

April 26, 2023



Design Commission  
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Re: BDS Case File LU 22-159396 AD Application: Noise Impacts on Adjacent Residences  
DSA File: 103231

At the request of Thomas Cutler, Attorney, DSA Acoustical Engineers, Inc. reviewed the February 28, 2023, decision rendered by the Bureau of Development Services (BDS) on Case File LU 22-159396. The review was made to determine if there was any reason to believe that noise impacts might be expected at his client's 1704 NW 28<sup>th</sup> Avenue residential property and surrounding properties, if the proposed development was allowed at 2788 NW Thurman Street, with adjustments and the conditions specified within the decision. This letter presents my findings and conclusions based on material presented within the decision document.

Through a review of the section of the decision document presenting concerns listed by the Northwest District Association (NWDA) representatives and other neighbors of the proposed development, it was learned that there are concerns about noise impacts. The NWDA suggested two conditions be included in the decision to address noise. On page 16 and 17 of the decision, staff discusses criterion, *E. Any impacts resulting from the Adjustment are mitigated to the extent practical; and...* On page 17 of the decision staff discusses the issue of off-site noise and says the applicant has proposed a new gate/fence at the southwestern edge of the site to limit access to the outdoor patio areas when the business is closed and signage at all patio access doors stating the south outdoor areas are closed to customers after 10 p.m. Staff then goes on to say, *as conditioned, this criterion is met.* In reviewing the conditions specified by staff at the end of the decision document, it was noted that neither of the NWDA suggested conditions were actually included. In addition, even though the applicant has indicated that they could take some steps to have an influence on the noise that would be generated on the outside decks, there is no requirement within the conditions of approval requiring those steps be taken. It seems it would be wise to actually include wording in the conditions of approval that reflect what the applicant has indicated they could do, and what the NWDA suggests be done.

In addition to what I found discussed in the Decision document, I wanted to present a discussion of what I did not find in the document. I noted that the applicant's representative discussed the fact that the elevations of the outdoor decks on the south side of the proposed development would place the decks below the elevation of the parapet of the residential building to the south. I noted that the discussion was presented mainly to discuss how the elevation difference would have an influence on the visual impacts between the decks and the residential uses to the south. It was implied that the same effects would apply to noise generated on the decks. That assumption is not correct because, while the visual line-of-sight may be broken by the parapet edge between the deck and the adjacent 2<sup>nd</sup> floor levels of the residential building (unless there were mirrors on the exterior wall of the commercial building), sound generated on the decks will

reflect off the exterior wall of the commercial building and basically negate much of the noise reduction benefits expected for the difference in elevations.

By having the south decks located between three hard surfaced walls (the wall of the proposed commercial building 2<sup>nd</sup> floor level, the brick wall of the residential building to the south and the wall of the building to the east), the sound level within the deck area will be louder than would normally be expected due to the number of people potentially located on the decks and due to reflected sound caused by the surrounding walls. The added vegetation in planters on the decks will not help reduce the sound level because the plants will provide no absorption of sound to the space. Based on the potential number of people indicated that could be on the decks, it is possible the outdoor sound level from just people talking could be in the range of 70 dBA due to the addition of sound from individual voices and the effect of reflected sound from the walls. And, because there will be reflected sound in the area, the sound traveling over the parapet wall to 2<sup>nd</sup> floor residential windows of some of the condominiums to the south could possibly be as high as 60 dBA. These factors should be considered when deciding if the characteristics of the residentially zoned property will or will not be impacted by sound associated with the outdoor deck area.

Based on the existing conditions I see in the area around the proposed development, I expect residential properties in the vicinity of the proposed south deck area will experience sounds not currently experienced, and especially when outdoor ambient noise is generally quieter. While the developer has indicated signage can be placed to show the deck is closed at 10 p.m. at night, there is no discussion as to how early the deck will be open for business. On Sunday mornings, when traffic noise is generally lower, sounds from voices on the deck will have more impact on the residential uses to the south than is currently experienced. This fact should be considered in setting conditions of approval as well.

Finally, I noted in a review of the proposed drawings for the south side of the new development that there will be a section of the south wall of the building that will have a metal folding door system that can be opened to the deck area. There is no mention in the decision document if there will be any restrictions on when that wall section can and or cannot be opened during daytime or nighttime hours. This is an important issue because, if the wall section is opened, any sound generated within the building will basically radiate to the outdoor deck area, even if the deck is closed. So, if music or loud voices occur inside the building, that sound will radiate through the opening to the deck area. And, because the opening is an elevated area opening, the parapet to the south will have very little effect in reducing sound traveling to residential receivers south of the deck area.

Because there could be amplified music played within the building during evening hours if the building is used for a bar or restaurant, it would be advisable to have some limitations on when that folding door could be opened. Otherwise, the sound level reaching the 2<sup>nd</sup> floor level windows at residential receivers to the south will likely exceed the limits specified in Title 18 for amplified sound and the City's noise control officer will likely be hearing from neighbors

complaining about sound radiating from activities within the building during early morning and late-night hours.

I hope this information will help the Commission in assessing and addressing noise impact concerns voiced by residents in the area. If you have any questions about what is presented, I would be happy to respond to questions.

Sincerely,  
DSA Acoustical Engineers, Inc.



Kerrie G. Standlee, P.E.

