

MINUTES BOARD OF SUPERVISOR'S NOISE TASK FORCE

Thursday, November 18, 2010
10-Noon, Room 278, City Hall

Task Force Members Present:

311, Scott Oswald
Board of Supervisor, Catherine Rauschuber
City Attorney, Cecilia Mangoba
DPH, Thomas Rivard
DPH, Patrick Fosdahl
DPH, Michael Harris
DPH, Mohammed Malhi
Entertainment Commission, Vajra Granelli
Entertainment Commission, Jocelyn Kane
GSA/EHS, Nancy George
Park and Recreation, Denny Kern
Planning, Jessica Range
Police, Jim O'Meara

Guests:

R.G.D.L., Alan Rosen
Salter Assoc., Tom Schindler

Status Update on Tour Bus Noise Regulations:

Catherine Rauschuber from Supervisor Chiu's office reported that David Chiu is very interested in this topic and has been working with the City Attorney's office. The Supervisor would like to introduce legislation by December which would require head sets to be used on all open air tour buses. Cecilia Mangoba mentioned that she would like to see the issue addressed as a part of the Noise ordinance amendments.

Ordinance:

Tom Rivard stated that Supervisor Maxwell is the current sponsor of the amendments and is particularly interested in noise as it relates to industrial zoning in her district. It was mentioned that Supervisor Maxwell is going to be leaving the Board shortly and Catherine Rauschuber felt that Supervisor Chiu may be willing to carry the amendments when Maxwell leaves office.

There was a lengthy discussion regarding the definition of ambient noise. Tom Rivard presented a draft definition for the group to review. The topic of when and where to determine the ambient level was discussed and it was mentioned that it is typically taken during the day when the complaint is being investigated. The Entertainment Commission mentioned that they typically use the 5 dBA over ambient standard for their complaints. Alan Rosen commented that the level should be determined without including the random high peaks (car honking, etc...) which would distort the level. The problem of using the ambient levels to determine violations in areas of the City with high ambient levels was also discussed.

The definition of a “person” was clarified to specifically not include the City and County of San Francisco or any City Department.

Tom spoke about Supervisor Maxwell’s issues around Industrial Zoned areas of her district and the need to allow for a higher level of noise in these areas. The issue has become contentious around some of the “live work” dwellings in these areas. Tom is proposing that the ordinance allow for 12 dBA above the ambient in these industrial zoned areas of San Francisco. It was suggested that Tom take a look at how this issue was addressed at the airport. The issue of building code standards and whether or not the Title 24 requirements are being met was also discussed. Tom would like to get to the point where if a new residential building is constructed to Title 24 standards, in a high noise area, then the noise ordinance standards would be applied differently. Tom asked both the Planning Department and DBI to take a look at how best to amend the standard.

It was determined that we don’t want to be in the business of regulating wind chimes.

The time frame that construction noise is permitted in the City was discussed. The proposed amendment is to allow it only between 8 AM and 5 PM. It was also suggested that we amend the language so we would have a different standard for weekdays vs. weekend work. Mike Harris suggested that we need to have a separate section to deal with non-construction maintenance items like leaf blowers. It was further suggested that allowances be made for this type of work happening in residential areas.

The topic of exemptions was discussed, specifically the topic of exempting outdoor speakers at sporting events and school activities. Everyone was in agreement that the speakers at sporting events should not be regulated but the Entertainment Commission will take a look at this issue and determine the best way to permit and regulate these types of activities. The Entertainment Commission wants to be sure that activities they current permit are not exempted.

We also talked about some of the issues surround a 5 dBA above ambient standard for residences. It was suggested that we look at audibility at a distance standard as a possible alternative. It was pointed out that the Police use audibility at 50 feet as a standard. Vajra also indicated that the Entertainment Commission would like better citation authority.

Tom asked the consultants in the room to take a look at Section 2912(f) and comment.

The meeting adjourned at Noon.

