracts Division
1221 S.W. 4th Avenue, Room 130, Portland, Oregon 97204
phone: (503) 823-4022
www.portlandoregon.gov/auditor/



October 1, 2014

David Vanadia
1550 NW 14th #620
Portland, Oregon 97209

RE: Noise Appeal
Andersen Construction – Variance #3501908

Dear Mr. Vanadia:

Please be advised the City Auditor's Office is in receipt of your appeal of the noise variance granted to Andersen Construction. A hearing has been scheduled before City Council on October 30, 2014 at 2:00 p.m. The hearing will take place in Council Chambers located in City Hall, 1221 SW 4th Avenue on the 2nd floor.

If you have any questions, please do not hesitate to contact me at 503-823-4022 or toni.anderson@portlandoregon.gov.

Sincerely,

Toni Anderson
Council/Contracts Supervisor
Office of the City Auditor

Wednesday, September 24, 2014

Dear City Council,

I am writing to request for an appeal of the yearlong Anderson Construction Noise Variance #3501908. I live within a two-block radius of the construction zone and I submitted written testimony against granting Andersen a yearlong variance, thus my eligibility to appeal.

In requesting variance #3501908, Anderson notified the offices at The Ramona Apartments and The Sitka Apartments but neglected to contact The Freedom Center, The Encore, The Pinnacle, The Bridgeport, or The Wyatt residences—all of which are located within a two-block radius—thus avoiding the potentiality of adding hundreds of local voices to the decision making process.

Anderson has been granted a very liberal amount of working hours in their current variance #3410935. Still, they have taken advantage by having dumpsters emptied and delivered before 6 am, using back up beepers in early morning hours, and by refueling their Caterpillar tractors at Block 15 and 1261 NW Overton with an engine driven pump nightly between 3-5am.

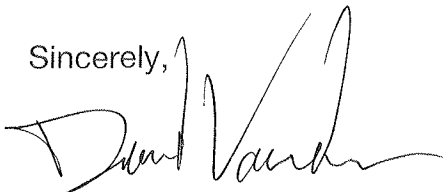
Because variance #3501908 is a complex one, the solution I am proposing is very simple and reasonable: **I am asking that Anderson be prevented from working at all on Sundays for the length of their yearlong variance.**

The variance contains many conditions that are difficult to track and enforce. Police refuse to respond to noise complains and it is Anderson that monitors compliance. A "Sundays off" rule can be spread by word-of-mouth to residents and authorities making it easy for law enforcement to confidently perform their duties should a noise complaint fall on a Sunday.

Having Sundays off means residents can know that they have one quiet day per week where they can relax with family, entertain visitors, enjoy the parks, expect no street closings, and not be overwhelmed by workers, their cars, large construction vehicles and noise—possibly reducing complaints overall.

Please grant us one day a week of peace and quiet.

Sincerely,



David Vanadia
1550 NW 14th #620
Portland, OR 97209
Cell: (646) 415-1692



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 Variance / Permit

Application #: 3501908

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

Organization: ANDERSEN CONSTRUCTION

Activity: CRANE, FORKLIFTS, TOWER CRANE ERECTING & DISMANTLE,
CONCRETE SUPPLY, PLACING & FINISHING

Event Location: 1261 NW Overton Street Portland

Date(s): September 17, 2014 through September 16, 2015

Hours: 5:00 AM – 7:00 PM, as specified for individual operations

FILE COPY

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 September 17, 2014 through September 16, 2015.
- B. The hours of the variances construction work shall be from 5:00 AM - 7:00 PM, Monday through Saturday, as described for individual operation as listed below.
- C. 30 Early morning concrete pours shall be permitted under this variance to operate from 5 AM to 7 PM. 14 additional morning pours shall begin at 6 AM and finish by 7 PM. Set up for the pours shall not commence earlier than the respective start time outlined. No more than two concrete trucks will be at the site off-loading concrete, with two additional delivery trucks there in waiting. Any additional concrete trucks will be staged off site at locations that are approved for staging by the Noise Office.
- D. On Sundays work shall be permitted from 9:00 AM to 5 PM during the duration of the variance time period and specifically just for the erection of cranes, the jumping of cranes, or the delivery of large sized materials that are difficult to move to the site during normal work hours. These additional activities shall constitute 10 additional mornings of work during the variance time frame.
- E. The Noise Control Office shall be the final arbiter, in consultation with professional associates at the Portland Bureau of Transportation in the determination of whether or not a particular item may be delivered outside the normal construction hours. Before delivering material to the site, the applicant need to check in with the Noise Control Officer that the specific delivery necessitates the use of this variance.
- F. A construction hotline phone number shall be set up that updates the neighbors on a weekly basis of the upcoming concrete pours and other variances activity as permitted under this noise variance.

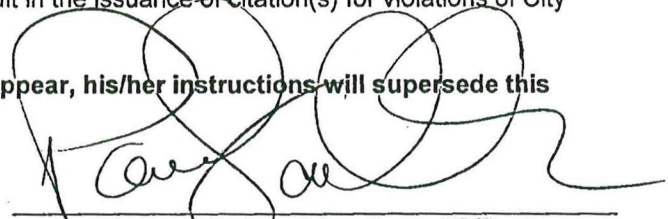
Continued on page 2

- G. Back up alarms shall not be used during the duration of the variances by any vehicles associated with the project, including concrete delivery vehicles. The applicant shall use spotters to safely back vehicles during these variance time frames. The contractor shall plan accordingly to maintain safety and a quieter environment for the community.
- H. Use of jackhammers and or pile drivers shall not be permitted outside the normally allowed construction hours of the City of Portland. This permit does not allow the use of these loud pieces of equipment during the night or early morning hours.
- I. 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.
- J. 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 email to the Noise Office at: noise@portlandoregon.gov. The email will be followed up with call to (503) 823-7350 to verify receipt of emailed log.
- K. Notice shall be given to the neighborhood residents. The notice will include a contact person and phone number for construction noise issues. Notices will be delivered to all buildings within a 2 block radius of the construction work. The notice shall include the nature of the work and the anticipated noise sources that neighbors will hear during the period of variance work activity.
- L. A 24- hour noise phone information hotline will be set up that describes any upcoming construction activities under the noise variance and the way to reach the applicant during off hours of work. This hotline information number will be supplied to neighbors within the notification letter to the community as outlined above.
- M. The Applicant shall be prepared to develop a noise mitigation plan with the Noise Control Office should complaints arise that constitute a need for changes to the permit to better address noise impacts.
- N. 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 excessive community noise disturbances. The Noise Control Officer shall be the arbiter of the delineation of whether or not a complaint requires modifications to a given noise variance.
- O. 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 variance days used. This log shall be made available to the Noise Control Office upon request.

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: Approved and signed
Tuesday September 16, 2014



Paul van Orden, Noise Control Officer



City of Portland, Oregon - Office of Neighborhood Involvement



1221 SW 4th Ave, Room 110 | Portland, Oregon 97204 | 503-823-7350 | www.portlandoregon.gov/oni

Noise Variance Application

This is an application for variance from the Portland Noise Ordinance. You should apply for it if your activity will make more noise than the City Code allows. **Please read both sides and fill it out carefully; your application will not be considered unless all information and required site plan is provided and legible.** Use separate pages if necessary. The request may be approved, denied or approved with conditions. Most applications will be reviewed within ten (10) business days; some may require more time. If you need help, you may call the Noise Control Office at 503-823-7350.

APPLICANT: Complete all sections, and please print legibly.

Applicant name Andersen Construction Company - Brian Anthony

Contact phone 503-283-6712 Cellular 503-969-46866

Address to mail permit 6712 N Cutter Circle

City Portland State OR Zip Code 97217

Name of organization or business Andersen Construction Company

Name and type of activity (concert, construction, etc) ^{1333 NW 12TH} Overton Apartments by Unico - New Building Construction

Date(s) of activity ^{8/11/14} 8/11/14 through 8/11/15 Requested hours, from 5:00 am/pm to 6:00 am/pm

Specific location of activity and attach a site plan that identifies streets and give distances to residences NW 12th to NW13th from NW Overton to NW Pettygrove. See attached Site Vicinity Map for further clarification.

For your application to be processed, you must attach a sketch of the site plan or map that identifies streets and gives distances to residences.

Number of neighbors contacted (2) HOA's and what is their reaction? No major reactions, other than concerned about traffic congestion.

List all equipment that will make noise Drilled Piles, Crane, Forklifts, Saw Cutting, Jack Hammers, Tower Crane erecting and dismantle activities, Concrete Supply, Placing & Finishing activities.

Are noise measurements available? Yes No

Will you be continually present at this activity? Yes No, if No, who is to be contacted should the need arise? Specify someone who is in charge, and has the authority to make changes, if required. _____

Information and instructions

Complete this application for variance from the Portland Noise Ordinance if your activity will make more noise than the City Code allows. Your application will not be considered unless all information is provided and legible. **Public notification and feedback is an important consideration in the application review process.** Before initiating public notification, contact the Noise Office at 503-823-7350 regarding notification procedures and requirements. Your request may be approved, denied, or approved with conditions. Most applications will be reviewed within 10 business days; some may require more time. If you need help, you may call the Noise Control Office at 503-823-7350.

A high impact event: An event or activity which is attended by at least 250 people and which may reasonably be assumed to cause increases of 15 dBA or more in the background noise level of a residential or commercial use area (an increase of 10 dBA is heard as a doubling of loudness).

Multi-year variances: Applications requesting variance for more than 1 year shall include a fee, which is equal to the fee for one year, plus half of that amount for each succeeding year or portion thereof requested.

Continued on page 2

Review/accelerated review: Applications deemed significant in terms of noise level or the numbers of persons or property affected will be reviewed by the Noise Review Board. Applications to be reviewed by the Noise Control Officer shall be decided within 10 business days of receipt of the completed application; those to be reviewed by the Noise Review Board shall be decided within 45 business days of receipt of the completed application.

Should the applicant require more rapid review the process may be shortened to not more than 3 business days (for review by the Noise Control Officer), or 7 business days (for review by the Noise Review Board), upon payment of an additional fee and provided the Chair of the Noise Review Board and the Noise Control Officer conclude that such accelerated review is sufficient for evaluation, and is in the City's interest.

Criteria of review: All applications will be reviewed considering the following criteria: the physical characteristics, times and duration of the emitted sound, the geography, zone and population density of the affected area, whether the public health, safety, or welfare is affected, whether the sound source predates the receiver(s), and whether com-

pliance with the standard(s) or provision(s) from which the variance is sought would produce hardship without equal or greater benefit to the public.

Appeals: A variance decision may be appealed to the City Council by the applicant, his legal representative, or by any person who has submitted oral or written testimony on the application. Notice of intent to appeal shall be submitted 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 shall include the appellant's name, address and signature, phone number, relationship to the variance decision action and a clear reason(s) for the appeal. Upon receipt of such appeal, the Auditor shall place the matter upon the Calendar of the City Council.

Variance review/revocation: All variances are subject to review upon complaint. Violation of the terms of the variance shall be grounds for the revocation of the variance. The Noise Control Officer or any Police Officer of the City of Portland may summarily revoke or alter the condition of any noise variance.

Applicant name _____

Additional information _____

Andersen Construction is the General Contractor for the development plans to include a high rise, Multi-Family residential building with some retail, overlying a subgrade parking structure. The estimated construction duration is approximately 2 years. Demo of existing on site structure is targeted for JULY 2014 with Construction to begin AUGUST 2014 and complete AUG 2016.

This noise variance will allow us to begin foundation and concrete activities early to ensure noise producing activities are complete NLT 6 pm.

The Portland City Code requires that a fee be paid for the review of all variance applications.
Payment must be received before the application can be reviewed. Faxed and emailed applications are not accepted.


REVIEW FEES - 10 or more business days prior to date of event	
<input type="checkbox"/> Motor vehicle racing event	\$2,489 for the first year
<input type="checkbox"/> Additional year	plus \$810 per additional year of request
<input type="checkbox"/> High noise impact event	\$349
<input type="checkbox"/> Construction up to one (1) week	\$486
<input checked="" type="checkbox"/> More than one (1) week	\$486 for the first week, plus \$162 for each additional week up to a total maximum of \$810 per 12 month period
<input type="checkbox"/> All other applications	\$79
<input type="checkbox"/> Noise Review Board variances	\$2,489
<input type="checkbox"/> Additional year	plus \$810 per additional year of request

ACCELERATED REVIEW FEES - Less than 10 business days prior to date of event*	
<input type="checkbox"/> Motor vehicle racing event	\$4,978 for the first year, plus \$1,620 per additional year of request
<input type="checkbox"/> Accelerated review	
<input type="checkbox"/> High noise impact event	\$698
<input type="checkbox"/> Accelerated review	
<input type="checkbox"/> Construction up to one (1) week	\$649
<input type="checkbox"/> Accelerated review, up to one (1) week	
<input type="checkbox"/> Accelerated review, more than one (1) week	\$649 for the first week, plus \$323 for each additional week up to a total maximum of \$1,620 per 12 month period
<input type="checkbox"/> All other applications	\$158
<input type="checkbox"/> Noise Review Board variances	\$4,978 plus \$1,620 per additional year of request
<input type="checkbox"/> Accelerated review	

*Variance applications submitted less than four business days prior the date of the noise variance event, shall be charged a review fee equal to one and a half times the accelerated review fees listed above.

ADDITIONAL FEES AFTER INITIAL APPROVAL	
<input type="checkbox"/> Scope of Work Revision	
<input type="checkbox"/> All Other Applications	\$39
<input type="checkbox"/> High Noise Impact Events	\$76
<input type="checkbox"/> Construction, Motor Vehicle Racing	\$158
<input type="checkbox"/> Noise Review Board Variances	\$394
<input type="checkbox"/> Date Change Only	
<input type="checkbox"/> All Other Applications, High Noise Impact Events	\$39
<input type="checkbox"/> Construction, Motor Vehicle Racing	\$79
<input type="checkbox"/> Noise Review Board Variances	\$158

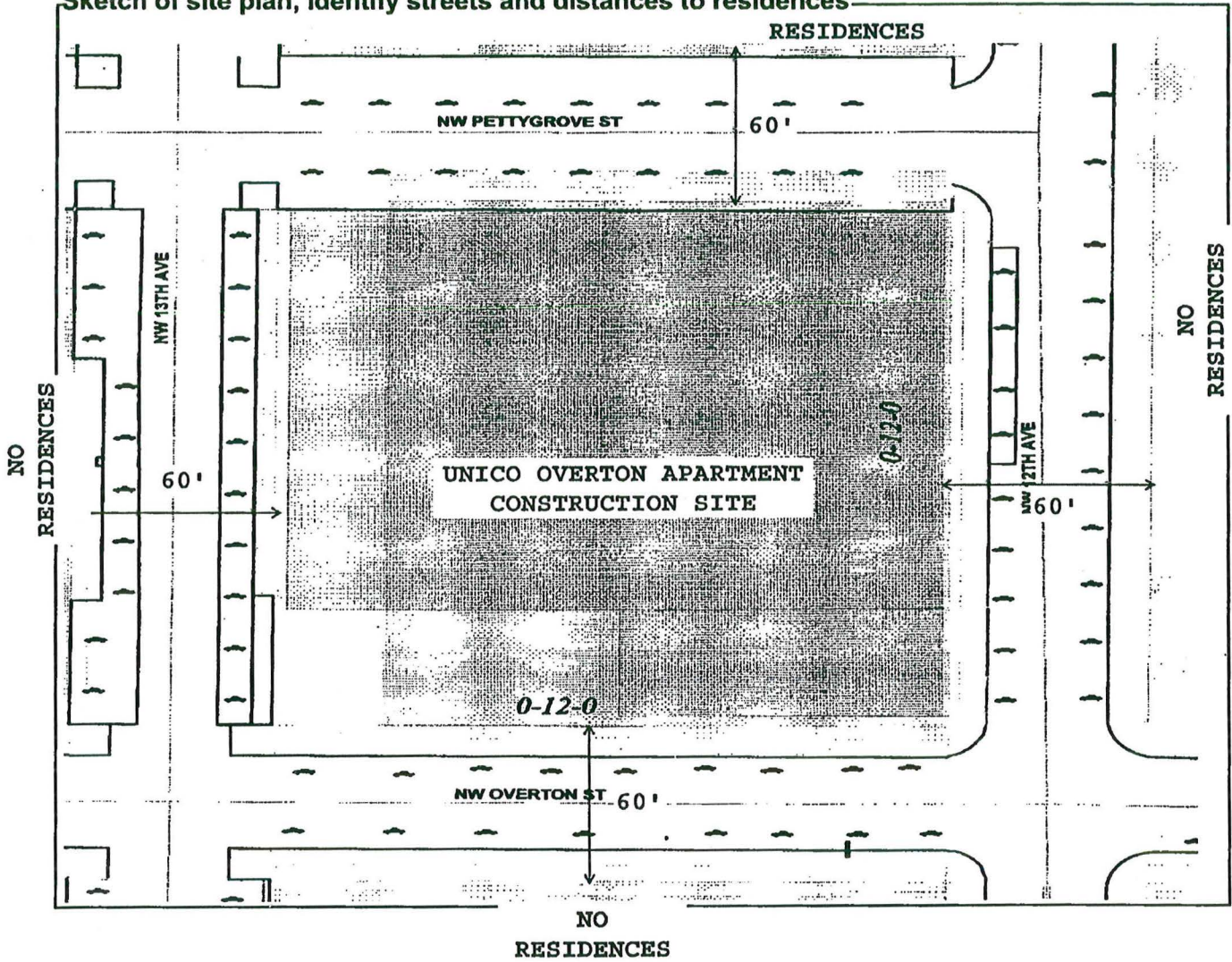
By signing below, I indicate that all of the information submitted is correct and that I will abide by all of the conditions, if any, imposed by the variance.

Signature  Brian Anthony
 Please submit completed application and required site plan with payment to:

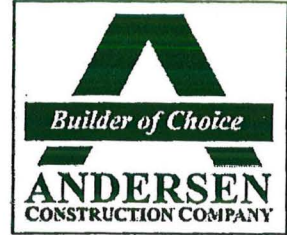
June 20, 2014 Date

City of Portland, Office of Neighborhood Involvement, Noise Control
 1221 SW 4th Avenue, Room 110, Portland, Oregon 97204

Sketch of site plan, identify streets and distances to residences



Andersen Construction Company
6712 N. Cutter Circle
503.283.6712
WWW.ANDERSEN-CONST.COM



SEPTEMBER 5, 2014

Local Residents
1261 NW Overton St.

Dear Resident,

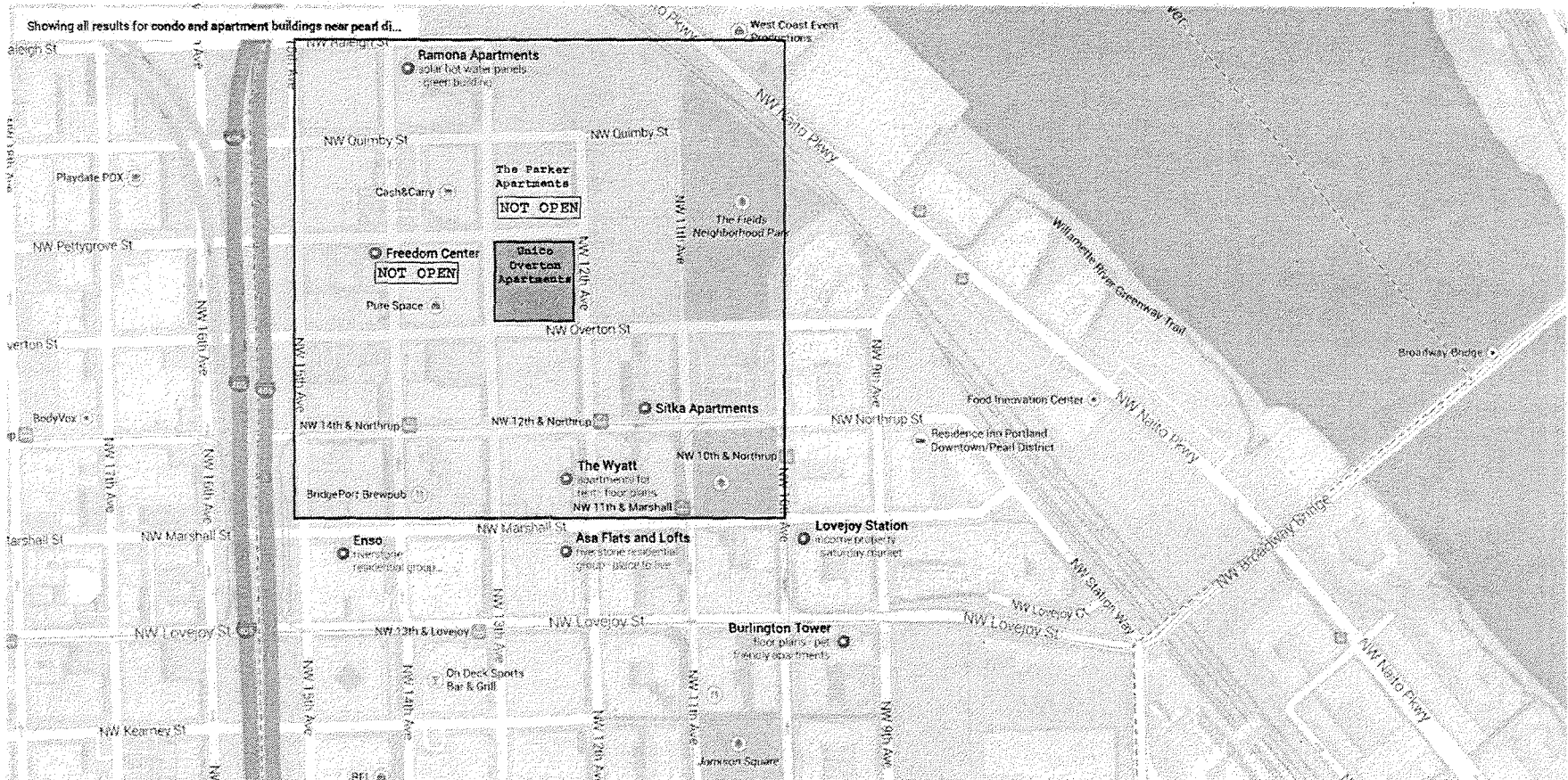
This letter is to inform you of Andersen Construction's intent to submit for a noise variance permit for the Unico Overton Apartment project located at the block bounded by NW12th Ave., NW Overton St., NW 13th Ave, and NW Pettygrove St.

The project is a 26 story apartment high rise with a substantial completion date of July 30, 2016. The construction consists of a concrete super structure, brick veneer podium and window wall tower. We are requesting the variance so that we can begin early set up and placement of concrete slabs. The early start is needed to allow the concrete to be placed and the surface finished and covered. There are 44 slabs at an approximate rate of one per week that we are expecting to start early. Additionally, this project will require a tower crane, man and material hoist and concrete placing boom which will require approximately 10 early starts over the course of the project for setup, teardown, and jumps.

Andersen Construction is a Portland based company that has been in the area for over 60 years and understands the importance of maintaining an open line of communication with the neighborhoods that we build in. We intend to make every effort to minimize noise and traffic congestion due to the project and thank you in advance for your patience.

Warm regards,

Brian Anthony
PROJECT SENIOR SUPERINTENDENT



Notifications of Noise Variance Permit for Unico Overton Apartment Construction:
The Parker
The Wyatt
Sitka Apartments
Ramona Apartments
Freedom Center

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Agenda No.
REPORT
Title

Appeal of David Vanadia against the noise variance granted to Andersen Construction for the Unico Overton Apartment project located at the block bounded by NW 12th Avenue, NW Overton Street, NW 13th Avenue and NW Pettygrove Street (Hearing introduced by Auditor Griffin-Valade)

<p>INTRODUCED BY Commissioner/Auditor: Lavonne Griffin-Valade</p>	<p>CLERK USE: DATE FILED <u>OCT 24 2014</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p>	<p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u>Susan Parsons</u> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: Auditor Bureau Head: L. Griffin-Valade <i>SCC for Lavonne Griffin-Valade</i></p>	<p>ACTION TAKEN:</p> <p>OCT 30 2014 CONTINUED TO JAN 14 2015 2 P.M. <i>TIME CERTAIN</i></p> <p>JAN 14 2015 CONTINUED TO FEB 19 2015 2 P.M. <i>TIME CERTAIN</i></p> <p>FEB 19 2015 APPEAL GRANTED</p>
<p>Prepared by: T. Anderson Date Prepared: 10/23/2014</p>	
<p>Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>City Auditor Office Approval: required for Code Ordinances</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan</p>	
<p>Council Meeting Date 10/30/2014</p>	

AGENDA
<p>TIME CERTAIN <input checked="" type="checkbox"/></p> <p>Start time: <u>2:00 pm</u></p> <p>Total amount of time needed: <u>1 hr</u> (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Novick		✓
Hales	✓	