

**San Francisco Police Code
Article 29: Regulation of Noise
Guidelines for Noise Control Ordinance Monitoring and
Enforcement**

December 2014 Guidance
(Supersedes all previous Guidance)



San Francisco Police Code Article 29 provides the authority to the Director of the Department of Public Health to issue and amend rules, regulations, standards, guidelines, or conditions in order to implement and enforce the noise ordinance (SFPC 29, Section 2920). This 2014 Guidance document describes the roles of the city agencies and serves as clarification of the existing law, not a new interpretation. Attached in the appendix are agency-specific guidance and enforcement resources.

This guidance is subject to change, revision, or modification.

Background

With its diverse and active population, proximity of homes to businesses, urban traffic, and construction, San Francisco can be a loud place. Sound is inevitable in cities, yet levels or types of sound occurring in some parts of San Francisco may be bothersome to residents and workers and in some cases could be high enough to harm health and quality of life.

Any unwanted sound can be characterized as noise; everyone reacts differently to noise, and not everyone agrees about what sounds are noisy. What can be unbearable for one person may pass almost unnoticed by another—for example, some people become irritated by music playing in an elevator while others may not even notice this sound. Health effects may result from prolonged exposure to very loud sounds, from transient loud sounds that interrupt sleep, or when unwanted sound causes stress or annoyance. How annoyed any one person may become depends on many factors including the loudness, time, place, frequency and source of the noise. There is substantial emerging research that regular access and use of quiet or silent spaces helps to prevent annoyance and improves tolerance to unwanted sound.

Everyone reacts differently to noise, and not everyone agrees about what sounds are noisy.

Oversight

Federal, state, and local laws limit noise from transportation, construction, mechanical equipment, entertainment, and human behavior. In San Francisco, Article 29 of the Police Code (SF Police

Code Article 29) specifies the joint responsibility of the Department of Public Health, the Police Department, the Department of Building Inspection, the Department of Public Works, the Municipal Transportation Agency the Rent Board, the Planning Department, the Department of Recreation and Parks, and the Entertainment

Many agencies share responsibility for enforcing noise laws in San Francisco. Complaints should be made to 311 so that your request can be routed to the correct agency.

Commission for collectively sharing the responsibilities for noise control and prevention (see [Appendix A](#)). Noise and sound are also governed or referenced in several other San Francisco Codes (see [Appendix B](#)).

Noise is a subjective quality—one person's music is another's annoyance. Many noises and sounds are not covered by the noise control laws in San Francisco. These include wind chimes, the unamplified human voice, leaf blowers, and other sounds (see [Appendix C](#)).

Good neighbor Policy

When citizens have complaints about any sound, whether it is covered by a specific law or not, all

If you are disturbed by a sound, first try to discuss the issue directly with whoever is producing the sound to find a mutually agreeable solution.

agencies that regulate noise in San Francisco advise people to attempt to discuss the issue directly with the person or entity producing the sound in order to try and achieve a solution. Give them an appropriate time frame to do something about it. If the situation hasn't changed after that time, it may then be necessary to contact the appropriate authority that regulates or limits the particular noise source.

Summary of the Code

Article 29 of the police code specifies:

HOW sound can be measured for compliance purposes.

Requirements include:

- Type I meter must be used
- Response settings and weighting must be set appropriately
- Instruments must be calibrated

WHEN sound can be measured for compliance purposes. It is not required that noise investigations and sound measurements be conducted at the exact time of a noise complaint.

WHERE sound must be measured for compliance purposes.

Requirements include:

- The location must have safe access
- Measurements must be taken in specific areas and distances from walls or other noise sources
- For indoor measurements, window position must comply with specific requirements

The meaning of ambient sound for compliance purposes. The application of this definition to varying environments is described in this guidance.

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1. Sound Level Measures

1.1 Sound Level Meters

The American National Standards Institute (ANSI) Standard S1.4-1983, "Specifications for Sound Level Meters" sets performance and accuracy tolerances according to three levels of precision: Types 0, 1, and 2. Type 0 is used in laboratories, Type 1 is used for precision measurements in the field, and Type 2 is used for general-purpose measurements.

Article 29 of the Police Code specifies that a Type 1 meter shall be used for compliance purposes.

Readings with an ANSI Type 2 sound level meter have an accuracy of ± 2.0 dBA, whereas a Type 1 instrument has an accuracy of ± 1.0 dBA. While Type 2 meters may be used by Departments for general purpose noise surveys, Article 29 of the Police Code specifies that a Type 1 meter shall be used for compliance purposes.

Sound level measurements from smart phone applications are not reliable

Sound level measurements from smart phone applications are not reliable and shall not be considered or reviewed for any purposes.

1.2 Settings

Article 29 of the Police Code specifies that sound level meter response settings must be set in accordance with the particular noise that is measured. The sound level meter shall be set to slow response for continuous noise sources and fast response for noise with rapid onset and decline.

For most noise sources, compliance is assessed only on the A-weighted relative sound pressure level. Article 29 of the Police Code specifies that sound level meters shall be set to A-weighting which accounts for the audio frequencies most sensitive to the human ear. In addition to the A-weighting, compliance for a licensed Place of Entertainment or a Limited Live Performance Locale (or other venues enforced by the Entertainment Commission) is also assessed using the C-weighted relative sound pressure level which includes more lower audio frequencies.

For all enforcement except entertainment or performance venues, the sound level meter must be set to the A weight.

1.3 Calibration

To ensure measurement accuracy, all instruments must be calibrated according to the

manufacturer's instructions. In addition, field calibration shall be performed prior to and after each use and whenever temperature and/or relative humidity changes significantly.

Instruments must be calibrated in the field.

1.4 Measurements with a Sound Level Meter

Article 29 of the Police Code defines the noise level, as measured with a sound level meter, as the maximum continuous sound level or repetitive peak sound level produced by a source or group of sources. The inspector or agency investigating the sound determines the appropriate period of time over which to take the measurement. If a group of sources on one property is contributing to the noise issue and are all under the control of the property owner, the group shall be treated as a single source and for compliance purposes the noise level shall be measured with all sources operating unless the owner can provide visual and/or written documentation that proves the sources are incapable of operating either simultaneously or as correctly calculated using standard methods.

In many situations managing the sound from one or two of a group of sources is sufficient to achieve compliance of the group when all are operating together.

1.5 Measurements of Audibility (without a Sound Level Meter)

Some parts of the San Francisco Code refer only to unmeasured sound levels, "Plainly audible" means any sound that can be detected by a person using his or her unaided hearing faculties. Audibility must be judged objectively without regard to the content of the sound.

San Francisco Codes that refer to an audible standard

1. Health Code Article 35, Section 3511 "(b) A Biological Agent Detector User shall adjust the mechanism or cause the mechanism to be adjusted so that a Biological Agent Detector signal shall not be audible to the general public."
2. Planning Code Article 3, Section 303; Article 7 Section 703.5: Eating and Drinking Businesses, Movie Theaters, Adult Entertainment or Other Entertainment uses in Commercial Districts, must be "adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building"
3. Police Code Article 1, Section 47.1: Sound Trucks must not be audible beyond 450 feet from the source when in motion; if the sound truck is stationary sound must not be audible beyond 250 feet from the periphery of the attendant audience, unless specifically permitted by the Entertainment Commission for public gatherings.
4. Police Code Article 1, Section 49: This section prohibits operation of a radio or television receiving set, musical instrument, phonograph, juke box, broadcasting equipment or other machine or device if louder than necessary and further prohibits sounds audible beyond 50 feet from the property line between 10:00 p.m. and 7:00 a.m.
5. Police Code, Article 29, Section 2913: Unenclosed Tour Buses may not produce amplified sound that is audible beyond 50 feet from the bus.
6. Police Code, Article 37 sets limits on the amount of time certain audible alarms may be activated before being considered a public nuisance.

For discussion of the legal meaning of "audible", readers are referred to "Analysis of the "plainly audible" standard for noise ordinances" by Eric Zwerling et al, presented at the Inter.Noise conference in New York City in 2012.

2. Measurement Location

2.1 General

Measurements shall always be performed at a location safe for the inspector. If ladders must be used to access an appropriate measurement location, guidelines for safe ladder use must be employed (see Appendix D for the Department of Public Health policy on ladder safety). Telescoping boom poles and microphone extensions may be used to assess areas that would otherwise be hazardous for an inspector to access.

If a safe location for assessing sound is not available, the responding department has the discretion to investigate the sound in an alternative way, including but not limited to: estimation using standard modeling or calculation techniques, based on analogous standards studies, or calculations using local measurements at nearby locations or review of third-party reports; the responding department also has the discretion to decline to investigate certain noise complaints if it is not possible to investigate safely, and/or if there is sufficient evidence that a public health hazard is not present.

2.2 Indoor Noise Measurements

Article 29 of the Police Code specifies that inside noise level measurements be taken with the microphone at least three feet distant from any wall, and the average measurement of at least three microphone positions throughout the room shall be used to determine the inside noise level measurement.

For evaluation of any fixed indoor noise limit, including Section 2909(d) Fixed Residential Interior Noise Limits, inside noise level measurements are performed in sleeping and/or living areas with windows opened to at least 25% of their maximum in residences without mechanical ventilation.

Living area includes sitting and sleeping areas, such as the living room, family room, or bedroom, but does not include bathrooms, kitchens or certain other areas.

For residences with mechanical ventilation, measurements shall be performed in sleeping and/or living areas with windows closed.

Sound level measurements are taken with windows closed in residences with mechanical ventilation. In residences that rely on windows and other non-mechanical designs for ventilation, sound level measurements are taken with the windows 25% open.

Mechanical ventilation refers to a forced-air system with supply fan and ductwork. Exhaust-only types of systems (z-duct, scavenger fan, bathroom/kitchen exhaust, etc.) shall not be considered mechanical ventilation in

this context. Inspectors may request indoor sources of noise be silenced to determine the noise that is being contributed solely by the neighboring source. Residents may be asked to unplug radios, refrigerators, and other sound-generating devices.

Article 3 of the Planning Code specifies an audible standard that is applicable to indoor areas in other sections of a building where a sound is being produced. Compliance evaluations for this standard should be made in a location consistent with that specified for evaluation of Article 29, Section 2909(d).

Sound waves may bounce or be attenuated by walls, soundproofing, windows, vegetation, or other surfaces. Any indoor noise measurements for compliance purposes should be taken in a location which could be reasonably assumed to affect one or more existing human receptor.

Indoor sound level measurements for compliance purposes are taken where the human receptor may perceive the sound.

2.3 Outdoor Noise measurement location

Sound waves may bounce or be attenuated by walls, soundproofing, windows, vegetation, or other surfaces. Article 29 of the Police Code specifies that any outdoor measurements to evaluate compliance on residential, commercial, or industrial property shall take place not less than four feet above the ground, at least four and one-half feet distant from walls or similar large reflecting surfaces, and protected from the effects of wind and other extraneous sounds by the use of appropriate windscreens.

The threshold distance is defined as the linear distance from a sound source within which sound must be evaluated for compliance purposes. For stationary noise sources the threshold distance is defined as the property plane at a point that intercepts the line of sight from the source to an existing human receptor.

Outdoor measurements for compliance purposes are taken further than four feet above the ground and at least four and one-half feet from walls or other reflecting surfaces.

Outdoor measurements taken **beyond the threshold distance** for a particular standard may be used for compliance purposes if the sound is measured within the line of sight of the source and the measured sound level is greater than that allowed by the law; however measurements beyond the threshold distance for a particular standard that are lower than what is allowable may not be used to demonstrate compliance.

Outdoor measurement taken **within the threshold distance** for a particular standard and in the free field can demonstrate compliance if the properly measured sound is lower than what is allowable.

Threshold Distances

The threshold distance is defined as the linear distance from a sound source within which sound must be evaluated for compliance purposes.

Police Code Article 1, Article 11 Article 29 and Article 49 specify the following threshold distances for outdoor noise measurement location:

- garbage trucks hydraulic noise: 50 feet from the equipment
- construction equipment: 100 feet from the equipment
- equipment located on public property: 25 feet from the equipment
- unenclosed tour buses: 50 feet outside the vehicle
- amplified sound at night : 50 feet from the property line of the property where the sound is emitted
- sound trucks: 450 feet when in motion; 250 feet from periphery of attendant audience when stationary
- miniature golf courses: 26 feet from the course boundaries.

3. Time of Day for Measurements

3.1 Response and Investigation

It is **not required** that noise investigations and sound measurements be conducted at the exact time of a noise complaint. In addition, except when approved by management at the enforcing department, the evaluation of noise sources relative to standards and limits shall be conducted during regular working hours, which differ among enforcing Departments.

It is not required that noise investigations and sound measurements be conducted at the exact time of a noise complaint.

3.2 Third Party Acoustical Reports

Sound level measurements may be performed and submitted by experienced acoustical consultants for inclusion in a property or enforcement file. Measurements made by a third party may not be used for enforcement purposes.

Measurements made by a third party may not be used for enforcement purposes

3.3 Night Times

The table below summarizes the definition of night times for enforcement of different city codes:

| Use and Code | Relevant Definition of Night |
|---|------------------------------|
| Miniature Golf Course (Police Code Article 11, Section 773, 775, 777) | 10:00 p.m. - 9:00 a.m |
| Private or Street entertainment sound from televisions, radios, instruments or other (Police Code Article 1, Section 49) | 10:00 p.m. - 7: 00 a.m |

| | |
|--|------------------------|
| Extended Hours Entertainment (Police Code Article 15.1 and 15.2) | 2:00 a.m.- 6:00 a.m. |
| Night Construction (Police Code Article 29, Section 2908) | 8:00 p.m. - 7:00 a.m. |
| Indoor Residential Noise (Police Code Article 29, Section 2909) | 10:00 p.m. - 7:00 a.m. |
| Car Washes on 19th Ave (Planning Code Article 1.7: Section 187.2:) | 10:00 p.m. - 7:00 a.m. |
| Entertainment noise in the Eastern Neighborhoods Mixed Use Districts, South of Market Mixed Use Districts and Downtown Residential Districts (Planning Code Article 8, Section 803.5) | 10:00 p.m. - 6:00 a.m. |
| Amplified Music with Conditional Use or Extended Use Permit (Planning Code Article 3, Section 303) | 2:00 a.m. – 6:00 a.m. |

4. Detailed Enforcement and Descriptions of Standards

(also see Table 1 in Appendix A)

4.1 Police Code Article 1, Section 49, Unnecessary Noise, Authorized Emergency Vehicles

Enforced by SFPD (*note: Article 1, Section 49, may also be enforced by SFDPH*)

Article 1 prohibits any unnecessary noise very broadly defined to include “raucous noises or ...[those that] disturb the peace, quiet and comfort of persons in the neighborhood or with volume louder than is necessary for convenient hearing”.

This article explicitly exempts noise from emergency vehicles from any noise limitations. While the law allows street performers to exercise their freedom of speech or expression, sound that exceeds

Sound from emergency vehicles is explicitly exempt from any noise limitations.

10 dBA above ambient at a distance of 25 feet may be in violation of Police Code Article 29, Section 2909(c) if the sound is generated on public property. At night (see section 3.3) unnecessary noise may not be plainly audible at a distance of 50 feet from the property line of the property from whence the sound is emitted.

For enforcement purposes, audibility is determined by the responding department as described in Sections 1.5 of this guidance.

4.2 Police Code Article 29, Section 2904, Waste Disposal Services

Enforced by SFDPH (note: noise complaints regarding truck service or timing are handled by Recology)

Section 2904 applies only to noise generated by a waste disposal truck's mechanical processing system; although noise may also be created by crushing, compacting, dropping, or moving of waste, there are no limitations on such noises when they are associated with the truck's operation. The standard in Section 2904, 75 dBA when measured at a distance of 50 feet from the truck, is the maximum allowable level of noise produced from the mechanical or hydraulic system. It is often necessary that these trucks operate early in the morning on very specific routes that may not be adjustable.

There are no limits on noise associated with refuse truck operation, such as noise from crushing, compacting, dropping, or moving waste.

4.3 Police Code Article 29, Section 2905, Vehicle and Nonstationary Source Repairs

Enforced by SFPD

Section 2905 prohibits any person within a residential area to cause unnecessary, excessive or offensive noise due to repair, build, or testing or any motor vehicle or nonstationary source.

4.4 Police Code Article 29, Section 2907, Construction Equipment

Enforced by SFDBI and SFDPW

Section 2907 applies to noise generated by any construction equipment on a permitted construction site, except for impact tools such as jackhammers. The limits in this section do not apply during emergencies.

The standard in Section 2907 80 dBA when measured at a distance of 100 feet from the equipment or 100 feet from the construction site boundary, is the maximum allowable level of noise produced from any powered construction equipment except impact tools. Measurements may be taken at different distances and calculations may be used to determine the equivalent sound level at 100 feet. Construction is allowed during the daytime hours (7:00 a.m. – 8:00 p.m.) every day of the week.

Construction equipment sound level restrictions do not apply to impact equipment such as jackhammers.

The sound from powered construction equipment may not exceed 80 dBA 100 feet from the construction site boundary.

SFDBI and SFDPW may issue permits allowing work outside of these hours (see below).

The Department of Building Inspection (DBI) and the Department of Public Works (DPW) issue permits for construction projects and

enforce construction noise limits under Section 2907. DBI enforces limits for private projects and DPW enforces limits for projects on public right of ways (streets, sidewalks, etc.).

4.5 Police Code Article 29, Section 2908, Construction Work at Night

Enforced by SFDBI and SFDPW

The limits in Section 2908 do not apply during emergencies. Section 2908 applies to noise generated by any non-emergency building construction operation during the nighttime hours (8:00 p.m. – 7:00 a.m.). The standard in Section 2908, five dBA above the ambient measured at the nearest property plane, is the maximum allowable level of noise produced from any

DBI and DPW may grant permits to allow night construction work, as detailed in Appendices E and F.

cumulative level of noise produced from any construction equipment located on a permitted construction site.

Night noise permits may be granted that allow exceedance of the noise standards specified in section 2908 or that pose more restrictive noise requirements. Both enforcing Departments (DBI and DPW) may issue permits that permit construction activities during nighttime hours. Construction projects with night noise permits are subject to the limits detailed by the enforcing Departments in the permit.

4.6 Police Code Article 29, Section 2909, Fixed noise sources

Section 2909(a)(1) governs how much sound from a fixed noise source can cross the property plane from a residential property or use.

Enforced by SFDPH, Entertainment Commission, SFPD, Planning Department and Department of Recreation and Parks

Section 2909(a)(1), *Residential Property Noise Limits*

This section applies to noise generated from a fixed or stationary source(s) located on a

residential property or within a residential use in a mixed use property. The standard in Section 2909(a)(1), five dBA above the ambient at any point outside of the property plane, is the maximum allowable cumulative level of exterior noise produced from any combination of mechanical device(s) and implied sound systems(s) originating from an exclusively residential property or from a residential use in a mixed use property.

Section 2909(a)(2), *Residential Property Noise Limits*

This section applies to the transmission of noise between residential dwelling units in the same building. The standard in Section 2909(a)(2), five dBA above the local ambient three feet from any wall, floor, or ceiling, is the maximum allowable cumulative noise produced by any combination of mechanical device(s) and amplified sound

Section 2909(a)(2) governs the sound between two residential units in the same building

A “fixed” or “stationary” noise source is one that is permanently installed in a location and refers principally to pumps, compressors, and mechanical equipment used for heating and cooling.

Section 2909(b) governs how much sound from a fixed noise source can cross the property plane from a commercial or industrial property or use.

systems(s) transmitted between any two residential dwelling units in a multi-unit residential property.

Section 2909(b), Commercial and Industrial Property Noise Limits

This section applies to noise generated from a source located on a commercial or industrial property or

within or serving a commercial use in a mixed use property. The standard in Section 2909(b), eight dBA above the ambient at any point outside of the property plane, is the maximum allowable cumulative level of exterior noise, produced from any combination of mechanical device(s) and implied sound systems(s) originating from an exclusively commercial or industrial property or from or serving a commercial use located within a mixed use property. For a licensed Place of Entertainment or a Limited Live Performance Locale (or other venues enforced by the Entertainment Commission), this standard applies to both A-weighted and C-weighted measures.

Section 2909(c), Public Property Noise Limits

This section applies to noise generated from a source located on public property, such as a park or public plaza. Although the standard in Section

2909(c), ten dBA above the ambient at a distance greater than 25 feet [from the noise source], is the maximum allowable cumulative level of noise produced from any combination of mechanical device(s) and implied sound systems(s) originating on a public property, agencies may issue permits that allow for higher noise levels for temporary events on public property. Motor vehicles on local roads, construction equipment, refuse collection equipment, and other noise sources under the control of the City or serving to maintain public property are exempt from the standard. In addition, this standard may not apply to any public displays that may be protected under the First Amendment of the United States Constitution.

Section 2909(c) governs how much sound can be generated from a public property, such as a park or plaza.

Section 2909(d) sets maximum allowable interior sound levels for dwelling units.

Section 2909 (d), Fixed Residential Interior Noise Limits

This section sets the maximum allowable interior noise within a dwelling unit. The standards in Section 2909(d), 45 dBA between the hours of 10:00

p.m. to 7:00 a.m. and 55 dBA between the hours of 7:00 a.m. to 10:00p.m., are the absolute maximum allowable level of interior noise, produced from any combination of mechanical device(s) and audio systems(s) under one ownership/use originating from outside the dwelling unit. The standards in this section may not apply to areas in which the ambient noise level exceeds the limits. However, ambient noise measurements may not be necessary when applying this section and the individual inspector may solely determine if the source in question is the dominant noise source.

Section 2909 (e), *Noise Caused by Activities Subject to Permits from City and County of San Francisco*

This section allows the City Departments to establish noise limits that exceed this standard once the enforcing Department issues a permit that contains other noise limit provisions.

Section 2909(e) establishes the authority of City Departments to issue permits that define noise limits in a way that might be different from what is specified elsewhere in Article 29.

For example, in 2007, the Port of San Francisco established noise level limits at several locations on Port lands between the western edge of Pier 39 to Hyde Street and from the southern side of the Jefferson Street sidewalk to The Embarcadero and the Bay. Activities governed by the Port of San Francisco noise level limits are exempt from Article 29. The San Francisco Fisherman's Wharf Street Performer Program is administered by the Port of San Francisco and more information may be found on their website at www.sfport.com and selecting the Real Estate, Street Performers section or by visiting Port's offices at Pier 1, San Francisco, CA, 94111.

4.7 Police Code Article 29, Section 2913, Use of Amplified Sound on Unenclosed Tour Buses

Open air tour buses with amplified sound systems may not produce sound which is audible 50 feet from the vehicle and must have current registration/authorization from the Department of Public

The amplified sound from open air tour buses may not be audible 50 feet from the vehicle.

Health at all times. The Department of Public Health offers scheduled and by-appointment testing for open top buses and will issue authorization stickers upon demonstration of compliance and payment of the annual fee.

Registrations are valid for one year. Article 29 of the San Francisco Police Code requires that the San Francisco Department of Public Health re-inspect each registered vehicle annually prior to reissuing a new registration. Failure to have a valid registration may result in a citation.

5. Determination of Ambient

The ambient sound level measured may include regularly reoccurring noises such as traffic noise and wind chimes.

5.1 Definition of Ambient

Article 29 of the Police Code defines “Ambient” as the lowest sound level repeating itself during a minimum ten-minute period. 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. Under most conditions, the L90 (the level of noise exceeded 90% of the time) is a conservative representation of the ambient.

5.2 Contributions to Ambient

The measurement of ambient shall not require all potential noise sources in the vicinity to be non-operational. However, ambient measurements shall be performed with all significant and contributing mechanical noise sources in the control of the owner or operator of the use disabled or otherwise silent.

The ambient sound level measured may include regularly reoccurring noises such as traffic noise, construction, wind chimes, or other sounds from nearby sources not in the control of the owner or operator.

5.3 Ambient Limitations

In no case shall the ambient level be considered to be less than 35 dBA for interior residential measurements and 45 dBA in all other locations. In cases where disabling equipment to determine ambient is not possible (interruption of essential services, remote control, etc.), the Department may determine one of the following:

- An appropriate alternate setting to measure ambient
- An appropriate alternate noise parameter or calculation to assess ambient
- An alternate standard to apply to the case

6. Enforcement, Investigation and Appeals

The enforcing agency has discretion to provide adequate time for property or business owners to hire consultants, find funding, install and/or implement a noise mitigation measure.

Each enforcing agency has discretion to determine which noise cases will be investigated; a noise complaint may be referred to another city, state, or federal agency as appropriate.

If a complainant does not agree with a Department's decision to investigate a noise complaint or determination of regarding an investigated complaint, the complainant has the option of hiring a third party vendor. The enforcing Department will have the option to review the third party report and may reverse their decision or not.

Implementing noise mitigations can be costly and time intensive. Before imposing penalties enforcing agencies allow the responsible party sufficient time for implementation of noise mitigation measures.

If a Responsible Party does not agree with a Department's determination regarding an investigated noise violation, the Responsible Party has the option of hiring a third party vendor. The enforcing Department will have the option to review the third party report and may reverse their decision or not.

If a responsible party fails to comply with a Department's decision that a violation exists, enforcement will proceed in accordance with the enforcing Department's process and may result in the suspension or revocation of a permit (which is appealable) or the issuance of an administrative or misdemeanor citation (which may be heard before a hearing officer or judge).

Permits and variances are subject to appeals. A Department's decision whether a noise source is a violation or not is up to the enforcing Department. Each enforcing agency has its own appeal process.

7. Variances

Some, but not all, departments may grant variances; in particular, the Planning Department does not consider variances. Administrative decisions denying or granting variances may be appealable to the San Francisco Board of Appeals within 15 days of the variance decision. Departments may consider a number of factors in their variance decisions, including but not limited to:

- age and repair history of noise-emitting equipment (if equipment is the source of the violation)
- previous mitigation work specifically for noise reduction
- relative length of time the source of the alleged violation has existed in its current location as compared to the length of time the complainant has been in the area;
- the proximity of the complainant's residence or place of work to the noise source;
- time, location, and health vulnerability of potential human receptors;
- third-party analysis of noise mitigation alternatives;
- evidence that a complaint is generated as a form of harassment or unfair business practice;
- disclosures;
- financial considerations;
- disability or vulnerability;
- public health risks vs benefits.

Each enforcing department may have different variance processes and should be referred to regarding the specifics of the process.

8. Exceptions

Certain noise sources, such as wind chimes, garage door openers, noise due to traffic congestion, or unintentional noise in the regular course of permitted business activities will not be investigated by any city department. Noise from street protests is generally allowed, and use of 10 Watt bullhorns by pedestrians is specifically allowed by Article 1 of the San Francisco Police Code. A list of many of these exceptions may be found in Appendix C.

Some noise sources, such as those associated with emergency response, are explicitly allowed.

9. Repeat Complaints

Once a complaint is closed, new complaints from the same individual about the same location will not be investigated unless the complainant is able to provide evidence which would justify opening a new and substantially different complaint. In order to prevent abuse of the noise ordinance, unfair business practices, and/or harrassment, if a second complaint is filed and it is established that a violation does not exist, subsequent complaints will not be investigated unless it is deemed necessary by the responding Department.



City and County of San Francisco
Edwin M. Lee, Mayor

APPENDICES



Appendix A

Selected Regulatory Codes and Standards In Police Code Article 29 Relevant to Noise and Sound in San Francisco

| Type of Regulation | Waste Disposal Noise | Construction Noise | Residential Property Noise | Residential Property Noise (Multi-Unit) | Commercial/Industrial Property Noise | Public Property Noise | Fixed Residential Interior Noise | Tour Bus Amplified Noise |
|--|---|---|--|---|--|---|--|---|
| Applicable Standard | 2904 | 2907 and 2908 | 2909(a)(1) | 2909(a)(2) | 2909(b) | 2909(c) | 2909 (d) | 2913 |
| Location of Noise Source(s) | Any truck-mounted, mechanical processing waste system | Any construction equipment on a construction site | Any residential use on a residential or mixed use property | Any dwelling unit in the same multi-unit property | Any industrial or commercial use within a commercial or mixed-use property | Any non-traffic source on public property | Any use or property outside the affected dwelling unit | Any amplified sound system on an open-air tour bus vehicle |
| Measurement Location for Evaluation of Standards | Outdoors, 50 feet from the source | Outdoors, 100 feet from source during the day or at the exterior property plane at night | Outdoors, at the exterior property plane of the origin of noise source | Three feet from any wall, floor or ceiling | Outdoors, at the exterior property plane of the origin of noise source | Outdoors, 25 feet or more from the noise source | Interior living or sleeping area | Outdoors, 50 feet from the source |
| Threshold | Max 75 dBA | Max 80 dBA from 7am-8pm; 5 dBA over ambient from 8pm-7am | 5 dBA over the ambient | 5 dBA over the ambient | 8 dBA over the ambient | 10 dBA over the ambient | Max 55 dBA from 7am-10pm; 45 dBA from 10pm-7am | Audible with bus in operation |
| Minimum Ambient | N/A | 45 dBA | 45 dBA 55 dBC | 35 dBA 45 dBC | 45 dBA 55 dBC | 45 dBA 55 dBC | N/A | N/A |
| Enforcement/Other | <u>Enforcement Agency</u> DPH – Fixed mechanical equipment | <u>Enforcement Agency</u> DPW – Construction on public right of ways DBI – Construction on private property Both departments could issue night noise permits | <u>Enforcement Agency</u> DPH – Fixed mechanical equipment SFPD - Electronic audiovisual sources | <u>Enforcement Agency</u> DPH – Fixed mechanical equipment SFPD - Electronic audiovisual sources Noise resulting from City permits are exempt. | <u>Enforcement Agency</u> DPH – Fixed mechanical equipment SFPD - Electronic audiovisual sources Entertainment Commission – Place of entertainment and live venues with amplified sound | <u>Enforcement Agency</u> DPH – Fixed mechanical equipment SFPD - Electronic audiovisual sources DPH + SFPD – Street Performers SFR&P – Noise in parks Machinery serving public space is exempt. | <u>Enforcement Agency</u> DPH – Fixed mechanical equipment SFPD - Electronic audiovisual sources | <u>Enforcement Agency</u> DPH – Yearly testing of amplified sound systems for registration SFPD – Registration citation authority |

Appendix B

Occurrences of Noise References in San Francisco City Codes (in addition to Article 29 of the Police Code) As of May 2014

Administrative Code

CHAPTER 5: COMMITTEES: noise consideration in establishing Pedestrian Safety Advisory Committee

CHAPTER 16: OFFICERS AND EMPLOYEES GENERALLY: establishes noise abatement job class for airport

CHAPTER 26. DEEMED APPROVED OFF-STREET ALCOHOL USE NUISANCE REGULATIONS: noise considerations when deciding if deemed approved

CHAPTER 35: RESIDENTIAL AND INDUSTRIAL COMPATIBILITY AND PROTECTION (requires disclosure and consideration when allowing the use to exist)

CHAPTER 37: RESIDENTIAL RENT STABILIZATION AND ARBITRATION ORDINANCE: requires landlords to exercise diligence to minimize exposure to noise

CHAPTER 67: THE SAN FRANCISCO SUNSHINE ORDINANCE OF 1999: requires noise control in operating recording equipment

CHAPTER 90: ENTERTAINMENT COMMISSION: defines sound technician role in Entertainment Commission "... shall be responsible for conducting tests and investigations relating to noise levels and compliance with Article 29 of the San Francisco..."

Building

0-0-0-1631 Attachment A to AB-088 Collection and Storage of Trash, Recycling, and Compostable Materials refers to noise considerations in locating recycling areas in housing "... shall be adequately protected for any adverse impacts such as noise odor vectors or glare through measures including but not limited..."

CHAPTER 5 NONRESIDENTIAL REQUIREMENTS: 5.103.1.10 CALGreen mandatory measures in California for new non-residential buildings include: Title 24, Part 11, Sections 5.507.4, 5.507.4.1, and 5.507.4.2: Acoustical control and noise transmission

Health Code

ARTICLE 1: ANIMALS: police can cite barking dog if two people who live within 300 feet complain and sign an affidavit; noise considerations in animal sale stores near dwellings or businesses; noise considerations in issuing wild animal permits

ARTICLE 23: VIDEO DISPLAY TERMINAL WORKER SAFETY: requires noise control on impact printers

Park Code

ARTICLE 4: DISORDERLY CONDUCT Section 4.14 refers to state law prohibition of unreasonable noise in public places

Planning

ARTICLE 1.5: OFF-STREET PARKING AND LOADING: noise as part of justification for car sharing ordinance

ARTICLE 1.7: COMPLIANCE: SEC. 186. EXEMPTION OF LIMITED COMMERCIAL AND INDUSTRIAL NONCONFORMING USES IN RH, RM, RTO, AND RED DISTRICTS: Noise considerations for allowing nonconforming use in these districts

ARTICLE 1.7: COMPLIANCE: Section 187.2: Allows mechanical car wash facilities on 19th Ave if “Noise from the facility complies with Article 29 of the San Francisco Police Code and in no event shall noise from mechanical equipment exceed 65 dBA, as defined in Article 29, from 7:00 am to 10:00 pm, or 60 dBA from 10:00 pm to 7:00 am, when measured at any location on adjoining residential property;”

ARTICLE 2: USE DISTRICTS: Noise considerations for uses allowed or disallowed in certain planning use districts

ARTICLE 2.5: HEIGHT AND BULK DISTRICTS provides that live/work units may be used to qualify for height exception if “...(2) Each live/work unit is sufficiently insulated for noise attenuation between units to insure that noise shall not exceed the acceptable decibel levels established...”

ARTICLE 3: ZONING PROCEDURES: refers to noise as part of determination of whether to allow a conditional uses

ARTICLE 7: NEIGHBORHOOD COMMERCIAL DISTRICTS. Section 787. 1800 MARKET STREET COMMUNITY CENTER PROJECT SPECIAL USE DISTRICT: “The noise associated with any amplified music, outdoor speakers, or other devices located in the outdoor activity area shall not exceed a noise level more than eight dBA above the local ambient at any point outside of the property plane, as defined by Chapter 29 of the Police Code.” Establishes special conditions for Neighborhood Commercial Districts regarding excessive noise

ARTICLE 8: MIXED USE DISTRICTS: establishes special conditions for mixed use districts—no excessive noise, good neighbor, time limits

ARTICLE 9: MISSION BAY DISTRICTS: noise considerations in use allowances

ARTICLE 12: OIL AND GAS FACILITIES: includes noise considerations

Police Code

ARTICLE 1: PUBLIC NUISANCES: specific rules on amplified sound; refers to Article 29; makes exception for emergency vehicles; 10 Watt bullhorns allowed

ARTICLE 11: REGULATIONS FOR AMUSEMENTS: noise considerations in miniature golf course permitting

ARTICLE 15.1: ENTERTAINMENT REGULATIONS PERMIT AND LICENSE PROVISIONS; ARTICLE 15.2: ENTERTAINMENT REGULATIONS FOR EXTENDED-HOURS PREMISES

ARTICLE 15.4: ENCOUNTER STUDIOS (55 dBA maximum anywhere in studio)

ARTICLE 15.7: EVENT PROMOTERS: noise considerations in decisions about allowing event promoters to operate

ARTICLE 37: POLICE EMERGENCY ALARM ORDINANCE refers to Article 29 which prohibits unnecessary, excessive and offensive noise from all sources¹ in context of audible vehicle alarms; defines unnecessary, excessive and offensive as “an alarm which does not shut off within the prescribed time...”

ARTICLE 47: PERSONAL WATERCRAFT: refers to noise in Purpose

Port

ARTICLE 3: DISORDERLY CONDUCT: Section 3.13 refers to state law prohibition of unreasonable noise in public places

Public Works

ARTICLE 5.8: PERMIT REGULATIONS FOR MOBILE FOOD FACILITIES CONCERNING PRODUCTS FOR HUMAN CONSUMPTION: noise considerations in mobile food facilities permitting

ARTICLE 16: URBAN FORESTRY ORDINANCE: refers to noise control benefits in purpose of ordinance

ARTICLE 25: PERSONAL WIRELESS SERVICE FACILITIES: Section 1517: “ (3) Noise . If the Department determines, either after an inspection required under 1516(b) above or at any other time, that noise from a permitted Personal Wireless Service Facility at any time of the day or night exceeds forty-five (45) dBA as measured at a distance three (3) feet from any residential building facade, the Department shall issue a notice of deficiency and require the Permittee to take corrective action to bring the Personal Wireless Service Facility into compliance with the noise limit.”

Transportation Code

ARTICLE 1100: REGULATION OF MOTOR VEHICLES FOR HIRE: Noise considerations in issuing medallions

Other Codes

INITIATIVE ORDINANCES: Proposition H 1999 Caltrain electrification referred to noise; 1986 Oil Development Moratorium refers to noise; Sunshine Ordinance refers to noise in reference to recording equipment

ADMINISTRATIVE BULLETINS: AB-026 Noise Insulation Enforcement Procedures

¹ This reference to Article 29 may not be valid anymore

APPENDIX C: Exceptions

Certain noise sources do not violate local law and will not be investigated by any city department; these include, but are not limited to:

Emergency Generators or other emergency energy release devices

Sirens

When public health or safety is involved, emergency work to provide electricity, water, or other public utilities; to conduct emergency construction or demolition work; to make emergency repairs to public roadways or bridges; to address emergency incidents such as the cleanup of spills of hazardous materials; or upon written approval of the authorized enforcement agency, to utilize sound producing devices to relocate wildlife

National Warning System (NAW AS): Systems used to warn the community of attack or imminent public danger such as flooding or explosion

Delivery and Service Trucks

Active recycling, dumping and processing of glass bottles and cans are governed by Administrative Bulletin 0-0-0-1631 of the building code

Rolling of recycling containers to pick up locations

Garbage or recycling trucks, except for the Hydraulic or mechanical features (see Section 4.2)

Vehicle and Traffic Noise

Public roadways

Landscaping and Property Maintenance Equipment

Pressure or Steam Washers

Windchimes, Doorbells, Garage Door Openers, and Other Small Portable Devices

Bells, chimes or carillons, which may include electronic devices that imitate the sounds of bells, chimes or carillons;

Noise and sound from street protests;

Use of 10 Watt bullhorns by pedestrians is specifically allowed by Article 1 of the San Francisco Police Code;

Helicopter and Helipad

Noise of aircraft flight operations

Public celebrations that are government-sponsored or government-permitted events

Surface carriers engaged in commerce by railroad when the noise sources in question are trains in motion, operating retarders, train horns and whistles, or performing locomotive load test cell stands

The unamplified human voice

Use of explosive devices: These are regulated by SFFD and other state and federal agencies

Normal operation of a handgun, rifle, shotgun, skeetshooting or trapshooting range permitted by Article 45 of the Police Code or other applicable laws

APPENDIX D

Safe Practices for Roof Work

INTRODUCTION

Some inspections require working at elevated heights, and it is vital that inspectors follow safe practices for this type of work to minimize the risk of injury or death. Falls account for 12% of all workplace fatalities; 57% of fatal falls occur from a height of 20 feet or less.

SAFELY ACCESSING A ROOF

Roof access may be available using

1. A portable ladder;
2. A fixed ladder; or
3. A staircase.

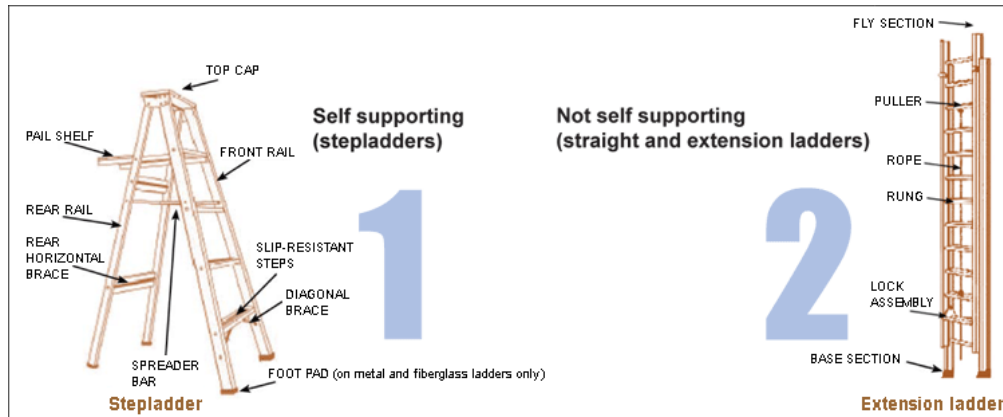
If available, stairways are generally the safest way to access a roof. Before using a staircase, make sure that it is free of debris or slippery materials. Hold onto the railing as you climb and descend the stairs.

If there is no guardrail or parapet, ladders may not be used (with the exception of ladders that exit through a roof access hatch). Guardrails must be between 42 and 45 inches high and parapets should be a minimum of 42 inches high.

Ladder safety training is required prior to use of any ladder, including portable ladders. The following sections summarize how to safely use portable or fixed ladders to access a roof.

1. Portable Ladders

There are two basic types of portable ladders: (1) self supporting ladders (step ladders) and (2) ladders that are not self supporting (straight and extension ladders). The only type of portable ladder that should be used to access a roof is one that is not self supporting.



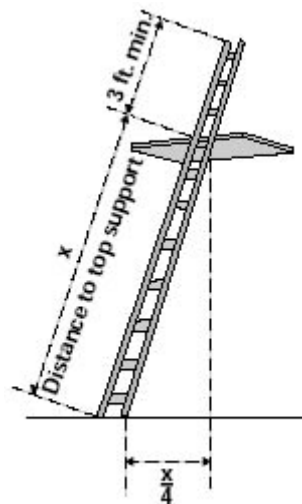
Prior to using the portable ladder, inspect it to be sure that it is in good working order. During this inspection, make sure the ladder meets the following four criteria. If the ladder fails to meet any of these criteria, do not use it:

1. No visible defects such as rust, cracks, bent, broken or missing pieces.
2. No surface coatings such as paint, which could hide defects.
3. No grease, water or other materials on the ladder that could cause an employee to slip.
4. A label that shows the maximum load capacity of the ladder. The load capacity must be high enough to support your weight plus the weight of any equipment you're carrying.

Before erecting the ladder, look overhead to see if there are any power lines or other exposed sources of electricity that may contact the ladder. Do not erect the ladder if there are any power lines nearby.

Both the ground and roof surface or top support must be level and stable. Do not place the ladder on top of boxes or other items that may shift or fall. The ladder should be placed at such an angle that the horizontal ground distance from the point where the ladder touches the roof surface or top support to the point where the feet are placed is at least one-quarter the working length of the ladder. The top rails of the ladder should extend at least three feet above the roof surface or top support that you are placing the ladder against (see illustration at right).

If the ladder cannot be erected on level, stable footing, the roof surface or top support is not level and stable and/or the ladder cannot be placed at the proper angle, do not use the ladder.



When climbing the ladder, you must maintain three points of contact with the ladder (a hand and two feet or two hands and one foot) at all times. You must have your hands free when climbing. Any equipment you are carrying to the roof must be attached to a belt or carried in a bag/backpack.

2. Fixed ladders

Prior to using a fixed ladder, inspect it to be sure that it is in good working order. During this inspection, make sure the ladder meets the following six criteria. If the ladder fails to meet any of these criteria, do not use it:

1. No visible defects such as rust, cracks, bent, broken or missing pieces.
2. Wooden ladders must have no surface coatings such as paint that could hide defects.
3. No grease, water or other materials on the ladder that could cause an employee to slip.
4. The pitch of the ladder is in the range of 70 to 90 degrees with respect to the horizontal.
5. The ladder is 20 feet long or less.
6. The side rails of the ladder extend 3 ½ feet above the parapet or landing (exception: fixed ladders that go to a roof access hatch do not require rails that extend beyond the hatch opening).

Vertical ladders are only required to support a load of 200 lbs. If your weight, plus the weight of your clothing/equipment is greater than 200 lbs., do not use fixed ladders.

As with portable ladders, maintain three points of contact with the ladder (a hand and two feet or two hands and one foot) at all times. You must have your hands free when climbing. Any equipment you are carrying to the roof must be attached to a belt or carried in a bag/backpack.

3. Stairways

If available, stairways are generally the safest way to access a roof. Before using a staircase, make sure that it is free of debris or slippery materials. Hold onto the railing as you climb and descend the stairs.

WORKING ON THE ROOF

Once you have gained safe access to a roof:

1. Stay at least six feet away from the edge of the roof at all times unless there is a guardrail between 42 and 45 inches high or parapet at least 42 inches high. This includes getting on and off of ladders.
2. Stay at least six feet away from any skylights or other roof openings.
3. Do not, under any circumstances, walk on sloped roofs. Working on a sloped roof requires specialized safety equipment and training.

CONCLUSION

In addition to following the safe practices in this document, always use common sense. If, for some reason you feel unsafe performing an inspection on a roof, don't do it. Talk to your manager to find an alternate method to collect the information you need.

APPENDIX E: DBI Night Noise Permits



NIGHT NOISE PERMIT

ORDER NUMBER # _____

PERMISSION TO:

(Address)
PA# _____

(contact)
(title)
(company)
(company address)
(city, state, zip code)

Pursuant to provisions of Section 2907 and 2908 of Ordinance No. 274-72 the Director of Building Inspection has determined that the kind of work to be done may generate noise that causes significant disturbance during the permit hours. The work may cause less traffic and safety problems at night than during daytime. Therefore being in the general public interest hereby grants permission revocable at his will for

- > This permit shall be valid for _____
- > Hours: _____
- > Equipment List: _____
- > All significant equipment shall be provided with proper mufflers and acoustical shrouds.
- > Excessive noise from handling tools and loud conversation shall be held at minimum.
- > All other required permits shall be obtained.

The permittee, by acceptance of this permit, agrees to indemnify, hold harmless, and assume the defense of the City and County of San Francisco from and against any and all claims, demands, and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco.

The permittee, by acceptance of this permit, agrees to compensate the City and County of San Francisco in full for all damage to property of the City and County of San Francisco, or to public property under its jurisdiction resulting from operations under this permit, regardless of negligence of the City and County of San Francisco.

Tom C. Hui, S.E., C.B.O.
Acting Director
Department of Building Inspection

RECOMMENDED BY:

APPROVED BY:

_____, Senior Building Inspector
Department of Building Inspection

_____, Chief Building Inspector
Department of Building Inspection

APPROVED ON:

BID File (job site address)

S.F.P.D. - Traffic Administration, Hall of Justice, 850 Bryant Street, First Floor, San Francisco, CA 94103

District Attorney's Office - Hall of Justice, 850 Bryant Street, 3rd Floor, San Francisco, CA 94103

S.F.P.D. - Noise Abatement Complaints, Hall of Justice, 850 Bryant Street, Room 458, S.F., CA 94103, Attn: Ed Anzore

Department of Parking and Traffic - 1380 Howard Street, Suite 1001 San Francisco, CA 94103, Attn: Pat Allen

[P:\BID\NOISE ORD # _____]

LETTERHEAD

August 9, 2012

Sr. Inspector Patrick O'Riordan
San Francisco Department
of Building Inspection
1660 Mission Street
San Francisco, CA 94103
Email: patrick.oriordan@sfgov.org

Re: 10th & ABC St. Project ~ 123 ABC Street
Excellent Builders
Site Permit 200606305679

Subject: *Night Noise Permit Request*
October 8th thru November 12th, 2012

Dear Inspector O'Riordan,

Excellent Builders would like to extend our work hour's noise permit from the hours of 7:00 am to 7:00 pm to 7:00 am to 3:00 am for the following dates:

October 8, 2012 thru November 1, 2012

The work being performed is pouring of concrete at 10th and ABC St.

During these hours there will be heavy trucking, work crews, traffic control or any other activities involved in the concrete pour operations.

Equipment being used is as follows:

- Delivery trucks
- Concrete pump
- Tower Crane
- Concrete vibration equipment
- Light Towers
- Gas generator

Contractor: Excellent Builders

Contacts: John Smith (303-555-5555)

We will notify the adjacent Properties direct and via posted notices, flyers at front entrances and hold conversations with neighbors to inform them of the upcoming work.

Let us know if this is acceptable. Please call if you have any questions and/or require additional information.

Thank you.

Very truly yours,
Excellent Builders

John Smith, Senior Superintendent
303-555-5555

Outreach to our Neighbors

October 8, 2012 through November 12, 2012

NIGHT WORK –123 ABC STREET

Excellent Builders Builders will be pouring concrete on the 10th & ABC Street project for extended hours of 8:00pm to 3:00am. Monday through Thursdays starting October 8, 2012 and continuing through November 12, 2012. There will be no holidays or Saturday work.

The purpose of the concrete pour extended hours is to utilize the tower crane to assist in hoisting and setting the unitized panels.

We will do our best to avoid any disruption and keep noise to a very minimum.

Thanks for your cooperation.

John Smith, Project Senior Superintendent

Cell #303-555-5555

APPENDIX F: DPW Night Noise Permits

PROCEDURE 13.03.03**ISSUING NIGHT NOISE APPROVALS****A. PURPOSE**

To provide guidelines for issuing Night Noise permits.

B. POLICY

It is understood that in order to minimize traffic, transit and other conflicts, certain construction activities are oftentimes best conducted at night. However, conflicts related to noise must be regulated in order to minimize impacts upon adjacent residents and the general public. The following procedure outlines steps to be taken by staff when reviewing and issuing a Night Noise permit.

C. DISCUSSION

Under Article 29 of the Police Code, an approval from the Department of Public Works (or the Department of Building Inspection) is required for any work conducted in the public right-of-way between 8 PM and 7 AM that will generate noise above ambient levels.

D. PROCEDURE

1. If an individual wishes to apply for a Night Noise permit from the Department of Public Works, first make sure that the individual has a valid Street Use permit (e.g., General Excavation, Temporary Occupancy, or Utility Excavation permit).
2. Review the DPT (Department of Parking and Traffic) Blue Book to see if there are any after-hour work restrictions at the job location.
3. If there are no restrictions, ask the individual why the work must be conducted at night. Contractor convenience is not a valid reason for the work to be done at night.
4. Have the applicant fill-in the Night Noise Application with the following information listed:
 - a. DPW permit number
 - b. Location
 - c. Reason for working at night (including DPT refusal of Special Traffic permit application)
 - d. Hours of work
 - e. Type of work
 - f. Detailed list of equipment to be used
 - g. Contact person
 - h. Contact phone
5. If there are hotels or residential homes near the job location, have the applicant fill out the MTA (Municipal Transportation Agency) request form under the condition listed. Check with the Permit Manager before forwarding the request to MTA.

6. Inform the applicant that the review time is typically 5 business days.
7. Review the application and determine/validate that there is a valid need for the work to be done at night.
8. Verify that the application was submitted at least 5 business days prior to the date the actual night work will be performed.
9. Email the Permit Manager and the Inspection Supervisor to see if an inspector can work during the times indicated on the application. Attach the Street Use permit and the Night Noise application to the email.
 - a. If an inspector is available, continue the process.
 - b. If an inspector is not available, inform the applicant that the Night Noise Application cannot be approved. Ask the applicant for a list of alternative days and resubmit a new application with the alternative days. Forward this new application via email to the Permit Manager or the Inspection Supervisor for approval.
10. Enter the information listed on the Night Noise Application into the Night Noise Database.
11. Collect the processing fee. In cases where Bureau of Street Use and Mapping inspectors are required to provide night inspection, calculate the cost of overtime inspection and collect this amount along with the processing fee.
12. Generate a receipt for the paid processing fee. Generate a second receipt for any additional paid fees (e.g., overtime inspection fee).
13. Generate the Night Noise permit. Provide a copy to the applicant and a copy to the associated inspector. Attach the associated Street Use permit (General Excavation, Temporary Occupancy, or Utility Excavation permit) to the Night Noise permit.
14. Enter the following conditions onto the Night Noise permit:
 - a. "No refunds or transfer of payment amounts shall be granted once this permit is issued. You may reschedule within 24 hours by calling inspection; however, a rescheduling fee charge will be applied to the permit."
 - b. "Under G095 requirements, contractor shall call the Muni Overhead Line at 554-9227 to report any work performed within 10 feet in horizontal or vertical direction of overhead."
15. Make sure that the applicant signs the Night Noise permit and make sure that the days on the Street Use permit match the days on the Night Noise permit.
16. Email the approved Street Use permit and the approved Night Noise permit to the Inspection Manager or his/her designee.

RECOMMENDED:

1/27/2014

X 

Jerry Sanguinetti, Manager
Bureau of Street Use and Mapping

1/27/2014

X 

Fuad S. Sweiss
Dep. Director for Infrastructure & City Engineer

APPROVED:

1/27/2014

X Mohammed Nuru

Mohammed Nuru
Director of Public Works

Prepared by: John Kwong, Bureau of Street Use and Mapping

APWA Practice No.: 15.1 (7th Edition)

File Name: Proc13-03-03R01_Issuing-Night-Noise-Approvals.docx

NOTE:
THIS PROCEDURE SUPERSEDES
PROCEDURE NO. 13.3.3, REV. 0

APPENDIX G: Entertainment Commission Good Neighbor Policy



SAN FRANCISCO ENTERTAINMENT COMMISSION

Good Neighbor Policy

GOOD NEIGHBOR POLICIES FOR NIGHTTIME ENTERTAINMENT ACTIVITIES.

Where nighttime entertainment activities, as defined by this permit are conducted, there shall be procedures in place that are reasonable calculated to insure that the quiet, safety and cleanliness of the premises and vicinity are maintained. Such conditions shall include, but not limited to, the following:

- 1** Notices shall be well-lit and prominently displayed at all entrances to and exits from the establishment urging patrons to leave the establishment and neighborhood in a quiet, peaceful and orderly fashion and to please not litter or block driveways in the neighborhood.
- 2** Employees of the establishment shall be posted at all entrances and exits to the establishment during the period from 10:00 pm to such time past closing that all patrons have left the premises. These employees shall insure that patrons waiting to enter the establishment and those exiting the premises are urged to respect the quiet and cleanliness of the neighborhood as they walk to their parked vehicle or otherwise leave the area.
- 3** Employees of the establishment shall walk a 100-foot radius from the premises some time between 30 minutes after closing time and 8:00 am the following morning, and shall pick up and dispose of any discarded beverage containers and other trash left by area nighttime entertainment patrons.
- 4** Sufficient toilet facilities shall be made accessible to patrons within the premises, and toilet facilities shall be made accessible to prospective patrons who may be lined up waiting to enter the establishment.
- 5** The establishment shall provide outside lighting in a manner that would illuminate outside street and sidewalk areas and adjacent parking, as appropriate.
- 6** The establishment shall provide adequate parking for patrons that would encourage use of parking by establishment patrons. Adequate signage shall be well-lit and prominently displayed

to advertise the availability and location of such parking resources for establishment patrons.

- 7** The establishment shall provide adequate ventilation within the structures such that doors and/or windows are not left open for such purposes resulting in noise emission from the premises.
- 8** There shall be no noise audible outside the establishment during the daytime or nighttime hours that violates the San Francisco Municipal Code Section 49 or 2900 et. seq. Further, absolutely no sound from the establishment shall be audible inside any surrounding residences or businesses that violates San Francisco Police code section 2900.
- 9** The establishment shall implement other conditions and/or management practices necessary to insure that management and/or patrons of the establishments maintain the quiet, safety and cleanliness of the premises and the vicinity of the use, and do not block driveways of neighboring residents or businesses.
- 10** Permit holder shall take all reasonable measures to insure the sidewalks adjacent to the premises are not blocked or unnecessarily affected by patrons or employees due to the operations of the premises and shall provide security whenever patrons gather outdoors.
- 11** Permit holder shall provide a cell phone number to all interested neighbors that will be answered at all times by a manager or other responsible person who has the authority to adjust volume and respond to other complaints whenever entertainment is provided.
- 12** Permit holder agrees to be responsible for all operation under which the permit is granted including but not limited to a security plan as required.
- 13** In addition, a manager or other responsible person shall answer a cell phone for at least two hours after the close of business to allow for police and emergency personnel or other City personnel to contact that person concerning incidents.

Appendix H: DPH Draft Guidelines for Restaurant Plan Check

SFDPH Environmental Health Branch

Procedures for Evaluation and Management of Noise in Regulated Food Facilities

Effective Date: May 31, 2011

I BACKGROUND AND PURPOSE

Noise pollution can be a significant problem in dense urban environments like San Francisco. Excessive noise interferes with work and leisure activities, disturbs sleep, and at higher levels may increase the risk of heart problem and high blood pressures.

Conflicts related to noise in mixed use environments occur when sensitive uses such as residences are located near noise sources such as restaurants, markets, and laundries. These conflicts can be limited through selection of best available noise reduction technology, acoustical insulation of both sensitive uses and noise generators, and limits on the production of exterior noise. The San Francisco Department of Public Health plays a role in preventing impacts of noise by implementing the **San Francisco Noise Control Ordinance (Article 29 of the San Francisco Police Code)** which sets allowable limits for noise from various sources.

Restaurants permitted by the Department of Public Health are frequently cited as a source of urban noise. The following procedures provide guidance to staff involved in the permitting of restaurants and evaluating noise complaints associated with restaurants. The procedures include steps to take during the oversight of restaurant construction or remodeling to pro-actively ensure compliance with the noise limits set by city laws at all hours of operations. The procedures include expectations for restaurants regarding managing waste and recycling and outdoor cleaning activities. Staff may at times need to modify these procedures based on experience and field circumstances.

II REGULATORY AUTHORITY

San Francisco Police Code

SEC. 2909. NOISE LIMITS.

(b) Commercial and Industrial Property Noise Limits.

No person shall produce or allow to be produced by any machine or device, music or entertainment or any combination of same, on commercial or industrial property over which the person has ownership or control, a noise level more than eight dBA above the local ambient at any point outside of the property plane. With respect to noise generated from a licensed Place of

Entertainment, in addition to the above dBA criteria a secondary low frequency dBC criteria shall apply to the definition above. No noise or music associated with a licensed Place of Entertainment shall exceed the low frequency ambient noise level defined in Section 2901(f) by more than 8 dBC.

(d) Fixed Residential Interior Noise Limits.

In order to prevent sleep disturbance, protect public health and prevent the acoustical environment from progressive deterioration due to the increasing use and influence of mechanical equipment, no fixed noise source may cause the noise level measured inside any sleeping or living room in any dwelling unit located on residential property to exceed 45 dBA between the hours of 10:00 p.m. to 7:00 a.m. or 55 dBA between the hours of 7:00 a.m. to 10:00p.m. with windows open except where building ventilation is achieved through mechanical systems that allow windows to remain closed.

SEC. 2920. AUTHORITY TO ADOPT RULES AND REGULATIONS.

The Director of Public Health may issue and amend rules, regulations, standards, guidelines, or conditions to implement and enforce this Article.

(Added by Ord. 278-08, File No. 081119, App. 11/25/2008)

IV PROCEDURES FOR FOOD FACILITY PLAN CHECK FOR NEW OR REMODELED FACILITIES

In the course of plan check and physical inspections of new or remodeled facilities, staff shall verify the following:

1. All newly installed mechanical ventilation and refrigeration systems shall be designed and installed to generate 53 dBA or less at the property plane for which there is a clearly identifiable receiver along the line of site from the source to the receiver.¹ **OR**

The applicant shall submit an acoustical report prepared by a person with experience in acoustical consulting which determines that the installation complies with Article 29, Regulation of Noise, San Francisco Police Code. The report shall include both an estimation of the noise levels from the use of the proposed mechanical equipment at the property plane for which there is a clearly identifiable receiver. The measurement shall be taken at plane and along the line of site from the source to the receiver. The 24 hour measurement of ambient noise levels shall be collected at the same location as the source measurements.

¹ There are generally multiple property planes associated with the installation of fixed mechanical equipment. The regulation is not to be interpreted as applying to all planes; instead, it should be interpreted as applying only to those planes for which there is a clearly identifiable human occupant. The property plane standard is intended to control the level of noise generated by the source, but only along planes with sensitive receiver having line of site to the source. If a complaint is received regarding a fixed noise source the standard and measurement shall be applied and taken at the plane along the line that connects the receiver (complainant) and the fixed mechanical source.

2. All newly installed rooftop mechanical equipment must be equipped with vibration isolation capable of preventing the transmission of vibration into residential dwellings that creates noise levels greater than those described in Section 2909 (d), SF Police Code. Plan check staff shall only be responsible for documenting the installation of acceptable vibration isolators.

3. The installation of any walkin refrigeration box, food storage room, self contained refrigeration, mop sinks, food processing equipment, or laundry equipment on the exterior of any restaurant or market may not take place without the specific written permission of the Director of Environmental Health for Regulatory Affairs and include restrictions with respect to time and manner of use.

V GENERAL OPERATIONAL REQUIREMENTS FOR FOOD FACILITIES

The operator of the food facility shall abide by the following requirements and restrictions.

1. All mechanical equipment must be installed, operated, and maintained so that it will not generate noise greater than 8dB over ambient levels at the closest neighboring property plane for which there is a clearly identifiable sensitive receiver having line of site to the source. (Section 2909, SF Police Code)
2. All mechanical equipment must be equipped and maintained with vibration isolation capable of preventing the transmission of vibration into residential dwelling that results in noise levels greater than those described in Section 2909 (d), SF Police Code.
3. Active recycling, dumping and processing of glass bottles and cans, may not take place between the hours of 11 pm and 6 am unless the operation is completely enclosed within the facility. This does not include the rolling of recycling container to pick up locations. (Sec. 2904, SF Police Code)
4. The mechanical pressurized steam cleaning of restaurant ventilation equipment, floors, sidewalks, and carpets may not take place between the hours of 10 pm and 7 am. Unless the cleaning system is completely enclosed within the building structure. (Section 2909, SF Police Code)

VI PROCEDURES FOR INVESTIGATIONS AND ENFORCEMENT

1. Staff will respond to complaints of noise related to any fixed mechanical equipment as well as noise complaints related to waste recycling and disposal and facility cleaning.
2. Staff shall notify the owner or his designee of the alleged violation including type of noise, duration, and time of activity within two business days, providing general guidance

on actions needed to evaluate and mitigate noise. This notification may take place by telephone or electronic mail and does not require a specific visit to the site.

3. Noise complaints directly related to conditional use including; exterior dining, background music, and times of operation shall be referred to the Planning Department complaint division.
4. Complaints associated with human speech shall be referred to either the Planning Department when they are permitted by conditional use or to the Police Department for investigation as a public nuisance.
5. Noise complaints related to improper installation of mechanical equipment shall be referred to the Department of Building Inspection.
6. When complaints related to fixed mechanical equipment waste management or facility cleaning recurs after notification of the business owner, staff shall conduct physical site inspections. A written notification of applicable noise laws required operating procedures, and recommendations for noise mitigation.
7. For complaints related to fixed mechanical equipment, staff should take noise measurements during an inspection and evaluate the existence of noise violation pursuant to the San Francisco Noise Ordinance.
8. When needed to manage either routine or complex complaints, staff should seek advice and technical assistance from the DPH Manager of Air Pollution, Noise and Radiation Programs
9. Where violations of the noise code are documented to be repeated and persistent, staff may refer the unresolved complaint to a Hearing of the Director of Public Health and may consider sanctions including suspension or revocation of food facility permit.

VII RECORDKEEPING

1. All noise measurements taken by staff in the course of investigations shall be recorded and included in facility files
2. Reports with noise measurements taken by licensed acoustical consultants shall be maintained in facility files
3. Requirements of conditional use permits issued by the Department of City Planning related to noise provided shall be maintained in all permitted facility files.