



**Categorical Exemption Appeal
84 Page Street**

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DATE: January 7, 2019
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FROM: Lisa Gibson, Environmental Review Officer – (415) 575-9032
Chris Thomas, Senior Environmental Planner – (415) 575-9036
Chelsea Fordham, Principal Environmental Planner – (415) 575-9071
RE: Planning Case No. 2016-015922ENV
Appeal of Categorical Exemption for 84 Page Street
HEARING DATE: January 15, 2019
ATTACHMENTS: Attachment A: 84 Page Street (French American International School) – Proposed Outdoor Playfield – Environmental Noise Assessment, December 13, 2017
Attachment B: Chris Thomas, San Francisco Planning Department, Memorandum Re Noise From Proposed Playfield Use, December 13, 2017

PROJECT SPONSOR: Aaron Levine, French American International School/International High School, 415-558-2000

APPELLANT: David Collins, Owner, 74 – 78 Page Street, 415-240-1248

INTRODUCTION

This memorandum and the attached documents are a response to the letter of appeal dated November 16, 2018 and a supplemental appeal letter dated December 28, 2018 to the Board of Supervisors (the “board”) regarding the Planning Department’s (the “department”) issuance of a Categorical Exemption under the California Environmental Quality Act (“CEQA Determination”) for the proposed 84 Page Street project (the “project”).

The Department, pursuant to Article 19 of the CEQA Guidelines, issued a Categorical Exemption for the Project on December 13, 2017 finding that the proposed project is exempt from the California Environmental Quality Act (CEQA) as a Class 1 and Class 3 categorical exemption.

The decision before the Board is whether to uphold the Department’s decision to issue a categorical exemption and deny the appeal, or to overturn the Department’s decision to issue a categorical exemption and return the project to Department staff for additional environmental review.

SITE DESCRIPTION & EXISTING USE

The 84 Page Street project site is located near the northeast corner of Page and Gough streets, in a block bounded by Gough, Lily, Franklin and Page streets. The 84 Page Street project site is occupied by an approximately 6,600 square-foot one-story building that fronts on both Page and Lily streets, with an open work area and small office on the ground floor and additional office space on a small interior mezzanine.

The 84 Page Street building, originally constructed in 1912 and determined not to be an historic resource,¹ is currently unoccupied. The area near the project site is thoroughly developed with a mix of commercial/retail, educational and residential land uses. The project site is one block (about 300 feet) south of the French American International School/International High School campus (the schools) that occupies a block of Oak Street between Gough and Franklin streets and about 200 feet west of the schools' basketball courts between Lily and Oak streets. A four-story, 18-unit residential building at 100-112 Gough Street is immediately west of the project site, while a two-story, five-unit residential building and a three-story, six-unit residential building are immediately east of the project site at 75 -79 Lily Street and 74-78 Page Street, respectively. These three buildings are directly adjacent to the proposed 84 Page Street playfield; the 100 – 112 Gough Street building has two lightwells facing the proposed playfield and the 75 -79 Lily Street and 74-78 Page Street buildings have one lightwell each facing the proposed playfield. Other nearby residences include 55 Page Street, across Page Street from the project site and occupied by a seven-story, 128-unit building, and 72 Lily Street, across Lily Street from the project site and occupied by a 4-story, 24-unit residential building.

PROJECT DESCRIPTION

The proposed project includes demolition of the existing one-story building and creation of an open, fenced playfield for use by the French American International School. The playfield would be used for outdoor exercise and activities for students in grades 3 through 12. Activities would primarily occur during school hours (10 am to 6 pm, with peak hours of use from 3:30 pm to 6 pm) on weekdays, with limited after-school and weekend programs. In general, 15 to 25 children would be on the playfield at a time, participating in activities such as running, calisthenics, and various ball games. No loud speaker or other types of amplification are proposed for the project. The approximately 54 by 120-foot field would have a synthetic turf surface bordered by a 20-foot-high fence made of wire fabric and supported by galvanized metal poles spaced about every 10 feet around the perimeter. The Page and Lily street sides of the fence would have gates and eight-foot-tall wood screens across the 54-foot-width of the fence. There would also be a 20-foot tall wood screen on the fence covering the light wells of the adjacent residences to the east and west of the playfield. Downward facing LED lighting would be mounted atop five of the metal poles on the east and west sides of the fence.

BACKGROUND

On July 3, 2017 Joshua Cohn filed an environmental application for Aaron Levine, French American International School (“project sponsor”) with the San Francisco Planning Department (“department”) for the proposed project.

On December 13, 2017, the department issued its determination that the project is categorically exempt under CEQA Class 1 – Existing Facilities and Class 3 – New Construction/Conversion of Small Structures, and that no further environmental review is required.

On October 23, 2018, building permit no. 201711204422 was issued, representing the approval action for the project.

On November 16, 2018, an appeal of the Categorical Exemption Determination was filed by the appellant, David Collins.

¹ E. Tuffy, San Francisco Planning Department, Preservation Team Review form, 84 Page Street, August 7, 2017

On November 20, 2018, the department determined that the appeal of the CEQA determination filed by David Collins was timely.

On December 28, 2018, a supplemental appeal of the Categorical Exemption Determination was filed by the appellant, David Collins.

Separately, on October 29, 2018, David Collins filed appeal 18-143 with the Board of Appeals regarding the issuance of building permit no. 201711204422. On November 7, 2018, Daniel Newcome filed a second appeal (18-149) of the building permit with the Board of Appeals. These appeals are scheduled to be heard January 30, 2019 before the Board of Appeals.

CEQA GUIDELINES

Categorical Exemptions

CEQA requires that the CEQA Guidelines include a list of projects which have been determined to not have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. The Guidelines further provide that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

CEQA Guidelines sections 15301 through 15333 list classes of projects that have been determined not to have a significant effect on the environment and that are exempt from further environmental review.

CEQA Guidelines (“Guidelines”) Section 15301 (Existing Facilities), or Class 1, applies to minor alterations of existing facilities, including demolition and removal of small structures such as a small commercial structure and additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and further provided that the area in which the project is located is not environmentally sensitive (CEQA Guidelines Section 15301). CEQA Guidelines section 15303 (New Construction or Conversion of Small Structures), or Class 3, applies to projects that include new construction or changes of use under 10,000 square feet, if such change of use is principally permitted or permitted with a Conditional Use Authorization (CEQA Guidelines Section 15303).

Additionally, Guidelines section 15300.2 establishes exceptions to the application of a categorical exemption. When any of the exceptions below apply, a project that otherwise fits within a categorical exemption must undergo additional environmental review.

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

In determining the significance of environmental effects caused by a project, Guidelines Section 15064(f) states that the decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. Guidelines Section 15064(f)(5) offers the following guidance: "Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts."

PLANNING DEPARTMENT RESPONSES

The Planning Department's responses to the concerns raised in the November 16, 2018 and December 28, 2018 Appeal Letters are set forth below.

Response 1: The department analyzed the potential noise impacts associated with the project, and correctly determined the impacts would be less-than-significant.

The appellant contends that the project will subject tenants of neighboring buildings to unhealthy noise levels, resulting in a noise nuisance. As part of the environmental review, a noise study and noise memorandum from the planning department were prepared to characterize the existing noise environment and analyze potential noise levels resulting from operation of the proposed project as a playfield.^{2,3} The noise study found the predominant noise source comprising the existing noise environment at the project site is from traffic, particularly traffic on Gough and Franklin streets nearest the project site (e.g., between Page and Lily streets). The closest sensitive (residential) receptors live in the buildings immediately west (100 – 110 Gough Street) and east (74 – 78 Page Street and 75 Lily Street) of the 84 Page Street project site, particularly those units with windows that open onto the proposed playfield. Existing noise levels at the Page and Lily streets facades of the existing project site building were measured to be 68 decibels or dBA

² Charles Salter Associates Inc., 84 Page Street (French American International School) – Proposed Outdoor Playfield – Environmental Noise Assessment, December 13, 2017.

³ Chris Thomas, San Francisco Planning Department, Memorandum Re Noise From Proposed Playfield Use, December 13, 2017.

(day-night noise level or DNL max) and 64 dBA (daytime equivalent sound or Leq).⁴ The US Department of Housing and Urban Development considers exterior noise levels from 65 dBA Ldn but not exceeding 75 dBA to be normally unacceptable.

To quantify potential noise from children playing on the new playfield, the noise study measured noise levels from 15 to 20 7th grade children playing on an existing playfield with synthetic turf material like that proposed for the project. The highest 1-minute Leq of 10 to 15 children playing was 66 dBA at a distance of 60 feet from the center of the activity. The average Leq of 15 to 20 children playing was calculated to be 63 dBA. Using the measured noise levels resulting from 15 to 20 children playing, the noise study then conservatively estimated that a group of 20 to 30 children at the center of the proposed playfield would result in noise levels of 69 dB to 72 dBA at the third-floor lightwells of the immediately adjacent residential buildings. Again, the sponsor anticipates that 15 to 25 children would be on the playfield at a given time (which is less than the 20 to 30 children conservatively estimated for analysis with the project's noise study), participating in running, calisthenics and ball game activities. Thus, at the nearby third-floor lightwell windows, noise levels resulting from children playing could increase by 1 to 4 dB above the current 68 dB DNL noise level. The wood screens described in the Project Description above would extend to a height of 20 feet, covering the second-floor lightwell windows that would face out on to the proposed playfield, reducing the noise level by about 4 to 7 dB below that of the third floor lightwell receiver. The noise study assumed that there would be no cracks between the wood boards forming the screens and estimated that the noise levels with project development would be between 65 dB to 68 dB at the second-floor residential lightwells.

In general, a 3 dBA increase in the noise level is barely perceptible to people, while a 5 dBA increase is readily perceptible and a 10 dBA increase represents a doubling of the existing ambient noise levels.⁵ A 1 to 4 dBA increase, which would be caused by the project's playfield noise, would represent an imperceptible to somewhat perceptible increase in the noise level at the third floor lightwell receivers. Additionally, operational noise impacts are generally considered to be a potentially significant impact if the activity (1) has the potential to result in substantial noise during nighttime hours, defined as 10 p.m. to 7 a.m., (2) has the potential to result in sleep disturbance, or (3) would result in a perceived doubling of ambient noise levels (that is, a 10 dBA increase). Planning staff notes that in general, playfield noise from children is not considered a potential impact in San Francisco because (1) children's playfields are a common and necessary feature of the urban environment, (2) unlike mechanical noise, playfield noise is

⁴ The dBA, or A-weighted decibel, refers to a unitless scale of noise measurement that approximates the range of sensitivity of the human ear to sounds of different frequencies. Time variations in noise exposure are typically expressed in terms of a steady-state energy level (Leq) that represents the acoustical energy of a given measurement. Leq is used to describe noise over a specified period of time, in terms of a single numerical value and represents the average noise exposure level for the given time period. Because community receptors are more sensitive to unwanted noise intrusion during the evening and at night, state law requires that, for planning purposes, an artificial dBA increment be added to "quiet time" noise levels to form a 24-hour noise descriptor called the day-night noise level (DNL). DNL adds a 10-dBA penalty during the night hours (10 p.m. to 7 a.m.).

⁵ California Department of Transportation (Caltrans), Technical Noise Supplement (TeNS) to the Traffic Noise Analysis Protocol, pp. 2-44 to 2-45, September 2013. Available: http://www.dot.ca.gov/hq/env/noise/pub/TeNS_Sept_2013B.pdf. Accessed November 30, 2018.

not constant, but rises and falls over time; and (3) playfield noise occurs during the daytime hours and typically would not disturb sleep. Playfield noise may be an annoyance to some nearby residences, but unless it is unusually loud (for example, a 10 dB increase or doubling of the existing ambient noise level) and constant, it would not represent a significant impact to the physical environment.⁶ Therefore, the proposed project would not result in a significant noise impact.

Noise is regulated by the San Francisco Noise Ordinance (Article 29 of the Police Code) and enforced by the Department of Public Health during the day and the police department during the night. Section 2909 of the noise ordinance provides limits on stationary-source noise and generally prohibits noise levels from any machine, device, music or entertainment (or any combination of same) as follows:

- a) For residential properties, no more than 5 dBA above the local ambient noise level as measured at any point outside the property plane;
- b) For commercial and industrial properties, no more than 8 dBA above the local ambient noise level as measured at any point outside the property plane; and
- c) For public property, no more than 10 dBA above the local ambient noise level at a distance of 25 feet or more from the noise source (unless the noise source is being operated to serve or maintain the property, or as otherwise provide in the Noise Ordinance.

Notably, the noise ordinance does not address noise from the human voice (for example, playfield noise). Regardless, the increase in sound levels from students playing at the proposed playfield would result in an increase of 1 to 4 dBA and would not exceed the 5 dBA limit provided by section 2909(a). The project's noise may be an annoyance to some nearby residences, but it would not represent a significant noise impact to the environment. Therefore, the appellant's claims that the project would subject tenants and neighbors to unhealthy noise levels is not supported by substantial evidence or facts, and the department correctly determined that this project is exempt from CEQA under a Class 1 and 3 Categorical Exemption.

Response 2: The project is consistent with the San Francisco General Plan (general plan).

The appellant states that the proposed project is not consistent with the San Francisco General Plan. The appellant states the project is inconsistent with the general plan because the project would cause noise pollution, the project does not provide public open space, and the project does not provide housing. Land use impacts under CEQA would be considered significant if the proposed project would conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. As stated in Response 1, the project's noise may be an annoyance to some nearby residences, but it would not represent a significant noise impact to the environment. Concerns regarding inconsistency with the General Plan from the playfield not being open to the general public and the project site not being constructed with housing are not land use policy inconsistencies that relate to physical environmental issues. The project site is within the NCT-3 (Moderate Scale Neighborhood Commercial Transit) zoning district. Article 7 of the Planning Code establishes the Neighborhood Commercial District. Section 701.1 of the Planning Code states that article 7 "is intended to provide a comprehensive and flexible zoning system for Neighborhood Commercial Districts which is consistent with the objectives and policies set forth in the San Francisco

⁶ Chris Thomas, San Francisco Planning Department, Memorandum Re Noise From Proposed Playfield Use, December 13, 2017.

General Plan.” Section 752 of the Planning Code establishes the NCT-3 district and principally permits institutional uses, including educational institutions. Therefore, the proposed project on-balance is consistent with the general plan. Furthermore, the proposed project would not conflict with the San Francisco General Plan policies that relate to physical environmental issues.

Response 3: Amplified sound is not part of the project description.

The appellant states that the project will have a significant negative impact on the daily lives of tenants and expose them to amplification equipment that will be disruptive and unhealthy. However, the project sponsor has stated that amplification equipment (bullhorns, loud speakers) will not be used at any time at the proposed playfield. As a practical matter, there is no necessity for amplification for the relatively small playfield proposed, or for the 15 to 25 children expected to use the playfield at any given time. Therefore, there would not be disruptive and unhealthy noise impacts to neighboring residents due to the use of amplification equipment. Additionally, the project sponsor has incorporated noise reduction features into the project design including the following: 1) wood screens extending to a height of 20 feet, covering the second-floor lightwell windows that would face out on to the proposed playfield, reducing the noise level by about 4 to 7 dB; and 2) synthetic turf that would absorb and not reflect sound. Therefore, the project’s operational noise would be less-than-significant.

Response 4: The Planning Department conducted adequate environmental review of the proposed project.

The appellant states that the proposed project did not receive proper discussion or review under CEQA. The appellant additionally states that the project does not meet the criteria of a Class 1 and 3 Categorical Exemption. Specifically, the appellant states that the project is in violation of CEQA, and does not meet the criteria of a Class 1 Categorical Exemption because the playfield project does not include negligible or no expansion of an existing use. However, this project is exempt under both a Class 1 and 3 Categorical Exemption for the reasons discussed below. The Class 1 exemption covers the demolition of the existing building and the Class 3 exemption covers construction of the proposed playfield.

First, as described in the categorical exemption, the project is categorically exempt from CEQA because it meets the criteria for Class 1, Existing Facilities exemption. A Class 1 exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. A Class 1 exemption also includes the demolition and removal of individual small structures, including the demolition of up to three office structures in an urbanized area. The proposed project includes the demolition of an approximately 7,760 square-foot office building and its replacement with an approximately 6,480 square foot playfield. Therefore, the proposed work meets the criteria for a Class 1 exemption because it includes the demolition of one office structure within an urbanized area. The appellant has not provided any substantial evidence supported by facts that the proposed project does not meet the criteria for a categorical exemption under Class 1.

Second, the project is also categorically exempt from CEQA because it meets the criteria for a Class 3, New Construction/ Conversion of Small Structures exemption. A Class 3 exemption consists of construction and location of limited numbers of new, small facilities or structures not exceeding 10,000 square feet in floor

area; installation of new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. In this instance, the proposed project involves a change of use in which an existing office building (currently vacant) would be demolished and replaced by an approximately 6,480 square foot playfield to be used by 15 to 25 children between the hours of 10 a.m. and 6 p.m. While the proposed project would result in a change of use at the project site, the proposed playfield for the schools is a principally permitted use in the project site's NCT-3 (Moderate-Scale Neighborhood Commercial Transit District) zoning district. Therefore, the proposed work meets the criteria for a Class 3 exemption because it includes the construction of new small facility under 10,000 square feet. The appellant has not provided any substantial evidence supported by facts that the proposed project does not meet the criteria for a categorical exemption under Class 3.

Third, CEQA Guidelines section 15300.2(c) states that a "categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." CEQA, establishes a two-part test to determine whether there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances:

- 1) The lead agency first determines whether unusual circumstances are present. If a lead agency determines that a project does not present unusual circumstances, that determination will be upheld if it is supported by substantial evidence. CEQA Guidelines define substantial evidence as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."
- 2) If the lead agency determines that a project does present unusual circumstances, then the lead agency must determine whether a fair argument has been made supported by substantial evidence in the record that the project may result in significant effects due to the unusual circumstances.

Guidelines section 15384 states that whether "a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence."

In part one, the department found there are no unusual circumstances surrounding this project site. A noise study was prepared for the proposed project that determined there would be less-than-significant effects related to an increase in noise levels in the project area due to the proposed playfield use. In addition, the noise memo prepared for the proposed project (included here as Attachment B) confirms that, in general, playfield noise from children is not considered a potential impact in San Francisco because (1) playfields are a common and necessary feature of the urban environment, (2) unlike mechanical noise, playfield noise is not constant, but rises and falls over time; and (3) playfield noise occurs during the daytime hours and typically would not disturb sleep. While playfield noise may be an annoyance to some nearby residences, unless it is unusually loud (for example, a 10 dB increase or doubling of the existing ambient noise level) and constant, it would not represent a significant impact to the physical environment. The December 28, 2018 appeal letter notes the number of residential units near the proposed playfield. However, school playfields near residential units are not an unusual circumstance in San Francisco. Accordingly, the Planning Department determined there were no unusual circumstances associated with noise resulting

from children using the proposed playfield. The categorical exemption is consistent with determinations for other projects in San Francisco with similar characteristics that do not involve any unusual circumstances that could result in a reasonable possibility of a significant effect. CEQA Guidelines section 15300.2(a) states that a categorical exemption is qualified by consideration of where the project is to be located; that is, a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. The 84 Page Street project area is not a particularly sensitive environment for CEQA purposes, and the appellants have not submitted any evidence to demonstrate unusual circumstances involved with the project.

CONCLUSION

The department has determined that the proposed project is categorically exempt from environmental review under CEQA on the basis that: (1) the project meets the definition of one or more of the classes of projects that the Secretary of Resources has found do not have a significant effect on the environment, and (2) none of the exceptions specified in CEQA Guidelines section 15300.2 prohibiting the use of a categorical exemption are applicable to the project. No substantial evidence supporting a fair argument that a significant environmental effect may occur as a result of the project has been presented that would warrant preparation of further environmental review. The Appellant has not provided any substantial evidence or expert opinion in either the November 20, 2018 or December 28, 2018 appeal letters to refute the conclusions of the Department.

For the reasons stated above and in the December 13, 2017 CEQA Categorical Exemption Determination, the CEQA Determination complies with the requirements of CEQA and the Project is appropriately exempt from further environmental review pursuant to the cited exemptions. The Department therefore recommends that the Board uphold the CEQA Categorical Exemption Determination and deny the appeal of the CEQA Determination.

13 December 2017

Aaron Levine
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Subject: **84 Page Street (French American International School) –
Proposed Outdoor Play Field - Environmental Noise Assessment Update**
Salter Project: 17-0079

Dear Aaron:

As requested, we conducted an environmental noise assessment for the subject project. The purpose of the study is to quantify the existing noise environment at the project site and determine the potential noise impact from the addition of a new outdoor play field. This letter summarizes the results of our study based on applicable City standards, acoustical measurements, and recommends approaches to meet City standards. Our findings are summarized here for convenience:

- Based on existing ambient measurements and predicted future noise contributions to the noise environment, proposed play field use at 84 Page Street would result in an increase of 1 to 4 dB DNL, which is characterized as a less-than-significant impact.
- Noise from future student activity would be audible at times, particularly when traffic activity on adjacent streets is reduced.

PROJECT SETTING

The site is located west of Gough Street between Page Street and Lily Street in San Francisco. The existing one-level building at the site will be demolished; the project proposes to construct an outdoor multipurpose turf playfield at the site.

The at-grade playfield would be approximately 115-feet long by 50-feet wide, and shares property lines with adjacent multi-family residential buildings. Single-family residential units are located about 30 feet to the north across Lily Street, and multi-family residential units are located about 65 feet to the south, across Page Street. Residences also abut the property to the immediate east and west. These multi-story buildings have lightwells where windows will look onto the future play fields.

The predominant source of noise at the closest residential receivers is traffic noise from Gough Street, Page Street, Lily Street, as well as children playing at the existing Chinese American International School playground approximately 130 feet to the east along Lily Street. Minor noise sources include aircraft flyovers and distant traffic noise from other streets.

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CRITERIA

Noise is regulated and enforced through use of the *San Francisco Police Code*.

Appendix C of Article 29 (of the San Francisco Police Code): Regulation of Noise Guidelines for Noise Control Ordinance Monitoring and Enforcement includes exceptions to the Code; whereby certain noise sources do not violate local law and will not be investigated by any city department. One of these exceptions is unamplified human voice.

The noise of children playing in the playground would be considered “unamplified human voice” regardless of how loud those voices could be. As such, noise from children playing is not subject to regulation under the Police Code (and cannot be considered a violation).

Section 2909.a defines “ambient” noise levels as:

"Ambient" means the lowest sound level repeating itself during a minimum ten-minute period as measured with a type 1, precision sound level meter, using slow response and "A" weighting. The minimum sound level shall be determined with the noise source at issue silent, and in the same location as the measurement of the noise level of the source or sources at issue. However, for purposes of this chapter, in no case shall the ambient be considered or determined to be less than: (1) Thirty-five dBA for interior residential noise, and (2) Forty-five dBA in all other locations.

If a significant portion of the ambient is produced by one or more individual identifiable sources of noise that contribute cumulatively to the sound level and may be operating continuously during the minimum ten-minute measurement period, determination of the ambient shall be accomplished with these separate identifiable noise sources silent or otherwise removed or subtracted from the measured ambient sound level.

City of San Francisco General Plan Noise Element

The noise goals in the Environmental Protection Element of the City's General Plan specify various limits for potentially-new sources of environmental noise. Descriptions of the various land use compatibilities are listed below in Table 1.

Acoustics
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Telecommunications
Security

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Table 1: Land Use Compatibility Chart for Community Noise

Sound Levels (DNL ¹)	Residential (All Dwellings, Group Quarters) – Land Use Consequences
60 dB or Less	Normally Acceptable: Satisfactory, with no special noise insulation requirements.
Greater than 60 dB, but less than 70 dB	Conditionally Acceptable: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design.
Greater than 70 dB, but less than 75 dB	Normally Unacceptable: New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirement must be made and needed noise insulation features included in the design.
75 dB or Greater	Clearly Unacceptable: New construction or development should generally not be undertaken.

City of San Francisco Noise Ordinance

The San Francisco Noise Ordinance section 2901.2 defines ambient noise as the “average noise level over 15 minutes excluding random and intermittent noise and the alleged offensive noise at the location and time of day at which a comparison with an alleged offensive noise is to be made.” Section 2901.11 defines unnecessary, excessive, or offensive noise as “a noise level which exceeds the ambient noise level by 5 dBA or more, when measured at the nearest property line, or in the case of multiple-family residential buildings when measured anywhere in one dwelling unit with respect to noise emanating from another dwelling unit...”

On similar playground projects, the San Francisco Police Department’s Noise Abatement Unit considers the noise from children’s play areas to be part of the ambient noise for that area. In a letter to Salter Associates dated 4 May 1999, Officer Edward Anzore of the SFPD states, “The noise caused by children in a playground at a day care facility or educational facility is not covered under [section] 2900 of the Municipal Police Code.”

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¹ Day-Night Average Sound Level (DNL) — A descriptor established by the U.S. Environmental Protection Agency to represent a 24-hour average noise level with a penalty applied to noise occurring during the nighttime hours (10 p.m. - 7 a.m.) to account for the increased sensitivity of people during sleeping hours.

The City's 2014 more recent document "Guidelines for Noise Control Ordinance Monitoring and Enforcement"² states that the "unamplified human voice" is an exception from the Noise Ordinance.

California Environmental Quality Act (CEQA)

The California Environmental Quality Act (CEQA) requires that a project be evaluated in terms of its potential to increase ambient noise levels significantly³. In general, a change 1 dB would not be perceived as noticeable, a change of 3 dB in noise is considered just noticeable and not expected to cause significant community response. A change of more than 5 dB would be noticeable and have potential to cause a community response. Therefore, for this analysis, a noise increase of greater than 5 dB could be considered "significant".

RESULTS OF ACOUSTICAL MEASUREMENTS

To quantify the existing noise environment of the project site and vicinity, we conducted acoustical measurements from 14 to 15 February 2017. The locations of the continuous 24-hour long-term (L1, L2) and two short-term measurements (M1 and M2) are summarized in Table 2. See Figure 1 for the measurement locations and measured noise levels.

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² <https://www.sfdph.org/dph/files/EHSdocs/ehsNoise/GuidelinesNoiseEnforcement.pdf>.

³ California Environmental Quality Act (CEQA) Environmental Checklist, Appendix G.

Table 2: On-Site Measured Data

Monitor	Location	Measured (Max) DNL	Measured Daytime L_{eq}
L1	At height of neighboring second-level receivers, 6 feet above roof of existing building. Approximately 40 feet from the center of Page Street and 82 feet from center of Gough Street.	68 dB	64 dB
L2	11 feet above the sidewalk, approximately 18 feet from center of Lily Street, 70 feet from center of Gough Street.	68 dB	64 dB
M1	5 feet above the rooftop of existing building, 33 feet from center of Lily Street, and approximately 90 feet from center of Gough Street.	65 dB**	61 dB
M2a	5 feet above sidewalk of Lily Street, approximately 50 feet from acoustical center of nearest playground play area (across street).	n/a	64 dB
M2b		n/a	67 dB

**Estimated based on long-term measurement corresponding intervals.

EXISTING AND FUTURE NOISE ENVIRONMENT

To quantify the potential noise impact from the new play field, we correlated noise levels during “source measurements” made with the anticipated student count and estimated schedule provided by the French American International School Administrators. Source measurements were made 60 feet from the acoustical center of a turf play field while between 15 to 20 children (7th graders) played. These measurements were made at an existing local field with similar student population and a field turf material like the one proposed at 84 Page Street. The loudest 1-minute L_{eq} and average L_{eq} levels were factored into our assessment.

The School Administrators told us that the proposed play field is expected to be available for use from 10:00AM to 6:00PM Monday through Friday, with peak times from 3:30PM to 6:00PM. Up to 25 children would use the proposed play field. No non-School activities are allowed. Based on our source measurements, the highest 1-minute L_{eq} ⁴ of 10 to 15 children playing (at a given time) on a turf

⁴ L_{eq} — The equivalent steady-state A-weighted sound level that, in a stated time period, would contain the same acoustic energy as the time-varying sound level during the same time period.

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playground was 66 dB at a distance of 60 feet. The average Leq of 15 to 20 children playing across the entire measurement program was calculated to be 63 dB.

CA Architects provided us with Permit Set documents (plans, elevations, and details) on 3 and 11 December 2017. To predict the future change in noise levels at adjacent receivers (lightwell locations east and west of the play field), we calculated levels from typical play field use, and compared them to existing noise levels in Table 2.

The closest residences east and west of the project are currently exposed to a DNL of 68 dB, as indicated by measurement results in Table 2. Assuming a larger group of kids (20 to 30) at the center of activity in the proposed playground, we predict that the DNL will be 69 dB to 72 dB at the nearest third-floor residential lightwells. Acoustical calculations included an appropriate engineering factor of safety.

While second-floor residential lightwells would be closer to play field activities, the Permit Set details 2-inch thick "decking" that would extend 20-feet above grade, serving as a barrier. Therefore, sound levels from playground activities would be shielded, reducing the exposure of second-floor receivers to below the exposures of third-floor lightwell receivers (by approximately 4 to 7 dB). We predict the future DNL to be 65 dB to 68 dB at the nearest second-floor residential lightwells. It should be noted that our calculations rely on there being no gaps or cracks between wood boards, as this is a necessity (with regards to acoustics) for the solid wood decking.

Although "unamplified human voice" sound sources are exempt under the City of San Francisco's Noise Ordinance, we evaluated the potential of playground noise to increase ambient noise levels and compared the results to significance criteria. The predicted 1 to 4 dB increase in DNL levels at nearest residences adjacent to the proposed play field would not be considered significant. However, there would be times when student activity noise (e.g., voices) would be audible (e.g., when traffic activity on adjacent streets is periodically reduced).

* * *

This concludes our assessment of noise from the proposed outdoor play field at 84 Page Street. Should you have any questions, please give us a call.

Sincerely,

CHARLES M. SALTER ASSOCIATES



Jordan L. Roberts
Consultant



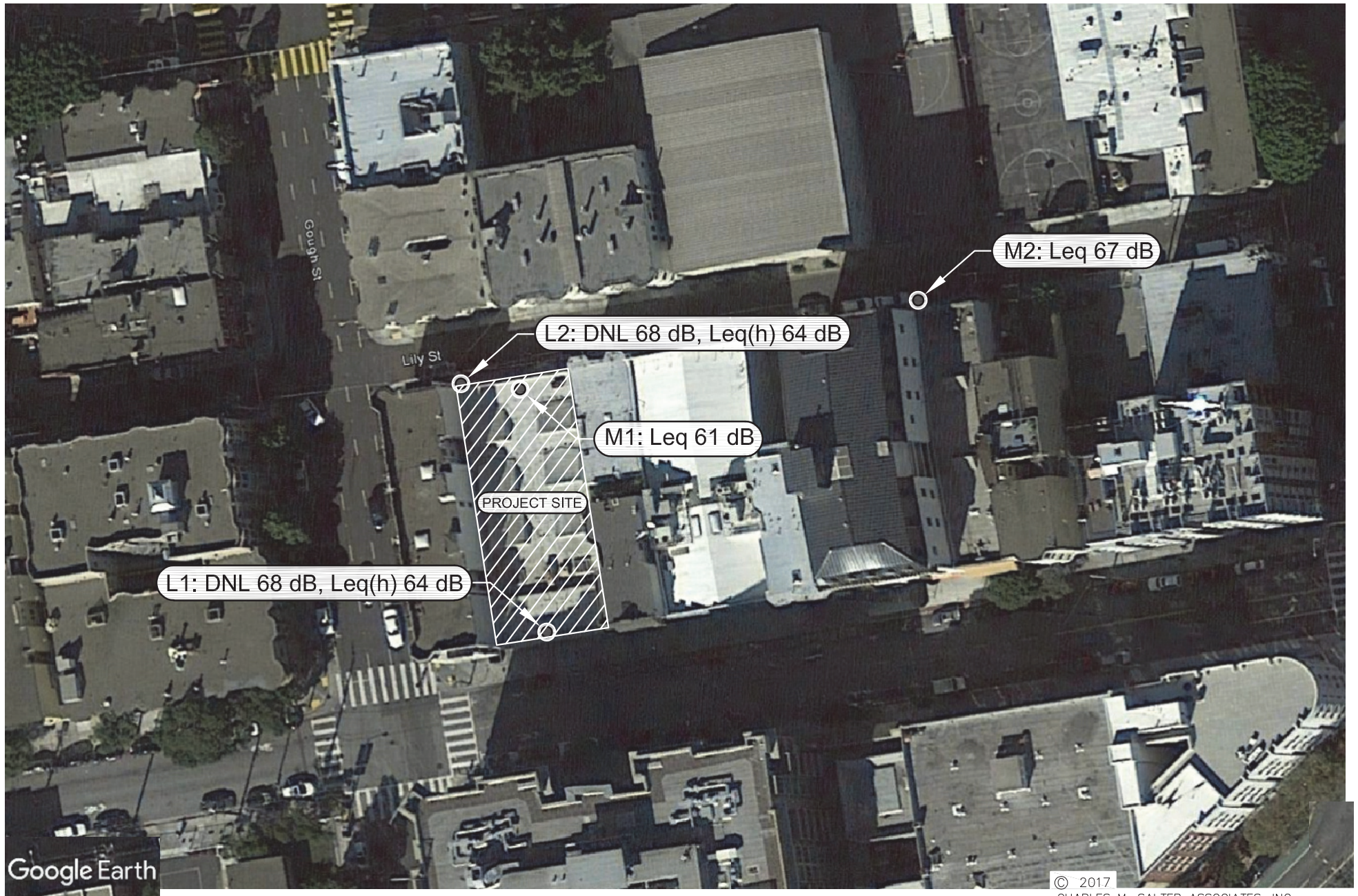
Ethan Salter, PE, LEED AP
Vice President

Enclosures as noted

cc: Josh Cohn (jcohn@ca-arch.com)

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FRENCH AMERICAN OUTDOOR PLAY FIELD MEASUREMENT LOCATIONS AND MEASURED NOISE LEVELS

FIGURE 1

SALTER #
17-0079

JLR
03.09.17



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: December 13, 2017
TO: 84 Page Street Project File (Case No. 2016-015922ENV)
FROM: Chris Thomas, Environmental Planning
RE: Noise from proposed playfield use

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Suite 400
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Information:
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The purpose of this memo is to address concerns regarding noise from use of a proposed playfield at 84 Page Street for students who attend the French American International School. As explained in a March 6, 2017 memorandum from Badiner Urban Planning, Inc. (project planner) to Jeanie Poling (project environmental coordinator for the San Francisco Planning Department), the proposed playfield, approximately 115 feet long by 50 feet wide, would have the following use characteristics:

The site will be accessed solely via pedestrian traffic, i.e. no vehicles will provide access or drop-off for the students, as they will walk 1 block from the main campus at 150 Oak. The site will be used primarily by upper division students (grades 6-12) in limited numbers for physical education classes, sports conditioning and practice. It will be used secondarily by students in grade 1-5. This is not a typical playground and is relatively small in scale. 84 Page will not be a "hardtop" asphalt surface and will be primarily synthetic turf that will absorb and not reflect sound. The site will generally be used on school days. Early evening and weekend use will be limited.

As further explained in the Noise Assessment for the proposed project,¹ the proposed playfield is expected to be available for use from 10 am to 6 pm Monday through Friday, with peak times from 3:30 pm to 6 pm. Up to 25 children would use the proposed playfield and no non-School activities would be allowed.

The proposed playfield is in an area with noise levels typical of an intensively developed urban setting. As stated in the Noise Assessment:

“Single-family residential units are located about 30 feet to the north across Lily Street, and multi-family residential units are located about 65 feet to the south,

¹ Charles M. Salter Associates, Inc. *84 Page Street (French American International School) – Proposed Outdoor Play Field Environmental Noise Update*. December 13, 2017. This document (and all other documents cited in this memo, unless otherwise noted), is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2016-0159224ENV.

across Page Street. Residences also about the property to the immediate east and west. These multistory buildings have lightwells where windows will look onto the future playfields.

The predominant source of noise at the closest residential receivers is traffic noise from Gough Street, Page Street, Lily Street, as well as children playing at the existing Chinese American International School playground approximately 130 feet to the east along Lily Street. Minor noise sources include aircraft flyovers and distant traffic noise from other streets.”

Hourly average noise study sound measurements at and in the vicinity of the project site varied from 61 and 67 dB Leq (h) and the day-night average sound level was measured at 65 and 68 dB DNL at two locations, respectively. Noise levels at the lightwells of the immediately adjacent (which are the closest sensitive receptors to the proposed playfield) residences is 68 dB DNL. Noise from 20 to 30 children playing at the center of the proposed playfield is estimated to be 69 dB to 72 dB DNL at the nearest third-floor residential lightwell. Two-inch thick decking that would extend 20 feet above grade is included in the permit application. This decking is estimated to result in noise levels of approximately 65 to 68 dB DNL at the nearest second-floor residential lightwells. Noise from 20 to 30 playing children is therefore estimated to raise the DNL noise level at the nearest residences at most about 4 dB DNL.

In general, noise increases of 3 dBA are barely perceptible to people, while a 5 dBA increase is clearly noticeable and a 10 dBA increase represents a doubling of the existing ambient noise levels.² Noise is regulated by the San Francisco Noise Ordinance (Article 29 of the Police Code) and enforced by the Department of Public Health during the day and the police department during the night. Section 2909 of the noise ordinance provides limits on stationary-source noise and generally prohibits noise levels from any machine, device, music or entertainment (or any combination of same) as follows:

- a) For residential properties, no more than 5 dBA above the local ambient noise level as measured at any point outside the property plane;
- b) For commercial and industrial properties, no more than 8 dBA above the local ambient as measured at any point outside the property plane; and
- c) For public property, no more than 10 dBA above the local ambient noise level at a distance of 25 feet or more from the noise source (unless the noise source is being operated to serve or maintain the property, or as otherwise provide in the Noise Ordinance.

² Hoover and Keith. 2000. *Noise Control for Buildings, Manufacturing Plants, Equipment, and Products*. Houston, TX.

In addition, section 2909(d) limits noise emitted by a fixed source inside habitable spaces from the same sources to 45 dBA during the nighttime (10 pm to 7 am) and 55 dBA during the daytime (7 am to 10 pm). Notably, the noise ordinance does not address noise from the human voice (for example, playfield noise). Regardless, the increase in sound levels from students playing at the proposed field would not exceed the 5 dBA limit provided by section 2909(a).

In general, playfield noise from children is not considered a potential impact in San Francisco because (1) playfields are a common and necessary feature of the urban environment, (2) unlike mechanical noise, playfield noise is not constant, but rises and falls over time; and (3) playfield noise occurs during the daytime hours and typically would not disturb sleep. Playfield noise may be an annoyance to some nearby residences, but unless it is unusually loud (for example, a 10 dB increase or doubling of the existing ambient noise level) and constant, it would not represent a significant impact to the physical environment.