

LEGISLATIVE DIGEST

[Police Code - Noise Permits for Construction at Night]

Ordinance amending the Police Code to clarify factors that Public Works and the Department of Building Inspection must consider in evaluating special permits to exceed ambient noise levels during night time construction, and to prohibit Public Works from issuing such permits for projects in certain residential areas (outside the area bounded by Pine, Taylor, Market, 8th, Folsom, Fremont, and Front Streets) covered by the Municipal Transportation Agency’s Holiday Moratorium on issuance of daytime special traffic permits; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Existing Law

Section 2908 of the Police Code prohibits construction that would result in exceedances of ambient noise levels during the hours of 8:00 p.m. and 7:00 a.m. the following day without a special permit from the Director of the Department of Public Works (for work in the public right of way) or the Director of the Department of Building Inspection (for work in buildings). The section provides a list of items the applicable Director should consider when granting or denying a permit, but does not organize the items or provide any guidance on how the Directors are to weigh the items.

The Municipal Transportation Agency (“MTA”) has a Holiday Moratorium from Thanksgiving to January 1 that prohibits construction, excavation, or demolition in the public right of way between 7:00 a.m. to 10:00 p.m. within the area bounded by Pine, Taylor, Market, 8th, Folsom, Fremont, and Front Streets, and on any block where 50% or more of the frontage is devoted to businesses (“Business Block”). Projects that seek to construct, demolish, or excavate within these areas during the moratorium may seek night noise permits per section 2908.

Amendments to Current Law

The Proposed Legislation organizes the existing items in section 2908 into factors the Directors must apply when considering night noise permits. The Proposed Legislation also requires that the Directors make certain written findings before granting a night noise permit in residential areas.

The Proposed Legislation also prohibits the Director of Public Works from granting a night noise permit to any project located on Business Block and subject to MTA’s Holiday Moratorium if the Business Block also contains any residential uses.

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