

2/7/23

Item 8




City Council

Item 8 RTC 23-88
Report on Noise from New Construction – Written Petition (Council Policy 030)
Submitted by Joseph P. Goschy

February 7, 2023

1



City of Santa Clara
The Center of What's Possible

Petition – A/C Noise

Background

- Written Petition submitted November 2, 2022 by Joseph P. Goschy
- Request for City Council “to address noise violations from new construction that was approved by the City and results in ongoing sleep disruption at the neighboring property”
- Attached communications identify Air Conditioning (AC) unit as source of noise

2

2



Petition – A/C Noise

Location

- 210 Tyler Avenue
- A/C Unit is approx. 60 feet from the adjacent main building



3

3



Petition – A/C Noise

City Noise Regulations

- Noise is regulated by Santa Clara City Code, Chapter 9 Regulation of Noise and Vibration, Section 9.10.040 noise or sound regulation.
- City uses dBA standard for one-hour average

Receiving Zone – Zoning Category	Time Period	Noise Level (dBA)
Single-Family and Duplex Residential (R1, R2)	Commencing at 7:00 am and ending at 10:00 pm that evening	55
	Commencing at 10:00 pm and ending at 7:00 am the following morning	50

4

4



Petition – A/C Noise

Noise Levels (dB)

- Whisper 30 dB
- Refrigerator 10 dB
- Moderate Rainfall 50 dB
- Conversation 60 dB
- City Traffic 70-80 dB



Petition – AC Noise

Code Enforcement Response

- March 21, 2022, Community Development Code Enforcement received a complaint referencing the Heating, Ventilation, and Air Conditioning (HVAC) unit that was installed at the new construction at 212 Tyler Avenue without the benefit of a permit. Staff reviewed the case and determined that the air conditioning unit was installed with a Permit per the approved plans.
- June 21, 2022, a new complaint was submitted alleging that the air conditioning unit was exceeding the maximum allowable noise levels. Noise measurements taken by Code Enforcement at front of property were 45, 47 and 48 dBA, well below the City Standard of 55 dBA



Petition – AC Noise

Next Steps

1. Staff will coordinate with Mr. Goschy to measure noise levels at his property line (within his back yard) once warm weather returns and the A/C unit is in use.
2. Staff will continue to monitor the situation and proceed with code enforcement if there is a code violation.

7

7



City Council

**Item 8 RTC 23-88
Report on Noise from New
Construction – Written
Petition (Council Policy 030)
Submitted by Joseph P.
Goschy**

February 7, 2023

8

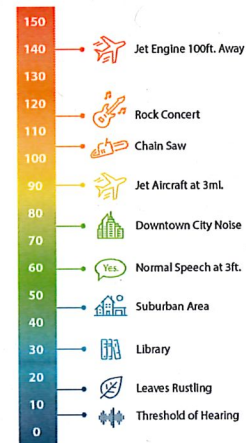


Petition – A/C Noise

Typical Noise Levels (dB) By Brand

- Carrier Infinity 51-65 dB
 - YXV 21 53-61 dB
 - Trane XV18 57-64 dB
 - Lennox XC25 59-67 dB
 - Coleman AC19 67-73 dB
-
- Low is running; high startup
 - Noise level is at source

Sound Level Comparisons (dBA)



Martha Martinez

From: Tracie Johnson <johnson.tracie@rocketmail.com>
Sent: Monday, February 6, 2023 11:43 AM
To: Mayor and Council
Subject: "Noisy HVAC" Agenda item 8. 23-88 Consent Calendar 2/7/23

Item #8

Dear Mayor and Council,

Joe Goschy is a neighborhood friend of mine. Over the years, I have worked with him extensively in improving the quality of life in the neighborhood. Joey worked tirelessly when SOFNA (South of Forest Neighborhood Association) lobbied the City to have the streets and sidewalks done. He visited Arline Norsworthy regularly and took care of her computer for her before her passing. He was our regular DJ/ tech guy for our annual National Night Out events and movie nights at Royanna Gazlay's home. And he is always professional and polite.

So when his noise/HVAC issue wasn't being resolved by the City, he contacted me and a few other community-involved neighbors. Joey would not be pursuing this if it was not a major negative impact on his life.

Yes Joey is only one person with an HVAC noise issue, **but this is a bigger issue**. A lack of housing and climate change are on the forefront of everyone's minds. The state has mandated that ADUs be easy to build and mandated that Cities remove regulatory barriers to their construction. The City of Santa Clara is complying and many ADUs are being built throughout the City, as they should be.

An ADU permit is an over the counter transaction between the applicant and City staff. Unlike the regular permit process for residential construction that often leads to an opportunity for immediate neighbors to comment on the design, this does not happen with an ADU. This puts the burden on City Staff to ensure that the ADU will not negatively impact the neighbors quality of life with things such as the placement of HVAC systems, exterior lighting, and windows. And unfortunately some neighbors are not neighborly and do not discuss their building projects with their neighbors before hand.

It is possible that the ADU project at 210 Tyler did not receive the scrutiny on the HVAC system that would of caught this ahead of time. Or perhaps the unit originally called for was substituted with a different one because of supply chain issues. I am sure Staff has a checklist they go through when approving an ADU, but it may need revision, or their procedures may need revision to make sure this does not happen in the future.

It is getting hotter. I would suspect applications for air conditioner/HVAC installations are on the rise. Personally I dread the day when the owner of the rental next to me installs an air conditioning unit right outside my bedroom window. Maybe staff has, or can develop a list they can use to provide "City approved" AC/HVAC systems to applicants. It is an area that is evolving and needs more attention.

When the Lexus Dealership was completed the residents behind it suffered noise from the HVAC systems that were jettisoning air out of the back of the building. The City and Penske Corporation worked on a solution. They modified the system and added equipment to dampen the noise.

I hope ultimately the City works with the owners of the business (rental property) next door to Joe Goschy to reduce the sound to a comfortable level. And I hope that information provided to customers through the City, and Staff procedures, are refined to prevent this from happening in the future.

Sincerely,

Tracie Johnson

SOFNA President
220 Bel Ayre Drive

Martha Martinez

From: BeKind <royanna1953@gmail.com>
Sent: Monday, February 6, 2023 4:05 PM
To: Mayor and Council
Subject: 2/6/23 Council Agenda Item - 23-88 Joe Goschy HVAC Noise Issue

Item # 8

February 6, 2023

Dear Mayor & City Council,

RE: 2/6/2023 Council Agenda Item 23-88, Joe Goschy HVAC Noise Issue

I am writing on behalf of my neighbor, Joe Goschy, regarding his HVAC noise issue in association with an ADU unit adjacent to his property. Joe has a thorough presentation of data related to his case that has been shared with you and other appropriate city agencies for resolution. I am sorry to see that his case has to go before Council.

I have known Joe many years and he served as a board member on the South of Forest Neighborhood Association for many years. Joe was instrumental in working with Rajeev Batra and staff to replace our streets and sidewalks (for which I thank you each and every day when I walk my dog) completed in 2012. Some of you might remember him

Since we no longer have Planning Commission/Architectural Reviews for ADUS, I believe that important things such as lighting, noise, HVAC placement, privacy, and parking may not be thoroughly reviewed amongst neighbors affected by such build.

I might provide a couple of examples (although they were not ADUs).

#1: My neighbor, Mr. John Faylor, at 297 Bel Ayre Drive proposed to build two homes and an ADU unit back in 2015. This was a controversial build for many folks in our neighborhood. Many neighbors were opposed. I, along with my late neighbor Mrs. Arline Norsworthy, worked with John and his wife Megan to address HVAC, noise, lighting, parking, fencing and privacy issues PRIOR to going in for a planning commission review and approval by Council. We both had vested interests in the property as we were adjacent neighbors. Some of you may recall that the property had to be rezoned to build two single family homes and an ADU. The property is beautiful and has added property value to many of us on both Cecil and Bel Ayre Drives.

#2: Nishiyamamoto Educational Pre-School. This pre-school was started in, I believe, in 2013 and is located behind my property. There are 4 commercial lots in the South of Forest Neighborhood. Again, neighbors affected by this build got together with the owners to discuss impacts PRIOR to going to Council for approval to start the school. I recently called them to ask if they could redirect a parking lot light as it was shining in a bedroom. It was resolved within the week.

The City of Santa Clara has rules and ordinances for things such as the upkeep of property, parking, lighting, pets, privacy, smoking, and noise. Noise such as music, construction, animals barking, loud machinery, no noise after 10 pm, no construction work on Sundays, etc. You even have to get a permit to have noise at a home party (I got one 30 years ago when I got married in my backyard).

Please let's get Joe's noise issue resolved in a "neighborly" manner.

Thank you for your time,

Royanna Gazlay

277 Bel Ayre Drive

Resident - 30 years and still going strong