

MINUTES BOARD OF SUPERVISOR'S NOISE TASK FORCE

Thursday, April 7, 2011
10-Noon, Room 910, Fox Plaza

Task Force Members Present:

City Attorney, Cecilia Mangoba
DBI, Laurence Kornfield
DPH, Thomas Rivard
DPH, Patrick Fosdahl
DPH, Michael Harris
DPH, Mary Freschet

DPW, Nancy George
Entertainment Com., Vajra Granelli
Planning, Jessica Range
Planning, Michael Jacinto
Police, Jim O'Meara
311, Scott Oswald

Broadband Back-Up Alarms:

Michael Harris reported that OSHA had recently approved broadband back-up alarms for non-construction site uses. Nancy George indicated that the PUC would be considered a "construction site use" and so the broadband back-up alarms could not be used on their sites. Michael further stated that Recology is looking at piloting the broadband alarms on garbage pick-up routes which have received the most noise complaints. It was suggested that Muni may want to explore using this type of alarm but may be reluctant to make any changes given the number of recent accidents.

Noise Guidelines For Restaurants:

Tom Rivard distributed copies of the draft Restaurant and Food Market Guidelines. Tom mentioned that the guidelines essentially require new restaurants to meet a 53 dBA at the property plane requirement unless the owner can prove that the local ambient noise level exceeds the 53 dBA standard. Laurence Kornfield suggested talking to Charlie Salter (acoustical engineer) regarding possibly having a pre-approved low noise equipment list for restaurants. Laurence also mentioned that while the intent was to capture new restaurants and new equipment during the plan check process we may be missing some of the new equipment installations. He went on to explain that some of the new equipment is installed to replace similar equipment and may not go through the plan check process. Laurence will review this item and get back to the group. Tom finished the discussion by stating that this was just a draft document and as such he was looking for comments. He encouraged the group to review the guidance and give him feedback.

Article 29 Ordinance Amendments:

Tom Rivard began the discussion by stating that while former Supervisor Maxwell and Supervisor Chui had taken an interest in the ordinance the amendments do not currently have a Board of Supervisor sponsor. Tom then walked the group through the ordinance and highlighted the areas we have agreed to amend.

SEC. 2901 Definitions:

- (a) Ambient – the main change here is that the ambient will now be based on a measured L90.
- (b) Commercial – this was changed to more clearly define the difference between commercial and residential property. Vajra asked how this section would apply to noise complaints involving commercial on the first floor and residential on the second floor. Tom responded that Sec. 2909 (b) addressed this mix use situation. The intent was to use the 8 dBA above ambient standard for mixed use and only apply the 5 dBA standard if the building was exclusively residential. Vajra stated that he will review this section with the Entertainment Commission and send some comments if necessary.

Michael Harris asked how the 45 dBA and 55 dBA standard would apply and which standard would hold preeminence. Michael indicated that it was easier to use the 8 dBA and 5 dBA property plane standard and that he would prefer to use it over the 45 dBA and 55 dBA standard. Tom suggested that Cecilia take a look at the language and see if changes needed to be made.

Scott Oswald suggested that Cecilia make the language regarding commercial and mixed use consistent throughout the ordinance.

- (g) Industrial Noise – Jessica Range suggested that we not incorporate zoning codes to this section. Michael Jacinto and Jessica agreed to review alternatives with the Planning Department and report back to the group.
- (i) Noise Level – Jessica Range suggested that this section include the definition of a repetitive peak.
- (j) Person – Tom mentioned that the definition had been redefined to exclude the City and County of San Francisco.
- (m) Property Maintenance – added to include loud landscaping equipment.
- (n) Property Plane – Laurence Kornfield suggested that this definition be reworded so the property plane does not extend indefinitely in the vertical direction but would end around the height of the receptor.

SEC. 2906 Electrical Generator Testing

Laurence Kornfield suggested that the idea of “Best Available Technology” for noise reduction be explored for this section. He felt Charlie Salter may be able to make some suggestions or help with generating a list.

SEC 2908 Construction Noise Times; Night Noise Permits; Property Maintenance

Laurence Kornfield told the group that the issue of changing construction times had been brought before the Board of Supervisors before and it was not approved. The reason it was not approved was because the Board did not want to do anything that impacted on new building construction and home owners wanted to be able to do construction after they arrived home from work in the evening. Jim O’Meara suggested that we leave the evening time alone but consider moving the morning start time back an hour. The group then discussed the problem and tried to evaluate the size and scope of the complaints

regarding construction noise. Tom suggested having the Scott Oswald's group (311) check their records for complaints and also contact the Neighborhood Services to see how big of a problem construction noise is in the early morning and evening. We agreed to revisit this issue once we had the requested information regarding noise complaints.

SEC 2909 Noise Limits

- (c) Industrial Noise Limits - Jessica Range felt the 75 dBA standard was too high and we should consider a 10 dBA over ambient standard.
- (e) Fixed Residential Interior Noise – Vajra suggested that we add a dBC standard. Tom agreed to come up with some draft language but suggested that the Entertainment Commission test the standard before adopting this section.

SEC 2912 (f) – Laurence Kornfield asked for the creation of a special inspector to ensure proper acoustical construction. He noted that it was essential to not only design buildings properly but to also ensure that the actual construction was done in accordance with acoustical standards. Laurence recommended that he and Tom set up a time to speak to the Code Advisory Committee in May to discuss this issue.

Other:

Cecilia Mangoba reminded the group that the Noise Task Force will sunset in November unless the group decides to continue. Tom asked the group think about whether or not they want to continue meeting and we would make a decision at our next meeting.

The meeting adjourned at 12:00 Noon.