



MEMO

Date: October 15, 2014

To: Supervisor Norman Yee
San Francisco Board of Supervisors

From: June Weintraub, Sc.D.
Acting Manager of Air, Noise, Smoking and Radiation Programs

Re: Letter of Inquiry Number 20140107-002

In response to Supervisor Yee's Letter of Inquiry dated January 7, 2014, we offer the following summary and recommendations.

I. Participation

The following agencies participated in one or more of the activities of the workgroup:

- Department of Building Inspection
- Department of City Planning
- Department of Public Works
- Recreation and Parks Department
- 311
- Entertainment Commission
- Fire Department
- Police Department
- Department of Public Works
- Office of the City Attorney
- SF Municipal Transportation Authority

II. Meetings

We convened a total of seven meetings to systematically address the elements of the inquiry:

1. Workgroup Meeting #1
2. Subgroup Meeting A: Inter-agency referrals, through 311 and direct agency-to agency
3. Subgroup Meeting B: Construction noise and related permitting
4. Subgroup Meeting C: Public entertainment, street fairs, street performers, parks
5. Workgroup Meeting #2
6. 311 referral and matrix process Meeting 1
7. 311 referral and matrix process Meeting 2

Meeting materials, including agendas, sign-in sheets and critical follow-up correspondence are attached.

III. Conclusions

The workgroup members agreed that with its diverse and active population, proximity of homes to businesses, urban traffic, and construction, San Francisco can be a loud place.

Noise is a subjective quality—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.

For most San Franciscans, the levels of sound in their environment are neither high enough nor persistent enough to cause hearing damage. While hearing damage may result from prolonged exposure to very loud sounds, other health effects may be experienced from exposure to other types of sound. Transient sounds may interrupt sleep, and unwanted sound may be so annoying that it causes a physical stress response or difficulty concentrating, leading to adverse effects on physical health and quality of life. Research shows that physiological effects such as increased blood pressure are mediated by the release of the stress hormone cortisol when certain individuals are exposed to certain sounds. The extent of the health problems that result from exposure to sounds depend on many factors besides simply loudness—the source, setting, time, place, frequency and subjective qualities or content of the noise all influence how it is perceived by individuals, and any individual sensitivities or underlying health issues may also impact the subjective and objective response to sound.

The Workgroup considered with great interest the emerging research that regular access to and use of quiet or silent spaces helps to prevent annoyance and improves tolerance to unwanted sound.¹ Our city is fortunate to have libraries, parks and natural spaces that provide opportunity to experience quietness.

¹ Yano T1, Gjestland T, Lee S. Community response to noise. *Noise Health*. 2012 Nov-Dec;14(61):303-6. doi: 10.4103/1463-1741.104898. <http://www.noiseandhealth.org/article.asp?issn=1463-1741;year=2012;volume=14;issue=61;spage=303;epage=306;aulast=Yano>;

Ohrstrom E, Skanberg A, Svensson H, Gidlof-Gunnarsson A. Effects of road traffic noise and the benefit of access to quietness. *J Sound Vib* 2006;295:40-59.

Gidlöf-Gunnarsson A, Ohrström E. Attractive "quiet" courtyards: A potential modifier of urban residents' responses to road traffic noise? *Int J Environ Res Public Health* 2010;7:3359-75.

de Kluizenaar Y, Salomons EM, Janssen SA, van Lenthe FJ, Vos H, Zhou H, et al. Urban road traffic noise and annoyance: The effect of a quiet façade. *J Acoust Soc Am* 2011;130:1936-42.

Yang W, Kang J. Acoustic comfort evaluation in urban open public spaces. *Appl Acoust* 2005;66:211-29.

Jeon JY, Lee PJ, You J, Kang J. Perceptual assessment of quality of urban soundscapes with combined noise sources and water sounds. *J Acoust Soc Am* 2010;127:1357-66.

The Interagency Workgroup identified a number of issues with existing laws that govern noise and sound in the city and formulated ideas about how best to address the gaps and inconsistencies identified. We focused much of our work on strategies to improve city stakeholders' understanding of how noise and sound are currently regulated in the city. We also considered the merits of proposing amendments to the existing codes that govern noise.

IV. Good neighbor Policy

When citizens have concerns about any sound, whether it is covered by a specific law or not, all 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 and to allow an appropriate time frame to do something about it. The City Family shares the enforcement philosophy to prioritize mediating a solution to a noise complaint and using regulatory enforcement and penalties as a tool when necessary.

To improve consistency in the city's response to noise complaints, we undertook work with 311 to develop a comprehensive system for response, referral and tracking of public inquiries and complaints about noise. When this product is complete, Customer Service Representatives at 311 will be equipped to be the first stop for information and referral about noise complaints. They will be able to explain to callers which types of sound are allowed under existing law and, if appropriate, will refer callers to the appropriate agency for additional information, assistance or enforcement. This work will assist all agencies by ensuring that only relevant inquiries are routed to them; more importantly, by providing a single point for information, referral and tracking, residents' concerns will be responded to in a more timely and efficient way, resulting in lower frustration due to improved understanding and realistic expectations of how their issues will be handled.

V. Existing Law

In San Francisco, Article 29 of the Police Code (SF Police Code Article 29) specifies the joint responsibility of the Police Department, the Department of Public Health, the Department of Building Inspection, the Department of Public Works, the Department of City Planning, the Department of Recreation and Parks, and the Entertainment 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).

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 shown in Appendix C.

A significant product of our work has been the compilation of the many agency-specific resources and guidance that are used for implementing portions of City Code that govern sound levels in the city. These resources were used to develop a draft City-wide guidance to existing law.

VI. Next Steps

- a. Finalize a Citywide guidance to existing law as a mutually understood technical guidance to implementing existing law. The workgroup initiated a draft of this guidance which will be further developed with the following steps:
 - i. Careful review by the interagency partners, including the Office of the City Attorney to ensure correct interpretation of existing codes
 - ii. Formatting, Production and Distribution to City Agencies
- b. Finalize 311 Matrix and Process. The 311 Subgroup will continue to meet, and with the support of 311, finalize a referral matrix, informational scripts and city-wide tracking system for noise and sound service requests.
- c. Consider amendments to existing law(s), principally Article 29 of the Police Code. Potential amendment topics and code references are in Appendix D.
- d. Convene community meetings with stakeholder groups to:
 - Educate and inform about existing policy and 311's role in managing and tracking noise issues in the city; and
 - Discuss proposed changes to laws governing noise and sound in San Francisco.
 - i. Prepare two-page document for public consideration. The document will be a simple fact sheet to describe the conclusions of the interagency work group, to summarize proposed changes to the existing law, and to concisely lay out evidence justifying the benefits and drawbacks of proposed changes.
 - ii. Draft amendment language and proceed with continued communication and community outreach in conjunction with ordinance introduction.

APPENDICES

Appendix A: Article 29 of the San Francisco Police Code

Appendix B: Other local codes where sound or noise is referenced

Appendix C: Noises and sounds not covered by the noise control laws in San Francisco

Appendix D: Potential amendment topics and code references

Appendix E: Meeting Agendas and Minutes

[Print](#)

San Francisco Police Code

ARTICLE 29: REGULATION OF NOISE

Sec. 2900.	Declaration of Policy.
Sec. 2901.	Definitions.
Sec. 2902.	Noise Level Measurement.
Sec. 2904.	Waste Disposal Services.
Sec. 2905.	Vehicles and Nonstationary Source Repairs.
Sec. 2907.	Construction Equipment.
Sec. 2908.	Construction Work at Night.
Sec. 2909.	Noise Limits.
Sec. 2910.	Variances.
Sec. 2912.	Additional Responsibilities of the Department of Public Health and the Department of Building Inspection.
Sec. 2913.	Use of Amplified Sound on Unenclosed Tour Buses.
Sec. 2916.	Enforcement.
Sec. 2917.	Violations.
Sec. 2920.	Authority to Adopt Rules and Regulations.
Sec. 2922.	Preemption.
Sec. 2924.	City Undertaking Limited to Promotion of General Welfare.
Sec. 2926.	Severability.

SEC. 2900. DECLARATION OF POLICY.

(a) Building on decades of scientific research, the World Health Organization and the U.S. Environmental Protection Agency have determined that persistent exposure to elevated levels of community noise is responsible for public health problems including, but not limited to: compromised speech, persistent annoyance, sleep disturbance, physiological and psychological stress, heart disease, high blood pressure, colitis, ulcers, depression, and feelings of helplessness.

(b) The General Plan for San Francisco identifies noise as a serious environmental pollutant that must be managed and mitigated through the planning and development process. But given our dense urban environment. San Francisco has a significant challenge in protecting public health from the adverse effects of community noise arising from diverse sources such as transportation, construction, mechanical equipment, entertainment, and human and animal behavior.

(c) In order to protect public health, it is hereby declared to be the policy of San Francisco to prohibit unwanted, excessive, and avoidable noise. It shall be the policy of San Francisco to maintain noise levels in areas with existing healthful and acceptable levels of noise and to reduce noise levels, through all practicable means, in those areas of San Francisco where noise levels are above acceptable levels as defined by the World Health Organization's Guidelines on Community Noise.

(Added by Ord. 274-72, App. 9/20/72; amended by Ord. 278-08, File No. 081119, App. 11/25/2008; Ord. 75-14, File No. 140226, App. 5/28/2014, Eff. 6/27/2014)

SEC. 2901. DEFINITIONS.

(a) "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.

(b) "Director" means the Director or department head of any City department having administrative or enforcement responsibilities under this Article or any other provision of the Municipal Code regarding noise control, as well as his or her designee.

(c) "Dwelling Unit" means

(1) a dwelling space consisting of essentially complete independent living facilities for one or more persons, including, for example, permanent provisions for living and sleeping;

(2) a room in group housing, even if such room lacks private cooking facilities and private plumbing facilities, such as rooms in senior citizen housing, single room occupancy or residential hotels, dorms, hostels, or shelters; or,

(3) a housekeeping room as defined in the Housing Code.

(d) "Emergency work" means work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger or work by private or public utilities when restoring utility service. This term shall not include testing of emergency equipment.

(e) "Fixed source" means a machine or device capable of creating a noise level at the property upon which it is regularly located, including but not limited to: industrial and commercial process machinery and equipment, pumps, fans, air-conditioning apparatus or refrigeration machines.

(f) "Low frequency ambient" means the lowest sound level repeating itself during a ten-minute period as measured with a sound level meter, using slow response and "C" weighting. The minimum sound level shall be determined with the music or entertainment 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 local ambient be considered or determined to be less than: (1) Forty-five dBC for interior residential noise, and (2) Fifty-five dBC in all other locations. If a significant portion of the ambient is produced by one or more individual identifiable sources that would otherwise be operating continuously during the minimum ten-minute measurement period, determination of the low-frequency ambient shall be accomplished with these separate identifiable noise sources silent or otherwise removed or subtracted from the measured ambient sound.

(g) "Noise level" means the maximum continuous sound level or repetitive peak sound level, produced by a source or group of sources as measured with a sound level meter. In order to measure a noise level, the controls of the sound level meter should be arranged to the setting appropriate to the type of noise being measured. For example, the settings should be slow response for continuous noise sources and fast response for noises with rapid onset and decline.

(h) "Person" means a person, firm, association, copartnership, joint venture, corporation, or any entity, public or private in nature, but shall not include the City and County of San Francisco.

(i) "Place of Entertainment" has the same meaning as the term is defined in San Francisco Police Code Section 1060.

(j) "Powered construction equipment" means any tools, machinery, or equipment used in connection with construction operations which can be driven by energy in any form other than manpower, including all types of motor vehicles when used in the construction process of any construction site, regardless of whether such construction site be located on-highway or off-highway, and further including all helicopters or other aircraft when used in the construction process except as may be preempted for regulation by State or Federal law.

(k) "Property plane" means a vertical plane including the property line that determines the property boundaries in space.

(l) "Public Property " means property leased or owned by a governmental entity, to which the public or a substantial group of persons has access, including but not limited to any street, highway, parking lot, plaza, transportation facility, school, place of amusement, park, or playground located within the City and County of San Francisco.

(m) "Residential Property" means any property that has at least one dwelling unit and has been approved for human habitation by the City and County of San Francisco.

(n) "Sound level," expressed in decibels (dB), means a logarithmic indication of the ratio between the acoustic energy present at a given location and the lowest amount of acoustic energy audible to sensitive human ears and weighted by frequency to account for characteristics of human hearing, as given in the American National Standards Institute Standard S1.1, "Acoustic Terminology," paragraph 2.9, or successor reference. All references to dB in this chapter refer to the A-level or C-level weighting scale, abbreviated dBA or dBC, measured as set forth in this section.

(o) "Limited Live Performance Locale" has the same meaning as the term is defined in San Francisco Police Code Section 1060.

(Amended by Ord. 309-73, App. 8/10/73; Ord. 278-08, File No. 081119, App. 11/25/2008; Ord. 172-11, File No. 110506, App. 9/12/2011, Eff. 10/12/2011; Ord. 100-12, File No. 120405, App. 6/8/2012, Eff. 7/8/2012)

SECS. 2901.1-2901.14. RESERVED.

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

SEC. 2902. NOISE LEVEL MEASUREMENT.

A person measuring the outside noise level shall take measurements with the microphone 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 noises and other extraneous sounds by the use of appropriate windscreens. A person measuring the inside noise level measurements shall take measurements 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.

(Added by Ord. 274-72, App. 9/20/72; Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2903. RESERVED.

(Added by Ord. 274-72, App. 9/20/72; repealed by Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2904. WASTE DISPOSAL SERVICES.

It shall be unlawful for any person authorized to engage in waste removal, collection, or disposal services or recycling removal or collection services to provide such services so as to create an unnecessary amount of noise, in the judgment of the Director of Public Health. For the purpose of this Section, noise emitted by equipment shall not be deemed unnecessary or without justification if the person engaged in such services hast to the extent the Director of Public Health has Judged reasonably feasible, incorporated available sound-deadening devices into equipment used in rendering those services.

Notwithstanding the foregoing, it shall be unlawful for any person authorized to engage in waste removal, collection, or disposal services, or recycling removal or garbage-collection services to operate hydraulic compaction or mechanical processing systems on any truck-mounted waste, recycling, or garbage loading and/or compacting equipment or similar mechanical device so as to create mechanical or hydraulic noise exceeding 75 dBA when measured at a distance of 50 feet from the equipments. This maximum noise level does not apply to the noise associated with crushing, impacting, dropping, or moving garbage on the truck, but only to the truck's mechanical processing system. All other waste disposal or collection noises are subject to the Director of Public Health's judgment as described in this Section.

(Added by Ord. 274-72, App. 9/20/72; Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2905. VEHICLE AND NONSTATIONARY SOURCE REPAIRS.

It shall be unlawful for any person within any residential area of the City and County to repair, rebuild, or test any motor vehicle or nonstationary source in such a manner as to cause unnecessary, excessive or offensive noise.

(Added by Ord. 274-72, App. 9/20/72)

SEC. 2906. RESERVED.

(Added by Ord. 274-72, App. 9/20/72; repealed by Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2907. CONSTRUCTION EQUIPMENT.

(a) Except as provided for in Subsections (b), (c), and (d) hereof, it shall be unlawful for any person to operate any powered construction equipment if the operation of such equipment emits noise at a level in excess of 80 dBA when measured at a distance of 100 feet from such equipment, or an equivalent sound level at some other convenient distance.

(b) The provisions of Subsections (a) of this Section shall not be applicable to impact tools and equipment, provided that such impact tools and equipment shall have intake and exhaust mufflers recommended by the manufacturers thereof and approved by the Director of Public Works or the Director of Building Inspection as best accomplishing maximum noise attenuation, and that pavement breakers and jackhammers shall also be equipped with acoustically attenuating shields or shrouds recommended by the manufacturers thereof and approved by the Director of Public Works or the Director of Building Inspection as best accomplishing maximum noise attenuation.

(c) The provisions of Subsection (a) of this Section shall not be applicable to construction equipment used in connection with emergency work.

(d) Helicopters shall not be used for construction purposes for more than two hours in any single day or more than four hours in any single week.

(Amended by Ord. 309-73, App. 8/10/73; Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2908. CONSTRUCTION WORK AT NIGHT.

It shall be unlawful for any person, between the hours of 8:00 p.m. of any day and 7:00 a.m. of the following day to erect, construct, demolish, excavate for, alter or repair any building or structure if the noise level created thereby is in excess of the ambient noise level by 5 dBA at the nearest property plane, unless a special permit therefor has been applied for and granted by the Director of Public Works or the Director of Building Inspection. In granting such special permit the Director of Public Works or the Director of Building Inspection shall consider: if construction noise in the vicinity of the proposed work site would be less objectionable at night than during daytime because of different population levels or different neighboring activities if obstruction and interference with traffic, particularly on streets of major importance, would be less objectionable at night than during daytime; if the kind of work to be performed emits noises at such a low level as to not cause significant disturbance in the vicinity of the work site, if the neighborhood of the proposed work site is primarily residential in character wherein sleep could be disturbed: if great economic hardship would occur if the work were spread over a longer timers if the work will abate or prevent hazard to life or property; and if the proposed night work is in the general public interest. The Director of Public Works or the Director of Building Inspection shall prescribe such conditions, working times, types of construction equipment to be used, and permissible noise emissions, as required in the public interest.

The provisions of this Section shall not be applicable to emergency work.

(Added by Ord. 274-72, App. 9/20/72; Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2909. NOISE LIMITS.

(a) Residential Property Noise Limits.

(1) No person shall produce or allow to be produced by any machine, or device, music or entertainment or any combination of same, on residential property over which the person has ownership or control, a noise level more than five dBA above the ambient at any point outside of the property plane.

(2) No person shall produce or allow to be produced by any machine, or device, music or entertainment or any combination of same, on multi-unit residential property over which the person has ownership or control, a noise level more than five dBA above the local ambient three feet from any wall, floor, or ceiling inside any dwelling unit on the same property, when the windows and doors of the dwelling unit are closed, except within the dwelling unit in which the noise source or sources may be located.

(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, licensed Limited Live Performance Locale, or other location subject to regulation by the Entertainment Commission or its Director, 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, licensed Limited Live Performance Locale, or other location subject to regulation by the Entertainment Commission or its Director, shall exceed the low frequency ambient noise level defined in Section 2901(f) by more than 8 dBC.

(c) **Public Property Noise Limits.** No person shall produce or allow to be produced by any machine or device, or any combination of same, on public property, a noise level more than ten dBA above the local ambient at a distance of twenty-five feet or more, unless the machine or device is being operated to serve or maintain the property or as otherwise provided in this Article.

(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.

(e) **Noise Caused By Activities Subject To Permits From the City and County of San Francisco.** None of the noise limits set forth in this Section apply to activity for which the City and County of San Francisco has issued a permit that contains noise limit provisions that are different from those set forth in this Article.

(Added by Ord. 274-72, App. 9/20/72; amended by Ord. 278-08, File No. 081119, App. 11/25/2008; Ord. 172-11, File No. 110506, App. 9/12/2011, Eff. 10/12/2011; Ord. 100-13, File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

SEC. 2910. VARIANCES.

The Directors of Public Health, Public Works, Building Inspection, or the Entertainment Commission, or the Chief of Police may grant variances to noise regulations, over which they have jurisdiction pursuant to Section 2916. All administrative decisions granting or denying variances are appealable to the San Francisco Board of Appeals.

(Added by Ord. 274-72, App. 9/20/72; Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2911. RESERVED.

(Added by Ord. 274-72, App. 9/20/72; repealed by Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2912. ADDITIONAL RESPONSIBILITIES OF THE DEPARTMENT OF PUBLIC HEALTH AND THE DEPARTMENT OF BUILDING INSPECTION.

- (a) The Department of Public Health shall designate a Noise Prevention and Control Officer to coordinate the responsibilities of the Department of Public Health under this Article and the Health Code with respect to noise.
- (b) The Department of Public Health may monitor the noise complaint response by all City agencies charged with regulating noise under this Article. City Departments and Agencies charged with responsibility for responding to noise complaints shall cooperate and share information with the Department of Public Health in tracking and monitoring complaint responses.
- (c) At least every two years the Department of Public Health shall make recommendations to the Planning Commission for noise assessment and prevention in land use planning or environmental review.
- (d) The Department of Public Health may investigate and take enforcement action on any noise complaint resulting in human health impacts. The Director of the Department of Public Health shall be the sole determiner of what constitutes a human health impact with respect to noise.
- (e) The Department of Building Inspection shall send acoustical reports submitted with each building permit to the Department of Public Health within 15 days of the date the building permit applicant submits the acoustical report to the Department of Building Inspection.

(Added by Ord. 274-72, App. 9/20/72; Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2913. USE OF AMPLIFIED SOUND ON UNENCLOSED TOUR BUSES.

- (a) For purposes of this Section, "Unenclosed Tour Bus" shall mean a privately-owned passenger vehicle for hire with a capacity of nine or more passengers, including the driver, that:
- (1) is used primarily for the conveyance of passengers over the public streets, for the purpose of visiting or viewing places of interest; and
 - (2) lacks either a permanently attached solid roof covering all seating areas of the vehicle or permanently attached side panels, which with any doors or windows closed, fully enclose the sides of the vehicle.

(b) Effective October 1, 2012, it shall be a violation of this Section for any Person to operate an Unenclosed Tour Bus using electronically amplified sound to communicate with passengers without having received authorization from the Director of the Department of Public Health or his or her designee ("Director of Public Health") that the sound system is in compliance with the requirements of this Section.

(c) The Director of Public Health may approve the electronically amplified sound system on an Unenclosed Tour Bus and issue a Certificate of Authorization to Operate Electronically Amplified Sound on Unenclosed Tour Buses ("Certificate") where the Director of Public Health determines that either:

(1) At maximum volume and without modification, the sound system is not audible at a distance of 50 or more feet outside the vehicle with the vehicle windows open and any operable or removable roof or side panels opened or removed; or

(2) The sound system includes volume limiting technology, which in its default mode prevents the sound system from being heard at a distance of 50 or more feet outside the vehicle. Such a system may include an override mode for use in emergencies.

(d) Following a hearing, the Director of Public Health may suspend or revoke a Certificate for any violation of this Section. The Director of Public Health may base such action on 1) the Director of Public Health's determination that the Certificate holder has violated this Section; or 2) a citation from the San Francisco Police Department for any violation of this Section or California Vehicle Code Section 27007, or any successor provisions. A Certificate holder may appeal the suspension or revocation of a Certificate to the Board of Appeals.

(e) The Owner or Operator of the Unenclosed Tour Bus shall post the Certificate in a clearly visible location on the exterior of the vehicle.

(f) The Director of Public Health shall review the compliance history of each approved Unenclosed Tour Bus and reinspect the Unenclosed Tour Bus annually, and upon any change in ownership, and if found in compliance with this Section and any implementing regulations, the Director of Public Health may reissue the Certificate.

(g) The Director of Public Health shall report to the Board of Supervisors one year from the effective date of this ordinance and every two years thereafter:

(1) the number of Certificates issued to Unenclosed Tour Buses;

(2) the number of complaints received by the Director of Public Health regarding Unenclosed Tour Buses; and

(3) the effectiveness of the Department of Public Health's program to regulate amplified sound from Unenclosed Tour Buses and any suggested changes to the program.

(h) Decisions by the Director of Public Health regarding the issuance or reissuance of Certificates may be appealed to the Board of Appeals.

(i) The fee for the initial application to obtain a Certificate and for each yearly renewal shall be \$394, payable to the Director of Public Health. The initial application fee shall be due at the time of application. The annual fee to renew the Certificate shall be due on July 1.

Beginning with fiscal year 2013-2014, fees set forth in this Section may be adjusted each year, without

further action by the Board of Supervisors, as set forth in this Section.

Not later than April 1, the Director of Public Health shall report to the Controller the revenues generated by the fees for the prior fiscal year and the prior fiscal year's costs of operation, as well as any other information that the Controller determines appropriate to the performance of the duties set forth in this Section.

Not later than May 15, the Controller shall determine whether the current fees have produced or are projected to produce revenues sufficient to support the costs of providing the services for which the fees are assessed and that the fees will not produce revenue that is significantly more than the costs of providing the services for which the fees are assessed.

The Controller shall, if necessary, adjust the fees upward or downward for the upcoming fiscal year as appropriate to ensure that the program recovers the costs of operation without producing revenue which is significantly more than such costs. The adjusted rates shall become operative on July 1.

(j) The requirements of this Section shall not apply to an Unenclosed Tour Bus equipped with and using electronically amplified sound to communicate with passengers where all non-emergency communications through the system are audible to passengers only through technology designed to make such communications audible only to the individual listener, such as individual headsets or headphones.

(k) The noise standards set forth in Section 2909 shall not apply to Unenclosed Tour Buses.

(Added by Ord. 100-12, File No. 120405, App. 6/8/2012, Eff. 7/8/2012)

(Former Sec. 2913 repealed by Ord. 278-08, File No. 081119, App. 11/25/2008)

SECS. 2914-2915. RESERVED.

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

SEC. 2916. ENFORCEMENT.

The Director of Public Health may enforce the provisions of Section 2904, 2909, and 2912 of this Article.

The Department of Building Inspection may enforce the provisions of Sections 2907 and 2908 of this Article insofar as said provisions relate to construction operations conducted on private property under appropriate permits issued pursuant to the San Francisco Building Code, Housing Code, Electrical Code and Plumbing Code. Insofar as these provisions relate to construction operations conducted on publicly-owned property subject to the police power of the City and County of San Francisco, the Department of Public Works may enforce the provisions of Sections 2907 and 2908 of this Article.

The Executive Director of the Entertainment Commission may enforce noise standards associated with licensed Places of Entertainment, licensed Limited Live Performance Locales, or other location subject to regulation by the Entertainment Commission or its Director.

The Chief of Police or his or her designee ("Chief of Police") shall also enforce the provisions of Section 2913 of this Article. The Chief of Police shall make law enforcement activities related to Unenclosed Tour Buses under Section 2913 a priority for one year after the effective date of the ordinance enacting that

Section.

The Chief of Police may enforce the provisions of this Article that relate to noise created by humans or any other noise source not specifically assigned or designated to another Department or Agency.

(Added by Ord. 274-72, App. 9/20/72; amended by Ord. 278-08, File No. 081119, App. 11/25/2008; Ord. 172-11, File No. 110506, App. 9/12/2011, Eff. 10/12/2011; Ord. 100-12, File No. 120405, App. 6/8/2012, Eff. 7/8/2012; Ord. 100-13, File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

SEC. 2917. VIOLATIONS.

(a) **Criminal Penalties.** Any person violating any of the provisions of this Article shall be deemed guilty of an infraction and upon conviction thereof, shall be fined in an amount not exceeding (1) \$100 for a first violation of this Article; (2) \$200 for a second violation of this Article; and (3) up to \$300 for each additional violation of this Article within one year of the date of a second or subsequent violation. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(b) **Administrative Penalties.** Administrative penalties shall be assessed and collected by the Departments specified in Section 2916 of this Article in accordance with San Francisco Administrative Code Chapter 100.

(c) **Civil Penalties.**

(1) **Presumption of Noncompliance with Order.** In addition to any other penalties provided in this Article, any person or entity served with a notice or order by the Director setting forth the nature of the violation of this Article, demanding correction of such violation, and specifying the time within which such violation must be corrected, shall be presumed, in subsequent civil proceedings, to have failed to comply with that notice or order at and after the time given in that notice or order for correction of such violation, after the time period specified in the notice or order has expired without correction of that violation.

(2) **Penalty Amounts.** Any person or entity violating this Article shall be liable for a civil penalty of up to \$500 per violation for each day such violation is committed or permitted to continue, which penalty shall be assessed and recovered in a civil action brought in the name of the people of the City and County of San Francisco by the City Attorney in any court of competent jurisdiction.

(3) **Setting Civil Penalty.** In assessing the amount of the civil penalty, the Court shall consider anyone or more of the relevant circumstances presented by any of the parties to the case, including but not limited to the following: the nature and seriousness of the misconduct, the number of violations, the persistence of the misconduct, the length of time over which the misconduct occurred, the willfulness of the defendant's misconduct, and the defendant's assets, liabilities, and net worth. In addition, such violations will not be deemed legally abated until the property owner makes full payment of the assessment of costs and fees awarded to the City under this Article or any applicable State law.

(4) **Cost Recovery.** In any civil proceeding filed by the City Attorney to collect civil penalties, the Court may award the Department the costs and fees, including but not limited to attorneys' fees, and costs of investigation, enforcement, abatement, and litigation, authorized under this Article.

(Added by Ord. 274-72, App. 9/20/72; amended by Ord. 278-08, File No. 081119, App. 11/25/2008; Ord. 100-13, File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

SEC. 2918. [REPEALED.]

(Added by Ord. 274-72, App. 9/20/72; amended by Ord. 278-08, File No. 081119, App. 11/25/2008; repealed by Ord. 75-14, File No. 140226, App. 5/28/2014, Eff. 6/27/2014)

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)

SEC. 2922. PREEMPTION.

In adopting this Article, the Board of Supervisors does not intend to regulate or affect the rights or authority of the State to do those things that are required, directed, or expressly authorized by Federal or State law. Further, in adopting this Article, the Board of Supervisors does not intend to prohibit that which is prohibited by Federal or State law. This Article shall be construed so as not to conflict with applicable federal or state laws, rules, or regulations. Nothing in this Article shall authorize any City agency or department to impose any duties or obligations in conflict with limitations on municipal authority established by state or federal law at the time such agency or department action is taken.

(Added by Ord. 278-08, File No. 081119, App. 11/25/2008; amended by Ord. 100-12, File No. 120405, App. 6/8/2012, Eff. 7/8/2012)

SEC. 2924. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE.

In undertaking the adoption and enforcement of this Article, the City is assuming an undertaking only to promote the general welfare. The City does not intend to impose the type of obligation that would allow a person to sue for money damages for an injury that the person claims to suffer as a result of a City officer or employee taking or failing to take an action with respect to any matter covered by this Article.

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

SEC. 2926. SEVERABILITY.

If any of the provisions of this Article or the application thereof to any person or circumstance is held invalid, the remainder of this Article, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Article are severable.

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



City and County of San Francisco
DEPARTMENT OF PUBLIC HEALTH
ENVIRONMENTAL HEALTH

Edwin M. Lee, Mayor
 Barbara A. Garcia, MPA, Director of Health
 Richard J. Lee, MPH, CIH, REHS
 Acting Environmental Health Director

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.”

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 29: [This is the principal law governing noise and sound in San Francisco]

ARTICLE 37: POLICE EMERGENCY ALARM ORDINANCE refers to Article 29 which prohibits unnecessary, excessive and offensive noise from all sources² 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

² This reference to Article 29 may not be valid anymore

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

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

APPENDIX C: Exceptions

DRAFT EXCEPTIONS FOR SAN FRANCISCO ARE COMPILED FROM OTHER NOISE ORDINANCES
AND SF-SPECIFIC EXPERIENCE AND POLICIES !! THIS IS ONLY A DRAFT !!

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;

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

Barking Dogs

Sporting and Special Events and Venues

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

Preliminary Draft Possible Amendments to Article 29 of the San Francisco Police Code

2901

1. Expand and improve definitions section in Police Code Section 2901 and/or replace references to some of the following terms throughout City Codes to remove redundancy and improve clarity, consistency and specificity:
 - “Ambient” definition
 - Change lowest sound level repeating over a minimum 10 minute period to less arbitrary value consistent with “noise level” definition
 - Change type of sound level meter required from Type 1 to Type 2
 - Raucous (not in 29)
 - Living Room
 - Audible
 - Unnecessary Noise (not in 29)
 - Noise Level
 - Sound level
 - Fixed Noise Source
 - Threshold Distance (not in 29 but could be)
 - Commercial Noise
 - Mixed Commercial
 - Mixed Use
 - Industrial Noise
 - Industrial Property
 - Residential Property
 - Residential Noise
 - Residential Construction
 - Residential Hotel
 - Mixed Use
 - Public Property (defined)
 - Property Line
 - Property Plane
 - Unsafe
 - L90
2. • “Noise level” definition in Police Code Sec. 2901(g) from maximum continuous level to average over a time period or other value in line with ambient.

2909

3. Change measurement location to improve inspector safety.
4. Clarify public property noise limits to make consistent with Article 1, Section 49
5. Eliminate fixed interior noise limit because it is impractical to achieve in too many cases.

2907 and 2908:

6. Make revisions improve consistency of noise regulation and public safety on construction projects

2908

7. Make revisions to improve consistency of regulation for waste disposal noise

2910

8. Add time limit for variances to be appealed

2913

9. Improve enforceability and implementation

2916

10. Add enforcement authority of different Departments based on feedback from workgroup

2917

11. Update penalties to better support resolution of violations

Other/General

12. Add back section addressing Emergency Generators and testing of Emergency devices.
13. Adding references to other codes (i.e. also subject to limits in...)
 - i. Assess limits in relation to other limits in city codes (see “Occurrences of Noise References in San Francisco City Codes)
 - ii. Eliminate conflicting limits, redundancies, archaic references, etc.

APPENDIX E

2014 INTERAGENCY NOISE WORKGROUP MEETING
AGENDAS, MINUTES AND SIGN IN SHEETS



Interagency Noise Workgroup Meeting #1

Monday March 3, 2014 1:30 – 2:30 pm

City Hall Conference Room 278

Agenda

Overall Goal of the Workgroup: Address Supervisor Yee Letter of Inquiry

Meeting #1 Goal: Assess successes and obstacles to interagency implementation issues with noise laws in the city.

1. Introductions (June, Olivia) (10 minutes)
2. Overview (June, DPH/EH Staff) (10 minutes)
 - a. Purpose of the Workgroup—timeline, overall goals, agenda for this meeting
 - b. Article 29—Revision History
 - c. Work of the Noise Task Force
3. Current implementation of the law (all attendees) (15 minutes)
 - a. What is missing or incorrect in the list attached?
 - b. Agency challenges implementing the requirements of the law
4. Noise issues that agencies are faced with that are not covered by the law (all attendees) (20 minutes)

Given current understanding and interpretation of the existing law, technical capacities and human resources:

 - a. Issues not specified within Article 29 for enforcement authority that “should”, or “could” be specified (e.g. through amendments, rules and regs or guidance)
 - b. Issues not specified within Article 29 for enforcement authority that “should not”, or “could not” be specified (e.g. because it does not make sense to try to regulate these problems as a public health hazard or nuisance)
5. Next steps (all attendees) (5 minutes)
 - a. Schedule interim meeting with 311 to discuss referral strategies
 - b. Schedule interim meeting with DBI and SF Planning to discuss acoustical report review and referral
 - c. Schedule additional interim meetings as identified
 - d. Schedule Interagency Workgroup Meeting #2

MULTI-AGENCY ROLES IN NOISE CONTROL (REGULATORY AND JURISDICTIONAL)

STI

- Accept and refer citizen noise complaints

SFDPH

- Noise from mechanical fixed noise sources
- Amplified sound from open top tour buses
- Street entertainment

Department of Planning

- Violation of conditions of approval (includes noise)
- Environmental review of plans and projects

Department of Building Inspection

- Regulation of construction noise

Muni

- Vehicle and transit noise

Fire Department

- Sirens

Entertainment Commission

- Regulation of entertainment noise (nightclubs)

Reg and Park

- Noise in parks and outdoor city venues

Department of Public Works

- Permitted street uses (e.g. parklets and temporary parking spot uses)
- Regulation of construction noise

Police Department

- Regulation of noise from audio equipment
- Regulation of noise from people or animals
- Street entertainment

City Attorney

- Ordinance interpretation and revision
- Enforcement

Barking dogs

NOISE WORKGROUP MEETING #1

MARCH 3, 2014

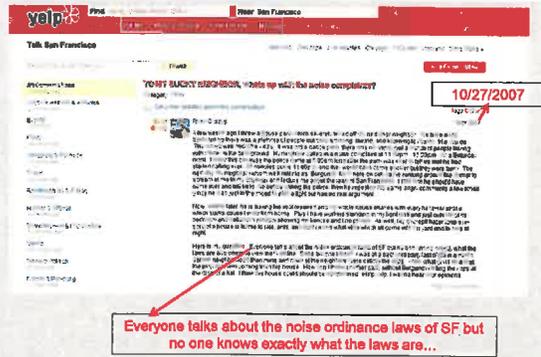
HISTORY OF NOISE LAW FEDERAL

- 1970 Clean Air Act established EPA Office of Noise Abatement and Control (EPA phased out the office's funding in 1982)
- 1972 Noise Control Act
- 1974 "Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety" released
 - 24-hour exposure level of 70 decibels to prevent any measurable hearing loss over a lifetime.
 - 55 decibels outdoors and 45 decibels indoors to prevent activity interference and annoyance—levels represent averages of acoustic energy over periods of time such as 8 hours or 24 hours, and over long periods of time such as years.
- 1978 Quiet Communities Act

Noise Control Act of 1972 and the Quiet Communities Act of 1978 were never rescinded by Congress and remain in effect today, although essentially unfunded.

HISTORY OF NOISE LAW SAN FRANCISCO

- 1972: Ordinance 274-72
- 1973: Added construction equipment
- 2008: Repealed and replaced many sections
- 2011: Added Licensed Limited Live Performance Locales
- 2012: Tourbuses added
- 2013: Expanded definition of live performance and granted SFPDPH authority to issue administrative citations



Everyone talks about the noise ordinance laws of SF but no one knows exactly what the laws are...

MULTI-AGENCY ROLES IN NOISE CONTROL (REGULATORY AND JURISDICTIONAL)

<p>311</p> <ul style="list-style-type: none"> • Accept and refer citizen noise complaints <p>SFPDPH</p> <ul style="list-style-type: none"> • Noise from mechanical/fixed noise sources • Amplified sound from open top tour buses • Street entertainment <p>Department of Planning</p> <ul style="list-style-type: none"> • Violation of conditions of approval (includes noise) • Environmental review of plans and projects <p>Department of Building Inspection</p> <ul style="list-style-type: none"> • Regulation of construction noise <p>Muni</p> <ul style="list-style-type: none"> • Vehicle and transit noise <p>Fire Department</p> <ul style="list-style-type: none"> • Sirens 	<p>Entertainment Commission</p> <ul style="list-style-type: none"> • Regulation of entertainment noise (nightclubs) <p>Rec and Park</p> <ul style="list-style-type: none"> • Noise in parks and outdoor city venues <p>Department of Public Works</p> <ul style="list-style-type: none"> • Permitted street uses (e.g. parking and temporary parking spot uses) • Regulation of construction noise <p>Police Department</p> <ul style="list-style-type: none"> • Regulation of noise from audio equipment • Regulation of noise from people or animals • Street entertainment <p>City Attorney</p> <ul style="list-style-type: none"> • Ordinance interpretation and revision • Enforcement
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NOISE TASK FORCE 2008-2011

"Enforcement of noise problems is fractionated among many different Commissions, Agencies, and Departments and this has led to unclear jurisdiction and confusion for the public filing complaints. The new noise task force would develop understanding regarding jurisdiction and clarify responsibilities. In addition it will identify noise problems that require specific new legislation for proper control." (from the 2008 Legislative Digest)

SELECTED ISSUES DISCUSSED BY NOISE TASK FORCE 2008-2011

- Motorcycle noise and vehicle code enforcement
- Collection of noise complaint data - 311
- Helicopter noise
- Garbage collection
- Street cleaning noise
- Sirens
- Backup alarms
- Entertainment noise
- Planning projects
- Nighttime construction noise
- Emergency generators
- Churches

SUPERVISOR YEE LETTER OF INQUIRY

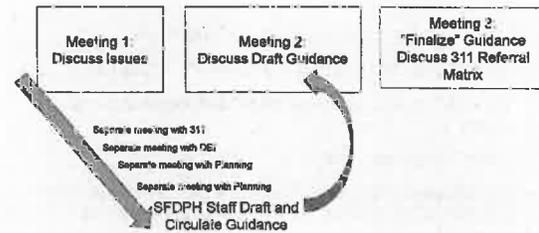
- Assess successes and obstacles to interagency implementation issues with noise laws in the city.
- Assess the need for revisions to the existing noise ordinance and, if appropriate, recommend a framework and strategy to develop revisions that includes an opportunity for community and stakeholder input.
- Initiate and draft uniform guidance and agreements on inter-departmental cooperation to guide interpretation and improve consistency in implementation of the existing law.

NEXT STEPS TODAY

Goal: Assess successes and obstacles to interagency implementation issues with noise laws in the city.

- Current implementation of the law
- Noise issues that agencies are faced with that are not covered by the law (all attendees)
- Appropriate gaps in noise control to fill
- Next steps

PROPOSED TIMELINE



NOISE WORKGROUP MEETING #1

NAME	DEPARTMENT	PHONE	
✓ Joe GARRITY	SFPD.	415-553-9895	john.garrity@sfgov.org
✓ Janet Martinson	SFMTA	415.994.3143	janet.martinson@sfmta.com
✓ Cammy Blackstone	SF Ent. Commission	554-7793	cammyblackstone@sfgov.org
✓ Janine Young	DPH-EH	(415)252-3903	janine.young@sfdph.org
✓ PATRICK FOSDAHL	DPH-EH	(415)252-3904	patrick.fosdahl@sfdph.org
✓ Jonathan Pickett	DPH-EH	(415)252-3911	Jonathan.Pickett@sfdph.org
✓ Stephanie Cushing	DPH-EH	(415)252-3926	stephanie.cushing@sfdph.org
✓ BOB LOTTI	REC PARK PATROL	242-6396	bob.lotti@sfgov.org
✓ Andy Maimoni	311	701-3150	andy.maimoni@sfgov.org
✓ NANCY ALFARO	311	701-3137	nancy.alfaro@sfgov.org
✓ CAPT. ANTHONY RIVERA	S.F.F.D.	558-3514	anthony.rivera@sfgov.org
✓ Kenny Wong	DPH	252-3822	kenny.wong@sfdph.org
✓ SEAN D. BURKE	ENTERTAINMENT COMMISSION	554-6268	sean.burke@sfgov.org
✓ Jocelyn Kane	Ent. COMM.	554-5793	jocelyn.kane@sfgov.org
✓ Lisa O'Malley	PPH	252-3834	lisa.o'malley@sfdph.org
✓ Virginia Dario Elizondo	deputy city attorney	554-3808	virginia.dario.elizondo@sfgov.org
✓ KHUN V. THI	DPW-BSM	554-5884	KHUN.V.TH@SFDPW.ORG
✓ CLIFTON P. WONG	DPW-BSM	740-5512	CLIFTON.P.WONG@SFDPW.ORG
✓ Rassendyll Dennis	DPW-BSM	554-4683	Rassendyll.Dennis@SFDPW.C
✓ Kei Zushi	SF Planning	575-9036	kei.zushi@sfgov.org
✓ Michael Jacinto	SF Planning	575,9033	michael.jacinto@sfgov.org
✓ Heidi Kline	SF Planning	575-9043	heidi.kline@sfgov.org
✓ DIEGO SANCHEZ	PLANNING	575 9002	diego.sanchez@sfgov.org
✓ Joseph Duffy	C B I	558-6656	Joseph.Duffy@sfgov.org
✓ April Veneracion	Sfg Supt. tm	554-7972	April.Veneracion@sfgov.org
✓ Olivia Scanlon	Sr. yee	554 6519	Olivia.Scanlon@sfgov.org



**Interagency Noise Workgroup
Subgroup Meeting A**

Wednesday April 2, 2014 11:30 am – 12:30 pm

1390 Market Street, Suite 810

Agenda

Overall Goal of the Workgroup: Address Supervisor Yee Letter of Inquiry

Meeting A Goals:

- Understand perspectives toward strategies for handling noise complaints related specifically to public entertainment, street fairs, street performers, parks, etc.
- Brainstorm mutually manageable ideas for how to improve or change current strategies

1. Introductions (June) (5 minutes)
2. Current implementation challenges of the law (all attendees) (40 minutes)
 - a. Measuring ambient
 - b. Deciding if a public health hazard exists
 - c. Determining where to take measurements
 - d. Multiple complaints from a single person
 - e. Repeat violators
 - f.
 - g.
 - h.
 - i.
 - j.
3. Addressing the challenges and defining next steps (10 minutes)
 - a. Inter agency guidance
 - b. Article 29 revisions
 - c. Ongoing collaborative meetings
 - d.
 - e.
 - f.
 - g.
 - h.

NOISE SUBGROUP MEETING A

NAME	DEPARTMENT	PHONE
Jocelyn Kane	Ent Commission	554-5793
Cammy Blackstone	Ent. Commission	554-7793
NANCY ALFARO	311	701-3137
JOE GARIBAY	SFPD-OPERATIONS	552-9875
SEAN D. BURKE	SF ENTERTAINMENT COMM	554-6268
PATRICK FOSDICK	SFDPH	252-3904
Jonathan Piatas	SFDPH	252-3911
Janine Young	SFDPH	252-3903



**Interagency Noise Workgroup
Subgroup Meeting B**

Friday April 4, 2014, 2014 10:00 am – 11:00 am

1390 Market Street, Suite 810

Agenda

Overall Goal of the Workgroup: Address Supervisor Yee Letter of Inquiry

Meeting B Goals:

- Understand perspectives toward strategies for handling noise complaints related specifically to construction noise and permit issues.
- Brainstorm mutually manageable ideas for how to improve or change current strategies

1. Introductions (June) (5 minutes)
2. Current implementation challenges of the law (all attendees) (40 minutes)
 - a. Measuring and monitoring compliance with permits and with Article 29
 - b. Permit requirements, conditions of approval
 - c. Technology measures for sound mitigation
 - d.
 - e.
 - f.
 - g.
 - h.
3. Addressing the challenges and defining next steps (10 minutes)
 - a. Inter agency guidance
 - b. Article 29 revisions
 - c. Ongoing collaborative meetings
 - d.
 - e.
 - f.
 - g.
 - h.

NOISE SUBGROUP MEETING B

NAME	DEPARTMENT	PHONE
Heidi Kline	Planning	575-9043
Rassendyll Dennis	DPW/BSM	554-4683
KHUN V. THI	DPW-BSM	554-5884
PATRICK FOSDICK	Public Health	252-3904
Jonathan Piskis	DPH	252-3211
ANDY MAIMON,	311	701-3150
CLIFTON P. WONG	DPW-BSM	740-5512
HUBERT WONG	MTA	734-8432
Joe Duffy	DBI	558-6656



**Interagency Noise Workgroup
Subgroup Meeting C**

Monday April 7, 2014, 2014 1:00 pm – 2:00 pm

1390 Market Street, Suite 810

Agenda

Overall Goal of the Workgroup: Address Supervisor Yee Letter of Inquiry

Meeting C Goals:

- Understand challenges and develop improved strategies for **inter-agency referrals through 311 and direct agency-to agency referrals** for noise complaints

1. Introductions (June) (5 minutes)
2. Current needs for interagency communication (all attendees) (40 minutes)
 - a. As part of complaint response (e.g. checking permits, understanding whose jurisdiction a complaint would fall under, when to refer to police, other resource referrals)
 - b. Interagency communication needs in planning, development, and permit application processes to try to prevent noise issues
 - c.
 - d.
 - e.
3. Addressing the challenges and defining next steps (10 minutes)
 - a. Inter agency guidance / referral matrix
 - b. Ongoing collaborative meetings
 - c. Customized 311 eform
 - d.
 - e.
 - f.
 - g.
 - h.

NOISE SUBGROUP MEETING C

NAME	DEPARTMENT	PHONE
PATRICK ESTADAK	DPH	252-3904
NANCY ALFARO	311	701-3137
KHUN V. THI	DPW-BSM	554-5884
Jonathan Pickers	DPH	252-3911
Andy MAIDMENT	311	701-3150
Wilton Wong	DPW-BSM	740-5512
Janyie Young	DPH	415-252-3903
Kenny Wong	DPH	415-252-3822
Janet Mathisen	MTA	415-701-4693



Interagency Noise Workgroup Meeting #2

Wednesday June 11, 2014 10:00 am – 12:00 pm

City Hall Conference Room 278

Agenda

Overall Goal of the Workgroup: Address Supervisor Yee Letter of Inquiry

Meeting #2 Goal: Consider Citywide Guidance Draft and potential amendments to noise laws in San Francisco

1. Introductions (10 minutes)
2. Review of the draft city-wide guidance (60 minutes)
 - a. Purpose of the Guidance
 - b. Revisions to Introduction/Citywide Philosophy about noise
 - c. Specific issues including:
 - i. Exceptions—What we don't regulate
 1. How to communicate
 2. How to make comprehensive
 3. 311
 - ii. Variances
 - iii. Safety concerns in measurement
 - iv. Use and consideration of 3rd Parties for compliance and enforcement
3. Use and distribution of the guidance and Development of Centralized 311 Process (all attendees) (15 minutes)
4. Possible revisions to the noise ordinance (20 minutes)
5. Next steps (15 minutes)
 - a. Schedule preliminary meeting for 311 Process and Matrix Development
 - b. Send comments on Citywide Guidance to June by June 30 2014
 - c. Send comments on potential noise ordinance revisions to June by June 30 2014
 - d. Schedule Interagency Workgroup Meeting #3



Interagency Noise Workgroup Meeting #2
Wednesday June 11, 2014 10:00 am – 12:00 pm
City Hall Conference Room 278

Meeting Minutes

Overall Goal of the Workgroup: Address Supervisor Yee Letter of Inquiry

Meeting #2 Goal: Consider Citywide Guidance Draft and potential amendments to noise laws in San Francisco

- I. Introductions (10 minutes)
 - a. June Weintraub (DPH) welcomed Workgroup members and reviewed the challenges associated with enforcing noise issues and the purpose of the workgroup to respond to Supervisor Yee’s letter of inquiry regarding noise management and policy in the city.

- II. Review of the draft city-wide guidance (60 minutes)
 - a. Purpose of the Guidance
 - i. June Weintraub explained how DPH took the many Department specific materials and merged them into one City Guidance
 1. Explore possible budget to publicize document when completed
 - b. Revisions to Introduction/Citywide Philosophy about noise
 - i. Defining noise as unwanted sound and explaining the subjectivity of sound
 - ii. Importance of quiet spaces
 - iii. Explanation of appendix documents for reference
 - iv. Good Neighbor Policy – advising people to contact those associated with the sound source primarily to resolve issue
 - v. Jocelyn Kane (Entertainment Commission) comments:
 1. Pointed out the advisability of limiting use of the word “noise”. As pointed out above (II.b.i) “Noise” is generally defined as “unwanted sound” and the concept of “unwanted” varies from person-to-person and in different contexts
 2. Suggested that the format and level of technicality in the draft guidance make it a useful document for agency use, and we should try to also publish a more accessible version for the public
 3. Noted that the Entertainment Commission might have resources/contacts that could help with design of public document or Supervisor Yee might be able to help with budget
 - vi. Andy Maimoni (311) also suggested that two documents would be a good idea

- vii. The recurring issue of mixed use buildings with commercial ground floor (health club, studio, bar/restaurant etc.) was discussed, including the role of Environmental Health's Plan Check group, which does not general check the building sound insulation parameters
- c. Specific issues addressed and not addressed in the guidance including:
 - i. Exceptions—What we don't regulate
 - 1. June Weintraub (DPH) identified the common complaints in which noise limits do not apply (i.e. wind chimes, bells, leaf blowers, etc.)
 - 2. Captain Rivera (SFFD) stressed the importance of needing a specific exemption for sirens as a source of noise
 - 3. Jonathan Piakis (DPH) said that a section addressing emergency equipment should have a specific exemption for siren noise as well as adding back in emergency back-up generators use and testing noise limits (removed during last amendments)
 - 4. Heidi Kline (CPC) can work with DPH on limits for emergency generator testing and limits
 - ii. How to communicate among agencies-- complainants are currently being forwarded to different departments for issues not covered by codes
 - iii. Tracking complaints and issues citywide is difficult and leads to frustration among citizen, agency staff and legislators
 - iv. 311--Andy Maimoni (311) explained how 311 can assist with development of a citywide matrix and complaint tracking
 - 1. Benefits would include: managing customer expectations, relaying information regarding what is/is not enforced, tracking, proper routing
 - 2. Joseph Duffy (DBI) mentioned that DBI could start providing information regarding construction night noise permits to 311 (DPW already does this)
 - 3. All members discussed the benefit of involving or informing 311 early when special projects or events that the public may call about are planned, so 311 can provide timely and complete information when people call.
 - v. Variances
 - 1. Workgroup members discussed inclusion of individual department variance procedures in the Appendix of the Citywide Guidance
 - 2. Jonathan Piakis (DPH) mentioned that the City Attorney had suggested we include a specific deadline to appeal variance decisions (i.e. 15 days). This should be added to the code if we amend it, and can be added to the Citywide Guidance for clarity in the interim.
 - 3. Clifton Wong (DPW) and Joseph Duffy (DBI) pointed out that night noise permits should not be appealable (Jonathan Piakis (DPH) agreed and clarified that appeals are only for variance decisions; Jonathan will double check this with the city attorney).
 - 4. Clifton Wong (DPW) stated the need for coordination with SFPD as they respond to construction noise complaints if an inspector is not on site off hours
 - Clifton Wong (DPW) and Jocelyn Kane (EC) noted that Commander Garrity (SFPD) has been reassigned to SFO and Commander Redmond (SFPD) will now assist with noise issues on behalf of SFPD
 - 5. Rassendyll Dennis and Clifton Wong (DPW) stated the need to get SFMTA involved in variance discussion because they also issue exemptions/variances for specific projects

- vi. Safety concerns in measurement
 - 1. All participants agreed that inspector safety should always be a priority and never compromised during investigations
 - 2. If measurements cannot be safely made, it may not be possible to investigate a complaint
 - vii. Use and consideration of 3rd Parties for compliance and enforcement
 - 1. June Weintraub and Jonathan Piakis (DPH) explained how DPH reviews utilizes 3rd party reports
 - 2. Workgroup members agreed that 3rd party reports should not usually be used for enforcement purposes but can guide decision making.
- III. Use and distribution of the guidance and Development of Centralized 311 Process (all attendees) (15 minutes)
- a. Joseph Duffy (DBI) will be in contact with Andy Maimoni (311) regarding 311's specific needs for information going forward
 - b. Andy Maimoni (311) explained that eventually a matrix will be generated for easy routing of complaints and relaying information
- IV. Possible revisions to the noise ordinance (20 minutes)
- a. Specific revisions addressed at various times throughout the meeting by different Departments
 - i. DPH requested review of revision document by Departments
 - b. Heidi Kline (CPC) stressed the need to add the noise limits previously in Title 24 somewhere in the code
 - i. June Weintraub and Jonathan Piakis (DPH) will seek guidance from the city attorney regarding the addition of the Title 24 requirements.
- V. Next steps (15 minutes)
- a. Schedule preliminary meeting for 311 Process and Matrix Development
 - i. DPH will coordinate with 311 and others to schedule meeting after receiving review comments.
 - b. All Workgroup Members please **send comments on Citywide Guidance** to June by **June 30 2014**.
 - c. All Workgroup Members please **send comments on potential noise ordinance revisions** to June by **June 30**.
 - d. Schedule Interagency Workgroup Meeting #3
 - i. DPH will coordinate with Olivia Scanlon (BOS) and Supervisor Yee to schedule next meeting.

NOISE WORKGROUP MEETING #2

June 11, 2014

NAME	DEPARTMENT	PHONE
Jonathan Pinkis	DPH-EH	415-252-3111
Andy Maimoni	311	415-701-3150
BOB LOTTI	REC PARK	" 242-6396
SEAN D. BURKE	SF ENT Commission	415-554-6268
Jocelyn Kane	EC	554-5793
ANTHONY RIVERA	FIRE DEPT.	415 558-3514
Kelsey Owyang	Board of Sup.	415 564 6516 408 805 0135
Rassendyll Dennis	DPW	554-4683
KHUN V. THI	DPW-BSM	(415) 554 5884
Myron P. Wong	DPW-BSM	(415) 740-5312
Heidi Kline	Planning	575-9013-5858
PATRICK FOSDICK	SFDPH	415 252-3904
Jane Weintraub	SFDPH	415 252 3973



Interagency Noise Workgroup 311 Complaint Matrix Meeting

Thursday July 24, 2014 2:00 pm – 3:00 pm

311 Service Center 1 S. Van Ness

Draft Agenda

1. Welcome and Introductions
2. Background and Goals

Overview of 311: Leveraging a process that works and demonstration of similar process with multiple participating departments

Goal: Commitment to the process, follow up and service request resolution

3. Discussion items - creating a response matrix:
 - What types of sound/noise will we include in the project?
 - What can 311 operators tell public?
 - Which agency and division is responsible for managing the request
 - How long should it take for the request to be addressed and how are the complaints addressed (Noted/Abated/Finced?)
 - What tracking is available for the public?
4. Next steps
Schedule next meeting

Conversation between [San Francisco 311 Customer Service Center](#) and [REDACTED]



[REDACTED] 2:32pm Jul 22
Hi - I'm just curious where I can find more information on noise restrictions or ordinances in San Francisco. I commonly hear incredibly loud motorcycles on my street that completely rattles everyone (animals, kids, adults) around them. Just curious where I can find more information if that's allowed or if there's anyway to report those types of violations.

Thanks!



Interagency Noise Workgroup 311 Complaint Matrix Meeting

Wednesday August 20 2014 11:00 am – 12:00 pm

311 Service Center 1 S. Van Ness

Draft Agenda

1. Reminder of Goals

Overview of 311: Leveraging a process that works and demonstration of similar process with multiple participating departments

Goal: Commitment to the process, follow up and service request resolution

2. Feedback on draft response matrix:

- Types of sound/noise
- Scripts--What can 311 operators tell public?
- Which agency and division is responsible for managing the request
- How long should it take for the request to be addressed and how are the complaints addressed (Noted/Abated/Fined?)
- What tracking is available for the public?

3. Next steps

NOISE WORKGROUP MEETING # 311 (#2)
August 20 June 11, 2014

NAME	DEPARTMENT	PHONE
Scott Oswald	311	415-701-3130
KHUN V. THI	DPW-BSM	(415) 554-5884
Clifton Wong	DPW-BSM	(415) 740-5512
Stefan Hoffmeister	DPW-BSM	415-554-6209
Rassendyll Dennis	DPW-BSM	415 554-4683
Andy Maimoni	311	701-3150
Sherri Kaiser	City Attorney	554-3886
PATRICK FOSDAHL	DPH-EHS	252-3904
JANINE YOUNG	DPH-EH	252-3903
CAPT. ANTHONY RIVERA	FIRE	415 558-3514
Jonathan Piakes	DPH-EH	(415) 252-3211
Jocelyn Kane		