



OFFICE POLICY AND PROCEDURE

EFFECTIVE MAY 2015

SUBJECT: Night Noise Permits

TITLE: Night Noise Permit Issuance Policy and Procedure

Purpose: To establish a clear procedure covering the issuance of night noise construction permits

Reference: Art. 29, Sect. 2908, Municipal Code Regulation of Noise, Construction Work at Night

Discussion: As has been the case for many years, developers/contractors who are in the process of constructing new buildings, per already approved City entitlement decisions, may apply to DBI for Night Noise Permits (NNPs) on an as-needed, job-specific, and limited-duration basis. While NNPs have been part of DBI's operations for decades, today we are dealing with the most robust building boom San Francisco has had in more than a century; and we are dealing with the reality of residential neighborhoods now located in the immediate vicinity of where multiple building projects are simultaneously under construction. This means developers/contractors must be more sensitive and pro-active in clearly communicating those infrequent occasions when work can only be performed safely outside normal construction hours. From DBI's perspective, the following Policy and Procedure provides a clear roadmap of what situations may require a NNP, and what steps developers/contractors must take in order to achieve issuance.

Summary Overview:

DBI's Night Noise Permit Issuance Policy & Procedure includes new requirements for developer/contractor:

1. A minimum 10-business days notification to area residents within a 300-foot radius of where work is to be performed; the exact nature and duration of the work; and a 24/7 contact number that enables any resident to reach a responsible party about a potential noise violation concern. DBI Inspectors will call the 24/7 contact number to ensure the contractor responds.
2. The use of jackhammers shall be prohibited from midnight to 7 a.m. 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.
3. Where NNPs are issued, a DBI Inspector will make spot-checks to provide quality assurance that all terms and conditions tied to the NNP are being met, or risk the issuance of a Stop Work Order from the Department.

4. Developers/contractors are required to post on their websites (should one exist) copies of notifications sent to residents, any permits issued by DBI, MTA, DPW, and Cal-Trans, and a 24/7 cell phone number-staff person available to respond should a resident call.
5. DBI also encourages developers/contractors to be more sensitive to residents' sleep and quality of life by trying to schedule NNP work earlier, from 8 p.m. to midnight, and to avoid where possible working from midnight to 6 a.m.
6. Developers/contractors are strongly recommended to require all vehicles with back-up beeping alarms to switch those out for quieter "Broadband alarms" in an effort to eliminate a primary noise complaint cited constantly by residents. Sub-contractors also are to be included in this effort.
7. Developers/contractors are urged to purchase/utilize hand-held noise measurement devices, with a designated person capturing noise metrics during permitted work, thereby providing a data record available for inspection should a noise complaint be reported and the NNP challenged.

NNPs are to be issued when the developer/contractor has:

1. Demonstrated to DBI senior inspection staff that the work to be performed cannot be done during normal construction hours of 7 a.m.-8 p.m., and/or that public safety, the building's structural integrity at this critical stage of construction phasing, and/or traffic and access to the job site requires that the work be performed outside normal construction hours.
2. The factors considered for approval of these NNPs include large monolithic concrete pours, large load deliveries with daytime street restriction, potential life safety impact(s) on the general public, and impact(s) on public transportation.
3. Unforeseen emergency work that may need to be performed at night/early morning. The contractor must notify DBI immediately, or within two hours of discovering an unpredicted job site situation, whichever comes sooner, as well as the residential communities likely to be disturbed by the emergency work.
4. In areas where two or more construction projects are under way at the same time, developers/contractors are expected to communicate and coordinate with each other in order to schedule NNP work to occur, if possible, during the first four days of the week – thereby providing area residents with more certainty in terms of when such work may be scheduled and expected to occur.
5. Provided evidence of permits to DBI from State or other local agencies, such as Cal-Trans, DPW, and/or MTA that show the times/dates of the work to be performed and include appropriate justification, such as public safety issues or street access/closure issues required for the project and the specific work to be performed. This evidence is to be posted on the developer/contractor website, and also will be displayed on the NNP website: <http://sfdbi.org/night-noise-permits>.
6. Submitted a NNP application to DBI for review no fewer than 10 business days prior to the scheduled work, though subject to reasonable flexibility where weather, delivery circumstances, availability of required large specialized equipment for the work to be performed and/or subject to DBI professional judgment where it is deemed to be a life-safety/building structural integrity reality and thus, justifiable for issuance of an NNP.
7. Included evidence attached to the NNP application where multiple contractors, working City-wide, on separate new construction sites within the same general vicinity, and where residents are located near

such multiple construction sites, agree to attempt to coordinate all requests for night noise permits. Again, a 10-business day pre-notification period is required for such NNPs to be issued and limit work to the same few days of a work week to minimize the impact upon residents.

Included a link on the website (should one exists) to the developer/contractor's 24/7 contact person, with name and cell phone number, to enable any resident in the vicinity of the work being performed to reach a live person who can address questions, concerns, and explain in detail the nature of the work being done.

Additional Actions

- Failure by the developer/contractor to meet all NNP conditions and particularly to demonstrate its proactive, sensitive, communication efforts supportive of considerations of residents' quality of life, will result in the issuance of a Correction Notice from DBI, along with a Warning Letter, and additional scrutiny by DBI during any subsequent NNP application or rescission. A denial may affect subsequent NNP requests unless all specified conditions are fulfilled to DBI's satisfaction; and the Correction Notice and Warning Letter will be posted for public awareness of violations on DBI's Night Noise Permits website page: <http://sfdbi.org/night-noise-permits>.
- DBI will capture, maintain, and post on its web site the issuance and denial of all NNPs effective November 15, 2014, to provide complete transparency and accountability of DBI's Night Noise Permit issuance policy. Please visit <http://sfdbi.org/night-noise-permits>.
- Approvals for smaller projects (less than \$5 million) may be approved on a case-by-case basis without meeting all the above conditions where evidence of hardship circumstances may be verified.

 5/7/15

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