

File No. 190198

Committee Item No. _____

Board Item No. 27

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: April 2, 2018

Cmte Board

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Public Correspondence |

OTHER

(Click on the text of checked items to view documents)

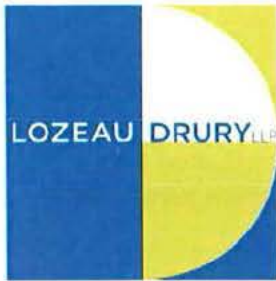
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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Appeal Letter - February 14, 2019</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Appellant Supplemental Letter - March 27, 2019</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Department Memo - March 25, 2019</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Appellant Supplemental Letter - March 22, 2019</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Project Sponsor Response - March 18, 2019</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Hearing Notice and Clerical Documents</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Prepared by: Jocelyn Wong

Date: March 29, 2019

Prepared by: _____

Date: _____



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Oakland, Ca 94607

BOARD OF SUPERVISORS
SAN FRANCISCO

2019 FEB 14 PM 1:27

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richard@lozeaudrury.com

BY E-MAIL AND HAND DELIVERY
ORIGINAL, 2 HARD COPIES, and ELECTRONIC COPY (PDF)

February 14, 2019

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Clerk of the Board of Supervisors
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Subject: Appeal of CEQA Categorical Exemption for the
Outside Lands Festival Use Permit
SF PIng Case #: 2019-000684PRJ
SF BOS File #: 190117

Board President Yee and Honorable Members of the Board of Supervisors:

On behalf of San Francisco residents Andrew Solow and Stephen Somerstein, I hereby appeal the CEQA Categorical Exemption issued on or about January 17, 2019 for the 10-year use permit for the Outside Lands Festival. (Planning Dept. Case No. 2019-000684PRJ; Board of Supervisors File # 190117).

The subject Use Permit Extension does **not** contain quantitative noise standards or any type of auditory or hearing safety limits. We urge the SF Board of Supervisors to require review of the Outside Lands Festival use permit ("Project") pursuant to the

California Environmental Quality Act (“CEQA”) to analyze its impacts, including noise impacts, and to impose feasible mitigation measures such as those that have already been imposed in other areas, such as Sharon Meadow. With no quantitative noise thresholds, the Outside Lands Festival (“OL”) may produce harmful noise levels with impunity.

Please take note of the attached admission from San Francisco Rec & Park (“Rec/Park”) staff that they have no sound level measurements taken at the sound boards or speakers during the 2018 Outside Lands Festival. In fact, Golden Gate Park (“GGP”) property manager Dana Ketcham recently advised us to contact Another Planet Entertainment LLC (APE) and request copies of any noise measurements they contracted for during the August 2018 Festival. Since APE, LLC is a private entity - not subject to the public disclosure requirements of the California Public Records Act, we urge the City to obtain copies of the subject noise measurements from APE, LLC and convey them to the Environmental Planning department. San Francisco Environmental Planning must have a copy of the missing noise measurements in order to make a legitimate evaluation of the actual and potential future noise impacts created by Rec/Park’s failure to require any quantitative noise limits for the Outside Lands Festival.

The City received 245 noise complaints from 190 individuals related to Outside Lands in 2018 (Exhibit 3), and recorded noise levels as high as 86 decibels (dB), literally causing windows to rattle in residential homes (Exhibit 8). Noise complaints were lodged from residences as far as three miles away from the festival. (Exhibit 2). These levels far exceed the San Francisco daytime indoor noise thresholds of 55 dBA. (San Francisco Noise Ordinance, section 2909(d); www.sfdph.org/dph/files/EHSdocs/ehsNoise/GuidelinesNoiseEnforcement.pdf).¹

As discussed in detail below, the Outside Lands Festival Use Permit does NOT qualify for a Categorical Exemption from CEQA. The California courts have held that CEQA review is required for noise-producing events. In the case of *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agric. Assn.*, 42 Cal. 3d 929, 934 (1986), the California Supreme Court held that an environmental impact report was required under CEQA to analyze and mitigate the noise impacts of a 7000 seat outdoor music theater due to its noise impacts on nearby residences. In the case of *Keep Our Mountains Quiet v. Cty. of Santa Clara*, 236 Cal. App. 4th 714, 722, 187 Cal. Rptr. 3d 96, 103 (2015), the court of appeal has held that an EIR was required for a permit allowing weddings of 150 people at a private home, involving amplified music. (See also, *Lewis v. Seventeenth Dist. Agric. Assn.*, 165 Cal. App. 3d 823 (1985) (CEQA review required for race track near residential area)). The Outside Lands festival is no different from the above cases. As in the above cases, it will have significant noise impacts on nearby residential areas.

¹ Section 2909 (e) of the Noise Ordinance allows City departments to establish noise limits that exceed this standard once the enforcing Department issues a permit that contains other noise limit provisions. However, the Outside Lands Permit contains no quantitative noise limits at all. Therefore, section 2909 (e) does not apply.

Therefore CEQA review is required to analyze the impacts and to propose feasible mitigation measures to reduce those impacts.

CEQA Guidelines section 15382, sets forth the following definition for significant effect:

“Significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, **ambient noise**, and objects of historic or aesthetic significance.” (Emphasis added).

Further, pursuant to CEQA Statutes Section 21083, (Significance Guidelines) and CEQA Guidelines Section 15065 (Mandatory Findings of Significance), this Project has a significant effect on the environment because the following impacts will result from issuance of the Outside Lands Festival Use Permit without Quantitative Noise limits:

- This project has the potential to substantially degrade the quality of the environment....
- This project has possible environmental effects which are individually limited but cumulatively considerable. “Cumulatively considerable” means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of reasonably foreseeable probable future projects (as defined in Guidelines Section 15130).

The proposed Use Permit Grants the Outside Lands Festival the right to project amplified sound with no Quantitative Noise Limit. Without Quantitative noise limits, the environmental effects this project has already caused and will continue to cause, have had and will continue to have substantial adverse effects on human beings, directly and indirectly.

The Sound Charts Below:

The first chart is a standard sound level chart based upon average measurements. Note the roughly 105 dB level of a rock music band playing at full volume. (See Enclosure #4, page 16)

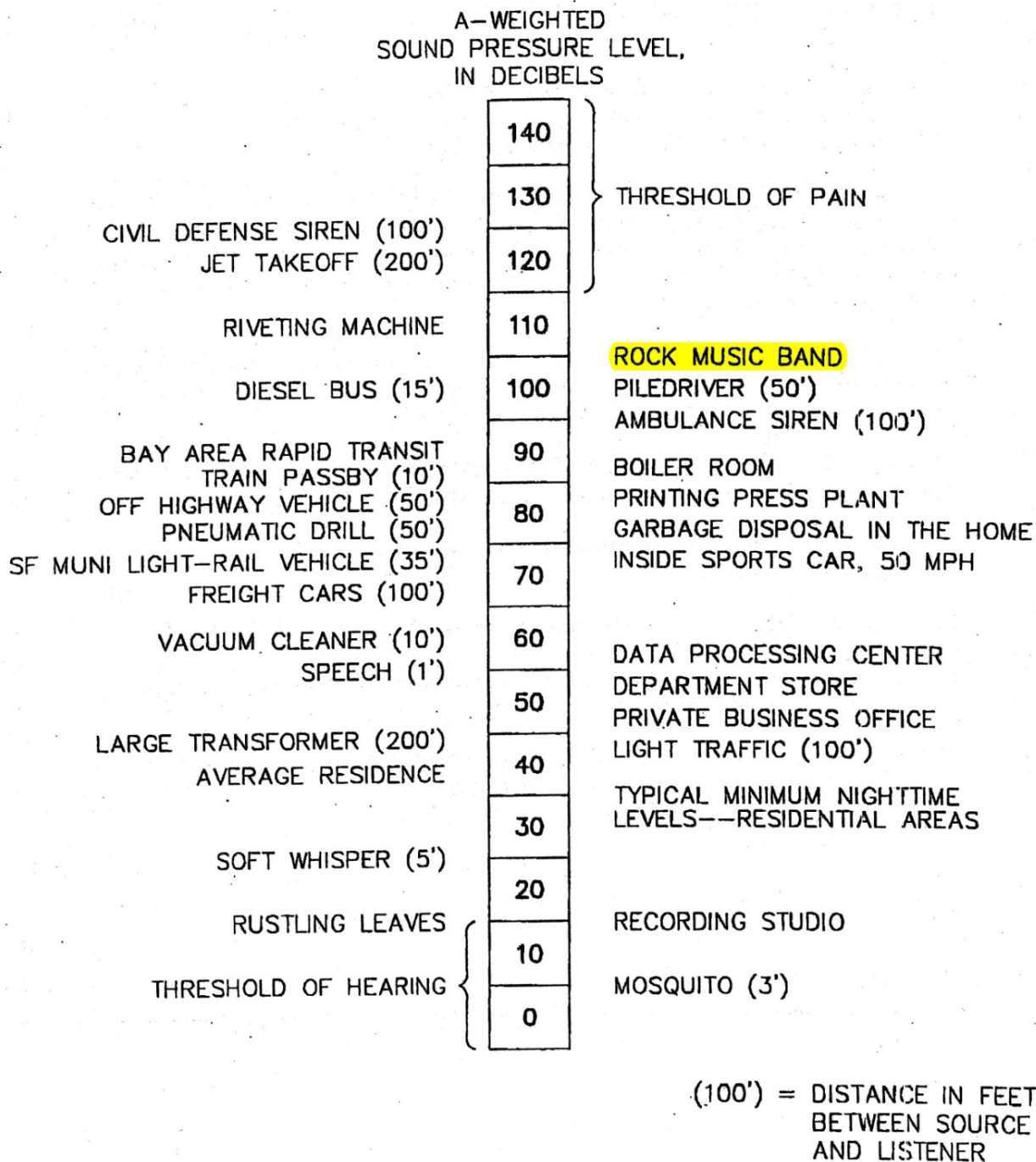
The second chart of decibel exposure level versus listening time is derived from statistics provided by the Federal government agency, National Institute for Occupational Safety and Health (NIOSH).

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CHARLES M SALTER ASSOC

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TYPICAL SOUND LEVELS
MEASURED IN THE ENVIRONMENT
AND INDUSTRY

FIGURE A1

1107

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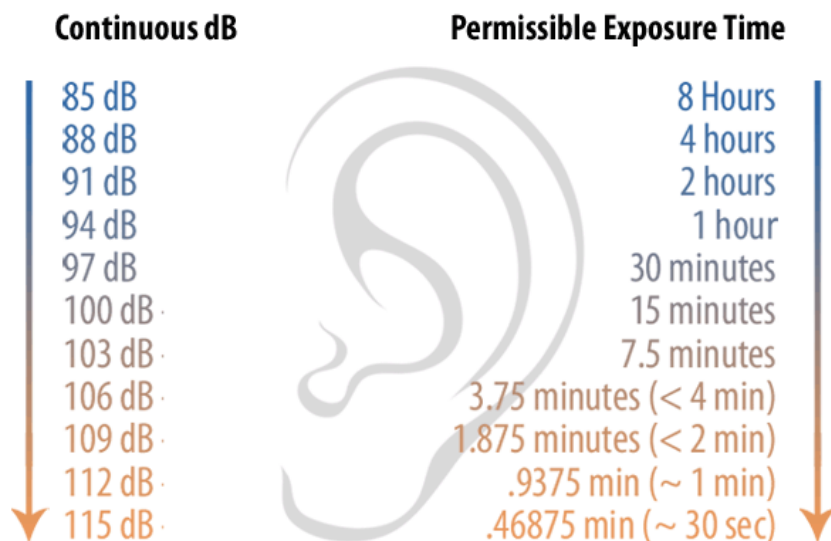
Dangerous Decibels - protecting your hearing

Decibel Exposure Time Guidelines

How loud is too loud?

Exposure Time Guidelines

Accepted standards for recommended permissible exposure time for continuous time weighted average noise, according to [NIOSH and CDC, 2002](#). For every 3 dBAs over 85 dBA, the permissible exposure time before possible damage can occur is cut in half. (Chart comports with NIOSH data)



The Noise Navigator®: a database of over 1700 noise sources.

Developed by Elliott Berger, MS, Senior Scientist with 3M Occupational Health & Environmental Safety Division.

- Noise Navigator Spreadsheet - http://www.e-a-r.com/pdf/hearingcons/Noise_Nav.xls – see the tabs at the bottom of the page to find sound levels for settings occupational, non-occupational, military, aircraft, etc.
- E.A.R. Hearing Conservation FAQs - http://www.e-a-r.com/hearingconservation/faq_main.cfm (Visit this link for a list of interesting articles and graphics.)

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Outside Lands is Not Entitled to a CEQA Categorical Exemption

1. Class 4 Exemption does not apply on its face.

The City's Category Exemption relies upon the Class 4 exemption for "minor alterations to land." This exemption does not apply on its face. The Class 4 exemption states:

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to...(e) Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc;...

Outside Lands ("OL") is **not** a "minor public or private alterations in the condition of land, water, and/or vegetation." The City appears to rely on the "temporary use of land" provision. However, the Outside Lands festival is not like a carnival and is not a "minor temporary use of land." It is a very significant, major use of land. Also, the proposed 10 year lease is **not** "temporary."

The determination as to whether the exemption applies on its face is a question of law subject to independent, or de novo, review. *San Lorenzo Valley Cmty. Advocates for Responsible Educ. v. San Lorenzo Valley Unified Sch. Dist.*, 139 Cal. App. 4th 1356, 1375 (2006). Categorical exemptions, such as the Class 6 exemption, are narrowly construed, and are limited to their terms. *Castaic Lake Water Agency v. City of Santa Clarita* (1995) 41 Cal.App.4th 1257, 1268.

Furthermore, the Class 4 exemption is limited by CEQA Guidelines section 15300.2, which provides:

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located - a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in **all** instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies

The Western portion of Golden Gate Park is within the Coastal Zone, and subject to jurisdiction of the California Coastal Commission. Noise, traffic, garbage and other impacts of Outside Lands adversely affect the Coastal Zone. Since Outside Lands affects an environmental resource that has been "precisely mapped, and officially adopted pursuant to law," the Class 4 exemption is legally precluded.

2. CEQA does not allow mitigated categorical exemptions.

A project that requires mitigation measures cannot be exempted from CEQA, nor can the agency rely on mitigation measures as a basis for determining that one of the significant effects exceptions does not apply. *Salmon Pro. & Watershed Network v. County of Marin* (2004) 125 Cal.App4th 1098, 1102. The City has imposed numerous mitigation measures on the Project. For example, the December 6, 2018 staff report includes the following conditions, among others:

- The amplified sound requirements shall require that the number of assigned sound monitors shall be no less than three (3) and will be adjusted annually. Following each annual concert, the Department shall review the number of complaints and the responsiveness and may request that the number of dedicated sound monitors be increased.
- Sound must end by 10 pm on Fri and Sat and 9:40 pm on Sunday. Permittee will be required to utilize additional delay towers to reduce sound levels when attendance exceeds certain levels and shall deploy sound monitors to measure sound pressure levels throughout the surrounding neighborhoods.
- Permittee shall contribute \$89,250 per year to endow a gardener to assist with maintaining the Polo Fields, Hellman Hollow, Lindley Meadow and other Festival areas throughout the year.
- Permittee shall contribute \$15,000 annually to provide for materials and supplies to maintain the Polo Fields at an appropriate standard.
- Pre-event meetings with the members of the surrounding community.
- Establishing a community hotline to address community complaints during the Festival on a real time and immediate basis.
- Mailing to all residents within 4 blocks of the park (over 28,000 homes) with event information including road closures, details regarding limited park access, event dates and amplified sound hours as well as other pertinent event information.
- Placing advertisements with event information in the Richmond Review, Sunset Beacon, the Sing Tao Daily and putting the same information on the Outside Lands website in multiple languages.
- Optimizing muni service to safely and efficiently move as many event goers via public transportation as possible.
- Placing parking control officers and tow trucks around the park to quickly respond to blocked drive ways and other parking violations.

- Having crews available to clean-up debris in the surrounding neighborhoods and placing portable toilets in the neighborhoods to accommodate those leaving the festival.
- Sound monitors to respond to sound complaints and measure sound levels and impact of bass. Such information is used to adjust the sound equipment in real time to minimize the impact on the surrounding community (see below for more details).
- Beginning in 2016 and increasing each year, the City adjusted the transportation plan to address the problems created by increased use by festival goers of Transportation Network Companies, Uber and Lyft (“TNCs”) (see below for more details).
- The load-in and load-out have impacted bike paths through the park. In response to concerns, signage has been erected and dedicated replacement bike lanes have been created.
- In addition to all of the above, the Department, Permittee, Police Department, Fire Department, Municipal Transportation Agency, Department of Emergency Management and the Mayor’s Office of Special Events (“OSL Interagency Task Force”) undertake a months-long planning process each year to review the site, operational, security and transportation plans as well as to identify issues from the previous year and modify event details accordingly.

Since the City has imposed numerous mitigation measures, a CEQA exemption is prohibited. An agency may not rely on a categorical exemption if to do so would require the imposition of mitigation measures to reduce potentially significant effects. *Salmon Protection & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098, 1108 (“SPAWN”); *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1198-1201. If mitigation measures are necessary, then at a minimum, the agency must prepare a mitigated negative declaration to analyze the impacts, and to determine whether the mitigation measures are adequate to reduce the impacts to below significance. The public must be allowed to analyze the proposed mitigation, comment on their adequacy, and suggest alternative measures.

CEQA requires the mitigation measures to be developed in a public process, with public review and comment, not in closed door negotiations between the city and the project proponent. Thus, the measure allowing the Mayor’s Office of Special Events to develop additional mitigation measures with OL is expressly prohibited. Feasible mitigation measures for significant environmental effects must be set forth in an EIR for consideration by the lead agency’s decision makers and the public before certification of the EIR and approval of a project.

The formulation of mitigation measures may not be delegated to staff, because mitigation measures must be subjected to public review. The City may not delegate the formulation and approval of programs to address environmental impacts because an agency's legislative body must ultimately review and vouch for all environmental analysis mandated by CEQA. *Sundstrom v County of Mendocino* (1988) 202 Cal.App.3d 296, 306-308. "[R]eliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decision making; and[,] consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment." *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92.

3. CEQA exemption is not allowed because Outside Lands will have an adverse impact on an historic resource. (21084.1).

CEQA section 21084.1 prohibits the use of a CEQA exemption for projects that **may** cause a substantial adverse change in the significance of a historical resource. CEQA § 21084.1, CEQA Guidelines 15300.2(f); See San Francisco Preservation Bulletin No. 16 (2004). CEQA defines a "substantial adverse change" as the physical demolition, destruction, relocation or alteration of the historical resource **or its immediate surroundings** such that the significance of the historical resource would be materially impaired. CEQA goes on to define "materially impaired" as work that materially alters, in an adverse manner, those physical characteristics that convey the resource's historical significance and justify its inclusion in the California Register of Historic Places, a local register of historical resources, or an historical resource survey. CEQA Guidelines 15064.5(b), Bulletin 16, p. 9.

Golden Gate Park is a listed on the National Register of Historic Places. National Register #04001137. The Golden Gate Park Historic District is bounded by Fulton, Stanyan, Fell, Oak, Lincoln Way and The Great Highway. Two buildings, the Conservatory of Flowers and the Beach Chalet, are individually listed on the National Register of Historic Places, and the Conservatory is also California Historical Landmark 841. Ten structures are city landmarks:

- Beach Chalet
- Conservatory of Flowers
- Dutch Windmill
- Francis Scott Key Monument
- Lawn Bowling Clubhouse and Greens
- McLaren Lodge
- Murphy Windmill
- Music Concourse
- Park Emergency Hospital
- Sharon Building

Outside Lands will adversely affect many of these historic resources due to noise, traffic and other impacts. Therefore, the project may not be exempted from CEQA review.

4. The project has significant environmental impacts, therefore an exemption is not allowed.

The Supreme Court has recently held that a CEQA categorical exemption may not be used for a project that may have significant adverse environmental impacts due to unusual circumstances. The project opponent may "establish an unusual circumstance with evidence that the project will have a significant environmental effect." *Berkeley Hillside Pres. v. City of Berkeley*, 60 Cal. 4th 1086, 1105 (2015). There is no dispute that the OL festival has significant impacts on noise, traffic and public services such as MUNI. Therefore, it may not be exempted from CEQA.

Acoustical engineer, Derek Watry, CEO and Principal of acoustical consulting firm, Wilson Ihrig, concludes, **"there is substantial evidence that the Festival does create a significant noise impact as defined by CEQA and, therefore, suggest that a Categorical Exemption is not appropriate."** (Exhibit 1). Mr. Watry notes that sound measurements show that the Outside Lands Festival in 2018 was audible up to 13,000 feet away – far more than the significance threshold of 250 feet. Mr. Watry concludes, it is "irrefutably true that if concert sounds were audible at those distances, they were plainly audible 250 ft from the periphery of the Festival audience, a clear violation of Article 15.1, Section 1060.16(b)(3)." He notes that the fact that "192 San Francisco residents called to complain about the concert noise during the 3-day Festival, clearly indicating that it was 'unreasonably loud' to 'persons of normal sensibilities'." Mr. Watry explains that under the Police Code, noise levels are significant if they exceed ambient levels by 5 decibels (dBA) or more. (Section 2909 of the Police Code). Mr. Watry states:

The sound data provided by RPD indicate numerous readings over 65 dBA and as high as 80 dBA at one location denoted with "concert music audible". The noise monitoring done for Outside Lands in 2018 made no attempt to characterize the ambient level. However, in a study done for RPD entitled Golden Gate Park Noise Mitigation Project, the acoustical consulting firm Charles M Salter Associates found that in the backyard of a residence on Temescal Terrace, the daily noise levels ranged from 48 to 55 dBA. In this light, the noise levels measured when concert noise was detectable during the 2018 Festival were significantly more than 5 dBA above the ambient at quiet residences. This is substantial evidence that the normal provisions of Article 29 of the Police Code were exceeded by the 2018 Festival.

Outside Lands is "unusual" due to the fact that it will have significant noise impacts. It is also unusual due to the fact that it has noise impacts on nearby residential areas. *Lewis v. Seventeenth Dist. Agric. Assn.*, 165 Cal. App. 3d 823 (1985). Other

factors that make the festival unusual are the facts that: it will adversely affect several historic buildings and districts and it will exceed San Francisco noise ordinance standards. Noise readings as high as 86 dBA far exceed all City noise thresholds.

For all of these reasons, a categorical exemption is not allowed under CEQA. The City must prepare an environmental impact report ("EIR") to analyze the Festival's impacts and to propose feasible mitigation measures, including reasonable numerical noise thresholds.

Proposed Actions

This sound safety issue should be analyzed and mitigated in the open, public process created by CEQA. The Recreation and Parks Department has failed to include any quantitative noise limits or any safety limits on sound, nearest audience allowable proximity to speakers, and speaker orientation to limit excessive leakage of sound to adjacent neighborhoods in the proposed Use Permit.

A CEQA process would allow the City to consider and impose feasible mitigation measures, such as those already imposed at Sharon Meadows. (Exhibit 4). We have also attached noise mitigation measures imposed after CEQA litigation for the Shoreline Amphitheater (Exhibit 5) and Saint James Park in San Jose (Exhibit 6). CEQA review would allow the City to analyze these and other feasible noise mitigation measures. The most important of these would be quantitative decibel limitations. Also, feasible would be requiring the use of vertical line array speakers, requiring speakers to be aimed downward, requiring the use of "repeater" speakers, and other measures that have been required at Sharon Meadows and other venues.

Technical agents for the City and County of San Francisco should gather together the sound level requirements that the City has previously applied, as well as those requirements and standards used by other cities, taking into account Federal NIOSH limits. This should be integrated into a requirements document to supplement and provide Quantitative Noise limits to any CEQA evaluation conducted for the Outside Lands Festival Use Permit.

Please take note of the following documents several of which were previously transmitted to the SF Recreation and Parks Dept. and Commission:

- 1_ Wilson Ihrig_ Outside Lands Noise Analysis_2019-02-13.pdf
- 1a_ Wilson Ihrig_ Outside Lands Noise Analysis_2019-01-11.pdf
- 2_ Outside Lands Noise Cmplt Pin Map.8.2018.rev.pdf
- 3_2018 Call Log Report_addr order_8.2018..pdf (available in Excel format)
- 4_SFRPC_Sharon Meadow Sound Policy Docs_2004-2006.pdf
- 5_Shoreline Settlement Agreement 1993.pdf
- 6_SJ Outdoor Music_Env Noise Analysis_St James Pk_2015.pdf
- 7_SFRPD Admits_NO Sound Msrmts Taken in GGP During 2018 OLF.pdf

8_SFRPD_2018 OLF_Residential Sound Msrmts.pdf
9_Comment letters submitted by Andrew Solow.pdf

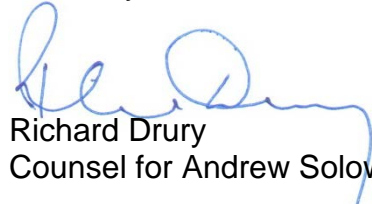
You can access all of the documents referenced herein by using this [Link==>Download Link<==](https://spaces.hightail.com/receive/HlINwv4yjQ) <https://spaces.hightail.com/receive/HlINwv4yjQ>

The City's' failure to include an auditory health standard (as well as removing an existing standard) should be cured before the Outside Lands Use Permit Extension is calendared for consideration.

In consideration of the foregoing, we request that:

- **San Francisco Recreation and Parks Department and the San Francisco Planning Department withdraw their deficient CEQA Categorical Exemption Determination.**
- **The City promulgate quantitative noise standards that are appropriate for the Outside Lands Festival and other music performance events in Golden Gate Park.**
- **The City conduct a CEQA process leading to Quantitative Noise Limits and other feasible noise mitigation measures.**

Sincerely,



Richard Drury
Counsel for Andrew Solow and Stephen Somerstein

Enclosures:

\$617 Appeal Fee payable to SF Planning Department
00_ Outside Lands Categorical Exemption #: 2019-000684PRJ.pdf
0_Agenda_Jan 17, 2019 SF Rec Park Comm Mtg Item #17.pdf
1_Wilson Ihrig_ Outside Lands Noise Analysis_2019-02-13.pdf
1a_Wilson Ihrig_ Outside Lands Noise Analysis_2019-01-11.pdf
2_Outside Lands Noise Cmplt Pin Map.8.2018.rev.pdf
3_2018 Call Log Report_addr order_8.2018.pdf
4_SFRPC_Sharon Meadow Sound Policy Docs_2003-2006.pdf
5_Shoreline Settlement Agreement 1993.pdf
6_SJ Outdoor Music_Env Noise Analysis_St James Pk_2015.pdf
7_SFRPD Admits_No Sound Msrmts Taken in GGP During 2018 OLF.pdf
8_SFRPD_2018 OLF_Residential Sound Msrmts.pdf
9_Comment letters submitted by Andrew Solow.pdf

EXHIBIT 00



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
RPD- Outside Lands Lease		
Case No.		Permit No.
2019-000684PRJ		
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input type="checkbox"/> New Construction
Project description for Planning Department approval. Amendment to the City's Use Permit with Another Planet Entertainment for the annual three-day music festival in Golden Gate Park (aka "Outside Lands"), to extend the term for an additional 10 years and to update certain provisions related to rents and cost reimbursements based on cost of living and other increases, with terms substantially the same as the draft dated December 1, 2018.		

STEP 1: EXEMPTION CLASS

Note: If neither class applies, an *Environmental Evaluation Application* is required.

<input type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	Class 3 - New Construction. Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. FOR ENVIRONMENTAL PLANNING USE ONLY
<input checked="" type="checkbox"/>	Class _____ Class 4 - Temporary Use

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an *Environmental Evaluation Application* is required.

<input type="checkbox"/>	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
<input type="checkbox"/>	Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i>
<input type="checkbox"/>	Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	Slope = or > 20%: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required.

If no boxes are checked above, **GO TO STEP 3.** If one or more boxes are checked above, an *Environmental Evaluation Application* is required, unless reviewed by an **Environmental Planner**.

Comments and Planner Signature (optional): Joy Navarrete

STEP 3: PROPERTY STATUS - HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER

PROPERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map)	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input checked="" type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
<input checked="" type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.

<input type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A a. Per HRER dated b. Other (specify): </div> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category C (attach HRER) </div> </div>
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.	
<input type="checkbox"/>	Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature: Joy Navarrete	

STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	Further environmental review required. Proposed project does not meet scopes of work in either (check all that apply): <input type="checkbox"/> Step 2 - CEQA Impacts <input type="checkbox"/> Step 5 - Advanced Historical Review STOP! Must file an <i>Environmental Evaluation Application</i>.	
<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.	
	Project Approval Action: Recreation and Parks Commission Approval If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	Signature: Joy Navarrete 01/17/2019
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.		

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
RPD- Outside Lands Lease		/
Case No.	Previous Building Permit No.	New Building Permit No.
2019-000684PRJ		
Plans Dated	Previous Approval Action	New Approval Action
	Other (please specify)	
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?
If at least one of the above boxes is checked, further environmental review is required.	

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice.	
Planner Name:	Date:

EXHIBIT 0



Mark Buell, *President*
Allan Low, *Vice President*

Kat Anderson
Gloria Bonilla
Tom Harrison
Larry Mazzola, Jr.
Eric McDonnell

London N. Breed
Mayor

Philip A. Ginsburg, *General Manager*
Margaret A. McArthur, *Commission Liaison*

Outside Lands Approval is Agenda Item #17, .pdf page 3

**RECREATION AND PARK COMMISSION
THURSDAY, JANUARY 17, 2019
10:00 A.M.
CITY HALL, ROOM 416**

1. ROLL CALL

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- a) Legislation
- b) Budget Analyst report
- c) Legislative Analyst report
- d) Recreation and Park Department cover letter and/or report
- e) Consultant report
- f) Public correspondence
- g) Report or correspondence from other Department or Agency

These items will be available for review at McLaren Lodge, 501 Stanyan St., Commission Room. If any materials related to an item on this agenda have been distributed to the Recreation and Park Commission after distribution of the agenda packet, those materials are available for public inspection at McLaren Lodge, Commission Room, 501 Stanyan Street, San Francisco, CA during normal office hours. The documents for each item may be found on the website at:

<http://sfrecpark.org/about/recreation-park-commission/>

Note: The Commission will hear public comment on each item on the agenda before or during consideration of that item.

2. PRESIDENT'S REPORT (DISCUSSION ONLY)

- a) Openings and Events
- b) Commission Administrative Matters
- c) Acknowledgements

3. GENERAL MANAGER'S REPORT (DISCUSSION ONLY)

- a) Financial Matters
- b) Capital Report
- c) Property Management
- d) Recreation Programs
- e) Park, Recreation and Open Space Advisory Committee Report
- f) Events
- g) Legislation

4. **GENERAL PUBLIC COMMENT - UP TO 15 MINUTES – THIS ITEM WILL BE CONTINUED TO ITEM 18**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission and that do not appear on the agenda. With respect to agenda items, you will have opportunity to address the Commission when the item is reached in the meeting.

5. **CONSENT CALENDAR (ACTION ITEM)**

A. **MINUTES**

Discussion and possible action to approve the minutes from the October and November 2018 commission meetings.

B. **SAN FRANCISCO ZOOLOGICAL SOCIETY ANIMAL TRANSACTIONS**

Discussion and possible action to approve the following animal transactions for the San Francisco Zoological Society, which were processed under Resolution No. 13572.

DONATION TO:	ANIMAL SPECIES	PRICE	TOTAL DUE
Bronx Zoo 2300 Southern Blvd. New York, NY 10460 718) 220-7112	1.0 common squirrel monkey <i>Saimiri sciureus</i>	NIL	N/A
Oakland Zoo 9777 Golf Links Road Oakland, CA 94605 510) 632-9525	0.1 Red-eared slider <i>Trachemys scripta elegans</i>	NIL	N/A
DONATION FROM: California Department of Fish and Wildlife 1416 9 th Street, 12 th Floor Sacramento, CA 95814 916) 445-0411	1.0.1 African hedgehogs <i>Atelerix albiventris</i>	NIL	N/A

GENERAL CALENDAR

6. **ELECTION OF OFFICERS**

Election of President and Vice President for calendar year 2019, in accordance with the Recreation and Park Commission Bylaws. (ACTION ITEM)

7. **SAN FRANCISCO ZOO**

Presentation and discussion only to update the Commission on operational and management issues at the San Francisco Zoo. (DISCUSSION ONLY)

8. **MCLAREN PARK PLAYGROUND AND GROUP PICNIC AREA RENOVATION - CONSTRUCTION CONTRACT AWARD**

Discussion and possible action to award a construction contract to Cazadoro Construction, Inc. in an amount not to exceed \$1,419,724 for the McLaren Park Playground and Group Picnic Area Renovation (Contract No. 1000010917). (ACTION ITEM)

Staff: Alexis Ward – 581-2549

9. **LET'SPLAYSF! RELATED AGREEMENTS FOR WASHINGTON SQUARE PARK PLAYGROUND, MERCED HEIGHTS PLAYGROUND, SERGEANT JOHN MACAULAY PLAYGROUND, AND GOLDEN GATE HEIGHTS PARK PLAYGROUND RENOVATIONS**

Discussion and possible action to authorize the Recreation and Park Department to enter into Related Agreements with the San Francisco Parks Alliance under the Let'sPlaySF! Initiative for the renovation of Washington Square Park Playground, Merced Heights Playground, Sergeant John Macaulay Playground and Golden Gate Heights Park Playground. (ACTION ITEM)

Staff: Lisa Bransten – 831-2704

10. **SERGEANT JOHN MACAULAY - CONSTRUCTION CONTRACT AWARD**
Discussion and possible action to award a construction contract to Wickman Development and Construction in an amount not to exceed \$1,059,450 for the Sergeant John Macaulay Playground Renovation (Contract No. 1000011948). (ACTION ITEM)
Staff: Michael DeGregorio – 581-2575
11. **TURK & HYDE MINI PARK - CONSTRUCTION CONTRACT AWARD**
Discussion and possible action to award a construction contract to Cazadoro Construction, Inc. in an amount not to exceed \$1,146,374 for the Turk & Hyde Mini Park Renovation (Contract No. 1000011500). (ACTION ITEM)
Staff: Michael DeGregorio - 581-2575
12. **PANHANDLE PLAYGROUND RENOVATION - CONSTRUCTION CONTRACT AWARD**
Discussion and possible action to award a construction contract to CF Contracting, Inc in an amount not to exceed \$1,635,350 for the Panhandle Playground Renovation Project (Contract No. 1000010918). (ACTION ITEM)
Staff: Melinda Stockmann – 581-2548
13. **JOSEPH L. ALIOTO PERFORMING ARTS PIAZZA (CIVIC CENTER PLAZA) – ART INSTALLATION**
Discussion and possible action to approve a request from the Goethe-Institute San Francisco and the German Consulate to place a temporary art installation entitled "Lest We Forget" by artist Luigi Toscano at Joseph L Alioto Performing Arts Piazza (Civic Center Plaza) from April 15, 2019 through May 20, 2019. (ACTION ITEM)
Staff: Brian DeWitt – 831-6839
14. **CAPITAL EXPENDITURE PLAN**
Discussion and possible action to approve, and to recommend that the Board of Supervisors approve, the annual Capital Expenditure Plan as required by Charter Section 16.107(h)(3). (ACTION ITEM)
Staff: Toks Ajike – 581-2543
15. **GENEVA CAR BARN - CONTRACT AMENDMENT**
Discussion and possible action to amend the contract with Aidlin-Darling Design (contract #48552-13/14) to increase the amount by \$73,636, bringing the total contract value to \$1,611,317, to add additional construction documents and construction administration services for the Phase 1 Powerhouse Project. (ACTION ITEM)
Staff: Nicole Avril – 305-8468
16. **RECREATION AND PARK DEPARTMENT BUDGET FY 2019-20 AND FY 2020-21**
Presentation and discussion only of the Recreation and Park Department's budget for fiscal years 2019-20 and 2020-2021. (DISCUSSION ONLY)
Staff: Derek Chu – 831-2703
17. **OUTSIDE LANDS CONCERT – APPROVAL OF SECOND AMENDMENT TO CITY'S USE PERMIT WITH ANOTHER PLANET ENTERTAINMENT**
Discussion and possible action to recommend that the Board of Supervisors approve the Second Amendment to the City's Use Permit with Another Planet Entertainment for the annual three-day music festival in Golden Gate Park (aka "Outside Lands"), to extend the term for an additional 10 years and to update certain provisions related to rents and cost reimbursements based on cost of living and other increases, with terms substantially the same as the draft dated December 1, 2018. (ACTION ITEM)
Staff: Dana Ketcham – 831-6868
18. **GENERAL PUBLIC COMMENT – CONTINUED FROM ITEM 4 IF NECESSARY**
At this time members of the public who were not able to address the Commission on item 4 may address the Commission on items that are within the subject matter jurisdiction of the Recreation and Park Commission and that do not appear on the agenda.
19. **CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION**
 - A. Public comment on all matters pertaining to the closed session.
 - B. Vote on whether to hold closed session to confer with legal counsel regarding pending litigation. (ACTION ITEM)

EXHIBIT 1



WI #19-005

13 February 2019

Richard Drury, Esq.
Lozeau Drury LLP
410 12th St., No. 250
Oakland, California 94607

Subject: Appeal of CEQA Categorical Exemption for the Outside Lands Festival Use Permit
Significance of Noise Impacts
SF Plng Case No.: 2019-000684PRJ
SF BOS File No.: 190117

Dear Mr. Drury,

As requested, we have conducted an analysis of pertinent documents related to the above matter and written this letter in support of Mr. Andrew Solow's appeal of the Categorical Exemption of the Outside Lands Festival ("Festival") from the California Environmental Quality Act (CEQA) due to noise impacts that occurred during the 2018 Festival.

Under CEQA Appendix G guidelines, a project is deemed to have a significant environmental noise impact if (among other things) it exposes people to noise levels in excess of standards established in the local general plan or noise ordinance and/or creates a substantial temporary increase in ambient noise levels in the project vicinity above levels existing without the project. Given documents provided by the San Francisco Recreation and Park Department (RPD) regarding noise from the 2018 Outside Lands Festival, I assert that there is substantial evidence that the Festival does create a significant noise impact as defined by CEQA and, therefore, suggest that a Categorical Exemption is not appropriate.

Substantial Evidence of Violation of Police Code Article 15.1, Section 1060.16.

The most directly applicable local ordinances to this situation are found in Police Code Article 15.1, *Entertainment Regulations Permit and License Provisions*, Sections 1060.16, *Outdoor Amplified Sound Regulations*. Specifically, Subsections (b)(2) and (3) state:

- (2) Amplified speech and music shall not be unreasonably loud, raucous, or jarring to persons of normal sensitivities within the area of audibility, nor louder than permitted in subsection (c); and
- (3) The volume of outdoor sound shall be controlled so that it will not be audible for a distance in excess of 250 ft from the property line of the Business or premises or from the periphery of the attendant audience.

Based on a log of noise complaints received by San Francisco Recreation and Parks Department from the Outside Lands Noise Hotline, Mr. Solow created the map in Figure 1 showing the locations of the intersections closest to each complaint address (the exact addresses were understandably withheld by RPD). The map and the data table from which it was derived (Figure 2) illustrate that 192 San Francisco residents called to complain about the concert noise during the 3-day Festival, clearly indicating that it was “unreasonably loud” to “persons of normal sensibilities”. That number of people complaining is *prima facie* substantial evidence of a violation of Article 15.1, 1060.16(b)(2).

The geographic scale of the complaints shown in Figure 1 indicates that the concert noise was audible well beyond 250 ft from the periphery of the attendant audience. The farthest complaint was made from a location nearly 13,000 ft away. This audibility beyond 250 ft is also substantiated by observations provided by whomever made noise measurements on behalf of RPD during the 2018 Festival. Some of these observations were made as far as 9,000 ft from the Outside Lands Festival stages. While it’s true that atmospheric conditions may have affected the sound transmission at such large distances, it’s also irrefutably true that if concert sounds were audible at those distances, they were plainly audible 250 ft from the periphery of the Festival audience, a clear violation of Article 15.1, Section 1060.16(b)(3).

Substantial Evidence of Violation of Police Code Article 29, Regulation of Noise.

The first provision that RPD and the promoters of the Outside Lands Festival might point to in Police Code Article 29 is Section 2902, *Noise Limits*, Subsection (e), *Noise Caused By Activities Subject To Permits From the City and County of San Francisco* which states:

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.

However, to our knowledge, the City and County of San Francisco has not “issued a permit that contains noise limit provisions that are different from those set forth in this Article”. The only conditions regarding noise that we find in the Outside Lands Use Permit currently under consideration are in Section 47, *Amplified Sound Terms*. From that section:

Permittee shall use commercially reasonable best efforts to limit sound to the close environs of the concert grounds. Such efforts shall include reviewing the sound system plans in advance of the Festival each year to minimize any sound impact in the surrounding neighborhood and to ensure that the sound system can be modified to respond to sound complaints from the neighborhood.

Permittee shall coordinate with the San Francisco Park Rangers to deploy monitors in the neighborhood who will measure sound pressure levels and record the data. Data will be promptly transmitted to the production staff at the Festival, who will use it to adjust sound pressure levels ***as required***. [emphasis added]

A key point is that “as required” is not defined in the permit. Therefore, the permit does not contain noise limit provisions that are different from those set forth in Article 29, and it is reasonable to apply those limits and to assess the noise levels measured on behalf of RPD during the 2018 Festival using the other provisions of Article 29.

The data were provided to Mr. Solow by Tiffany Lin-Wilson of RPD via email in response to a California Public Records Act request from Mr. Solow. It is not clear who gathered the data, though most appears to have been collected by Treeline Security, the security company retained by the concert promoters, Another Planet Entertainment, LLC. These data are not provided in a formal technical report, so there is no indication of equipment used (San Francisco requires Type 1 sound level meters), calibration traceability, or even meter settings. Additional readings appear to have been made by San Francisco Park Rangers. Again, no information was provided about the equipment, calibration, or meter settings for these readings.

Most, if not all, of the readings were made at private residences. Per Section 2909 of the Police Code, the standard residential noise limit in San Francisco is “a noise level more than five dBA above the ambient”. In the Police Code, this limit is intended to be applied between adjacent properties, not to concert noise originating thousands of feet away, but the spirit of the regulation is that residents should be able to enjoy their time at home (on the weekend, in particular, one might think) without undue interference from “neighboring” noise sources.

The sound data provided by RPD indicate numerous readings over 65 dBA and as high as 80 dBA at one location denoted with “concert music audible”. The noise monitoring done for Outside Lands in 2018 made no attempt to characterize the ambient level. However, in a study done for RPD entitled *Golden Gate Park Noise Mitigation Project*, the acoustical consulting firm Charles M Salter Associates found that in the backyard of a residence on Temescal Terrace, the daily noise levels ranged from 48 to 55 dBA.¹ In this light, the noise levels measured when concert noise was detectable during the 2018 Festival were significantly more than 5 dBA above the ambient at quiet residences. This is substantial evidence that the normal provisions of Article 29 of the Police Code were exceeded by the 2018 Festival.

Commentary

Mr. Solow has stated that he is not opposed to the Outside Lands Festival, but he would like CCSF and RPD to enforce established quantitative residential noise limits so that Festival sound levels will be better controlled than they have been in the past. Presumably, so would the other 191 people who called to complain about the 2018 Festival and many, many others who either were

¹ *Final Report – Golden Gate Park Noise Mitigation Project, San Francisco, CA*, Charles M Salter Associates Inc., CSA Project No: 01-0428, 25 July 2003.

annoyed but who did not bother to call in a complaint or have elected to abandon their homes for 3 days each year because their previous complaints were ignored.²

To do this, the Festival promoters should retain a qualified acoustical engineering firm to help design sound systems that will satisfy the concert attendees while limiting noise bleeding into the surrounding neighborhoods. In the past, RPD has received input on how to do this from Charles M Salter Associates and Rosen, Goldberg, & Der. Prior to the concert, qualified acoustical consultants should help test the systems to determine the levels that ensure, with a reasonable degree of confidence, that the neighborhood noise limits will be met. During the concert, the consultants should monitor noise in the neighborhoods continuously, not on an ad hoc basis in response to complaints.

In this letter, we have provided you with substantial evidence that the noise from the Festival in 2018 constituted a significant environmental noise impact as defined by CEQA. As such, it is inappropriate to issue a Categorical Exemption to this large concert event which features amplified music over a 3-day period.

In contrast, we recommend that a thorough noise study be conducted by an established acoustical consulting firm to fulfil the requirements of CEQA. We note that Charles M Salter Associates and Rosen, Goldberg, & Der have both previously done noise studies for RPD regarding concert noise from Golden Gate Park and would endorse either of them.

Because this issue involves music, we further recommend that both dBA and dBC sound levels be assessed. The former, dBA, is the standard for speech noise and is used ubiquitously in noise ordinances. The latter, dBC, puts more emphasis on the lower-frequency, bass sounds which are often the cause of complaints when music is the source. This is already recognized in Article 29, Section 2909(b) of the Police Code:

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.

* * * * *

Respectfully submitted,

WILSON IHRIG


Derek L. Watry
Principal

² Reference: Letter sent via email by Linda Reynolds Miller, 634 28th Avenue, to the San Francisco Board of Supervisors stating (in part), "I have had to abandon my home and leave town during the Outside Lands Festival for the last 10 years". (January 29, 2019)

Figure 1
Outside Lands Festival – Noise Complaint Map - August 2018
(Courtesy of Andrew Solow)



Figure 2 Outside Lands Noise Hotline Complaints Log

18
9
220

235
124
190

1/4
119
212

EXHIBIT 1a



11 January 2019

City and County of San Francisco
Recreation & Park Commission
501 Stanyan Street
San Francisco, CA 94117
Via E-mail to: recpark.commission@sfgov.org
margaret.mcarthur@sfgov.org

City and County of San Francisco
Recreation & Park Department
501 Stanyan Street
San Francisco, CA 94117
Via E-mail to: phil.ginsburg@sfgov.org
dana.ketcham@sfgov.org

Attention To:

Mark Buell, President
Allan Low, Vice President
Margaret McArthur, Secretary
Staff: Kat Anderson, Gloria Bonilla, Tom
Harrison, Eric McDonnell, Larry Mazzola

Attention To:

Philip Ginsburg, General Manager
Dennis Kern, Director of Operations
Dana Ketcham, GGP Property Manager

cc: San Francisco Supervisors Sandra Fewer, Sandra.Fewer@sfgov.org
San Francisco Supervisor Norman Yee, Norman.Yee@sfgov.org

Subject: Noise Control of Outside Lands Festival

Honorable Commissioners and Staff,

This letter was prepared at the request of San Francisco resident Andrew Solow, 58 Lake Forest Court.

We have reviewed the sections of the original Use Permit for Outside Lands Music and Arts Festival ("Use Permit", dated April 1, 2009) and the First Amendment to Outside Lands Music and Arts Festival Use Permit ("First Amendment", dated December 5, 2012) that pertain to noise control in the residential neighborhoods surrounding Golden Gate Park, where the Festival is held. We have also reviewed the logs and map of noise complaints related to the 2018 Festival provided by Andrew Solow.

The Use Permit did not establish noise limits from the amplified music. Rather, it stipulated that "[s]ound level measurements from the 2009 concert will be used to set goals for future year's festivals" [Use Permit, Appendix B, p. iv]. To point out the obvious, using the potentially high noise levels from the first concert to establish permissible noise levels for future concerts in no

way substantively addresses the potential noise impacts this large-scale event has on the surrounding neighborhoods.

At this time, we do not know if, in the wake of the 2009 festival, any noise limits were established. Regardless, in 2012, the First Amendment deleted the requirement to “set goals” and replaced it with the requirement for the permittee to “coordinate with the San Francisco Park Rangers to deploy monitors in the neighborhood who will measure sound pressure levels and record the data. Data will be promptly transmitted to the production staff at the Festival, who will use it to adjust sound pressure levels as required” [First Amendment, Section 13, p. 4].

This same section also requires the permittee to “use commercially reasonable best efforts to limit sound to the close environs of the concert grounds.” As the noise complaints Mr. Solow mapped clearly demonstrate, thousands of residences are exposed to the concert noise and hundreds of people complained [map appended]. Clearly, noise from the Outside Lands Festival in 2018 was not limited to the close environs of the concert grounds.

Returning to the permit terms regarding amplified sound in the First Amendment, the operative phrase is “adjust sound pressure levels as required”. The obvious question is: What does “as required” mean?

At this time, as far as we can ascertain, there is no actual requirement to limit the noise levels in any way, an obvious short-coming in the permit terms.

In our opinion, the City and County of San Francisco should, in the service of the thousands of residents exposed to Outside Lands concert noise, establish quantitative noise limits using standard acoustical measurement metrics that may be readily monitored (and independently checked by the City and others if they so desire) and unambiguously used to “adjust sound pressure levels as required” to meet said noise limits.

Mr. Solow has informed us that the permittee has retained our professional colleagues at Charles M. Salter Associates to advise them on the noise issues; they are well-suited to this task. We would be pleased to review and comment on whatever limits and monitoring plan Salter Associates proposes.

Very truly yours,

WILSON IHRIG


Derek L. Watry
Principal

Outside Lands Festival – Noise Complaint Map - August 2018

(Courtesy of Andrew Solow)



EXHIBIT 2



PIN MAP COMPLAINT KEY

Pin Shape denotes the day →→→→→

Pin Color denotes the # of complaints

White	1 complaint
Yellow	2 complaints
Orange	3 or more complaints
Green	noise reduction compliment

◇	Friday
○	Saturday
△	Sunday

Prepared by PL&E Investigations, LLC 10/26/2018

EXHIBIT 3

2018 Outside Lands Noise Complaints				
Provided by SF Recreation & Parks and resorted by address				
ID #	Date	Time	Address	Inquiry/Actions/Notes
138	8/11/2018	10:15am	10th btwn Lawton and Moraga	Noise complaint
240	8/12/2018	8:54pm	11th and Fulton	Noise complaint
179	8/11/2018	6:30pm	11th and Noriega	Noise complaint
43	8/10/2018	5:55pm	11th and Pacheco	Noise complaint
53	8/10/2018	6:45pm	12th and Lawton	Noise complaint
76	8/10/2018	7:38pm	14th and Kirkham	Noise complaint
22	8/10/2018	4:26 PM	14th btwn Balboa and Cabrillo	Noise complaint
201	8/11/2018	9:03pm	15th and Anza	Noise complaint
206	8/11/2018	9:30pm	15th and Anza	Noise complaint
245	8/12/2018	9:11pm	15th and Anza	Noise complaint
192	8/11/2018	8:42pm	15th and Clement	Noise complaint
72	8/10/2018	7:28pm	15th and Lawton	Noise complaint
227	8/12/2018	6:45pm	15th ave @ Balboa	Noise complaint
175	8/11/2018	6:00pm	16th @ Pacheco	Noise complaint
210	8/11/2018	9:37pm	16th and Fulton	Noise complaint
158	8/11/2018	5:00pm	16th and Lincoln	Noise complaint
123	8/10/2018	9:28pm	16th and Moraga	Noise complaint
196	8/11/2018	8:57pm	16th and Ortega	Noise complaint
189	8/11/2018	8:33pm	17th and Irving	Noise complaint
88	8/10/2018	8:35pm	17th and Lake	Noise complaint
224	8/12/2018	5:30pm	17th and Lake	Noise complaint
225	8/12/2018	5:40pm	17th and Lake	Noise complaint
203	8/11/2018	9:13pm	17th and Lawton	Noise complaint
5	8/10/2018	1:25pm	17th and Vicente	Noise complaint
102	8/10/2018	8:47pm	17th and Vicente	Noise complaint
241	8/12/2018	9:03pm	17th ave & Wawona	Noise complaint
145	8/11/2018	11:10am	1800 block of Funston at Ortega	Noise complaint
150	8/11/2018	12:18pm	18th and Taraval	Noise complaint
139	8/11/2018	10:15am	18th and Wawona	Noise complaint
164	8/11/2018	5:05pm	18th ave @ Vicente	Noise complaint
128	8/10/2018	9:40pm	18th ave btwn Anza and Balboa	Noise complaint
82	8/10/2018	8:06pm	1934 24th ave	Noise complaint
188	8/11/2018	8:25pm	19th and Cabrillo	Noise complaint
232	8/12/2018	8:30pm	20th and California	Noise complaint
208	8/11/2018	9:35pm	20th and Judah	Noise complaint
79	8/10/2018	7:55pm	20th and Ortega	Noise complaint
89	8/10/2018	8:35pm	20th and Ortega	Noise complaint
156	8/11/2018	4:15pm	20th and Ortega	Noise complaint
115	8/10/2018	9:03pm	21st and Clement	Noise complaint
73	8/10/2018	7:35pm	21st and Irving	Noise complaint
149	8/11/2018	12:15pm	22nd and Clement	Noise complaint
15	8/10/2018	3:10pm	22nd and Quintara	Noise complaint
54	8/10/2018	6:45pm	22nd and Quintara	Noise complaint
143	8/11/2018	10:50am	22nd ave @ Taraval	Noise complaint
87	8/10/2018	8:34pm	23rd and Ortega	Noise complaint
97	8/10/2018	8:42pm	24th and Ortega	Noise complaint
110	8/10/2018	8:57pm	24th and Ortega	Noise complaint
17	8/10/2018	3:22pm	24th and Quintera	Noise complaint
11	8/10/2018	2:08pm	24th and Taraval	Noise complaint
116	8/10/2018	9:05pm	24th and Taraval	Noise complaint
151	8/11/2018	12:31pm	24th and Taraval	Noise complaint
229	8/12/2018	7:00pm	24th av btwn Irving and Judah	Noise complaint
127	8/10/2018	9:37pm	24th ave and Taraval	Noise complaint
226	8/12/2018	6:21pm	25th btwn California and Lake	Noise complaint
37	8/10/2018	5:39pm	26th and Quintara	Noise complaint
59	8/10/2018	6:50pm	26th and Quintera	Noise complaint
18	8/10/2018	3:30pm	26th and Rivera	Noise complaint
9	8/10/2018	1:53pm	26th and Santiago	Noise complaint
220	8/12/2018	3:44pm	26th at Lincoln	Noise is much quieter

2018 Outside Lands Noise Complaints 2 of 4

172	8/11/2018	5:45pm	26th Ave at California	Noise complaint
248	8/12/2018	9:43pm	26th ave btwn California and	Noise complaint
131	8/10/2018	9:47pm	26th btwn California and Lake	Noise complaint
38	8/10/2018	5:40pm	27th and Balboa	Noise complaint
122	8/10/2018	9:27pm	27th and Balboa	Noise complaint
126	8/10/2018	9:35pm	27th and Balboa	Noise complaint
205	8/11/2018	9:28pm	27th and Balboa	Noise complaint
209	8/11/2018	9:35pm	27th and California	Noise complaint
96	8/10/2018	8:41pm	28th and Anza	Noise complaint
90	8/10/2018	8:35pm	29th and Quintera	Noise complaint
107	8/10/2018	8:51pm	29th and Rivera	Noise complaint
135	8/10/2018	9:52pm	29th and Rivera	Noise complaint
118	8/10/2018	9:10pm	29th btwn Cabrillo and Balboa	Noise complaint
91	8/10/2018	8:36pm	29th btwn Fulton and Cabrillo	Noise complaint
191	8/11/2018	8:41pm	2nd and Balboa	Noise complaint
50	8/10/2018	6:30pm	2nd and Lincoln	Noise complaint
98	8/10/2018	8:43pm	2nd ave and Hugo	Noise complaint
21	8/10/2018	4:13 PM	2nd btwn Balboa and Cabrillo	Noise complaint
77	8/10/2018	7:38pm	300 Cabrillo at 4th	Noise complaint
214	8/11/2018	9:57pm	30th and Lincoln	Noise level is better.
213	8/11/2018	9:47pm	30th and Fulton	Noise level is better.
134	8/10/2018	9:49pm	30th and Lake	Noise complaint
101	8/10/2018	8:46pm	30th btwn Fulton and Cabrillo	Noise complaint
70	8/10/2018	7:25pm	31st and Ortega	Noise complaint
144	8/11/2018	11:01am	31st and Ulloa	Noise complaint
83	8/10/2018	8:21pm	31st btwn Ortega and Pacheco	Noise complaint
171	8/11/2018	5:44pm	32nd and Irving	Noise complaint
16	8/10/2018	3:10pm	32nd and Rivera	Noise complaint
45	8/10/2018	5:58pm	32nd and Ulloa	Noise complaint
243	8/12/2018	9:06pm	32nd btwn Ulloa and Cabrillo	Noise complaint
170	8/11/2018	5:30pm	33rd and Fulton	Noise complaint
202	8/11/2018	9:10pm	33rd and Vicente	Noise complaint
233	8/12/2018	8:30pm	35th and Anza	Noise complaint
137	8/11/2018	10:13AM	35th and Cabrillo	Sound is a good volume.
239	8/12/2018	8:49pm	35th and Cabrillo	Noise complaint
111	8/10/2018	8:57pm	36th and Balboa	Noise complaint
142	8/11/2018	10:44am	36th ave and Cabrillo	Noise complaint
242	8/12/2018	9:05pm	36th ave and Cabrillo	Noise complaint
249	8/12/2018	10:20pm	36th ave and Cabrillo	Noise complaint
165	8/11/2018	5:10pm	36th and Geary	Noise complaint
74	8/10/2018	7:35pm	36th and Pacheco	Noise complaint
67	8/10/2018	7:15pm	38th and Geary	Noise complaint
130	8/10/2018	9:44pm	39th and Fulton	Noise complaint
75	8/10/2018	7:36pm	3rd and Anza	Noise complaint
154	8/11/2018	12:48pm	3rd and Irving	Noise complaint
166	8/11/2018	5:10pm	3rd and Irving	Noise complaint
104	8/10/2018	8:49pm	40th and Fulton	Noise complaint
112	8/10/2018	8:57pm	40th and Fulton	Noise complaint
114	8/10/2018	9:01pm	40th and Vicente	Noise complaint
100	8/10/2018	8:45pm	40th ave at Cabrillo	Noise complaint
12	8/10/2018	2:31pm	41st and Rivera	Noise complaint
27	8/10/2018	5:04pm	41st and Santiago	Noise complaint
129	8/10/2018	9:43pm	42nd and Quintara	Noise complaint
7	8/10/2018	1:35pm	42nd and Taraval	Noise complaint
34	8/10/2018	5:34pm	42nd and Ulloa	Noise complaint
19	8/10/2018	4:06pm	42nd ave at Ulloa	Noise complaint
58	8/10/2018	6:49pm	43rd and Rivera	Noise complaint
81	8/10/2018	8:05pm	43rd and Rivera	Noise complaint
33	8/10/2018	5:31pm	44th and Quintara	Noise complaint
136	8/10/2018	10:02pm	44th and Rivera	Noise complaint
14	8/10/2018	2:52pm	44th and Rivera	Noise complaint
62	8/10/2018	7:03pm	44th and Rivera	Noise complaint
80	8/10/2018	7:59pm	44th and Rivera	Noise complaint
141	8/11/2018	10:30am	44th and Rivera	Noise complaint
71	8/10/2018	7:26pm	44th and Taraval	Noise complaint
109	8/10/2018	8:56pm	45th and Noriega	Noise complaint
30	8/10/2018	5:15pm	45th and Rivera	Noise complaint
52	8/10/2018	6:38pm	46th and Vicente	Noise complaint

2018 Outside Lands Noise Complaints 3 of 4

117	8/10/2018	9:09pm	47th and Moraga	Noise complaint
23	8/10/2018	4:30pm	47th and Quintara	Noise complaint
180	8/11/2018	7:05pm	4th and Cabrillo	Noise complaint
120	8/10/2018	9:22pm	5th and Cabrillo	Noise complaint
48	8/10/2018	6:22pm	5th and Kirkham	Noise complaint
64	8/10/2018	7:10pm	5th and Kirkham	Noise complaint
93	8/10/2018	8:40pm	657 25th ave	Noise complaint
236	8/12/2018	8:37pm	6th and Cabrillo	Noise complaint
61	8/10/2018	7:00pm	6th and Judah	Noise complaint
181	8/11/2018	7:05pm	6th and Judah	Noise complaint
68	8/10/2018	7:20pm	6th and Locksley	Noise complaint
84	8/10/2018	8:27pm	6th and Locksley	Noise complaint
231	8/12/2018	8:16pm	6th at Kirkham	Noise complaint
94	8/10/2018	8:40pm	794 31st at Cabrillo	Noise complaint
237	8/12/2018	8:38pm	7th and California	Noise complaint
169	8/11/2018	5:20pm	7th and Clarendon	Noise complaint
35	8/10/2018	5:34pm	7th and Irving	Noise complaint
20	8/10/2018	4:12 PM	7th and Judah	Noise complaint
69	8/10/2018	7:22pm	7th and Lawton	Noise complaint
140	8/11/2018	10:15am	7th btwn Judah and Kirkham	Noise complaint
113	8/10/2018	8:59pm	823 29th at Fulton	Noise complaint
29	8/10/2018	5:07pm	8th and Lawton	Noise complaint
49	8/10/2018	6:25pm	8th and Lincoln	Noise complaint
40	8/10/2018	5:45pm	8th and Moraga	Noise complaint
99	8/10/2018	8:44pm	8th and Moraga	Noise complaint
103	8/10/2018	8:47pm	8th ave and Judah	Noise complaint
85	8/10/2018	8:33pm	8th btwn Lincoln and Irving	Noise complaint
8	8/10/2018	1:50pm	9th and Lincoln	Noise complaint
47	8/10/2018	6:11pm	9th and Lincoln	Noise complaint
65	8/10/2018	7:10pm	9th and Lincoln	Noise complaint
56	8/10/2018	6:46pm	Anza and Arguello	Noise complaint
95	8/10/2018	8:40pm	Anza and Stanyan	Noise complaint
32	8/10/2018	5:30pm	Ashbury and Frederick	Noise complaint
204	8/11/2018	9:17pm	Ashbury and Frederick	Noise complaint
148	8/11/2018	12:07pm	Baker and Fulton	Noise complaint
216	8/12/2018	10:25am	Baker and Fulton	Noise complaint
230	8/12/2018	7:05pm	Balboa and 27th	Noise complaint
197	8/11/2018	8:57pm	Broderick @ Divisadero	Noise complaint
157	8/11/2018	4:35pm	Broderick btwn California and	Noise complaint
178	8/11/2018	6:15pm	Buela and Stanyan	Noise complaint
39	8/10/2018	5:40pm	Cabrillo and 6th	Noise complaint
159	8/11/2018	5:00pm	Cabrillo at 6th	Noise complaint
211	8/11/2018	9:37pm	California and 22nd ave	Noise complaint
183	8/11/2018	7:20pm	California and 7th ave	Noise complaint
244	8/12/2018	9:10pm	California and Jordan	Noise complaint
121	8/10/2018	9:24pm	California and Parker	Noise complaint
60	8/10/2018	6:52pm	Carl and Hillway	Noise complaint
160	8/11/2018	5:00pm	Carl at 8th	Noise complaint
86	8/10/2018	8:33pm	Carl btwn Hillway and Hillard	Noise complaint
218	8/12/2018	1:05pm	City View Way & Knollview Way	Noise complaint
92	8/10/2018	8:37pm	Clayton and Parnassas	Noise complaint
78	8/10/2018	7:40pm	Clement and 15th	Noise complaint
161	8/11/2018	5:00pm	Clement and 22nd	Noise complaint
10	8/10/2018	2:00pm	Cole and Fulton	Noise complaint
24	8/10/2018	4:30pm	Cole and Fulton	Noise has abated. Very
3	8/10/2018	1:20pm	Commonwealth @ California	Noise complaint
63	8/10/2018	7:08pm	Commonwealth @ California	Noise complaint
177	8/11/2018	6:05pm	Downey and Ashbury	Noise complaint
195	8/11/2018	8:55pm	Fillmore and Grove	Noise complaint
173	8/11/2018	5:45pm	Frederick and Ashbury	Noise complaint
234	8/12/2018	8:30pm	Fulton and 21st	Noise complaint
198	8/11/2018	8:57pm	Fulton and 23rd	Noise complaint
162	8/11/2018	5:00pm	Fulton and Cole	Sound is better
228	8/12/2018	6:48pm	Fulton at 11th	Noise complaint
235	8/12/2018	8:30pm	Garfield and Monticello	Noise Complaint but
124	8/10/2018	9:33pm	Geary and 35th	Noise complaint
190	8/11/2018	8:36pm	Haight and Baker	Noise complaint

2018 Outside Lands Noise Complaints 4 of 4

247	8/12/2018	9:28pm	Haight and Baker	Noise complaint
167	8/11/2018	5:15pm	Haight and Schrader	Noise complaint
46	8/10/2018	6:03pm	Hayes and Ashbury	Noise complaint
125	8/10/2018	9:33pm	Irving and 6th ave	Noise complaint
246	8/12/2018	9:19pm	Irving btwn 10th and 11th	Noise complaint
222	8/12/2018	5:00pm	Lake and 17th	Noise complaint
31	8/10/2018	5:27pm	Lawton and 16th	Noise complaint
57	8/10/2018	6:48pm	Lawton btwn 9th and 10th	Noise complaint
36	8/10/2018	5:34pm	Lincoln and 16th	Noise complaint
184	8/11/2018	7:20pm	McAllister and Baker	Noise complaint
108	8/10/2018	8:53pm	Noriega and Funston	Noise complaint
2	8/10/2018	11:31am	Oak Park Drive & Lake Forest Ct	Noise complaint
13	8/10/2018	2:43pm	Oak Park Drive & Lake Forest Ct	Noise complaint
25	8/10/2018	4:30pm	Oak Park Drive & Lake Forest Ct	Noise complaint
44	8/10/2018	5:55pm	Oak Park Drive & Lake Forest Ct	Noise complaint
105	8/10/2018	8:49pm	Oak Park Drive & Lake Forest Ct	Noise complaint
155	8/11/2018	1:45pm	Oak Park Drive & Lake Forest Ct	Noise complaint
147	8/11/2018	12:05pm	Oak Park Drive & Lake Forest Ct	Noise complaint
152	8/11/2018	12:32pm	Oak Park Drive & Lake Forest Ct	Noise complaint
163	8/11/2018	5:03pm	Oak Park Drive & Lake Forest Ct	Noise complaint
176	8/11/2018	6:00pm	Oak Park Drive & Lake Forest Ct	Noise complaint
200	8/11/2018	9:00pm	Oak Park Drive & Lake Forest Ct	Noise complaint
217	8/12/2018	10:40am	Oak Park Drive & Lake Forest Ct	Noise complaint
219	8/12/2018	2:38 PM	Oak Park Drive & Lake Forest Ct	Noise complaint
221	8/12/2018	3:55pm	Oak Park Drive & Lake Forest Ct	Noise complaint
238	8/12/2018	8:48pm	Oak Park Drive & Lake Forest Ct	Noise complaint
146	8/11/2018	11:45am	Ocean and Meadowbrook	Noise complaint
187	8/11/2018	8:15pm	Ocean and Sunset	Noise complaint
207	8/11/2018	9:30pm	Ocean at Middlefield	Noise complaint
106	8/10/2018	8:50pm	Ortega and 14th	Noise complaint
185	8/11/2018	7:30pm	Ortega btwn 11th and 14th	Noise complaint
186	8/11/2018	7:50pm	Pacheco at 8th	Noise complaint
42	8/10/2018	5:49pm	Page and Scott	Noise complaint
193	8/11/2018	8:50pm	Page at Scott	Noise complaint
28	8/10/2018	5:05pm	Palm and California	Noise complaint
153	8/11/2018	12:45pm	Panorama Dr at Starview Way	Noise complaint
133	8/10/2018	9:48pm	Presidio near Baker Beach	Noise complaint
26	8/10/2018	4:36 PM	Rockaway and Ulloa	Noise complaint
194	8/11/2018	8:50pm	Rossi and Turk	Noise complaint
1	8/10/2018	10:23am	Santiago and 41st	Noise complaint
199	8/11/2018	8:57pm	Sola and Marcela (Forest Hill)	Noise complaint
132	8/10/2018	9:47pm	Stanyan	Noise complaint
4	8/10/2018	1:22pm	Stanyan & Haight	Noise complaint
6	8/10/2018	1:30pm	Stanyan & Hayes	Noise complaint
223	8/12/2018	5:15pm	Stanyan and 17th	Noise complaint
41	8/10/2018	5:48pm	Stanyan and Anza	Noise complaint
51	8/10/2018	6:36pm	Stanyan and Anza	Called an hour ago, got
66	8/10/2018	7:10pm	Sunset and Balboa	Noise complaint
215	8/12/2018	10:20am	Ulloa & Allston Way	Noise complaint
55	8/10/2018	6:45pm	Washington and Cherry	Noise complaint
168	8/11/2018	5:15pm	Washington btwn Broderick and	Noise complaint
182	8/11/2018	7:10pm	Washington btwn Broderick and	Noise complaint
174	8/11/2018	5:45pm	Webster and California	Noise complaint
119	8/10/2018	9:11pm	West Portal/Forest Hill	Noise complaint
212	8/11/2018	9:38pm	Yorba and Wawona	Noise complaint

EXHIBIT 4

CHARLES M. SALTER ASSOCIATES, INC.
Consultants in Acoustics and Audio/Visual Design
130 Sutter Street, Suite 500
San Francisco, CA 94104
Phone: (415) 397-0442
Fax: (415) 397-0454
E-mail: tschindler@cmsalter.com

Memorandum

Date: 12 February 2004

Pages (including cover): 16

Name:

Company:

Fax #:

Dan McKenna

Recreation and Park Department

415-221-8034

From: Tom Schindler /mdn

Subject: Golden Gate Park Noise Mitigation – Final Report
CSA Project No.: 01-0428

Dear Dan:

Attached please find our final report dated 25 July 2003 for the subject project. Please call us if you require additional information.

TAS/mdn

P:\CSA Projects\Y2001\01-0428\Transm Final Report of 7-25-03.doc

Charles M Salter Associates Inc

Consultants
in Acoustics
& Audio/Visual
System Design

130 Sutter Street
San Francisco
California 94104
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Robert P Alvarado

Joey G D'Angelo

Julie A Malork

Brian Brustad

Brenda R Yee

Eric A Yee

Troy Gimbel

Timothy C McLain

Joshua M Roper

Kevin M Powell

Christopher A Peltier

Randy Waldeck

Jeff Clukey

Andrew Stanley

Peter Holst

Ethan Saller

Claudia Kraehe

Jessica Jerozal

Pamela M Vold

Kevin Frye

Ian Groven

Marva D Noordzee

Debbie Garcia

25 July 2003

Dan McKenna

Recreation and Park Department

501 Stanyan St., 2nd Floor

San Francisco, CA 94117

Subject: Golden Gate Park Noise Mitigation – Final Report
CSA Project No: 01-0428

Dear Mr. McKenna,

Enclosed find two copies of the final project report for the Golden Gate Park Noise Mitigation Project our office has conducted.

Please forgive any difficulties/ delays associated with the transition from Al Rosen to Tom Schindler and myself in putting this report together.

It has been a pleasure working with you and working on this project.

Feel free to call if you have any questions.

Sincerely,

CHARLES M. SALTER ASSOCIATES, INC.

Julie Malork
Julie Malork
Senior Consultant

Tom Schindler
Tom Schindler, PE
Vice President

TAS_01-0428 Report Cover Letter_jan_7-25-03

C h a r l e s M S a l t e r A s s o c i a t e s I n c

**FINAL REPORT
GOLDEN GATE PARK NOISE
MITIGATION PROJECT
SAN FRANCISCO, CA**

CSA PROJECT NO: 01-0428

Prepared for:

Recreation and Park Department
501 Stanyan Street, 2nd Floor
San Francisco, CA 94117

Prepared by:

Thomas A. Schindler
Vice President

Julie Malork
Senior Consultant

25 July 2003

INTRODUCTION

For this project, we conducted measurements of noise from several events at Sharon Meadows and one event at Speedway Meadows to quantify sound propagation from these venues to the neighborhood residential locations. In addition, sound measurements were conducted at Sharon Meadows to quantify the effect of "tilting" the loudspeakers towards the ground and rotating the stage to minimize sound propagation to the community. Based on the results of these tests we provide recommendations on modifications to the existing City permit language, sound system design and maximum sound level criteria at the Mix position to minimize event noise levels in the community.

All sound levels presented in this report are A-weighted. Those readers not familiar with the fundamental concepts of environmental noise are referred to Appendix A.

1 - EXISTING ACOUSTICAL CRITERIA

Existing acoustical criteria for outdoor events are contained in the San Francisco Police Code (MPC) and Police Department's application for permit for an outdoor event.

Section 47.2 of the MPC entitled "regulation for use" enumerates regulations for sound amplifying equipment. Section 7 states that "Except as permitted by Chief of Police for public gatherings, in all cases where sound amplifying equipment remains at one location or when the sound truck is not in motion, the volume of the sound shall be controlled so that it will not be audible for a distance in excess of 250 feet from the periphery of the attendant audience."

In addition the bottom of the second page of the Police permit application states:

- "Sound level may not exceed 250 as specified by section 47.2 (7) MPC" (*this requirement as stated is incomplete, however likely refers to the reference to audibility at 250 feet, as stated in MPC Section 47.2 (7) above*).

Golden Gate Park Noise Mitigation Project, 25 July 2003

Page 2

- "Permitees shall reduce sound level to a volume requested by law enforcement personnel"

The MPC also considers "unnecessary noises" as those which "cause a noise level in excess of the ambient noise level by more than 5 dBA when measured at the nearest property line of the property from which the sound is omitted (sic)." It appears that this portion of the code does not apply since Section 49 explicitly exempts noises that are covered in Section 47.2.

In summary, the application for permit requires that the noise from concerts be controlled so that it is not audible for a distance in excess of 250 feet from the periphery of the attendant audience. For the purpose of this analysis we use 47.2(7) as a basis for determining whether the noise levels measured meet or exceed the City's code requirements.

2 - MEASUREMENTS

Measurements were made to quantify the noise level of events in the City as well as to test an alternative speaker layout. This section summarizes those results.

2.1 - Ambient Noise Levels.

Measurements were made on August 25th through August 28th 2001 to quantify existing ambient noise levels northeast of the Park at 41 Temescal Terrace and east of the Park near 1833 Page Street. According to police, residents in these areas have previously complained about concert noise.

At Temescal Terrace, the measurement was made at the southwest corner of the backyard, 10 feet above ground on a fence post. At this location, there was a partial view of the areas to the southwest (towards the Park), but was generally screened from the Park by existing terrain and buildings. This location is significantly elevated above the Park.

Golden Gate Park Noise Mitigation Project, 25 July 2003

Page 3

The average daily noise level ranged from 48 to 55 dBA on a Sunday without an event.

Nighttime levels ranged from 42 to 48 dBA. The noise level was dominated by traffic on local roads and distant aircraft activity. We also observed occasional noise from the athletic field on Parker Avenue that is associated with the USF campus.

The Page Street measurements were made in front of the existing S.F. Public Library (1833 Page Street) on a utility pole approximately 12 feet above grade. The dominant noise source at this location was vehicular traffic on Page Street. Typical daytime levels range from 58 to 62 dBA. Nighttime noise levels ranged from 48 to 58 dBA.

2.2 - 2001 Concert Season

2.2.1 - "Reggae in the Park" at Sharon Meadows

Measurements of the "Reggae in the Park" concert were made on October 7th 2001 at the Temescal Terrace and Page Street residential monitoring locations. The measurements were made before, during, and after the show to determine the effect of the concert on noise levels at the receiver locations.

At both locations, the sound of the concert was audible. The data indicates that the noise level at the Temescal location decreases after 7 pm when the concert concludes. At Page Street the concert was audible but, at times, harder to detect above other ambient noises such as traffic and general street activity.

An additional measurement was made at 2536 McAllister Street. This location is closer to the Park than the other two monitoring locations. Maximum noise levels from the concert were 64 to 71 dBA; car pass-bys had maximum levels of 65 to 66 dBA. Without the music or cars, the ambient noise level was 50 to 55 dBA.

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During the concert, a measurement was made 150 feet in front of the stage while a simultaneous measurement was made 150 feet directly behind the stage. The purpose of the measurement was to determine how much noise reduction could be obtained by rotating the stage to the west, away from the affected homes. We found that the sound level behind the stage was about 16 dBA lower than in front.

2.2.2 - "RACE FOR THE CURE®" AT SHARON MEADOWS, SPEAKER ORIENTATION TESTING

A series of tests were conducted on October 20th 2001 prior to the "Race for the Cure®". During these tests, one of the two main loudspeakers was aimed horizontally (normal position) and the other was aimed with a 15-degree downward tilt. The goal was to determine if the tilting of the loudspeakers would reduce noise levels in the residential neighborhood to the northeast.

Measurements were made near Temescal Terrace as the sound alternated between the two speakers. In most instances it was difficult to ascertain the loudspeaker sound level due to high ambient noise from vehicular traffic on local roads. However, the data seem to indicate that the noise level was reduced by 3 and 5 dB in the mid frequencies (speech frequencies) when switching between the horizontal and downward facing speakers. This leads us to conclude that the orientation of the speakers could be used to effect an overall reduction of up to 3 dBA.

2.2.3 - "STRICTLY BLUEGRASS" CONCERT AT SPEEDWAY MEADOWS

Noise measurements were made during the "Strictly Bluegrass" event at Speedway Meadows on October 27th 2001. Measurements were made along Lincoln Way and Fulton Streets near existing residences outside the Park. In general, the concert was barely detectable or inaudible at these residential locations. In part, this was due to the type of music (the Bluegrass music generated lower levels than those at the Reggae festival). However, the orientation of the stage, acoustical shielding provided by the existing terrain surrounding the Park and the high existing ambient noise levels from roadways helped mask the concert sound so that it was barely audible

in the neighborhood. The sound of the concert was audible to the west, particularly at the eastern end of the Polo Field.

2.3 - 2002 Concert Season

After an initial meeting with local neighbors, the Park staff, police and promoters prior to the 2002 season, it was decided to attempt to maintain noise levels such that they would not exceed the ambient L_{eq} by more than 5 dB. Following are the results.

2.3.1 - "Comedy Day" Event at Sharon Meadows

Noise measurements were made during the "Comedy Day" event at Sharon Meadows on August 18th 2002. For this event, the stage and loudspeakers were oriented to the east. Measurements were made on Alma Street southeast of the Park, on Page Street and on Shrader Street east of the Park, at Temescal Terrace northeast of the Park and on Parnassus Avenue south of the Park in residential neighborhoods. The concert was barely detectable or inaudible at all residential locations except the Page Street location. At Page Street, the event was audible but did not increase the ambient noise level more than 5 dBA. In general, the concert sound levels were one to 3 decibels higher than the ambient noise levels measured in August 2001 and before the concert began. At each location, local traffic dominated the noise environment.

2.3.2 - "A La Carte, A La Park" Concert at Sharon Meadows

Measurements of the "A La Carte, A La Park" event at Sharon Meadows were made on September 1st 2002 at the Page Street, Temescal Terrace and Shrader Street residential monitoring locations. For this event, the stage and loudspeakers were oriented to the north. Concert noise was inaudible or barely audible at each location, and the ambient noise levels were never exceeded by 5 dBA.

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2.3.3 - "Now and Zen" Concert at Sharon Meadows

Noise measurements were made during the "Now and Zen" event at Sharon Meadows on September 22nd 2002. For this event, the stage was oriented to the north and the loudspeakers were in a vertical line array to the north. Measurements were made east of the Park at the Page Street location and northeast of the Park at the Temescal Terrace and Shrader Street residential monitoring locations. The concert was detectable at both the Temescal and Shrader locations, but inaudible at the Page location. At the Temescal and Shrader locations, the ambient noise level was also exceeded by more than 5 dBA and neighborhood complaints were generated.

Although the stage and loudspeaker set-up were acoustically optimal (i.e. north-facing and loudspeaker in a vertical line array), the sound levels at the Mix position reached 109 dBA instantaneous maximum sound level. Despite requests by the Park staff and the Police Department for the person at the mixing board to reduce the sound levels, our measurements indicate that between 2:30 pm and 3:20 pm, the sound levels at the Mix position repeatedly reached between 104 and 109 dBA. This measurement experience indicates that restricting the sound level at the Mix location to a maximum level is strongly recommended to comply with the police code, to minimize the negative impact on the nearby residential neighbors and to reduce the likelihood of complaints.

3 - CONCLUSIONS

- 3.1 For several events measured, noise at Sharon Meadows was clearly audible at residential neighborhoods surrounding the Park. This level of noise would likely be considered a violation of the police code (Section 47.2(7)) and use permit since the concert music was audible in excess of 250 feet from the periphery of the attendant audience.
- 3.2 Maintenance of the "5 dB over ambient" limit resulted in barely audible concert sound in the neighborhood and minimal complaints based on a meeting with the neighbors after the first season.

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- 3.3 Reorientation of loudspeakers along the horizontal lateral axis (face speakers downward) can cause a slight reduction of noise levels in residential neighborhood. This effect would be approximately 3 decibels. A 3 dB change would be slightly noticeable.
- 3.4 Reorientation of the stage and loudspeakers to the west would reduce noise by 10 to 15 dBA at residences to the east. For comparison, a 10 dBA reduction would be considered a halving of the perceived loudness. However noise levels in other areas to the west could increase as a result of this reorientation. This would require further testing which could be done as part of the ongoing effort to reduce noise from the concerts.
- 3.5 Concerts at Speedway Meadows would likely generate significantly lower levels in residential communities as compared to those at Sharon Meadows.

4 - RECOMMENDATIONS

Based on the aforementioned conclusions, the following mitigation measures should be investigated for future concerts in an attempt to minimize noise impact to the neighborhoods:

Event Permitting

- 4.1 Revise the police permitting requirements so that the concert will not be in direct violation of the code. This would require either a change in the code or an exemption to be granted by the Chief of Police.

Stage/Loudspeaker Orientation

- 4.2 Orient the stage and loudspeakers to the north (towards "hippie hill"), or evaluate the feasibility of orienting the stage and loudspeakers towards the west to minimize sound transfer to residential areas adjacent to the Park.
- 4.3 Provide a "vertical line array" of speakers or maintain a downward tilt if conventional speakers are to be used. A vertical line array loudspeaker system is specifically designed and configured so that the spreading of sound in the vertical plane (the "vertical dispersion") is limited. This type of loudspeaker system has become commonplace in medium to large touring systems, however may not be available from smaller local sound rental companies.
- 4.4 Where vertical line array loudspeaker systems are not available, require concert promoters to orient loudspeakers 15 degrees down from the horizontal plane to minimize the sound leakage to the community. The effectiveness can be evaluated over the course of the upcoming concert season. The exact design will need to be tested and refined but can be worked out with the City, sound contractor and acoustical consultant.

Concert Sound Levels

- 4.5 Maintain maximum sound levels at the Mix position. Assuming the provisions of items 2 and 3 or 4 above, it should be required that the maximum levels at the mixing board shall not exceed a 5-minute average sound level (L_{eq}) of 96 dBA or instantaneous maximum sound level of 102 dBA.
- 4.6 Maintain maximum noise levels in the community. In addition to the sound level limit at the Mix position, measurements should be made at representative locations in the community to assure that average concert noise does not exceed average ambient noise by more than 5 dBA. A measurement of the average sound level (L_{eq}) should be made at 5-

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minute intervals during the concert. This can be compared with measurements of ambient noise (5-minute L_{eq}) made prior to concert and during breaks in the concert.

Noise Monitoring

- 4.7 Determine the responsibility to monitor noise: One possible approach is that the organizer of the event be responsible to provide acoustical measurement services at the mixing board and in the community. Alternately, the Park staff or Police Department could be the measuring authority. Organizers must alert performing companies that concert noise levels must be adjusted to comply with the limits set forth in items 6 and 7.
- 4.8 Maintain a Complaint Log. An accurate log of complaints received during concerts should be maintained by the S.F. Police Department and/or Department of Parks and Recreation in order to identify problem areas.

Alternate Event Site

- 4.9 Evaluate the potential for alternate locations for noisy events (e.g. Speedway Meadows)

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APPENDIX A

FUNDAMENTAL CONCEPTS OF ENVIRONMENTAL NOISE

This section provides background information to aid in understanding the technical aspects of this report.

Three dimensions of environmental noise are important in determining subjective response. These are:

- a) The intensity or level of the sound;
- b) The frequency spectrum of the sound; and
- c) The time-varying character of the sound.

Airborne sound is a rapid fluctuation of air pressure above and below atmospheric pressure. Sound levels are usually measured and expressed in decibels (dB), with 0 dB corresponding roughly to the threshold of hearing.

The "frequency" of a sound refers to the number of complete pressure fluctuations per second in the sound. The unit of measurement is the cycle per second (cps) or hertz (Hz). Most of the sounds, which we hear in the environment, do not consist of a single frequency, but of a broad band of frequencies, differing in level. The name of the frequency and level content of a sound is its sound spectrum. A sound spectrum for engineering purposes is typically described in terms of octave bands, which separate the audible frequency range (for human beings, from about 20 to 20,000 Hz) into ten segments.

Many rating methods have been devised to permit comparisons of sounds having quite different spectra. Surprisingly, the simplest method correlates with human response practically as well as the more complex methods. This method consists of evaluating all of the frequencies of a sound in accordance with a weighting that progressively de-emphasizes the importance of frequency components below 1000 Hz and above 5000 Hz. This frequency weighting reflects the fact that human hearing is less sensitive at low frequencies and at extreme high frequencies relative to the mid-range.

The weighting system described above is called "A-weighting," and the level so measured is called the "A-weighted sound level" or "A-weighted noise level." The unit of A-weighted sound level is sometimes abbreviated "dBA." In practice, the sound level is conveniently measured using a sound level meter that includes an electrical filter corresponding to the A-weighting characteristic. All U.S. and international standard sound level meters include such a filter. Typical sound levels found in the environment and in industry are shown in Figure A-1.

Although a single sound level value may adequately describe environmental noise at any instant in time, community noise levels vary continuously. Most environmental noise is a conglomeration of distant noise sources, which results in a relatively steady background noise having no identifiable source. These distant sources may include traffic, wind in trees, industrial activities, etc. and are relatively constant from moment to moment. As natural forces change or as human activity follows its daily cycle, the sound level may vary slowly from hour to hour. Superimposed on this slowly varying background is a succession of identifiable noisy events of brief duration. These may include nearby activities such as single vehicle passbys, aircraft flyovers, etc. which cause the environmental noise level to vary from instant to instant.

To describe the time-varying character of environmental noise, statistical noise descriptors were developed. " L_{10} " is the A-weighted sound level equaled or exceeded during 10 percent of a stated time period. The L_{10} is considered a good measure of the maximum sound levels caused by discrete noise events. " L_{50} " is the A-weighted sound level that is equaled or exceeded 50 percent of a stated time period; it represents the median sound level. The " L_{90} " is the A-weighted sound level equaled or exceeded during 90 percent of a stated time period and is used to describe the background noise.

As it is often cumbersome to quantify the noise environment with a set of statistical descriptors, a single number called the average sound level or " L_{eq} " is now widely used. The term " L_{eq} " originated from the concept of a so-called equivalent sound level which contains the same acoustical energy as a varying sound level during the same time period. In simple but accurate technical language, the L_{eq} is the average A-weighted sound level in a stated time period. The L_{eq} is particularly useful in describing the subjective change in an environment where the source of noise remains the same but there is change in the level of activity. Widening roads and/or increasing traffic are examples of this kind of situation.

In determining the daily measure of environmental noise, it is important to account for the different response of people to daytime and nighttime noise. During the nighttime, exterior background noise levels are generally lower than in the daytime; however, most household noise also decreases at night, thus exterior noise intrusions again become noticeable. Further, most people trying to sleep at night are more sensitive to noise.

To account for human sensitivity to nighttime noise levels, a special descriptor was developed. The descriptor is called the Day/Night Average Sound Level (abbreviated DNL or L_{dn}), which represents the 24-hour average sound level with a penalty for noise occurring at night.

The DNL computation divides the 24-hour day into two periods: daytime (7:00 am to 10:00 pm); and nighttime (10:00 pm to 7:00 am). The nighttime sound levels are assigned a 10 dB penalty prior to averaging with daytime hourly sound levels. For highway noise environments, the average noise level during the peak hour traffic volume is approximately equal to the DNL.

The effects of noise on people can be listed in three general categories:

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- a) Subjective effects of annoyance, nuisance, dissatisfaction;
- b) Interference with activities such as speech, sleep, and learning; and
- c) Physiological effects such as startle, hearing loss.

The sound levels associated with environmental noise usually produce effects only in the first two categories. Unfortunately, there has never been a completely predictable measure for the subjective effects of noise nor of the corresponding reactions of annoyance and dissatisfaction. This is primarily because of the wide variation in individual thresholds of annoyance and habituation to noise over time.

Thus, an important factor in assessing a person's subjective reaction is to compare the new noise environment to the existing noise environment. In general, the more a new noise exceeds the existing, the less acceptable the new noise will be judged.

With regard to increases in noise level, knowledge of the following relationships will be helpful in understanding the quantitative sections of this report:

- a) Except in carefully controlled laboratory experiments, a change of only 1 dB in sound level cannot be perceived.
- b) Outside of the laboratory, a 3 dB change is considered a just-noticeable difference.
- c) A change in level of at least 5 dB is required before any noticeable change in community response would be expected.
- d) A 10 dB change is subjectively heard as approximately a doubling in loudness, and would almost certainly cause an adverse community response.

FNDA2DNL
3 October 1990

A-WEIGHTED
SOUND PRESSURE LEVEL,
IN DECIBELS

	140	} THRESHOLD OF PAIN
	130	
CIVIL DEFENSE SIREN (100') JET TAKEOFF (200')	120	
RIVETING MACHINE	110	
DIESEL BUS (15')	100	ROCK MUSIC BAND PILEDRIIVER (50') AMBULANCE SIREN (100')
BAY AREA RAPID TRANSIT TRAIN PASSBY (10')	90	BOILER ROOM
OFF HIGHWAY VEHICLE (50') PNEUMATIC DRILL (50')	80	PRINTING PRESS PLANT GARBAGE DISPOSAL IN THE HOME
SF MUNI LIGHT-RAIL VEHICLE (35') FREIGHT CARS (100')	70	INSIDE SPORTS CAR, 50 MPH
VACUUM CLEANER (10') SPEECH (1')	60	
LARGE TRANSFORMER (200') AVERAGE RESIDENCE	50	DATA PROCESSING CENTER DEPARTMENT STORE PRIVATE BUSINESS OFFICE
	40	LIGHT TRAFFIC (100')
	30	TYPICAL MINIMUM NIGHTTIME LEVELS--RESIDENTIAL AREAS
SOFT WHISPER (5')	20	
RUSTLING LEAVES	10	RECORDING STUDIO
THRESHOLD OF HEARING	0	MOSQUITO (3')

(100') = DISTANCE IN FEET
BETWEEN SOURCE
AND LISTENER

TYPICAL SOUND LEVELS
MEASURED IN THE ENVIRONMENT
AND INDUSTRY²⁰⁶⁷

FIGURE A1



Sharon Meadows -
GCP
3/18/04
0403-009

To: Parks and Planning Committee

From: Sandy Lee, Principal Recreation Supervisor, Permits and Reservations
Margaret McArthur, Commission Liaison

Date: February 24, 2004

Re: Sound Policy, Sharon Meadow

Agenda Item Wording:

Discussion and possible action to amend the Recreation and Park Department's amplified sound permit policy for Sharon Meadow in Golden Gate Park with review by the Commission in October.

Background:

Currently, the Recreation and Park Department's sound policy is incorporated in the Recreation and Park Department's Permit and Reservation Policy amended May 15, 1997. Specifically the policy states that "Permits for events which require amplified sound permits issued by the Police Department shall also be allowed at Sharon Meadow, but only between the hours of 9:00 a.m. and 5:00 p.m.; provided, however, that amplified sound shall not exceed one (1) continuous five (5) hour period during these hours."

The Department is in the process of reviewing the Permit and Reservation Policy for revisions including sound permits, site permits and performance bonds. Changes in City law now require RPD to issue sound permits. The last amendments made to this policy were in 1997. Staff will be bringing to the Commission other revisions to this policy over the next few months. This item is specific to the sound policy at Sharon Meadow. Sharon Meadow is located near the east entrance of Golden Gate Park -surrounded by Kezar Drive, Bowling Green Drive and JFK Drive. Sharon Meadow is currently used for events ranging from Opera In the Park to Now and Zen.

Over the last few years, there have been complaints about noise from these events. Staff has been working with the Park Police Station, SFPD's Sound Bureau, community members and promoters to try and resolve these complaints. In addition the Department hired an outside certified sound consultant, Charles M. Salter Associates to study the sound problems and make recommendations on how to resolve these. A copy of that report is attached.

Below are the recommendations from the report along with Department comments :

4.1 Revise the police permitting requirements so that the concert will not be in direct violation of the code. This would require either a change in the code or an exemption to be granted by the Chief of Police.

- The Department is researching either an amendment to the Police Code or adding this to the Park Code. The sound ordinance has been changed and the Chief of Police no longer has authority over this.

4.2 Orient the stage and loudspeakers to the north (towards "hippie hill"), or evaluate the feasibility of orienting the stage and loudspeakers towards the west to minimize sound transfer to residential areas adjacent to the Park.

- The Department has already incorporated this into the event application. The Department will have final determination over the location of the orientation of the stage.

Loudspeakers

4.3 Provide a "vertical line array" of speakers or maintain a downward tilt if conventional speakers are to be used. A vertical line array loudspeaker system is specifically designed and configured so that the spreading of sound in the vertical plane (the "vertical dispersion") is limited. This type of loudspeaker system has become commonplace in medium to large touring systems, however may not be available from smaller local sound rental companies.

4.4 Where vertical line array loudspeaker systems are not available, require concert promoters to orient loudspeakers 15 degrees down from the horizontal plane to minimize the noise that could leakage to the community. The effectiveness can be evaluated over the course of the upcoming concert season. The exact design will need to be tested and refined but can be worked out with the City, sound contractor and acoustical consultant.

- It is recommended that event applicants with an anticipated attendance of 3,000 or more would be required to hire an environmental acoustical consultant to design an appropriate sound system to conform to the requirements of Police Code § 47.2.

Enforcement

4.5 Maintain maximum sound levels at the Mix position. Assuming the provisions of items 2 and 3 or 4 above, it should be required that the maximum levels at the mixing board shall not exceed a 5-minute average sound level of 96 dBA or instantaneous maximum sound level of 102dBA.

- It is not clear that this would be enforceable or would meet code requirements.

4.6 Maintain maximum noise levels in the community. In addition to the sound level limit at the Mix position, measurements should be made at representative locations in the

community to assure that average concert noise does not exceed average ambient noise by more than 5 dBA. A measurement of the average sound level should be made at 5-minute intervals during the concert. This can be compared with measurements of ambient noise made prior to concert and during breaks in the concert.

- The Department will determine locations in the community to take measurements of the average sound level.

4.7 Determine the responsibility to monitor noise: One possible approach is that the organizer of the event be responsible to provide acoustical measurement services at the mixing board and in the community. Alternately, the Park staff or Police Department could be the measuring authority. Organizers must alert performing companies that concert noise levels must be adjusted to comply with the limits set forth in items 6 and 7.

- The Park Patrol will be the measuring and enforcement authority for noise monitoring.

4.8 Maintain a Complaint Log. An accurate log of complaints received during concerts should be maintained by the S.F. Police Department and/or Department of Parks and Recreation in order to identify problem areas.

- A complaint log will be maintained by Park Patrol.

4.9 Evaluate the potential for alternate locations for noisy events (e.g. Speedway Meadows).

- The Department has not added any new major events using amplified sound for the past two years at Sharon Meadow. In fact, when Sharon Meadow was requested as the site for a new event, staff successfully placed it at Speedway Meadows. Some of those events are Circle of Life, Alice Summer Thing Concert/Festival, Strictly Blue Grass, 911 Festival & Human Rights & Peace Festival.

Staff is recommending incorporating recommendation numbers 4.1, 4.2, 4.6, 4.7, 4.8 and 4.9 along with the requirement that applications of events of an anticipated attendance of 3,000 or more hire an environmental acoustical consultant. The new policy will:

- Set an application process
- Allow the Department the final approval of stage and loudspeaker orientation
- Set enforcement procedures

There will be no additional cost to the Department. The applicant will be required to cover the cost of Park Patrol.

Staff recommends approval of the policy for Sharon Meadow with a review by the Commission in October.

DRAFT

SAN FRANCISCO RECREATION & PARK COMMISSION

AMPLIFIED SOUND PERMIT POLICY

SHARON MEADOW

HOURS: Amplified sound is permitted in Sharon Meadow for a total of 5 hours between 9:00 AM and 5:00 PM, any modification is subject to Commission approval.

APPLICATION PROCESS: Applicants for an amplified sound permit must obtain a site permit from RPD before RPD will issue an amplified sound permit. Applicants should apply for both permits at the same time.

1. Time of application
 - a. 90 days prior to the event for an event by the same sponsor that has been held before, and for which no Commission approval is required.
 - b. 180 days prior to the event for a new event, and/or for which Commission approval is required.
2. Applicant must pay the required fees by cashier check before permits will be issued. These fees include:
 - a. Site permit fees as set forth in the applicable Park Code section, plus an amount that RPD estimates will equal the necessary staff costs, other than the costs covered by the site permit fee, incurred by RPD or other City agencies in connection with the event. These staff costs could include gardener, park patrol, acoustical consultant, and sound engineer services. RPD will refund any amount that exceeds the actual costs of providing these services. (See, Park Code §§ 7.06, 7.16, 7.18, 12.22)
 - b. Sound permit filing and licensing fees as set forth in the San Francisco Police Code.
3. Before permits will be issued, applicant must provide:
 - a. Performance bond or security deposit approved by the City's Risk Manager in an amount set by RPD staff to cover the clean-up and/or repair costs in the event the Permittee fails to perform its clean-up obligations under the permit, or damages Park property.
 - b. Insurance in an amount and type of coverage that the City's Risk Manager determines to be necessary for the size and type of the event. (See, Park Code § 7.06.)
4. Applicants for events that RPD staff anticipates will have an attendance of 3,000 persons or more must hire a qualified environmental acoustical consultant to design an appropriate sound system that will conform to the requirements of Police Code § 47.2¹. Applicant must supply a copy of the

¹ S.F. Municipal Police Code: SEC. 47.2. REGULATIONS FOR USE.

Use of any sound amplifying equipment, whether truck-mounted or otherwise, within the City and County of San Francisco shall be subject to the following regulations:

(1) The only sounds permitted are music or human speech;

design with the permit application or within 30 days of submitting the application. Approval of the permit will be conditioned on the applicant's agreement that it will not use a sound system inconsistent with the design that the applicant submits to RPD. RPD will deny for failure to complete the application for an amplified sound permit if the applicant fails to provide an appropriate sound system design.

The event applicant must demonstrate that it will provide the staff at the event qualified to make appropriate adjustments to the sound mix and amplification in order to maintain compliance with Police Code § 47.2 throughout the event. The event applicant must agree that it will direct such staff to comply with directives of the Park Patrol, SFPD or the consulting sound engineer to lower the volume when necessary to obtain compliance with Police Code § 47.2.

In addition, the event applicant shall employ, from a Department list of approved consulting sound engineers, one consultant to supervise amplification to insure compliance with all applicable amplified sound ordinances, rules and regulations. This requirement shall be effective upon

-
- (2) Hours of operation permitted shall be between 9:00 a.m. and 10:00 p.m.; operation after 10:00 p.m. is permitted only at the location of a public event or affair of general public interest or as otherwise permitted by the Entertainment Commission;
 - (3) Except as permitted by the Entertainment Commission, sound shall not be issued within 450 feet of hospitals, schools, churches, courthouses, public libraries or mortuaries;
 - (4) No sound truck with its amplifying device in operation shall traverse any one block in the City and County more than four times in any one calendar day;
 - (5) Amplified human speech and music shall not be unreasonably loud, raucous, jarring or disturbing to persons of normal sensitiveness within the area of audibility, nor louder than permitted in Subsections (6) and (7) hereof;
 - (6) When the sound truck is in motion, the volume of sound shall be controlled so that it will not be audible for a distance in excess of 450 feet from its source; provided, however, that when the sound truck is stopped by traffic, the said sound amplifying equipment shall not be operated for longer than one minute at such stop;
 - (7) Except as permitted by the Entertainment Commission for public gatherings, in all cases where sound amplifying equipment remains at one location or when the sound truck is not in motion, the volume of sound shall be controlled so that it will not be audible for a distance in excess of 250 feet from the periphery of the attendant audience;
 - (8) No sound amplifying equipment shall be operated unless the axis of the center of any sound reproducing equipment used shall be parallel to the direction of travel of the sound truck; provided, however, that any sound reproducing equipment may be so placed upon said sound truck as to not vary more than 15° either side of the axis of the center of the direction of travel and, provided further, that radial, nondirectional type of loudspeakers may be used on said sound trucks either alone or in conjunction with sound reproducing equipment placed within 15° of the center line of the direction of travel.

issuance by the General Manager of a list of not less than five approved sound engineers or sound engineering firms. Said consultant shall not be employed by or associated with any other sound engineer or acoustical consultant employed by the event applicant.

STAGE/LOUDSPEAKER ORIENTATION: As a condition of the approval of an amplified sound permit, the event applicant and applicant's environmental acoustical consultant must work with RPD staff to orient the stage in a manner that minimizes the sound transfer to park and residential areas adjacent to Sharon Meadow. RPD staff will make the final determination regarding the orientation of the stage.

ENFORCEMENT:

1. If the event produces sound in excess of the limits specified in Police Code § 47.2, the Park Patrol or SFPD officer may direct the event manager to adjust the sound levels. If event staff does not adjust the sound level within 15 minutes of this directive, the Officer may again direct the event manager to adjust the sound levels.
2. The failure to adequately adjust the sound levels within 5 minutes after the second directive will be considered a violation of the conditions of the amplified sound permit and may result in revocation of the permit and other sanctions as specified in this Policy.
3. The failure to make the adjustments specified in Paragraph 3 may result in an additional condition on any future amplified sound permit issued to the event sponsor. As a result of such failure, RPD may require the event sponsor to post a performance bond or security deposit for any subsequent sound permits for any event on Park property. Failure to substantially comply with the conditions of a subsequent amplified sound permit for which a performance bond or security deposit was required may result in the forfeiture of that performance bond or security deposit. The amount of the performance bond or security deposit will be 1.5 times the fee for the site permit minus any set-up and breakdown charges.
4. The event's compliance with City law is a condition of all permits. The event sponsor's violation of City law, including laws regulating amplified sound, may result in the denial of a permit in Sharon Meadow for a future event sponsored by the same party, and relocation to an alternative site in order to mitigate serious damage to Park property or substantial interference with the peaceful use and enjoyment of the park and neighboring properties by others. Repeated violations of laws regulating the use of amplified sound may result in the denial of a permit for the use of amplified sound on Recreation and Park Property.
5. The RPD General Manager's decision to: 1) require the posting of a performance bond or security deposit; 2) impose other conditions; 3) require forfeiture of the bond or deposit; 4) deny a permit for Sharon Meadow or 5) deny a permit for amplified sound may be appealed in the same manner as the denial of a permit which is set forth in Park Code §§ 7.07 and 7.20, and Recreation and Park Commission Permit and Reservation Policy of May 15, 1997, Section III.



Park Ranger Sound Permit Protocol

This protocol is established pursuant to the Sharon Meadow Sound Policy approved by the Recreation and Park Commission on , 2004. This protocol sets forth the procedures for the monitoring and enforcement of amplified sound permits in Sharon Meadow. The San Francisco Recreation and Park Rangers will be the AHJ (Authority Having Jurisdiction) to monitor, warn and issue citations for violations of all laws, policies and permit conditions governing the use of amplified sound.

1. STAFFING. Three Park Rangers will be on duty during any event requiring an amplified sound permit.

- a. One Park Ranger will be stationed at the Ranger office to receive calls and monitor all complaints. This Ranger is responsible for maintaining an accurate log of all complaints and enforcement actions regarding amplified sound for the duration of the event, including the date, time, location of the caller, contacts with other Rangers on duty and the San Francisco Police Department, investigation and sound level readings, and warnings and citations issued.
- b. The number (415) 753-7015 will be dedicated for this purpose.
- c. The Ranger at the office will dispatch the field unit and advise the Ranger assigned to at the venue / event site.
- d. The second Park Ranger will be assigned to remain at the venue / event site to monitor the sound levels every thirty minutes with the use of a sound decibel meter.
- e. The third Park Ranger will be in the field and will respond to complaints as dispatched by the Park Ranger at the station. This ranger will respond to the area of the complaint, conduct a sound test reading at the location with the use of a sound decibel meter, and record the date, time, location and meter reading. This information will be reported to the Ranger at the station.
- f. All information reported will be logged by the Ranger at the station for the purpose of documenting violations and enforcement of the amplified sound permit.

2. ENFORCEMENT.

- a. First incident of a violation of the S.F. Police Code §47.2 and/or any permit conditions: The ranger at the event site will contact the permit holder, promoter or his / her designee and advise the person that the event is in violation of the amplified

sound permit and issue a directive to lower the sound level within 15 minutes. The date, time and to whom the directive was issued will be reported to the Ranger at the station who will record this information, and the name of the reporting Ranger in the complaint log.

- b. Second incident of a violation: If the sound is not lowered within 15 minutes after the directive to lower the sound level, the Park Ranger will issue a written citation for violation of S.F. Police Code § 47.2, and Park Code §§3.01 and 7.16(a)(1). The Ranger who issued the citation will notify the Ranger at the station of the date, time and number of the citation and to whom the citation was issued. The Ranger at the station will record this information, and the name of the reporting Ranger in the complaint log.
- c. Third incident of a violation: If the sound is not lowered within 5 minutes of the issuance of the citation, the Ranger will issue a second citation for violation of S.F. Police Code § 47.2, and Park Code §§3.01 and 7.16(a)(1). The Ranger who issued the citation will notify the Ranger at the station of the date, time and number of the citation and to whom the citation was issued. The Ranger at the station will record this information, and the name of the reporting Ranger in the complaint log.
- d. All information will be documented in the complaint log. The complaint log, the incident reports and citations will be forwarded to the permits division of the SF RPD for the imposition of sanctions and/or future permit conditions on the permittee as set forth by the Recreation and Park Commission.

**Sharon Meadows Amplified Sound
Now and Zen 2005**

RGD Project No. 05-042-2

SUBMITTED TO:

**Dennis Kern
City of San Francisco
Recreation and Park Department
McLaren Lodge, Golden Gate Park
501 Stanyan Street
San Francisco, CA 94117-1898**

PREPARED BY:

**Alan Rosen
Harold Goldberg, P.E.**

DATE:

15 November 2005

1 Introduction

This report is intended to provide a brief summary of the noise control efforts to date (focusing on measurements made for Now and Zen 2005) and what options exist for the future. This report is divided into the following sections:

- Introduction
- Environmental noise fundamentals,
- Amplified Sound Policies
- Noise measurement results from Now and Zen 2005
- Conclusions

2 Environmental Noise Fundamentals

Noise can be defined as unwanted sound. It is commonly measured with an instrument called a sound level meter. The sound level meter captures the sound with a microphone and converts it into a number called a sound level. Sound levels are expressed in units of decibels (dB).

To correlate the microphone signal to a level that corresponds to the way humans perceive noise, the A-weighting filter is used. A-weighting de-emphasizes low-frequency and very high-frequency sound in a manner similar to human hearing. The use of A-weighting is required by most local General Plans as well as federal and state noise regulations (e.g. Caltrans, EPA, OSHA and HUD). The abbreviation "dBA" is often used when the A-weighted sound level is reported.

Because of the time-varying nature of environmental sound, there are many descriptors that are used to quantify sound levels in the environment. Although one individual descriptor alone does not fully describe a particular noise environment, taken together, they can more accurately represent the noise environment. Some commonly used descriptors are the L_{max} , L_{eq} , L_{90} , DNL and CNEL.

The maximum instantaneous noise level (L_{max}) is often used to identify the loudness of a single event such as a car passby or airplane flyover. To express the average noise level the L_{eq} (equivalent noise level) is used. The L_{eq} can be measured over any length of time but is typically reported for periods of 15 minutes to 1 hour. The background noise level (or residual noise level) is the sound level during the quietest moments. It is usually generated by steady sources such as distant freeway traffic. It can be quantified with a descriptor called the L_{90} which is the sound level exceeded 90 percent of the time.

In environmental noise, a change in noise level of 3 dB is considered a just noticeable difference. A 5 dB change is clearly noticeable, but not dramatic. A 10 dB change is perceived as a halving/doubling in loudness.

3 Amplified Sound Policies

3.1 Sharon Meadows

An acoustical study was prepared in July 2003 by Charles Salter Associates (CSA). The study provided the framework for an amplified sound permit policy for Sharon Meadows. Among the key findings were that the City's standard for amplified sound (MPC 47.2) was virtually impossible to meet for events that used amplified sound since it required that the sound from the event be inaudible at the perimeter of the attending audience.

Based on the City's goal of balancing the desire for these events and the need to protect neighbors from excessive sound, the CSA report recommended controlling noise to the levels specified in Article 29 of the code which defines "unnecessary, excessive or offensive noise" as a noise level which exceeds the ambient by more than 5 dBA. In addition, the Salter report provided other recommendations regarding:

- Stage/loudspeaker orientation
- Sound level limits at mix position and surrounding neighborhood
- Noise monitoring
- Alternate event locations

The City's current "Amplified Sound Permit Policy" requires compliance with MPC 47.2 though it does incorporate some of the suggestions from the CSA report regarding stage/loudspeaker orientation. For the purposes of determining compliance with the policy, the Parks commission agreed to a test using the provisions of Article 29 as an interim noise level limit for Now and Zen 2005. Monitoring and enforcement of the Policy was moved to a separated document entitled "Park Ranger Sound Permit Protocol."

3.2 Other Governmental Agencies

A quick search on the internet reveals that governments throughout the world have developed regulations to control excessive noise from outdoor concerts. Some have adopted noise level limits within the park (stage, audience or perimeter of the park) while others have noise level limits at the noise receptors, typically residential uses. Some agencies further restrict the number of events per year. In some cases the limit on the number of concerts is directly related to the expected loudness of the concert.

Seattle, Washington; Westminster, London (Hyde Park); Malaysia; Helsinki, Finland and various locations in Australia and Hong Kong have adopted quantitative noise standards for concerts. England has published a Code of Practice on Environmental Noise Control at Concerts. The code requires that there be a trade-off between the number of events and the loudness of events.

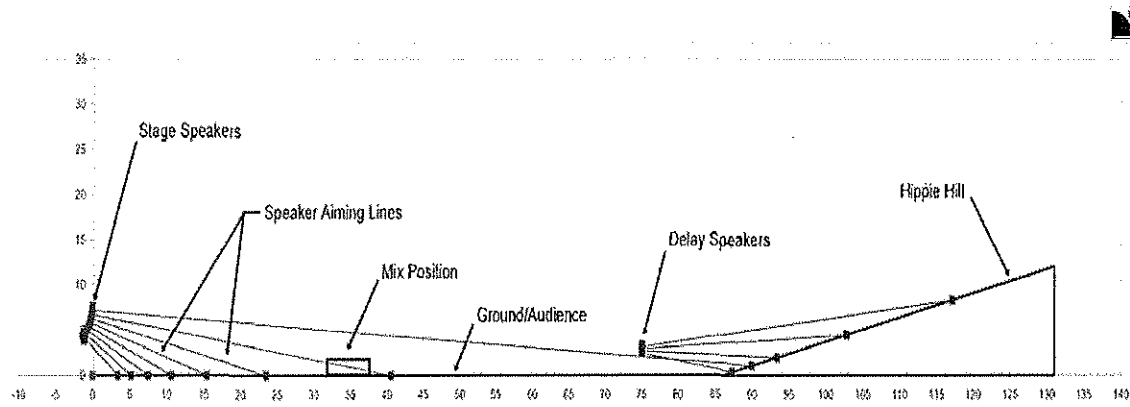
4 Now and Zen 2005

4.1 Sound System Design

Initially, a meeting took place between the permit applicant, Recreation and Parks Department (RPD) staff, a consultant from Rosen Goldberg & Der (RGD), and the applicants sound system designer. The applicant was informed that they would need to submit maps showing the orientation and location of loudspeakers. They were also advised of the noise level limits at the mix (5 minute L_{eq} of 96 dBA) and the noise level limit at residences (no more than 5 dBA above the ambient).

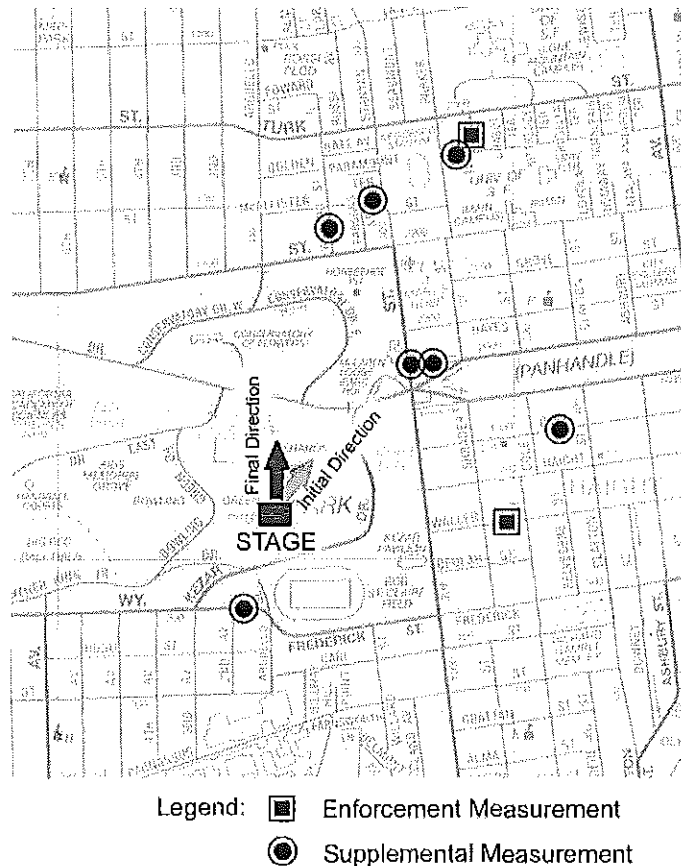
The loudspeaker system design was submitted to RPD for review by RGD. The system was designed as a vertical line array with two satellite (delay) towers. Figure 1 is a loudspeaker aiming diagram. The figure illustrates how the speakers are elevated so that they can be aimed downwards, thereby avoiding excessive transfer of sound to the community. The figure also shows how the delay speakers can be used to provide coverage at the rear of the park, minimizing the need for elevated levels from the main stage speakers.

Figure 1: Loudspeaker Aiming Diagram



During the review process, the applicant was advised that the stage was not properly oriented to the north or west. The stage location was subsequently changed so that it faced in a more northerly direction as shown in Figure 2. The final design was consistent with the Amplified Sound Permit Policy requirement for stage/loudspeaker orientation.

Figure 2: Stage Orientation and Noise Measurement Locations

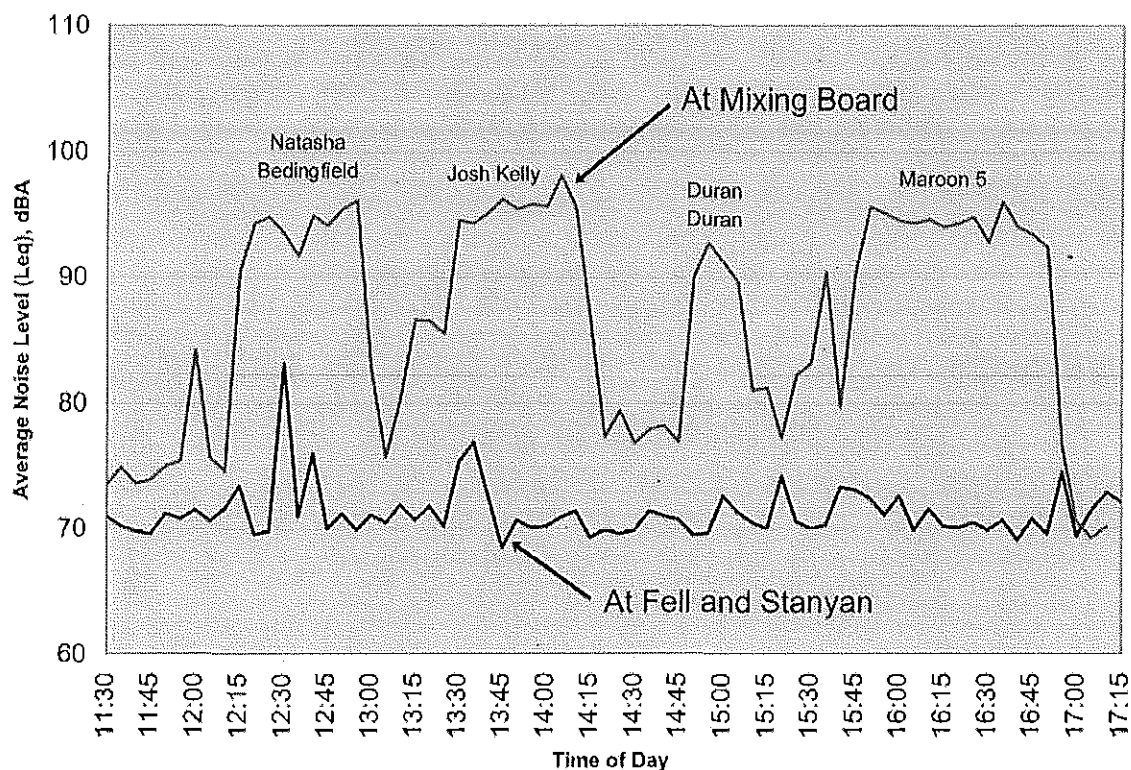


4.2 Noise Monitoring

Three RPD staff were assigned to monitor the concert. One park ranger was stationed at the mix position while a second park ranger, along with an acoustical consultant from RGD were available to respond to complaints. A third person was located at the ranger station to receive complaint calls. Figure 2 shows the field measurement locations. The squares indicate the location of enforcement measurements that were made in response to complaints. The circles indicate supplemental noise measurement locations for use in possible future studies.

Sound engineers for each band were informed that enforcement measurements would be made at residential locations if there were complaints. They were also informed of the limit at the mix position and if levels exceeded an L_{eq} of 96 dBA then a uniformed ranger, stationed at the mix, would instruct them to turn the level down. Figure 3 shows a plot of the noise level at the mix position throughout the entire concert. Noise levels were generally maintained at or below 96 dBA.

Figure 3: Noise Monitoring at Mix and Neighborhood



During the concert, the park ranger responded to four complaints from residential locations; three from Temescal Street and one from Waller Street. Enforcement measurements were made on sidewalks in close proximity to the residences. Based on these measurements, noise from the concert was determined to be no more than 5 dBA above the ambient sound level and no citations were made.

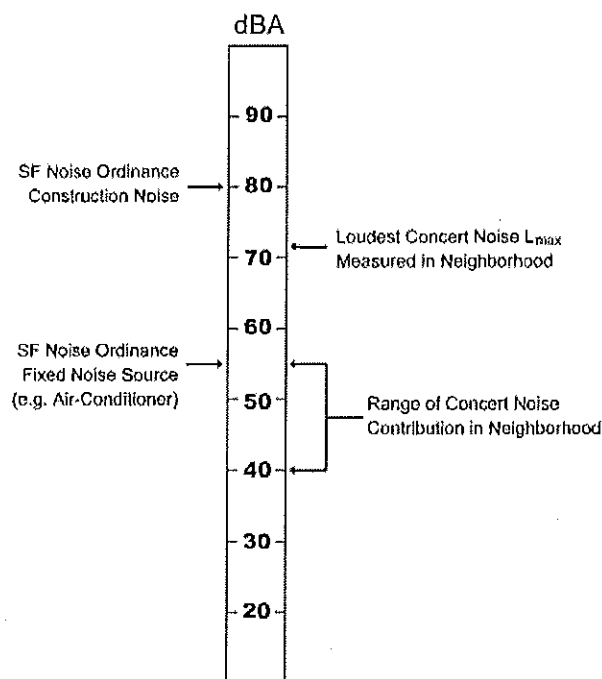
A noise monitor was located at the corner of Fell and Stanyan Streets in an attempt to corroborate noise measurements that were being made by concerned neighbors. The results of these measurements are shown on Figure 3 along with the noise level at the mix position. There does not appear to be a direct correlation between the sound level at the mix and the levels at the monitor on the corner of Stanyan and Fell Streets as the noise at that location was dominated by local traffic.

In addition to the enforcement measurements, we performed measurements as part of the on-going effort to address concert noise at the Park. Most of the additional measurements were made around the perimeter of the park. In general, concert noise is estimated to have contributed average noise levels in the 40 dBA to 55 dBA range. This contribution is estimated because most of the time the concert noise could not be measured by itself, without the influence of traffic noise. Appendix A summarizes the results of the noise measurements.

Toward the end of the concert, the music became increasingly more audible outside the park. For example, the maximum sound level from music measured along Fell Street reached 72 dBA during the last performer. This increased audibility, however, was not due to the performers turning up the volume since the sound levels at the mix did not show that the last performer was louder than the others. Instead, the increased audibility in the neighborhood was probably due to a change in atmospheric conditions which caused the amplified sound to propagate more readily from Sharon Meadows to surrounding areas. After a relatively warm and sunny afternoon, the end of the concert coincided with a rapid cooling from the marine layer. This type of atmospheric condition can eliminate the sound attenuation normally provided by intervening terrain and vegetation.

One way to put the concert noise levels in perspective is to compare the levels that were measured in the neighborhood with noise limits for other sources as promulgated in the City's noise ordinance (Article 29). Figure 4 shows a comparison of the sound levels measured in the neighborhood with the City's maximum allowable levels for construction noise and fixed noise sources.

Figure 4: Comparison of Concert Noise with Other Noise Limits



In areas that are more shielded from local traffic noise such as backyards and decks the concert noise would be expected to be more noticeable. Although we were not able to measure at these locations, it is quite possible that the concert noise (particularly under the atmospheric conditions at the end of the concert) exceeded the ambient by more than the 5 dBA limit of the Noise Ordinance (Article 29).

5 Conclusions

5.1 Findings

- The sound system design was consistent with the amplified sound permit policy requirements for stage/loudspeaker orientation.
- Noise levels at the mix position were monitored by a park ranger and maintained at or below an L_{eq} of 96 dBA except for one five-minute interval.
- Park rangers responded to four complaints at two residential locations.
- Concert noise levels were measured near the complainants and determined to be in compliance with the interim noise limit (5 dBA above the ambient) adopted for this event by the Recreation and Park commission.
- The concert was barely audible or only audible between lulls in traffic at most residential locations. The concert did become more clearly audible towards the end when atmospheric conditions changed.
- Supplemental noise measurements indicate that the interim noise level limit may have been exceeded at other residential locations toward the end of the concert. This was likely due to changing atmospheric conditions near the end of the show.
- Based on field measurements, an L_{eq} of 96 dBA at the mix position appears to limit noise levels in the community to the interim goal in front of residences under normal weather conditions. There may be times when the interim limit is exceeded if atmospheric conditions are favorable for sound propagation or ambient levels are low.

5.2 Recommendations

- Monitor for compliance at the mix position rather than at residential complaint locations due to sound level variations caused by uncontrollable atmospheric conditions and variations in individual resident's noise sensitivities.

OR

Monitor for compliance at a few fixed residential locations that accurately reflect a neighborhoods noise exposure (current sidewalk measurements tend to be heavily influenced by traffic noise). Examples include balconies, backyard utility poles or roofs. Locations could be selected by the City with input from the public.

- For compliance monitoring at the mix position: Continue to monitor at some residential locations to confirm that reasonable levels are being maintained. These reasonable levels could be determined based on a review of current city standards and those of other similar cities.
- For compliance monitoring at fixed residential locations: If the interim noise level limit (5 dBA above ambient) is to be met at all times then the noise level limit at the mix position may need to be lowered below an L_{eq} of 96 dBA. Any further lowering of the noise level at the mix may limit the type of acts that are willing to perform at the park.
- Review amplified sound permit policy with respect to the roles of required consultants. Policy may need modification to minimize ambiguities and assign tasks to appropriate consultants.

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Appendix A – Noise Measurement Results

Time	Location ¹	Sound Level (dBA)			Noise Sources		
		L _{eq}	L _{max}	Event Audible?	Event (concert)	Non-Event (ambient)	Notes
11:23 am – 11:28 am	Golden Gate, north of Temescal	56	66	no	none	Intermittent car passbys, music from USF athletic field	
11:34 am – 11:39 am	2536 McAllister (between Stanyan and Parker)	57	67	no	none	Intermittent car passbys, airplane and music from USF athletic field	
11:56 am – 12:01 pm	1762 Page (between Cole and Clayton)	56	67	no	none	Intermittent car passbys	
12:05 pm	Concert begins						
12:54 pm – 12:59 pm	2160 Fell	62	68	yes	Live music	Steady traffic with occasional lulls	Concert barely audible during lulls in traffic
1:50 pm – 1:55 pm	35 Lincoln (east of 2nd Ave)	70	88 motorcycle	yes	Live music	Steady traffic with occasional lulls	Concert barely audible during lulls in traffic
2:02 pm – 2:07 pm	339 Willard (north of Fulton)	58	74	yes	Live music	Steady traffic on Fulton with occasional lulls. and stereo from nearby residence	Concert barely audible during lulls in traffic
2:20 pm – 2:25 pm	1762 Page	58	71	yes	Intermission	Intermittent car passbys	
2:56 pm – 3:01 pm	"	58	67	yes	Live music	Intermittent car passbys	Concert barely audible between car passbys
3:01 pm	Complaint from 41 Temescal						
3:15 pm – 3:20 pm	41 Temescal	52	63	no	Intermission	Cars and motorcycle	
3:43 pm	Complaint from 41 Temescal						
3:55 pm – 4:00 pm	Golden Gate, north of Temescal	67 (59 w/o motorcycle (est.))	88 motorcycle	yes	Live music	Intermittent car passbys. Whistle from USF athletic field	Concert audible between car passbys
4:08 pm	Complaint from 1562 Waller						
4:05 pm	Instruct mix to lower sound level by 2 dB						
4:16 pm – 4:21 pm	1562 Waller	63	76	yes	Live music	Steady traffic with occasional lulls	Concert barely audible during lulls in traffic
4:30 pm – 4:35 pm	2160 Fell	68	83	yes	Live music L _{max} 72 dBA	Steady traffic with occasional lulls	Concert audible most of the time
4:48 pm	Complaint from 41 Temescal						
4:49 pm- 4:54 pm	2516 McAllister	59	69	yes	Live music L _{max} 55 dBA	Intermittent car passbys	Concert audible except during car passby
4:52 pm	Concert ends						
4:52 pm – 4:55 pm	Golden Gate, north of Temescal	57	67	no	none	Intermittent car passbys	
4:57 pm – 5:02 pm	2516 McAllister	59	75	no	none	Intermittent car passbys	

¹ All measurements were made on sidewalk near residence; about 20 to 30 feet from roadway centerline.

Gavin Newsom, Mayor

Recreation and Park Commission Minutes

March 16, 2006

President Gloria Bonilla called the regular meeting of the Recreation and Park Commission to order on Thursday, March 16, 2006 at 2:08 p.m.

ROLL CALL

Present

Gloria Bonilla, President
Tom Harrison
Jim Lazarus
David Lee
Meagan Levitan
Larry Martin
John Murray

President's Report

President Bonilla announced that at the April 20, 2006 Commission meeting the Commission would be hearing a discussion item on permits and reservations.

General Manager's Report

Bill Wilson, the Chair of the Park, Recreation and Open Space Advisory Committee announced that PROSAC did hear the Acquisition Policy at the March meeting and would be hearing it again in April with a recommendation to the Commission in April. He also stated that his response to the Audit Report recommendation that PROSAC become a public liaison between the public and RPD, he is willingly, open and eager for input from the Commission on how to make this happen. He also stated that he was encouraged by the new management team at the Department and believes there is a new openness.

Denny Kern, Director of Operations, announced that the Department received the news from the National Association of Counties that the Department's Volunteer Program for Natural Areas has received the Acts of Caring Award for Community Improvement Volunteer Program nationwide. There will be an awards program in Washington, D.C. in May.

Yomi Agunbiade, General Manager, announced that the San Francisco Parks Trust was putting together a visibility campaign for SF Parks Trust and for parks. He stated that it would be a wonderful opportunity to present our park system in a positive light and that RPD will be joining SF Parks Trust. The campaign will be on the radio, in parks, on bus shelters and media time to discuss this.

Marvin Yee stated that he was giving the Commission an informational presentation only on the community gardens and that this item would be heard as an action item at the Commission in April. He gave a brief presentation on the overview of the Community Gardens Program and described the process for the policy development.

CONSENT CALENDAR

On motion by **Commissioner Harrison** and duly seconded, the following resolutions were adopted:

RESOLVED, That this Commission does approve the minutes of the February 2006 meeting.

RES. NO. 0603-001

RESOLVED, That this Commission does approve the following animal transactions for the San Francisco Zoological Society which were processed under Resolution No. 13572.

RES. NO. 0603-002

PURCHASE FROM:

Doris Vosburg 220 Pajaro Lane Nipomo, CA 93444 USDA - N/A	0.7 Cochon chicken	\$90.00 grp
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DONATION FROM:

Pacific Wildlife Care PO Box 3257 San Luis Obispo, CA 93403 USDA- N/A	0.0.1 California brown pelican	NIL
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Kathryn Rigby 1777 Hawk Road Abilene, KS 67410 USDA – N/A	0.2 (Kune kune) Pig	NIL
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SOLD TO:

Malissa Sartain 11900 Volver Ave. Felton, CA 95018 USDA – N/A	0.1 Goat	\$100.00
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DONATION TO:

Gail Klein 280 MacArthur Lane Sonoma, CA 95476 USDA – N/A	0.1 Budgerigar	NIL
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Bronx Zoo 2300 Southern Blvd. Bronx, NY 10460 USDA – 21-C-0020	Group Cichlid	NIL
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RESOLVED, That this Commission does retroactively approve an abatement of rent, and approve an amendment to the Lease for the Golden Gate Park Carrousel and Food Concession to: 1) allow for a reduction in the Minimum Schedule, a reduced rent during the term of the Lease and, 2) change the termination date of the Lease to March 31, 2007.

RES. NO. 0603-003

RESOLVED, That this Commission does approve an increase in boat rental prices at Stow Lake.

RES. NO. 0603-004

RESOLVED, That this Commission does approve the award of a professional services contract in the amount \$147,693.00 to Science Applications International Corporation (SAIC) to provide technical and field sediment characterization services for the San Francisco Marina West Basin Maintenance Dredge and Sand Mining Program.

RES. NO. 0603-005

RESOLVED, That this Commission does approve exceeding the San Francisco Zoo Africa! Savanna base contract amount by 15.30 percent, for a final contract amount of \$ 12,352,476.00.

RES. NO. 0603-006

RESOLVED, That this Commission does approve the conceptual plan for renovations to St. Mary's Playground.

RES. NO. 0603-007

RESOLVED, That this Commission does approve the award of a construction contract for the Joseph Lee Recreation Center and Playground to West Bay, Inc., in the amount \$6,455,000. 00.

RES. NO. 0603-008

RESOLVED, That this Commission does approve a Memorandum of Understanding with the Public Utilities Commission for the replacement of a 30-inch potable water transmission mainline from Lincoln Way at Sixth Avenue to Fulton Street at 6th Avenue, known as the Fulton at Sixth Avenue Transmission Main across Golden Gate Park.

RES. NO. 0603-009

RESOLVED, That this Commission does approve the award of a professional services contract in the amount \$168,126.00 to EDAW, Inc. for the preparation of an Environmental Impact Report for the renovation of the Golden Gate Park Equestrian Center.

RES. NO. 0603-010

RESOLVED, That this Commission does approve the award of a construction contract not to exceed \$95,802.41 to Yerba Buena Construction, contractor for the Department of Public Works Job Order Contracting Services, for Year 1 accessibility improvements to the San Francisco Zoological Gardens.

RES. NO. 0603-011

RESOLVED, That this Commission does approve the award of a construction contract not to exceed \$98,174.09 to Fine Line Construction, contractor for the Department of Public Works Job Order Contracting Services, for the purchase and installation of an Animal Cremation Unit at the San Francisco Zoological Gardens.

RES. NO. 0603-012

RESOLVED, That this Commission does approve new parking fees at the Kezar Stadium parking lot.

RES. NO. 0603-013

JOSEPH L. ALIOTO PERFORMING PIAZZA

San Francisco Opera, under the new leadership of David Gockley, is keen to broaden the audience for Opera through the provision of free, outdoor simulcasts to audiences in the Bay Area. These simulcasts will be relays of performances in the War Memorial Opera House, relayed by fiber-optic cable, microwave or satellite signal, to various locations in the City, the East Bay, the Peninsula and the North Bay. The first such simulcast is to be on the opening night of the summer season, May 27, 2006, with the hugely popular Madame Butterfly relayed to an audience in the Joseph L. Alioto Performing Arts Piazza. There will be sales of food and beverages (pastries, desserts, light refreshments, water, tea, coffee, soda and hot chocolate) and merchandise (tee shirts, sweatshirts). The hope is for audiences of at least 5,000 people bringing their own chairs, blankets and picnics, and enjoying this most beloved opera in a relaxed setting. The hope is that this first live simulcast would herald in a new era of civic opera in San Francisco in which the community will be able to engage with the art form, irrespective of income level or willingness to step into an opera house. The video feed would be projected to a large-screen mounted on a truck, with the audience seated in the Piazza. The exact location for the screen is yet to be determined, but possible thoughts are in front of the statue on Fulton Street between the Asian Art Museum and the Library, in front of the Bill Graham Auditorium or in front of City Hall.

On motion by **Commissioner Murray** and duly seconded, the following resolution was adopted:

RES. NO. 0603-014

RESOLVED, That this Commission does approve The San Francisco Opera's request to produce a simulcast of "Madame Butterfly" on May 27, 2006 and a request to modify the amplified sound policy and permit amplified sound between the hours of 8:00 and 11:00 p.m.

CAPITAL PLAN - 2005 ANNUAL UPDATE

Per Article XVI, Section 16.107.(g).1 of the San Francisco Charter (Park, Recreation and Open Space Fund), the Recreation and Park "Department shall prepare, for Commission consideration and approval, a five-year Capital Plan, *to be updated annually*, for the development, renovation, replacement and maintenance of capital assets, and the acquisition of real property. In its Capital Plan the Department shall propose specific properties to be acquired for open space, recreation facilities, significant natural areas, and other recreational purposes and shall prioritize capital and maintenance improvements and provide budgets associated with such improvements. Capital and acquisitions projects will be designated by the Department based upon needs identified by the Department and community. Capital projects will include the planning, design and construction of projects that rehabilitate, restore or replace existing facilities or that develop new facilities. Acquisition projects will include, but will not be limited to, purchase lease, exchange, eminent domain, license or any other vehicle given the City a right, whether revocable or not, to use real property, or any interest therein, or any improvement or development rights thereon, for recreational purposes, including by not limited to, protection of natural resources, development of community gardens and development of urban trails, provided that, notwithstanding anything herein to the contrary, no acquisition of less than fee simple title may be for a term of less than ten years."

Overview:

Over the years, the Capital Plan document has continued to evolve to include more comprehensive information on the progress and status of the capital program. This document is comprised of the three chapters, containing detailed information on the efforts of the Division over the past year, as well as specified objectives for the continued progress of the program over the next year and over the course of the 10-year plan cycle.

The report is organized as follows:

- Chapter 1 serves as a report introduction for those who are not familiar with the Recreation and Park Department's Capital Program. It includes general background and history of the program, as well as information on the report format and content.
- Chapter 2 contains detailed information on key developments in the Capital Program over the plan year. This includes scope, budgets and schedules for projects that were active during that year, developments in the program's finances including a year-end financial plan, and information on key events that have occurred or actions taken during the course of the plan year.
- Chapter 3 focuses on goals and objectives for the program over the next year and into the future. This chapter includes an Implementation Plan that lists and prioritizes future capital improvement projects.

Summary of Plan Changes since 2004:

The most significant change to the Capital Plan involves the way in which acquisitions are reported on. In an attempt to conform the Capital Plan to the goals and objectives established with the adoption of a Draft Open Space Acquisition Policy, the report's Implementation Plan (see Chapter 3, Section A) will no longer include future acquisitions in its Phasing Plan. The Capital Improvement Division believes that the long-range planning for Open Space is better handled by the Department's Planning Division through the Open Space Acquisition Policy, and that the role of the Capital Division, and the Capital Plan as mandated under Proposition C, is to report on acquisitions being considered annually and track open space acquisitions completed and funded with Open Space dollars. In this plan, acquisitions under consideration or in progress are reported on in Chapter 2, Section C: Acquisitions Active in 2005. Only completed acquisitions are

included in the Implementation Plan. Other changes to the Phased Implementation Plan include minor changes made to improve accuracy and completeness of the information provided, and revisions to the projects included with Natural Area focus, to better conform to the recommendations established in the department's draft Significant Natural Areas Management Plan.

Great strides have been made to improve the accuracy, completeness and quality of the information provided in this report. Accomplishments in 2005 include:

- Expansion of information provided on active projects to include the following information

Project Status and details on key actions taken during the plan year.

Expanded Budget information that includes total project budget, estimated construction budget, and project budget broken out by project phase.

Percentage complete for each project phase to give readers a better understanding of the progress of project development.

- Inclusion of an Update Park Map in the Annual Report Appendix
- Preliminary information on the Next Phase of Capital Projects
- Implementation of various tools used for system-wide research and analysis, including the GIS database and routine park surveys

This report was reviewed by the Parks, Recreation and Open Space Advisory Committee (PROSAC) and their comments have been incorporated.

On motion by **Commissioner Murray** and duly seconded, the following resolution was adopted:

RES. NO. 0603-015

RESOLVED, That this Commission does approve the updated Capital Plan as presented in the Capital Improvement Division's 2005 Annual Report.

CONDITION ASSESSMENT & PROJECT MANAGER SOFTWARE

The Capital Division of the Recreation and Parks Department is responsible for the capital improvements, refurbishment, renovation, code compliance improvements (i.e., seismic, ADA, etc.) as well as on-going and deferred maintenance for all 211 of the City and County of San Francisco's parks. These sites consist of a broad cross section of buildings and grounds facilities including recreation centers, clubhouses, playgrounds, pools, courts, playing fields as well as historic and well known landmarks such as the Palace of Fine Arts, the San Francisco Zoo and Golden Gate Park. As keepers of such world renowned civic institutions and facilities, it is incumbent upon the RPD to provide the necessary care and planning to ensure that all of the City's park facilities are held to a high standard of excellence. To that end, the Capital Division of the Recreation and Park Department (RPD) is requesting to utilize available contingency funds currently residing in the Park, Recreation and Open Space Fund to conduct comprehensive condition assessments on all of its 211 facilities. The assessments will identify deferred maintenance items and building systems that are beyond their useful life. RPD will use this information to:

- Provide a financial work plan to strategically and efficiently reduce the current backlog of deferred maintenance and replace worn out building systems.
- Enhance facility planning capabilities by addressing the highest priority needs and future needs.
- Help Forecast develop present and future budgets for capital and on-going maintenance projects.

In addition to identifying the conditions of our facilities during the assessment, the Recreation and Park Department supplied facility condition data must be incorporated into the assessment software, analytical studies and reports and will utilize the data residing in our TMA system in developing and providing those reports. The final results of all analysis and assessments will allow for the commencement of life cycle conditioning at all location – including sites that have been recently upgraded. The Capital Division would also like to request the purchase of industry standard program and project management software that will enable our program directors to more accurately plan and estimate their projects and manage them to budget and schedule. The proposed software is Oracle based and thereby has the capability of interfacing with the City's FAMIS system. By implementing the proposed system RPD would begin to standardize the way projects are managed and provide affective, accurate fiscal reports as required and will have the capability to "roll-up" information from each project into program wide reports that would be available to senior managers and to the public. The system being considered is IMPACT, to be provided by 3D/I and will provide:

- **Cost information:** budget, commitments (encumbrances), projects (spend-down) and payments
- **Schedule:** planned, actual and key milestones
- **Contracts:** contract document and summary information
- **Status:** narrative description and photos

The intent in adopting a project management tool such as IMPACT is that the RPD will be effectively answering areas of concern cited in the 2006 Management Audit, Section 18 by providing the project status, a standard manner for tracking and documenting project cost against the project budget routine and on-going reports to controller, commission, any oversight committee as required. The cost to fund this assessment activity and to procure the project management soft is \$1,495,000 with an on-going cost of \$81,000 (annually) for routine assistance and all upgrades to the system. The actual time frame to complete the assessment is 8 to 10 months with a phased approach. The first phase of assessments will consist of the first 33 sites within the 2005 Capital Plan identified as Phase II Priority I sites and will take approximately five months to complete. The remaining park and recreation sites will follow in increments of 30 to 45 sites (depending on size and condition) until all 211 RPD facilities have been assessed.

Capital Project Year:

Fiscal year 2005-2006

Funding Source:

Park, Recreation Open Space Contingency Fund - \$3,377,662

Proposed Breakdown

- Assessment
 - \$900,000 - Assessment of all facilities (8 to 10 month timeframe)
 - \$250,000 - Additional cost for ADA review/input at \$14 to \$16 per square foot
 - \$150,000 - Additional cost for seismic review/input at \$.10 per square foot
- Project Management Software

Permanent licensing. An additional annual support contract of 18% of permanent license fee that covers routine assistance and all upgrades.

- \$45,000 Purchase fee – assuming 10 users
- \$150,000 Training, loading data, reports, FAMIS mapping and support

Emeric Kalman spoke on the system and stated that RPD wanted to justify the need for this new program.

On motion by **Commissioner Murray** and duly seconded, the following resolution was adopted:

RES. NO. 0603-016

RESOLVED, That this Commission does approve the award a professional services contract not to exceed \$1,500,000.00 to conduct condition assessments on all Recreation & Park Department facilities and to

purchase project management software for the management and oversight of Capital projects with the condition that the software license is not tied to the maintenance agreement.

SHARON MEADOW SOUND POLICY

At the November 2005 meeting of the Recreation and Park Commission, the Commission received an information briefing relating the results and findings of the acoustic data collection conducted at the Now & Zen 2005 concert that was presented in Sharon Meadow in September 2005 (briefing slides attached). At that meeting the Commission asked that staff compile proposed changes to the Sharon Meadow Amplified Sound Policy based on the recommendations of the Rosen Goldberg & Der Report that forwarded those findings (report attached). The intent of this policy is to establish a clear, enforceable amplified sound policy for Sharon Meadow that permits its use as an outdoor event venue and is responsive to neighborhood concerns regarding excessive noise.

Summary of Proposed Changes:

1. Establish a Sound Permit Performance Bond in the amount equal to the Site Permit Fee. The current Performance Bond is in an amount equal to 1.5 x Site Permit Fee.

Rationale: RPD will be proposing FY 06 /07 increases to all Site Permit Fees that will be based on flat rate venue capacity. This new calculation will result in substantially increased Site Permit Fees and, consequently, increased Performance Bond amounts. A one-to-one calculation appears to be fair in view of the higher dollar amounts.

2. Applicant must provide a policy-compliant Sound System Design for approval by the RPD acoustical consultant no later than 30 days prior to the event. Applicant must agree to use the approved design in the event and provide technical staff for sound adjustment at the Mix Position throughout the event. Proposed change establishes a 30-day deadline for Sound System Design submission and provides minimum criteria that the Sound System Design must meet for approval. Failure to meet the 30-day deadline will result in forfeiture of the Site Permit Fee.

Rationale: Sound System Design criteria are based on the findings and recommendations of the 2003 Salter Report (report attached) and the 2005 Rosen Goldberg & Der Report.

3. Monitor and Enforce Sound Level Limits at the Mix Position.

- **Sound Level Limit at the Mix:**
 - 96 dBA (5-minute average)
 - 102 dBA (maximum instantaneous)
- **Noise Level Limit in the Community:**
 - Not to exceed 5 dBA above ambient (as measured at six designated noise monitoring locations in surrounding neighborhoods).

Existing sound levels on are taken from the Police Code Section 47.2 which mandates that event sound not be audible in excess of a distance 250 feet from the periphery of the attendant audience.

Rationale: Per authority granted to the Commission in the City Charter and as allowed in the San Francisco Administrative Code, the Commission may establish policy for permitting use of RPD property – including sound levels for outdoor amplified sound. Both the 2003 Salter Report and the 2005 Rosen Goldberg recommend controlling maximum sound levels at the Mix Position as the policy control point. Field measurements taken by Rosen Goldberg & Der at the 2005 Now & Zen Concert indicate that 96 dBA at the Mix Position appears to limit noise levels in the community to 5 dBA above ambient under normal weather conditions.

4. Park Patrol officially tasked with sound level monitoring and policy compliance at the Mix Position and in response to neighborhood complaint. Enforcement authority in the existing policy is inferred and not clearly stated. This proposed change clarifies enforcement roles and responsibilities.

Rationale: Per findings and recommendations of the 2003 Salter Report and 2005 Rosen Goldberg & Der Report.

5. *Enforcement and sanctions protocol will be administered at the Mix Position and per neighborhood complaint response.*

- *Exceeding maximum dBA levels stated above will result in a Park Patrol warning to technicians at the Mix Position who have 5 minutes to adjust sound levels.*
- *Park Patrol verification of adjustment of sound levels to a reduced level at the Mix Position within 5 minutes of warning results in no violations.*
- *Any subsequent exceeding of maximum sound levels results in a new Park Patrol warning and a new 5-minute window to adjust sound levels at the Mix Position.*
- *Park Patrol verification of adjustment of sound levels to a reduced level at the Mix Position within 5 minutes results in no violation.*
- *Failure to adjust sound levels at the Mix Position to a reduced level within 5 minutes of any warning will result in a citation for policy violation and forfeiture of the Performance Bond.*

Current Enforcement Protocol allows two 15-minute compliance windows after warning. If a third warning is given, the Performance Bond is forfeit.

Rationale: Monitoring at the Mix Position provides better real time compliance monitoring. The proposed 5-minute compliance window is a significant reduction from the existing 15-minute compliance window, yet it still allows technicians to adjust sound within artist performance and stage production requirements. Renewing the warning protocol creates a responsive compliance process whereby RPD can work constructively with the event presenter and enforce sound reduction in response to neighborhood concerns. It also does not penalize event promoters for changes in sound propagation that are beyond their control; *i.e.*, changes in atmospheric sound attenuation conditions due to weather changes.

Public Meeting Concerns:

A noticed Public Meeting was held on these proposed policy changes on February 27, 2006 at the County Fair Building. The meeting was attended by residents from neighborhoods surrounding Sharon Meadow and event presenters who currently stage events at Sharon Meadow.

Neighbor Concerns:

- 5-minute compliance window is too long
- Wanted follow-on public meetings

Event Presenter Concerns:

- Responded to Neighborhood concern regarding 5-minute compliance window that it was the minimum limit for production requirements.
- Performance Bond amount is set too high
- Wanted follow-on public meetings

Staff Response to Public Meeting Concerns:

- 5-minute compliance window is a significant reduction from the existing 15-minute compliance window
- Performance Bond amount can be further adjusted by Commission action if the resultant calculation (after new event fee schedule is approved) is too high
- Public Meeting met and exceeded all noticing requirements

Financial Impact:

If the future proposed increases to the Site Permit Event Fee Schedule are approved, the potential exists for both increased revenue from such increased fees, as well as decreased revenue from events that view themselves 'priced-out' of Sharon Meadow. However, a select number of the latter events may choose alternative venues for their events (such as Speedway Meadow or Lindley Meadow) with the attendant revenue from those Site Permit Fees. Sheri Sternberg noted that although a lot of time had been spent on this policy, there was one element that was not taken into account and that was the events themselves.

Several criteria events based on average ambient levels in the community that do not include event days does not seem fair. She hoped that the monitoring locations would take into account the sound flow in the meadows and the various wind conditions – but that was unknown at this point. She believed this policy would severely restrict the types of events that could take place in Sharon Meadow. Maggie Lynch, with Comedy Day, stated that in addition to the previous speaker's concerns, she also was concerned: 1) with the lack of public notification for the public meeting and for the Commission meeting, 2) that staff was requesting the Commission vote on sound levels that were still to be determined, and 3) the need for a sound bond and the amount of a sound bond. Deb Durst, with Comedy Day, seconded the previous speaker's concerns. She stated that they do not oppose the sound policy per se but it is the extra fees that will be required – including the refundable sound bond – as it is money they do not have. She stated she concerned that the small events will be squeezed out. Jack Anderson, with Comedy Day, stated that he needed to make sure that they did not have the type of financial problem that he would foresee if this policy were to pass. He hoped that the Commission would empower someone to provide exemptions to the policy. Chris Duderstadt complimented staff for all the work they have done on the policy and believed that everything should be done to bring people into the park together as a community. He also suggested that for the smaller events there was another venue – the Concourse that would be reopening soon. Dan Hirsch with On Board Entertainment, stated that they do not oppose the concept of a sound policy but does oppose the way that it has come together. He was just finding out now that a year and a half ago a major policy was changed. The sound performance bond is a death sentence for events even with a reduction of 1.5 percent to 1 percent. Sean Sullivan stated that he shared the same sentiments as the previous speaker. They produce a small event that they would like to see grow. Because of the inexpensive access to Sharon meadow they were able to start a small event and grow it. At the event they can do the same kind of amplification that was being used in the hearing room. They would be unable to put forward the bond fee and it would be a hardship for their nonprofit. He believed it would eliminate the opportunity for small events in Sharon Meadow. Marsha Garland the producer of the North Beach Festival announced that the Outdoor Event Coalition had been formed and that they would like to be more involved in any policy setting issues. She supports the previous speaker's comments. Eliote Durham a resident around the park is opposed to putting any restrictions that would eliminate the music in the park any more than it has already been eliminated. Greg Nemitz, the General Manager of Alice Radio. Last year they came up with the performance bond and adhered to the sound policy. He noted that there were 10 complaints during the concert, and that the majority came from one person. Although this is a great venue, the event does not have to occur in Sharon Meadow and they have looked at other options. The sound performance bond and possible new fee structures are making them look at other venues. George Edwards, General Manager for Sound on Stage, stated that the 96 dBA level in front of a house is attainable if you are doing acoustic type events. Anything else it would tough to adhere to 96 dBA. Kainila Rajan with the Festival of the Chariots stated that they have never had a complaint about their event. He agreed with previous speakers who requested exceptions to the policy be granted. Gabriel Foley with the Festival of the Chariots seconded what the previous speaker said. He also stated that if it is too expensive they may not be able to continue the event. Craig Miller with AIDS Walk San Francisco stated that they had a number of concerns but they are prepared to live with and make a good faith effort to comply with the majority of what is being suggested. The piece that is absolutely critical to them is the directive that stages face in one of two directions. Because of reasons that relate to both public safety and to the quality of the event, that would be impractical. Dana Van Gorder with San Francisco AIDS Foundation that it is crucial to the event that they are able to face the stage in a certain direction. He asked for the flexibility to be able to face the stage in the direction that makes the greatest amount of sense. Greg Miller pointed out that the Commission needs to discern the difference between the size of the bond and the potential financial cost of it. The real issue is whether the small nonprofits would have access to the funds, ability to borrow or the ability to buy a bond. Martin Macintyre stated that the information that all dBA measurements were less than or equal to 5 dBA was not true. He did not believe that the power point presentation was true. He stated that they would be passing a policy that effects all the neighborhood around the Commission's jurisdiction but outside of their jurisdiction.

There was detailed discussion on this item.

On motion by **Commissioner Murray** and duly seconded, the following resolution was adopted:

RES. NO. 0603-017

RESOLVED, That this Commission does approve the revisions to the Sharon Meadow Sound Policy as recommend by staff with the following amendments: 1) add “In the interest of public safety or in the case of an event with more than 10,000 participants in and adjacent to Sharon Meadow, the Commission may waive this requirement and approve a different stage orientation”, 2) add “Performance Bond in an amount equal to one-half the Site Permit fee. Should the Performance Bond be forfeited for a violation of this policy, any subsequent application for an Amplified Sound Permit by this Permittee / Event Sponsor will be subject to a Performance Bond in the amount equal to the Site Permit Fee. If this increased Performance Bond is also forfeited due to policy violation, subsequent applications for an Amplified Sound Permit by this Permittee / Event Sponsor will be in the amount of one-and-a-half times the Site Permit Fee. Such new Performance Bond amounts will remain in effect for all Amplified Sound Applications by this Permittee / Event Sponsor for a period of five years” and 3) that staff study and come back to the Commission the idea of having the spec of a sound system that would serve x number of people or a wattage level that would not require a sound performance bond in 30 days.

Commissioner Murray stated that San Francisco Parks Trust is willing to work with the smaller nonprofit organizations as fiscal agent and fundraising support if there are issues with the fees. **Commissioner Levitan** stated that they are basing this on a performance bond fee that may change. She requested that this be brought back to the Commission for review if it is problematic or excessively expensive once the fee structure was in place.

GOLDEN GATE PARK CONCOURSE SURFACE IMPROVEMENT PROJECT

The Recreation and Park Department is undertaking the restoration and enhancement of the Music Concourse in Golden Gate Park with its Surface Improvements Project. Three acres of land are being added to park landscaping with the removal of on-site parking, narrowing of roadways and reduced building footprints of the deYoung Museum and California Academy of Sciences. Consistent with Golden Gate Park’s Master Plan, the Music Concourse has been redesigned to enhance pedestrian enjoyment, increase accessibility and improve safety. New utility infrastructure is being installed to serve the area.

Coordination has been critical in accommodating re-construction of two of major institutions in the Concourse, the deYoung Museum reopened in October 2005 and the California Academy of Sciences reopening in 2008. An 800-car underground parking facility has been introduced to the Concourse to serve these institutions. Work for the Surface Improvements Project is situated between the institutions and over the garage. The Recreation and Park Commission previously approved the award of contract to Swinerton Builders, Inc. on November 18, 2004, per the Resolution No. 0411-009. Construction commenced in May 2005, with an anticipated completion date at the end of March 2006. Project costs, including planning, design, construction management, construction and contingency total \$9,030,000

Construction Status:

- Construction work is 92 percent complete with 96 percent of contract period elapsed (312 calendar days of 325 calendar days for substantial completion schedule).
- Construction on bowl pathway improvements is complete, including bases for site furnishings and asphalt surfacing. Bowl utilities for irrigation and electrical service to pedestrian lights completed. Minor irrigation and planting improvements remain.
- 97-24” box sycamore and elm trees have been planted in the bowl to re-plant the historic grid.
- Tea Garden Drive and Concourse Drive roadways have been re-opened for Muni and drop-off traffic.
- Preparation underway for return of monuments.
- Coordination underway with San Francisco Park Trust’s commemorative bench program for 171 benches in the concourse bowl. 50 benches have been installed, a batch of 60 benches has been ordered, and the remaining benches are scheduled for order in late spring 2006.

Cost and Source of Funding

Total Project cost: \$9,030,000:

- 78 percent Proposition 40 (State bond funds): \$7,050,000
- 5 percent Proposition 12 (State bond fund) : \$450,000
- 17 percent Music Concourse Community Partnership (per lease agreement): \$1,530,000

GOLDEN GATE PARK CONCOURSE PARKING GARAGE

Michael Ellzey gave a brief presentation on the status of the parking garage that included construction start date and completion dates, garage project amenities, the need to complete the JKF area around 10th Avenue and the Shuttle program.

CALIFORNIA ACADEMY OF SCIENCES

In 1995 the City's voters approved a \$29,245,000 bond measure for the improvement of the Steinhart Aquarium facility and in 2000 voters approved an \$87,445,000 bond measure improvement of the Academy facilities. In August 2003, the Board of Supervisors approved reconstruction of the facilities in Golden Gate Park operated by the California Academy of Sciences. At this date all the bonds have been issued. Since last coming before the Recreation and Park Commission November 2005, the Project remains on schedule. The Project has been subject to the same escalation in construction costs seen by other major building projects. In the Bay area, the City's contribution to the project has not changed. The Project is being financed through a combination of public and private funds and the entire increase in the budget will be funded from private funds. The Academy is actively raising private funds for the project, and has also issued 501 (c) (3) conduit bonds through the California Infrastructure and economic Development Bank. With these funds, along with the City General Obligation Bonds, CAS has in hand all funds necessary to fund the total Project. Construction activities continue throughout the site. The first steel installation occurred in Africa Hall at the end of January. In addition, the first concrete deck pour was made this month in the central utility plant area. Fabrication and installation of underground life support system piping is nearing completion in the Coral Reef Tank area and will begin on the California Coast tank in early February. Installation of LSS piping continues to drive the critical path of the project at this time, and is tracking with Webcor's schedule. Concrete pours for footings, columns, vertical walls and slabs/decks are now occurring on almost a daily basis at various locations throughout the project. The Architect team is now in Construction Administration mode. Focus is on preparing bulletins as needed to update design information for coordination and field design issues. A review of the curtain wall mock-up was conducted in late January while Renzo Piano was in town. The architects will issue a report on observations made during this review in early March that will help guide quality and detailing of work in the building.

PUBLIC COMMENT

Jim Salinas, Sr. representing the Latino Steering Committee and the Mission Advisory Committee, stated that he had been asked to approach the Commission in regard to La Raza Park. He requested that the Commission hold a hearing in the Mission in regard to the changes to be made at La Raza Park and stated that some of the community leaders had been unaware of these changes. He asked that the Commission act on his requests.

ADJOURNMENT

The Meeting of the Recreation and Park
Commission was adjourned at 5:40 p m.
Respectfully submitted,

Margaret A. McArthur
Commission Liaison

EXHIBIT 5

SETTLEMENT AGREEMENT

This Settlement Agreement (hereinafter referred to as the "Agreement") is entered into this 22nd day of June 1993, by and between SHORELINE AMPHITHEATRE PARTNERS, A California Limited Partnership and BILL GRAHAM PRESENTS, INC., A California Corporation, on the one hand, (herein referred to collectively as "BGP") and the CITY OF PALO ALTO, (herein referred to as "PALO ALTO"), on the other hand.

R E C I T A L S

WHEREAS, BGP is the owner/operator of the Shoreline Amphitheatre located wholly within the City of Mountain View, and

WHEREAS, the Shoreline Amphitheatre is a regional cultural asset providing live entertainment to hundreds of thousands of people annually, providing jobs and a facility which enhances business and economics in the area, and

WHEREAS, disputes and differences exist by and between BGP, Palo Alto and Mountain View, regarding the source, cause, extent, magnitude and control of alleged sound intrusions in Palo Alto, allegedly emanating from the Shoreline Amphitheatre, and

WHEREAS, there has been approved in Mountain View an application for expansion of the Shoreline Amphitheatre, and as part of the planning process an Environmental Impact Report and Review of the proposed expansion project was prepared, processed and certified as complete by the City of Mountain View, and

WHEREAS, Palo Alto has filed a lawsuit challenging the adequacy of the Environmental Impact Report and Review, which lawsuit is entitled: "City of Palo Alto, A Chartered City vs. CITY OF MOUNTAIN VIEW, A Chartered City; and DOES 1 through 30, inclusive, Bill Graham Presents, Inc., A California Corporation; Shoreline Amphitheatre Partners, A California Limited Partnership; and Mountain View Shoreline Regional Park Community, A Special District, Real Parties in Interest", Action No. 729712, now pending in the County of Santa Clara, State of California, hereinafter referred to as "the Litigation", and

WHEREAS, BGP recognizes its responsibility to be a good neighbor to the communities in the midpeninsula area, and in that spirit instituted voluntary changes in practice and procedure in 1992 to reduce the level of sound being heard in Palo Alto, and

WHEREAS, BGP and Palo Alto, further agree to work directly together in the years ahead to resolve legitimate concerns raised by either party and identify opportunities for further cooperation, and

WHEREAS, the City of Palo Alto and BGP are entering into this Settlement Agreement for the purpose of settling the litigation between them and in order to address the respective concerns of all parties and to establish an ongoing working relationship based upon a good faith commitment to cooperate in resolving disagreements that may arise in the future, and

Now, therefore, the parties do agree as follows:

1.0 SOUND LEVEL LIMITS, PHYSICAL AND OPERATIONAL CONTROLS

BGP will operate Shoreline Amphitheatre in the same manner as it did in 1992. BGP will use all reasonable efforts to achieve sound impacts in Palo Alto no greater than 1992. Specifically BGP agrees:

- a. BGP will maintain average sound levels at the top of the bowl so as not to exceed 98dBA, measured using the Mountain View technical protocol set forth in Section 4.0 of this Agreement. BGP will actively monitor and enforce the average sound level limit during all events.
- b. BGP will use all reasonable efforts to start Sunday through Thursday events at 7:30 p.m., or earlier.
- c. BGP will maintain the lawn sound system installed in 1992 so as not to increase sound above 98dBA, average, at the top of the bowl.
- d. Palo Alto and BGP will meet at least twice a year to discuss Shoreline Amphitheatre operations, with one meeting occurring before the concert season and another during the season.
- e. BGP will allow Palo Alto to independently review and verify concert sound level data in the same manner as Mountain View.

2.0 AGREEMENT TO DISMISSAL OF LITIGATION

In consideration of the agreements, covenants and conditions herein, PALO ALTO agrees that it will dismiss the Litigation with prejudice within five (5) days of the date of execution of this Agreement. Each party shall bear its own costs and attorney's fees in the Litigation. Palo Alto further agrees that it will not institute nuisance litigation or any other litigation, including

but not limited to any suit for damages, injunctive or other equitable relief, which directly or indirectly attempts to control the operation or administration of the Shoreline Amphitheatre, or in any way directly or indirectly concerns or arises from the operation of the amphitheatre or the presentation of live entertainment performances at the amphitheatre, or which seeks or alleges damages on any basis, unless the circumstances described in Paragraph 3.0 have occurred, Palo Alto and BGP have negotiated in good faith and the mediation has not been concluded with a further agreement.

3.0 AGREEMENT TO RE-OPEN NEGOTIATIONS; SETTLEMENT RESULT OF COMPROMISE

If there are more than four Shoreline events in any year that each result in forty-five (45) or more complaints from different Palo Alto residential addresses, documented by Palo Alto or Mountain View Police Departments or BGP, Palo Alto and BGP will re-open discussions and negotiate in good faith to identify mitigation measures that BGP can implement to reduce noise impacts in Palo Alto.

- A. If negotiations do not produce mutually acceptable mitigation measures, Palo Alto and BGP will in good faith participate in a mediation process before Judge Coleman Fannin or another mutually acceptable mediator. If mediation is not successful, either party may request that the mediator provide them with an advisory opinion regarding possible reasonable mitigation measures.
- B. If mediation does not result in implementation of mutually acceptable mitigation measures, Palo Alto or BGP may pursue any other remedies it may have.
- C. All complaints to be considered as part of the forty-five (45) for each event shall include, at a minimum, the name, address and telephone number of the complainant, the date and time of the complaint, the location of the complainant at the time of the complaint, if different from the address of the complainant. In addition, BGP shall have the right to review upon request any and all documentation or other evidence of the said complaint(s).

This Agreement is the result of settlement and compromise of disputed and contested issues. This agreement and participation in future negotiations or mediation is not to be construed as an admission by either Palo Alto or BGP of any fact or liability. Neither the fact of this settlement nor the terms of this

settlement shall be admissible in any subsequent proceeding concerning the issues resolved by this Agreement.

4.0 INDEPENDENT VERIFICATION OF DATA

Palo Alto and BGP agree to permit Palo Alto to independently verify the data concerning the sound limitation compliance as agreed by the following:

BGP shall monitor the loudspeaker sound level at the upper rim of the amphitheatre using a calibrated ANSI standard Type 2 sound level meter. The microphone shall be fixed with a windscreen and shall be located on the center-most wind fence post between ten (10) and fifteen (15) feet above the pedestrian pathway and shall face the stage. The meter shall be set for "A" weighing and slow response and connected to a strip chart recorder for hard copy printout. The meter shall sample the concert sound levels at least once per second for the full period of the concert starting at the beginning of the concert and ending at the conclusion of the concert, but not including intermission. The Leq over the full period of a concert as calculated from the strip chart printout shall not exceed 98dBA. The meter shall be calibrated just prior to and just after the concert with the calibration levels printed on the strip chart printout.

Palo Alto, at its own expense, has the right to professionally calibrate Shoreline Amphitheatre sound meters with prior notice of at least one (1) full business day, provided that such calibration shall occur no less than three (3) hours prior to door opening.

5.0 LAWS GOVERNING PROVISION

This Agreement shall be governed by the laws of the State of California.

6.0 BINDING ON SUCCESSORS

This Agreement shall be binding upon and inure to the heirs, successors and assigns of the undersigned.

CITY OF PALO ALTO

Dated: 6-22-93

BY: 

BILL GRAHAM PRESENTS, INC.,
A California Corporation

Dated: 6/22/93

BY: 

Danny Scher

SHORELINE AMPHITHEATRE PARTNERS,
A California Limited Partnership
by: SHORELINE AMPHITHEATRE LIMITED,
A California Corporation, General
Partner

Dated: 6/22/93

BY: 

Danny Scher

APPROVED AS TO FORM.

Dated: 6/22/93

RICHARD J. IDELL, A LAW CORPORATION

BY: 

WALLACE C. DOOLITTLE, ESQ.
Attorneys for SHORELINE
AMPHITHEATRE PARTNERS, A
California Limited Partnership
and BILL GRAHAM PRESENTS,
INC., A California Corporation

APPROVED AS TO FORM.

Dated: 6/22/93

BY: 

ARIEL PIERRE CALONNE, ESQ.
City Attorney, Attorney for CITY
OF PALO ALTO

EXHIBIT 6

Environmental Noise Analysis

Saint James Park Outdoor Music Events

City of San Jose, CA

BAC Job # 2014-271

Prepared For:

City of San Jose Parks Division

Attn: Athena Trede
200 East Santa Clara Street, 9th Floor
San Jose, CA 95113

Prepared By:

Bollard Acoustical Consultants, Inc.



Paul Bollard, President

February 5, 2015



Introduction

Saint James Park is bordered by West Saint James Street to the north, East Saint John Street to the south, North 1st Street to the west, and North 3rd Street to the east, in the City of San Jose, California. The park is bisected from north to south by North 2nd Street. The park site is surrounded by a variety of public, church, business, and residential land uses. Figure 1 shows the park location and surrounding land uses.

The City of San Jose Parks Division is currently evaluating the feasibility of holding additional concerts at Saint James Park, including consideration of long-term outdoor events at a Levitt Pavilion to be located within the park site. This park has recently been used for various concerts and, due to concerns expressed by local residents, churches and businesses to elevated sound levels generated during those concerts, the City of San Jose has commissioned a sound study for this venue. Specifically, the City has retained Bollard Acoustical Consultants, Inc. (BAC) to conduct a simulation of an amplified music event, to quantify sound levels generated during a typical live music event, to assess the acceptability of live music event sound levels relative to City noise policies and public reaction, and to develop potential measures which could be implemented to reduce concert-related sound levels moving forward. This report contains the results of the sound study.

For the purposes of this study, the terms “concerts” and “live entertainment events” are used interchangeably to refer to any activities occurring at Saint James Park which generate amplified speech or music.

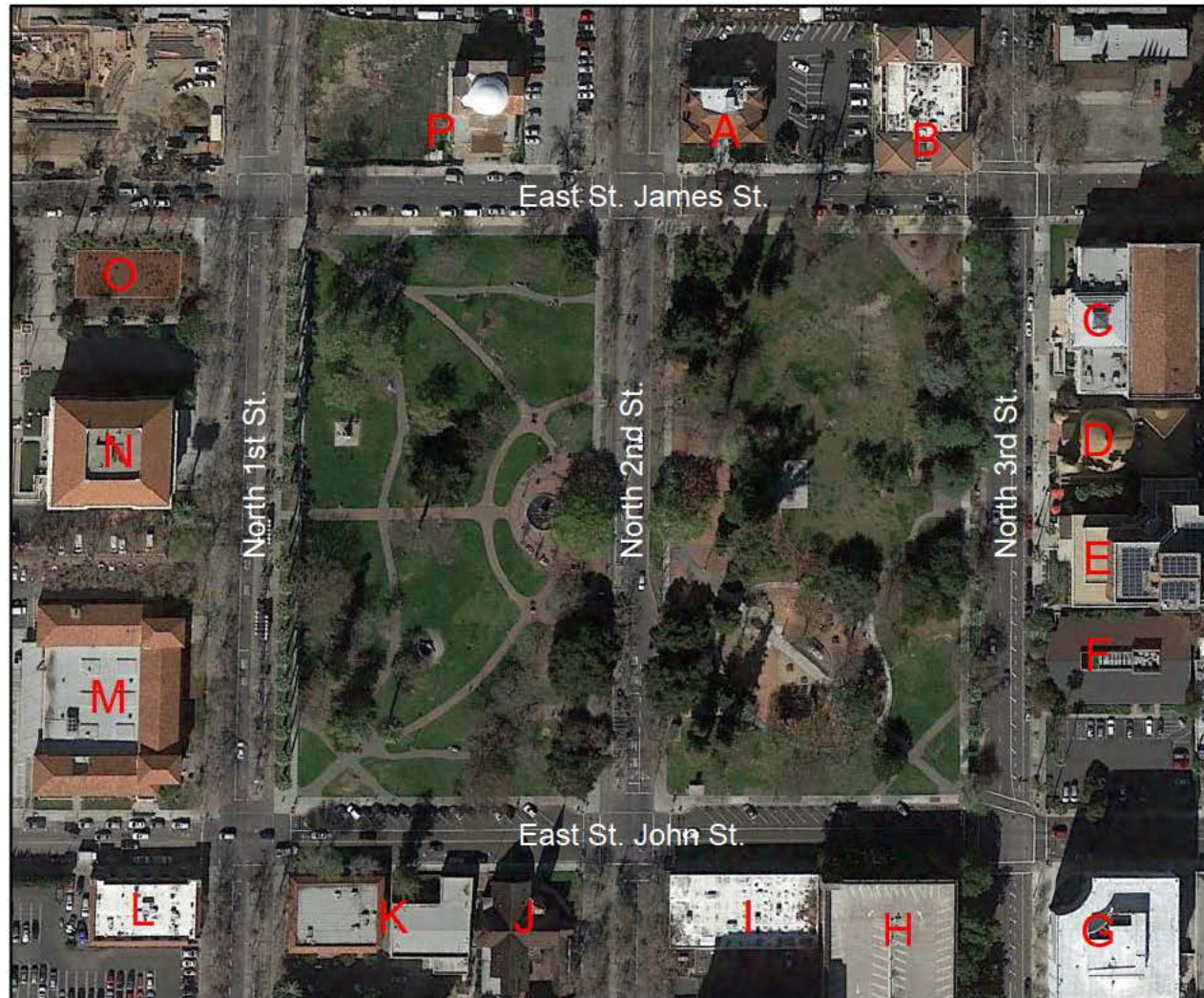
Acoustic Fundamentals & Terminology

Noise is often defined simply as unwanted sound, and thus is a subjective reaction to characteristics of a physical phenomenon. Researchers have generally agreed that A-weighted sound pressure levels (sound levels) are very well correlated with community reaction to noise. The unit of sound level measurement is the decibel (dB), sometimes expressed as dBA. Variations in sound levels over time are represented by statistical descriptors, and by time-weighted composite noise metrics such as the Day-Night Average Level (L_{dn}/DNL). Throughout this analysis, A-weighted sound pressure levels will be used to describe community noise unless otherwise indicated. Figure 2 provides examples of maximum sound levels associated with common noise sources.

The decibel notation used for sound levels describes a logarithmic relationship of acoustical energy, so that sound levels cannot be added or subtracted in the conventional arithmetic manner. For example, a doubling of acoustical energy results in a change of 3 decibels (dB), which is usually considered to be barely perceptible. A 10-fold increase in acoustical energy yields a 10 decibel change, which is subjectively like a doubling of loudness.

Community noise is commonly described in terms of the ambient noise level, which is defined as the all-encompassing noise level associated with a given noise environment. A common statistical tool to measure the ambient noise level is the average, or equivalent sound level (L_{eq}), which corresponds to a steady-state sound level containing the same total energy as a time-varying signal over a given period (usually one hour).

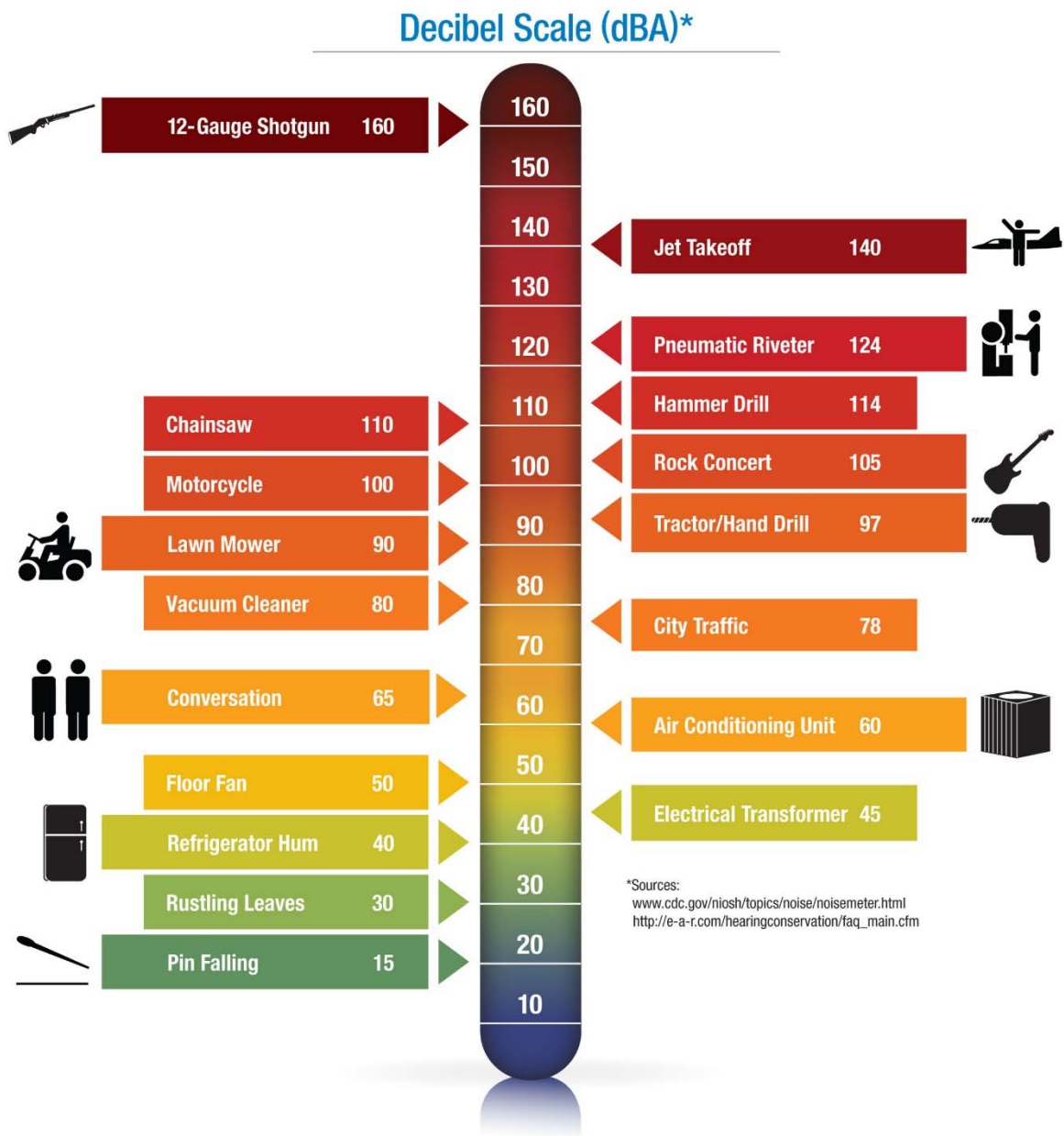
Figure 1
Saint James Park Location and Surrounding Land Uses



- A – Saint Clare Club
- B – Residential
- C – Church
- D – Church
- E – Commercial/Professional
- F – Professional
- G – Professional
- H – Professional / Parking Structure
- I – Commercial / Professional
- J – Church
- K – Future Residential
- L – Commercial / Professional
- M – Post Office
- N – County Courthouse
- O – Garden / Landscaped Area
- P – Vacant



Figure 2
Typical A-Weighted Sound Levels of Common Noise Sources



City of San Jose Criteria for Acceptable Noise Exposure

City of San Jose General Plan

Chapter 3 of the City of San Jose General Plan pertains to Environmental Leadership, and contains the City's noise-related policies. The specific policies which are generally applicable to this project are reproduced below.

EC-1.1 Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:

Interior Noise Levels

- The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected *Envision General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.

Exterior Noise Levels

- The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (Table EC-1). The acceptable exterior noise level objective is established for the City, except in the environs of the San José International Airport and the Downtown, as described below:
 - For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments.
 - For single family residential uses, use a standard of 60 dBA DNL for exterior noise in private usable outdoor activity areas, such as backyards.

EC-1.2 Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:

- Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or
- Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

Table EC-1: Land Use Compatibility Guidelines for Community Noise in San José

LAND USE CATEGORY	EXTERIOR NOISE EXPOSURE (DNL IN DECIBELS (DBA))					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care ¹						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arena, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, Amphitheaters						

¹Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.

Normally Acceptable:

- Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally Acceptable:

- Specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features included in the design.

Unacceptable:

- New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies.

EC-1.3 Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.

EC-1.6 Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.

EC-1.9 Require noise studies for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources, implement mitigation so that recurring maximum instantaneous noise levels do not exceed 50 dBA Lmax in bedrooms and 55 dBA Lmax in other rooms.

City of San Jose Municipal Code

There are several locations within the City of San Jose Municipal Code where noise is mentioned. The following specific sections of the Code pertain to sound from amplified music.

Chapter 10.16

OFFENSES AGAINST PUBLIC PEACE

Part 1: DISTURBING THE PEACE

10.16.010 Disturbing the peace prohibited.

No person shall disturb the peace, quiet and comfort of any neighborhood by creating therein any disturbing or unreasonably loud noise.

10.16.020 Disturbing noises designated.

- A. It is the intent of this chapter to prohibit all noises which are disturbing or unreasonably loud. The types of noises set out in subsection B. shall not be deemed or construed as in any way exclusive, but merely illustrative.
- B. The following types of noises are declared to be disturbing to the peace, quiet and comfort of the neighborhood in which they are heard, and persons creating such noises are in violation of Section 10.16.010:
 - 5. The playing or operating of any radio, phonograph, orchestra or other musical device or instrument in a manner that is disturbing or unreasonably loud to a reasonable person outside the facility or unit from which the noise emanates; and

Part 2: LOUDSPEAKERS AND SOUND AMPLIFIERS

10.16.030 Operation without permit prohibited.

No person shall operate any loudspeaker or sound amplifier or similar device in such a manner as to cause any sound to be projected outside of any building or out-of-doors, except upon receipt of a permit from the chief of police as provided in Section 10.16.040.

6.60.028 Public entertainment.

"Public entertainment" means any of the following activities:

- C. Audience participation in the entertainment; or
- D. Live entertainment.

6.60.050 Exceptions to the public entertainment business permit.

A public entertainment business permit shall not be required for persons conducting, managing or operating a place of public entertainment which is conducted in accordance with any of the following criteria:

- A. On outdoor public property owned or controlled by the city;
- B. In city owned or controlled facilities, including, but not limited to, the Convention Center, the Center for Performing Arts, the Montgomery Theater, the Civic Auditorium Complex, the Arena, and city park facilities.

Chapter 6.60

PUBLIC ENTERTAINMENT PERMIT

Part 2 OPERATING REGULATIONS AND PERMIT CONDITIONS

6.60.230 Noise.

The permittee shall prevent noise from emanating beyond the premises of the public entertainment which is disturbing or unreasonably loud to persons on neighboring property.

Chapter 13.14

COMMUNITY SPECIAL EVENTS

Part 2 USE OF OUTDOOR CITY PROPERTY FOR COMMUNITY SPECIAL EVENTS

13.14.220 Issuance of event permits.

- A. The director is authorized to issue special event permits consistent with this chapter.
- C. The director may condition any permit issued pursuant to this chapter with reasonable requirements concerning the time, place or manner of holding the special event as is necessary to coordinate multiple uses of public property, assure preservation of public property and public spaces, prevent dangerous, unlawful or prohibited uses, protect the safety of persons and property and to control vehicular and pedestrian traffic in and around the venue, provided that such requirements shall not be imposed in a manner that will unreasonably restrict expressive or other activity protected by the California or United States Constitutions. Conditions may include, but are not limited to, the following:
 - 10. The use of sound amplification equipment, and restrictions on the amount of noise generated by motors and other equipment used in the course of the special event.

Summary of City Noise Policy

The City's General Plan noise level standards are provided in terms of DNL, which is a 24-hour average sound level. As a result, it may disguise short-term increases in ambient noise levels during park events. The City's Municipal Code has provisions pertaining to amplified speech and music, but the Municipal Code does not contain any numeric limits. As a result, the Municipal Code provisions are more subjective. As a result, this analysis focuses on the development of practical and reasonable sound level objectives for both exterior spaces around the park perimeter and within noise-sensitive land uses located in the immediate park vicinity.

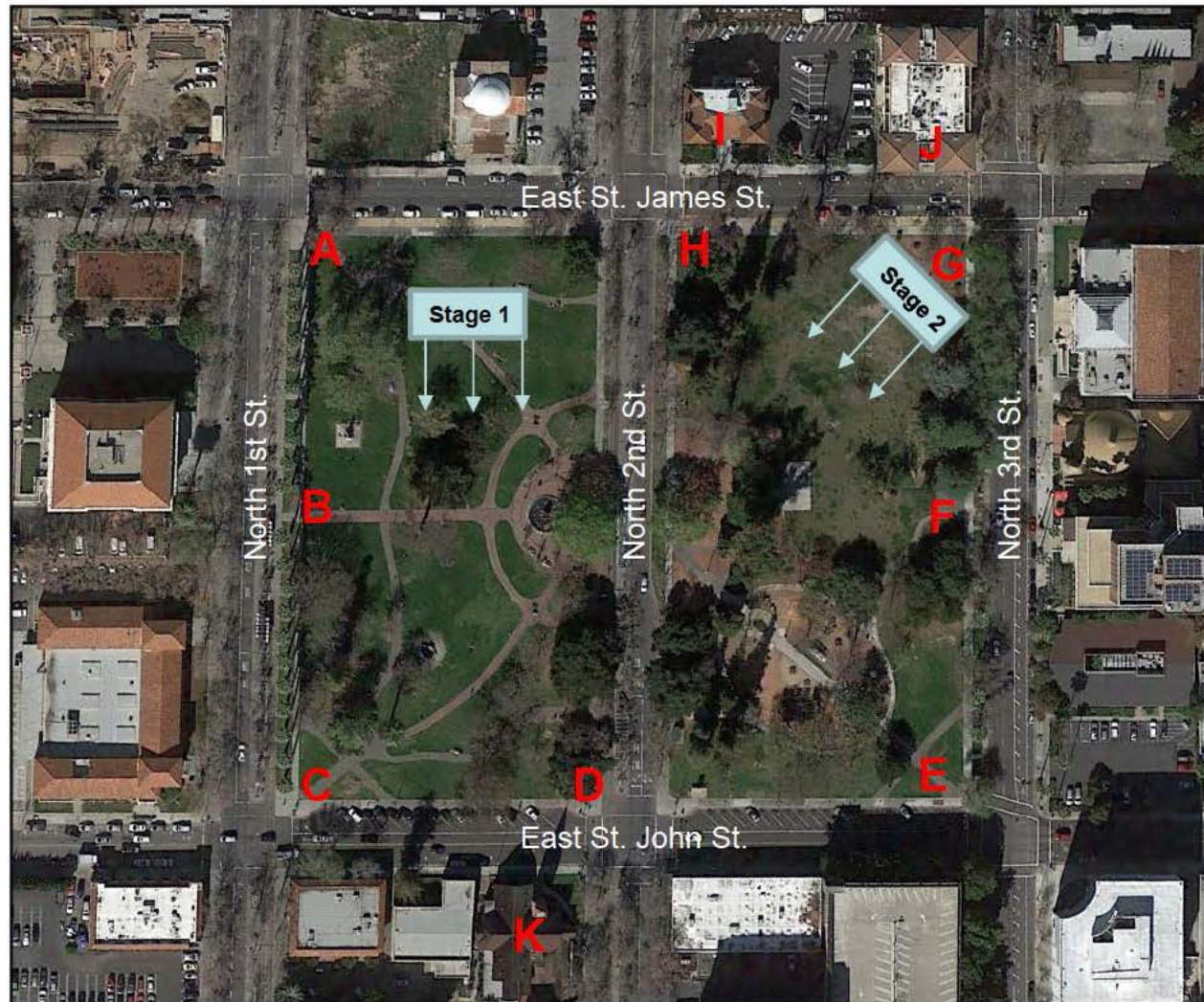
Event Simulation

As a means of evaluating the potential noise levels associated with additional amplified music events at the Park, Bollard Acoustical Consultants, Inc. (BAC) simulated a musical event on the park grounds on Friday, October 10, 2014. The simulation consisted of playing amplified music at high sound levels through four (4) Yamaha MSR 400 watt concert speakers with built-in amplifiers and a Yamaha MSR 800 watt sub-woofer with built in amplifier, using an MP3 player as the source. The sound system was placed at the locations shown in Figure 3 with the speakers oriented as indicated by the arrows radiating from the “stage” area on Figure 3. Appendix B shows photographs of the event simulation speaker array.

While sound was played through the sound system to a reference level of 85-90 dBA at 100 feet from the speakers, noise level measurements were conducted at eight (8) locations around the perimeter of the park (Figure 3: Sites A-H), as well as at three locations within buildings (Sites I-K). Appendices C & D show representative photos of the park perimeter and interior noise monitoring sites, respectively. During the simulation, reference levels were monitored at a distance of 100 feet from the speaker array so that a comparison between reference sound levels similar to that which would be generated during a concert event could be made to measured sound levels around the site perimeter and within sensitive buildings. The specific methodology for the event simulation was as follows:

1. The sound system was set up and calibrated to generate average sound levels of approximately 85 dB at the reference microphone located 100 feet from the speaker array. A BAC staff member remained with the sound system to start and stop the music when the other BAC staff members were in position.
2. The reference sound level meter located 100 feet from the speakers was started and it remained at that location and logged data continuously until all of the measurements for Stage Area 1 were completed.
3. A different BAC staff member would go to each of the 8 locations indicated on Figure 3 to collect sound level data during the simulation. Once he arrived at each location, he would indicate to the BAC staff member at the sound system to turn on the music. Once the sample was completed, he would advise the BAC staff member to stop the music until he arrived at the next measurement location.
4. While the simulation was being conducted and data collected at Sites A-H, a third BAC staff member accompanied a San Jose Parks Division representative (Athena Trede) to the interior areas of three additional locations (Sites I-K). Those sites represented the interiors of the St. Clare Club, The residences at the northwest corner of North 3rd Street and E. St. James St. and the interior of the Trinity Episcopal Cathedral. Sound level measurements were conducted from within each of those noise-sensitive interior areas while music was played.
5. When monitoring at Sites A-K was completed, the sound system was relocated to Stage position 2 and Steps 1-4 were repeated.

Figure 3
Saint James Park Concert Simulation "Stage" and Noise Measurement Locations
Friday, October 10, 2014



Event Simulation Results – Park Perimeter

Figures 4 and 5 shows the results of the simulation sound level measurements at each of the 8 sites located around the park for stage locations 1 and 2, respectively. The blue lines in Figures 4 and 5 indicate when the music was playing, and show that the music levels averaged approximately 85 dBA at a distance of 100 feet from both locations while music was playing. The dips in the blue lines represent the interval between periods when the songs were playing, or ambient (background) conditions. The data collected at the reference position when music was not being played indicates that ambient conditions typically ranged from 55-65 dBA.

The Figure 4 & 5 data shown in Red represented the noise level measured at each location around the park perimeter while the music was played. For example, at Site A, which was located at the northwest corner of the park, the measured sound levels while music was being played ranged from approximately 70-75 dBA. At the more distant location F, music levels were much lower (60-65 dBA) as expected given the greater distance between the sound system and measurement location.

It should be noted that some of the spikes indicated on Figures 4 and 5 were caused by sources other than the music being played for the simulation. For example, Site G on Figure 4 shows a spike up to 70 dBA while the average of the remainder of the sample was approximately 60 dBA. This spike was due to the passage of a loud vehicle during the sample. A similar example can be seen for Sites C and D on Figure 5, where individual loud vehicle passbys generated sound levels considerably higher than the levels associated with the music being played at the stage area.

Event Simulation Results – Interior Spaces of Representative Noise-Sensitive Uses

As noted previously, in addition to the outdoor noise monitoring sites located around the park perimeter, noise level measurements were conducted inside of three (3) representative noise-sensitive land uses. The three sites were as follows:

- Site I: Interior of Saint Clare Club. NW corner of St. James & N, 2nd.
- Site J: Inside Unit 41 of 97 Saint James Place Condominiums.
- Site K: Inside Trinity Episcopal Cathedral.

While music was played at both stage locations, the sound levels measured inside the Saint Clare Club and Condo Unit 1 were very low, but still audible. Although no feedback was provided by representatives of the Saint Clare club regarding the levels heard within that establishment during the simulation, the owner of Condo Unit 41 stated that the simulation levels were well below levels which had been present during previous concerts held at the park. In addition, that owner stated that, if sound generated during events could be kept at the level observed with the stage 1 speaker placement, she would have far fewer concerns about future events within the park.

At the Trinity Episcopal Cathedral, the simulation sounded louder even though the levels were fairly comparable to Sites I & J. This is believed to be due to the operable vents on the north side of the church being in the open position during the testing and the very low background sound levels within the church space. Church representatives noted that, during the simulation, the sound would likely have been disruptive to a church service. Table 1 shows the results of the interior noise measurements during the event simulation.

Friday, October 10, 2014



Figure 5
Saint James Park Concert Simulation Noise Monitoring Results - Configuration 2
Friday, October 10, 2014

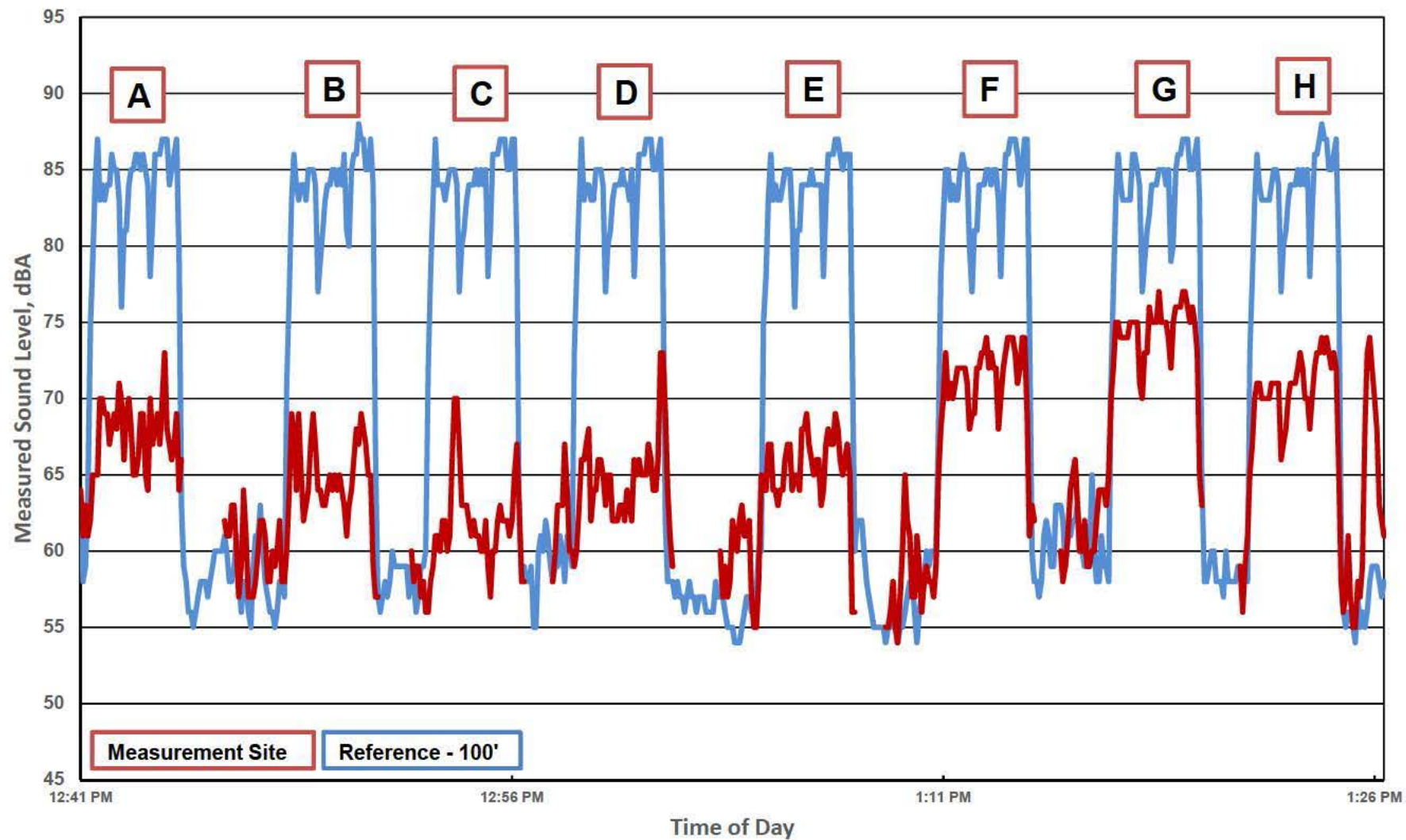


Table 1
Event Simulation Sound Level Measurement Results
Representative Noise-Sensitive Interior Spaces near Saint James Park
October 10, 2014

Site	Stage Position 1		Stage Position 2		Notes
	Leq	Lmax	Leq	Lmax	
I	48	61	47	58	Measured noise levels more influenced by local traffic than simulation.
J	43	48	49	53	Simulation very faint at stage position 1, much more audible at stage position 2.
K	50	55	48	51	Both stage positions fairly equal in terms of average sound levels inside church.
Source: Bollard Acoustical Consultants, Inc. (BAC)					

Conclusions of Event Simulation

From the results of the event simulation, BAC concluded that stage location #1 would likely result in fewer concerns being expressed by the residents of the existing 97 Saint James Place Condominiums than would location #2. Because levels within the Trinity Church and Saint Clare Club were fairly similar for both locations, it was concluded that stage location 1 would be preferable overall.

The event simulation also concluded that, to reduce the potential for adverse reaction to sound generated during park events, average sound levels should not exceed 85 dBA at a reference distance of 100 feet from the stage.

Dia De Los Muertos Festival Amplified Sound Levels

On October 25, 2014, a Dia De Los Muertos festival was held at Saint James Park. During the festival, amplified sound levels were generated at two different stage locations. Music from various bands and DJ's was played between the hours of noon and 6 pm.

During the festival, BAC staff conducted sound level monitoring at several outdoor locations at the park site, as well as within the three interior sites previously monitored during the event simulation conducted on October 10, 2014. The noise monitoring sites are identified on Figure 6. Appendix E shows photos of the festival, including stage locations and noise monitoring sites. Table 2 shows the results of the short-term noise sampling conducted during the festival from a variety of locations.

Figure 6
Dia De Los Muertos Festival Stage and Noise Monitoring Locations
Saint James Park - Saturday, October 25, 2014

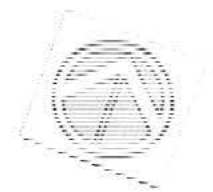
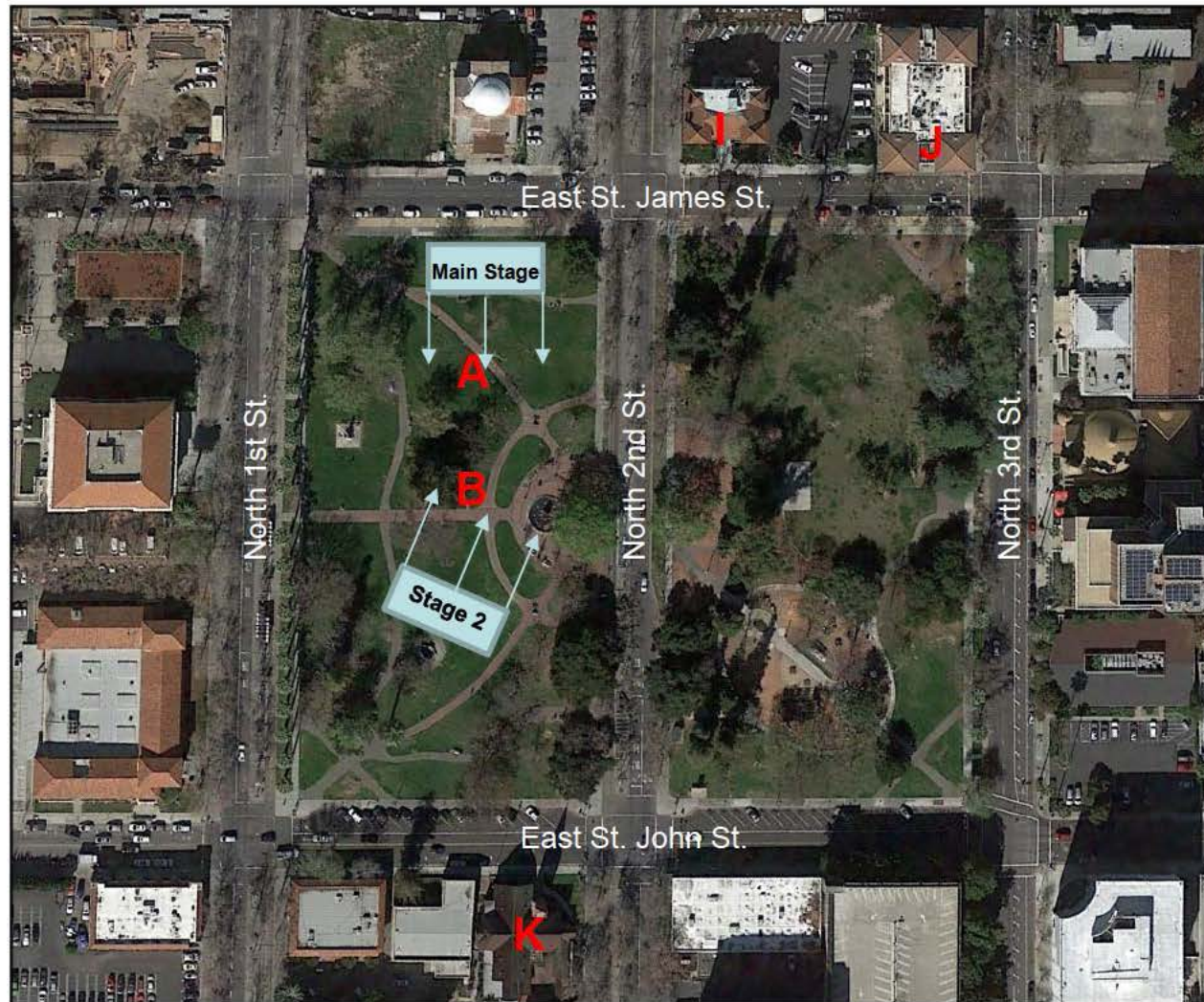


Table 2
Measured Sound Levels during Dia De Los Muertos Festival
Saint James Park – October 25, 2014

Site	Source Location	Leq	Lmax	Notes
A	Main Stage	57	62	Ambient - Traffic Noise
A	Main Stage	86	95	Intro Band
A	Main Stage	83	86	Intro Band - Volume decreased
A	Main Stage	83	94	Intro Band
A	Main Stage	93	96	2nd to last band
A	Main Stage	91	100	2nd to last band
A	Main Stage	88	92	Same Band - Bass Reduced
A	Main Stage	87	91	Final Band
A	Main Stage	82	91	Final Band - Volume decreased
B	Stage 2	82	91	Mariachi Band
B	Stage 3	70	81	Mariachi Band
B	Stage 4	79	86	Mariachi Band
B	Stage 5	62	67	Mariachi Band
I	Main Stage	48	52	Intro Band
I	Main Stage	50	54	Intro Band
J	Main Stage	49	54	Intro Band
j	Main Stage	55	67	Mariachi Band
j	Main Stage	45	50	DJ Between Bands
j	Main Stage	54	56	2nd to last band - Much Louder
J	Main Stage	46	53	2nd to last band - Volume Reduced
K	Main Stage	45	49	Intro Band - Very faint
K	Main Stage	49	54	Middle Band - Louder
K	Main Stage	57	65	Louvers Open - Vastly Louder
K	Main Stage	44	46	Music louvers closed
K	Main Stage	47	51	Last Band - Volume Reduced - Louvers Closed

Source: Bollard Acoustical Consultants, Inc. (BAC)

During periods when the sound levels from the festival were below 85 dB Leq at the 100 foot reference distances from the main stage and 2nd stage, sound levels inside the nearest noise-sensitive buildings, while audible, did not appear excessive. However, the Table 2 data indicate amplified music sound levels at the main stage frequently exceeded the noise goal of 85 dBA Leq. During those periods, requests were made to the stage manager to lower the overall sound volume and/or the low-frequency volume and adjustments were made. In some cases, however, the levels were increased again after BAC and City of San Jose staff left the mixing booth area, or band members on stage were able to detect the reduction in volume and increased the volume from the stage position.

Immediately after a change in bands, the noise level increased approximately 10 dBA, with considerably higher levels of low-frequency sound as well. Almost immediately, a complaint was received from a nearby resident. The volume levels were adjusted as quickly as possible, but this situation illustrates the challenges associated with maintaining a maximum sound level threshold at the mixing booth.

During the monitoring within the Trinity Episcopal Church, it was learned that the ventilation louvers are operable. As shown in Table 2, there is a substantial difference in sound levels received within the Church with the louvers in the open versus closed positions. Even with the louvers in the closed position, Church representatives expressed concern with the overall level of music entering the church from the festival activities.

Levitt Pavilion Construction/Operation Considerations

As mentioned previously, there is interest in construction and operating a Levitt Pavilion within the St. James Park. Similar facilities have been constructed in Texas, Pennsylvania, Tennessee, Connecticut, and California. Levitt pavilions typically present 50 free concerts annually in an open lawn setting. A permanent stage is constructed onsite and concerts are programmed by local Friends of Levitt Pavilion non-profit organization. Examples of pavilions constructed in Pasadena and Los Angeles are shown below in Figures 7 and 8.

Figure 7 – Levitt Pavilion Los Angeles



Figure 8 – Levitt Pavilion Pasadena



Given the sensitivity of the surrounding neighbors to the Saint James Park and the number of annual events typically programmed for Levitt facilities, it will be necessary to carefully locate, design, and operate the facility to minimize the potential for adverse public reaction to sound generated during events.

Advantages of such facilities include a design which focuses sound in the desired direction while blocking it to the sides and rear of the facility, continuity of event administration, and ultimate control over sound generation of the facility. With a variety of vendors and acts currently utilizing the park for concert events, such continuity and control is difficult to achieve. Specific recommendations for the ongoing use of the park for amplified speech or music events are provided in the final section of this report.

Conclusions and Recommendations

Based on feedback from City Staff and interested members of the public, the event simulation and noise surveys conducted during the October 25, 2014 festival, this analysis offers the following conclusions and recommendations:

1. The noise standards of the City of San Jose are not well suited to assessing or preventing the potential noise impacts associated with amplified sound events at Saint James Park. This is because the General Plan standards, being based on a 24-hour average, do not provide a good indication of public reaction to short, loud activities. Conversely, the Municipal Code provisions are very subjective, which makes enforcement difficult.
2. BAC recommends the City consider adopting numeric noise standards specific to outdoor amplified sound levels such as that generated during events at Saint James Park. Such standards should consider including a provision specifically limiting low-frequency sound to reasonable limits.
3. Based on the results of the event simulation and monitoring conducted for this venue, it is BAC's professional opinion that the most logical location for subsequent events at the Park involving amplified sound occur at the stage 1 location shown on Figure 3, with speakers facing south. North-facing monitors should be operated at the lowest practical volume settings required for the performers. In the event that the sound output of north-facing monitors cannot be controlled at reasonable levels, either the construction of a solid stage behind the performers to block the sound would be required or consideration given to requiring musicians to utilize earpieces.
4. The use of subwoofers at this venue should be discouraged. If subwoofers are to be utilized, the low-frequency sound output should be controlled at the mixing booth. This is a difficult aspect of sound generation to monitor without sophisticated equipment, but has been cited as a significant source of concern by the local residents and churches.
5. Overall sound output should be limited to an average (Leq) of 85 dBA and a maximum (Lmax) of 90 dBA at the mixing booth located 100 feet from the stage. Stage managers should be required to mount a sound level meter with continuous A-weighted sound pressure level display adjacent to the mixing booth so there is no doubt as the current sound system output at any given time. Only by being aware of the instantaneous sound levels can the sound technicians make the appropriate adjustments to the sound mixing board. The meter should meet a minimum Type 2 compliance and be fitted with the manufacturer's windscreen and calibrated before use.
6. Based on BAC's observations during the Dia De Los Muertos festival, and experience in monitoring other concerts over the years, it is very difficult to enforce sound level limits on concert promoters. One avenue the City may wish to consider in this regard is to collect a deposit prior to the event which will be returned after it has been determined by City staff that the concert promoter has satisfied the City's noise performance standards. Additional information pertaining to this type of enforcement program can be developed upon request.

7. Due to the likely difficulty of providing additional acoustical isolation to the interior space of the Trinity Episcopalian Church, event coordinators should be required to work with the Church representatives to minimize interference with church functions to the maximum extent possible.
8. The Parks department should contact the local law enforcement agencies following the concerts to determine if any noise complaints were registered during the concerts. All legitimate complaints should be investigated and additional sound controls evaluated and implemented as appropriate.

This concludes BAC's analysis of amplified sound generated during events held at the Saint James Park in the City of San Jose. Please contact Paul Bollard at (916) 663-0500 or PaulB@bacnoise.com with any questions regarding this report.

Appendix A

Acoustical Terminology

Acoustics	The science of sound.
Ambient Noise	The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.
Attenuation	The reduction of an acoustic signal.
A-Weighting	A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.
Decibel or dB	Fundamental unit of sound, A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell.
CNEL	Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by a factor of three and nighttime hours weighted by a factor of 10 prior to averaging.
Frequency	The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz.
L_{dn}	Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.
L_{eq}	Equivalent or energy-averaged sound level.
L_{max}	The highest root-mean-square (RMS) sound level measured over a given period of time.
Loudness	A subjective term for the sensation of the magnitude of sound.
Masking	The amount (or the process) by which the threshold of audibility is for one sound is raised by the presence of another (masking) sound.
Noise	Unwanted sound.
Peak Noise	The level corresponding to the highest (not RMS) sound pressure measured over a given period of time. This term is often confused with the Maximum level, which is the highest RMS level.
RT₆₀	The time it takes reverberant sound to decay by 60 dB once the source has been removed.
Sabin	The unit of sound absorption. One square foot of material absorbing 100% of incident sound has an absorption of 1 sabin.
SEL	A rating, in decibels, of a discrete event, such as an aircraft flyover or train passby, that compresses the total sound energy of the event into a 1-s time period.
Threshold of Hearing	The lowest sound that can be perceived by the human auditory system, generally considered to be 0 dB for persons with perfect hearing.
Threshold of Pain	Approximately 120 dB above the threshold of hearing.



Appendix B
Photographs of Event Simulation Sound System Setup
Friday, October 10, 2014

Stage 1 Location



Stage 2 Location



Appendix C
Photographs of Park Perimeter Noise Monitoring Sites during Simulation
Friday, October 10, 2014

Site A



Site D



Site G



Site B



Site E



Site H



Site C



Site F



Appendix D
Photographs of Interior Noise Monitoring Sites during Simulation
Friday, October 10, 2014

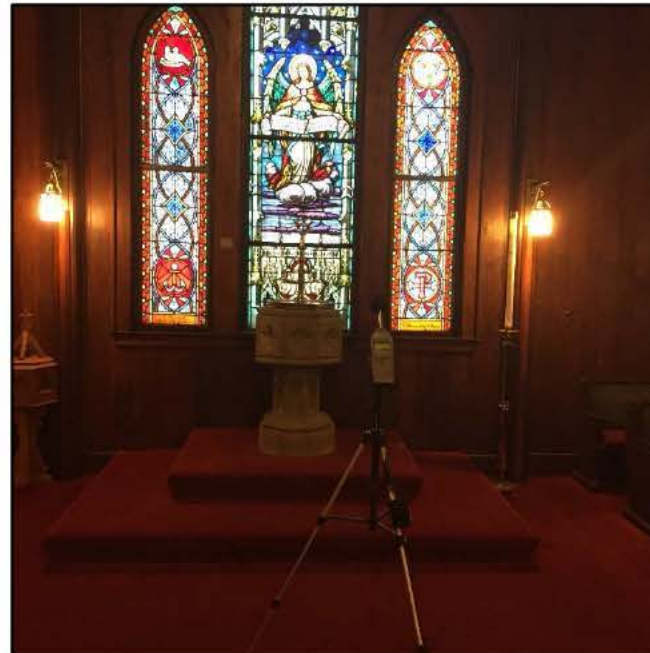
Site I



Site J



Site K



Appendix E
Photographs of Dia De Los Muertos Festival, Sound Stages, and Noise Monitoring Sites
Saturday, October 25, 2014

Main Stage



Main Stage Level



Stage 2



Site I



Site J



Site K



EXHIBIT 7

From: [Lin-Wilson, Tiffany \(REC\)](#)
To: [Andrew Solow](#)
Subject: RE: CA PRA Request for Immediate Access - ALL Sound Measurements Taken During The 2018 Outside Lands Festival in Golden Gate Park and the nearby neighborhoods - Thurs 8/9/2018 thru Sun 8/12/2018
Date: Monday, February 04, 2019 11:37:07 AM

Hi Andrew,

The documents I sent last week, were all that I was given. I was also informed of the following:

The Park Rangers do not conduct sound measurements in Golden Gate Park during the Outside Lands Concerts. We are reactive to the calls from citizens who are complaining and concerns over loud music coming from the concert venue.

There is no requirement as stated to monitor sound during the event. I cannot speak for the promoter "Another Planet Entertainment" who hires a private company to monitor sound. I do not know their criteria.

This is false information and belief:

"On information and belief, there is a legal requirement for measurement of sound levels at the sources at public events including concerts."

Best,

Tiffany Lin-Wilson

Secretary

San Francisco Recreation and Park Department | City & County of San Francisco
McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA |
94117

(415) 831-2701 | Tiffany.Lin-Wilson@sfgov.org



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From: Andrew Solow <alsolow@earthlink.net>

Sent: Thursday, January 31, 2019 5:31 PM

To: Lin-Wilson, Tiffany (REC) <tiffany.lin-wilson@sfgov.org>

Cc: Pawlowsky, Eric (REC) <eric.pawlowsky@sfgov.org>; McArthur, Margaret (REC) <margaret.mcarthur@sfgov.org>; Ketcham, Dana (REC) <dana.ketcham@sfgov.org>; Andrew Solow (Alt Email) <asolow@mindspring.com>

Subject: RE: CA PRA Request for Immediate Access - ALL Sound Measurements Taken During The 2018 Outside Lands Festival in Golden Gate Park and the nearby neighborhoods - Thurs 8/9/2018 thru Sun 8/12/2018

Hello Tiffany, et al,

I want copies of any sound level measurements taken in Golden Gate Park during the 2018 Outside Lands Festival.

Are you saying that no sound level measurements were taken in Golden Gate Park during the 2018 Outside Lands Festival?

If any sound level measurements were taken by anyone, I want copies regardless of who employed them to take the sound level measurements.

On information and belief, there is a legal requirement for measurement of sound levels at the sources at public events including concerts.

I want copies of those measurements from the 2018 Outside Lands Festival.

If no sound level measurements were taken in Golden Gate Park during the 2018 Outside Lands Festival, I want that in writing directly from the person who is making that assertion.

Yours truly,

Andrew Solow
PL&E Investigations, LLC
58 Lake Forest Ct.
San Francisco, CA 94131-1025
Cell 415-722-3047
Fax: 415-564-6046
CA PI #: 24831
Website: www.ple-investigations.com

Privileged & Confidential Attorney Client Work Product

From: Lin-Wilson, Tiffany (REC) [<mailto:tiffany.lin-wilson@sfgov.org>]
Sent: Thursday, January 31, 2019 4:51 PM
To: Andrew Solow
Subject: RE: CA PRA Request for Immediate Access - ALL Sound Measurements Taken During The 2018 Outside Lands Festival in Golden Gate Park and the nearby neighborhoods - Thurs 8/9/2018 thru Sun 8/12/2018

Hi Andrew,

These are the only other two documents I have received that are responsive to your request.

Best,

Tiffany Lin-Wilson

Secretary

San Francisco Recreation and Park Department | City & County of San Francisco
McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117

(415) 831-2701 | Tiffany.Lin-Wilson@sfgov.org



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Watch us on sfRecParkTV

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From: Andrew Solow <alsolow@earthlink.net>

Sent: Thursday, January 31, 2019 12:39 PM

To: Lin-Wilson, Tiffany (REC) <tiffany.lin-wilson@sfgov.org>

Cc: Pawlowsky, Eric (REC) <eric.pawlowsky@sfgov.org>; McArthur, Margaret (REC) <margaret.mcarthur@sfgov.org>

Subject: RE: CA PRA Request for Immediate Access - ALL Sound Measurements Taken During The 2018 Outside Lands Festival in Golden Gate Park and the nearby neighborhoods - Thurs 8/9/2018 thru Sun 8/12/2018

Hello Tiffany,

Thanks for responding quickly. I reviewed the 3 .pdf documents you emailed me and have determined that those documents are NOT a complete response to my January 30, 2018 PRA request.

My original request:

Sound Measurements Taken During The Outside Lands Festival in Golden Gate Park and in the neighborhoods nearby Golden Gate Park

Thurs 8/9/2018 thru Sun 8/12/2018

Original Request Revised For Clarity – effectively the same request

ALL Sound Measurements Taken During The Outside Lands Festival on
Thursday 8/9/2018, Friday 8/10/2018, Saturday 8/11/2019, and Sunday 8/12/2018

1. ANYWHERE in Golden Gate Park particularly at or nearby each performance location or stage and
2. in the neighborhoods within 3.5 miles of Golden Gate Park

At the minimum, please provide the street intersection for each neighborhood complaint.
Street names without house numbers are worthless without a cross street because they do not describe a specific location.

Thanks,
Andrew Solow
58 Lake Forest Ct.
San Francisco, CA 94131-1025
Cell 415-722-3047

From: Lin-Wilson, Tiffany (REC) [<mailto:tiffany.lin-wilson@sfgov.org>]
Sent: Thursday, January 31, 2019 11:41 AM
To: Andrew Solow
Subject: RE: CA PRA Request for Immediate Access - Sound Measurements Taken During The Outside Lands Festival in Golden Gate Park and the nearby neighborhoods - Thurs 8/9/2018 thru Sun 8/12/2018

Hi Andrew,

Please see the attached documents in response to your request.

Best,

Tiffany Lin-Wilson
Secretary

San Francisco Recreation and Park Department | City & County of San Francisco
McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117

(415) 831-2701 | Tiffany.Lin-Wilson@sfgov.org



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Watch us on sfRecParkTV

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From: Andrew Solow <asolow@earthlink.net>
Sent: Thursday, January 31, 2019 11:12 AM
To: Lin-Wilson, Tiffany (REC) <tiffany.lin-wilson@sfgov.org>
Cc: Pawlowsky, Eric (REC) <eric.pawlowsky@sfgov.org>; McArthur, Margaret (REC) <margaret.mcarthur@sfgov.org>
Subject: Re: CA PRA Request for Immediate Access - Sound Measurements Taken During The Outside Lands Festival in Golden Gate Park and the nearby neighborhoods - Thurs 8/9/2018 thru Sun 8/12/2018

Thank you Tiffany.

Andrew Solow
Cell 415-722-3047

Sent from my iPhone

On Jan 31, 2019, at 10:26 AM, Lin-Wilson, Tiffany (REC) <tiffany.lin-wilson@sfgov.org> wrote:

Hi Andrew,

I am working on having the documents emailed to you today.

Thank you,

Tiffany Lin-Wilson

Secretary

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From: Andrew Solow <alsolow@earthlink.net>

Sent: Thursday, January 31, 2019 4:42 AM

To: Pawlowsky, Eric (REC) <eric.pawlowsky@sfgov.org>; Lin-Wilson, Tiffany (REC) <tiffany.lin-wilson@sfgov.org>

Cc: McArthur, Margaret (REC) <margaret.mcarthur@sfgov.org>

Subject: FW: CA PRA Request for Immediate Access - Sound Measurements Taken During The Outside Lands Festival in Golden Gate Park and the nearby neighborhoods - Thurs 8/9/2018 thru Sun 8/12/2018

Importance: High

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Eric and/or Tiffany and Margaret,
Please confirm receipt of the email below which was emailed to all of you very early in the morning on Wednesday, January 30, 2018.
See previous email header below.

Thanks,

Andrew Solow
PL&E Investigations, LLC
58 Lake Forest Ct.
San Francisco, CA 94131-1025
Cell 415-722-3047
Fax: 415-564-6046
CA PI #: 24831
Website: www.ple-investigations.com

Privileged & Confidential Attorney Client Work Product

From: Andrew Solow [<mailto:alsolow@earthlink.net>]
Sent: Wednesday, January 30, 2019 2:34 AM
To: 'Pawlowsky, Eric (REC)'; 'Lin-Wilson, Tiffany (REC)'
Cc: 'Ketcham, Dana (REC)' (dana.ketcham@sfgov.org); Margaret A McArthur (margaret.mcarthur@sfgov.org); Commission, Recpark (REC) (recpark.commission@sfgov.org)
Subject: CA PRA Request for Immediate Access - Sound Measurements Taken During The Outside Lands Festival in Golden Gate Park and the nearby neighborhoods - Thurs 8/9/2018 thru Sun 8/12/2018

San Francisco Recreation & Parks Dept.
501 Stanyan St.
San Francisco, CA 94117

Attention: Eric Pawlowsky, Planning & Performance Analyst (& PRA Coordinator) - 415-831-2743

Subject: CA PRA Request for Immediate Access
Sound Measurements Taken During The Outside Lands Festival in Golden Gate Park and in the neighborhoods nearby Golden Gate Park
Thurs 8/9/2018 thru Sun 8/12/2018

Hello Mr. Pawlowsky,

Pursuant to the CA Public Records Act §6253(a), I would like to inspect ALL Sound Measurements taken during the Outside Lands Festival recently held in Golden Gate Park between: 10 AM, Thursday August 9, 2018 through 10 PM, Sunday, August 12, 2018.

My preference would be delivery of the subject acoustical measurements via Email. But, if the measurements are hard copies, I would rather do an inspection in person sometime soon, rather than waiting for a hard copy to be generated.

According to Dana Ketcham, both SF Park Police and Outside Lands Festival Staff were issued sound measurement meters before the 2018 Outside Lands Festival. And, those personnel took sound level measurements both inside Golden

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Thanks,

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EXHIBIT 8

From: [Lin-Wilson, Tiffany \(REC\)](#)
To: [Andrew Solow](#)
Subject: RE: CA PRA Request for Immediate Access - ALL Sound Measurements Taken During The 2018 Outside Lands Festival in Golden Gate Park and the nearby neighborhoods - Thurs 8/9/2018 thru Sun 8/12/2018
Date: Thursday, January 31, 2019 4:50:52 PM
Attachments: [image001.jpg](#)

Hi Andrew,

These are the only other two documents I have received that are responsive to your request.

Best,

Tiffany Lin-Wilson

Secretary

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From: Andrew Solow <alsolow@earthlink.net>

Sent: Thursday, January 31, 2019 12:39 PM

To: Lin-Wilson, Tiffany (REC) <tiffany.lin-wilson@sfgov.org>

Cc: Pawlowsky, Eric (REC) <eric.pawlowsky@sfgov.org>; McArthur, Margaret (REC) <margaret.mcarthur@sfgov.org>

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Privileged & Confidential Attorney Client Work Product

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Friday, 10 September 2018

Treeline--1:

1257 hours

30th@Fulton:

Ride share driver removed

1339 hours

26 Commonwealth@California noise complaint:

57dB to 64dB

1409 hours

█ Stanyan@Grove noise complaint:

62dB to 67dB

1423 hours

9th@Lincoln noise complaint:

62dB to 71dB light concert sound

1433 hours

18th@Pacheco noise complaint:

62dB to 71dB light music sounds

1502 hours

█ Rockaway noise complaint:

52db to 61dB light bass sounds

Contact/dB readings taken with RP T. [REDACTED] present.

1527 hours

22nd@Quintara noise complaint:

52dB to 63dB light bass sounds

1540 hours

24th@Quintara noise complaint:

59dB to 62dB light bass sounds

1546 hours

26th@Rivera noise complaint:

58dB to 63dB light bass sounds

1548 hours

44th@Rivera noise complaint:

54dB to 72dB light bass sounds

1638 hours

42nd@Ulloa noise complaint:

56dB to 69dB no music detected

On Lunch.

1727 hours

41st@Santiago noise complaint:

52dB to 59dB light bass sounds

1733 hours

41st/Rivera noise complaint:

53dB to 60dB light bass sounds

1748 hours

8th@Lawton noise complaint:

69dB to 76dB standard traffic sounds only

1805 hours

44th@Quintara noise complaint:

68dB to 72dB light music audible

1808 hours

42nd@Ulloa noise complaint:

67dB to 71dB light bass audible

1837 hours

8th@Moraga noise complaint:

59dB to 62dB light music audible

1844 hours

7th@Irving noise complaint:

56dB to 63dB light music audible

1858 hours

Washington@Cherry noise complaint:

56dB to 58dB music barely audible.

1914 hours

6th@Balboa noise complaint:

53dB to 57dB light music audible

1937 hours

26th@Lincoln noise complaint:

72dB to 75dB moderate concert sounds audible

1947 hours

44th@Rivera noise complaint:

52dB to 56dB light bass audible

1949 hours

44th@Taraval noise complaint:

54dB to 60dB light bass audible

1955 hours

36th@Pacheco noise complaint:

51dB to 54dB no music audible

1958 hours

31st@Ortega noise complaint:

51dB to 57dB no music audible

2011 hours

21st@Irving noise complaint:

62dB to 73dB music/traffic sounds audible

2017 hours

20th@Ortega noise complaint:

58dB to 62dB light bass audible

2034 hours

43rd@Rivera noise complaint:

53dB to 59dB music barely audible

2050 hours

████ 24th@Ortega noise complaint:

66dB to 71dB music/crowd sounds audible.

2113 hours

6th@Judah noise complaint second call:

68dB to 73dB audible music

2115 hours

5th@Kirkam noise complaint second call:

69dB to 74dB audible music

2124 hours

11th@Lincoln noise complaint

66dB to 71dB light music audible

2134 hours

29th@Noriega noise complaint:

61dB to 63dB light music audible

2143 hours

47th@Moraga noise complaint:

51dB to 54dB no music audible

2152 hours

24th@Taraval noise complaint:

52dB to 56dB no music audible

Team Two

1245: Report of vehicle blocking driveway. Found two vehicles blocking two driveways:

#1 [REDACTED] Fulton

Tan Lexus CA [REDACTED]

#2 [REDACTED] 39th/Fulton

Tan Honda [REDACTED]

Called RP three times, no answer. Knocked on doors, no answer.

NOTE: It is street sweeping day on 39th, so vehicles may be unrelated to the event.

1305: MLK/Metson in the Park for medical aid of a person down on the ground.

Park Rangers and Rock Med responded.

Victim: Daniel [REDACTED] approx. 18 from Oregon.

Complaint is intoxication (alcohol) and multiple bee stings.

He was stung multiple times by a hive in the park near the area.

Victim's friend, Eliza [REDACTED] is with him. 650 [REDACTED]

Transported by Rock Med.

1350: Noise Complaint

17th Ave @ Vicente

Requesting sound check

Mary Z - 415 [REDACTED]

17/Vicente clear

55-62 dB; can't hear any music.

1407: Noise complaint

26th Ave @ Santiago

Lacson [REDACTED]

415-[REDACTED]

26/Vicente clear.

55-60 dB. Bass is audible.

1414: Please respond to Taraval Police Station / 24th Ave @ Taraval

Officer Matt Faliano

415-[REDACTED]

Receiving multiple calls regarding of noise.

Made contact at Taraval station. 49-50 dB; Bass music audible.

1420: Noise complaint 42nd / Taraval

Janice [REDACTED]

415-[REDACTED]

42nd/Taraval clear. 52-59 dB. No concert noise heard.

1633: 42nd / Ulloa

Terrie [REDACTED]

415 noise

"This is worse than ever"

No phone

Clear. 56-69 dB. No music audible.

1645: 47th Ave @ Quintara?

415 Noise

Mr. Charles [REDACTED] / no phone

47/Quintara Clear. 45-50 dB. Very quiet, no music audible.

1714: 415 Noise - Palm / California Sts.

Margaret [REDACTED]

415- [REDACTED]

Palm/California clear. 58-60 dB; no concert noise audible.

1801: 415 Noise Complaint

16th Ave @ Lincoln Way

"Linda" no phone

Thank you

16/Lincoln clear. 51-55 dB. No concert noise audible.

1817: 415 noise

Page / Scott Streets

Albert [REDACTED]

415 [REDACTED]

Paige/Scott clear. 55-59 dB. Some concert noise heard.

1845: Shinta [REDACTED]

12/Lawton

Phone 415- [REDACTED]

Bass

T3 12/Lawton clear. 59-64 dB; faint concert music audible

1848: Michael [REDACTED]

9/10/ and Lawton

Phone 415 [REDACTED]

T3 9/Lawton clear. 58-70 dB; concert music very audible.

1912: John [REDACTED]

Anza/ Arguello

Phone 415 [REDACTED]

T3 Anza/Arguello clear 60-67 dB; concert music very faint.

1916: Surg

6/Judah

Phone 415 [REDACTED]

Bass

6/Judah clear. 60-64 dB; concert music is faint.

1919: Marsha [REDACTED]

5th/ Kirkham

Phone 415 [REDACTED]

Bass / never had problems before

T3 5/Kirkham clear. 56-60 dB; concert music very faint.

1930: Steve [REDACTED]

7/ Lawton

Phone 415- [REDACTED]

Turn it down

T3 7/Lawton clear. 52-58 dB; concert music faint.

1934: Allan

15/Lawton

Phone 415- [REDACTED]

Invasive

T3 15/Lawton clear. 54-67 dB; concert music is faint.

1937: Patrica [REDACTED]

5/Kirkam

Phone 415- [REDACTED]

House is shacking

T3 5/Kirkham clear. 56-60 dB; concert music very faint.

1942: George [REDACTED] 14/Kirkham Phone 415- [REDACTED] Louder then previous years T3
14/Kirkham clear. 56-61 dB; no music audible.

1958: Linda

3rd / Anza

Phone 415- [REDACTED]

Noise is to loud

T3 Anza/3rd clear 65-71q dB; concert music very faint.

2003: Sanford [REDACTED]

Clement /15

Phone N/a

Bass

T3 15/Clemente clear. 55-66 dB; concert music faint.

2050: Steve

29th / between Fulton and Cabrillo

Phone 415-████████

Windows rattling

T3 Cabrillo 28-31st Heavy pedestrian traffic, people sitting on the sidewalk, several ride shares, heavy traffic, 79-86 dB.

2120: Beth

36/Balboa

Phone 415-████████

Pounding noise

T3 36/Balboa clear. 54-58 dB; no concert noise audible.

2124: Darlene

28/cabrillo

Phone 415-████████

Really loud

T3 Cabrillo 28-31st Heavy pedestrian traffic, people sitting on the sidewalk, several ride shares, heavy traffic, 79-86 dB.

2125: Kevin ██████

30/ Cabrillo

Phone 415-████████

Ride share double parked

T3 Cabrillo 28-31st Heavy pedestrian traffic, people sitting on the sidewalk, several ride shares, heavy traffic, 79-86 dB.

2130: Claire

29/ Cabrillo

No phone

Can not sleep

T3 Cabrillo 28-31st Heavy pedestrian traffic, people sitting on the sidewalk, several ride shares, heavy traffic, 79-86 dB.

2134: Shih

29/ Cabrillo

Phone 415- [REDACTED]

Very upset / louder then past years

T3 heavy pedestrian traffic and ride shares blocking the street, dB 76-80, concert music audible.

2140: T3 monitoring Cabrillo/Fulton 28-31st Avenues. Heavy vehicle and pedestrian traffic.

Team Three

1131 Hours- 587 Driveway complaint; comp: Lum [REDACTED] , [REDACTED] Fulton, 415-[REDACTED]. Ca plate [REDACTED], tan Lexus. Unable to locate

1210 Hours- Hourly reading request

[REDACTED] Lake Forest Ct. Mr. Andrew [REDACTED]. 415 [REDACTED]

Units advised to make hourly readings and advise control

1232 Hours- [REDACTED] Driveway - On view- Treeline 3; [REDACTED] Fulton St. Tan Honda Ca [REDACTED] ...Parking Control Officers on scene

1258 Hours- Treeline 3- traffic congestion- Rideshare driver moved on from 30th Ave @ Fulton St.

1305 Hours- Treeline 3 - Medical / Person down; Victim Daniel [REDACTED], appx. 18 Year's of age; Alcohol intoxication coupled w/ multiple bee stings; Victim treated by Rock Medicine and Park Rangers. Victim in company of girlfriend Eliza [REDACTED] - 650 [REDACTED]

1320 Hours- 415 Noise Complaint- [REDACTED] Commonwealth @ California St.
Comp: Abby [REDACTED] - 917 [REDACTED]. Treeline 1 and Treeline 2 to respond. Treeline 1 reading: 57dBA - 64dBA

1315 Hours- 415 Noise Complaint- 18th Ave @ Pacheco; Irene - 408 [REDACTED]. T1 on scene at 1427- 62dBA to 71dBA. Light music sounds.

1322 Hours - 415 Noise Complaint - Haight/Stanyan Sts. Whole Foods Market
Silvia [REDACTED] - 415- [REDACTED]

1330 Hours - 415 Noise Complaint - [REDACTED] Stanyan Street - McLaren Lodge
Joselyn [REDACTED] - 415- [REDACTED] / Reading - 62dBA - 67dBA

1335 Hours - 415 Noise Complaint - 42nd Ave @ Taraval Street.
Janice [REDACTED] - 415- [REDACTED]. Reading by T3- 52 x 59 dBA. No concert noise heard.

1350 Hours - 415 Noise Complaint - 9th Ave / Lincoln Way
Fred [REDACTED] - 415- [REDACTED] T1 Reading: 62dBA - 71 dBA...Bass audible.

1408 Hours - 415 Noise Complaint- Taraval Police Station
Officer Matt Faliano - 415- 759-3123. T3 97 1427 Hours. Contact made- 49-50 dBA...loud bass.

1325 Hours - 415 Noise Complaint - 17th Ave @ Vicente Sts.
Mary [REDACTED] - 415- [REDACTED]. Treeline 3 Reading - 55dBA - 62dBA / Cannot hear music

1350 Hours - 415 Noise Complaint - 26th Ave @ Santiago Sts.
Lacson [REDACTED] - 415 - [REDACTED]. Reading by T-3: 55dBA - 60dBA. Bass is audible.

1431 Hours - T3 Reading at 42nd / Taraval : 52 - 59 dBA. No concert noise heard.

1400 Hours - 415 Noise Complaint- [REDACTED] Rockaway Ave
Theresa [REDACTED]. 415- [REDACTED]...End of cul de sac/ requesting to meet for a noise level reading. T2 reported 52 - 61 dBA readings while Ms. [REDACTED] present.

1418 Hours - 23rd Ave and Fulton- Ms. Candy [REDACTED], 415- [REDACTED]
Concern that Uber / Lyft Drivers using area for drop off point. T-3 97 at 1455 Hours. T-3 reported traffic congestion on Fulton and Cabrillo Streets from 22nd to 26th Avenues.

1514 Hours- 415 Noise Complaint - 22nd Ave @ Quintana St.
Ms. Betsy [REDACTED]... 415-[REDACTED]

1431 Hours - 415 Noise Complaint
41st Avenue @ Rivera St. Mrs. [REDACTED] - 415-[REDACTED].
T- 2 en-route at 1542 Hours.

1452 Hours - 415 Noise Complaint - 44th Ave / Rivera;
Melinda [REDACTED] - 415 [REDACTED]
"House shaking- too much bass."
T-2 responded- Reading of 54dBA - 72dBA,
; light bass; cleared at 1542 Hours.

1510 Hours - 415 Noise Complaint - 32nd Ave @ Rivera
Tatiana - 415 - 564-2723
Treeline 2 respond at 1542 Hours. Reading of 55dBA - 69dBA / Light bass
Cleared at 1547 Hours

1520 Hours - 415 Noise Complaint - 26th Ave @ Rivera
Ellen [REDACTED] - "Last year was not so bad. I already called Katy Ting's office.
Team 2 dispatched at 1546 Hours. Reading of 58dBA - 63 dBA / Light bass
Cleared at 1547 Hours

1522 Hours- 415 Noise Complaint
Marianne; No phone;
Team 2 dispatched at 1535/ 97 at 1540. Reading of 59dBA - 62dBA / light bass
Cleared at 1541 Hours

1606 Hours - 415 Noise Complaint - 42nd Ave / Ulloa
Terrie [REDACTED] - No phone "This is the worst ever."
Dispatched to Treeline 2 at 1625 / E/R at 1626 Hours.
Reading - 56 dBA - 69dBA / No music detected
Cleared at 1638

1640 Hours - 415 Noise Complaint - 47th Ave @ Quintara
Mr. Charles [REDACTED] - No phone
T-3 to respond at 1644 Hours. Treeline 3 on scene at 1650.
Reading of 45dBA - 50dBA
Cleared at 1653.

1633 Hours - Treeline 3 E/R to area of 30th Ave and Fulton Sts to monitor foot traffic,
Noise levels and Rideshare activities.

1700 Hours - 415 Noise - 41st Ave @ Santiago
Mr. Peter [REDACTED] 415- [REDACTED].
T-2 to respond at 1715 Hours.

Treeline 2 on scene at 1730 hours
Reading of 53dBA - 60dBA - light bass sounds

1704 - 415 Noise Complaint - Palm and California Streets
Margaret [REDACTED] - 415- [REDACTED]
T-3 to respond at 1738 Hours.
Reading - 58 - 60 dBA - no concert noise audible.
Cleared at 1750

1707 Hours - 415 Noise Complaint - 8th Avenue @ Lawton
Arturo - 415- [REDACTED]
T-2 E/R at 1735 Hours.
Reading of 69dBA - 76dBA, light bass sounds
Cleared at 1747...E/R to 44th @ Quintara

1715 Hours - 415 Noise Complaint - 41st Avenue @ Rivera Sts.
Mrs. [REDACTED] - 415- [REDACTED]
Treeline 2 - Reading 52dBA - 59dBA
Cleared at 1728 Hours.

1734 Hours - 415 Noise Complaint - 42nd @ Ulloa
Linda [REDACTED] 415- [REDACTED]
Bass level is really loud!
Reading by T-2- 67 dBA - 71dBA
Cleared

1734 Hours - 415 Noise Complaint - 16th Ave @ Lincoln Way
"Linda" no phone
Reading by T-2 - 51dBA - 55dBA. No concert noise audible

1727 Hours - 415 Noise Complaint - 44th Ave @ Quintara
Mrs. Kelli [REDACTED]. 415 [REDACTED]
Reading by T-2- 68dBA to 72dba, light music audible
Cleared at 1800 Hours.

1749 Hours - 415 Noise - Page/ Scott Streets
Albert [REDACTED] - 415 - [REDACTED]...Loud Bass
Reading by T-3 55dBA - 59 dBA,, light noise

1745 Hours - 415 Noise Complaint - 8th Ave @ Moraga
Sophia [REDACTED]. No phone
Very loud bass/ makes her queasy Reading by T-2: 59dBA - 62dBA
Treeline 3 E/R to Page / Scott

1734 Hours - 415 Noise Complaint - 7th Ave @ Lincoln
Jennifer [REDACTED] - 415 x 510- [REDACTED]

Reading by T-2 - 56dBA - 63dBA...light music audible

1740 Hours - 415 Noise Complaint - 6th Ave/ Cabrillo

Roger [REDACTED] - 415- [REDACTED]

Loud noise/ music

T-2 E/R to 6th / Cabrillo

1835 Hours - Noise Complaint - Washington / Cherry Streets

Michael [REDACTED] No phone

Can hear music deep inside home

Reading by T-2: 56dBA - 58dBA...music barely audible

1835 Hours - Noise Complaint / Secondary call

Mary [REDACTED] 415- [REDACTED]

Unit Treeline 3 responded earlier

1745 Hours - 415 Complaint - 27th Ave @ Balboa Sts

Jane [REDACTED] -415- [REDACTED]

Caller is very irate

1748 Hours - 415 Noise Complaint - Stanyan / Anza

Mira [REDACTED]. No phone

Loud noise

1850 Hours - 415 Noise Complaint - 26th Ave @ Quintara

Maryanne No phone

Very upset... too loud

Control Notes:

1010 Hours- 415 Noise Complaint- Baker / Fulton Sts
David/ No phone
T-2 /57-66 dBA - No music audible - Cleared

1000 Hours - 415 Noise Complaint - 400 Block of Carl
No name / No phone
T-3 Reading 54-60 dBA - Traffic Noise only

1015 Hours - 415 Noise Complaint - 7th Ave (Kirkham/ Judah)
Stephanie - 415- [REDACTED]
T-3 Reading - 54-60 dBA- Traffic Noise only

1017 Hours - 415 Noise - 18th Ave / Wawona
Lee [REDACTED] - 415- [REDACTED]
T-3 - 51 - 54dBA - Traffic Noise Cleared

1030 Hours - 415 Noise - 44th Ave / Rivera
Tania [REDACTED] - 415- [REDACTED]
Loud bass/ has heart condition
T-2 Reading - 50-60 dBA. No music audible

1045 Hours - 415 Noise - 36th Ave / Cabrillo
Theresa - 415- [REDACTED] ...Noise too loud
T-3 Reading - 51 - 53 dBA - light music

1050 Hours - 415 Noise - 22nd Ave / Taraval
Diane [REDACTED] - 415- [REDACTED]
Loud bass- mother has heart condition
T-2 Reading 52-56 dBA No loud music

1101 Hours. 415 Noise - 31st Ave / Ulloa
Lisa [REDACTED] - 415 - [REDACTED]
Loud music from 1400 - 2200 Hours
T-3 Reading 56-59dBA No music- traffic noise only

1110 Hours - 415 Noise - 1800 Block of Funston / West Portal Tunnel
Lee [REDACTED] 415- [REDACTED]

Loud noise

T-2 Reading - 62-66 dBA no audible music

1145 Hours - 415 Noise...Ocean Ave / Meadowbrook —Info Only—

Sarah [REDACTED] —415-[REDACTED]

Noise complaint from last night

1200 Hours - 415 Noise - [REDACTED] Lake Forest Ct.

Andrew [REDACTED] - 415-[REDACTED]

Loud noise- Requesting hour readings / request meeting

1200 Hours - 415=Noise - Baker / Fulton

Dan- Return call

T- 3 Reading - 62-67 dBA. Cleared

1210 Hours - 415 Noise - 24th Ave / Santiago

No name / no number

Noise complaint

1205 Hours - 415 Noise - 10th Ave / Kirkham

No name / No number

Noise complaint - T -2 Reading - 55-60 dBA - no music

1215 Hours - 415 Noise - 22nd Ave / Clement

No name - No number

Noise complaint

T-3 Reading - 55-58dBA -No music/ traffic noise only

1217 Hours - 415 Noise - 18th / Taraval

Kris [REDACTED] - 415-[REDACTED]

Noise

T-2 Reading - 58 - 64 dBA - no music audible

1232 Hours - 415 Noise - [REDACTED] Lake Forest Ct

Andrew [REDACTED] 415-[REDACTED]

Would like to meet with upon your arrival

1235 Hours- 415 Noise - 24th / Taraval

Anson [REDACTED] - 415-[REDACTED]

Requests call back with reading info

1215 Hours - 415 Noise - 400 Block of Carl St.

No name or call back number / return call

T3- Reading 59-61 dBA, music clear

1255 Hours - 415 Noise- [REDACTED] Lake Forest Ct
3rd call! Noise - Personnel e/r to meet with Mr [REDACTED].
Advised of response-T-2 on scene- Reading of 45-52dBA
Will stand by to meet Mr. [REDACTED]. Reading at 1322 hours at 48-55 dBA.
Contact made with Mr. [REDACTED] who appears to be in good spirits at the time.
Reading inside house taken at 41dBA.
Outside reading once again at 48-54dBA. SF Park / Rec uniformed personnel on scene.

1400 Hours - 415 Traffic Congestion
Lincoln Way between 9th and 25th Avenues caused by Uber and Lyft drivers.
Sue [REDACTED] 415-[REDACTED]

1512 Hours - both T-2 and T-3 on scene on Lincoln Way, areas of traffic congestion Complaint. Adv by T-3 that drivers using 25th Ave and Lincoln as a drop off point causing congestion. SFPD to dispatch traffic car to area.

1539 Hours- T-2 Report on [REDACTED] Lake Forest. Reading of 47 - 51dBA, light music audible

1526 Hours - 415 Traffic Congestion - 23rd Ave / Fulton
Candy [REDACTED] 415-[REDACTED]
Lyft/Uber drivers pick up / drop off point; cars double parked

Team Two:

OUTSIDE LANDS 2018

Community Outreach

Saturday, 11 August 2018 (Part 2)

Treeline--2: Daniel [REDACTED] and Eddie [REDACTED]

1903 hours

11th/Noriega noise complaint:

62dB to 71dB light concert sounds

1941 hours

6th/Judah noise complaint:

64dB to 73dB light concert sounds

1108 hours

44th/Rivera noise complaint:

50dB to 61dB no music audible

2021 hours

11th-14th/Ortega noise complaint:

65dB to 71dB light bass sounds

1122 hours

31st/Ulloa noise complaint:

58dB to 66dB no music audible

1139 hours

T2--Funston/West Portal noise complaint:

62dB to 66dB no music audible

1230 hours

10th/Kirkham noise complaint:

56dB to 61dB no music audible

1245 hours

18th/Taraval noise complaint:

58dB to 64dB no music audible

1333 hours

■ Lake Forest noise complaint:

Readings made with RP A. ■ present

48dB to 54dB light music audible

1723 hours

████ Broderick/Pine noise complaint:

56dB to 64dB no concert/animal sounds

1748 hours

T2--████ 3rd/Irving noise complaint:

59dB to 65dB light concert sounds

1753 hours

324 Carl noise complaint:

57dB to 65dB light concert sounds

1809 hours

18th/Vicente noise complaint:

53dB to 63dB light concert sounds

1829 hours

T2--7th/Claredon noise complaint:

63dB to 71dB light concert sounds

1843 hours

T2--32nd/Irving noise complaint:

64dB to 73dB light concert sounds

1903 hours

11th/Noriega noise complaint:

62dB to 71dB light concert sounds

1941 hours

6th/Judah noise complaint:

64dB to 73dB light concert sounds

2011 hours

█ Pacheco/8th noise complaint:

50dB to 54dB very light bass sounds

2021 hours

11th-14th/Ortega noise complaint:

65dB to 71dB light bass sounds

2044 hours

Ocean/Sunset noise complaint:

51dB to 53dB no music audible

2054 hours

21st/Irving-Judah noise complaint:

61dB to 73dB light music audible

2105 hours

17th/Irving noise complaint:

64dB to 75dB light music audible

2115 hours

16th/Ortega noise complaint:

51dB to 63dB light bass audible

2121 hours

17th/Lawton noise complaint:

61dB to 73dB light bass audible

2138 hours

Sola/Marcela noise complaint:

51dB to 53dB light bass audible

Team Three:

1230: Incident Type: Noise Issue/Complaint, Incident Number: 0043, Location: Baker and Fulton, Created Date/Time: 08/11/2018 12:07:24, Incident Status: Dispatched, Notes: Priority B- Noise Complaint. David called earlier.

T3 Some light bass music, vehicle traffic; 62-67dB.

1245: Incident Type: Noise Issue/Complaint, Incident Number: 0048, Location: Clement and 22nd, Created Date/Time: 08/11/2018 12:20:28, Incident Status: Dispatched, Notes: Pri B; No Name; Noise Issue

T3 no concert music audible, traffic normal; 55-58 dB.

1305: Incident Type: Noise Issue/Complaint, Incident Number: 0047, Location: 10th and Kirkman, Created Date/Time: 08/11/2018 12:18:37, Incident Status: Closed, Notes: Priority B; Noise Issue; No Name

T3 no concert noise audible, normal vehicle traffic, very light pedestrian traffic, 58-59dB.

1310: 415 Noise

Return call

400 Blk of Carl

No name or number

T3 Concert music audible, vehicle traffic light, pedestrian traffic light, 59-61 dB.

1501: 415 Traffic Congestion

Lincoln Way between 9th and 25th Avenues.

Traffic congestion caused by Uber / Lyft drivers.

Sue [REDACTED] 415-[REDACTED]

T3 Heavy vehicle traffic, several ride shares stopping to drop off/pick up passengers. Suggest SFMTA and Motor Officers respond to clear vehicles.

SFPD to dispatch traffic car out there to monitor traffic.

1539: 415 Traffic Congestion

23rd Ave / Fulton

Candy [REDACTED]

415- [REDACTED]

Lyft/ Uber drivers drop off / pick up points/ cars double parked

1620: NES Security Supervisor contacted T4 requesting assistance with multiple scalpers refusing to leave 30/Fulton.

T4 moved 10+ scalpers and 6+ pan handlers/transients from OSL property on 30/Fulton.

SFPD requested to respond for scalpers refusing to leave.

1715: T4 at 30th/Fulton clearing 10+ scalpers. Scalpers aggressive, challenging security to fight.

SFPD plain clothes on scene.

T4 pushing scalpers off property.

T4 escorting parent to their sick child.

T4 area clear.

1820: T4 at 30th/Fulton clearing 10+ scalpers and 3 fence jumpers.

1915: T4 at 25th/Lincoln clearing ride shares double parked contesting vehicle traffic.

2000: NES requesting T4 and SFPD to clear scalpers and illegal vendors. T4 cleared 10+ scalpers and 2 illegal vendors.

SFPD plain clothes on scene, standing by.

2034: T4 at 41st/Lincoln clearing ride share vehicles doubled parked, contesting vehicle traffic.

2100: T4 dispatched by Central Command to the South Gate to clear multiple illegal food vendors. 12+ illegal vendors cleared off the property.

2127: T4 dispatched by Central Command to 30th/Fulton for multiple scalpers. 8+ scalpers and 2 illegal food vendors cleared off property.

2140: T4 standing by 30th/Fulton for egress. 5 scalpers and one illegal food vendor cleared off property.

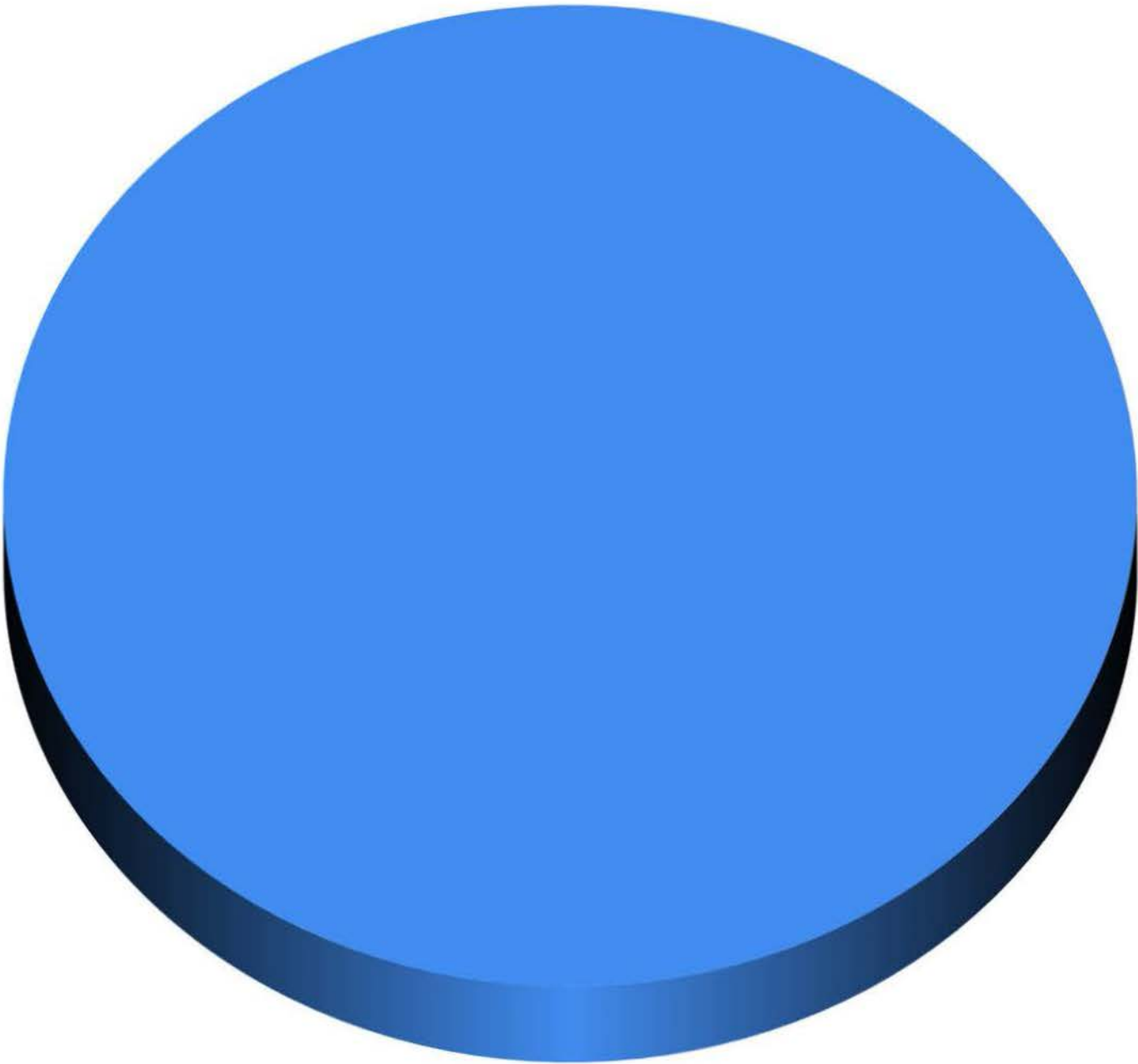
2230: End of shift

Control Notes:

The following are calls for service, location and disposition;

- 1635 hrs, [REDACTED] Broderick, 56dB
- 1700 hrs, 22nd/Clement, 59dB
- 1701 hrs, [REDACTED] 18th, 63dB
- 1701 hrs, Washington at Broderick, UTL
- 1702 hrs, 7th at Claradon, UTL
- 1702 hrs, 36th and Geary, UTL
- 1710 hrs, [REDACTED] Cabrillo, 64dB
- 1710 hrs, Haight/Schrader, 63dB
- 1715 hrs, Downey/Ashbury, 55dB
- 1715 hrs, [REDACTED] 16th Ave, UTL
- 1715 hrs, Fredrick/Ashbury, 55dB
- 1718 hrs, Webster/California, UTL
- 1720 hrs, Stanyan/Buela, 54.2dB
- 1720 hrs, [REDACTED] 26th, 61.3dB
- 1730 hrs, 32nd and Irving, 73dB
- 1735 hrs, 11th and Noriega, 62dB
- 1738 hrs, 4th/Cabrillo, 60dB
- 1740 hrs, Washington/Broderick, UTL
- 1741 hrs, 6th/Judah, 64dB-73dB
- 1743 hrs, California/7th, 55dB-59dB
- 1744 hrs, Ortega/11-14th, 65-71dB
- 1750 hrs, McAllister/Baker, 57dB
- 1800 hrs, [REDACTED] Pacheco, 50dB-54dB
- 1803 hrs, Ocean and sunset, 51dB-53dB
- 1900 hrs, 19th and Cabrillo, 60dB-65dB
- 1930 hrs, 21st/Irving, UTL
- 2000 hrs, 17th/Irving, UTL
- 2035 hrs, 29th/Balboa, UTL
- 2040 hrs, Taraval/Old Great Hwy, UTL
- 2055 hrs, [REDACTED] Page St, 55dB-77dB
- 2100 hrs, Rossi/Turk, 71-78dB
- 2103 hrs, 2nd/ Balboa, UTL
- 2110 hrs, Haight/Baker, UTL
- 2115 hrs, 16th/Ortega, 51dB-63dB
- 2120 hrs, 23rd/ Fulton, 66dB-71dB
- 2125 hrs, [REDACTED] Broderick, UTL
- 2130 hrs, 15th/Anza, UTL
- 2130 hrs, 17th/Lawton, 61dB-73dB
- 2135 hrs, Sola/Marcela, 51dB-53dB
- 2140 hrs, Ashbury/Fredrick, 61dB-65dB
- 2145 hrs, [REDACTED] Ocean, UTL

- 2150 hrs, 27th/Balboa, 63dB-67dB
- 2159 hrs, Yorba/Wawona, UTL
- 2200 hrs, Ulloa/Claremont, UTL
- 2210 hrs, California/22nd, 61dB-69dB
- 2215 hrs, 21st/Quintero, UTL



NOISE COMPLAINT (14)

San Francisco Park Ranger Division

8/10/2018 16:17

2018-08-10-29946

NOISE COMPLAINT

Priority: MEDIUM

Initial Call Type: NOISE COMPLAINT

Final Call Type: NOISE COMPLAINT

Creator: RFALZON (3WD1)

Disposition:

Completion Time: 8/10/2018 17:55

Report Reference:: 2018-08-10-29946

Call Source: REPORTING PARTY

Location: PARK PATROL LOCATIONS : CITYWIDE

Specific Location: 34TH & VICENTE

Location Address:

Notes:

KHOPKINS

8/10/2018 5:55:29 PM

responded and took a sound reading

RFALZON

8/10/2018 4:20:38 PM

Caller complaining about loud sound from Outside Lands concert heard at 34th & Vicente.

Confidential Notes:

Reporting Person:

Reporting Person Phone:

Reporting Person Location:

First	Last	Dispatch	En Route	Arrival	Complete	Primary	Badge	Disposition	Activity
MARCUS	SANTIAGO	8/10/2018 16:20		8/10/2018 16:20	8/10/2018 16:20	Primary	MSANTIAGO		
EUGENE	HSIN	8/10/2018 16:43	8/10/2018 16:43	8/10/2018 17:07	8/10/2018 17:55	Secondary	EHSIN		

8/10/2018 18:59

2018-08-10-29954

NOISE COMPLAINT

Priority: MEDIUM

Initial Call Type: NOISE COMPLAINT

Final Call Type: NOISE COMPLAINT

Creator: KHOPKINS (3WD3)

Disposition:

Completion Time: 8/10/2018 19:48

Report Reference:: 2018-08-10-29954

Call Source: REPORTING PARTY

Location: PARK PATROL LOCATIONS : CITYWIDE

Specific Location: HUGO 3&4

Location Address:

Notes:

Confidential Notes:

Reporting Person:

Reporting Person Phone:

Reporting Person Location:

First	Last	Dispatch	En Route	Arrival	Complete	Primary	Badge	Disposition	Activity
EUGENE	HSIN	8/10/2018 18:59	8/10/2018 18:59	8/10/2018 19:22	8/10/2018 19:48	Primary	EHSIN		

San Francisco Park Ranger Division

8/10/2018 20:51

2018-08-10-29961

NOISE COMPLAINT

Priority: MEDIUM

Initial Call Type: NOISE COMPLAINT

Final Call Type: NOISE COMPLAINT

Creator: KHOPKINS (3WD3)

Disposition:

Completion Time: 8/10/2018 21:48

Report Reference:: 2018-08-10-29961

Call Source: REPORTING PARTY

Location: PARK PATROL LOCATIONS : CITYWIDE

Specific Location: HUGO

Location Address:

Notes:

KHOPKINS

8/10/2018 9:12:30 PM

unable to find parking will be conducting reading from 4th & Hugo

KHOPKINS

8/10/2018 8:53:54 PM

Per 3w200-Outside Lands hotline has received 20 noise complaints in the last hour and RPD has had 2 complaints from the same address

KHOPKINS

8/10/2018 8:52:54 PM

second complaint same address.

Confidential Notes:

Reporting Person:

Reporting Person Phone:

Reporting Person Location:

First	Last	Dispatch	En Route	Arrival	Complete	Primary	Badge	Disposition	Activity
EUGENE	HSIN	8/10/2018 20:52	8/10/2018 20:52	8/10/2018 21:11	8/10/2018 21:48	Primary	EHSIN		

San Francisco Park Ranger Division

8/11/2018 10:11

2018-08-11-30006

NOISE COMPLAINT

Priority: MEDIUM Initial Call Type: NOISE COMPLAINT Final Call Type: NOISE COMPLAINT
 Creator: KHOPKINS (3WD3) Disposition: Completion Time: 8/11/2018 11:00
 Report Reference:: 2018-08-11-30006 Call Source: RANGER INIATED
 Location: PARK PATROL LOCATIONS : PLAYGROUNDS : HAYES VALLEY PLAYGROUND
 Specific Location:
 Location Address: HAYES AND BUCHANAN STREET SAN FRANCISCO , CA 94102

Notes:

KHOPKINS 8/11/2018 10:59:10 AM

cited 703l2 removing tables dog owners have moved along

KHOPKINS 8/11/2018 10:51:44 AM

Public Recreation

citing for amp sound

KHOPKINS 8/11/2018 10:50:06 AM

18 people 3 dogs

KHOPKINS 8/11/2018 10:49:12 AM

amp sound Dogs on courts, tables 25 people

KHOPKINS 8/11/2018 10:11:58 AM

exercise class making a lot of noise

Confidential Notes:

Reporting Person: Reporting Person Phone:

Reporting Person Location:

First	Last	Dispatch	En Route	Arrival	Complete	Primary	Badge	Disposition	Activity
EDWARD	MATIAS	8/11/2018 10:11	8/11/2018 10:11	8/11/2018 10:48	8/11/2018 11:00	Primary	EMATIAS		

8/11/2018 12:53

2018-08-11-30010

NOISE COMPLAINT

Priority: MEDIUM Initial Call Type: NOISE COMPLAINT Final Call Type: NOISE COMPLAINT
 Creator: KHOPKINS (3WD3) Disposition: Completion Time: 8/11/2018 14:24
 Report Reference:: 2018-08-11-30010 Call Source: REPORTING PARTY
 Location: PARK PATROL LOCATIONS : CITYWIDE
 Specific Location: LAKE FOREST COURT
 Location Address:

Notes:

Confidential Notes:

Reporting Person: Reporting Person Phone:

Reporting Person Location:

First	Last	Dispatch	En Route	Arrival	Complete	Primary	Badge	Disposition	Activity
EUGENE	HSIN	8/11/2018 13:24	8/11/2018 13:24	8/11/2018 13:28	8/11/2018 14:24	Primary	EHSIN		

San Francisco Park Ranger Division

8/11/2018 18:17

2018-08-11-30019

NOISE COMPLAINT

Priority: MEDIUM

Initial Call Type: NOISE COMPLAINT

Final Call Type: NOISE COMPLAINT

Creator: KHOPKINS (3WD3)

Disposition:

Completion Time: 8/11/2018 18:45

Report Reference:: 2018-08-11-30019

Call Source: SUPERVISOR REQUEST

Location: PARK PATROL LOCATIONS : CITYWIDE

Specific Location: ■■■ 35TH AVE

Location Address:

Notes:

Confidential Notes:

Reporting Person:

Reporting Person Phone:

Reporting Person Location:

First	Last	Dispatch	En Route	Arrival	Complete	Primary	Badge	Disposition	Activity
EUGENE	HSIN	8/11/2018 18:18		8/11/2018 18:18	8/11/2018 18:45	Primary	EHSIN		

8/11/2018 18:49

2018-08-11-30023

NOISE COMPLAINT

Priority: MEDIUM

Initial Call Type: NOISE COMPLAINT

Final Call Type: NOISE COMPLAINT

Creator: KHOPKINS (3WD3)

Disposition:

Completion Time: 8/11/2018 19:25

Report Reference:: 2018-08-11-30023

Call Source: RANGER INIATED

Location: PARK PATROL LOCATIONS : CITYWIDE

Specific Location: 33RD & FULTON

Location Address:

Notes:

Confidential Notes:

Reporting Person:

Reporting Person Phone:

Reporting Person Location:

First	Last	Dispatch	En Route	Arrival	Complete	Primary	Badge	Disposition	Activity
EUGENE	HSIN	8/11/2018 18:49		8/11/2018 18:49	8/11/2018 19:25	Primary	EHSIN		

8/11/2018 19:25

2018-08-11-30028

NOISE COMPLAINT

Priority: MEDIUM

Initial Call Type: NOISE COMPLAINT

Final Call Type: NOISE COMPLAINT

Creator: KHOPKINS (3WD3)

Disposition:

Completion Time: 8/11/2018 19:55

Report Reference:: 2018-08-11-30028

Call Source: RANGER INIATED

Location: PARK PATROL LOCATIONS : CITYWIDE

Specific Location: 26TH & CLEMENT

Location Address:

Notes:

Confidential Notes:

Reporting Person:

Reporting Person Phone:

Reporting Person Location:

First	Last	Dispatch	En Route	Arrival	Complete	Primary	Badge	Disposition	Activity
EUGENE	HSIN	8/11/2018 19:25	8/11/2018 19:25	8/11/2018 19:29	8/11/2018 19:55	Primary	EHSIN		

San Francisco Park Ranger Division

8/11/2018 19:55

2018-08-11-30031

NOISE COMPLAINT

Priority: MEDIUM

Initial Call Type: NOISE COMPLAINT

Final Call Type: NOISE COMPLAINT

Creator: KHOPKINS (3WD3)

Disposition:

Completion Time: 8/11/2018 20:48

Report Reference:: 2018-08-11-30031

Call Source: RANGER INIATED

Location: PARK PATROL LOCATIONS : CITYWIDE

Specific Location: 22ND & CLEMENT

Location Address:

Notes:

Confidential Notes:

Reporting Person:

Reporting Person Phone:

Reporting Person Location:

First	Last	Dispatch	En Route	Arrival	Complete	Primary	Badge	Disposition	Activity
EUGENE	HSIN	8/11/2018 19:55		8/11/2018 19:55	8/11/2018 20:48	Primary	EHSIN		

8/11/2018 20:49

2018-08-11-30033

NOISE COMPLAINT

Priority: MEDIUM

Initial Call Type: NOISE COMPLAINT

Final Call Type: NOISE COMPLAINT

Creator: KHOPKINS (3WD3)

Disposition:

Completion Time: 8/11/2018 21:16

Report Reference:: 2018-08-11-30033

Call Source: RANGER INIATED

Location: PARK PATROL LOCATIONS : CITYWIDE

Specific Location: 6TH & JUDAH

Location Address:

Notes:

Confidential Notes:

Reporting Person:

Reporting Person Phone:

Reporting Person Location:

First	Last	Dispatch	En Route	Arrival	Complete	Primary	Badge	Disposition	Activity
EUGENE	HSIN	8/11/2018 20:49		8/11/2018 20:49	8/11/2018 21:16	Primary	EHSIN		

8/11/2018 21:16

2018-08-11-30038

NOISE COMPLAINT

Priority: MEDIUM

Initial Call Type: NOISE COMPLAINT

Final Call Type: NOISE COMPLAINT

Creator: KHOPKINS (3WD3)

Disposition:

Completion Time: 8/11/2018 21:34

Report Reference:: 2018-08-11-30038

Call Source: RANGER INIATED

Location: PARK PATROL LOCATIONS : CITYWIDE

Specific Location: 11TH & NORIEGA

Location Address:

Notes:

Confidential Notes:

Reporting Person:

Reporting Person Phone:

Reporting Person Location:

First	Last	Dispatch	En Route	Arrival	Complete	Primary	Badge	Disposition	Activity
EUGENE	HSIN	8/11/2018 21:16		8/11/2018 21:16	8/11/2018 21:34	Primary	EHSIN		

San Francisco Park Ranger Division

8/11/2018 21:34

2018-08-11-30040

NOISE COMPLAINT

Priority: MEDIUM

Initial Call Type: NOISE COMPLAINT

Final Call Type: NOISE COMPLAINT

Creator: KHOPKINS (3WD3)

Disposition:

Completion Time: 8/11/2018 21:48

Report Reference:: 2018-08-11-30040

Call Source: RANGER INIATED

Location: PARK PATROL LOCATIONS : CITYWIDE

Specific Location: ORTEGA & 11TH

Location Address:

Notes:

Confidential Notes:

Reporting Person:

Reporting Person Phone:

Reporting Person Location:

First	Last	Dispatch	En Route	Arrival	Complete	Primary	Badge	Disposition	Activity
EUGENE	HSIN	8/11/2018 21:35		8/11/2018 21:35	8/11/2018 21:48	Primary	EHSIN		

8/11/2018 21:48

2018-08-11-30042

NOISE COMPLAINT

Priority: MEDIUM

Initial Call Type: NOISE COMPLAINT

Final Call Type: NOISE COMPLAINT

Creator: KHOPKINS (3WD3)

Disposition:

Completion Time: 8/11/2018 22:01

Report Reference:: 2018-08-11-30042

Call Source: RANGER INIATED

Location: PARK PATROL LOCATIONS : CITYWIDE

Specific Location: ROSSI & TURK

Location Address:

Notes:

KHOPKINS 8/11/2018 10:01:29 PM

secure

KHOPKINS 8/11/2018 10:01:26 PM

amphitheater

Confidential Notes:

Reporting Person:

Reporting Person Phone:

Reporting Person Location:

First	Last	Dispatch	En Route	Arrival	Complete	Primary	Badge	Disposition	Activity
EUGENE	HSIN	8/11/2018 21:48		8/11/2018 21:48	8/11/2018 22:01	Primary	EHSIN		

San Francisco Park Ranger Division

8/12/2018 13:48

2018-08-12-30097

NOISE COMPLAINT

Priority: MEDIUM

Initial Call Type: NOISE COMPLAINT

Final Call Type: NOISE COMPLAINT

Creator: KHOPKINS (3WD3)

Disposition:

Completion Time: 8/12/2018 14:23

Report Reference:: 2018-08-12-30097

Call Source: RANGER INIATED

Location: PARK PATROL LOCATIONS : CITYWIDE

Specific Location: ■ LAKE FOREST

Location Address:

Notes:

Confidential Notes:

Reporting Person:

Reporting Person Phone:

Reporting Person Location:

First	Last	Dispatch	En Route	Arrival	Complete	Primary	Badge	Disposition	Activity
EUGENE	HSIN	8/12/2018 13:48		8/12/2018 13:48	8/12/2018 14:23	Primary	EHSIN		

CONFIDENTIAL

2178

CONFIDENTIAL

2179

SAN FRANCISCO PARK RANGER SOUND LOG

CONFIDENTIAL

DATE	TIME	LEQ	LMAX	DURATION	EVENT NAME	LOCATION	REMARKS
8/11/18	1331	53.6	65.4	5:00	OSL	00 Lake Forest	@ Oak Park Dr, met w/treeline security
"	1338	53.9	70.5	5:00	"	"	"
"	1346	51.4	65.7	5:00	"	"	"
"	1352	54.2	71.4	5:04	"	"	"
"	1358	51.0	65.3	6:00	"	"	"
"	1821	64.5	73.8	6:00	"	35th Ave	@ Geary Blvd
"	1827	65.1	79.1	5:00	"	"	"
"	1832	64.2	75.3	5:00	"	"	"
"	1838	62.8	69.4	5:00	"	"	"
"	1851	62.9	74.7	5:01	"	Fulton Ave	@ 33rd Ave
"	1857	61.9	70.6	5:00	"	"	"
"	1903	62.8	68.5	5:00	"	"	"
"	1908	63.7	70.8	5:00	"	"	"
"	1931	57.9	72.2	5:00	"	26th Ave	@ Clement
"	1937	58.6	70.2	5:00	"	"	"
"	1942	55.8	68.5	5:00	"	"	"
"	1948	58.9	72.1	5:00	"	"	"
"	1958	60.6	72.2	5:19	"	Clement	@ 22nd Ave
"	2003	59.5	69.9	5:00	"	"	"
"	2009	59.3	69.8	5:00	"	"	"
"	2014	60.4	74.2	5:00	"	"	"
"	2054	66.3	80.9	5:00	"	6th Ave	@ Judah
"	2100	66.4	82.8	5:00	"	"	"
"	2107	59.8	78.3	5:08	"	"	"
"	2119	52.1	67.2	5:00	"	Noriega	@ 11th Ave
"	2126	52.1	68.1	5:00	"	"	"
"	2135	47.9	54.1	5:00	"	Ortega	@ 11th Ave
"	2142	51.7	71.1	5:00	"	"	"
"	2200	54.2	71.6	5:00	"	Rossi	@ Turk
"	2206	51.6	59.2	5:00	"	"	"

EXHIBIT 9

Andrew Solow
58 Lake Forest Ct.
San Francisco, CA 94131
Cell: 415-722-3047
Email: alsolow@earthlink.net

January 17, 2019

City and County of San Francisco
Recreation & Park Commission
501 Stanyan Street
San Francisco, CA 94117
Via E-mail to: recpark.commission@sfgov.org
margaret.mcarthur@sfgov.org

City and County of San Francisco
Recreation & Park Department
501 Stanyan Street
San Francisco, CA 94117
Via E-mail to: phil.ginsburg@sfgov.org
Dana.Ketcham@sfgov.org

Attention:
Mark Buell, President
Allan Low, Vice President
Kat Anderson, Gloria Bonilla, Tom Harrison
Eric McDonnell, & Larry Mazzola
Margaret McArthur, Secretary

Attention:
Philip Ginsburg, General Manager
Dennis Kern, Director of Operations
Dana Ketcham, GGP Property Manager

cc: SF Supervisors Sandra Fewer and Norman Yee
Via Email to: Sandra.Fewer@sfgov.org; Norman.Yee@sfgov.org

**Subject: Request for Inclusion of Quantitative Noise Limits in the Outside Lands Use Permit
Opposition to Issuance of a 10-year Use Permit Extension**

My name is Andrew Solow. I have been employed as a CA Private Investigator for 19 years. And, I have been living on the back side of Mt. Davidson, West of Twin Peaks since 2002.

As written, the proposed Outside Lands Music and Arts Festival Use Permit does **not** specify what acoustical standards must be met and what testing protocols must be used to control noise levels at the Festival and in the surrounding neighborhoods. It only requires Outside Lands to monitor noise levels and adjust them “as required”. And, “as required” is **not** defined.

The use permit extension that you are considering today **does NOT include quantitative noise limits**. Because the SF Recreation and Parks Department is exempt from the San Francisco Noise Ordinance, if you approve the proposed use permit extension as written, **no matter how loud the music is, the affected residents will have no right to object**.

BEFORE the SF Recreation and Park Commission approves any extension of the Outside Lands Use Permit, I request that the Commission and Staff take the following actions:

- **Establish Quantitative Noise Limits** for all outdoor events held in Golden Gate Park including the Outside Lands Festival; using standard acoustical measurement metrics that may be readily monitored, independently checked, and unambiguously used to **‘adjust sound pressure levels as required’ to meet said noise limits**; and incorporate those standards into the Outside Lands Use Permit currently under consideration.

- **Require that the SFRPD and Outside Lands co-retain Acoustical Engineering Firm Charles Salter Associates (for the duration of the current and all subsequent Use Permits) to consult on the installation and operation of the sound system at each and every Outside Lands Festival.**
- **Reduce the time period of the proposed extension of the Outside Lands Use Permit from 10 years to 3 years.**

In this country, aggrieved parties still have due process and equal protection rights. And, if you approve the unlawful scheme you are considering today, I for one will strenuously object.

I request that the Recreation and Park Commission take notice of:

The memorandum prepared by Wilson Ihrig Acoustics, Noise & Vibration dated January 11, 2019, and The memorandum and Sharon Meadow enclosures prepared by Martin MacIntyre dated January 13, 2019, both previously emailed to Commissioners and Staff.

Background

Even though I live on Mt. Davidson, two miles from the Golden Gate Park Polo Fields where the Outside Lands Festival was held for three days in August 2018, the noise inside my home office was frequently overwhelming. And I had all of my windows and doors shut.

I am not alone in my concerns about the noise. This year, the festival generated 249 noise complaints by 190 different residents of about 12 square miles of Western San Francisco. Some of the complaints came from residents who live as far as 3 miles from Golden Gate Park.

I have learned that none of the 190 people who submitted complaints were notified that community meetings were being held in the Sunset and Richmond districts to discuss the Outside Lands Festival. The meeting notices were published in obscure newsletters and the word “noise” was omitted.

Outside Lands collected the noise complaints but never provided copies to SF Rec & Park Staff or the SF Supervisors who conducted the meetings. But, in their staff report dated December 6, 2018, **Rec & Park Staff claims that no one from the Sunset District complained about noise from the 2018 Outside Lands Festival.**

The proposed Operating Agreement Extension should specifically address these concerns.

Respectfully Submitted,

Andrew Solow

01/17/2019
date

Andrew Solow
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San Francisco, CA 94131
Cell: 415-722-3047
Email: alsolow@earthlink.net

December 5, 2018

City and County of San Francisco
Recreation & Park Commission
501 Stanyan Street
San Francisco, CA 94117
Via E-mail to: recpark.commission@sfgov.org
Mark Buell, President
Allan Low, Vice President
Kat Anderson, Gloria Bonilla, Tom Harrison
Eric McDonnell, & Larry Mazzola
Margaret McArthur, Secretary

City and County of San Francisco
Recreation & Park Department
501 Stanyan Street
San Francisco, CA 94117
Via E-mail to: ???
Philip Ginsburg, General Manager
Dana Ketcham, Director of Property Mgmt.
cc: Supervisors Sandra Fewer & Norman Yee

**Subject: Opposition to Issuance of a 10-year Use Permit Extension to
Another Planet Entertainment, LLC, dba: Outside Lands**

Enclosure: [Outside-Lands-a-great-event-but-the-noise! - SF Chronicle, Dec 5, 2018](#)

Honorable Commissioners and Staff,

The San Francisco Recreation and Park Commission (SFRPD) will consider a 10-year extension of the Outside Lands Use Permit at its Dec. 6th Operations Committee meeting & at the full Commission meeting on Dec. 20.

I am opposed to the issuance of a 10-year Use Permit Extension to Outside Lands until they demonstrate willingness and ability to reduce neighborhood noise levels significantly and until several other major problems with the Outside Lands Use Permit are corrected.

As written, the proposed Outside Lands Music and Arts Festival Use Permit does **not** specify what acoustical standards must be met and what testing protocols must be used to control noise levels at the festival and in the surrounding neighborhoods. It only requires Outside Lands to monitor noise levels and adjust them “as required”. Further, the proposed Use Permit does **not** even mention the possibility of retaining an acoustical engineering firm.

When I requested the acoustical standards and testing protocols that SFRPD and Outside Lands are using to determine if outdoor noise levels from the Outside Lands Festival are acceptable, I received:

- The instruction sheet that came with the noise measuring devices that SFRPD and Outside Lands are using to measure noise levels; and
- A very short paragraph from the proposed Outside Lands Use Permit that says that noise levels should be adjusted “as required” during the three-day music festival.

///
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///
///
///

On November 20th, I consulted with acoustical engineer Charles Salter about noise from Outside Lands, inside my home office, 2 miles from GGP. Mr. Salter told me that:

“If Outside Lands was trying to make sound pressure level adjustments in response to noise complaints received during their August 2018 Festival, that means that the sound system for the entire festival was NOT set up properly in the first place.”

On November 29th, one day before the December 2018 SF Rec & Park Outside Lands Staff report was published, Another Planet Entertainment, LLC, dba: Outside Lands, retained acoustical engineering firm Charles M. Salter Associates. According to Charles Salter, “We’ve been hired by Outside Lands to review the City standards and testing protocols and make recommendations on how to reduce noise to neighbors.”

I request that CCSF take the following actions BEFORE approving any extension of the Outside Lands Use Permit:

- **Adopt specific standards and testing protocols for noise levels at all outdoor events including the Outside Lands Festival; and incorporate those standards into the Outside Lands Use Permit.**
- **Require that CCSF and Outside Lands co-retain a competent Acoustical Engineer (for the duration of the current and all subsequent Use Permits) to consult on the installation and operation of the sound system at each and every Outside Lands Festival.**
- **Reduce the time period of the proposed extension of the Outside Lands Use Permit from 10 years to 3 years.**

Background

The Outside Lands Music and Arts Festival has been generating about \$65 million of direct and indirect revenue in the San Francisco economy annually. San Francisco’s share of annual direct revenue is about \$3.5 million. Financially, the event is a good deal for the city, but the noise for residents is annoying and has been getting worse every year.

Even though I live on Mt. Davidson, two miles from the Golden Gate Park Polo Fields where the festival was held for three days last August, the noise inside my home office was frequently overwhelming. And I had all of my windows and doors shut.

I am not alone in my concerns about the noise. This year, the festival generated 249 noise complaints by 190 different residents of about 12 square miles of Western San Francisco. Some of the complaints came from residents who live as far as 3 miles from Golden Gate Park.

I have learned that none of the 190 people who submitted complaints were notified that community meetings were being held in the Sunset and Richmond districts to discuss the Outside Lands Festival. The meeting notices were published in obscure newsletters and the word “noise” was omitted.

Outside Lands collected the noise complaints but never provided copies to SF Rec & Park Staff or the SF Supervisors who conducted the meetings. But, in their staff report dated December 6, 2018, **Rec & Park Staff claims that no one from the Sunset District complained about noise from the 2018 Outside Lands Festival.**

**Opposition to Issuance of a 10-year Use Permit Extension to
Another Planet Entertainment, LLC, dba: Outside Lands**

Respectfully Submitted,

Andrew Solow

12/5/2018
date

OPINION // OPEN FORUM

Outside Lands — a great event, but the noise!

By Andrew Solow

Dec. 4, 2018 | Updated: Dec. 4, 2018 3:51 p.m.



Florence + the Machine performs during Outside Lands Music and Arts Festival at Golden Gate Park in San Francisco, Calif., on Saturday, Aug. 11, 2018.

Photo: Mason Trinca / Special to The Chronicle

The Outside Lands Music and Arts Festival has been generating about \$65 million of direct and indirect revenue in the San Francisco economy annually. San Francisco's share of annual direct revenue is about \$3.5 million.

Financially, the event is a good deal for the city, but the noise for residents is annoying and has been getting worse every year.

Even though I live on Mount Davidson, 2 miles from the Golden Gate Park Polo Fields where the festival was held for three days last August, the noise inside my home office was frequently overwhelming. And I had all of my windows and doors shut.

The San Francisco Recreation and Park Commission will consider a 10-year contract extension of the Outside Lands use permit at its Thursday Operations Committee meeting and at the full commission meeting on Dec. 20. Outside lands should not get the 10-year contract extension until it demonstrates willingness and ability to reduce neighborhood noise levels significantly.

As written, the proposed permit does not specify what acoustical standards must be met and what testing protocols must be used to control noise levels at the festival and in the surrounding neighborhoods. It only requires Outside Lands to monitor noise levels and adjust them “as required.” When I requested acoustical standards and testing protocols from the city, I received:

- The instruction sheet that came with the noise measuring devices that the city is using to measure noise levels
- A very short paragraph from the proposed agreement that says that noise levels should be adjusted “as required” during the three-day music festival.

I am not alone in my concerns about the noise. This year, the festival generated 249 noise complaints by 190 different residents of about 12 square miles of western San Francisco. Some of the complaints came from residents who live as far as 3 miles from Golden Gate Park.

I have learned that none of the 190 people who submitted complaints knew that community meetings were held in the Sunset and Richmond districts to discuss the festival. The meeting notices were published in obscure newsletters and the word “noise” was omitted.

Outside Lands collected the noise complaints but never provided copies to city staff or to the San Francisco supervisors. Recreation and Park Department staff claim no one from the Sunset District complained about noise from the 2018 festival.

The city needs to adopt specific standards and protocols and require that Outside Lands hire an acoustical engineer to consult on the installation and the operation of the sound system at each festival. That’s only fair to festivalgoers and city residents.

Andrew Solow is an engineer and private investigator. He lives in San Francisco.

Andrew L. Solow
58 Lake Forest Ct.
San Francisco, CA 94131
Cell: 415-722-3047
Email: alsolow@earthlink.net

November 15, 2018

City and County of San Francisco
Recreation & Park Commission
501 Stanyan Street
San Francisco, CA 94117
Via E-mail to: recpark.commission@sfgov.org
Mark Buell, President
Allan Low, Vice President
Kat Anderson, Gloria Bonilla, Tom Harrison
Eric McDonnell, & Larry Mazzola
Margaret McArthur, Secretary

City and County of San Francisco
Recreation & Park Department
501 Stanyan Street
San Francisco, CA 94117
Via E-mail to: ???
Philip Ginsburg, General Manager
Dennis Kern, Director of Operations

CC: Supervisors Norman Yee and Katy Tang

Subject: Request for Taking the Outside Lands Use Permit Extension OFF CALENDAR

Request for Revision of Outside Lands GGP Music & Arts Festival Use Permit
Request for Abatement of Public Nuisance and Excessive Noise from Concerts

Honorable Commissioners, Staff, and Supervisors,

I hereby request that the Recreation and Park Commission and its Operations Committee Take the Outside Lands Use Permit Extension OFF CALENDAR pending holding of a community meeting with proper notice to all of the people who made telephone and other complaints regarding EXCESSIVE NOISE from the 3 day Outside Lands Festival held in Golden Gate Park in August 2018.

Pursuant to their existing use permit, Outside Lands collected about 250 complaints regarding excessive noise generated by the subject 3 day concert in Golden Gate Park on August 10, 11, and August 12, 2018 from residents as far as 3.0 miles from Golden Gate Park.

Two community meetings were subsequently held on September 6, 2018 and October 24, 2018 (ostensibly to discuss the noise issue). Unfortunately, the notices that were published in two different obscure neighborhood newsletters did NOT include any mention of the word noise or any description of the noise complaints or noise issues caused by the 2018 Outside Lands Festival.

Further, none of about 200 distinct individuals who called in the 250 complaints about excessive noise from the Outside Lands Festival were notified about either of the two community meetings. (That includes zero notice to Andrew Solow, even though I submitted numerous inquiries about the Outside Lands noise issue in writing to Rec & Park and the SF Board of Supervisors.)

In view of Supervisor Norman Yee's admission that his office "was not in possession of the contact info of the 200 individuals who logged complaints" and admissions from staff

November 15, 2018

Request for Taking the Outside Lands Contract Extension OFF CALENDAR

in both Supervisor Yee's and Supervisor Tang's office that they were not in possession of or even aware that a list of individuals who logged complaints existed, it is clear that the 200 people who complained about noise from the 2018 Outside Lands Festival were excluded from participation in the subject community meetings that were held in September and October 2018 regarding excessive noise from the Outside Lands Festival.

The very simple noise mitigation proposal that I previously submitted has thus far been ignored (see attached). I invite staff to set up a meeting with all interested parties (as previously promised on three separate occasions) forthwith.

As I previously mentioned in writing, I will be out of state from November 26, 2018 thru December 10, 2018. And, I would appreciate it if all public hearings on this matter were held on or before November 23, 2018, or continued to on or after December 11, 2018.

Thank you for your consideration.

_____	11/15/2018
Andrew L. Solow	Date
Cell 415-722-3047	

See proposed Use Permit Revision on following page

November 15, 2018

Request for Taking the Outside Lands Contract Extension OFF CALENDAR

11/15/2018

FROM: Andrew Solow – 415-722-3047
TO: SF Recreation Park Commission and Staff
SUBJECT: Proposed Revision to Outside Lands Music and Arts Festival Use Permit

PERMIT EXTENSION – dated 12/05/2012

First Amendment to Outside Lands Music and Arts Festival Use Permit

13. Amplified Sound Terms. Effective as of the Effective Date, (i) the reference in the Amplified sound terms section of Section 1 of the Permit shall be deleted, (ii) Paragraph 4 of Appendix B to the Permit shall be deleted, and (iii) the following provision shall be added to the Permit as Section 47:

"47. Amplified Sound Terms. There will be no amplified music permitted prior to opening of gates on any day of event, except for agreed upon limited sound checks one day prior to the concert and for line checks prior to opening of gates. Unless otherwise agreed upon in writing by the General Manager of the Recreation and Park Department, hours for sound checks will be limited to noon to 5 PM the day prior to the first Festival day; and line checks will not commence prior to 10 AM on the days of the Festival. Sound will commence at noon on each Festival day. Sound will end Friday and Saturday evening at 10:00 PM and at 9:40 PM on Sunday. Any alteration to the sound check schedule outlined above shall be subject to the approval of the General Manager.

Permittee shall use commercially reasonable best efforts to limit sound to the close environs of the concert grounds. Such efforts shall include reviewing the sound system plans in advance of the Festival each year to minimize any sound impact in the surrounding neighborhood and to ensure that the sound system can be modified to respond to sound complaints from the neighborhood. Additionally, when attendance exceeds 40,000 on any Festival day, Permittee shall build and use one set of delay speakers on the main Polo Fields stage to limit sound in the surrounding neighborhood. When attendance exceeds 55,000 on any Festival day, Permittee shall build and use two sets of delay speakers on the main Polo Fields stage to limit sound in the surrounding neighborhood.

Permittee shall coordinate with the San Francisco Park Rangers to deploy monitors in the neighborhood who will measure sound pressure levels and record the data. Data will be ~~promptly~~ **IMMEDIATELY** transmitted to the production staff at the Festival, who will use it to adjust sound pressure levels ~~as required~~ **in real time until the noise nuisance has been abated.**

For the purposes of this section, a noise nuisance shall be defined as noise that is loud enough to interfere with normal voice communication inside of a residence, office, or business when all of the windows and doors are closed.

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Wong, Jocelyn (BOS)

From: BOS Legislation, (BOS)
Sent: Thursday, March 28, 2019 8:43 AM
To: richard@lozeaudrury.com; alsolow@earthlink.net; pprows@briscoelaw.net
Cc: GIVNER, JON (CAT); STACY, KATE (CAT); JENSEN, KRISTEN (CAT); Rahaim, John (CPC); Teague, Corey (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Sider, Dan (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Fordham, Chelsea (CPC); Ketcham, Dana (REC); Rosenberg, Julie (BOA); Cantara, Gary (BOA); Longaway, Alec (BOA); Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS-Supervisors; BOS-Legislative Aides; BOS Legislation, (BOS)
Subject: SUPPLEMENTAL APPEAL LETTER: Appeal of CEQA Exemption Determination - Outside Lands Festival Use Permit - Appeal Hearing on April 2, 2019

Categories: 190198

Good morning,

Please find linked below a supplemental appeal letter received by the Office of the Clerk of the Board from Richard Drury of Lozeau Drury LLP, on behalf of the Appellants, regarding the appeal of the Categorical Exemption Determination for the proposed Outside Lands Festival Use Permit.

[Supplemental Appeal Letter - March 27, 2019](#)

The hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on April 2, 2019, at 3:00 p.m.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the links below:

[Board of Supervisors File No. 190198](#)

Regards,

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*



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Oakland, Ca 94607

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hearing will be included as part of the official file.)

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March 27, 2019

San Francisco Board of Supervisors
Clerk of the Board of Supervisors
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Joy Navarrete, Principal Planner
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Subject: Appeal of CEQA Categorical Exemption for the
Outside Lands Festival Use Permit – Response to Staff
Report
SF Plng Case #: 2019-000684PRJ
SF BOS File #: 190117

Board President Yee and Honorable Members of the Board of Supervisors:

On behalf of San Francisco residents Andrew Solow and Stephen Somerstein ("Appellants"), I hereby submit this letter to respond to the March 25, 2019 Staff Report concerning our appeal of the CEQA Categorical Exemption issued on or about January 17, 2019 for the 10-year use permit for the Outside Lands Festival. (Planning Dept. Case No. 2019-000684PRJ; Board of Supervisors File # 190117). We incorporate our

prior comments in full by reference. We also attach a recent article by George Wooding, President of the Coalition for San Francisco Neighborhoods.

I. INTRODUCTION

“AS REQUIRED” IS NOT A NOISE LIMIT: The subject 10-year Use Permit Extension does not contain any quantitative noise standards. The Permit simply requires Another Planet Entertainment (“APE”) to monitor noise levels and adjust **“as required.”** (Outside Lands Permit ¶47). “As required” is not defined, and is an unenforceable permit condition. In short, there is no numerical decibel level that is simply “too darn loud.”

SHARON MEADOW NOISE POLICY: The appellants propose that the City simply adopt the reasonable Sharon Meadow noise policy and apply it to Outside Lands. The Sharon Meadow Policy requires, among other provisions, that the maximum levels at the mixing board shall not exceed a 5-minute average sound level of 96 dBA or instantaneous maximum sound level of 102 dBA.

II. RESPONSE TO STAFF REPORT

On March 25, 2019, the Environmental Review Officer (“ERO”) filed a staff report (“Staff Report”) responding to our appeal. The staff report reaches several erroneous conclusions.

Expert Evidence: The Staff Report states that Appellants have provided no substantial evidence that the Outside Lands Festival will have any significant impacts. (Staff Rpt. p. 5, 7, 10, 11, 12). The Staff Report ignores that fact that Appellants have submitted two expert reports from acoustical engineering firm, Wilson Ihrig concluding that the Festival has significant noise impacts (including impacts on the Coastal Zone and historic buildings), and a report from traffic engineering firm, Smith Engineering, concluding that the Festival has significant traffic impacts. The Staff Report ignores the traffic engineer’s report entirely. Under CEQA, “substantial evidence,” is defined to include, “expert opinion supported by facts.” (14 CCR §15064(f)(5)). Appellants clearly meet this legal standard.

There is No Such Thing as a “Temporary” CEQA Exemption: The Staff Report repeatedly refers to a Class 4 “Temporary” CEQA exemption. There is simply no such thing. The Class 4 CEQA exemption is for “minor alterations to land.” Outside Lands is not a minor alteration to land. The City may be referring to subsection “e” of the Class 4 exemption, which includes, “minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.” However, Outside Lands, which involves almost a quarter-million fans and weeks of set-up and break down, cannot reasonably be deemed, a “minor temporary use of land.” In short, Outside Lands, is a far cry from a Christmas tree lot.

Class 23 Exemption Does Not Apply: Despite conducting a public review and comment process pursuant to the Class 4 CEQA exemption, the Staff Report for the first time invokes the Class 23 exemption. If the City wants to change course at this point, it must start the CEQA process anew, rather than raise an entirely new CEQA argument a week before the final hearing. Furthermore, the Class 23 exemption does not apply since the Festival will have significant impacts on noise, traffic and historic resources.

Impacts to Coastal Zone: The Staff Report admits that the Class 4 exemption does not apply if a project has impacts to the Coastal Zone. The Staff Report also admits that the Festival involves installation of fencing, waste-sorting facilities, parking lot, mounted security and artist check-in, all within the Coastal Zone. (Staff Report, p.5). Since there is no dispute that the Festival involves facilities within the Coastal Zone, the Class 4 exemption does not apply. The Staff Report reaches the opposite conclusion, arguing that these facilities are “temporary.” But this is a circular argument. The Coastal Zone exception makes the temporary exemption inapplicable. It cannot be excluded from the exception based on the allegation that the intrusion is temporary. Furthermore, the Staff Report ignores expert evidence that the Festival has noise and traffic impacts on the Coastal Zone.

Impacts to Historic Resources: The Staff Report ignores entirely CEQA section 21084.1 which provides that a project may not be exempted from CEQA if it “may cause a substantial adverse change in the significance of an historical resource.” The Staff Report does not even mention this section of the CEQA statute, which does not require “unusual circumstances,” and which operates under the “fair argument” standard. Wilson Ihrig concludes that the Festival will have significant noise impacts on several historic resources within the park, and Smith Engineering concludes that the Festival will have significant traffic impacts on historic resources. Therefore the Festival may not be exempted from CEQA review.

Noise is a Significant Impact Under CEQA: The Staff Report makes the untenable assertion that “even though amplified sound from the annual three-day Outside Lands concert could be considered an annoyance to surrounding residents, the resulting noise would not represent a significant impact to the physical environment.” (Staff Rpt. p. 6). The Staff Report continues, “These noise levels, while a potential annoyance to nearby residents throughout the three-day annual event, are not within the range that would cause hearing loss.” (Staff Rpt. p. 11). This statement ignores the fact that CEQA expressly defines “significant effect on the environment” to include, “ambient noise.” Guidelines section 15382. The Staff Report also ignores the numerous cases finding noise to be a significant impact under CEQA. *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agric. Assn.*, 42 Cal. 3d 929, 934 (1986); *Lewis v. Seventeenth Dist. Agric. Assn.*, 165 Cal. App. 3d 823 (1985). By admitting that noise from Outside Lands is an “annoyance to surrounding residents,” Staff essentially admits that noise is a significant impact.

Staff contends that noise impacts are not significant because they are temporary and also because the police code noise thresholds arguably do not apply in the park. These arguments make no sense. First, temporary impacts, such as construction impacts, are routinely considered significant under CEQA.¹ Under the City's rationale, even extreme levels of noise could be "insignificant" so long as the noise were temporary. There is no support for the Staff's assertion that noise is only significant if it may cause "hearing loss." (Staff Rpt. p. 11). Second, even if the police code does not apply in the park (which we dispute), this does not render the noise levels insignificant. In the case of *Keep Our Mountains Quiet v. Cty. of Santa Clara*, 236 Cal. App. 4th 714, 722 (2015), noise from 150-person weddings held occasionally at a private home was held to be significant under CEQA, even though the noise levels did not exceed the County's noise threshold. In the absence of numerical thresholds, significance is analyzed under a "fair argument" standard. *Id.*² Since duly qualified experts have concluded the Outside Lands has significant noise impacts, Appellants have established the requisite "fair argument" of a significant impact.

"As Required" is not a "Limit." The Staff Report contends that the Police Code noise thresholds do not apply in the Park. Police Code Section 2902 states that Police Code noise limits do not apply if RPD "has imposed different limits." However, the Outside Lands permit contains no noise limits at all. It merely requires the operator to make adjustments "as required." "As required" is nowhere defined in the permit, and is certainly not a "limit." Under CEQA, mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments. 14 CCR § 15126.4(a)(2). See *Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 730 (project proponent's agreement to mitigate is insufficient; mitigation measures must be enforceable). Since the City has failed to impose any enforceable "limit," the Police Code applies.

CEQA does not allow mitigated categorical exemptions. A project that requires mitigation measures cannot be exempted from CEQA. *Salmon Pro. & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098, 1102. The City has dozens of mitigation measures on the Project, such as requiring noise monitors, adjustments to noise levels, delay speakers, additional MUNI service, Uber zones, and many other measures. The Staff Reports contends that these measures are not mitigation measures, but are "underlying conditions of the project itself." (Staff Rpt. p. 9). This makes no sense. The "project itself" is a festival with musicians playing loud music to hundreds of thousands of fans. The measures to reduce sound, traffic and other impacts are measures to mitigate the impacts of the Festival. Calling them part of the "project itself" does not alter the reality that they are mitigation measures.

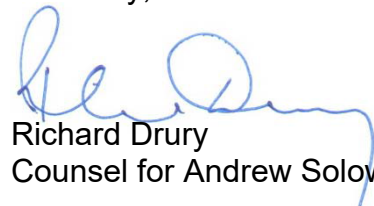
¹ See, e.g., Bay Area Air Quality Management District CEQA significance thresholds for construction emissions. http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en

² "A threshold of significance is not conclusive, however, and does not relieve a public agency of the duty to consider the evidence under the fair argument standard." (*Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 342)

In consideration of the foregoing, we request that:

- **The City withdraw its deficient CEQA Categorical Exemption.**
- **The City promulgate quantitative noise standards that are appropriate for the Outside Lands Festival and other music performance events in Golden Gate Park, similar to the Policy already adopted for Sharon Meadow.**
- **The City conduct a CEQA process leading to Quantitative Noise Limits and other feasible noise mitigation measures.**

Sincerely,



Richard Drury
Counsel for Andrew Solow and Stephen Somerstein

Outside Lands' Excessive Noise

by George Wooding March 27, 2019

Thunderous noise for three days. People cannot hear in their own homes. Windows rattle. Children and seniors covering their ears in pain. Welcome to the San Francisco Outside Lands Festival Concert (OL).

The August 2018 OL festival generated 249 noise complaints by 190 different residents over approximately 12 square miles of western San Francisco. Some of the complaints came from residents who live as far as three miles from Golden Gate Park. And some residents whose noise complaints have been ignored for years simply abandon their homes during the three-day festival.

According to the City's own data, noise complaints in 2018 more than tripled over the average of prior years. Therefore, it appears OL complaints aren't a mere continuation of pre-existing activities, they represent a significant increase.

Currently, California Environmental Quality Act (CEQA) noise standards don't apply to San Francisco Recreation and Park Department (RPD) land. By cleverly utilizing CEQA categories incorrectly, the RPD was able to declare that OL automatically receive a *categorical exemption* in Golden Gate Park.

The RPD needs to use a CEQA Mitigated Negative Declaration (MND). A MND is prepared for a project when an initial study identifies potentially significant effects on the environment, but the effects no longer pose a significant environmental impact after a project is revised. MND's require an Environmental Impact Report (EIR). The report can cost millions of dollars and take up to two years to complete. Public safety should always come first.

"Categorical Exemptions" are descriptions of types of projects which the Secretary of the California Resources Agency has determined don't usually have a significant effect on the environment. They are the lowest CEQA environmental standard. The RPD has now rid itself of bothersome CEQA environmental reports and restrictions on noise.

Plaintiffs Andrew Solow and Stephen Somerstein are suing the City for OL noise reduction and changing the CEQA Categorical Exemption to a CEQA negative declaration.

No Police Jurisdiction: RPD's first step was to remove the noise jurisdiction from San Francisco's Police Code, Article 29 Regulation of Noise, *Guidelines for Noise Control Ordinance Monitoring and Enforcement*. The Police Code supersedes all previous San Francisco noise guidelines. RPD no longer has to comply with City noise guidelines.

RPD now operates under a new noise standard it calls "As Required." This new standard is a mystery. Nobody knows what decibel level the standard uses, not even the RPD.

Further, the proposed use permit doesn't include acoustical standards or testing protocols RPD and Outside Lands use to determine if outdoor noise levels from OL are acceptable, because the City never adopted outdoor noise standards. And, the use permit doesn't even mention the possibility of retaining an acoustical engineering firm to design the sound system for each festival.

The last slap in the face for neighbors involves OL complaint reporting. Neighbors over three miles away have made noise complaints. Complaint phone numbers are difficult to find. OL is self-monitoring and it receives the complaint calls rather than RPD receiving the calls. This is the classic "fox guarding the hen house."

Fewer noise complaints will be received and probably many complaints will go unreported. RPD has no way of knowing how many neighborhood complaints were received. Additionally, OL is a private company and cannot be

Sunshined for information and records. The police simply say that they have no jurisdiction, and won't even take noise complaint calls.

Tiffany Lin-Wilson, an RPD secretary answerable to RPD director, Phil Ginsburg; Dana Ketchum, Director of Permits and Property Management; and RPD Commissioner Mark Buell responded to one Sunshine records request stating:

"The documents I sent last week, were all that I was given. I was also informed of the following: Park Rangers don't conduct sound measurements in Golden Gate Park during Outside Lands Concerts. We are reactive to the calls from citizens who are complaining and concerns over loud music coming from the concert venue. There is no requirement as stated to monitor sound during the event. I cannot speak for the promoter 'Another Planet Entertainment' who hires a private company to monitor sound. I do not know their criteria."

"The festival has drawn 2 million visitors to San Francisco and is estimated to generate \$66 million annually in economic benefits, according to Ketchum.

RPD essentially admitted it has no idea how many noise complaints there are, what the decibel levels were per complaint, or even whether sound meters used the same calibration to produce uniform results. It's a clear example of RPD being inept and placing profits before public safety.

According to page three of the Wilson Ihrig *Noise, Vibration and Acoustics* report: "It is not clear who gathered the data, though most appear to have been collected by Treeline Security, the security company retained by the concert promoters, Another Planet Entertainment, LLC (promoters of OL.) These data are not provided in a formal technical report, so there is no indication of equipment used (San Francisco requires Type 1 sound level meters), calibration traceability, or even meter settings. Additional readings appear to have been made by San Francisco Park Rangers. Again, no information was provided about the equipment, calibration, or meter settings for these readings."

Plaintiff Solow states: "The RPD has now rid its agency of environmental reports and restrictions on noise. After spending six months trying to convince the SF Recreation and Parks Dept. to adopt objective standards for noise levels from the Outside Lands Festival, on Jan. 17, the SF Recreation and Park Commission (SFRPC) ignored complaints from more than 240 San Francisco residents and approved a 10-year extension of the Festival Use Permit with no noise limits. If the permit is adopted by the SF Board of Supervisors (BOS) on April 2nd, this permit would make it impossible to make a meaningful objection to noise from Outside Lands, no matter how loud it is, until 2031."

Citizens don't want to stop or harm the OL festival. We should want the following:

- A better run, more honest RPD.
- San Francisco's RPD and the Planning Department must withdraw their deficient CEQA Categorical Exemption Determination.
- The City must promulgate quantitative noise standards that are appropriate for the OL Festival and other music performance events in Golden Gate Park.
- The City must develop a CEQA process incorporating Quantitative Noise Limits and other feasible noise mitigation measures.

After all, excessive decibel levels can damage everybody's hearing.

George Wooding, President of the Coalition For San Francisco Neighborhoods

Wong, Jocelyn (BOS)

From: BOS Legislation, (BOS)
Sent: Monday, March 25, 2019 2:10 PM
To: richard@lozeaudrury.com; alsolow@earthlink.net; pprows@briscoelaw.net
Cc: GIVNER, JON (CAT); STACY, KATE (CAT); JENSEN, KRISTEN (CAT); Rahaim, John (CPC); Teague, Corey (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Sider, Dan (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Fordham, Chelsea (CPC); Ketcham, Dana (REC); Rosenberg, Julie (BOA); Cantara, Gary (BOA); Longaway, Alec (BOA); Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS-Supervisors; BOS-Legislative Aides; BOS Legislation, (BOS)
Subject: APPEAL RESPONSE: Appeal of CEQA Exemption Determination - Outside Lands Festival Use Permit - Appeal Hearing on April 2, 2019
Categories: 190198

Good afternoon

Please find linked below an appeal response memo received by the Office of the Clerk of the Board from the Planning Department, regarding the appeal of the Categorical Exemption Determination for the proposed Outside Lands Festival Use Permit.

[Planning Appeal Response Memo - March 25, 2019](#)

The hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on April 2, 2019, at 3:00 p.m.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the links below:

[Board of Supervisors File No. 190198](#)

Regards,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

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Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

Categorical Exemption Appeal Outside Lands Use Permit

DATE: March 25, 2019
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Lisa Gibson, Environmental Review Officer – (415) 575-9032
Chelsea Fordham – (415) 575-9071
RE: Planning Case No. 2019-000684APL
Appeal of Categorical Exemption for Outside Lands Use Permit
HEARING DATE: April 2, 2019
ATTACHMENT(S): A – Second Amendment to the Outside Lands Use Permit
B – History of Outdoor Music Concerts in Golden Gate Park Western End
C – Map of Coastal Zone (Coastal Commission Jurisdiction)

PROJECT SPONSOR: Dana Ketcham - Director of Property Management, Permits and Reservations
San Francisco Recreation and Park Department - 415-831-6868
APPELLANT(S): Richard Drury on behalf of Andrew Solow and Stephen Somerstein – 510-836-4200

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INTRODUCTION

This memorandum and the attached documents are a response to the letters of appeal dated February 14, 2019 and March 12, 2019 to the Board of Supervisors (the board) regarding the Planning Department's (the department) issuance of a categorical exemption under the California Environmental Quality Act (CEQA determination) for the proposed San Francisco Recreation and Park Department (RPD) – second amendment to the Outside Lands use permit (use permit). A supplemental letter of appeal was submitted by the appellant on March 22, 2019. This response does not address that letter; however, a supplemental response addressing any substantive concerns not already addressed in this response will be provided to the Board prior to the April 2, 2019 hearing date.

The Department, pursuant to Title 14 of the CEQA Guidelines, issued a categorical exemption for the project on January 17, 2019 finding that the proposed project is exempt from CEQA as a Class 4 categorical exemption.

The decision before the board is whether to uphold the department's decision to issue a categorical exemption and deny the appeal, or to overturn the department's decision to issue a categorical exemption and return the project to department staff for additional environmental review.

SITE DESCRIPTION AND EXISTING USE

The project site consists of locations where the annual Outside Lands Concert (aka "Outside Lands") is held on the western end of the 1,017-acre Golden Gate Park, in the Richmond District of San Francisco. Outside Lands takes place at the following locations within Golden Gate Park: 1) Polo Fields; 2) Hellman Hollow; 3) Lindley Meadow; and 4) Marx Meadow. The Polo Fields, Hellman Hollow, and Lindley Meadow are bounded by John F. Kennedy Drive and Martin Luther King Drive, which are the primary thoroughfares within Golden Gate Park. Marx Meadow is bounded by John F. Kennedy Drive and Fulton Street. The Polo Fields consists of grass soccer fields, and Hellman Hollow, Lindley Meadow, and Marx Meadow are open grass fields that are used for passive recreation and special events.

PROJECT DESCRIPTION

The proposed project is the second amendment to the Outside Lands use permit issued by the San Francisco RPD to Another Planet Entertainment (see Attachment A). The use permit with Another Planet Entertainment (permittee) is for an annual three-day music festival held in Golden Gate Park, and the project would extend the terms of the permit for an additional 10 years (2022-2031) and would also update certain provisions related to rents and cost reimbursements. The use permit would allow a maximum capacity of 75,000 attendees per day, and the permitted hours would allow the gates to open at 11 am, music to start at 12 noon, and music to end at 10 pm (9:40 pm on Sunday). The use permit would allow the permittee to construct several temporary facilities. In 2018, this included six stages, 22 non-profit booths, 95 food booths, art installations, temporary fencing surrounding the concert facilities, waste sorting facilities, and artist check-in facilities consisting of storage containers and trailers. The use permit also requires the permittee to prepare a transportation plan which requires coordinating with the San Francisco Municipal Transportation Agency (SFMTA) to provide additional transportation resources (both transit and parking enforcement), and a security plan to coordinate with the San Francisco Police Department and park rangers to staff an additional 104 San Francisco Police Department (SFPD) officers, 824 security guards and 20 plus park rangers throughout the concert period. Following the concert, the use permit also requires that the project site locations be restored to their previous conditions and the Polo Fields grasses restored to pre-event conditions. This amendment is the second use permit for Outside Lands. RPD issued the first use permit for Outside Lands on April 1, 2009 to Another Planet Entertainment. In 2012, the RPD issued the first amendment to the 2009 Permit dated December 5, 2012 (the "First Amendment"), extending the term of the permit to 2021 and making other changes.

BACKGROUND

On December 6, 2018, the RPD Operations Committee heard the use permit extension and voted to move the use permit to the General Calendar of the full Recreation and Park Commission for approval.

On January 17, 2019, the RPD (the project sponsor) filed a project application with the department for the Outside Lands Lease.

On January 17, 2019, the department determined that the project is categorically exempt under CEQA Guidelines section 15304, Class 4 – Temporary Use, and that no further environmental review is required.

On January 17, 2019, the San Francisco Recreation and Park Commission approved the second amendment to the Outside Lands use permit.

On February 13, 2019, the Budget and Finance Committee of the Board of Supervisors approved the second amendment to the Outside Lands use permit.

On February 14, 2019, an appeal of the categorical exemption determination was filed by Richard Drury on behalf of Andrew Solow and Stephen Somerstein.

CEQA GUIDELINES

Categorical Exemptions

Section 21084 of the California Public Resources Code requires that the CEQA Guidelines identify a list of classes of projects that have been determined not to have a significant effect on the environment and are exempt from further environmental review.

In response to that mandate, the State Secretary of Resources found that certain classes of projects, which are listed in CEQA Guidelines sections 15301 through 15333, do not have a significant impact on the environment, and therefore are categorically exempt from the requirement for the preparation of further environmental review.

CEQA Guidelines section 15304(e), or Class 4, consists of minor temporary uses of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees; etc.

In determining the significance of environmental effects caused by a project, CEQA State Guidelines section 15064(f) states that the decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. CEQA State Guidelines section 15064(f)(5) offers the following guidance: "Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts."

PLANNING DEPARTMENT RESPONSES

The concerns raised in the appeal letters dated February 14, 2019 and March 12, 2019 are addressed in the responses below.

Response 1: The project meets the requirements of a Class 4 categorical exemption. In addition, the project also meets the criteria of a Class 23 categorical exemption. None of the exceptions to a categorical exemption apply. Therefore, neither an initial study nor an environmental impact report (EIR) is required.

The determination of whether a project is eligible for a categorical exemption is based on a two-step analysis: 1) Determining whether the project meets the requirements of a categorical exemption; and 2)

Determining whether any of the exceptions listed under CEQA Guidelines section 15300.2, such as location, cumulative impacts, unusual circumstances, or impacts to historic resources, apply to the project. The department properly determined that the project is exempt under a Class 4 categorical exemption and none of the exceptions apply to the project for the reasons discussed below. Also, as discussed below, the Outside Lands use permit meets the criteria for a Class 23 exemption.

Eligibility for Class 4 Exemption. The appellant states that the project does not meet the criteria of a Class 4 (e) categorical exemption and that the following exceptions to a categorical exemption apply to the project: the location exception, significant effects due to unusual circumstances, cumulative impacts, and impacts to historic resources. For the reasons discussed below, the project meets the criteria of the Class 4 categorical exemption and none of the exceptions cited by the appellant apply to the proposed project.

The Class 4 (e) exemption covers minor temporary uses of land having negligible or no permanent effects on the environment. The project meets the requirements for a Class 4 (e) exemption because the use permit allows an annual three-day event that results in no permanent effects on the environment. The project involves the placement of temporary structures that are set-up and removed over a three-week period, and the event is held annually over a three-day period. Following the end of the concert, the use permit requires the removal of these facilities and restoration of the park to its pre-event condition. Therefore, the project is a minor and temporary use of land within the western end of Golden Gate Park and fits clearly within the Class 4 categorical exemption.

Eligibility for Class 23 Exemption. In addition to the Outside Lands use permit meeting the criteria for a Class 4 exemption, the project also meets the criteria for a Class 23 exemption. The Class 23 exemption covers the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. For the purposes of that class of exemption, “past history” shall mean that the same or similar kind of activity has been occurring for at least three years and that there is reasonable expectation that the future occurrence of the activity would not represent a change in the operation of that facility. Facilities included within this exemption include, but are not limited to, racetracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools, and amusement parks. Attachment B of this appeal packet documents the past history of events that have occurred in the western end of Golden Gate Park, which reflects that occasional and temporary events have occurred at the western end of Golden Gate Park since 1968. These past park events include, but are not limited to, reoccurring concerts including Hardly Strictly Bluegrass, Alice Summerthing Concert, and numerous other concerts, including Outside Lands.

The project site is located within a soccer field (Polo Fields), which has been used intermittently for concert events and open grass fields (Hellman Hollow, Marx Meadow, and Lindley Meadow), which are also used intermittently for concert and other special events for at least the past 50 years. Additionally, the Class 23 exemption requires that past similar events have occurred for at least three years. The use permit is consistent with this exemption because this project is the second amendment to the same concert that has been occurring annually since 2009. Therefore, the continuing use of the project site for this activity would not represent a change in the use of the western end of Golden Gate Park, and this use

permit is considered part of the continued normal operations of these facilities for public gatherings with amplified sound. For these reasons, the project meets the criteria of a Class 23 exemption.

Location Exception. CEQA Guidelines section 15000.2 identifies exceptions that would disqualify a project from receiving a categorical exemption. CEQA Guidelines section 15300.2(a) states that certain classes of categorical exemption (i.e., Classes 3, 4, 5, 6, and 11) are qualified by consideration of where the project is to be located; that is, a project that is ordinarily insignificant in its impact on the environment may, in a particularly sensitive environment, be significant. The appellant states the location within the western end of Golden Gate Park, which includes portions of the coastal zone (an area within the jurisdiction of the California Coastal Commission), means that the location exception applies to the Outside Lands use permit categorical exemption. The use permit does not allow concert facilities or public access within the coastal zone. The only facilities located within the coastal zone include a small portion of a temporary fence along Chain of Lakes Drive and John F Kennedy Drive to control access into the concert, waste-sorting facilities (consisting of shipping containers and trailers) within paved areas of the Little Speedway parking lot, and a mounted security and artist check-in at the Bercut Equestrian Field (consisting of containers and trailers). See Attachment C for a map of the coastal zone boundaries and the facilities located within the coastal zone. These temporary facilities are all located on paved or highly disturbed areas and are similar to other temporary facilities placed in these areas of Golden Gate Park throughout the year. Therefore, these temporary facilities would not result in an impact to any environmental resource located within the coastal zone and this location exception does not apply to the project.

The appellant's assertions that the use permit could result in noise, traffic, garbage, and other impacts that would adversely affect the coastal zone are unsubstantiated. The use permit issued for this project addresses these potential impacts including managing traffic within the park, ensuring people and vehicles stay on dedicated paths, and placing additional garbage receptacles throughout the park. The western end of Golden Gate Park is a heavily used urban park and holds numerous events throughout the year. The appellant does not provide any substantial evidence presenting a fair argument that the project would have an effect on any environmental resources within the coastal zone or elsewhere within Golden Gate Park.

Unusual Circumstances Exception. CEQA Guidelines section 15300.2(c) states that a "categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." CEQA establishes a two-part test to determine whether there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances:

- 1) The lead agency first determines whether unusual circumstances are present. If a lead agency determines that a project does not present unusual circumstances, that determination will be upheld if it is supported by substantial evidence. CEQA Guidelines define substantial evidence as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."
- 2) If the lead agency determines that a project does present unusual circumstances, then the lead

agency must determine whether a fair argument has been made supported by substantial evidence in the record that the project may result in significant effects due to the unusual circumstances.

CEQA Guidelines section 15384 states that whether “a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.”

The department finds there are no unusual circumstances surrounding this proposed project. The categorical exemption is consistent with determinations for other projects in San Francisco with similar characteristics and does not involve any unusual circumstances that could result in a reasonable possibility of a significant effect. Events with amplified sound are a common occurrence at the western end of Golden Gate Park and such events have been held since at least 1968. Even though amplified sound from the annual three-day Outside Lands concert could be considered an annoyance to surrounding residents, the resulting noise would not represent a significant impact to the physical environment. As discussed under the project description, the concert would occur during the daytime and limited evening hours (ending by 10 pm) and therefore typically would not disturb sleep. The project would not result in a permanent increase in the ambient noise level, nor would it represent a substantial temporary increase in ambient noise levels unless such events are more frequent in duration (for example most weekends throughout the year). Additionally, the appeal letter suggests that the number of residential units near the proposed project is an unusual circumstance; however, amplified sound near densely developed residential areas is not an unusual circumstance in a highly urbanized environment such as San Francisco. For example, this specific event and similar events have occurred in the western end of Golden Gate Park since 1968 and during this time residential uses have surrounded the park. Accordingly, the department determined there are no unusual circumstances surrounding the project and this exception does not apply to the project. For informational purposes, Response 3, below provides analysis as to why the project would not result in a significant noise impact.

Cumulative Impact Exception. CEQA Guidelines section 15300.0(b) provides an exception to categorical exemptions when the cumulative impact of successive projects of the same type in the same place, over time is significant. The appellant states that “this project has possible environmental effects which are individually limited but cumulatively considerable.” However, the appellant provides no substantial evidence of a cumulative impact, nor does the appellant cite any cumulative projects. Rather, the appellant provides generalized sound charts displaying the average decibel levels of various noise sources at 100 feet from the source. This chart shows rock band noise at 100 feet is between 100 and 110 dBA. The second chart provides National Institute for Occupational Safety and Health (NIOSH) and Center for Disease Control (CDC) occupational noise exposure guidelines (i.e., exposure of employees during work). Neither of these tables provides evidence that the project, in combination with other projects, would result in a cumulative noise impact. The department finds that there is no possibility of any significant cumulative environmental effects as a result of the project in combination with cumulative projects; therefore, this exception to the categorical exemption does not apply. For informational purposes, Response 3, below provides analysis as to why the project would not result in a significant noise impact.

Historical Resource Impact Exception. CEQA Guidelines section 15300.2(f) states that a categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. The appellant claims that this exception to the categorical exemption applies because the project is located within the Golden Gate Historic District, which is listed on the National Register of Historic Places.¹ Again, the appellant provides no substantial evidence that the project would result in a significant impact to this historic district. The appellant is correct that the use permit project area is located within the Golden Gate Historic District. However, the proposed project would not result in an impact to this historic district because the recurring Outside Lands event is temporary and would not impact any of the contributing resources or character-defining features within this historic district. The event is also fully reversible; at the conclusion of the event, after all temporary structures, objects, and associated appurtenances would be removed and the project areas would be returned to their pre-project condition.² Additionally, the appellant states that the traffic and noise resulting from the concert would impact these historic resources; however, the appellant has not provided any substantial evidence supporting the assertion that traffic and noise from a temporary event would have a significant impact on the historic district. Therefore, because the project would not result in a significant impact to a historic resource, the exception to a categorical exemption relating to historic resources does not apply.

In sum, the proposed project meets the criteria of both Class 4 and 23 categorical exemption and none of the exceptions to the categorical exemption apply. Therefore, neither an initial study nor an EIR is required.

Response 2: The project is not subject to numerical noise limits in either Police Code Article 15.1 or Article 29. Through the regulatory authority provided in Article 7 of the San Francisco Park Code, the San Francisco Recreation and Park Department issued a use permit for the proposed project with conditions to limit noise and address noise complaints. These conditions are not mitigation measures; they are conditions of the permit itself.

The appellant states that the proposed project would result in a significant noise impact and includes an acoustical analysis conducted by Wilson Ihrig to support this conclusion. The basis of that conclusion is that the project would exceed noise limits in Articles 29 and 15.1 of the Police Code. However, as explained below, because the events would be on RPD property and the RPD issued a use permit for the event that includes measures to address noise, neither of these sections of the Police Code apply to the proposed project. Further, neither of these regulations set CEQA thresholds.

Police Code. Regarding Police Code section 2909, the 5 dbA³ limit the appellant refers to is the amount of sound a person may generate *from* residential property, as opposed to a limit on noise generated by other

¹ The categorical exemption incorrectly stated the project site was located in a category B (potential historic resources); however, the project area is located within a category A (known historic resource).

² Email from Jørgen G. Cleemann, Senior Preservation Planner, San Francisco Planning Department, March 15, 2019

³ The term A-Weighted Decibel (dBA) means an overall frequency-weighted sound level in decibels that approximates the frequency response of the human ear. The dBA scale is the most widely used for environmental noise assessment.

property types (San Francisco Police Code section 2909(a)). The 55 dBA interior noise limit also referenced by the appellant is for sound from *fixed sources* such as pumps, air-conditioning, and refrigeration machines (San Francisco Police Code section 2901(e), 2909(d)). These noise sources are distinguished from event noise sources because fixed noise sources typically operate continuously or for substantial periods of time most days, whereas events, such as the proposed project, are limited in duration. Section 2909(c) limits noise generated on public property to 10 decibels above the local ambient. However, section 2909 also has exceptions to this limit, most notably section 2909(e), which exempts all activities for which the City has issued a permit that contains different noise limit provisions. Section 2909(e) does not require a permitting department to adopt a precise numerical noise limit. Rather, the permitting department has discretion to adopt its own noise limit provisions. Because the proposed use permit to be issued by RPD already contains provisions to limit noise and address noise complaints, the limits in section 2909(c) do not apply, and are not useful in determining whether the sound from this proposed event would result in a significant impact.

Regarding Police Code article 15.1, section 1060.16(b)(3),⁴ this regulation does not apply to the proposed event either. This is because it only applies to permits “issued pursuant to this Article” (i.e., Article 15) of the Police Code, whereas RPD permits are issued under Article 7 of the Park Code. Administrative Code section 90.4(k) underscores this, as it states that the Entertainment Commission may not exercise its powers and duties with respect to events on park property unless it has the approval of the Recreation and Park Commission. We understand that the Recreation and Park Commission has not consented to the enforcement of section 1060.16(b)(3) on park property. Therefore section 1060.16(b)(3) does not apply to the proposed event and is similarly not useful in determining whether the sound from this proposed event would result in a significant impact for purposes of the CEQA analysis.

Permit Conditions. As stated above, Article 7 of the Park Code allows RPD to issue permits that contain different noise limit provisions than the Police Code. The use permit issued by RPD to Outside Lands includes several noise limit provisions. These include requiring that the number of assigned sound monitors shall be no less than three and, following each annual concert, that RPD shall review the number of complaints and their responsiveness and may request that the number of dedicated sound monitors be increased for future concerts. Additionally, the use permit contains provisions governing how noise complaints are addressed for the project.⁵ In 2012, the original 2009 permit was amended to require the permittee to coordinate with the San Francisco park rangers to deploy monitors in the neighborhood to measure sound pressure levels and record the data. The data is transmitted to the production staff at the festival, who use it to adjust sound pressure levels as required. Once a complaint is received, the permittee, together with park rangers, responds to noise complaints by going to the locations where the complaint was made and measuring sound levels. Sound monitors both take sound measurements and assess the impact of the bass sound (which cannot be separately measured). Sound measurement readings are relayed back to the sound board so that sound levels can be adjusted. Because of the nature of the climate and weather on a particular day in San Francisco, sound bounces in different ways and continuous adjustments are necessary. In 2013, the permittee began to use additional delay towers to reduce sound levels needed to reach audiences at the larger attendance stages. Instead of one

⁴ Section 1060.16(b)(3) states that the volume of outdoor sound shall be controlled so that it will not be audible for a distance in excess of 250 feet from the property line or from the periphery of the attendant audience.

⁵ Email correspondence with Dana Ketcham, Recreation and Park Department to Chelsea Fordham, San Francisco Planning Department. March 10, 2019.

set of speakers that need to be loud enough to reach the entire meadow, multiple speakers at much lower levels relay the sound back through the audience. For instance, in 2018, four delay towers were used. The following table shows sound complaints received each year from Outside Lands.⁶

Table 1. Outside Lands Noise Complaint History (2011-2018)

Noise Complaints (Direction)	Year							
	2011	2012	2013	2014	2015	2016	2017	2018
East	15	7	5	14	0	5	13	26
North	168	95	74	28	28	08	35	75
South	134	50	42	39	18	11	32	115
Unknown	67	28	16	3	0	3	0	0
Total Complaints	384	180	137	84	46	47	80	216

As shown in Table 1, following the 2012 permit revisions, the number of noise complaints decreased each year except in 2017 and 2018. Table 2 shows sound complaints received in 2018 for each day of the event.

Table 2. Outside Lands Sound Complaints Received in 2018

	Friday	Saturday	Sunday
Noise Complaints	118	63	31

As shown in Table 2, noise complaints decreased throughout the duration of the event as those complaints were responded to.

The 2019 permit amendment contains additional requirements with respect to sound. The amendment requires at least three sound monitors throughout the concert and for an annual adjustment based on an annual review of complaints and responsiveness, and that the number of monitors may be increased. Therefore, as described above, the use permit requires evaluation of the effectiveness of the noise reduction measures each year and has requirements to adjust these provisions based upon the number of noise complaints received and the noise levels measured by the sound monitors.

Public Review. The appellant agrees that the RPD permit includes measures to control noise but contends that these are CEQA mitigation measures that must be subject to public review. The appellant is conflating CEQA mitigation measures with the underlying conditions of the project itself. A mitigation measure is a measure designed to minimize a project's significant environmental impacts. The planning department appropriately evaluated the impacts of the proposed project taking into account rules, regulations, laws and other conditions that would govern project implementation. In issuing the permit with noise conditions to address the concerns raised by the public that the sound not be excessive, the

⁶ Multiple complaints from the same person within a short time frame were not counted more than one time.

RPD made permit conditions part of the project. The permit conditions are aspects of the proposed project itself, and thus it is appropriate for the impact analysis to assume compliance with these conditions as the project scenario. In accordance with CEQA Guidelines section 15126.4(3), mitigation measures are not required for effects which are not found to be significant. The appellant has not provided any evidence that the project would result in a significant noise impact or a significant impact to any other resource topic evaluated under CEQA. For the reasons discussed above in this response, the project is not subject to the noise regulations cited by the appellant and therefore those regulations are not useful in determining whether a significant noise impact would occur. Furthermore, for the reasons discussed in Response 1, the project meets the criteria of a categorical exemption and none of the exceptions to the categorical exemption apply. Therefore, noise mitigation measures are not required for the project.

Additionally, if the appellant's concern is that the provisions in the permit should be subject to public review, it is noted that the RPD conducted two community meetings regarding the project (September 6 and October 24, 2018) and held three formal hearings (December 6, 2018, January 17, 2019, and February 13, 2019).⁷

Response 3: The project would not cause a significant noise impact.

As stated under Response 1, the project meets the criteria of a categorical exemption and none of the exceptions to the categorical exemption apply. However, for informational purposes this response describes why the project would not result in a significant noise impact.

The appellant contends that the project will subject nearby residents to unhealthy noise levels that would have an adverse effect on human beings directly and indirectly.

Human sensitivity to noise is generally a function of three measurable physical qualities: loudness, pitch, and duration. Additionally, a noise impact under CEQA is based upon the combination of the frequency of the noise, duration of the noise, and the increase in ambient noise levels.

The effects of noise are often only transitory, but adverse effects can be cumulative with prolonged or repeated exposure. The health effects of noise can be organized into six broad categories including: short- and long-term hearing loss; sleep interference; speech/audio interference; interference with communication; various physiological effects such as pain, heart rate and blood pressure increases and increased production of stress hormones; and annoyance.⁸ Short-term hearing loss can occur with exposures to high levels (115 dB or more) of noise for periods of 15 minutes or less. Long-term or permanent hearing loss may result from the cumulative effects of exposure to temporary high noise levels. The appellant has attached the National Institute for Occupational Safety and Health (NIOSH) and Center for Disease Control (CDC) noise exposure guidelines to the appeal. However, these guidelines apply to occupational noise exposures (i.e. exposure of employees during work) and are not applicable to

⁷ Two community meetings were held, one in the Richmond District on September 6, 2018 and one in the Sunset District on October 24, 2018. In addition, on December 6, 2018, a hearing on the project was held before the Operations Committee of the Recreation and Parks Commission. On January 17, 2019 the project was heard at the Recreation and Parks Commission and on February 13, 2019 a hearing was held at the Budget and Finance Committee of the Recreation and Parks Commission.

⁸ John R. Goldsmith, M.D. and Erland Jonsson, Ph.D., Health Effects of Community Noise. American Journal of Public Health, September 1973, Vol. 63, No. 9. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1775252/pdf/amjph00822-0020.pdf>. Accessed: November 10, 2017.

short-term three day annual events. The NIOSH guidelines indicate that when noise levels are continuously at 85 dBA or above, a person's exposure time should be limited to 8 hours or less in an occupational position. The guidelines also indicate that exposure to 106 dB should be limited to less than four minutes.

As presented by the appellant, the maximum noise level reading taken by the sound monitors in the surround areas from the 2018 Outside Lands Festival range from 52 to 86 dBA during the three-day event. While the highest reading of 86dBA is above the 85 dBA recommendation of the NIOSH guidelines, again these guidelines are for occupational exposures (ie. exposures at places of employment) and not applicable to temporary three-day events. These noise levels, while a potential annoyance to nearby residents throughout the three-day annual event, are not within the range that would cause hearing loss (see February 14, 2019 appeal letter page 5). Additionally, sleep disturbance would not occur for most residents in the vicinity of the project because the use permit limits the time amplified sound is permitted to start at 12 noon, and music to end at 10 pm (9:40 pm on Sunday). Nighttime hours are generally defined as 10 pm to 7 am. Finally, noise can cause annoyance and can trigger emotional reactions such as anger, depression, and anxiety for noise sources that are frequent in duration or constant. For short-term conditions, such reactions are considered welfare rather than health effects. Were such conditions to persist, the long-term effects of annoyance may be considered a health impact.⁹ The proposed project is for an annual three day event that would not occur in the nighttime hours, is for a very limited duration of time throughout the year, and therefore would not result in a permanent increase in the ambient noise levels. The appellant provides examples of noise studies and noise reduction recommendations prepared for locations with events with more frequent durations, including Sharon Meadows for which a noise study was prepared. These examples are not applicable because the examples are for events with greater frequencies of occurrence (multiple per week, or every weekend) than the annual three-day Outside Lands Festival. The appellant also states that these noise study examples are for projects that have imposed noise reduction measures and that Outside Lands should undertake a similar study. This comparison is not applicable because the use permit issued for Outside Lands imposed noise reduction measures as part of its permit conditions (see Response 2), and these examples are for substantially different types of projects.

Noise that does not result in physiological or health effects may be an annoyance to nearby sensitive receptors, but it is also not unusual in the urban context of San Francisco and is not considered a significant impact under CEQA.

Response 4: The planning department complied with the notification requirements for the appeal hearing.

The appellant incorrectly asserts that the planning department shall notify all persons that filed a noise complaint during the 2018 Outside Lands concert as interested parties of the appeal hearing to be heard at the Board of Supervisors. The appellant argues that the planning department must provide notice to all persons that filed a noise complaint during the 2018 Outside Lands concert as interested parties of the appeal hearing to be heard at the Board of Supervisors. San Francisco Administrative Code Chapter 31, section 31.16(4) establishes noticing requirements for CEQA appeal hearings at the Board of Supervisors. This code section states that the Clerk of the Board shall provide notice of the appeal by mail to the

⁹ John R. Goldsmith, M.D. and Erland Jonsson, Ph.D., Health Effects of Community Noise. American Journal of Public Health, Ibid.

appellant or appellants and to all organizations and individuals who previously have requested such notice in writing. The persons who filed a noise complaint have not requested notices of future hearings in writing to either the planning department, or the Clerk of the Board, and therefore notification of this hearing to those individuals is not required. In any event, while the project sponsor has telephone numbers for some (but not all) individuals who made noise complaints, it does not have mailing addresses for any of these individuals. Thus, notification to these individuals is neither required nor feasible. The Clerk of the Board and planning department have complied with the notification requirements for the appeal hearing.

CONCLUSION

No substantial evidence supporting a fair argument that a significant environmental effect may occur as a result of the project has been presented that would warrant preparation of further environmental review. The department has found that the proposed project is consistent with the cited exemption. The appellant has not provided any substantial evidence to refute the conclusions of the department. The appellant has provided expert testimony on noise; however, this testimony is based on an incorrect interpretation of the San Francisco Police Code.

For the reasons stated above and in the January 17, 2019 CEQA categorical exemption determination, the CEQA determination complies with the requirements of CEQA and the project is appropriately exempt from environmental review pursuant to the cited exemption. The department therefore respectfully recommends that the board uphold the CEQA categorical exemption determination and deny the appeal of the CEQA determination.

A – Second Amendment to the
Outside Lands Use Permit



London N. Breed, Mayor
Philip A. Ginsburg, General Manager

Date: December 6, 2018

To: Recreation and Park Commission
Operations Committee

Through: Phil Ginsburg, General Manager

From: Dana Ketcham, Director Property Management, Permits and Reservations

Subject: Golden Gate Park- Extension of Outside Lands Music Festival Permit

Agenda Item Wording

Discussion and possible action to recommend that the Board of Supervisors approve the Second Amendment to the City's Use Permit with Another Planet Entertainment for the annual three-day music festival in Golden Gate Park (aka "Outside Lands"), to extend the term for an additional 10 years and to update certain provisions related to rents and cost reimbursements based on cost of living and other increases, with terms substantially the same as the draft dated December 1, 2018. (ACTION ITEM)

Strategic Plan

Objective 1.2: Strengthen the quality of existing Parks & Facilities

Objective: 2.3: Work with partners and neighborhood groups to activate parks through organized events, activities, and unstructured play

Objective 3.1: Increase public investment to better align with infrastructure needs and service expectations.

Background

In 2009, the Recreation and Park Department (the "Department") entered a Use Permit dated April 1, 2009 (the "2009 Permit") with Another Planet Entertainment (the "Permittee") for the production of an annual three-day Outside Lands Music Festival in Golden Gate Park. In 2012, the Department entered the First Amendment to the 2009 Permit dated December 5, 2012 (the "First Amendment") extending the term of the permit to 2021 and making other changes. The 2009 Permit, as amended by the First Permit, is referred to herein as the "Existing Permit."

Benefits to the Department. Since the first Outside Lands Festival in 2008, the Permittee has contributed the following rent payments to the Department:

Year	Rent	Gardener/Polo Regeneration	Total
2008	\$815,000		\$815,000
2009	\$1,028,000		\$1,028,000
2010	\$1,058,777		\$1,058,777
2011	\$1,450,747		\$1,450,747
2012	\$1,720,549		\$1,720,549
2013	\$2,121,547	\$ 104,250.00	\$2,225,797
2014	\$2,313,474	\$ 104,250.00	\$2,417,724
2015	\$2,901,453	\$ 104,250.00	\$3,005,703
2016	\$3,073,175	\$ 104,250.00	\$3,177,425
2017	\$3,297,773	\$ 104,250.00	\$3,402,023
2018	\$3,266,773	\$ 104,250.00	\$3,371,023
Total	\$23,047,268	\$625,500	\$23,672,768

In addition to the rent payments, since 2013, the Permittee has conducted an annual fundraising off-site concert during the Festival which has resulted in a total contribution of over \$115,000 to a combination of the Department's scholarship fund and the Parks Alliance. In addition, the Permittee has funded a gardener to assist with maintenance of the Golden Gate Meadows and Polo Fields and contributed \$15,000 per year for maintenance and supplies for the Polo Fields. Finally, the Permittee reimburses the costs of overtime incurred by staff during the load-in, load-out and event and any repairs required from the event.

Benefits to the City. In addition to the benefits to the Department, Outside Lands has become a part of the cultural fabric of San Francisco, highlighting the City's music, arts and culinary offerings. The event has drawn over 2 million visitors to Golden Gate Park and contributes an estimated \$66 million annually to the City's economy. In October 2018, the Outside Lands Festival was one of three festivals nominated by the Billboard Live Music Awards as the top music festival.

In 2011, Another Planet Entertainment engaged Professor Patrick Tierney, Chair of the San Francisco State University Department of Recreation and Leisure Studies to conduct an Economic Impact Report on the Festival. Professor Tierney found that the event, which employs over 4,000 people, contributes more than \$64 million to San Francisco's economy with significant spending in the City's hotel and restaurant industries. In 2017, Another Planet Entertainment commissioned an updated study by Marin Economic Consulting Group. The study concluded that in 2017, the festival contributed economic output of \$66.8 million to San Francisco and \$75 million to the greater Bay Area through a combination of increased jobs (over 700), hotel stays (41,448 hotel nights), and related food and beverage sales and taxes.

In addition to the economic activity throughout the City, Another Planet employs thousands of local citizens, including musicians, artists, and event staff and contracts with more than 50 San Francisco restaurants to operate the food concessions at the Festival. Preference is provided to local merchants to be vendors during the event. During 2018, nearly 7,500 people were employed to work directly as

part of the festival. Each year a summer job fair is held by the Permittee in the neighborhoods surrounding Golden Gate Park to hire residents to serve open positions during the event and during 2018, 93 people were hired through the job fair. Finally, \$10,000 per year is available to fund neighborhood initiatives.

In addition to the above, Outside Lands Works (OLW) is a charitable fund that invests in the cultural vitality of the Bay Area through grants to regional music and arts education programs. Outside Lands Works supports opportunities for locals, young and old, to explore and share their unique talents, ideas, and creative contributions with the world. During 2018, OL supported seven regional nonprofits:

- Bay Area Girls That Rock Camp
- Creativity Explored
- Jared Kurtin Music Therapy Program at UCSF Benioff Children's Hospital Oakland
- Richmond District Neighborhood Center
- San Francisco Community Music Center
- Women's Audio Mission
- Youth Arts Exchange

Limits on Environmental Impact. The Festival has also worked hard to limit its impact on the environment and is considered one of the best of any major event in the world. In 2018, they increased the waste diversion by an additional 1% to 92% waste diversion, that means that 92% of refuse is diverted from landfill.

Existing Permit Terms

Below is a summary of the current basic terms of the Existing Permit.

Term	Permittee would be permitted to host the Festival annually in Golden Gate Park through 2021.
Permitted Use	Production of a three-day Music Festival in Golden Gate Park with a daily attendance capacity of 75,000 people.
Minimum Rent	Minimum permit fee increases by \$50,000 each year but beginning in 2018, Minimum Rent would be capped at \$1,400,000.
Percentage Rent	11% of Gross Ticket Revenue (Ticket revenue less taxes, processing costs and Additional Rent)
Additional Rent	\$1.25 per ticket sold.
Amplified Sound Terms	Sound must end by 10 pm on Fri and Sat and 9:40 pm on Sunday. Permittee will be required to utilize additional delay towers to reduce sound levels when attendance exceeds certain levels and shall deploy sound monitors to measure sound pressure levels throughout the surrounding neighborhoods.
Endowed Gardener	Permittee shall contribute \$89,250 per year to endow a gardener to assist with maintaining the Polo Fields, Hellman Hollow, Lindley Meadow and other Festival areas throughout the year.
Polo Field Regeneration Fee	Permittee shall contribute \$15,000 annually to provide for materials and supplies to maintain the Polo Fields at an appropriate standard.
Annual Fundraiser for RPD	Permittee will be required to host an annual fundraiser to benefit the Department.
Community Benefit Funds	Permittee shall provide \$10,000 per year to fund improvements or benefit programs benefiting neighborhoods surrounding Golden Gate Park
Annual Job Fair	Permittee shall hold an annual job fair in the neighborhoods surrounding Golden Gate Park to attempt to hire qualified residents to serve option positions during the event.

Proposed Second Permit Amendment

With the contract set to expire after the 2021 Festival, the Permittee has approached the Department about the desire to extend the Existing Permit at this time. In order to negotiate talent and equipment, the Permittee needs to be able to contract out a minimum of three years.

The Department has negotiated a Second Permit Amendment that would allow the Permittee to continue to hold the event in Golden Gate Park through 2031 (Attachment C). The Department negotiated this extension in light of the significant efforts that Another Planet has taken to continue to address community concerns, the extensive knowledge it has garnered in safely and responsibly hosting large concerts in such a sensitive environment, the significant public awareness and following of Outside Lands and the financial success that the event now experiences.

As described below, the amendment retains the basic terms of the existing contract but updates it for cost of living increases that were not covered by the First Amendment. In addition, the Existing Permit, limited the Minimum Rent to \$1.4 million. However, given the significant contribution of the prior few years, the Department believes that the Minimum Rent should be increased to provide great budgetary certainty for the Department. In addition, certain changes were made in response to neighborhood community feedback.

Below are the proposed amended terms:

Term	Permittee would be permitted to host the Festival annually in Golden Gate Park through 2031.
Minimum Rent	Minimum permit fee increases to \$2.5 million starting in 2019 and then increase by \$75,000 each year.
Additional Rent	Would remain at \$1.25 per ticket sold through 2019, then increase to \$1.50 in 2020, \$1.75 in 2024 and \$2.00 in 2028.
Endowed Gardener	Contribution would increase from \$89,250 to the current annual cost of a gardener in 2019 (\$107,201) and then increase by cost of living each year.
Polo Field Regeneration Fee	Ground regeneration fee of \$15,000 would be adjusted each year starting in 2019 for cost of living changes
Local Hire	The local hire provisions will be amended to specifically require that at least one job fair will be held in the Richmond District
Community Outreach	The Community Outreach Plan will be amended to require in addition to a meeting prior to the event that a meeting will be held in the Richmond District between 30 and 90 days after the event. In addition, the Community Hotline hours will be extended to require a staff hotline during sound check prior to the event.
Transportation Plan	The Transportation Plan will be amended to specifically require that traffic enforcement be including in the plan due to concerns from neighbors about drivers in the area not obeying traffic laws.
Amplified Sound	The amplified sound requirements shall require that the number of assigned sound monitors shall be no less than

	three (3) and will be adjusted annually. Following each annual concert, the Department shall review the number of complaints and the responsiveness and may request that the number of dedicated sound monitors be increased.
Community Benefit Funds	Community benefit funds would increase to provide \$25,000 per year to projects in each of District 1 and District 4, the Districts adjacent to the festival footprint. The amounts will increase to \$30,000 per year in 2026.

Addressing Community Concerns Through Festival Operations

In coordination with the community and District Supervisor since 2009, the Permittee and the Department have instituted protocols to minimize the impact of the event on the surrounding community. These protocols were the subject of a hearing before the Board of Supervisors in 2009 and 2011 and the Recreation and Park Commission in 2009. Since 2012, the Permittee and the Department have held annual meetings with the community to address concerns and adjust the protocols. In addition, the Permittee maintains a Community Hotline during the event to be able to quickly respond to event changing issues.

The protocols focus on both planning and responding. Below is a list of the steps taken in response to community concerns. Many of these measures were proposed by members of the surrounding community and have proven so successful, that the Department now requires promoters of other large events to incorporate them into their operating plans. These protocols include:

- Pre-event meetings with the members of the surrounding community.
- Establishing a community hotline to address community complaints during the Festival on a real time and immediate basis.
- Mailing to all residents within 4 blocks of the park (over 28,000 homes) with event information including road closures, details regarding limited park access, event dates and amplified sound hours as well as other pertinent event information.
- Placing advertisements with event information in the Richmond Review, Sunset Beacon, the Sing Tao Daily and putting the same information on the Outside Lands website in multiple languages.
- Optimizing muni service to safely and efficiently move as many event goers via public transportation as possible.
- Placing parking control officers and tow trucks around the park to quickly respond to blocked drive ways and other parking violations.
- Having crews available to clean-up debris in the surrounding neighborhoods and placing portable toilets in the neighborhoods to accommodate those leaving the festival.
- Sound monitors to respond to sound complaints and measure sound levels and impact of bass. Such information is used to adjust the sound equipment in real time to minimize the impact on the surrounding community (see below for more details).

- Beginning in 2016 and increasing each year, adjusted the transportation plan to address the problems created by increased use by festival goers of Transportation Network Companies, Uber and Lyft (“TNCs”) (see below for more details).
- The load-in and load-out have impacted bike paths through the park. In response to concerns, signage has been erected and dedicated replacement bike lanes have been created.

In addition to all of the above, the Department, Permittee, Police Department, Fire Department, Municipal Transportation Agency, Department of Emergency Management and the Mayor’s Office of Special Events (“OSL Interagency Task Force”) undertake a months-long planning process each year to review the site, operational, security and transportation plans as well as to identify issues from the previous year and modify event details accordingly.

During recent community meetings, the three primary issues of concern raised by the surrounding communities have been amplified sound, traffic congestion due to TNCs and closure of portions of Golden Gate Park during the load-in and load outs. Below is a summary of action that has been taken and will continue to be addressed under the new contract.

Amplified Sound. In 2012, the Permittee together with Park Rangers began responding to sound complaints by going to those locations and measuring sound levels. They take both sound measurements and assess the impact of the bass sound (which cannot be separately measured). Readings are relayed back immediately so that sound levels can be adjusted. Because of the nature of the climate and weather on a particular day in San Francisco, sound bounces in different ways and continuous adjustments need to be made.

In addition to monitoring complaints, in 2013, Permittee began to utilize additional delay towers to reduce sound levels needed to reach audiences at the larger attendance stages. Instead of one set of speakers that need to be loud enough to reach the entire meadow, multiple speakers at much lower levels relay the sound back through the audience. For instance, in 2018, four delay towers were used.

The following table shows sound complaints received each year.

Noise Complaints	2011	2012	2013	2014	2015	2016	2017	2018
North	168	95	74	28	28	28	35	74
South	134	50	42	39	18	11	32	111
East	15	7	5	14	0	5	13	19
Unknown	67	28	16	3		3		8
Total	384	180	137	84	46	47	80	212

As a result of the use of these techniques, sound complaints have come down each year except there was significant spike in 2018, especially from the Sunset district, The Permittee responded to the 2018 sound complaints received and complaints went from 118 on Friday to 63 on Saturday to 31 on Sunday. The Permittee is continuing to adjust its delay towers to address these new concerns.

The method used to monitor and respond to sound complaints by adjusting speakers is becoming the standard adopted by other large scale outdoor amplified sound events. The Entertainment

Commission is looking to use similar techniques for events that they permit, for instance at ATT Park which has numerous events during the year, as compared to Outside Lands which is 3 per days per year.

Traffic Issues- TNCs (e.g., Uber and Lyft). Each year a detail Traffic Management Plan is developed to address the traffic around the event and address changes in attendees' patterns (starting in 2015, the number of attendees using Transportation Network Companies (TNCs) such as Uber and Lyft has grown significantly).

The following table shows annual traffic complaints.

Traffic	2011	2012	2013	2014	2015	2016	2017	2018
North	21	13	10	4	9	3	12	7
South	8	12	2		2		6	6
East	1							
Unknown	35	20	18			2		3
Total	65	45	30	4	11	5	18	16

Complaints historically centered on blocked driveways and congestion at the major entrances. In response, parking control officers and tow trucks were staged around the park to quickly respond to blocked driveways and other parking violations. In addition, traffic police were deployed to monitoring traffic conditions. The Department also started a program to provide large signs to neighbors that they could post in their driveway warning not to block driveways.

In 2015, the OSL Interagency Task Force began to be concerned about the rising number of TNC vehicles around the event. More people had begun to take TNCs instead of driving and parking or using other methods of transportation. Attempts to engage with the TNCs to address the issues did not receive responses at that time. Traffic police was increased to work to address the primary concerns (loading and unloading in unsafe locations and TNC's double parking and circling the neighborhoods). Beginning in 2016, the OSL Interagency Task Force established a dedicated loading and unloading zone at Washington High School on Balboa Street. In 2018, the OSL Interagency Task Force was able to work directly with the TNCs to establish a number of procedures to monitor and reduce the impacts that are described below.

The following summarize the steps that have been taken to reduce traffic impacts:

- Muni provides increased dedicated service on the 5 Fulton and N Judah lines
 - Approximately 25,000 to 30,000 people took muni to and from the festival
- Permittee contracts with shuttle providers
 - Directly from Civic Center/Bart to and from the event
 - Starting in 2018, directly from outlying areas
 - Oakland
 - Sacramento
 - Mill Valley
 - Palo Alto

- San Jose
 - Moving shuttle pickups inside the park on MLK Drive
- Addressing TNC Issues
 - Increased traffic enforcement police
 - Creating dedicated drop off and pick up zones
 - In 2016 started at Washington High School on Balboa.
 - In 2018, for the first time worked directly with TNCs to establish
 - Dedicated zones that limit pickups to those areas located on both the north and south side of the park
 - Creating geo-fencing areas that prevent TNCs from picking up rides within congested areas.
 - Shuttles assist with TNCs as they enable attendees to move away from Golden Gate Park to other areas to find TNCs

The OSL Interagency Task Force is exploring additional ways to continue to improve next year. One of the biggest challenges is that in order to create dedicated pick up zones, those areas have to be no parking which creates an issue for neighbors who want to park their own cars. In addition, if the TNC's geofence an area, it means a neighbor that wants to use a TNC cannot call one from their home. For 2019, the expected improvements include:

- Offering single day shuttle passes from Civic Center to the event. Currently the only pass is a 3-day pass for \$48 (\$8 each way). The intent is to offer one day passes to better accommodate attendees who are only attending one day.
- Increased promotion of outlying area shuttles which were first offered in 2018
- Continued geofencing of areas for pick up only during the period of time when the event ends and the vast majority of pickups occur.
- Expanded geofenced areas and other potential measures to reduce congestion
- Posting no parking zones that only apply during the critical hours. One of the major neighborhood complaints is that a block is posted no-parking for the entire weekend but only used for pickups during the last two hours of the festival. Neighbors would like to be able to park there during the day. The challenge is that those areas must be clear at the critical time and towing during that time is difficult.
- Continue to work with TNCs directly to find other ways to mitigate impact

Park Closures: Several community members expressed concerns about the length of closures around the Park due to load-in and load-out. The Department has set the park closure times in order to provide adequate time to safely complete load-in and load-out ensuring both park protection and public safety. Currently the Park Closures are as follows:

- Hellman and Lindley Meadow: Starting Sunday 5 days prior to Festival start through either Wednesday or Thursday after.
- Polo Fields: Starting Monday 11 days prior to Festival start through the Friday after the festival.
- Marx Meadow: Temporary closure for 3 days the week prior to install flooring and tent, reopens for the weekend prior and then closes starting the Monday prior through the Wednesday after the event.

- In response to feedback from bikers, we have kept the bike lanes open on JFK (while closing them to cars) to provide dedicated bike route for bikers during load-in and load out.

By the weekend after the festival, the meadows are all reopened to the public. The Polo fields itself remains closed until the start of the youth soccer season for ground regeneration but the surrounding walking and bike trails are open.

The load-in and load-out times are set so that the following critical steps can be done:

- Ensuring the all vehicles enter on protected and dedicated paths and limit numbers that can enter at any time.
- Extensive dura-decking to reduce ground compaction and ruts
- Flagging tree roots before load in commences to ensure that trees are protected
- Ensuring that the public cannot enter an active loading zone creating public safety issues
- Providing an alternative safe bike route for bikers.

The Department works hard to balance the important need to keep the park open and available to park users while also ensuring that adequate park protections are in place.

Community Outreach

In addition, to the annual community meetings, in connection with the proposed amendment, two community meetings were held, one in the Richmond District at on September 6, 2018 and one in the Sunset District on October 24, 2018.

Supported By:

San Francisco Parks Alliance
 International Alliance of Theatrical Stage Employees (IATSE)
 Local 261, Laborers' International Union of North America
 Local 2785, Retail Delivery Drivers, Driver-Salesmen and Helpers, And Auto Truck Drivers (Teamsters)
 San Francisco Community Music Center
 SF Travel
 Two Roads Hotels, San Francisco
 Andy Olive, Community Member and Partner and Manager Hook Fish Co., Sunset District
 Christine Raher, resident Richmond District
 Chris and Colby Clark, residents Richmond District
 Dave Muller, Resident and owner, Outerlands Restaurant, Sunset District
 Lauren Crabbe, Resident and Proprietor, Andytown Coffee Roasters, Sunset District
 Sarah Bento- San Francisco Residents and Cresco Equipment Rentals

Opposed By:

At the Richmond District community meeting held in connection with the extension on September 6, 2018 the concerns expressed above were raised by community members present at the meeting. At the Sunset District Community meeting on October 24, 2018, there was no opposition expressed.

However, since the time of that meeting, one community member, Andrew Solow, expressed concern that he was not specifically notified of the meeting even though he had registered by phone multiple complaints about amplified sound. He has since submitted correspondence to the Commission that he has significant concerns about responsiveness to amplified sound concerns. The Department has spoken to Mr. Solow numerous times and have responded in writing to his concerns outlining the sound check levels that were taken at his home on Mt. Davidson.

Staff Recommendation:

Department staff recommends that the Commission recommends that the Board of Supervisors approves the proposed amendment.

Attachments

Exhibit A – Use Permit dated April 1, 2009

Exhibit B – First Amendment to Outside Lands Use Music and Arts Festival Use Permit dated December 5, 2012

Exhibit C – Second Amendment to Outside Lands Use Permit- Draft as of October 25, 2018

USE PERMIT

THIS USE PERMIT (this "Permit") dated for reference only as of April 1, 2009, is made by and between the City and County of San Francisco, a municipal corporation ("City"), acting by and through its Recreation and Park Department ("Department") and Another Planet Entertainment LLC ("Permittee").

1. Basic Permit Information. The following is a summary of basic permit information (the "Basic Permit Information"). Each item below shall be deemed to incorporate all of the terms set forth in this Permit pertaining to such item. In the event of any conflict between the information in this Article and any more specific provision of this Permit, the more specific provision shall control.

City:	CITY AND COUNTY OF SAN FRANCISCO, acting by and through the San Francisco Recreation and Park Department
Permittee:	Another Planet Entertainment, LLC., a Delaware limited liability corporation (also referred to as "Another Planet")
Premises (Section 2):	The certain portion of the premises called Polo Fields, Speedway Meadow, Lindley Meadow, Marx Meadow, Little Speedway Meadow and the areas in Golden Gate Park that connect those areas, as shown in Exhibit A attached hereto (GG Park Map)
Permitted Use (Section 5):	<p>Production of a three-day music and arts festival open to the public upon purchase of tickets.</p> <p>In 2009, the Festival will be held on August 28-30. The Festival will also be held in the summer of 2010 and 2011, on dates mutually agreed to by City and Permittee no later than 30 days after the prior year's Festival, but during the period between June 1st and August 31st of each such year.</p> <p>Permittee is permitted to sell alcohol and to modify the sound policy to allow amplified sound at the Polo Fields, Speedway Meadow and Lindley Meadow as set forth in Exhibit B. Permittee shall not allow more than 60,000 paid attendance per day total in all venues.</p>
Permit Fees and Financial Terms (Section 9):	<p>Minimum Permit Fee 2009 Minimum Permit Fee is \$950,000</p> <p>Minimum Permit Fee shall be increased thereafter by \$50,000 each year.</p> <p>Percentage Rent 10% of the sum equal to gross ticket revenue received from the Festival minus applicable ticket taxes and Additional Rent paid by Permittee and excluding any complimentary tickets and any reasonable and customary third party service charges or convenience fees (the "Gross Revenue"); less the Minimum Permit Fee paid by Permittee for such Festival [i.e., Permittee shall pay the greater of 10% of Gross Revenue or the Minimum Permit Fee for each</p>

	<p>Festival, whichever is higher].</p> <p>Additional Rent \$1.00 per each ticket sold by Permittee or its agents, in addition to the Minimum Permit Fee and Percentage Rent</p>
Operating and Outreach Requirements	Permittee shall comply with all Operating and Outreach Requirements as described in Exhibit B .
Term (Section 10):	<p>2009 Festival commencement date and times are included in the Operating and Outreach Requirements in Exhibit B.</p> <p>Permittee shall hold 2 additional Festivals, one in 2010 and one in 2011. Commencement dates and times for these additional Festivals will be included in an supplemental exhibit for each of these future years (i.e., Exhibit B-1 for 2010 Festival and Exhibit B-2 for 2011 Festival).</p> <p>Permittee shall have the option to extend the term to include Festivals in 2012 and 2013 by exercising such option by written notice delivered to City no later than January 1, 2012; provided Permittee has not defaulted, following notice and any applicable cure period, on its material obligations under this Permit, and City has not terminated this Permit. Any such extension shall be on the same terms and conditions, including Percentage Rent, as set forth in this Permit.</p>
Amplified sound terms:	Permittee shall comply with the amplified sound terms set forth in the Operating and Outreach Requirements attached as Exhibit B .
Utilities	City shall make available to Permittee existing utility connections, without any representation or warranty.
Insurance Limits (Section 19):	<p>Worker's Compensation Insurance - statutory amounts</p> <p>Employers' Liability Coverage with limits of not less than \$1,000,000 for each accident or occurrence.</p> <p>Comprehensive or Commercial General Liability Insurance with limits not less than \$3,000,000 each occurrence Combined Single Limit for Bodily Injury and Property Damage.</p> <p>Comprehensive or Business Automobile Liability Insurance with limits not less than \$1,000,000 each occurrence Combined Single Limit for Bodily Injury and Property Damage.</p> <p>\$1,000,000 Food Products Liability Insurance to be obtained through concessionaire.</p>
Address for Notices (Section 24):	<p>Recreation and Park Department:</p> <p>Rich Hillis</p>

	<p>Director of Partnerships and Resource Development Recreation and Park Department 501 Stanyan Street San Francisco, CA 94117 Phone: 415.831.6850</p> <p>with a copy to: Dennis Kern, Director of Operations Recreation and Park Department 501 Stanyan Street San Francisco, CA 94117</p> <p>Permittee:</p> <p>Another Planet Entertainment, LLC 1815 Fourth Street, Suite C Berkeley, CA 94710 Attention: Allen Scott Phone: 510.548.3010</p>
Payment schedule:	<p>Minimum Rent: \$200,000 due thirty (30) days prior to the start of each Festival (the "Initial Minimum Rent Payment"), remainder due no later than ten (10) days before the start of each Festival Percentage Rent: ten (10) days after each Festival Additional Rent: ten (10) days after each Festival</p> <p>Permittee will be able to access the Premises to prepare and set up for each Festival only if the Initial Minimum Rent Payment has been received no later than ten (10) days before the start of the Festival. Percentage Rent, if any, and any Additional Rent will be due and payable within ten (10) days from the conclusion of each Festival.</p> <p>For Festivals after the 2009 Festival, City may elect to increase the Initial Minimum Rent Payment up to a maximum of \$500,000 and require such payment be made no later than June 1 of that year; provided, any such increase shall take effect no earlier than 60 days following City's notification to Permittee of such increase.</p>
Security Deposit (Section 33):	<p>\$30,000 (the "Security Deposit") due upon permit execution and, if not applied by City as permitted hereunder, shall be credited to the Additional Rent payable after the Festival. No later than 90 days before the start of the 2010 Festival and each Festival thereafter, Permittee shall pay a new Security Deposit for that Festival which again will be credited to the Additional Rent payable after the Festival if not applied by City as set forth above.</p>
Termination Rights	<p>Without limiting City's other rights and remedies hereunder, City shall have the right to terminate this Permit at any time if Permittee has failed to cure a material breach of this Permit following written notice from City</p>

	and the expiration of any applicable cure period. City shall have the right to terminate this Permit as set forth in Section 18.
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2. License of Premises.

(a) City grants to Permittee a personal, non-exclusive and non-possessory license to enter upon and use the Premises described in the Basic Permit Information for the limited purpose and subject to the terms, conditions and restrictions set forth in this Permit. This Permit does not constitute a grant to Permittee of any ownership, leasehold, easement or other property interest or estate in the Premises. City is acting only in its proprietary capacity in granting the license given to Permittee under this Permit. Permittee acknowledges that (i) such grant is effective only insofar as Recreation and Park Department's rights in the Premises; and (ii) Permittee must separately obtain all regulatory approvals of City, including Recreation and Park Department, and any other applicable governmental entity necessary for the permitted uses. Permittee shall bear all costs or expenses of any kind in connection with its use of the Premises or any other property, and shall keep the Premises free and clear of any liens or claims of lien arising out of or in any way connected with its use of the Premises. In connection with its use hereunder, Permittee shall at all times, at its sole cost, maintain the Premises in a good, clean, safe, secure, sanitary and sightly condition, so far as the Premises may be affected by Permittee's activities.

(b) The Premises are granted to Permittee for a term commencing on the date specified in the Basic Permit Information or such earlier date upon which City delivers and Permittee accepts possession of the Premises, and shall end on the expiration date specified in the Basic Lease Information, unless sooner terminated pursuant to the provisions of this Permit. City grants to Permittee a one-time option to extend the Term of this Permit (the "Extension Option") for an additional two years as set forth in the Basic Permit Information. Any such notice by Permittee shall be irrevocable by Permittee. If any event of material default by Permittee is outstanding hereunder either at the time of Permittee's exercise of the Extension Option or at any time prior to the first day of the Extension Term (or if any event shall have occurred which with the giving of notice or the passage of time or both would constitute such a default), then City may elect by notice to Permittee to reject Permittee's exercise of the Extension Option, whereupon the Extension Option shall be null and void; provided, Permittee's exercise shall revive if Permittee cures the material default within the applicable cure period, and provided further Permittee shall have no rights hereunder and City shall have no obligations during such cure period unless and until such cure has been completed.

(c) During the term of this Permit and in any year that the Festival is held, and provided Permittee is not in default, City shall not authorize any other person to hold in the Polo Field, Speedway Meadow and Lindley Meadow, a multi-day, multi-stage music festival which is the substantially similar in scope and size to the Festival as determined by the Department following consultation with Permittee (a "Competing Festival"). Notwithstanding anything to the contrary herein, the following shall not be considered a Competing Festival (but only as generally previously permitted) Hardly Strictly Bluegrass, Power to the Peaceful and any other annual music event that the Department has permitted and has been executed in the past three years.

3. Inspection of Premises. Permittee independently or through its officers, directors, employees, agents, affiliates, subsidiaries, licensees and contractors, and their respective heirs, legal representatives, successors and assigns, and each of them ("Permittee's Agents") will conduct a thorough and diligent inspection of the Premises and the suitability of the Premises for Permittee's intended use. Permittee is fully aware of the needs of its operations and has determined, based solely on its own investigation, that the Premises are suitable for its operations and intended uses. After each Festival, Permittee and

Recreation and Park Department will inspect the Premises to confirm any damage caused to the Premises during Permittee's use; provided, Recreation and Park Department's failure to do so shall not affect or limit Permittee's obligations hereunder.

4. **As Is; Disclaimer of Representations.**

(a) **As Is; No Representations.** Permittee acknowledges and agrees that the Premises are being licensed and accepted in their "AS IS, WITH ALL FAULTS" condition, without representation or warranty of any kind, and subject to all applicable laws, statutes, ordinances, resolutions, regulations, proclamations, orders or decrees of any municipal, county, state or federal government or other governmental or regulatory authority with jurisdiction over the Premises, or any portion thereof, whether currently in effect or adopted in the future and whether or not in the contemplation of the parties, governing the use, occupancy, management, operation and possession of the Premises. Without limiting the foregoing, this Permit is made subject to any and all covenants, conditions, restrictions, easements and other title matters affecting the Premises, or any portion thereof, whether or not of record. Permittee acknowledges and agrees that neither City nor any of its officers, directors, employees, agents, affiliates, subsidiaries, licensees and contractors, and their respective heirs, legal representatives, successors and assigns have made, and City hereby disclaims, any representations or warranties, express or implied, concerning (i) title or survey matters affecting the Premises, (ii) the physical, geological, seismological or environmental condition of the Premises, (iii) the quality, nature or adequacy of any utilities serving the Premises, (iv) the feasibility, cost or legality of constructing any alterations on the Premises if required for Permittee's use and permitted under this Permit, (v) the safety of the Premises, whether for the use of Permittee or any other person, including Permittee's Agents or Permittee's clients, customers, vendors, invitees, guests, members, licensees, assignees or permittees ("Permittee's Invitees"), or (vi) any other matter whatsoever relating to the Premises or their use, including, without limitation, any implied warranties of merchantability or fitness for a particular purpose.

(b) **Release.** Permittee acknowledges that this Permit is terminable by City as provided herein and in view of such fact, Permittee expressly assumes the risk of making any expenditures in connection with this Permit, even if such expenditures are substantial. Without limiting any indemnification obligations of Permittee or other waivers contained in this Permit and as a material part of the consideration for this Permit, Permittee fully RELEASES, WAIVES AND DISCHARGES forever any and all claims, demands, rights, and causes of action against, and covenants not to sue, City, its departments, commissions, officers, directors and employees, and all persons acting by, through or under each of them, under any present or future laws, statutes, or regulations, including, but not limited to, any claim for inverse condemnation or the payment of just compensation under the law of eminent domain, or otherwise at equity, in the event that City exercises its right to revoke or terminate this Permit in accordance with the terms of this Permit. In connection with the foregoing Releases, Permittee acknowledges that it is familiar with Section 1542 of the California Civil Code, which reads:

A general Release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the Release, which if known by him or her must have materially affected his or her settlement with the debtor.

Permittee acknowledges that the Releases contained herein includes all known and unknown, disclosed and undisclosed, and anticipated and unanticipated claims. Permittee realizes and acknowledges that it has agreed upon this Permit in light of this realization and, being fully aware of this situation, it

nevertheless intends to waive the benefit of Civil Code Section 1542, or any statute or other similar law now or later in effect. The Releases contained herein shall survive any termination of this Permit.

5. **Use of Premises.** Permittee may enter and use the Premises only for the purpose described in the Basic Permit Information. Permittee shall not use, and Permittee shall prohibit Permittee's Agents and Permittee's Invitees from using, the Premises for any activities other than the permitted uses. Permittee agrees that, by way of example only and without limitation, the following uses of the Premises by Permittee, or any of Permittee's Agents or Permittee's Invitees, or any other person claiming by or through Permittee, are inconsistent with the limited purpose of this Permit and are strictly prohibited as provided below:

(a) **Hazardous Material.** Permittee shall not cause, nor shall Permittee allow any of Permittee's Agents or Permittee's Invitees to cause, any Hazardous Material (as defined below) to be brought upon, kept, used, stored, generated or disposed of in, on or about the Premises, or transported to or from the Premises without the prior written consent of City. Permittee shall immediately notify City when Permittee learns of, or has reason to believe that, a Release of Hazardous Material has occurred in, on or about the Premises. Permittee shall further comply with all laws requiring notice of such Releases or threatened Releases to governmental agencies, and shall take all action necessary to mitigate the Release or minimize the spread of contamination. In the event that Permittee or Permittee's Agents or Permittee's Invitees cause a Release of Hazardous Material, Permittee shall, without cost to City and in accordance with all laws and regulations, return the Premises to the condition immediately prior to the Release. In connection therewith, Permittee shall afford City a full opportunity to participate in any discussion with governmental agencies regarding any settlement agreement, cleanup or abatement agreement, consent decree or other compromise proceeding involving Hazardous Material. For purposes hereof, "Hazardous Material" means material that, because of its quantity, concentration or physical or chemical characteristics, is at any time now or hereafter deemed by any federal, state or local governmental authority to pose a present or potential hazard to public health, welfare or the environment. Hazardous Material includes, without limitation, any material or substance defined as a "hazardous substance, pollutant or contaminant" pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. Sections 9601 et seq., or pursuant to Section 25316 of the California Health & Safety Code; a "hazardous waste" listed pursuant to Section 25140 of the California Health & Safety Code; any asbestos and asbestos containing materials whether or not such materials are part of the Premises or are naturally occurring substances in the Premises, and any petroleum, including, without limitation, crude oil or any fraction thereof, natural gas or natural gas liquids. The term "Release" or "threatened Release" when used with respect to Hazardous Material shall include any actual or imminent spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing in, on, under or about the Premises.

(b) **Damage.** Permittee shall not do anything about the Premises that could cause damage to the Premises or any City property.

(c) **Pesticides Ban.** Permittee shall not use, or permit the use of, any pesticides on the Premises, and Permittee shall otherwise comply with the provisions of Section 308 of Chapter 3 of the San Francisco Environment Code (the "Pesticide Ordinance").

6. **Parking.** Permittee shall be allowed to park up to the number of vehicles set forth in the detailed Site Plan in the area designated for parking if presented to City no later than ninety (90) days prior to the event, as required in the Operating and Outreach Requirements. To the extent practicable,

Permittee shall use its best efforts to encourage use of public transportation, ride-sharing, the use of shuttle busses or other pooled-means of transportation to and from the Premises.

7. **Resource Conservation and Sustainability.** Recreation and Park Department is committed to managing the Premises in as sustainable a manner as possible. In addition to Permittee's compliance with the requirements of Section 30 [Food Service Waste Reduction] below, Permittee shall use its best efforts to conduct its operations in accordance with sustainable practices and all applicable provisions of the San Francisco Environment Code.

8. **Subject to Recreation and Park Department and City Uses.** Notwithstanding anything to the contrary in this Permit, Permittee's right to use the Premises hereunder shall be subject and subordinate to Recreation and Park Department and City's uses of the Premises for municipal purposes. In addition, Permittee acknowledges that the Golden Gate Park contains a variety of different event venues and outdoor public spaces and it is common for numerous events to be held at various venues in the park on the same day. Permittee shall donate to City, at no charge to City, a reasonable and customary number of general admission passes for each day of the Festival.

9. **Permit Fee.**

(a) **Minimum Permit Fee.** Permittee shall pay to Recreation and Park Department permit fees in the amount set forth in the Basic Permit Information for its use of the Premises as provided hereunder. Permittee will be able to set up only if the full Minimum Permit Fee has been paid to City as and when required hereunder. However, such permit fee shall be immediately returned by City to Permittee upon termination of this Permit for an event as specified under section 21 [Impossibility of Performance]. If such event as specified under Section 21 occurs during the Festival, then the Minimum Permit Fee amount to be returned will be prorated to reflect the percentage of the Festival not completed. If the event occurred after the first day but during the second day, City will return two thirds of the Minimum Permit Fee. Permittee shall pay all applicable City departments for the costs incurred by those departments in providing City employees, equipment, property and facilities in connection with this Permit.

(b) **Percentage Rent and Additional Rent.** In addition to Minimum Permit Fee, Permittee shall pay Percentage Rent and Additional Rent as set forth in the Basic Permit Information. Percentage Rent shall be the amount equal to ten percent (10%) of gross ticket revenue received from the Festival minus applicable ticket taxes and Additional Rent and excluding any complimentary tickets and any reasonable and customary third party service charges or convenience fees (the "Gross Revenue"); less the Minimum Permit Fee paid by Permittee for such Festival [i.e., Permittee shall pay the greater of 10% of Gross Revenue or the Minimum Permit Fee for each Festival, whichever is higher]. Accordingly, if the Minimum Permit Fee is greater than the ten percent (10%) of the Gross Revenue, then there shall be no Percentage Rent for that Festival. Additional Rent shall be \$1.00 for each ticket sold by Permittee or its agents, and shall be paid to City in addition to the Minimum Permit Fee and Percentage Rent. Additional Rent and Percentage Rent shall be payable on the date that is ten (10) days after each Festival. The calculations for rent payments due hereunder shall be made separately for each Festival.

(c) **Revenue Reports.** On or before the day that is ten (10) days following each Festival, Permittee shall submit to City a report (the "Revenue Report") showing all gross ticket revenues received by Permittee and the total number of tickets sold by Permittee for such Festival as of such date, together with any such additional information as may be reasonably requested by City for purposes of

determining Percentage Rent and Additional Rent. Such report shall be certified as being true and correct by Permittee and shall otherwise be in form and substance satisfactory to the General Manager of the Department. With the delivery of each Revenue Report, Permittee shall pay the Percentage Rent and Additional Rent.

(d) **Books and Records.** Permittee shall keep accurate books and records for all ticket sales and gross ticket revenues in accordance with generally accepted accounting principles. Recreation and Park will have access to such records of ticket sales and gross ticket revenues. Permittee shall not co-mingle personal funds with business funds.

(e) **Audit.** Within 30 days, Permittee agrees to make its books and records relating to ticket sales and revenues available to City, or to any City auditor, or to any auditor or representative designated by City (hereinafter collectively referred to as "City representative"). If an audit reveals that Permittee has understated ticket sales or revenues, Permittee shall pay City, promptly upon demand, the difference between the amount Permittee has paid and the amount it should have paid to City, together with interest at the rate of seven percent per annum. If Permittee understates its total tickets sold or revenues received by three percent or more the cost of the audit shall be borne by Permittee. If Permittee materially and intentionally understates its tickets sold or Gross Revenue received relating to the Festival, then such understatement shall be a default without notice or cure rights and entitle City to all remedies under this Permit. For purposes of this Section, any understatement equal to or greater than ten percent (10%) shall be deemed material unless such amount is less than Twenty-Five Thousand Dollars (\$25,000).

(f) **Late Fee.** Permittee hereby acknowledges that late payment by Permittee to City of the rent or other sums due hereunder will cause City to incur costs not contemplated by this Permit, the exact amount of which will be extremely difficult to ascertain. Such costs include, but are not limited to, processing and accounting charges. Accordingly, if the rent or any other sum due from Permittee, shall not be received by City within five (5) days after such amount shall be due, Permittee shall pay to City a late charge of Four Hundred Dollars (\$400). The parties hereby agree that such late charge represents a fair and reasonable estimate of the costs City will incur by reason of late payment by Permittee. Acceptance of such late charge by City neither constitutes a waiver of Permittee's default with respect to such overdue amount, nor prevents City from exercising any of the other rights and remedies available to City, including but not limited to the right to charge interest on such overdue amounts at the highest rate permitted by law.

10. **Compliance with Laws.** Permittee shall, at its expense, conduct and cause to be conducted all activities on the Premises allowed hereunder in a safe and reasonable manner and in compliance with all laws, regulations, ordinances and orders of any governmental or other regulatory entity (including, without limitation, the Americans with Disabilities Act) whether presently in effect or subsequently adopted and whether or not in the contemplation of the parties. Such laws shall include, but are not limited to, local, state and federal laws prohibiting discrimination in employment and public accommodations. Permittee shall, at its sole expense, procure and maintain in force at all times during its use of the Premises any and all business and other licenses or approvals necessary to conduct the activities allowed hereunder. Permittee understands and agrees that City, acting through Recreation and Park Department, is entering into this Permit in its capacity as a property owner with a proprietary interest in the Premises and not as a regulatory agency with police powers. Permittee further understands and agrees that no approval by Recreation and Park Department for purposes of this Permit shall be deemed to constitute approval of any federal, state, or other local regulatory Agency, and nothing herein shall limit Permittee's obligation to obtain all such regulatory approvals at Permittee's

sole cost or limit in any way City's exercise of its police powers. Without limiting the foregoing, before beginning any work in the Premises and/or using the Premises, Permittee at its sole cost and expense shall obtain any and all permits, licenses and approvals (collectively, "approvals") of all regulatory agencies and other third parties that are required to commence and complete the permitted work and use the Premises including, but not limited to, approvals required by the San Francisco Fire Department (e.g. General Assembly, Tent, Open Flame, Propane, etc.), the San Francisco Police Department (e.g., alcohol consumption and/or sales), San Francisco Department of Building Inspection (e.g., electrical), the San Francisco Department of Health, and the California Department of Alcoholic Beverage Control (e.g., alcohol consumption and/or sales). Permittee shall provide copies of all such approvals to Recreation and Park Department prior to Permittee's use of the Premises.

11. **Security.** In addition to the Permit Fees described in Section 9 above, Permittee shall provide and/or pay for the security, police and medical support services described on **Exhibit B** at its sole cost and expense.

12. **Rules and Regulations.** In connection with the Permittee's use hereunder, Permittee shall comply with the Rules and Regulations attached hereto as **Exhibit C**. City reserves the right, in its sole discretion, to change such Rules and Regulations as necessary to promote or protect the public safety, health or convenience. City shall give Permittee reasonable prior notice of such changes; provided, however, that no such prior notice shall be required in emergency situations.

13. **Surrender.** Upon the expiration of this Permit, and at the end of each Festival, Permittee shall surrender the Premises in the same condition as received, free from hazards and clear of all debris. At such time, Permittee shall remove all of its property from the Premises and shall repair, at its cost, any damage to the Premises caused by such removal. Permittee's obligations under this Section shall survive any termination of this Permit. Without limiting any of City's other rights hereunder, in the event of an emergency City may, at its sole option and without notice, alter, remove or protect at Permittee's sole expense, any and all facilities, improvements, or other property installed or placed in, on, under or about the Premises by Permittee.

14. **Repair of Damage.** Prior to the day of the initial set up for each Festival, representatives of Recreation and Park and Permittee shall conduct a walk-through of the Premises to determine the condition of the Premises. The same representatives shall conduct a second walk-through immediately following the event load-out to determine the condition of the Premises after the Festival to determine if there has been damage caused by the Festival. Permittee shall promptly, at its sole cost and expense, repair any and all damage to the Premises and any personal property located thereon caused by Permittee or Permittee's Agents or Invitees. Permittee shall obtain Recreation and Park Department's prior written approval of any party to be used by Permittee to conduct such repair work. Alternatively, Recreation and Park Department may make such repairs on behalf of Permittee at Permittee's sole cost and expense. If Permittee damages the Premises or any personal or real property of City, the final repair costs owed by Permittee shall be determined by City in its sole and absolute discretion, and shall be paid by Permittee within five (5) days after Permittee's demand therefor. Permittee's obligations under this Section shall survive the cancellation, expiration or termination of this Permit. For the purposes of this provision, damage shall include any litter including solid and liquid waste remaining on the premises after the event load-out.

15. **Public Safety.** Permittee agrees to conduct the Festival and all activities hereunder at all times in a safe and prudent manner with full regard to the public safety and to observe all applicable regulations and requests of Recreation and Park Department and other government agencies responsible

for public safety. Permittee shall take such soil and resource conservation and protection measures with the Premises as City may request.

16. Indemnification. Permittee shall indemnify, defend, reimburse and hold City and its officers, agents, employees and contractors, and each of them, harmless from and against any and all demands, claims, legal or administrative proceedings, losses, costs, penalties, fines, liens, judgments, damages and liabilities of any kind (collectively, "Losses"), arising in any manner out of (a) any injury to or death of any person or damage to or destruction of any property occurring in, on or about the Premises, or any part thereof, whether the person or property of Permittee or its Agents or Invitees, or third persons, relating in any manner to any use or activity under this Permit, (b) any failure by Permittee to faithfully observe or perform any of the terms, covenants or conditions of this Permit, (c) the use of the Premises or any activities conducted thereon by Permittee, its Agents or Invitees, or (d) any Release or discharge, or threatened Release or discharge, of any Hazardous Material caused or allowed by Permittee, its Agents or Invitees, on, in, under or about the Premises, any improvements permitted thereon; except solely to the extent of Losses resulting directly from the negligence or willful misconduct of City or City's authorized representatives. The foregoing indemnity shall include, without limitation, reasonable attorneys' and consultants' fees, investigation and remediation costs and all other reasonable costs and expenses incurred by the indemnified parties. Permittee specifically acknowledges and agrees that it has an immediate and independent obligation to defend City from any claim which actually or potentially falls within this indemnity provision even if such allegation is or may be groundless, fraudulent or false, which obligation arises at the time such claim is tendered to Permittee by City and continues at all times thereafter. Permittee shall give to the City prompt and timely written notice of any claim made or suit instituted coming to its knowledge which may in any way directly or indirectly, contingently or otherwise affect either, and both shall have the right to participate in the defense of same to the extent of its own interest. Approval of insurance policies by the City shall in no way affect or change the terms and conditions of this indemnity agreement. Permittee's obligations under this Section shall survive the expiration or other termination of this Permit.

17. INSURANCE

17.1 Permittee's Insurance. Permittee shall procure and maintain throughout the Term of this Permit and pay the cost thereof the following insurance:

(a) If Permittee has employees, Worker's Compensation Insurance in statutory amounts, with Employers' Liability Coverage; and

(b) Comprehensive or Commercial General Liability Insurance with limits not less than the amount set forth in the Basic Permit Information, including coverage for Contractual Liability, Host Liquor Liability, Personal Injury, Advertising Liability, Independent Contractors, Broad Form Property Damage, Products Liability, and Completed Operations; and

(c) Comprehensive or Business Automobile Liability Insurance with limits not less than the amount set forth in the Basic Permit Information, including coverage for owned, non-owned and hired automobiles, if applicable, which insurance shall be required if any automobiles or any other motor vehicles are operated in connection with Permittee's activity on, in and around the Premises; and

(d) Such other insurance as required by law or as the City's Risk Manager may require.

17.2 Claims Made Policy. Should any of the required insurance be provided under a claims-made form, Permittee shall maintain such coverage continuously throughout the term of this Use Permit For Outside Lands Music and Arts Festival

Permit, and, without lapse, for two (2) years beyond the expiration of this Permit, to the effect that, should occurrences during the Term give rise to claims made after expiration of this Permit, such claims shall be covered by such claims-made policies.

17.3 Annual Aggregate Limit. Should any of the required insurance be provided under a form of coverage that includes a general annual aggregate limit or provides that claims investigation or legal defense costs are included in such annual aggregate limit, such annual aggregate limit shall be not less than double the occurrence limits specified above in basic permit information.

17.4 Additional Insureds. Liability policies shall be endorsed to name as additional insureds the "City and County of San Francisco, acting by and through the Recreation and Park Department, and their directors, employees and agents" (Insurance Certificate with Endorsement for such additional insureds).

17.5 Payment of Premiums. Permittee shall pay all the premiums for maintaining all required insurance.

17.6 Waiver of Subrogation Rights. Notwithstanding anything to the contrary contained herein, City and Permittee (each a "Waiving Party") each hereby waives any right of recovery against the other party for any loss or damage sustained by such other party with respect to the Premises or any portion thereof or the contents of the same or any operation therein, whether or not such loss is caused by the fault or negligence of such other party, to the extent such loss or damage is covered by insurance which is required to be purchased by the Waiving Party under this Permit or is actually covered by insurance obtained by the Waiving Party. Each Waiving Party agrees to cause its insurers to issue appropriate waiver of subrogation rights endorsements to all policies relating to the Premises; provided, the failure to obtain any such endorsement shall not affect the above waiver.

17.7 General Insurance Matters.

(a) All insurance policies shall be endorsed to provide thirty (30) days prior written notice of cancellation, non-renewal or reduction in coverage or limits to City at the address for Notices specified in the Basic Permit Information.

(b) All insurance policies shall be endorsed to provide that such insurance is primary to any other insurance available to the additional insureds with respect to claims covered under the policy and that insurance applies separately to each insured against whom claim is made or suit is brought, but the inclusion of more than one insured shall not operate to increase the insurer's limit of liability.

(c) Before commencement of activities under this Permit, certificates of insurance and brokers' endorsements, in form and with insurers acceptable to City, shall be furnished to City.

(d) All insurance policies required to be maintained by Permittee hereunder shall be issued by an insurance company or companies reasonably acceptable to City with an AM Best rating of not less than A-VIII and authorized to do business in the State of California.

17.8 No Limitation on Indemnities. Permittee's compliance with the provisions of this Section shall in no way relieve or decrease Permittee's indemnification obligations herein or any of Permittee's other obligations or liabilities under this Permit.

17.9 Lapse of Insurance. Notwithstanding anything to the contrary in this Permit, Recreation and Park Department may elect in Recreation and Park Department's sole and absolute discretion to terminate this Permit upon the lapse of any required insurance coverage by written notice to Permittee.

17.10 Permittee's Personal Property. Permittee shall be responsible, at its expense, for separately insuring Permittee's Personal Property.

18. City Termination. In the event of a breach by Permittee, including but not limited to Permittee's failure to comply with the Operating and Outreach Requirements set forth in **Exhibit B** City shall have all rights and remedies available at law and in equity, provided however, the right to terminate this Permit shall only be available for an uncured material breach, provided further that, (i) for monetary breaches, Permittee shall have a period of five (5) business days following receipt of written notice from City to cure such monetary breach, (ii) for nonmonetary breaches that are capable of being cured by Permittee (other than breaches relating to insurance and bonding), Permittee shall have a period of thirty (30) days following receipt of written notice from City to cure such nonmonetary breach, (iii) for any breach involving the failure to obtain or maintain insurance, bonds, or the Security Deposit, Permittee shall have a period of three (3) business days to cure such breach and shall not be permitted to use or enter the Premises during any such period unless and until the breach is cured, and (iv) notwithstanding anything to the contrary above, Permittee shall not have the right to cure any breach involving fraud or any breach regarding intentional and understatement of tickets sold or Gross Revenues as set forth in Section 9(e) above. If Permittee shall have commenced cure of a non-monetary breach requiring thirty (30) days to cure and is diligently proceeding with efforts to cure, then in the event such cure requires more than the thirty (30) day period specified, Permittee shall have such additional time as is reasonable under the circumstances to effect a cure, but in no event more than ninety (90) days.

19. City Right to Cure. If Permittee fails to perform any of its obligations under this Permit, to restore the Premises or repair damage, or if Permittee defaults in the performance of any of its other obligations under this Permit, then City may, at its sole option, remedy such failure for Permittee's account and at Permittee's expense by providing Permittee with three (3) days' prior written or oral notice of City's intention to cure such default (except that no such prior notice shall be required in the event of an emergency as determined by City). Such action by City shall not be construed as a waiver of any rights or remedies of City under this Permit, and nothing herein shall imply any duty of City to do any act that Permittee is obligated to perform. Permittee shall pay to City upon demand, all costs, damages, expenses or liabilities incurred by City, including, without limitation, reasonable attorneys' fees, in remedying or attempting to remedy such default. Permittee's obligations under this Section shall survive the termination of this Permit.

20. No Assignment. This Permit is personal to Permittee and shall not be assigned, conveyed or otherwise transferred by Permittee under any circumstances. Any attempted assignment, conveyance or transfer shall be a default.

21. No Joint Venture or Partnership; Independent Contractor. This Permit does not create a partnership or joint venture between City and Permittee. Permittee shall be solely responsible for all matters relating to the payment of its employees, including, without limitation, compliance with any federal, state or local law and all other regulations governing such matters.

22. **Impossibility of Performance.** If, for any reason, an unforeseen event occurs which is beyond the control of City or Permittee, including, but not limited to, fire, casualty or labor strike, which event renders impossible the fulfillment of any Festival (or day of any Festival) (such event a "Force Majeure Event"), Permittee and City shall have no right to nor claim for damages against the other for such failure to fulfill. In addition, any Minimum Rent, Percentage Rent or Additional Rent payable by Permittee shall be appropriately readjusted for amounts refunded by Permittee to ticket purchasers as a result of the cancellation of any Festival (or day of the Festival) due to a Force Majeure Event as if the ticket sales for such refunds never occurred. A Force Majeure Event shall not terminate this Permit as to future Festivals which shall remain in full force and effect.

23. **Possessory Interest Taxes; Payment of Taxes.** Permittee recognizes and understands that this Permit may create a possessory interest subject to property taxation and that Permittee may be subject to the payment of property taxes levied on such interest under applicable law. Permittee agrees to pay taxes of any kind, including possessory interest taxes, if any, that may be lawfully assessed on Permittee's interest under this Permit or use of the Premises pursuant hereto and to pay any other taxes, excises, licenses, permit charges, possessory interest taxes, or assessments based on Permittee's usage of the Premises that may be imposed upon Permittee by applicable law.

24. **Notices.** Except as otherwise provided herein, any notices given under this Permit shall be addressed to the City and Permittee at the addresses set forth in the Basic Permit Information. Notice shall be deemed given (a) two (2) business days after the date when it is deposited with the U.S. Mail, if sent by first class or certified mail, (b) one (1) business day after the date when it is deposited with an overnight carrier, if next business day delivery is required, (c) upon the date personal delivery is made, or (d) upon the date when it is sent by facsimile, if the sender receives a facsimile report confirming such delivery has been successful and the sender mails a copy of such notice to the other party by U.S. first class mail on such date.

25. **MacBride Principles - Northern Ireland.** The City and County of San Francisco urges companies doing business in Northern Ireland to move toward resolving employment inequities and encourages them to abide by the MacBride Principles as expressed in San Francisco Administrative Code Section 12F.1, et seq. The City and County of San Francisco also urges San Francisco companies to do business with corporations that abide by the MacBride Principles. Permittee acknowledges that it has read and understands the above statement of the City and County of San Francisco concerning doing business in Northern Ireland.

26. **Non-Discrimination.**

26.1 **Covenant Not to Discriminate.** In the performance of this Permit, Permittee covenants and agrees not to discriminate on the basis of any fact or perception of a person's race, color, creed, national origin, ancestry, age, sex, sexual orientation, gender identity, domestic partner status, marital status, disability, height, weight or acquired immune deficiency (AIDS) or HIV syndrome against any employee of, any City or Recreation and Park Department employee working with, or applicant for employment with, Permittee, in any of Permittee's operations within the United States, or against any person seeking accommodations, advantages, facilities, privileges, services, or membership in all business, social, or other establishments or organizations operated by Permittee.

26.2 **Non-Discrimination in Benefits.** Permittee does not as of the date of this Permit and will not during the term of this Permit, in any of its operations in San Francisco or where the work is being performed for the City or elsewhere within the United States, discriminate in the provision of

bereavement leave, family medical leave, health benefits, membership or membership discounts, moving expenses, pension and retirement benefits or travel benefits, as well as any benefits other than the benefits specified above, between employees with domestic partners and employees with spouses, and/or between the domestic partners and spouses of such employees, where the domestic partnership has been registered with a governmental entity pursuant to state or local law authorizing such registration, subject to the conditions set forth in Section 12B.2(b) of the San Francisco Administrative Code.

26.3 Incorporation of Administrative Code Provisions by Reference. The provisions of Chapters 12B and 12C of the San Francisco Administrative Code relating to non-discrimination by parties contracting for the use of City property are incorporated in this Section by reference and made a part of this Permit as though fully set forth herein. Permittee shall comply fully with and be bound by all of the provisions that apply to this Permit under such Chapters of the Administrative Code, including but not limited to the remedies provided in such Chapters. Without limiting the foregoing, Permittee understands that pursuant to Section 12B.2(h) of the San Francisco Administrative Code, a penalty of Fifty Dollars (\$50) for each person for each calendar day during which such person was discriminated against in violation of the provisions of this Permit may be assessed against Permittee and/or deducted from any payments due Permittee.

27. Tropical Hardwoods and Virgin Redwood. The City and County of San Francisco urges companies not to import, purchase, obtain or use for any purpose, any tropical hardwood, tropical hardwood wood product, virgin redwood or virgin redwood wood product, except as expressly permitted by the application of Sections 8o2(b) and 8o3(b) of the San Francisco Environment Code. Permittee agrees that, except as permitted by the application of Sections 8o2(b) and 8o3(b), Permittee shall not use or incorporate any tropical hardwood, tropical hardwood wood product, virgin redwood or virgin redwood wood product in the performance of this Permit.

28. Tobacco Sales and Advertising Prohibition. Permittee acknowledges and agrees that no sales or advertising of cigarettes or tobacco products is allowed on the Premises. This advertising prohibition includes the placement of the name of a company producing, selling or distributing cigarettes or tobacco products or the name of any cigarette or tobacco product in any promotion of any event or product. This advertising prohibition does not apply to any advertisement sponsored by a state, local, nonprofit or other entity designed to (i) communicate the health hazards of cigarettes and tobacco products, or (ii) encourage people not to smoke or to stop smoking.

29. No Smoking in City Parks. Smoking is prohibited on any unenclosed area of property in the City and County of San Francisco that is open to the public and under the jurisdiction of the Recreation and Park Commission or any other City department if the property is a park, square, garden, sport or playing field, pier, or other property used for recreational purposes. SF Health Code Section 1009.81.

Permittee must make announcements prior and during event to participants to abide by the above code. Any violation may be punishable by a fine. Permittee may satisfy its obligation to make announcements by periodically displaying text messages on the video screens of the stages in between performances of artists.

30. Conflicts of Interest. Through its execution of this Permit, Permittee acknowledges that it is familiar with the provisions of Section 15.103 of the San Francisco Charter, Article III, Chapter 2 of City's Campaign and Governmental Conduct Code, and Sections 87100 et seq. and Sections 1090 et

seq. of the Government Code of the State of California, and certifies that it does not know of any facts which would constitute a violation of said provision, and agrees that if Permittee becomes aware of any such fact during the term of this Permit, Permittee shall immediately notify City.

31. Food Service Waste Reduction. Permittee agrees to comply fully with and be bound by all of the provisions of the Food Service Waste Reduction Ordinance, as set forth in the San Francisco Environment Code, Chapter 16, including the remedies provided, and implementing guidelines and rules. The provisions of Chapter 16 are incorporated herein by reference and made a part of this Permit as though fully set forth. This provision is a material term of this Permit. By entering into this Permit, Permittee agrees that if it breaches this provision, City will suffer actual damages that will be impractical or extremely difficult to determine; further, Permittee agrees that the sum of One Hundred Dollars (\$100.00) liquidated damages for the first breach, Two Hundred Dollars (\$200.00) liquidated damages for the second breach in the same year, and Five Hundred Dollars (\$500.00) liquidated damages for subsequent breaches in the same year is a reasonable estimate of the damage that City will incur based on the violation, established in light of the circumstances existing at the time this Permit was made. Such amounts shall not be considered a penalty, but rather agreed monetary damages sustained by City because of Permittee's failure to comply with this provision.

In addition, if 2,000 or more of Permittee's Agents and/or Permittee's Licensee's will be at the Premises, Permittee shall submit a recycling and waste reduction plan to the Recreation and Park Department's Events Coordinator and comply with State Assembly Bill 2176 (Montanez, Chapter 879, Statutes of 2004).

31. Security Deposit.

(a) **Security Deposit.** Upon execution of this Permit (and, with respect to subsequent Festivals, on or before the date that is ninety (90) days before the start of the Festival), Permittee shall deposit with City the sum listed in the Basic Permit Information (the "Security Deposit") to secure Permittee's faithful performance of all terms and conditions of this Permit, including, without limitation, its obligation to surrender the Premises in the condition required by this Permit. Permittee agrees that City may (but shall not be required to) apply the security deposit in whole or in part to remedy any damage to the Premises caused by Permittee, Permittee's Agents or Permittee's Invitees, or any failure of Permittee to perform any other terms, covenants or conditions contained in this Permit, without waiving any of City's other rights and remedies hereunder or at law or in equity. City's obligations with respect to the security deposit are solely that of debtor and not trustee. City shall not be required to keep the security deposit separate from its general funds, and Permittee shall not be entitled to any interest on such deposit. The amount of the security deposit shall not be deemed to limit Permittee's liability for the performance of any of its obligations under this Permit. To the extent that City is not entitled to retain or apply the security deposit pursuant to this Section 33, City shall return such security deposit to Permittee within forty-five (45) days of the termination of this Permit, or such longer period as is reasonably necessary for City to confirm Permittee's compliance with the requirements of this Permit.

(b) **Performance Bond.** In connection with any construction work, Permittee shall deliver to City a valid performance and payment bond before the start of any construction in the sum equal to full construction cost, issued by a surety company acceptable to City in such form as approved by the City Attorney. Permittee shall keep such bonds, at its expense, in full force and effect until all construction has been finally completed and paid for and all liens relating thereto have been released.

32. Prevailing Wages for Theatrical Workers.

Pursuant to San Francisco Administrative Code Section 21.25-3, unless excepted, Contracts, Permits, Franchises, Permits, and Agreements awarded, let, issued or granted by the City and County of San Francisco for the use of property owned by the City and County of San Francisco shall require any Employee engaged in theatrical or technical services related to the presentation of a Show to be paid not less than the Prevailing Rate of Wages. Employees engaged in theatrical and technical services include, without limitation, those engaged in rigging, sound, projection, theatrical lighting, videos, computers, draping, carpentry, special effects, and motion picture services. Capitalized terms in this section that are not defined in this agreement shall have the meanings provided in Section 21.25-3.

Permittee agrees to comply with and be fully bound by, and to require its Agents and Subcontractors to comply with and be fully bound by, the provisions of Section 21.25-3, including, without limitation, the payment of any penalties for noncompliance and other remedies available to the City. The provisions of Section 21.25-3 are hereby incorporated by reference and made a part of this agreement. Permittee shall cooperate fully with the Labor Standards Enforcement Officer and any other City official or employee, or any of their respective agents, in the administration and enforcement of the requirements of Section 21.25-3, including, without limitation, any investigation of noncompliance by Permittee or its Subcontractors. Permittee agrees that the City may inspect and/or audit any workplace or job site involved in or related to the performance of this agreement, including, without limitation, interviewing Permittee's and any Subcontractor's employees and having immediate access to employee time sheets, payroll records, and paychecks for inspection.

Permittee may obtain a copy of the current Prevailing Rate of Wages from City by contacting its Office of Labor Standards Enforcement. Contractor acknowledges that the City's Board of Supervisors may amend such Prevailing Rate of Wages and agrees that Contractor and any Subcontractors shall be bound by and shall fully comply with any such amendments by the Board of Supervisors.

33. Intellectual Property; Music Broadcasting Rights. Permittee shall be solely responsible for obtaining any necessary clearances or permissions for the use of intellectual property, including, but not limited to musical or other performance rights.

34. Prevailing Wages. With respect to the installation of any facilities or improvements under this Permit, any employee performing services for Permittee shall be paid not less than the highest prevailing rate of wages and that Permittee shall include, in any contract for construction of such improvement work or any alterations on the Premises, a requirement that all persons performing labor under such contract shall be paid not less than the highest prevailing rate of wages for the labor so performed. Permittee further agrees that, as to the construction of such improvement work or any alterations on the Premises under this Permit, Permittee shall comply with all the applicable provisions of Section 6.22(E) of the San Francisco Administrative Code (as the same may be amended, supplemented or replaced) that relate to payment of prevailing wages. Permittee shall require any contractor to provide, and shall deliver to City upon request, certified payroll reports with respect to all persons performing labor in the construction of the improvement work or any alterations on the Premises.

35. Notification of Limitations on Contributions. Through its execution of this Permit, Permittee acknowledges that it is familiar with Section 1.126 of the San Francisco Campaign and Governmental Conduct Code, which prohibits any person who contracts with the City for the selling or leasing of any land or building to or from the City whenever such transaction would require approval by a City elective officer or the board on which that City elective officer serves, from making any campaign

contribution to (1) an individual holding a City elective office if the contract must be approved by the individual, a board on which that individual serves, or a board on which an appointee of that individual serves, (2) a candidate for the office held by such individual, or (3) a committee controlled by such individual, at any time from the commencement of negotiations for the contract until the later of either the termination of negotiations for such contract or six months after the date the contract is approved. Permittee acknowledges that the foregoing restriction applies only if the contract or a combination or series of contracts approved by the same individual or board in a fiscal year have a total anticipated or actual value of \$50,000 or more. Permittee further acknowledges that the prohibition on contributions applies to each prospective party to the contract; each member of Permittee's board of directors, chairperson, chief executive officer, chief financial officer and chief operating officer; any person with an ownership interest of more than 20 percent in Permittee; any subcontractor listed in the contract; and any committee that is sponsored or controlled by Permittee. Additionally, Permittee acknowledges that Permittee must inform each of the persons described in the preceding sentence of the prohibitions contained in Section 1.126.

36. No Relocation Assistance; Waiver of Claims. Permittee acknowledges that it will not be a displaced person at the time this Lease is terminated or expires by its own terms, and Permittee fully RELEASES, WAIVES AND DISCHARGES forever any and all Claims against, and covenants not to sue, City, its departments, commissions, officers, directors and employees, and all persons acting by, through or under each of them, under any laws, including, without limitation, any and all claims for relocation benefits or assistance from City under federal and state relocation assistance laws (including, but not limited to, California Government Code Section 7260 et seq.), except as otherwise specifically provided in this Lease with respect to a Taking.

37. Amendments. Neither this Permit nor any terms or provisions hereof may be changed, waived, discharged or terminated, except by a written instrument signed by the party against which the enforcement of the change, waiver, discharge or termination is sought. No waiver of any breach shall affect or alter this Permit, but each and every term, covenant and condition of this Permit shall continue in full force and effect with respect to any other then-existing or subsequent breach thereof. Whenever this Permit requires or permits the giving by City of its consent or approval, the General Manager of the Department shall be authorized to provide such approval, except as otherwise provided by applicable law, including the Charter. Any amendments or modifications to this Permit, including, without limitation, amendments to or modifications to the exhibits to this Permit, shall be subject to the mutual written agreement of City and Permittee, and City's agreement may be made upon the sole approval of the General Manager of the Department; provided, however, material amendments or modifications to this Permit (i) materially increasing the size of the Premises, (ii) increasing the Term, (iii) decreasing the Rent or charges payable by Permittee, (iv) changing the general use of the Premises, or (v) any other amendment or modification which materially increases the City's liabilities or financial obligations under this Permit shall additionally require the approval of the City's Board of Supervisors.

38. Sunshine. In accordance with Section 67.24(e) of the San Francisco Administrative Code, contracts, contractors' bids, leases, agreements, responses to Requests for Proposals, and all other records of communications between City and persons or firms seeking contracts will be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract, lease, agreement or other benefit until and unless that person or organization is awarded the contract, lease, agreement or benefit. Information provided which is covered by this Section will be made available to the public upon request.

39. **General Provisions.** (a) This Permit may be amended or modified only by a writing signed by City and Permittee. (b) No waiver by any party of any of the provisions of this Permit shall be effective unless in writing and signed by an officer or other authorized representative, and only to the extent expressly provided in such written waiver. (c) This instrument (including the exhibit(s) hereto) contains the entire agreement between the parties and all prior written or oral negotiations, discussions, understandings and agreements are merged herein. (d) The section and other headings of this Permit are for convenience of reference only and shall be disregarded in the interpretation of this Permit. (e) Time is of the essence. (f) This Permit shall be governed by California law. (g) If either party commences an action against the other or a dispute arises under this Permit, the prevailing party shall be entitled to recover from the other reasonable attorneys' fees and costs. For purposes hereof, reasonable attorneys' fees of City shall be based on the fees regularly charged by private attorneys in San Francisco with comparable experience. (h) If Permittee consists of more than one person then the obligations of each person shall be joint and several. (i) Permittee may not record this Permit or any memorandum hereof. (j) Subject to the prohibition against assignments or other transfers by Permittee hereunder, this Permit shall be binding upon and inure to the benefit of the parties and their respective heirs, representatives, successors and assigns. (k) Any sale or conveyance of the property burdened by this Permit by City shall automatically revoke this Permit. (l) This Permit may be executed in two or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

40. **Emergency Medical Services Plan.** Permittee is required to download and fill out an Emergency Medical Service Plan (EMS Plan) located on the San Francisco Emergency Medical Services Agency website, www.sanfranciscoems.org, then mail the form to: John F. Brown, MD MPA FACEP, Medical Director, San Francisco EMS Agency, 68 12th Street, Suite 200, San Francisco, CA 94103. The Recreation and Parks Department must receive an approved and stamped copy of the EMS Plan prior to each event.

41. **First Source Hiring Program**

a. **First Source Hiring**

Contractor agrees that it shall work with the San Francisco Workforce Development System in interviewing, recruitment and hiring for available entry level positions so as to provide qualified economically disadvantaged individuals the first opportunity for consideration for employment for entry level positions on the site of the festival. Contractor shall consider all applications of qualified economically disadvantaged individuals referred by the System for employment; provided however, if Contractor utilizes nondiscriminatory screening criteria, Contractor shall have the sole discretion to interview and/or hire individuals referred or certified by the San Francisco Workforce Development System as being qualified economically disadvantaged individuals.

Contractor further agrees to provide appropriate notification of available entry level positions to the San Francisco Workforce Development System so that the System may train and refer an adequate pool of qualified economically disadvantaged individuals to Contractor. These notification requirements will take into consideration any need to protect the employer's proprietary information.

Contractor shall keep appropriate records to confirm contractor's compliance with the first source hiring requirements set forth in this Section.

b. **Hiring Decisions**

Contractor shall make the final determination of whether an Economically Disadvantaged Individual referred by the System is "qualified" for the position.

c. Exceptions

Upon application by Contractor, the First Source Hiring Administration may grant an exception to any or all of the requirements of this Section in any situation where it concludes that compliance would cause economic hardship.

d. Subcontracts

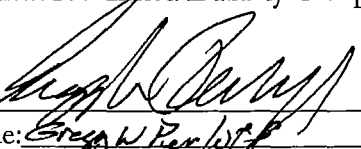
Any subcontract entered into by Contractor shall require the subcontractor to comply with the requirements of this Section. For the Purposes of this Section, subcontracts shall not include artist performance agreements. Contractor shall keep records of the issuance of sub-contracts requiring compliance with this Section. Contractor will satisfy its obligations under this Section, as to sub-contractors, by issuance of such contracts and maintaining a record of such contracts.

Permittee represents and warrants to City that it has read and understands the contents of this Permit and agrees to comply with and be bound by all of its provisions.

NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED IN THIS PERMIT, PERMITTEE ACKNOWLEDGES AND AGREES THAT NO OFFICER OR EMPLOYEE OF CITY HAS AUTHORITY TO COMMIT CITY TO THIS PERMIT UNLESS AND UNTIL CITY'S BOARD OF SUPERVISORS SHALL HAVE DULY ADOPTED A RESOLUTION APPROVING THIS PERMIT AND AUTHORIZING THE TRANSACTIONS CONTEMPLATED HEREBY. THEREFORE, ANY OBLIGATIONS OR LIABILITIES OF CITY HEREUNDER ARE CONTINGENT UPON ADOPTION OF SUCH A RESOLUTION, AND THIS PERMIT SHALL BE NULL AND VOID IF CITY'S MAYOR AND THE BOARD OF SUPERVISORS DO NOT APPROVE THIS PERMIT, IN THEIR RESPECTIVE SOLE DISCRETION. APPROVAL OF THIS PERMIT BY ANY DEPARTMENT, COMMISSION OR AGENCY OF CITY SHALL NOT BE DEEMED TO IMPLY THAT SUCH RESOLUTION WILL BE ENACTED, NOR WILL ANY SUCH APPROVAL CREATE ANY BINDING OBLIGATIONS ON CITY.

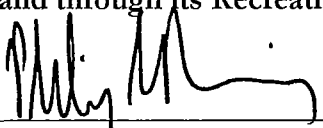
PERMITTEE:

Another Planet Entertainment, LLC
a Delaware Limited Liability Company

By: 
Name: Greg W. Perloff
Title: CEO

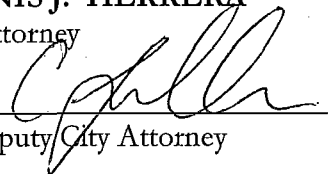
By: _____
Name: _____
Title: _____

CITY AND COUNTY OF SAN FRANCISCO, acting
by and through its Recreation and Park Department:

By: 
Philip A. Ginsburg
General Manager

APPROVED AS TO FORM:

DENNIS J. HERRERA
City Attorney

By: 
Deputy City Attorney

Commission Resolution No.: _____

Board Resolution No.: _____

Appendix B
Operating and Outreach Requirements

1. **Dates and Hours**

2009 festival hours and dates to be as follows:

Friday, August 28

Show begins at 1:00 PM and ends no later than 10:00 PM.

Saturday August 29

Show begins at 12:00 noon and ends no later than 10:00 PM

Sunday, August 30

Show begins at 12:00 noon and ends no later than 9:20 PM

Gates open each day up to 2 hours prior to show start time as listed above.

In addition to Festival hours and dates as noted above:

Set Up begins: August 21st at 8:00am

Strike complete: September 2nd at 8:00pm

Festival dates for future years to be mutually determined by presenter and City no later than 30 days after the prior year's Festival. Festival dates to be between June 1 and August 31st of each year.

2. **GGP Site Plan and Operations**

Presenter and RPD will each designate a Project Manager who will serve as each party's principal authority for all site issues and decisions during set-up and breakdown, Presenter will consult with RPD Project Manager throughout site plan design and development.

Presenter to submit to the City a detailed layout of set-up plans no later than 90 days prior to the event for the City's approval. The plan will specifically address and/or include the following:

- Location of all stages, food and beverage booths, portable toilets, dumpsters, and all other structures.
- Set-up and breakdown times and dates. Set-up and breakdown dates shall be staggered to minimize the amount of time that the premises are closed to the public.
- A plan for the protection of the natural site, including all trees. Presenter shall consult with a licensed, certified arborist for advice on tree root protection, vegetation protection, vehicle paths, vehicular tire requirements and all other aspects of tree and other protection. Presenter and RPD to pre-determine scope of work for the arborist.
- Location and types of barrier fencing and the length of time each area of the park will be closed to regular park users. Fencing shall be configured to allow wildlife to pass through at ground level at various intervals. All fencing materials to be completely removed after event by end of

load out. In the event that fencing is put in place before the premises are closed to the public, the presenter shall document public access points.

- Location of trash receptacles and schedule for pick-up, especially at key entry/exit points to the park.
- A plan for the clean-up of the entire site. Such plan shall include details about operations during the course of each festival day, between festival days and at the end of the festival. Such plan shall be sufficient to ensure that all litter is removed from the premises before the completion of event load-out.
- Designated travel routes through turf areas. All event vehicles will be required to operate only on designated travel routes. Landscape tires (e.g. slicks with low pressure) to be required for all equipment and vehicles operating on turf areas.
- Posting of adequate signage and event staff to direct the public to the correct points of entry to and exit from the event site, so as to prevent the public cutting their own paths through the park landscape, especially along Lincoln and Fulton Streets.

Parking off of roadways and on lawn areas is prohibited, unless otherwise approved by RPD. Presenter shall arrange for immediate towing of said vehicles.

Only screw-in stake systems will be permitted. Limited staking of structures permitted and must be reviewed by RPD Project Manager and Park Section Supervisor. In-ground posts are prohibited in any locations. Anchor bolts are not to be drilled into the concrete, asphalt or lawn areas

All stages must meet ADA specifications and a plan addressing compliance with Disabilities Act requirements.

Tent anchors (sandbags or water barrels) are to be marked and highly visible to the public and designed for easy maneuvering by the sight impaired and wheelchair users. The name of the tenting company must be submitted 30 days prior to event.

Structures, decorations, equipment may not be attached to Department property or vegetation without RPD approval.

One day prior to the first day of set-up for the event, Presenter and RPD Project Manager shall conduct a walk-through of the site and determine the condition of the site. The same representatives shall conduct a second walk-through immediately following the event load-out to determine if there has been damage caused by the event. If requested by RPD, Presenter shall promptly, at its sole cost and expense, repair any and all damage to the site.

Presenter to be liable for any damage caused by event, including restoration costs, to plants, trees, lawns, landscaping, sprinkler heads, irrigation lines and other park structures and infrastructure.

Portable toilet requirements: no less than 100, of which 14 must meet ADA specifications

Maximum paid attendance per day for the total, festival at all event sites combined cannot exceed 60,000, unless otherwise approved by RPD.

RPD staff to have access to fenced areas for normal business during set up and break down.

All RPD labor costs specifically related to the event to be borne by Presenter. RPD and Presenter to determine appropriate levels of service to be provided by the department and the cost for these services not less than 30 days prior to the event. RPD will attempt to negotiate costs for these services for the term of Presenter's agreement with RPD.

3. Transportation and Parking

Presenter to submit to the City a detailed Transportation Management Plan addressing traffic flow for arrival and exit, including confirmation of specific MUNI, DPT and SFPD resources necessary to support the plan, no later than 60 days prior to the event for the City's approval. The plan will specifically address and/or include the following:

- A parking enforcement plan, including the strict enforcement of parking regulations in the neighborhoods with temporary posted signs and availability of tow trucks.
- If feasible, coordination with local parking lots; and shuttle transportation from those lots to the concert site. Directional signage to parking lots away from the adjacent neighborhoods.
- A detailed plan for transportation including public buses/streetcars and private shuttles that can handle the anticipated number of concert goers, including coordinating extra coaches with Muni along existing routes and/or dedicated special service. Muni service will depend on availability of coaches and Muni personnel.
- If feasible, designated taxi stands and outreach/coordination with taxi companies.
- Promotion of transit, including web-links for Bay Area transportation networks. Provide email updates to attendees for transportation information.
- Provision and promotion of bike use and bike valet parking.

4. Sound and Sound Mitigation

Sound will end Friday and Saturday evening at 10:00 PM and at 9:20 PM on Sunday.

There will be no amplified music permitted prior to opening of gates on any day of event, except for agreed upon limited sound checks one day prior to the concert and for line checks prior to opening of gates. Hours for sound checks will be limited to noon to 5pm the day prior to the concert; and line checks will not commence prior to 10am on the days of the concert.

Presenter will make commercially reasonable best efforts to limit sound to the close environs of the concert grounds.

Sound levels must be monitored by RPD and records kept, both within the Park and in the neighborhood at locations agreed to by RPD and Presenter, in consultation with the neighborhood. Sound levels will be monitored/measured by an independent sound consultant who is selected by RPD, in consultation with Presenter. The sound consultant will report to RPD. The scope of work for the sound consultant will be jointly determined by RPD and Presenter. The sound consultant will be paid for by Presenter. Sound level measurements from the 2009 concert will be used to set goals for future year's festivals.

5. Security

The Presenter will submit a detailed Security Plan, including any request for Park Patrol presence, no later than 60 days prior to the concert.

Reasonable and customary SF Police Officers and Park Patrol officers needed for the event will be at the full cost of Presenter.

Presenter will meet with Richmond Station police and Park Patrol personnel to determine necessary number of SFPD and Park Patrol officers to staff event.

Overnight security must be provided from first day of load-in to last day of load-out. Dates to be determined each year.

6. Outreach

Presenter and the City to jointly develop an Outreach Plan no later than 90 days prior to the event. The plan shall include:

- Dates and times for all public meetings (general public meetings and meetings with major neighborhood groups) to be held in the Richmond District and the Sunset District. These meetings should take place between 60 and 90 days prior to the event. Presenter and the City will jointly promote the event outreach through notification of interested community groups, working with the appropriate Board of Supervisor's office, and general mailings.
- Appropriate notice of park and road closures to surrounding neighborhoods in advance of event.
- Establishment of 311 and/or a Presenter sponsored telephone hotline to be the primary response system.
- Newspaper ads, direct mailings and e-mailings, and community meetings before the event, including a time schedule for each.
- Pre-event, direct mail notification of pertinent information to all residences bordering the park from Stanyan Street to the Great Highway, and from Lawton Street to Geary Boulevard, including a time schedule for mailing.
- Detailed description of the marketing/communication plan informing ticket holders of transit-first options and any park road closures.

7. Sustainability

Presenter is required to present a plan for implementation of environmentally sustainable practices and programs to help make the event as green as possible, including a composting and recycling plan at commencement of lease. Plan to be presented to the City no later than 90 days prior to the event for approval.

Presenter is required to comply with the Food Service Waste Reduction Ordinance which, in part, “prohibits the use of polystyrene foam disposable food service ware and requires the use of recyclable or compostable food service ware by restaurants, retail food vendors, City departments and the City’s contractors and lessees.” Presenter is required to comply with this ordinance.

8. Inter-Agency Cooperation

RPD will ask the Mayor’s Office to designate a Project Manager who will serve as the City’s principal authority for all inter-agency operations. Presenter and RPD will consult with the Mayor’s Office Project Manager throughout the planning for the event.

RPD staff and the Mayor’s Office Project Manager will convene meetings with the Presenter and relevant City agencies (MTA, Police, DPT) to determine appropriate levels of service to be provided by these agencies for the event and the cost for these services. These costs will be borne by Presenter. RPD and Mayor’s Office will attempt to negotiate costs for these services for the term of Presenter’s agreement with RPD.

RPD to have first right of refusal for work to be completed by City agencies, where RPD has the capacity and capability to perform these services.

9. General Provisions

Where feasible, all advertising and publicity for the event will include the subtitle: “A portion of the proceeds to Benefit San Francisco Parks”

Presenter is required to abide by the San Francisco Recreation and Park Code (<http://www.parks.sfgov.org>) and all other applicable City codes that are current at the time of the concert.

Smoking is prohibited on any unenclosed area of property in the City and County of San Francisco that is open to the public and under the jurisdiction of the Recreation and Park Commission or any other property used for recreational purposes. (Article 191: Prohibiting Smoking in City Park and Recreational Areas).

The sale of tobacco products or any advertising of tobacco products is not permitted on San Francisco Recreation and Park Department property.

Sponsorships may not involve tobacco or firearms.

Alcohol sales will be cut off one hour prior to the end of each event day -- 9:00 PM on Friday and Saturday evening, 8:20 PM on Sunday evening.

Appendix B
Operating and Outreach Requirements

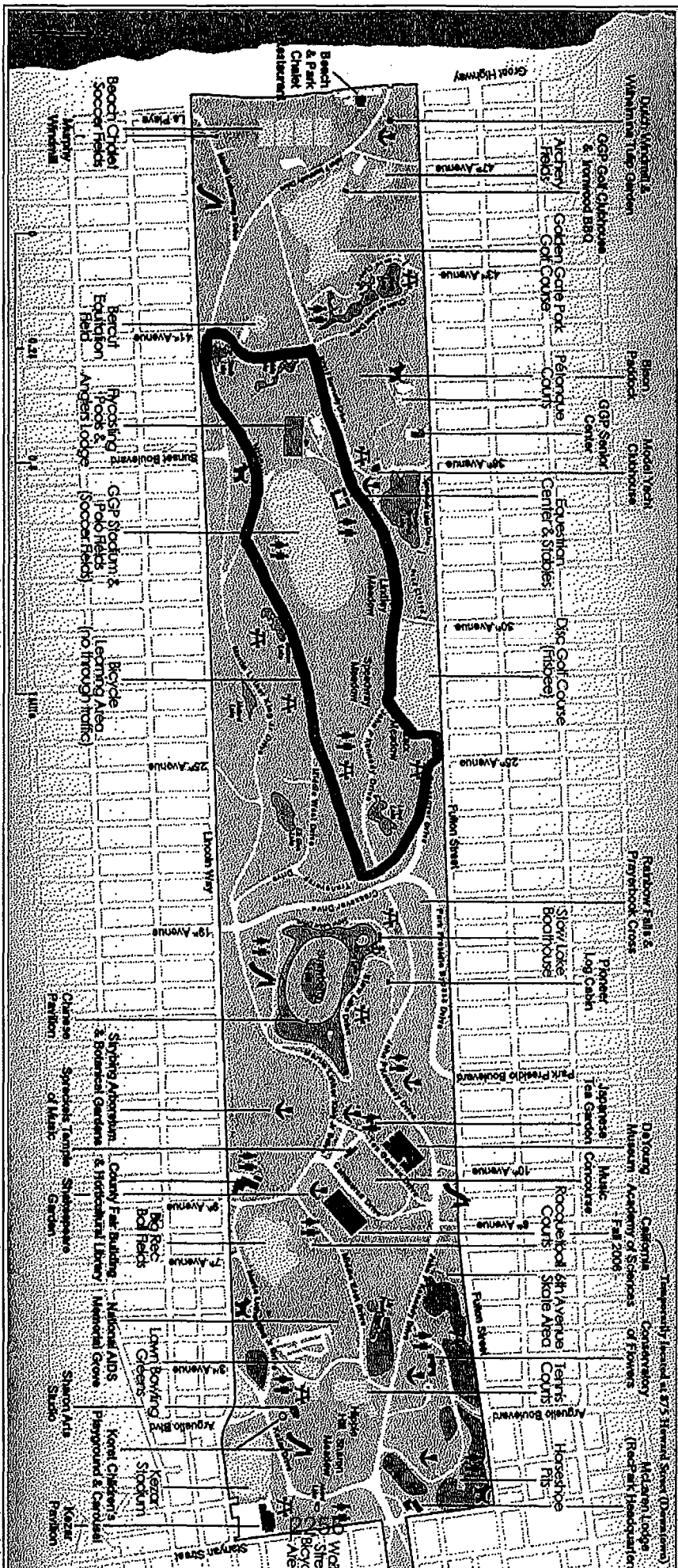
v

All usual RPD permit requirements for emergency medical plan, Health Code, concessions, fire, sanitation, recycling, refuse collection, road closure requests. RPD to provide a plumber to address and fix any sprinkler irrigation incidents that occur. Any actual damages may be billed.

RPD to work with DPW to provide a minimum of 100 street banner locations to APE at least one month prior to the concert.

Presenter and RPD to annually review these operating and outreach requirements within 60 days after the concert and make appropriate changes and adjustments for implementation for the following year's Festival. Public input shall be solicited in this time frame and responded to.

All Cashier or Company checks are made payable to the San Francisco Recreation and Park Department and delivered to Rich Hillis, McLaren Lodge, 501 Stanyan Street, San Francisco, CA 94117

[illegible]



City and County of San Francisco
Recreation and Park Department
 Permits and Reservations

McLaren Lodge in Golden Gate Park

501 Stanyan Street, San Francisco, CA 94117

TEL: 415.831.5500 FAX: 415.831.5522 WEB: <http://parks.sfgov.org>

General Special Event Requirements-Golden Gate Park:

ADA Compliance: Permittee must comply with all applicable provisions of the California and San Francisco Building Codes, the ADA and any other applicable disability access requirements. All sites will handle Special Needs and will be so marked. ADA Forms must be filled out, signed and returned to the Permits and Reservations office to finalize the permit process.

Stages, Tents and Booths: Final approval of written, detailed information pertaining to the installation and anchoring of all structures must be approved by Steve Castille, Area Supervisor, Park Division at (415) 753-7180 or Roger Revel, the head grounds keeper at (415) 467-2886 with the following stipulations:

1. All structures are to be freestanding
2. Anchor bolts are NOT to be drilled into the concrete, asphalt or lawn areas.
3. Tent anchors (stakes, sandbags or water barrels) are to be marked and highly visible to the public and designed for easy maneuvering by the sight impaired and wheelchair users.
4. The name of the tenting company must be submitted.
5. Structures, decorations, equipment, etc. may NOT be attached to Department Property (i.e: garbage cans, benches, trees, etc.)
6. Flooring will be placed at the food and beverage service and preparation areas on the field.
7. All stages, tents and booths erected on San Francisco and Park Department property must meet A.D.A. specifications, i.e. ramps, wheelchair lifts.

Vehicles: No vehicles may drive on pathways or on the grass without the specific approval of a gardener or supervisor.

Banners, posters, flyers, etc. must not be attached to Recreation and Park Property (i.e. garbage cans, benches, trees or others) and **MUST** be removed from the facilities at the end of event

Security for Overnight Set Up: Permittee must provide overnight security at all sites from setup through clean up and breakdown.

Portable Toilets: Permittee will be providing portable toilets based on attendance of which certain minimum amounts must meet A.D.A. specifications,

The services of parking control officers are required to provide for the enforcement of parking on the periphery, in the immediate community and on adjacent streets of all events drawing 5,000 or more participants. You must contact Ms. Debbie Borthne, Assistant Director of Special Events, San Francisco Department of Parking and Traffic, 850 Bryant Street, Room 154, San Francisco CA 94103, at (415) 553-1620, regarding the assignment of the officers and any additional requirements of the Department of Parking and Traffic.

Tobacco Products; Smoking: The sale of tobacco products or advertising is not permitted on San Francisco Recreation and Park Department Property.

SMOKING IS PROHIBITED ON ANY UNENCLOSED AREA OF PROPERTY IN THE CITY AND COUNTY OF SAN FRANCISCO THAT IS OPEN TO THE PUBLIC AND UNDER THE JURISDICTION OF THE RECREATION AND PARK COMMISSION OR ANY OTHER PROPERTY USED FOR RECREATIONAL PURPOSES. (Article 19I: Prohibiting Smoking in City Park and Recreational Areas)

Resource conservation, recycling and composting requirements. California State bill, AB2176 and San Francisco's 75% Landfill Diversion Resolution require all operators of large event to develop a plan that would achieve high rates for solid waste reduction, reuse and recycling. Any events that will host more than 500 people must submit the following to Recreation and Parks Permit Office:



- A recycling and waste reduction plan. A plan can be but is not limited to a map of recycling stations at the proposed event and a written description of how you plan to maximize recycling.
- Proof of recycling service. Contact Sunset Scavenger at (415) 330-1300 or Golden Gate Disposal at (415) 626-4000 to order containers and hauling services.
- Certificate of completion of a recycling workshop or hire an approved recycling crew. To schedule a time to attend the workshop or find out more about approved recycling crews, please contact Julie Bryant, City Government Recycling Associate at (415) 355-3726.

Use of Recyclable and Compostable Food Service Ware. San Francisco's Food Service Waste Reduction Ordinance, Chapter 16 of SF Environment code, "Prohibits the use of polystyrene foam disposable food service ware and requires the use of recyclable or compostable food service ware." For a list of compostable and recyclable food service ware distributors please visit www.sfenvironment.org or call (415) 355-3700.

Evaluation and Compliance. Events will be monitored for compliance with aforementioned recycling requirements. If permittee is found to have violated these requirements, SF Recreation and Parks will consider this grounds for withholding of performance bond and increasing performance bond the following year.

Oil and Food Leftovers: All leftovers (oil, food, etc.) must be hauled away. NO LEFTOVERS ARE TO BE POURED DOWN GUTTERS OR STORM DRAINS. STEAMED WATER IS NOT TO BE POURED ON THE LAWN OR IN THE BUSHES.

Damage: Permittee Group will be liable for any damages to plants, trees, lawns, landscaping, sprinkler heads, and irrigation line. All clean up and lawn repairs must be completed at the end of the event to the satisfaction of the park supervisor. If the conditions are not met, the park staff will perform the work and permittee has agreed to pay for all damages, supplies, materials and labor.

Permits Required:

Alcoholic Beverage Requirements: This correspondence must be presented to the ABC at 71 Stevenson St., Suite 1500, (415) 356-6500, for the required alcoholic beverage permit. Alcoholic beverages may not be sold to anyone under 21 years of age. No glass containers or cans may be used for consuming alcoholic beverages. The following conditions must be met:

- Alcohol must be sold and consumed in a contained area approved by the Police Captain from Richmond Station. PERMITTEE WILL PROVIDE SIGNAGE AS WELL AS SECURITY PARTROL TO ENFORCE THIS.
- The premises must be fenced to control entrance and exit at all sites.
- Anyone under 35 must show I.D. to purchase ticket or obtain alcohol. I.D. must be shown to verify age and a stamp or bracelet will be issued to identify those 21 years of age or older.
- NO alcoholic beverages will be sold in glass bottles.
- Alcoholic beverage sales will stop at "designated time" or an hour prior to the end of each concert at each site.
- Customers are not to leave the entertainment area, carrying alcoholic beverages.
- Permittee will post signs stating its right to refuse service to anyone.
- Permittee will have all bags searched by security monitors before allowing entry into the festival area.
- Captain of the Richmond Station SFPD (415) 666-8000 will have final approval of**
 - All security and security plans for the event.
 - The hiring of extra police officers to monitor the premises at full cost recovery to the City.
- Captain or representative of Richmond Police Station will have the final decision to cease all sales of alcoholic beverages, if it becomes necessary at anytime during the event.**

Emergency Medical Services Plan: Permittee is required to download and fill out an Emergency Medical Service Plan (EMS Plan) located on the San Francisco Emergency Medical Services Agency website, www.sanfranciscoems.org then mail to: John F. Brown, MD MPA FACEP, Medical Director, San Francisco EMS Agency, 68 – 12th Street, Suite 200, SF CA, 94103. Permits & Reservations must receive a copy of the approved and stamped EMS Plan prior to the event.

Environmental Management Plan: Permittee must contact Ajamu Stewart, Special Events Programming of the Bureau of Environmental Management, 1390 Market Street, Suite 210, San Francisco, CA 94102, (415) 252-3828, to obtain the necessary health permits.

Fire Department Approval: Permittee must contact San Francisco Fire Department Permit Bureau, at (415) 558-3303, for the appropriate fire, evacuation and tent permit(s).

Inflatables: If inflatables are to be displayed at your event, a description of the inflatable must be submitted to the San Francisco Recreation and Park Department for approval and if approved, a permit must be secured from the San Francisco Police Department Permit Bureau, at the Hall of Justice, 850 Bryant Street, Room 458 - 4th Floor, San Francisco, CA 94103.

Discrimination: The San Francisco Recreation and Park Department prohibits discrimination on the basis of race, religion, color, national origin, age, sex, sexual orientation, or disability in its programs and activities. If persons feel they have been discriminated against in any department activity, program or facility, they may file a complaint with this Department at McLaren Lodge, Fell and Stanyan Streets, Golden Gate Park, San Francisco, CA 94117, or with The Office of Equal Opportunity, U.S. Department of the Interior, Washington, D.C. 20240.

Evidence of Insurance: You will be required to obtain the minimum liability insurance policy covering the event and naming the City and County of San Francisco and the San Francisco Recreation and Park Department as additionally insured for your event.

Polo Field Stipulations for Large Events:

1. The existing public bathrooms will be locked on "beginning date", until "ending date", to avoid overflow and congestion. The Polo Fields bathroom may remain open provided that the location is fully staffed to avoid overflow and congestion.
2. The stages and tents will be set up at the Polo Field. Flooring must be placed under any tented area serving food on the Polo Field turf.
3. Event Staff will work with the Polo Field staff to ensure cohesive logistics and protection of their area.
4. A public address system will be used for crowd control, master of ceremonies, emergency announcements, lost and found information and entertainment.
5. Permittee must contact Roger Revel, Grounds Keeper at (415) 467-2886 regarding the placement and set up of the fencing and all equipment.

North Tunnel at Polo Fields: North Tunnel Bridge at Polo Fields has many stress fractures along the walls and on the roof. It is imperative that trucks DO NOT DRIVE OR REST OVER THE TUNNEL and should stay clear approximately 20 feet on either side of the tunnel. Small motor carts should be used to carry equipment on to the field.

B – History of Outdoor Music Concerts in Golden Gate Park Western End

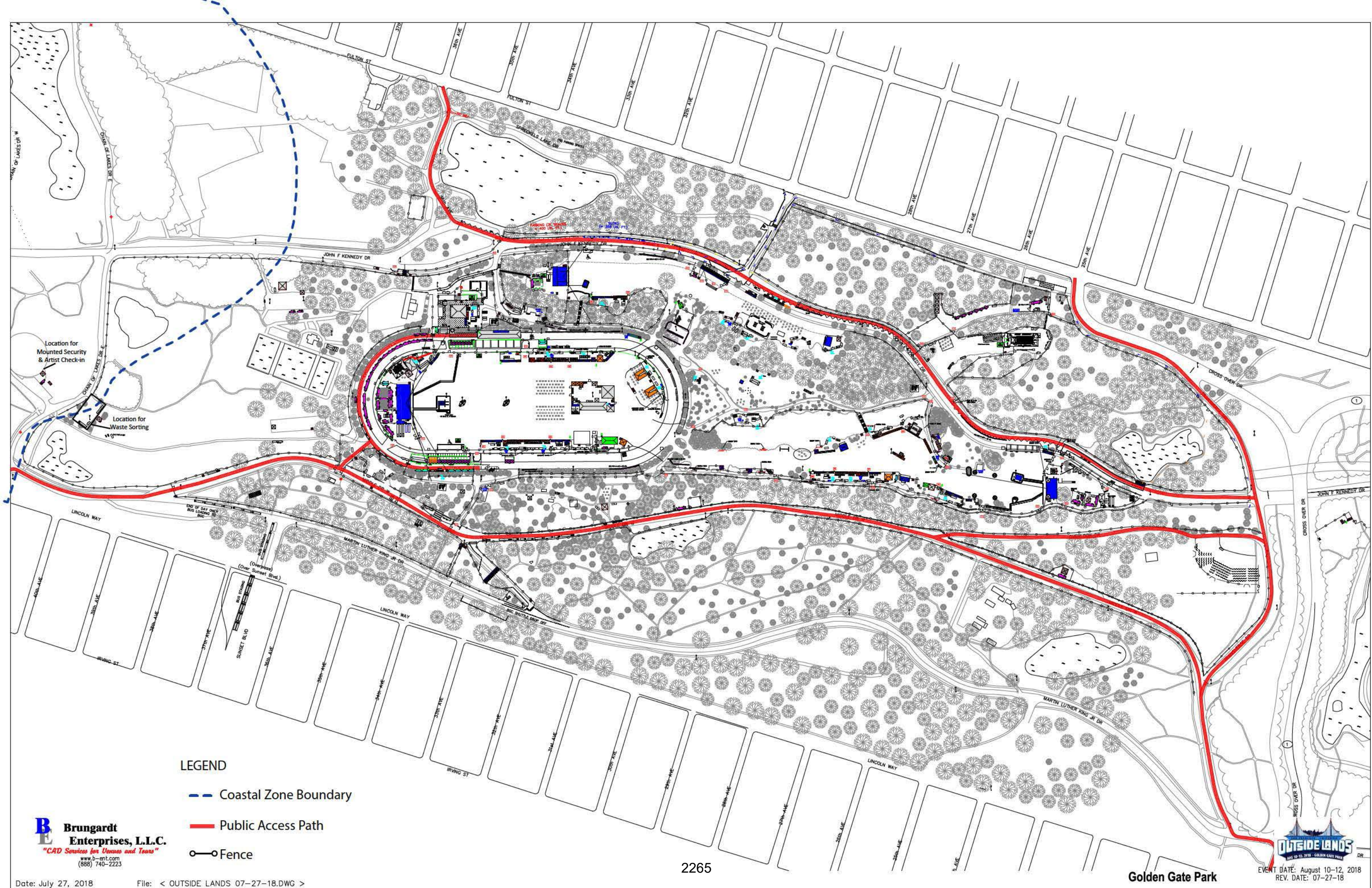


London N. Breed, Mayor
Philip A. Ginsburg, General Manager

Partial List of Outdoor Music Concerts in Golden Gate Park Western End

- 1968 Human Be In
- 1989 Jefferson Airplane, Bob Weir
- 1991 Celebration of Bill Graham
- 1992 Ben and Jerry's One World One Heart
- 1993 Womad
- 1995 Pearl Jam
- 1995 Jerry Garcia Memorial
- 1996 Tibetan Freedom concert
 - 1996 Red Hot Chili Peppers
 - 1996 Beastie Boys
- 1999 Fleadh Festival
- 1999 to 2011 Power to the Peaceful Concert (annual)
- 2001 On – Hardly Strictly Bluegrass
- 2004 Dave Mathews Band
- 2006 to 2015 Alice Summerthing Concert
- 2008 On – Outside Lands
- Every 10 years up to 2007 - Celebration of Summer of Love
- Every 10 years up to 2009 - Woodstock Anniversary

C – Map of Coastal Zone
(Coastal Commission Jurisdiction)



LEGEND

- Coastal Zone Boundary
- Public Access Path
- Fence

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Wong, Jocelyn (BOS)

From: BOS Legislation, (BOS)
Sent: Friday, March 22, 2019 3:00 PM
To: richard@lozeaudrury.com; alsolow@earthlink.net; pprows@briscoelaw.net
Cc: GIVNER, JON (CAT); STACY, KATE (CAT); JENSEN, KRISTEN (CAT); Rahaim, John (CPC); Teague, Corey (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Sider, Dan (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Fordham, Chelsea (CPC); Ketcham, Dana (REC); Rosenberg, Julie (BOA); Cantara, Gary (BOA); Longaway, Alec (BOA); Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS-Supervisors; BOS-Legislative Aides; BOS Legislation, (BOS)
Subject: SUPPLEMENTAL APPEAL LETTER: Appeal of CEQA Exemption Determination - Outside Lands Festival Use Permit - Appeal Hearing on April 2, 2019

Categories: 190198

Good afternoon,

Please find linked below a supplemental appeal letter received by the Office of the Clerk of the Board from Richard Drury of Lozeau Drury LLP, on behalf of the Appellants, regarding the appeal of the Categorical Exemption Determination for the proposed Outside Lands Festival Use Permit.

[Supplemental Appeal Letter - March 22, 2019](#)

The hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on April 2, 2019, at 3:00 p.m.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the links below:

[Board of Supervisors File No. 190198](#)

Regards,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

brent.jalipa@sfgov.org | www.sfbos.org



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richard@lozeaudrury.com

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March 22, 2019

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Subject: Appeal of CEQA Categorical Exemption for the
Outside Lands Festival Use Permit – Supplemental
Filing
SF Plng Case #: 2019-000684PRJ
SF BOS File #: 190117

Board President Yee and Honorable Members of the Board of Supervisors:

On behalf of San Francisco residents Andrew Solow and Stephen Somerstein ("Appellants"), I hereby submit this supplemental filing to support our appeal of the CEQA Categorical Exemption issued on or about January 17, 2019 for the 10-year use permit for the Outside Lands Festival. (Planning Dept. Case No. 2019-000684PRJ; Board of Supervisors File # 190117). In addition to the issues raised in our prior appeal letter, we raise the additional issues and concerns, and respond to the letter filed by

counsel for Another Planet Entertainment on March 18, 2019 (“APE Letter”). We incorporate our prior comments in full by reference.

I. INTRODUCTION

“AS REQUIRED” IS NOT A NOISE LIMIT: As discussed in our February 14, 2019 letter, the subject 10-year Use Permit Extension does not contain any quantitative noise standards or any type of auditory or hearing safety limits. The Permit simply requires Another Planet Entertainment (“APE”) to monitor noise levels and adjust **“as required.”** (Outside Lands Permit ¶47). However, “as required” is not defined, and is an unenforceable permit condition. In short, there is no numerical decibel level that is defined as being simply “too darn loud.” As a result, in 2018, noise complaints more than tripled over the prior three years, to a total of 212 complaints (compared to the prior 3-year average of 58 complaints per year). Noise complaints were registered from as far as three miles from the Festival. This untenable situation has led to this appeal, as well as a unanimous vote of support from the Coalition for San Francisco Neighborhoods. (Exhibit A).

SHARON MEADOW NOISE POLICY: The appellants propose a simple solution. In 2004, the City adopted a reasonable noise policy for Sharon Meadow (“Sharon Meadow Policy”). (Exhibit B). The Sharon Meadow Policy requires, among other provisions, that the maximum levels at the mixing board shall not exceed a 5-minute average sound level of 96 dBA or instantaneous maximum sound level of 102 dBA. This policy seems to have been effective at addressing noise from festivals in Sharon Meadow. It is only reasonable to apply the same policy to different musical events in the same park. CEQA review would require the City staff to analyze the noise impacts of the Outside Lands Festival and consider all feasible mitigation measures. Chief among these would be simply to adopt the Sharon Meadow Noise Policy and apply it to Outside Lands.

II. CEQA ANALYSIS

As discussed in our February 14, 2019 letter, the Festival is not exempt from CEQA review and CEQA review is required to analyze and mitigate the noise impacts. CEQA Guidelines section 15382 specifically provides that “ambient noise” is a “significant effect on the environment” requiring CEQA review. The California courts have held that much smaller events involving amplified music require CEQA review. *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agric. Assn.*, 42 Cal. 3d 929, 934 (1986), (7000 seat outdoor music theater requires CEQA review); *Keep Our Mountains Quiet v. Cty. of Santa Clara*, 236 Cal. App. 4th 714, 722 (2015) (150-person weddings at private home require CEQA review).

The Outside Lands festival is no different from the above cases. As in the above cases, it will have significant noise impacts on nearby residential areas. Therefore CEQA review is required to analyze the impacts and to propose feasible mitigation measures to reduce those impacts.

The City contends that the Class 4 CEQA exemption for “Minor Alterations to Land” exempts Outside Lands from all CEQA review. As discussed in our February 14, 2019 letter, the Class 4 exemption does not apply because Outside Lands is not a “minor alteration to land.” Furthermore, several exceptions to the Class 4 exemption apply, such as the fact that the Festival impacts the Coastal Zone and several historic resources in Golden Gate Park due to noise and traffic impacts. 14 Cal.Code Regs. 15300.2(a). Also, the exemption does not apply since the City has imposed numerous mitigation measures to the permit. Finally, the exemption does not apply because there is no dispute that the Festival has significant noise impacts.

III. APE LETTER

On March 18, 2019, counsel for Another Planet Entertainment filed a comment letter on this CEQA appeal. In the letter, APE all but abandons the Class 4 CEQA exemption invoked by the City for “Minor Alterations to Land.” Obviously, Outside Lands is not a “minor alteration to land.” As APE’s counsel acknowledges several limitations apply to the Class 4 Exemption, such as the fact that the Festival “may impact” the Coastal Zone. Instead, APE urges the City to invoke the Class 1 (existing facilities) and Class 23 (normal operation of facilities for public gatherings) CEQA exemptions.

As a threshold matter, if the City is going to change course in mid-stream and invoke an entirely different CEQA exemption, it must remand the matter back to the Recreation and Parks Commission for consideration of the new exemptions and to allow the public a reasonable opportunity for review and comment. See, *Gentry v. City of Murrieta*, 36 Cal. App. 4th 1359, 1399 (1995) (agency must inform public of the CEQA provision upon which it is relying).

A. CLASS 1 and CLASS 23 EXEMPTIONS DO NOT APPLY.

The Class 1 exemption for preexisting facilities and the Class 23 exemption for normal operations of facilities for public gatherings do not apply for several reasons. APE argues that music festivals have been held in Golden Park for decades, and that Outside Lands therefore does not expand a preexisting use, and is part of a normal operations of a facility for public gatherings. APE provides a long list of outdoor music festivals dating back to 1894.

1. **Recent Increases in Noise Intensity:** APE provides no evidence that the earlier other music festivals produced anywhere near the levels of noise generated by Outside Lands. Obviously, sound systems in 1894 would not generate noise complaints as far as three miles away. Even the sounds system in use in the 1960s and 1970s were far less powerful than modern systems. Indeed, the number of noise complaints increased dramatically in 2018 by about 300% over prior years. As shown in the Recreation and Parks Department Staff Report dated December 6, 2018:

The following table prepared by SFRPD Staff shows sound complaints received each year.

Noise Complaints	2011	2012	2013	2014	2015	2016	2017	2018
North	168	95	74	28	28	28	35	74
South	134	50	42	39	18	11	32	111
East	15	7	5	14	0	5	13	19
Unknown	67	28	16	3		3		8
Total	384	180	137	84	46	47	80	212

**See: [Item-17-Outside-Lands-Extension-Staff-Report-011719.pdf](#) page 7

The table shows that according to the City's own data, noise complaints in 2018 more than tripled over the average of prior years. Therefore, it appears that Outside Lands is not a mere continuation of pre-existing activities, but represents a significant expansion.

This situation is similar to that in the case of *Meridian Ocean Sys., Inc. v. State Lands Com.*, 222 Cal. App. 3d 153, 164 (1990). In that case, a CEQA exemption was issued for undersea seismic mapping. Years later, information came to light showing that the noise levels were louder and more harmful than previously known. The court held that CEQA review was required to analyze and mitigate the noise issues.¹ Similarly, in *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agric. Assn.*, 42 Cal. 3d 929, 934 (1986), CEQA review was required for an outside amphitheater, despite prior CEQA review, when noise levels turned out to be greater than previously projected. Since noise complaints spiked in 2018, the fact that prior events occurred in Golden Gate Park does not exempt the Outside Lands Festival.

2. The 10-Year Contract is Different from Prior Shorter Term Contracts:

Another reason that the CEQA exemptions do not apply is the fact that the City is approving a long-term contract, while prior contracts were for shorter terms. The first permit was for four years from 2009 through 2013. The first permit extension was for a period of eight years from 2014 through 2021. The current permit extension is for ten years. The courts have held that when a temporary project is exempted from CEQA review, that fact does not exempt a continuation of the project for a longer period of time. *Apartment Assoc. v. Los Angeles*, (2001) 90 Cal. App. 4th 1162; *Chamberlin v. City of Palo Alto* (1986) 186 Cal. App. 3d 181, 187. The courts held that while the public may tolerate a short-term impact, when the same project is approved on a long term or permanent basis, CEQA review may be required.

3. Outside Lands Has Significant Impacts: Furthermore, Outside Lands may not be exempted from CEQA review because there is no dispute that the Festival has significant impacts. The APE Letter focuses on the allegations that there are no

¹ The *Meridian Ocean* case expressly distinguished the *Campbell v. Third Dist. Agricultural Assn.* (1987) 195 Cal.App.3d 115, case relied upon by APE. The *Campbell* case is also in direct conflict with *Lewis v. Seventeenth Dist. Agricultural Assn.* (1985) 165 Cal.App.3d 823, 830.

“unusual circumstances.” However, the recent case of *Berkeley Hillside Pres. v. City of Berkeley*, 60 Cal. 4th 1086, 1105 (2015) held that there are two ways to establish that a CEQA exemption does not apply: (1) if the project **may** have adverse impacts due to unusual circumstances, or 2) if the project **will** have a significant environmental impact. The second provision does not require unusual circumstances.

a. **Outside Lands Has Significant Noise Impacts:** Acoustical consultant, Derek Watry of Wilson Ihrig consulting firm, concludes that Outside Lands has significant noise impacts. (See Comments of noise consultant Derek Watry, Exhibit C). In 2018 there were 240 noise complaints from 190 separate individuals living up to 3 miles away from the Festival. Noise levels were recorded at homes up to 86 decibels – roughly the noise level of a passing train. The significant noise impacts cannot reasonably be questioned.

b. **Outside Lands Has Significant Traffic Impacts:** Traffic engineer Daniel Smith, P.E., concludes that there is at least a fair argument that Outside Lands has significant traffic impacts. (Exhibit D). Despite repeated requests, the City appears to have no formal traffic counts. “The agency [will] not be allowed to hide behind its own failure to gather relevant data.... CEQA places the burden of environmental investigation on government rather than the public. If the local agency has failed to study an area of possible environmental impact, a fair argument may be based on the limited facts in the record. Deficiencies in the record may actually enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences.” *Gentry v. City of Murrieta*, 36 Cal. App. 4th 1359, 1378–79 (1995). Mr. Smith concludes that given that tens of thousands of people are leaving that Festival at the same time, it is a near certainty that the Festival has significant traffic impacts.

4. **Outside Lands Has Significant Impacts on Historic Resources:** CEQA prohibits the use of a CEQA exemption for projects that **may** cause a substantial adverse change in the significance of a historical resource, “or its immediate surroundings.” CEQA § 21084.1, CEQA Guidelines 15300.2(f). Derek Watry of acoustical consulting firm Wilson Ihrig concludes that the Outside Lands Festival creates noise impacts that adversely impact at least the following historic resources: Beach Chalet; Conservatory of Flowers; Dutch Windmill; Francis Scott Key Monument; Lawn Bowling Clubhouse and Greens; McLaren Lodge; Murphy Windmill; Music Concourse; Park Emergency Hospital; Sharon Building. (Exhibit E). Therefore the City may not exempt the permit from CEQA review.

5. **Outside Lands May Not Be Exempted from CEQA Review Because the City Has Imposed Numerous Mitigation Measures:** Finally, as discussed in our prior letter, Outside Lands may not be exempted from CEQA review because the City has imposed at least 15 mitigation measures to reduce impacts. An agency may not exempt a project from CEQA review if it also imposes mitigation measures. The mitigation measures establish that CEQA review is required to analyze the effectiveness of the mitigation measures and other alternative measures. *Salmon Protection & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098, 1108 (“SPAWN”).

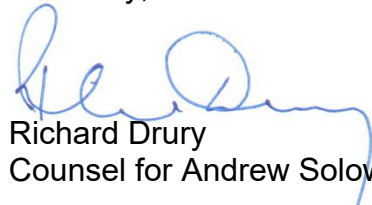
APE attempts to distinguish the *SPAWN* case by citing *Citizens for Environ. Resp. v. 14th Dist. Ag. Assn.* (2015) 242 Cal.App.4th 555, 572 (“*CER*”). The *CER* case is inapposite because in that case the mitigation measure at issue (a manure management plan) was adopted years prior as an ongoing measure for the fairgrounds, not as a specific mitigation measure for the rodeo event at issue in that case. By contrast, the 15 mitigation measures in the Outside Land contract were specifically designed for the Outside Lands Festival and apply only to that single event.

6. **Cumulative impacts.** The City attempts to dismiss Outside Lands as a “temporary” or “short-term” event. However, the APE letter points out the fallacy of this argument. The APE Letter cites at least 77 other musical events in Golden Gate Park. In addition, we have compiled a list of 16 additional events involving amplified sound annually. (Exhibit F). These events have a cumulative impact that is much greater than the 3-day Outside Lands Festival. Recognizing that several projects may together have a considerable impact, CEQA requires an agency to consider the “cumulative impacts” of a project along with other projects in the area. (Pub. Resources Code §21083(b); CEQA Guidelines §15355(b)). If a project may have cumulative impacts, the agency must prepare an EIR, since “a project may have a significant effect on the environment if ‘[t]he possible effects of a project are individually limited but cumulatively considerable.’” *Communities for a Better Env’t v. California Res. Agency*, 103 Cal. App. 4th 98, 114 (2002). It is vital that an agency assess “the environmental damage [that] often occurs incrementally from a variety of small sources . . .” (*Bakersfield Citizens For Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1214) The City has failed entirely to analyze the cumulative impacts of Outside Lands together with the numerous other events in Golden Gate Park involving amplified music.

In consideration of the foregoing, we request that:

- **The City withdraw its deficient CEQA Categorical Exemption.**
- **The City promulgate quantitative noise standards that are appropriate for the Outside Lands Festival and other music performance events in Golden Gate Park, similar to the Policy already adopted for Sharon Meadow.**
- **The City conduct a CEQA process leading to Quantitative Noise Limits and other feasible noise mitigation measures.**

Sincerely,



Richard Drury
Counsel for Andrew Solow and Stephen Somerstein

EXHIBIT A



March 21, 2019

**AMENDED CSFN EMERGENCY RESOLUTION FROM THE GOVERNMENT & ELECTION'S COMMITTEE FOR THE GENERAL ASSEMBLY MEETING
MARCH 19, 2019 FOR THE BOS MEETING ON APRIL 2, 2019.**

WHEREAS the unregulated decibel levels for the Outside Lands and other concerts pose a health threat to young children, the elderly and people at risk in all the neighborhoods surrounding the RPD area;

WHEREAS there is decibel abatement available through slight repositioning of the speakers and minor lowering of the volume controls available which will meet independently verifiable safe levels, without compromising artistic integrity;

WHEREAS the excessive volume will greatly hinder calls to 911 and compromise internal communications between emergency responders, their vehicles and their command centers;

THEREFORE BE IT RESOLVED that the CEQA exemption granted be rescinded, and if it is not done, the prevailing regulation of the Police Code of Article 29 for Public Events should prevail in the interim until a transparent means of volume mitigation be enforced.

Sincerely,

**George Wooding, President
Coalition for San Francisco Neighborhoods
PO Box 320098
San Francisco CA 94132**

EXHIBIT B

SHARON MEADOWS NOISE POLICY (SUMMARY OF RELEVANT CONDITIONS)

All of the policies below are taken directly from the Sound Policy for Sharon Meadow, adopted by the San Francisco Parks and Planning Committee on February 24, 2004.

Loudspeakers

1. Provide a "vertical line array" of speakers or maintain a downward tilt if conventional speakers are to be used. A vertical line array loudspeaker system is specifically designed and configured so that the spreading of sound in the vertical plane (the "vertical dispersion") is limited. This type of loudspeaker system has become commonplace in medium to large touring systems, however may not be available from smaller local sound rental companies.
2. Where vertical line array loudspeaker systems are not available, require concert promoters to orient loudspeakers 15 degrees down from the horizontal plane to minimize the noise that could leakage to the community. The effectiveness can be evaluated over the course of the upcoming concert season. The exact design will need to be tested and refined but can be worked out with the City, sound contractor and acoustical consultant.
3. It is recommended that event applicants with an anticipated attendance of 3,000 or more would be required to hire an environmental acoustical consultant to design an appropriate sound system to conform to the requirements of Police Code § 47.2.

Enforcement

4. Maintain maximum sound levels at the Mix position. Assuming the provisions of items 2 and 3 or 4 above, it should be required that the maximum levels at the mixing board shall not exceed a 5-minute average sound level of 96 dBA or instantaneous maximum sound level of 102 dBA.
5. Maintain maximum noise levels in the community. In addition to the sound level limit at the Mix position, measurements should be made at representative locations in the community to assure that average concert noise does not exceed average ambient noise by more than 5 dBA. A measurement of the average sound level should be made at 5-minute intervals during the concert. This can be compared with measurements of ambient noise made prior to concert and during breaks in the concert. The Department will determine locations in the community to take measurements of the average sound level.
6. Determine the responsibility to monitor noise: One possible approach is that the organizer of the event be responsible to provide acoustical measurement services at the mixing board and in the community. Alternately, the Park staff or Police Department could be the measuring authority. Organizers must alert performing companies that concert noise levels must be adjusted to comply with the limits set forth in this policy. The Park Patrol will be the measuring and enforcement authority for noise monitoring.
7. Maintain a Complaint Log. An accurate log of complaints received during concerts should be maintained by the S.F. Police Department and/or Department of Parks and Recreation in order to identify problem areas. A complaint log will be maintained by Park Patrol.

CHARLES M. SALTER ASSOCIATES, INC.
Consultants in Acoustics and Audio/Visual Design
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Phone: (415) 397-0442
Fax: (415) 397-0454
E-mail: tschindler@cmsalter.com

Memorandum

Date: 12 February 2004

Pages (including cover): 16

Name:

Company:

Fax #:

Dan McKenna

Recreation and Park Department

415-221-8034

From: Tom Schindler /mdn

Subject: Golden Gate Park Noise Mitigation – Final Report
CSA Project No.: 01-0428

Dear Dan:

Attached please find our final report dated 25 July 2003 for the subject project. Please call us if you require additional information.

TAS/mdn

P:\CSA Projects\Y2001\01-0428\Transm Final Report of 7-25-03.doc

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Philip N Sanders
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Joey G D'Angelo
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Brian Brustad
Brenda R Yee
Eric A Yee
Troy Gimbel
Timothy C McLain
Joshua M Roper
Kevin M Powell
Christopher A Peltier
Randy Waldeck
Jeff Clukey
Andrew Stanley
Peter Hotel
Ethan Salter
Claudia Kraehs
Jessica Jerozal
Pamela M Vold
Kevin Frye
Ian Groven
Marva D Noordzee
Debbin Garcia

25 July 2003

Dan McKenna
Recreation and Park Department
501 Stanyan St., 2nd Floor
San Francisco, CA 94117

Subject: Golden Gate Park Noise Mitigation – Final Report
CSA Project No: 01-0428

Dear Mr. McKenna,

Enclosed find two copies of the final project report for the Golden Gate Park Noise Mitigation Project our office has conducted.

Please forgive any difficulties/ delays associated with the transition from Al Rosen to Tom Schindler and myself in putting this report together.

It has been a pleasure working with you and working on this project.

Feel free to call if you have any questions.

Sincerely,

CHARLES M. SALTER ASSOCIATES, INC.

Julie Malork
Julie Malork
Senior Consultant

Tom Schindler
Tom Schindler, PE
Vice President

TAS_01-0428 Report Cover Letter_jan_7-25-03

C h a r l e s M S a l t e r A s s o c i a t e s I n c

**FINAL REPORT
GOLDEN GATE PARK NOISE
MITIGATION PROJECT
SAN FRANCISCO, CA**

CSA PROJECT NO: 01-0428

Prepared for:

Recreation and Park Department
501 Stanyan Street, 2nd Floor
San Francisco, CA 94117

Prepared by:

Thomas A. Schindler
Vice President

Julie Malork
Senior Consultant

25 July 2003

Golden Gate Park Noise Mitigation Project; 25 July 2003

Page 1

INTRODUCTION

For this project, we conducted measurements of noise from several events at Sharon Meadows and one event at Speedway Meadows to quantify sound propagation from these venues to the neighborhood residential locations. In addition, sound measurements were conducted at Sharon Meadows to quantify the effect of "tilting" the loudspeakers towards the ground and rotating the stage to minimize sound propagation to the community. Based on the results of these tests we provide recommendations on modifications to the existing City permit language, sound system design and maximum sound level criteria at the Mix position to minimize event noise levels in the community.

All sound levels presented in this report are A-weighted. Those readers not familiar with the fundamental concepts of environmental noise are referred to Appendix A.

1 - EXISTING ACOUSTICAL CRITERIA

Existing acoustical criteria for outdoor events are contained in the San Francisco Police Code (MPC) and Police Department's application for permit for an outdoor event.

Section 47.2 of the MPC entitled "regulation for use" enumerates regulations for sound amplifying equipment. Section 7 states that "Except as permitted by Chief of Police for public gatherings, in all cases where sound amplifying equipment remains at one location or when the sound truck is not in motion, the volume of the sound shall be controlled so that it will not be audible for a distance in excess of 250 feet from the periphery of the attendant audience."

In addition the bottom of the second page of the Police permit application states:

- "Sound level may not exceed 250 as specified by section 47.2 (7) MPC" (*this requirement as stated is incomplete, however likely refers to the reference to audibility at 250 feet, as stated in MPC Section 47.2 (7) above*).

Golden Gate Park Noise Mitigation Project, 25 July 2003

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- "Permitees shall reduce sound level to a volume requested by law enforcement personnel"

The MPC also considers "unnecessary noises" as those which "cause a noise level in excess of the ambient noise level by more than 5 dBA when measured at the nearest property line of the property from which the sound is omitted (sic)." It appears that this portion of the code does not apply since Section 49 explicitly exempts noises that are covered in Section 47.2.

In summary, the application for permit requires that the noise from concerts be controlled so that it is not audible for a distance in excess of 250 feet from the periphery of the attendant audience. For the purpose of this analysis we use 47.2(7) as a basis for determining whether the noise levels measured meet or exceed the City's code requirements.

2 - MEASUREMENTS

Measurements were made to quantify the noise level of events in the City as well as to test an alternative speaker layout. This section summarizes those results.

2.1 - Ambient Noise Levels.

Measurements were made on August 25th through August 28th 2001 to quantify existing ambient noise levels northeast of the Park at 41 Temescal Terrace and east of the Park near 1833 Page Street. According to police, residents in these areas have previously complained about concert noise.

At Temescal Terrace, the measurement was made at the southwest corner of the backyard, 10 feet above ground on a fence post. At this location, there was a partial view of the areas to the southwest (towards the Park), but was generally screened from the Park by existing terrain and buildings. This location is significantly elevated above the Park.

Golden Gate Park Noise Mitigation Project, 25 July 2003

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The average daily noise level ranged from 48 to 55 dBA on a Sunday without an event. Nighttime levels ranged from 42 to 48 dBA. The noise level was dominated by traffic on local roads and distant aircraft activity. We also observed occasional noise from the athletic field on Parker Avenue that is associated with the USF campus.

The Page Street measurements were made in front of the existing S.F. Public Library (1833 Page Street) on a utility pole approximately 12 feet above grade. The dominant noise source at this location was vehicular traffic on Page Street. Typical daytime levels range from 58 to 62 dBA. Nighttime noise levels ranged from 48 to 58 dBA.

2.2 - 2001 Concert Season

2.2.1 - "Reggae in the Park" at Sharon Meadows

Measurements of the "Reggae in the Park" concert were made on October 7th 2001 at the Temescal Terrace and Page Street residential monitoring locations. The measurements were made before, during, and after the show to determine the effect of the concert on noise levels at the receiver locations.

At both locations, the sound of the concert was audible. The data indicates that the noise level at the Temescal location decreases after 7 pm when the concert concludes. At Page Street the concert was audible but, at times, harder to detect above other ambient noises such as traffic and general street activity.

An additional measurement was made at 2536 McAllister Street. This location is closer to the Park than the other two monitoring locations. Maximum noise levels from the concert were 64 to 71 dBA; car pass-bys had maximum levels of 65 to 66 dBA. Without the music or cars, the ambient noise level was 50 to 55 dBA.

Golden Gate Park Noise Mitigation Project, 25 July 2003

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During the concert, a measurement was made 150 feet in front of the stage while a simultaneous measurement was made 150 feet directly behind the stage. The purpose of the measurement was to determine how much noise reduction could be obtained by rotating the stage to the west, away from the affected homes. We found that the sound level behind the stage was about 16 dBA lower than in front.

2.2.2 - "RACE FOR THE CURE®" AT SHARON MEADOWS, SPEAKER ORIENTATION TESTING

A series of tests were conducted on October 20th 2001 prior to the "Race for the Cure®". During these tests, one of the two main loudspeakers was aimed horizontally (normal position) and the other was aimed with a 15-degree downward tilt. The goal was to determine if the tilting of the loudspeakers would reduce noise levels in the residential neighborhood to the northeast.

Measurements were made near Temescal Terrace as the sound alternated between the two speakers. In most instances it was difficult to ascertain the loudspeaker sound level due to high ambient noise from vehicular traffic on local roads. However, the data seem to indicate that the noise level was reduced by 3 and 5 dB in the mid frequencies (speech frequencies) when switching between the horizontal and downward facing speakers. This leads us to conclude that the orientation of the speakers could be used to effect an overall reduction of up to 3 dBA.

2.2.3 - "STRICTLY BLUEGRASS" CONCERT AT SPEEDWAY MEADOWS

Noise measurements were made during the "Strictly Bluegrass" event at Speedway Meadows on October 27th 2001. Measurements were made along Lincoln Way and Fulton Streets near existing residences outside the Park. In general, the concert was barely detectable or inaudible at these residential locations. In part, this was due to the type of music (the Bluegrass music generated lower levels than those at the Reggae festival). However, the orientation of the stage, acoustical shielding provided by the existing terrain surrounding the Park and the high existing ambient noise levels from roadways helped mask the concert sound so that it was barely audible

in the neighborhood. The sound of the concert was audible to the west, particularly at the eastern end of the Polo Field.

2.3 - 2002 Concert Season

After an initial meeting with local neighbors, the Park staff, police and promoters prior to the 2002 season, it was decided to attempt to maintain noise levels such that they would not exceed the ambient L_{eq} by more than 5 dB. Following are the results.

2.3.1 - "Comedy Day" Event at Sharon Meadows

Noise measurements were made during the "Comedy Day" event at Sharon Meadows on August 18th 2002. For this event, the stage and loudspeakers were oriented to the east. Measurements were made on Alma Street southeast of the Park, on Page Street and on Shrader Street east of the Park, at Temescal Terrace northeast of the Park and on Parnassus Avenue south of the Park in residential neighborhoods. The concert was barely detectable or inaudible at all residential locations except the Page Street location. At Page Street, the event was audible but did not increase the ambient noise level more than 5 dBA. In general, the concert sound levels were one to 3 decibels higher than the ambient noise levels measured in August 2001 and before the concert began. At each location, local traffic dominated the noise environment.

2.3.2 - "A La Carte, A La Park" Concert at Sharon Meadows

Measurements of the "A La Carte, A La Park" event at Sharon Meadows were made on September 1st 2002 at the Page Street, Temescal Terrace and Shrader Street residential monitoring locations. For this event, the stage and loudspeakers were oriented to the north. Concert noise was inaudible or barely audible at each location, and the ambient noise levels were never exceeded by 5 dBA.

Golden Gate Park Noise Mitigation Project, 25 July 2003

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2.3.3 - "Now and Zen" Concert at Sharon Meadows

Noise measurements were made during the "Now and Zen" event at Sharon Meadows on September 22nd 2002. For this event, the stage was oriented to the north and the loudspeakers were in a vertical line array to the north. Measurements were made east of the Park at the Page Street location and northeast of the Park at the Temescal Terrace and Shrader Street residential monitoring locations. The concert was detectable at both the Temescal and Shrader locations, but inaudible at the Page location. At the Temescal and Shrader locations, the ambient noise level was also exceeded by more than 5 dBA and neighborhood complaints were generated.

Although the stage and loudspeaker set-up were acoustically optimal (i.e. north-facing and loudspeaker in a vertical line array), the sound levels at the Mix position reached 109 dBA instantaneous maximum sound level. Despite requests by the Park staff and the Police Department for the person at the mixing board to reduce the sound levels, our measurements indicate that between 2:30 pm and 3:20 pm, the sound levels at the Mix position repeatedly reached between 104 and 109 dBA. This measurement experience indicates that restricting the sound level at the Mix location to a maximum level is strongly recommended to comply with the police code, to minimize the negative impact on the nearby residential neighbors and to reduce the likelihood of complaints.

3 - CONCLUSIONS

- 3.1 For several events measured, noise at Sharon Meadows was clearly audible at residential neighborhoods surrounding the Park. This level of noise would likely be considered a violation of the police code (Section 47.2(7)) and use permit since the concert music was audible in excess of 250 feet from the periphery of the attendant audience.
- 3.2 Maintenance of the "5 dB over ambient" limit resulted in barely audible concert sound in the neighborhood and minimal complaints based on a meeting with the neighbors after the first season.

Golden Gate Park Noise Mitigation Project, 25 July 2003

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- 3.3 Reorientation of loudspeakers along the horizontal lateral axis (face speakers downward) can cause a slight reduction of noise levels in residential neighborhood. This effect would be approximately 3 decibels. A 3 dB change would be slightly noticeable.
- 3.4 Reorientation of the stage and loudspeakers to the west would reduce noise by 10 to 15 dBA at residences to the east. For comparison, a 10 dBA reduction would be considered a halving of the perceived loudness. However noise levels in other areas to the west could increase as a result of this reorientation. This would require further testing which could be done as part of the ongoing effort to reduce noise from the concerts.
- 3.5 Concerts at Speedway Meadows would likely generate significantly lower levels in residential communities as compared to those at Sharon Meadows.

4 - RECOMMENDATIONS

Based on the aforementioned conclusions, the following mitigation measures should be investigated for future concerts in an attempt to minimize noise impact to the neighborhoods:

Event Permitting

- 4.1 Revise the police permitting requirements so that the concert will not be in direct violation of the code. This would require either a change in the code or an exemption to be granted by the Chief of Police.

Stage/Loudspeaker Orientation

- 4.2 Orient the stage and loudspeakers to the north (towards "hippie hill"), or evaluate the feasibility of orienting the stage and loudspeakers towards the west to minimize sound transfer to residential areas adjacent to the Park.
- 4.3 Provide a "vertical line array" of speakers or maintain a downward tilt if conventional speakers are to be used. A vertical line array loudspeaker system is specifically designed and configured so that the spreading of sound in the vertical plane (the "vertical dispersion") is limited. This type of loudspeaker system has become commonplace in medium to large touring systems, however may not be available from smaller local sound rental companies.
- 4.4 Where vertical line array loudspeaker systems are not available, require concert promoters to orient loudspeakers 15 degrees down from the horizontal plane to minimize the sound leakage to the community. The effectiveness can be evaluated over the course of the upcoming concert season. The exact design will need to be tested and refined but can be worked out with the City, sound contractor and acoustical consultant.

Concert Sound Levels

- 4.5 Maintain maximum sound levels at the Mix position. Assuming the provisions of items 2 and 3 or 4 above, it should be required that the maximum levels at the mixing board shall not exceed a 5-minute average sound level (L_{eq}) of 96 dBA or instantaneous maximum sound level of 102 dBA.
- 4.6 Maintain maximum noise levels in the community. In addition to the sound level limit at the Mix position, measurements should be made at representative locations in the community to assure that average concert noise does not exceed average ambient noise by more than 5 dBA. A measurement of the average sound level (L_{eq}) should be made at 5-

Golden Gate Park Noise Mitigation Project, 25 July 2003

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minute intervals during the concert. This can be compared with measurements of ambient noise (5-minute L_{eq}) made prior to concert and during breaks in the concert.

Noise Monitoring

- 4.7 Determine the responsibility to monitor noise: One possible approach is that the organizer of the event be responsible to provide acoustical measurement services at the mixing board and in the community. Alternately, the Park staff or Police Department could be the measuring authority. Organizers must alert performing companies that concert noise levels must be adjusted to comply with the limits set forth in items 6 and 7.
- 4.8 Maintain a Complaint Log. An accurate log of complaints received during concerts should be maintained by the S.F. Police Department and/or Department of Parks and Recreation in order to identify problem areas.

Alternate Event Site

- 4.9 Evaluate the potential for alternate locations for noisy events (e.g. Speedway Meadows)

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APPENDIX A

FUNDAMENTAL CONCEPTS OF ENVIRONMENTAL NOISE

This section provides background information to aid in understanding the technical aspects of this report.

Three dimensions of environmental noise are important in determining subjective response. These are:

- a) The intensity or level of the sound;
- b) The frequency spectrum of the sound; and
- c) The time-varying character of the sound.

Airborne sound is a rapid fluctuation of air pressure above and below atmospheric pressure. Sound levels are usually measured and expressed in decibels (dB), with 0 dB corresponding roughly to the threshold of hearing.

The "frequency" of a sound refers to the number of complete pressure fluctuations per second in the sound. The unit of measurement is the cycle per second (cps) or hertz (Hz). Most of the sounds, which we hear in the environment, do not consist of a single frequency, but of a broad band of frequencies, differing in level. The name of the frequency and level content of a sound is its sound spectrum. A sound spectrum for engineering purposes is typically described in terms of octave bands, which separate the audible frequency range (for human beings, from about 20 to 20,000 Hz) into ten segments.

Many rating methods have been devised to permit comparisons of sounds having quite different spectra. Surprisingly, the simplest method correlates with human response practically as well as the more complex methods. This method consists of evaluating all of the frequencies of a sound in accordance with a weighting that progressively de-emphasizes the importance of frequency components below 1000 Hz and above 5000 Hz. This frequency weighting reflects the fact that human hearing is less sensitive at low frequencies and at extreme high frequencies relative to the mid-range.

The weighting system described above is called "A-weighting," and the level so measured is called the "A-weighted sound level" or "A-weighted noise level." The unit of A-weighted sound level is sometimes abbreviated "dBA." In practice, the sound level is conveniently measured using a sound level meter that includes an electrical filter corresponding to the A-weighting characteristic. All U.S. and international standard sound level meters include such a filter. Typical sound levels found in the environment and in industry are shown in Figure A-1.

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Although a single sound level value may adequately describe environmental noise at any instant in time, community noise levels vary continuously. Most environmental noise is a conglomeration of distant noise sources, which results in a relatively steady background noise having no identifiable source. These distant sources may include traffic, wind in trees, industrial activities, etc. and are relatively constant from moment to moment. As natural forces change or as human activity follows its daily cycle, the sound level may vary slowly from hour to hour. Superimposed on this slowly varying background is a succession of identifiable noisy events of brief duration. These may include nearby activities such as single vehicle passbys, aircraft flyovers, etc. which cause the environmental noise level to vary from instant to instant.

To describe the time-varying character of environmental noise, statistical noise descriptors were developed. " L_{10} " is the A-weighted sound level equaled or exceeded during 10 percent of a stated time period. The L_{10} is considered a good measure of the maximum sound levels caused by discrete noise events. " L_{50} " is the A-weighted sound level that is equaled or exceeded 50 percent of a stated time period; it represents the median sound level. The " L_{90} " is the A-weighted sound level equaled or exceeded during 90 percent of a stated time period and is used to describe the background noise.

As it is often cumbersome to quantify the noise environment with a set of statistical descriptors, a single number called the average sound level or " L_{eq} " is now widely used. The term " L_{eq} " originated from the concept of a so-called equivalent sound level which contains the same acoustical energy as a varying sound level during the same time period. In simple but accurate technical language, the L_{eq} is the average A-weighted sound level in a stated time period. The L_{eq} is particularly useful in describing the subjective change in an environment where the source of noise remains the same but there is change in the level of activity: Widening roads and/or increasing traffic are examples of this kind of situation.

In determining the daily measure of environmental noise, it is important to account for the different response of people to daytime and nighttime noise. During the nighttime, exterior background noise levels are generally lower than in the daytime; however, most household noise also decreases at night, thus exterior noise intrusions again become noticeable. Further, most people trying to sleep at night are more sensitive to noise.

To account for human sensitivity to nighttime noise levels, a special descriptor was developed. The descriptor is called the Day/Night Average Sound Level (abbreviated DNL or L_{dn}), which represents the 24-hour average sound level with a penalty for noise occurring at night.

The DNL computation divides the 24-hour day into two periods: daytime (7:00 am to 10:00 pm); and nighttime (10:00 pm to 7:00 am). The nighttime sound levels are assigned a 10 dB penalty prior to averaging with daytime hourly sound levels. For highway noise environments, the average noise level during the peak hour traffic volume is approximately equal to the DNL.

The effects of noise on people can be listed in three general categories:

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- a) Subjective effects of annoyance, nuisance, dissatisfaction;
- b) Interference with activities such as speech, sleep, and learning; and
- c) Physiological effects such as startle, hearing loss.

The sound levels associated with environmental noise usually produce effects only in the first two categories. Unfortunately, there has never been a completely predictable measure for the subjective effects of noise nor of the corresponding reactions of annoyance and dissatisfaction. This is primarily because of the wide variation in individual thresholds of annoyance and habituation to noise over time.

Thus, an important factor in assessing a person's subjective reaction is to compare the new noise environment to the existing noise environment. In general, the more a new noise exceeds the existing, the less acceptable the new noise will be judged.

With regard to increases in noise level, knowledge of the following relationships will be helpful in understanding the quantitative sections of this report:

- a) Except in carefully controlled laboratory experiments, a change of only 1 dB in sound level cannot be perceived.
- b) Outside of the laboratory, a 3 dB change is considered a just-noticeable difference.
- c) A change in level of at least 5 dB is required before any noticeable change in community response would be expected.
- d) A 10 dB change is subjectively heard as approximately a doubling in loudness, and would almost certainly cause an adverse community response.

FNDA2DNL
3 October 1990

A-WEIGHTED
SOUND PRESSURE LEVEL,
IN DECIBELS

	140	
	130	} THRESHOLD OF PAIN
CIVIL DEFENSE SIREN (100')	120	
JET TAKEOFF (200')	110	
RIVETING MACHINE	100	ROCK MUSIC BAND
DIESEL BUS (15')	90	PILEDRIIVER (50')
BAY AREA RAPID TRANSIT TRAIN PASSBY (10')	80	AMBULANCE SIREN (100')
OFF HIGHWAY VEHICLE (50')	70	BOILER ROOM
PNEUMATIC DRILL (50')	60	PRINTING PRESS PLANT
SF MUNI LIGHT-RAIL VEHICLE (35')	50	GARBAGE DISPOSAL IN THE HOME
FREIGHT CARS (100')	40	INSIDE SPORTS CAR, 50 MPH
VACUUM CLEANER (10')	30	
SPEECH (1')	20	DATA PROCESSING CENTER
LARGE TRANSFORMER (200')	10	DEPARTMENT STORE
AVERAGE RESIDENCE	0	PRIVATE BUSINESS OFFICE
		LIGHT TRAFFIC (100')
SOFT WHISPER (5')		TYPICAL MINIMUM NIGHTTIME LEVELS--RESIDENTIAL AREAS
RUSTLING LEAVES		
THRESHOLD OF HEARING		RECORDING STUDIO
		MOSQUITO (3')

(100') = DISTANCE IN FEET
BETWEEN SOURCE
AND LISTENER

TYPICAL SOUND LEVELS
MEASURED IN THE ENVIRONMENT
AND INDUSTRY²²⁹²

FIGURE A1



Sharon Meadows -
GCP
3/18/04
0403-009

To: Parks and Planning Committee

From: Sandy Lee, Principal Recreation Supervisor, Permits and Reservations
Margaret McArthur, Commission Liaison

Date: February 24, 2004

Re: Sound Policy, Sharon Meadow

Agenda Item Wording:

Discussion and possible action to amend the Recreation and Park Department's amplified sound permit policy for Sharon Meadow in Golden Gate Park with review by the Commission in October.

Background:

Currently, the Recreation and Park Department's sound policy is incorporated in the Recreation and Park Department's Permit and Reservation Policy amended May 15, 1997. Specifically the policy states that "Permits for events which require amplified sound permits issued by the Police Department shall also be allowed at Sharon Meadow, but only between the hours of 9:00 a.m. and 5:00 p.m.; provided, however, that amplified sound shall not exceed one (1) continuous five (5) hour period during these hours."

The Department is in the process of reviewing the Permit and Reservation Policy for revisions including sound permits, site permits and performance bonds. Changes in City law now require RPD to issue sound permits. The last amendments made to this policy were in 1997. Staff will be bringing to the Commission other revisions to this policy over the next few months. This item is specific to the sound policy at Sharon Meadow. Sharon Meadow is located near the east entrance of Golden Gate Park -surrounded by Kezar Drive, Bowling Green Drive and JFK Drive. Sharon Meadow is currently used for events ranging from Opera In the Park to Now and Zen.

Over the last few years, there have been complaints about noise from these events. Staff has been working with the Park Police Station, SFPD's Sound Bureau, community members and promoters to try and resolve these complaints. In addition the Department hired an outside certified sound consultant, Charles M. Salter Associates to study the sound problems and make recommendations on how to resolve these. A copy of that report is attached.

Below are the recommendations from the report along with Department comments :

4.1 Revise the police permitting requirements so that the concert will not be in direct violation of the code. This would require either a change in the code or an exemption to be granted by the Chief of Police.

- The Department is researching either an amendment to the Police Code or adding this to the Park Code. The sound ordinance has been changed and the Chief of Police no longer has authority over this.

4.2 Orient the stage and loudspeakers to the north (towards "hippie hill"), or evaluate the feasibility of orienting the stage and loudspeakers towards the west to minimize sound transfer to residential areas adjacent to the Park.

- The Department has already incorporated this into the event application. The Department will have final determination over the location of the orientation of the stage.

Loudspeakers

4.3 Provide a "vertical line array" of speakers or maintain a downward tilt if conventional speakers are to be used. A vertical line array loudspeaker system is specifically designed and configured so that the spreading of sound in the vertical plane (the "vertical dispersion") is limited. This type of loudspeaker system has become commonplace in medium to large touring systems, however may not be available from smaller local sound rental companies.

4.4 Where vertical line array loudspeaker systems are not available, require concert promoters to orient loudspeakers 15 degrees down from the horizontal plane to minimize the noise that could leakage to the community. The effectiveness can be evaluated over the course of the upcoming concert season. The exact design will need to be tested and refined but can be worked out with the City, sound contractor and acoustical consultant.

- It is recommended that event applicants with an anticipated attendance of 3,000 or more would be required to hire an environmental acoustical consultant to design an appropriate sound system to conform to the requirements of Police Code § 47.2.

Enforcement

4.5 Maintain maximum sound levels at the Mix position. Assuming the provisions of items 2 and 3 or 4 above, it should be required that the maximum levels at the mixing board shall not exceed a 5-minute average sound level of 96 dBA or instantaneous maximum sound level of 102dBA.

- It is not clear that this would be enforceable or would meet code requirements.

4.6 Maintain maximum noise levels in the community. In addition to the sound level limit at the Mix position, measurements should be made at representative locations in the

community to assure that average concert noise does not exceed average ambient noise by more than 5 dBA. A measurement of the average sound level should be made at 5-minute intervals during the concert. This can be compared with measurements of ambient noise made prior to concert and during breaks in the concert.

- The Department will determine locations in the community to take measurements of the average sound level.

4.7 Determine the responsibility to monitor noise: One possible approach is that the organizer of the event be responsible to provide acoustical measurement services at the mixing board and in the community. Alternately, the Park staff or Police Department could be the measuring authority. Organizers must alert performing companies that concert noise levels must be adjusted to comply with the limits set forth in items 6 and 7.

- The Park Patrol will be the measuring and enforcement authority for noise monitoring.

4.8 Maintain a Complaint Log. An accurate log of complaints received during concerts should be maintained by the S.F. Police Department and/or Department of Parks and Recreation in order to identify problem areas.

- A complaint log will be maintained by Park Patrol.

4.9 Evaluate the potential for alternate locations for noisy events (e.g. Speedway Meadows).

- The Department has not added any new major events using amplified sound for the past two years at Sharon Meadow. In fact, when Sharon Meadow was requested as the site for a new event, staff successfully placed it at Speedway Meadows. Some of those events are Circle of Life, Alice Summer Thing Concert/Festival, Strictly Blue Grass, 911 Festival & Human Rights & Peace Festival.

Staff is recommending incorporating recommendation numbers 4.1, 4.2, 4.6, 4.7, 4.8 and 4.9 along with the requirement that applications of events of an anticipated attendance of 3,000 or more hire an environmental acoustical consultant. The new policy will:

- Set an application process
- Allow the Department the final approval of stage and loudspeaker orientation
- Set enforcement procedures

There will be no additional cost to the Department. The applicant will be required to cover the cost of Park Patrol.

Staff recommends approval of the policy for Sharon Meadow with a review by the Commission in October.

DRAFT

SAN FRANCISCO RECREATION & PARK COMMISSION

AMPLIFIED SOUND PERMIT POLICY

SHARON MEADOW

HOURS: Amplified sound is permitted in Sharon Meadow for a total of 5 hours between 9:00 AM and 5:00 PM, any modification is subject to Commission approval.

APPLICATION PROCESS: Applicants for an amplified sound permit must obtain a site permit from RPD before RPD will issue an amplified sound permit. Applicants should apply for both permits at the same time.

1. Time of application
 - a. 90 days prior to the event for an event by the same sponsor that has been held before, and for which no Commission approval is required.
 - b. 180 days prior to the event for a new event, and/or for which Commission approval is required.
2. Applicant must pay the required fees by cashier check before permits will be issued. These fees include:
 - a. Site permit fees as set forth in the applicable Park Code section, plus an amount that RPD estimates will equal the necessary staff costs, other than the costs covered by the site permit fee, incurred by RPD or other City agencies in connection with the event. These staff costs could include gardener, park patrol, acoustical consultant, and sound engineer services. RPD will refund any amount that exceeds the actual costs of providing these services. (See, Park Code §§ 7.06, 7.16, 7.18, 12.22)
 - b. Sound permit filing and licensing fees as set forth in the San Francisco Police Code.
3. Before permits will be issued, applicant must provide:
 - a. Performance bond or security deposit approved by the City's Risk Manager in an amount set by RPD staff to cover the clean-up and/or repair costs in the event the Permittee fails to perform its clean-up obligations under the permit, or damages Park property.
 - b. Insurance in an amount and type of coverage that the City's Risk Manager determines to be necessary for the size and type of the event. (See, Park Code § 7.06.)
4. Applicants for events that RPD staff anticipates will have an attendance of 3,000 persons or more must hire a qualified environmental acoustical consultant to design an appropriate sound system that will conform to the requirements of Police Code § 47.2¹. Applicant must supply a copy of the

¹ S.F. Municipal Police Code: SEC. 47.2. REGULATIONS FOR USE.

Use of any sound amplifying equipment, whether truck-mounted or otherwise, within the City and County of San Francisco shall be subject to the following regulations:

(1) The only sounds permitted are music or human speech;

design with the permit application or within 30 days of submitting the application. Approval of the permit will be conditioned on the applicant's agreement that it will not use a sound system inconsistent with the design that the applicant submits to RPD. RPD will deny for failure to complete the application for an amplified sound permit if the applicant fails to provide an appropriate sound system design.

The event applicant must demonstrate that it will provide the staff at the event qualified to make appropriate adjustments to the sound mix and amplification in order to maintain compliance with Police Code § 47.2 throughout the event. The event applicant must agree that it will direct such staff to comply with directives of the Park Patrol, SFPD or the consulting sound engineer to lower the volume when necessary to obtain compliance with Police Code § 47.2.

In addition, the event applicant shall employ, from a Department list of approved consulting sound engineers, one consultant to supervise amplification to insure compliance with all applicable amplified sound ordinances, rules and regulations. This requirement shall be effective upon

-
- (2) Hours of operation permitted shall be between 9:00 a.m. and 10:00 p.m.; operation after 10:00 p.m. is permitted only at the location of a public event or affair of general public interest or as otherwise permitted by the Entertainment Commission;
 - (3) Except as permitted by the Entertainment Commission, sound shall not be issued within 450 feet of hospitals, schools, churches, courthouses, public libraries or mortuaries;
 - (4) No sound truck with its amplifying device in operation shall traverse any one block in the City and County more than four times in any one calendar day;
 - (5) Amplified human speech and music shall not be unreasonably loud, raucous, jarring or disturbing to persons of normal sensitiveness within the area of audibility, nor louder than permitted in Subsections (6) and (7) hereof;
 - (6) When the sound truck is in motion, the volume of sound shall be controlled so that it will not be audible for a distance in excess of 450 feet from its source; provided, however, that when the sound truck is stopped by traffic, the said sound amplifying equipment shall not be operated for longer than one minute at such stop;
 - (7) Except as permitted by the Entertainment Commission for public gatherings, in all cases where sound amplifying equipment remains at one location or when the sound truck is not in motion, the volume of sound shall be controlled so that it will not be audible for a distance in excess of 250 feet from the periphery of the attendant audience;
 - (8) No sound amplifying equipment shall be operated unless the axis of the center of any sound reproducing equipment used shall be parallel to the direction of travel of the sound truck; provided, however, that any sound reproducing equipment may be so placed upon said sound truck as to not vary more than 15° either side of the axis of the center of the direction of travel and, provided further, that radial, nondirectional type of loudspeakers may be used on said sound trucks either alone or in conjunction with sound reproducing equipment placed within 15° of the center line of the direction of travel.

issuance by the General Manager of a list of not less than five approved sound engineers or sound engineering firms. Said consultant shall not be employed by or associated with any other sound engineer or acoustical consultant employed by the event applicant.

STAGE/LOUDSPEAKER ORIENTATION: As a condition of the approval of an amplified sound permit, the event applicant and applicant's environmental acoustical consultant must work with RPD staff to orient the stage in a manner that minimizes the sound transfer to park and residential areas adjacent to Sharon Meadow. RPD staff will make the final determination regarding the orientation of the stage.

ENFORCEMENT:

1. If the event produces sound in excess of the limits specified in Police Code § 47.2, the Park Patrol or SFPD officer may direct the event manager to adjust the sound levels. If event staff does not adjust the sound level within 15 minutes of this directive, the Officer may again direct the event manager to adjust the sound levels.
2. The failure to adequately adjust the sound levels within 5 minutes after the second directive will be considered a violation of the conditions of the amplified sound permit and may result in revocation of the permit and other sanctions as specified in this Policy.
3. The failure to make the adjustments specified in Paragraph 3 may result in an additional condition on any future amplified sound permit issued to the event sponsor. As a result of such failure, RPD may require the event sponsor to post a performance bond or security deposit for any subsequent sound permits for any event on Park property. Failure to substantially comply with the conditions of a subsequent amplified sound permit for which a performance bond or security deposit was required may result in the forfeiture of that performance bond or security deposit. The amount of the performance bond or security deposit will be 1.5 times the fee for the site permit minus any set-up and breakdown charges.
4. The event's compliance with City law is a condition of all permits. The event sponsor's violation of City law, including laws regulating amplified sound, may result in the denial of a permit in Sharon Meadow for a future event sponsored by the same party, and relocation to an alternative site in order to mitigate serious damage to Park property or substantial interference with the peaceful use and enjoyment of the park and neighboring properties by others. Repeated violations of laws regulating the use of amplified sound may result in the denial of a permit for the use of amplified sound on Recreation and Park Property.
5. The RPD General Manager's decision to: 1) require the posting of a performance bond or security deposit; 2) impose other conditions; 3) require forfeiture of the bond or deposit; 4) deny a permit for Sharon Meadow or 5) deny a permit for amplified sound may be appealed in the same manner as the denial of a permit which is set forth in Park Code §§ 7.07 and 7.20, and Recreation and Park Commission Permit and Reservation Policy of May 15, 1997, Section III.



Park Ranger Sound Permit Protocol

This protocol is established pursuant to the Sharon Meadow Sound Policy approved by the Recreation and Park Commission on , 2004. This protocol sets forth the procedures for the monitoring and enforcement of amplified sound permits in Sharon Meadow. The San Francisco Recreation and Park Rangers will be the AHJ (Authority Having Jurisdiction) to monitor, warn and issue citations for violations of all laws, policies and permit conditions governing the use of amplified sound.

1. STAFFING. Three Park Rangers will be on duty during any event requiring an amplified sound permit.

- a. One Park Ranger will be stationed at the Ranger office to receive calls and monitor all complaints. This Ranger is responsible for maintaining an accurate log of all complaints and enforcement actions regarding amplified sound for the duration of the event, including the date, time, location of the caller, contacts with other Rangers on duty and the San Francisco Police Department, investigation and sound level readings, and warnings and citations issued.
- b. The number (415) 753-7015 will be dedicated for this purpose.
- c. The Ranger at the office will dispatch the field unit and advise the Ranger assigned to at the venue / event site.
- d. The second Park Ranger will be assigned to remain at the venue / event site to monitor the sound levels every thirty minutes with the use of a sound decibel meter.
- e. The third Park Ranger will be in the field and will respond to complaints as dispatched by the Park Ranger at the station. This ranger will respond to the area of the complaint, conduct a sound test reading at the location with the use of a sound decibel meter, and record the date, time, location and meter reading. This information will be reported to the Ranger at the station.
- f. All information reported will be logged by the Ranger at the station for the purpose of documenting violations and enforcement of the amplified sound permit.

2. ENFORCEMENT.

- a. First incident of a violation of the S.F. Police Code §47.2 and/or any permit conditions: The ranger at the event site will contact the permit holder, promoter or his / her designee and advise the person that the event is in violation of the amplified

sound permit and issue a directive to lower the sound level within 15 minutes. The date, time and to whom the directive was issued will be reported to the Ranger at the station who will record this information, and the name of the reporting Ranger in the complaint log.

- b. Second incident of a violation: If the sound is not lowered within 15 minutes after the directive to lower the sound level, the Park Ranger will issue a written citation for violation of S.F. Police Code § 47.2, and Park Code §§3.01 and 7.16(a)(1). The Ranger who issued the citation will notify the Ranger at the station of the date, time and number of the citation and to whom the citation was issued. The Ranger at the station will record this information, and the name of the reporting Ranger in the complaint log.
- c. Third incident of a violation: If the sound is not lowered within 5 minutes of the issuance of the citation, the Ranger will issue a second citation for violation of S.F. Police Code § 47.2, and Park Code §§3.01 and 7.16(a)(1). The Ranger who issued the citation will notify the Ranger at the station of the date, time and number of the citation and to whom the citation was issued. The Ranger at the station will record this information, and the name of the reporting Ranger in the complaint log.
- d. All information will be documented in the complaint log. The complaint log, the incident reports and citations will be forwarded to the permits division of the SF RPD for the imposition of sanctions and/or future permit conditions on the permittee as set forth by the Recreation and Park Commission.

**Sharon Meadows Amplified Sound
Now and Zen 2005**

RGD Project No. 05-042-2

SUBMITTED TO:

**Dennis Kern
City of San Francisco
Recreation and Park Department
McLaren Lodge, Golden Gate Park
501 Stanyan Street
San Francisco, CA 94117-1898**

PREPARED BY:

**Alan Rosen
Harold Goldberg, P.E.**

DATE:

15 November 2005

1 Introduction

This report is intended to provide a brief summary of the noise control efforts to date (focusing on measurements made for Now and Zen 2005) and what options exist for the future. This report is divided into the following sections:

- Introduction
- Environmental noise fundamentals,
- Amplified Sound Policies
- Noise measurement results from Now and Zen 2005
- Conclusions

2 Environmental Noise Fundamentals

Noise can be defined as unwanted sound. It is commonly measured with an instrument called a sound level meter. The sound level meter captures the sound with a microphone and converts it into a number called a sound level. Sound levels are expressed in units of decibels (dB).

To correlate the microphone signal to a level that corresponds to the way humans perceive noise, the A-weighting filter is used. A-weighting de-emphasizes low-frequency and very high-frequency sound in a manner similar to human hearing. The use of A-weighting is required by most local General Plans as well as federal and state noise regulations (e.g. Caltrans, EPA, OSHA and HUD). The abbreviation "dBA" is often used when the A-weighted sound level is reported.

Because of the time-varying nature of environmental sound, there are many descriptors that are used to quantify sound levels in the environment. Although one individual descriptor alone does not fully describe a particular noise environment, taken together, they can more accurately represent the noise environment. Some commonly used descriptors are the L_{max} , L_{eq} , L_{90} , DNL and CNEL.

The maximum instantaneous noise level (L_{max}) is often used to identify the loudness of a single event such as a car passby or airplane flyover. To express the average noise level the L_{eq} (equivalent noise level) is used. The L_{eq} can be measured over any length of time but is typically reported for periods of 15 minutes to 1 hour. The background noise level (or residual noise level) is the sound level during the quietest moments. It is usually generated by steady sources such as distant freeway traffic. It can be quantified with a descriptor called the L_{90} which is the sound level exceeded 90 percent of the time.

In environmental noise, a change in noise level of 3 dB is considered a just noticeable difference. A 5 dB change is clearly noticeable, but not dramatic. A 10 dB change is perceived as a halving/doubling in loudness.

3 Amplified Sound Policies

3.1 Sharon Meadows

An acoustical study was prepared in July 2003 by Charles Salter Associates (CSA). The study provided the framework for an amplified sound permit policy for Sharon Meadows. Among the key findings were that the City's standard for amplified sound (MPC 47.2) was virtually impossible to meet for events that used amplified sound since it required that the sound from the event be inaudible at the perimeter of the attending audience.

Based on the City's goal of balancing the desire for these events and the need to protect neighbors from excessive sound, the CSA report recommended controlling noise to the levels specified in Article 29 of the code which defines "unnecessary, excessive or offensive noise" as a noise level which exceeds the ambient by more than 5 dBA. In addition, the Salter report provided other recommendations regarding:

- Stage/loudspeaker orientation
- Sound level limits at mix position and surrounding neighborhood
- Noise monitoring
- Alternate event locations

The City's current "Amplified Sound Permit Policy" requires compliance with MPC 47.2 though it does incorporate some of the suggestions from the CSA report regarding stage/loudspeaker orientation. For the purposes of determining compliance with the policy, the Parks commission agreed to a test using the provisions of Article 29 as an interim noise level limit for Now and Zen 2005. Monitoring and enforcement of the Policy was moved to a separated document entitled "Park Ranger Sound Permit Protocol."

3.2 Other Governmental Agencies

A quick search on the internet reveals that governments throughout the world have developed regulations to control excessive noise from outdoor concerts. Some have adopted noise level limits within the park (stage, audience or perimeter of the park) while others have noise level limits at the noise receptors, typically residential uses. Some agencies further restrict the number of events per year. In some cases the limit on the number of concerts is directly related to the expected loudness of the concert.

Seattle, Washington; Westminster, London (Hyde Park); Malaysia; Helsinki, Finland and various locations in Australia and Hong Kong have adopted quantitative noise standards for concerts. England has published a Code of Practice on Environmental Noise Control at Concerts. The code requires that there be a trade-off between the number of events and the loudness of events.

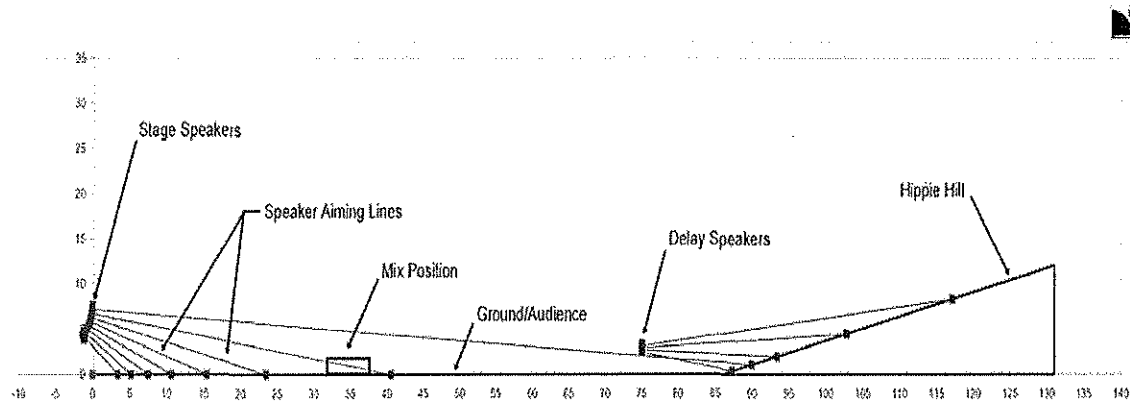
4 Now and Zen 2005

4.1 Sound System Design

Initially, a meeting took place between the permit applicant, Recreation and Parks Department (RPD) staff, a consultant from Rosen Goldberg & Der (RGD), and the applicants sound system designer. The applicant was informed that they would need to submit maps showing the orientation and location of loudspeakers. They were also advised of the noise level limits at the mix (5 minute L_{eq} of 96 dBA) and the noise level limit at residences (no more than 5 dBA above the ambient).

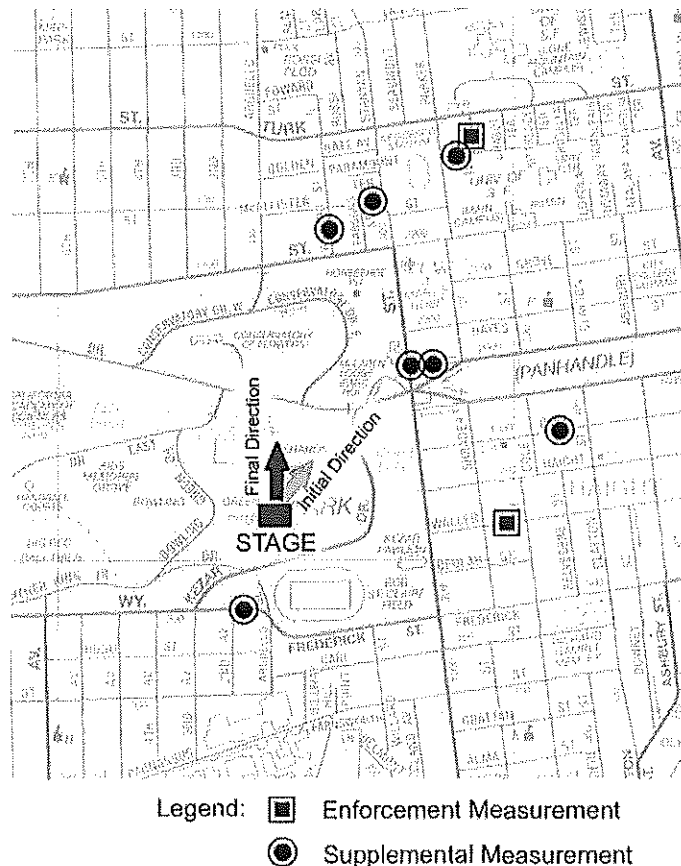
The loudspeaker system design was submitted to RPD for review by RGD. The system was designed as a vertical line array with two satellite (delay) towers. Figure 1 is a loudspeaker aiming diagram. The figure illustrates how the speakers are elevated so that they can be aimed downwards, thereby avoiding excessive transfer of sound to the community. The figure also shows how the delay speakers can be used to provide coverage at the rear of the park, minimizing the need for elevated levels from the main stage speakers.

Figure 1: Loudspeaker Aiming Diagram



During the review process, the applicant was advised that the stage was not properly oriented to the north or west. The stage location was subsequently changed so that it faced in a more northerly direction as shown in Figure 2. The final design was consistent with the Amplified Sound Permit Policy requirement for stage/loudspeaker orientation.

Figure 2: Stage Orientation and Noise Measurement Locations

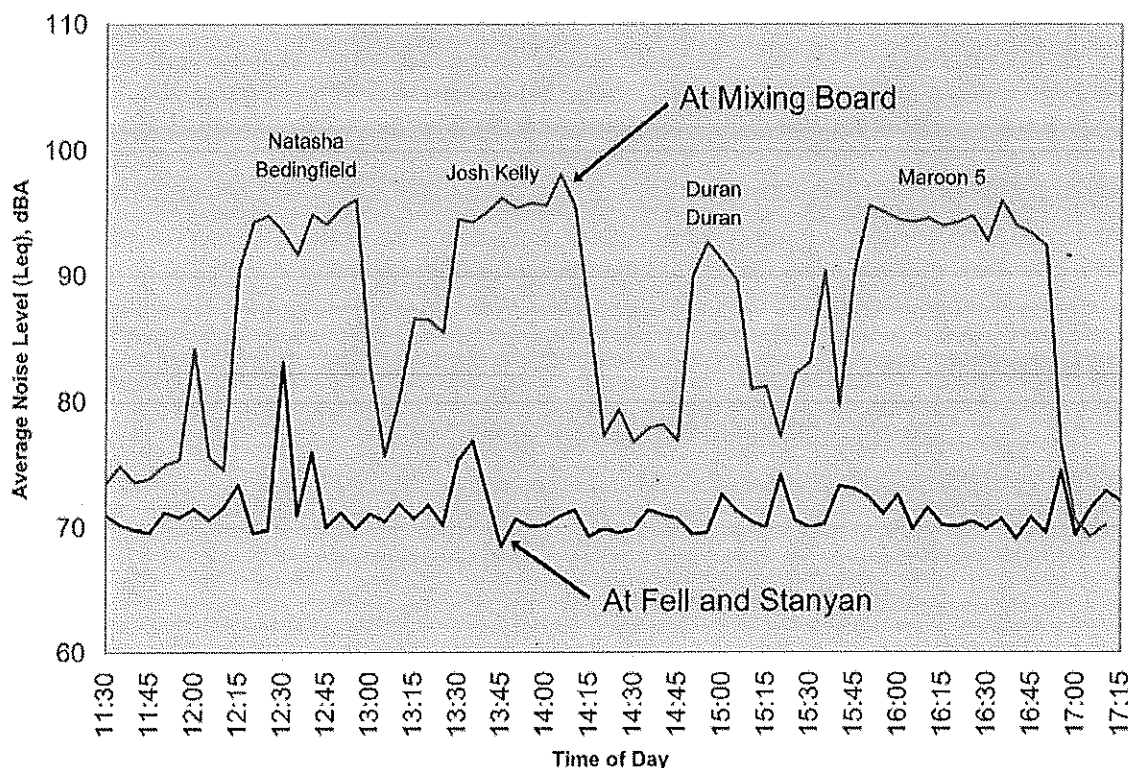


4.2 Noise Monitoring

Three RPD staff were assigned to monitor the concert. One park ranger was stationed at the mix position while a second park ranger, along with an acoustical consultant from RGD were available to respond to complaints. A third person was located at the ranger station to receive complaint calls. Figure 2 shows the field measurement locations. The squares indicate the location of enforcement measurements that were made in response to complaints. The circles indicate supplemental noise measurement locations for use in possible future studies.

Sound engineers for each band were informed that enforcement measurements would be made at residential locations if there were complaints. They were also informed of the limit at the mix position and if levels exceeded an L_{eq} of 96 dBA then a uniformed ranger, stationed at the mix, would instruct them to turn the level down. Figure 3 shows a plot of the noise level at the mix position throughout the entire concert. Noise levels were generally maintained at or below 96 dBA.

Figure 3: Noise Monitoring at Mix and Neighborhood



During the concert, the park ranger responded to four complaints from residential locations; three from Temescal Street and one from Waller Street. Enforcement measurements were made on sidewalks in close proximity to the residences. Based on these measurements, noise from the concert was determined to be no more than 5 dBA above the ambient sound level and no citations were made.

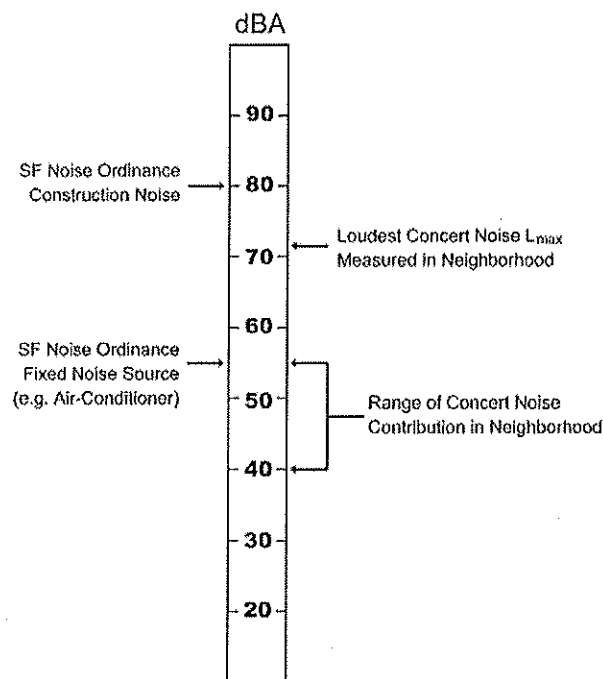
A noise monitor was located at the corner of Fell and Stanyan Streets in an attempt to corroborate noise measurements that were being made by concerned neighbors. The results of these measurements are shown on Figure 3 along with the noise level at the mix position. There does not appear to be a direct correlation between the sound level at the mix and the levels at the monitor on the corner of Stanyan and Fell Streets as the noise at that location was dominated by local traffic.

In addition to the enforcement measurements, we performed measurements as part of the on-going effort to address concert noise at the Park. Most of the additional measurements were made around the perimeter of the park. In general, concert noise is estimated to have contributed average noise levels in the 40 dBA to 55 dBA range. This contribution is estimated because most of the time the concert noise could not be measured by itself, without the influence of traffic noise. Appendix A summarizes the results of the noise measurements.

Toward the end of the concert, the music became increasingly more audible outside the park. For example, the maximum sound level from music measured along Fell Street reached 72 dBA during the last performer. This increased audibility, however, was not due to the performers turning up the volume since the sound levels at the mix did not show that the last performer was louder than the others. Instead, the increased audibility in the neighborhood was probably due to a change in atmospheric conditions which caused the amplified sound to propagate more readily from Sharon Meadows to surrounding areas. After a relatively warm and sunny afternoon, the end of the concert coincided with a rapid cooling from the marine layer. This type of atmospheric condition can eliminate the sound attenuation normally provided by intervening terrain and vegetation.

One way to put the concert noise levels in perspective is to compare the levels that were measured in the neighborhood with noise limits for other sources as promulgated in the City's noise ordinance (Article 29). Figure 4 shows a comparison of the sound levels measured in the neighborhood with the City's maximum allowable levels for construction noise and fixed noise sources.

Figure 4: Comparison of Concert Noise with Other Noise Limits



In areas that are more shielded from local traffic noise such as backyards and decks the concert noise would be expected to be more noticeable. Although we were not able to measure at these locations, it is quite possible that the concert noise (particularly under the atmospheric conditions at the end of the concert) exceeded the ambient by more than the 5 dBA limit of the Noise Ordinance (Article 29).

5 Conclusions

5.1 Findings

- The sound system design was consistent with the amplified sound permit policy requirements for stage/loudspeaker orientation.
- Noise levels at the mix position were monitored by a park ranger and maintained at or below an L_{eq} of 96 dBA except for one five-minute interval.
- Park rangers responded to four complaints at two residential locations.
- Concert noise levels were measured near the complainants and determined to be in compliance with the interim noise limit (5 dBA above the ambient) adopted for this event by the Recreation and Park commission.
- The concert was barely audible or only audible between lulls in traffic at most residential locations. The concert did become more clearly audible towards the end when atmospheric conditions changed.
- Supplemental noise measurements indicate that the interim noise level limit may have been exceeded at other residential locations toward the end of the concert. This was likely due to changing atmospheric conditions near the end of the show.
- Based on field measurements, an L_{eq} of 96 dBA at the mix position appears to limit noise levels in the community to the interim goal in front of residences under normal weather conditions. There may be times when the interim limit is exceeded if atmospheric conditions are favorable for sound propagation or ambient levels are low.

5.2 Recommendations

- Monitor for compliance at the mix position rather than at residential complaint locations due to sound level variations caused by uncontrollable atmospheric conditions and variations in individual resident's noise sensitivities.

OR

Monitor for compliance at a few fixed residential locations that accurately reflect a neighborhoods noise exposure (current sidewalk measurements tend to be heavily influenced by traffic noise). Examples include balconies, backyard utility poles or roofs. Locations could be selected by the City with input from the public.

- For compliance monitoring at the mix position: Continue to monitor at some residential locations to confirm that reasonable levels are being maintained. These reasonable levels could be determined based on a review of current city standards and those of other similar cities.
- For compliance monitoring at fixed residential locations: If the interim noise level limit (5 dBA above ambient) is to be met at all times then the noise level limit at the mix position may need to be lowered below an L_{eq} of 96 dBA. Any further lowering of the noise level at the mix may limit the type of acts that are willing to perform at the park.
- Review amplified sound permit policy with respect to the roles of required consultants. Policy may need modification to minimize ambiguities and assign tasks to appropriate consultants.

05-040-2_Sharon Meadows Now and Zen_15nov05.doc

Appendix A – Noise Measurement Results

Time	Location ¹	Sound Level (dBA)			Noise Sources		
		L _{eq}	L _{max}	Event Audible?	Event (concert)	Non-Event (ambient)	Notes
11:23 am – 11:28 am	Golden Gate, north of Temescal	56	66	no	none	Intermittent car passbys, music from USF athletic field	
11:34 am – 11:39 am	2536 McAllister (between Stanyan and Parker)	57	67	no	none	Intermittent car passbys, airplane and music from USF athletic field	
11:56 am – 12:01 pm	1762 Page (between Cole and Clayton)	56	67	no	none	Intermittent car passbys	
12:05 pm	Concert begins						
12:54 pm – 12:59 pm	2160 Fell	62	68	yes	Live music	Steady traffic with occasional lulls	Concert barely audible during lulls in traffic
1:50 pm – 1:55 pm	35 Lincoln (east of 2nd Ave)	70	88 motorcycle	yes	Live music	Steady traffic with occasional lulls	Concert barely audible during lulls in traffic
2:02 pm – 2:07 pm	339 Willard (north of Fulton)	58	74	yes	Live music	Steady traffic on Fulton with occasional lulls. and stereo from nearby residence	Concert barely audible during lulls in traffic
2:20 pm – 2:25 pm	1762 Page	58	71	yes	Intermission	Intermittent car passbys	
2:56 pm – 3:01 pm	"	58	67	yes	Live music	Intermittent car passbys	Concert barely audible between car passbys
3:01 pm	Complaint from 41 Temescal						
3:15 pm – 3:20 pm	41 Temescal	52	63	no	Intermission	Cars and motorcycle	
3:43 pm	Complaint from 41 Temescal						
3:55 pm – 4:00 pm	Golden Gate, north of Temescal	67 (59 w/o motorcycle (est.))	88 motorcycle	yes	Live music	Intermittent car passbys. Whistle from USF athletic field	Concert audible between car passbys
4:08 pm	Complaint from 1562 Waller						
4:05 pm	Instruct mix to lower sound level by 2 dB						
4:16 pm – 4:21 pm	1562 Waller	63	76	yes	Live music	Steady traffic with occasional lulls	Concert barely audible during lulls in traffic
4:30 pm – 4:35 pm	2160 Fell	68	83	yes	Live music L _{max} 72 dBA	Steady traffic with occasional lulls	Concert audible most of the time
4:48 pm	Complaint from 41 Temescal						
4:49 pm- 4:54 pm	2516 McAllister	59	69	yes	Live music L _{max} 55 dBA	Intermittent car passbys	Concert audible except during car passby
4:52 pm	Concert ends						
4:52 pm – 4:55 pm	Golden Gate, north of Temescal	57	67	no	none	Intermittent car passbys	
4:57 pm – 5:02 pm	2516 McAllister	59	75	no	none	Intermittent car passbys	

¹ All measurements were made on sidewalk near residence; about 20 to 30 feet from roadway centerline.

Gavin Newsom, Mayor

Recreation and Park Commission Minutes

March 16, 2006

President Gloria Bonilla called the regular meeting of the Recreation and Park Commission to order on Thursday, March 16, 2006 at 2:08 p.m.

ROLL CALL

Present

Gloria Bonilla, President
Tom Harrison
Jim Lazarus
David Lee
Meagan Levitan
Larry Martin
John Murray

President's Report

President Bonilla announced that at the April 20, 2006 Commission meeting the Commission would be hearing a discussion item on permits and reservations.

General Manager's Report

Bill Wilson, the Chair of the Park, Recreation and Open Space Advisory Committee announced that PROSAC did hear the Acquisition Policy at the March meeting and would be hearing it again in April with a recommendation to the Commission in April. He also stated that his response to the Audit Report recommendation that PROSAC become a public liaison between the public and RPD, he is willingly, open and eager for input from the Commission on how to make this happen. He also stated that he was encouraged by the new management team at the Department and believes there is a new openness.

Denny Kern, Director of Operations, announced that the Department received the news from the National Association of Counties that the Department's Volunteer Program for Natural Areas has received the Acts of Caring Award for Community Improvement Volunteer Program nationwide. The will be an awards program in Washington, D.C. in May.

Yomi Agunbiade, General Manager, announced that the San Francisco Parks Trust was putting together a visibility campaign for SF Parks Trust and for parks. He stated that it would be a wonderful opportunity to present our park system in a positive light and that RPD will be joining SF Parks Trust. The campaign will be on the radio, in parks, on bus shelters and media time to discuss this.

Marvin Yee stated that he was giving the Commission an informational presentation only on the community gardens and that this item would be heard as an action item at the Commission in April. He gave a brief presentation on the overview of the Community Gardens Program and described the process for the policy development.

CONSENT CALENDAR

On motion by **Commissioner Harrison** and duly seconded, the following resolutions were adopted:

RESOLVED, That this Commission does approve the minutes of the February 2006 meeting.

RES. NO. 0603-001

RESOLVED, That this Commission does approve the following animal transactions for the San Francisco Zoological Society which were processed under Resolution No. 13572.

RES. NO. 0603-002

PURCHASE FROM:

Doris Vosburg 220 Pajaro Lane Nipomo, CA 93444 USDA - N/A	0.7 Cochon chicken	\$90.00 grp
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DONATION FROM:

Pacific Wildlife Care PO Box 3257 San Luis Obispo, CA 93403 USDA- N/A	0.0.1 California brown pelican	NIL
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Kathryn Rigby 1777 Hawk Road Abilene, KS 67410 USDA – N/A	0.2 (Kune kune) Pig	NIL
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SOLD TO:

Malissa Sartain 11900 Volver Ave. Felton, CA 95018 USDA – N/A	0.1 Goat	\$100.00
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DONATION TO:

Gail Klein 280 MacArthur Lane Sonoma, CA 95476 USDA – N/A	0.1 Budgerigar	NIL
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Bronx Zoo 2300 Southern Blvd. Bronx, NY 10460 USDA – 21-C-0020	Group Cichlid	NIL
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RESOLVED, That this Commission does retroactively approve an abatement of rent, and approve an amendment to the Lease for the Golden Gate Park Carrousel and Food Concession to: 1) allow for a reduction in the Minimum Schedule, a reduced rent during the term of the Lease and, 2) change the termination date of the Lease to March 31, 2007.

RES. NO. 0603-003

RESOLVED, That this Commission does approve an increase in boat rental prices at Stow Lake.

RES. NO. 0603-004

RESOLVED, That this Commission does approve the award of a professional services contract in the amount \$147,693.00 to Science Applications International Corporation (SAIC) to provide technical and field sediment characterization services for the San Francisco Marina West Basin Maintenance Dredge and Sand Mining Program.

RES. NO. 0603-005

RESOLVED, That this Commission does approve exceeding the San Francisco Zoo Africa! Savanna base contract amount by 15.30 percent, for a final contract amount of \$ 12,352,476.00.

RES. NO. 0603-006

RESOLVED, That this Commission does approve the conceptual plan for renovations to St. Mary's Playground.

RES. NO. 0603-007

RESOLVED, That this Commission does approve the award of a construction contract for the Joseph Lee Recreation Center and Playground to West Bay, Inc., in the amount \$6,455,000. 00.

RES. NO. 0603-008

RESOLVED, That this Commission does approve a Memorandum of Understanding with the Public Utilities Commission for the replacement of a 30-inch potable water transmission mainline from Lincoln Way at Sixth Avenue to Fulton Street at 6th Avenue, known as the Fulton at Sixth Avenue Transmission Main across Golden Gate Park.

RES. NO. 0603-009

RESOLVED, That this Commission does approve the award of a professional services contract in the amount \$168,126.00 to EDAW, Inc. for the preparation of an Environmental Impact Report for the renovation of the Golden Gate Park Equestrian Center.

RES. NO. 0603-010

RESOLVED, That this Commission does approve the award of a construction contract not to exceed \$95,802.41 to Yerba Buena Construction, contractor for the Department of Public Works Job Order Contracting Services, for Year 1 accessibility improvements to the San Francisco Zoological Gardens.

RES. NO. 0603-011

RESOLVED, That this Commission does approve the award of a construction contract not to exceed \$98,174.09 to Fine Line Construction, contractor for the Department of Public Works Job Order Contracting Services, for the purchase and installation of an Animal Cremation Unit at the San Francisco Zoological Gardens.

RES. NO. 0603-012

RESOLVED, That this Commission does approve new parking fees at the Kezar Stadium parking lot.

RES. NO. 0603-013

JOSEPH L. ALIOTO PERFORMING PIAZZA

San Francisco Opera, under the new leadership of David Gockley, is keen to broaden the audience for Opera through the provision of free, outdoor simulcasts to audiences in the Bay Area. These simulcasts will be relays of performances in the War Memorial Opera House, relayed by fiber-optic cable, microwave or satellite signal, to various locations in the City, the East Bay, the Peninsula and the North Bay. The first such simulcast is to be on the opening night of the summer season, May 27, 2006, with the hugely popular Madame Butterfly relayed to an audience in the Joseph L. Alioto Performing Arts Piazza. There will be sales of food and beverages (pastries, desserts, light refreshments, water, tea, coffee, soda and hot chocolate) and merchandise (tee shirts, sweatshirts). The hope is for audiences of at least 5,000 people bringing their own chairs, blankets and picnics, and enjoying this most beloved opera in a relaxed setting. The hope is that this first live simulcast would herald in a new era of civic opera in San Francisco in which the community will be able to engage with the art form, irrespective of income level or willingness to step into an opera house. The video feed would be projected to a large-screen mounted on a truck, with the audience seated in the Piazza. The exact location for the screen is yet to be determined, but possible thoughts are in front of the statue on Fulton Street between the Asian Art Museum and the Library, in front of the Bill Graham Auditorium or in front of City Hall.

On motion by **Commissioner Murray** and duly seconded, the following resolution was adopted:

RES. NO. 0603-014

RESOLVED, That this Commission does approve The San Francisco Opera's request to produce a simulcast of "Madame Butterfly" on May 27, 2006 and a request to modify the amplified sound policy and permit amplified sound between the hours of 8:00 and 11:00 p.m.

CAPITAL PLAN - 2005 ANNUAL UPDATE

Per Article XVI, Section 16.107.(g).1 of the San Francisco Charter (Park, Recreation and Open Space Fund), the Recreation and Park "Department shall prepare, for Commission consideration and approval, a five-year Capital Plan, *to be updated annually*, for the development, renovation, replacement and maintenance of capital assets, and the acquisition of real property. In its Capital Plan the Department shall propose specific properties to be acquired for open space, recreation facilities, significant natural areas, and other recreational purposes and shall prioritize capital and maintenance improvements and provide budgets associated with such improvements. Capital and acquisitions projects will be designated by the Department based upon needs identified by the Department and community. Capital projects will include the planning, design and construction of projects that rehabilitate, restore or replace existing facilities or that develop new facilities. Acquisition projects will include, but will not be limited to, purchase lease, exchange, eminent domain, license or any other vehicle given the City a right, whether revocable or not, to use real property, or any interest therein, or any improvement or development rights thereon, for recreational purposes, including by not limited to, protection of natural resources, development of community gardens and development of urban trails, provided that, notwithstanding anything herein to the contrary, no acquisition of less than fee simple title may be for a term of less than ten years."

Overview:

Over the years, the Capital Plan document has continued to evolve to include more comprehensive information on the progress and status of the capital program. This document is comprised of the three chapters, containing detailed information on the efforts of the Division over the past year, as well as specified objectives for the continued progress of the program over the next year and over the course of the 10-year plan cycle.

The report is organized as follows:

- Chapter 1 serves as a report introduction for those who are not familiar with the Recreation and Park Department's Capital Program. It includes general background and history of the program, as well as information on the report format and content.
- Chapter 2 contains detailed information on key developments in the Capital Program over the plan year. This includes scope, budgets and schedules for projects that were active during that year, developments in the program's finances including a year-end financial plan, and information on key events that have occurred or actions taken during the course of the plan year.
- Chapter 3 focuses on goals and objectives for the program over the next year and into the future. This chapter includes an Implementation Plan that lists and prioritizes future capital improvement projects.

Summary of Plan Changes since 2004:

The most significant change to the Capital Plan involves the way in which acquisitions are reported on. In an attempt to conform the Capital Plan to the goals and objectives established with the adoption of a Draft Open Space Acquisition Policy, the report's Implementation Plan (see Chapter 3, Section A) will no longer include future acquisitions in its Phasing Plan. The Capital Improvement Division believes that the long-range planning for Open Space is better handled by the Department's Planning Division through the Open Space Acquisition Policy, and that the role of the Capital Division, and the Capital Plan as mandated under Proposition C, is to report on acquisitions being considered annually and track open space acquisitions completed and funded with Open Space dollars. In this plan, acquisitions under consideration or in progress are reported on in Chapter 2, Section C: Acquisitions Active in 2005. Only completed acquisitions are

included in the Implementation Plan. Other changes to the Phased Implementation Plan include minor changes made to improve accuracy and completeness of the information provided, and revisions to the projects included with Natural Area focus, to better conform to the recommendations established in the department's draft Significant Natural Areas Management Plan.

Great strides have been made to improve the accuracy, completeness and quality of the information provided in this report. Accomplishments in 2005 include:

- Expansion of information provided on active projects to include the following information

Project Status and details on key actions taken during the plan year.

Expanded Budget information that includes total project budget, estimated construction budget, and project budget broken out by project phase.

Percentage complete for each project phase to give readers a better understanding of the progress of project development.

- Inclusion of an Update Park Map in the Annual Report Appendix
- Preliminary information on the Next Phase of Capital Projects
- Implementation of various tools used for system-wide research and analysis, including the GIS database and routine park surveys

This report was reviewed by the Parks, Recreation and Open Space Advisory Committee (PROSAC) and their comments have been incorporated.

On motion by **Commissioner Murray** and duly seconded, the following resolution was adopted:

RES. NO. 0603-015

RESOLVED, That this Commission does approve the updated Capital Plan as presented in the Capital Improvement Division's 2005 Annual Report.

CONDITION ASSESSMENT & PROJECT MANAGER SOFTWARE

The Capital Division of the Recreation and Parks Department is responsible for the capital improvements, refurbishment, renovation, code compliance improvements (i.e., seismic, ADA, etc.) as well as on-going and deferred maintenance for all 211 of the City and County of San Francisco's parks. These sites consist of a broad cross section of buildings and grounds facilities including recreation centers, clubhouses, playgrounds, pools, courts, playing fields as well as historic and well known landmarks such as the Palace of Fine Arts, the San Francisco Zoo and Golden Gate Park. As keepers of such world renowned civic institutions and facilities, it is incumbent upon the RPD to provide the necessary care and planning to ensure that all of the City's park facilities are held to a high standard of excellence. To that end, the Capital Division of the Recreation and Park Department (RPD) is requesting to utilize available contingency funds currently residing in the Park, Recreation and Open Space Fund to conduct comprehensive condition assessments on all of its 211 facilities. The assessments will identify deferred maintenance items and building systems that are beyond their useful life. RPD will use this information to:

- Provide a financial work plan to strategically and efficiently reduce the current backlog of deferred maintenance and replace worn out building systems.
- Enhance facility planning capabilities by addressing the highest priority needs and future needs.
- Help Forecast develop present and future budgets for capital and on-going maintenance projects.

In addition to identifying the conditions of our facilities during the assessment, the Recreation and Park Department supplied facility condition data must be incorporated into the assessment software, analytical studies and reports and will utilize the data residing in our TMA system in developing and providing those reports. The final results of all analysis and assessments will allow for the commencement of life cycle conditioning at all location – including sites that have been recently upgraded. The Capital Division would also like to request the purchase of industry standard program and project management software that will enable our program directors to more accurately plan and estimate their projects and manage them to budget and schedule. The proposed software is Oracle based and thereby has the capability of interfacing with the City's FAMIS system. By implementing the proposed system RPD would begin to standardize the way projects are managed and provide affective, accurate fiscal reports as required and will have the capability to "roll-up" information from each project into program wide reports that would be available to senior managers and to the public. The system being considered is IMPACT, to be provided by 3D/I and will provide:

- **Cost information:** budget, commitments (encumbrances), projects (spend-down) and payments
- **Schedule:** planned, actual and key milestones
- **Contracts:** contract document and summary information
- **Status:** narrative description and photos

The intent in adopting a project management tool such as IMPACT is that the RPD will be effectively answering areas of concern cited in the 2006 Management Audit, Section 18 by providing the project status, a standard manner for tracking and documenting project cost against the project budget routine and on-going reports to controller, commission, any oversight committee as required. The cost to fund this assessment activity and to procure the project management soft is \$1,495,000 with an on-going cost of \$81,000 (annually) for routine assistance and all upgrades to the system. The actual time frame to complete the assessment is 8 to 10 months with a phased approach. The first phase of assessments will consist of the first 33 sites within the 2005 Capital Plan identified as Phase II Priority I sites and will take approximately five months to complete. The remaining park and recreation sites will follow in increments of 30 to 45 sites (depending on size and condition) until all 211 RPD facilities have been assessed.

Capital Project Year:

Fiscal year 2005-2006

Funding Source:

Park, Recreation Open Space Contingency Fund - \$3,377,662

Proposed Breakdown

- Assessment
 - \$900,000 - Assessment of all facilities (8 to 10 month timeframe)
 - \$250,000 - Additional cost for ADA review/input at \$14 to \$16 per square foot
 - \$150,000 - Additional cost for seismic review/input at \$.10 per square foot
- Project Management Software

Permanent licensing. An additional annual support contract of 18% of permanent license fee that covers routine assistance and all upgrades.

- \$45,000 Purchase fee – assuming 10 users
- \$150,000 Training, loading data, reports, FAMIS mapping and support

Emeric Kalman spoke on the system and stated that RPD wanted to justify the need for this new program.

On motion by **Commissioner Murray** and duly seconded, the following resolution was adopted:

RES. NO. 0603-016

RESOLVED, That this Commission does approve the award a professional services contract not to exceed \$1,500,000.00 to conduct condition assessments on all Recreation & Park Department facilities and to

purchase project management software for the management and oversight of Capital projects with the condition that the software license is not tied to the maintenance agreement.

SHARON MEADOW SOUND POLICY

At the November 2005 meeting of the Recreation and Park Commission, the Commission received an information briefing relating the results and findings of the acoustic data collection conducted at the Now & Zen 2005 concert that was presented in Sharon Meadow in September 2005 (briefing slides attached). At that meeting the Commission asked that staff compile proposed changes to the Sharon Meadow Amplified Sound Policy based on the recommendations of the Rosen Goldberg & Der Report that forwarded those findings (report attached). The intent of this policy is to establish a clear, enforceable amplified sound policy for Sharon Meadow that permits its use as an outdoor event venue and is responsive to neighborhood concerns regarding excessive noise.

Summary of Proposed Changes:

1. Establish a Sound Permit Performance Bond in the amount equal to the Site Permit Fee. The current Performance Bond is in an amount equal to 1.5 x Site Permit Fee.

Rationale: RPD will be proposing FY 06 /07 increases to all Site Permit Fees that will be based on flat rate venue capacity. This new calculation will result in substantially increased Site Permit Fees and, consequently, increased Performance Bond amounts. A one-to-one calculation appears to be fair in view of the higher dollar amounts.

2. Applicant must provide a policy-compliant Sound System Design for approval by the RPD acoustical consultant no later than 30 days prior to the event. Applicant must agree to use the approved design in the event and provide technical staff for sound adjustment at the Mix Position throughout the event. Proposed change establishes a 30-day deadline for Sound System Design submission and provides minimum criteria that the Sound System Design must meet for approval. Failure to meet the 30-day deadline will result in forfeiture of the Site Permit Fee.

Rationale: Sound System Design criteria are based on the findings and recommendations of the 2003 Salter Report (report attached) and the 2005 Rosen Goldberg & Der Report.

3. Monitor and Enforce Sound Level Limits at the Mix Position.

- **Sound Level Limit at the Mix:**
 - 96 dBA (5-minute average)
 - 102 dBA (maximum instantaneous)
- **Noise Level Limit in the Community:**
 - Not to exceed 5 dBA above ambient (as measured at six designated noise monitoring locations in surrounding neighborhoods).

Existing sound levels on are taken from the Police Code Section 47.2 which mandates that event sound not be audible in excess of a distance 250 feet from the periphery of the attendant audience.

Rationale: Per authority granted to the Commission in the City Charter and as allowed in the San Francisco Administrative Code, the Commission may establish policy for permitting use of RPD property – including sound levels for outdoor amplified sound. Both the 2003 Salter Report and the 2005 Rosen Goldberg recommend controlling maximum sound levels at the Mix Position as the policy control point. Field measurements taken by Rosen Goldberg & Der at the 2005 Now & Zen Concert indicate that 96 dBA at the Mix Position appears to limit noise levels in the community to 5 dBA above ambient under normal weather conditions.

4. Park Patrol officially tasked with sound level monitoring and policy compliance at the Mix Position and in response to neighborhood complaint. Enforcement authority in the existing policy is inferred and not clearly stated. This proposed change clarifies enforcement roles and responsibilities.

Rationale: Per findings and recommendations of the 2003 Salter Report and 2005 Rosen Goldberg & Der Report.

5. *Enforcement and sanctions protocol will be administered at the Mix Position and per neighborhood complaint response.*

- *Exceeding maximum dBA levels stated above will result in a Park Patrol warning to technicians at the Mix Position who have 5 minutes to adjust sound levels.*
- *Park Patrol verification of adjustment of sound levels to a reduced level at the Mix Position within 5 minutes of warning results in no violations.*
- *Any subsequent exceeding of maximum sound levels results in a new Park Patrol warning and a new 5-minute window to adjust sound levels at the Mix Position.*
- *Park Patrol verification of adjustment of sound levels to a reduced level at the Mix Position within 5 minutes results in no violation.*
- *Failure to adjust sound levels at the Mix Position to a reduced level within 5 minutes of any warning will result in a citation for policy violation and forfeiture of the Performance Bond.*

Current Enforcement Protocol allows two 15-minute compliance windows after warning. If a third warning is given, the Performance Bond is forfeit.

Rationale: Monitoring at the Mix Position provides better real time compliance monitoring. The proposed 5-minute compliance window is a significant reduction from the existing 15-minute compliance window, yet it still allows technicians to adjust sound within artist performance and stage production requirements. Renewing the warning protocol creates a responsive compliance process whereby RPD can work constructively with the event presenter and enforce sound reduction in response to neighborhood concerns. It also does not penalize event promoters for changes in sound propagation that are beyond their control; *i.e.*, changes in atmospheric sound attenuation conditions due to weather changes.

Public Meeting Concerns:

A noticed Public Meeting was held on these proposed policy changes on February 27, 2006 at the County Fair Building. The meeting was attended by residents from neighborhoods surrounding Sharon Meadow and event presenters who currently stage events at Sharon Meadow.

Neighbor Concerns:

- 5-minute compliance window is too long
- Wanted follow-on public meetings

Event Presenter Concerns:

- Responded to Neighborhood concern regarding 5-minute compliance window that it was the minimum limit for production requirements.
- Performance Bond amount is set too high
- Wanted follow-on public meetings

Staff Response to Public Meeting Concerns:

- 5-minute compliance window is a significant reduction from the existing 15-minute compliance window
- Performance Bond amount can be further adjusted by Commission action if the resultant calculation (after new event fee schedule is approved) is too high
- Public Meeting met and exceeded all noticing requirements

Financial Impact:

If the future proposed increases to the Site Permit Event Fee Schedule are approved, the potential exists for both increased revenue from such increased fees, as well as decreased revenue from events that view themselves 'priced-out' of Sharon Meadow. However, a select number of the latter events may choose alternative venues for their events (such as Speedway Meadow or Lindley Meadow) with the attendant revenue from those Site Permit Fees. Sheri Sternberg noted that although a lot of time had been spent on this policy, there was one element that was not taken into account and that was the events themselves.

Several criteria events based on average ambient levels in the community that do not include event days does not seem fair. She hoped that the monitoring locations would take into account the sound flow in the meadows and the various wind conditions – but that was unknown at this point. She believed this policy would severely restrict the types of events that could take place in Sharon Meadow. Maggie Lynch, with Comedy Day, stated that in addition to the previous speaker's concerns, she also was concerned: 1) with the lack of public notification for the public meeting and for the Commission meeting, 2) that staff was requesting the Commission vote on sound levels that were still to be determined, and 3) the need for a sound bond and the amount of a sound bond. Deb Durst, with Comedy Day, seconded the previous speaker's concerns. She stated that they do not oppose the sound policy per se but it is the extra fees that will be required – including the refundable sound bond – as it is money they do not have. She stated she concerned that the small events will be squeezed out. Jack Anderson, with Comedy Day, stated that he needed to make sure that they did not have the type of financial problem that he would foresee if this policy were to pass. He hoped that the Commission would empower someone to provide exemptions to the policy. Chris Duderstadt complimented staff for all the work they have done on the policy and believed that everything should be done to bring people into the park together as a community. He also suggested that for the smaller events there was another venue – the Concourse that would be reopening soon. Dan Hirsch with On Board Entertainment, stated that they do not oppose the concept of a sound policy but does oppose the way that it has come together. He was just finding out now that a year and a half ago a major policy was changed. The sound performance bond is a death sentence for events even with a reduction of 1.5 percent to 1 percent. Sean Sullivan stated that he shared the same sentiments as the previous speaker. They produce a small event that they would like to see grow. Because of the inexpensive access to Sharon meadow they were able to start a small event and grow it. At the event they can do the same kind of amplification that was being used in the hearing room. They would be unable to put forward the bond fee and it would be a hardship for their nonprofit. He believed it would eliminate the opportunity for small events in Sharon Meadow. Marsha Garland the producer of the North Beach Festival announced that the Outdoor Event Coalition had been formed and that they would like to be more involved in any policy setting issues. She supports the previous speaker's comments. Eliote Durham a resident around the park is opposed to putting any restrictions that would eliminate the music in the park any more than it has already been eliminated. Greg Nemitz, the General Manager of Alice Radio. Last year they came up with the performance bond and adhered to the sound policy. He noted that there were 10 complaints during the concert, and that the majority came from one person. Although this is a great venue, the event does not have to occur in Sharon Meadow and they have looked at other options. The sound performance bond and possible new fee structures are making them look at other venues. George Edwards, General Manager for Sound on Stage, stated that the 96 dBA level in front of a house is attainable if you are doing acoustic type events. Anything else it would tough to adhere to 96 dBA. Kainila Rajan with the Festival of the Chariots stated that they have never had a complaint about their event. He agreed with previous speakers who requested exceptions to the policy be granted. Gabriel Foley with the Festival of the Chariots seconded what the previous speaker said. He also stated that if it is too expensive they may not be able to continue the event. Craig Miller with AIDS Walk San Francisco stated that they had a number of concerns but they are prepared to live with and make a good faith effort to comply with the majority of what is being suggested. The piece that is absolutely critical to them is the directive that stages face in one of two directions. Because of reasons that relate to both public safety and to the quality of the event, that would be impractical. Dana Van Gorder with San Francisco AIDS Foundation that it is crucial to the event that they are able to face the stage in a certain direction. He asked for the flexibility to be able to face the stage in the direction that makes the greatest amount of sense. Greg Miller pointed out that the Commission needs to discern the difference between the size of the bond and the potential financial cost of it. The real issue is whether the small nonprofits would have access to the funds, ability to borrow or the ability to buy a bond. Martin Macintyre stated that the information that all dBA measurements were less than or equal to 5 dBA was not true. He did not believe that the power point presentation was true. He stated that they would be passing a policy that effects all the neighborhood around the Commission's jurisdiction but outside of their jurisdiction.

There was detailed discussion on this item.

On motion by **Commissioner Murray** and duly seconded, the following resolution was adopted:

RES. NO. 0603-017

RESOLVED, That this Commission does approve the revisions to the Sharon Meadow Sound Policy as recommend by staff with the following amendments: 1) add “In the interest of public safety or in the case of an event with more than 10,000 participants in and adjacent to Sharon Meadow, the Commission may waive this requirement and approve a different stage orientation”, 2) add “Performance Bond in an amount equal to one-half the Site Permit fee. Should the Performance Bond be forfeited for a violation of this policy, any subsequent application for an Amplified Sound Permit by this Permittee / Event Sponsor will be subject to a Performance Bond in the amount equal to the Site Permit Fee. If this increased Performance Bond is also forfeited due to policy violation, subsequent applications for an Amplified Sound Permit by this Permittee / Event Sponsor will be in the amount of one-and-a-half times the Site Permit Fee. Such new Performance Bond amounts will remain in effect for all Amplified Sound Applications by this Permittee / Event Sponsor for a period of five years” and 3) that staff study and come back to the Commission the idea of having the spec of a sound system that would serve x number of people or a wattage level that would not require a sound performance bond in 30 days.

Commissioner Murray stated that San Francisco Parks Trust is willing to work with the smaller nonprofit organizations as fiscal agent and fundraising support if there are issues with the fees. **Commissioner Levitan** stated that they are basing this on a performance bond fee that may change. She requested that this be brought back to the Commission for review if it is problematic or excessively expensive once the fee structure was in place.

GOLDEN GATE PARK CONCOURSE SURFACE IMPROVEMENT PROJECT

The Recreation and Park Department is undertaking the restoration and enhancement of the Music Concourse in Golden Gate Park with its Surface Improvements Project. Three acres of land are being added to park landscaping with the removal of on-site parking, narrowing of roadways and reduced building footprints of the deYoung Museum and California Academy of Sciences. Consistent with Golden Gate Park’s Master Plan, the Music Concourse has been redesigned to enhance pedestrian enjoyment, increase accessibility and improve safety. New utility infrastructure is being installed to serve the area.

Coordination has been critical in accommodating re-construction of two of major institutions in the Concourse, the deYoung Museum reopened in October 2005 and the California Academy of Sciences reopening in 2008. An 800-car underground parking facility has been introduced to the Concourse to serve these institutions. Work for the Surface Improvements Project is situated between the institutions and over the garage. The Recreation and Park Commission previously approved the award of contract to Swinerton Builders, Inc. on November 18, 2004, per the Resolution No. 0411-009. Construction commenced in May 2005, with an anticipated completion date at the end of March 2006. Project costs, including planning, design, construction management, construction and contingency total \$9,030,000

Construction Status:

- Construction work is 92 percent complete with 96 percent of contract period elapsed (312 calendar days of 325 calendar days for substantial completion schedule).
- Construction on bowl pathway improvements is complete, including bases for site furnishings and asphalt surfacing. Bowl utilities for irrigation and electrical service to pedestrian lights completed. Minor irrigation and planting improvements remain.
- 97-24” box sycamore and elm trees have been planted in the bowl to re-plant the historic grid.
- Tea Garden Drive and Concourse Drive roadways have been re-opened for Muni and drop-off traffic.
- Preparation underway for return of monuments.
- Coordination underway with San Francisco Park Trust’s commemorative bench program for 171 benches in the concourse bowl. 50 benches have been installed, a batch of 60 benches has been ordered, and the remaining benches are scheduled for order in late spring 2006.

Cost and Source of Funding

Total Project cost: \$9,030,000:

- 78 percent Proposition 40 (State bond funds): \$7,050,000
- 5 percent Proposition 12 (State bond fund) : \$450,000
- 17 percent Music Concourse Community Partnership (per lease agreement): \$1,530,000

GOLDEN GATE PARK CONCOURSE PARKING GARAGE

Michael Ellzey gave a brief presentation on the status of the parking garage that included construction start date and completion dates, garage project amenities, the need to complete the JKF area around 10th Avenue and the Shuttle program.

CALIFORNIA ACADEMY OF SCIENCES

In 1995 the City's voters approved a \$29,245,000 bond measure for the improvement of the Steinhart Aquarium facility and in 2000 voters approved an \$87,445,000 bond measure improvement of the Academy facilities. In August 2003, the Board of Supervisors approved reconstruction of the facilities in Golden Gate Park operated by the California Academy of Sciences. At this date all the bonds have been issued. Since last coming before the Recreation and Park Commission November 2005, the Project remains on schedule. The Project has been subject to the same escalation in construction costs seen by other major building projects. In the Bay area, the City's contribution to the project has not changed. The Project is being financed through a combination of public and private funds and the entire increase in the budget will be funded from private funds. The Academy is actively raising private funds for the project, and has also issued 501 (c) (3) conduit bonds through the California Infrastructure and economic Development Bank. With these funds, along with the City General Obligation Bonds, CAS has in hand all funds necessary to fund the total Project. Construction activities continue throughout the site. The first steel installation occurred in Africa Hall at the end of January. In addition, the first concrete deck pour was made this month in the central utility plant area. Fabrication and installation of underground life support system piping is nearing completion in the Coral Reef Tank area and will begin on the California Coast tank in early February. Installation of LSS piping continues to drive the critical path of the project at this time, and is tracking with Webcor's schedule. Concrete pours for footings, columns, vertical walls and slabs/decks are now occurring on almost a daily basis at various locations throughout the project. The Architect team is now in Construction Administration mode. Focus is on preparing bulletins as needed to update design information for coordination and field design issues. A review of the curtain wall mock-up was conducted in late January while Renzo Piano was in town. The architects will issue a report on observations made during this review in early March that will help guide quality and detailing of work in the building.

PUBLIC COMMENT

Jim Salinas, Sr. representing the Latino Steering Committee and the Mission Advisory Committee, stated that he had been asked to approach the Commission in regard to La Raza Park. He requested that the Commission hold a hearing in the Mission in regard to the changes to be made at La Raza Park and stated that some of the community leaders had been unaware of these changes. He asked that the Commission act on his requests.

ADJOURNMENT

The Meeting of the Recreation and Park Commission was adjourned at 5:40 p m.
Respectfully submitted,

Margaret A. McArthur
Commission Liaison

EXHIBIT C



11 January 2019

City and County of San Francisco
Recreation & Park Commission
501 Stanyan Street
San Francisco, CA 94117
Via E-mail to: recpark.commission@sfgov.org
margaret.mcarthur@sfgov.org

City and County of San Francisco
Recreation & Park Department
501 Stanyan Street
San Francisco, CA 94117
Via E-mail to: phil.ginsburg@sfgov.org
dana.ketcham@sfgov.org

Attention To:

Mark Buell, President
Allan Low, Vice President
Margaret McArthur, Secretary
Staff: Kat Anderson, Gloria Bonilla, Tom
Harrison, Eric McDonnell, Larry Mazzola

Attention To:

Philip Ginsburg, General Manager
Dennis Kern, Director of Operations
Dana Ketcham, GGP Property Manager

cc: San Francisco Supervisors Sandra Fewer, Sandra.Fewer@sfgov.org
San Francisco Supervisor Norman Yee, Norman.Yee@sfgov.org

Subject: Noise Control of Outside Lands Festival

Honorable Commissioners and Staff,

This letter was prepared at the request of San Francisco resident Andrew Solow, 58 Lake Forest Court.

We have reviewed the sections of the original Use Permit for Outside Lands Music and Arts Festival ("Use Permit", dated April 1, 2009) and the First Amendment to Outside Lands Music and Arts Festival Use Permit ("First Amendment", dated December 5, 2012) that pertain to noise control in the residential neighborhoods surrounding Golden Gate Park, where the Festival is held. We have also reviewed the logs and map of noise complaints related to the 2018 Festival provided by Andrew Solow.

The Use Permit did not establish noise limits from the amplified music. Rather, it stipulated that "[s]ound level measurements from the 2009 concert will be used to set goals for future year's festivals" [Use Permit, Appendix B, p. iv]. To point out the obvious, using the potentially high noise levels from the first concert to establish permissible noise levels for future concerts in no

way substantively addresses the potential noise impacts this large-scale event has on the surrounding neighborhoods.

At this time, we do not know if, in the wake of the 2009 festival, any noise limits were established. Regardless, in 2012, the First Amendment deleted the requirement to “set goals” and replaced it with the requirement for the permittee to “coordinate with the San Francisco Park Rangers to deploy monitors in the neighborhood who will measure sound pressure levels and record the data. Data will be promptly transmitted to the production staff at the Festival, who will use it to adjust sound pressure levels as required” [First Amendment, Section 13, p. 4].

This same section also requires the permittee to “use commercially reasonable best efforts to limit sound to the close environs of the concert grounds.” As the noise complaints Mr. Solow mapped clearly demonstrate, thousands of residences are exposed to the concert noise and hundreds of people complained [map appended]. Clearly, noise from the Outside Lands Festival in 2018 was not limited to the close environs of the concert grounds.

Returning to the permit terms regarding amplified sound in the First Amendment, the operative phrase is “adjust sound pressure levels as required”. The obvious question is: What does “as required” mean?

At this time, as far as we can ascertain, there is no actual requirement to limit the noise levels in any way, an obvious short-coming in the permit terms.

In our opinion, the City and County of San Francisco should, in the service of the thousands of residents exposed to Outside Lands concert noise, establish quantitative noise limits using standard acoustical measurement metrics that may be readily monitored (and independently checked by the City and others if they so desire) and unambiguously used to “adjust sound pressure levels as required” to meet said noise limits.

Mr. Solow has informed us that the permittee has retained our professional colleagues at Charles M. Salter Associates to advise them on the noise issues; they are well-suited to this task. We would be pleased to review and comment on whatever limits and monitoring plan Salter Associates proposes.

Very truly yours,

WILSON IHRIG


Derek L. Watry
Principal

Outside Lands Festival – Noise Complaint Map - August 2018

(Courtesy of Andrew Solow)



EXHIBIT D



March 21, 2019

Mr. Richard Drury
Lozeau Drury
410 12th Street, Suite 250
Oakland, CA 94607

Subject: Outside Lands

P19019

Dear Mr. Drury:

At your request, I have reviewed transportation matters associated with the Outside Lands Music and Arts Festival (the "Project") scheduled to take place in Golden Gate Park in San Francisco (the "City").

My qualifications to perform this review include registration as a Civil and Traffic Engineer in California and over 50 years professional consulting engineering practice in the traffic and transportation industry. I have both prepared and performed adequacy reviews of numerous transportation and circulation sections of environmental impact reports prepared under the California Environmental Quality Act (CEQA) including residential and mixed use complexes. My professional resume is attached. Findings of my review are summarized below.

The Sheer Size of the Event Indicates the Project Should Be Subjected to Environmental Review

In 2018, ticket sales for Outside Lands was approximately 210,000 or about 70,000 per day for the 3-day event. There is fair argument and reasonable expectation that the gathering of these numbers of attendees plus numerous others associated with the production of the event on 3 consecutive days in an area of the City not designed for such hosting such crowds (as contrast with a baseball or football stadium and their surroundings and supporting infrastructure) is bound to cause transportation impacts that should be subject to environmental review. Yet no formal environmental review has been performed.

Studies Performed for Another Planet Entertainment Admit Outside Lands Has Significant Transportation Impacts

A transportation performance review of the 2018 Outside Lands event was performed for Another Planet Entertainment, the producers of Outside Lands, by the transportation consulting firm Fehr & Peers. It is misleadingly titled *Outside Lands Transportation Management Plan* and dated October, 2018.

At page 1 this report admits:

- There is intense transportation demand associated with the event,
- There are heavy pedestrian flows at select locations,
- There is a need to accommodate those using public and private transportation,
- There is a need to accommodate circulation and staging of TNC vehicles,
- There is a need to mitigate temporary capacity constraints and bottlenecks.

At pages 2 and 3 the referenced report further admits:

- The difficulty of matching individual TNC vehicle locations with that of the specific passenger requesting that vehicle in congested traffic and crowded pedestrian conditions creates a chaotic situation,
- There are potential safety risks and a need to mitigate them,
- There is traffic congestion,
- There are disturbances to Golden Gate Park neighbors.

Despite the Objective Evidence of Transportation Impacts, There Is No Structured Comparison of Transportation Conditions During Normal Fridays and Normal Weekend Days To the Friday and Weekend Days During the Event

At the essence of a CEQA analysis is the comparison of conditions with the Project to current conditions that exist without the Project, a comparison that reveals the extent and nature of impacts and the type of mitigation required. There is no evidence that either the City or the Project Sponsor has ever attempted such a structured environmental assessment of transportation and related impacts. In fact, City staff and the Sponsor's consultants seem allergic to uttering the words 'transportation impacts', instead preferring to use the code words "transportation challenges".

The Court has found that an agency cannot hide behind its own failure to gather relevant data. "CEQA places the burden of environmental investigation *1379 on government rather than the public. If the local agency has failed to study an area of possible environmental impact, a fair argument may be based on the limited facts in the record. Deficiencies in the record may actually enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences."

(*Sundstrom v. County of Mendocino* (1988) 202 [Cal.App.3d](#) 296, 311, 248 Cal.Rptr. 352.

The limited documentation that is on the record provides clear indication that there are transportation impacts that are significant. Therefore, there is fair argument that full environmental review of the Project must be undertaken before permits can be issued.

An Obvious Mitigation Measure Has Not Been Considered

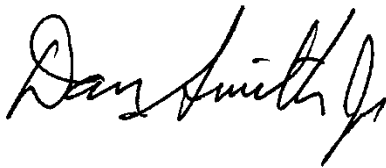
In prior practice, gates open at noon on all three Festival days and live music concludes just before 10 PM on Friday and Saturday and just after 9:30 PM on Sunday. This closing time in August conditions sends departing crowds surging into the neighborhoods surrounding Golden Gate Park in hours of full darkness, with the darkness exasperating transportation difficulties and neighborhood disturbances. If the live music were conditioned to conclude at 7:30 PM, departing attendees would have about 36 to 38 minutes or so of full daylight and another 30 minutes of fairly bright twilight to find their way to their Ubers, Lyfts, taxis or MUNI stops or to walk or bicycle home or to where they parked their cars instead of having to do these things in full darkness. Some of the lost time could be made up by opening the gates up earlier, say at 10:00 or 10:30 AM each day.

Conclusion

This concludes my comments on the 2019 Outside Lands Music and Arts Festival. Because there are fair arguments that the Project would have impacts not disclosed or mitigated through formal CEQA analysis, the permits for the Festival cannot be issued.

Sincerely,

Smith Engineering & Management
A California Corporation



Daniel T. Smith Jr., P.E.
President

Mr. Richard Drury
March 21, 2019
Page 4

Attachment 1
Resume of Daniel T. Smith Jr., P.E.



SMITH ENGINEERING & MANAGEMENT

DANIEL T. SMITH, Jr.
President

EDUCATION

Bachelor of Science, Engineering and Applied Science, Yale University, 1967
Master of Science, Transportation Planning, University of California, Berkeley, 1968

PROFESSIONAL REGISTRATION

California No. 21913 (Civil) Nevada No. 7969 (Civil) Washington No. 29337 (Civil)
California No. 938 (Traffic) Arizona No. 22131 (Civil)

PROFESSIONAL EXPERIENCE

Smith Engineering & Management, 1993 to present. President.
DKS Associates, 1979 to 1993. Founder, Vice President, Principal Transportation Engineer.
De Leuw, Cather & Company, 1968 to 1979. Senior Transportation Planner.
Personal specialties and project experience include:

Litigation Consulting. Provides consultation, investigations and expert witness testimony in highway design, transit design and traffic engineering matters including condemnations involving transportation access issues; traffic accidents involving highway design or traffic engineering factors; land use and development matters involving access and transportation impacts; parking and other traffic and transportation matters.

Urban Corridor Studies/Alternatives Analysis. Principal-in-charge for State Route (SR) 102 Feasibility Study, a 35-mile freeway alignment study north of Sacramento. Consultant on I-280 Interstate Transfer Concept Program, San Francisco, an AA/EIS for completion of I-280, demolition of Embarcadero freeway, substitute light rail and commuter rail projects. Principal-in-charge, SR 238 corridor freeway/expressway design/environmental study, Hayward (Calif.) Project manager, Sacramento Northeast Area multi-modal transportation corridor study. Transportation planner for I-80N West Terminal Study, and Harbor Drive Traffic Study, Portland, Oregon. Project manager for design of surface segment of Woodward Corridor LRT, Detroit, Michigan. Directed staff on I-80 National Strategic Corridor Study (Sacramento-San Francisco), US 101-Sonoma freeway operations study, SR 92 freeway operations study, I-880 freeway operations study, SR 152 alignment studies, Sacramento RTD light rail systems study, Tasman Corridor LRT AA/EIS, Fremont-Warm Springs BART extension plan/EIR, SRs 70/99 freeway alternatives study, and Richmond Parkway (SR 93) design study.

Area Transportation Plans. Principal-in charge for transportation element of City of Los Angeles General Plan Framework, shaping nations largest city two decades into 21st century. Project manager for the transportation element of 300-acre Mission Bay development in downtown San Francisco. Mission Bay involves 7 million gsf office/commercial space, 8,500 dwelling units, and community facilities. Transportation features include relocation of commuter rail station; extension of MUNI-Metro LRT; a multi-modal terminal for LRT, commuter rail and local bus; removal of a quarter mile elevated freeway; replacement by new ramps and a boulevard; an internal roadway network overcoming constraints imposed by an internal tidal basin; freeway structures and rail facilities; and concept plans for 20,000 structured parking spaces. Principal-in-charge for circulation plan to accommodate 9 million gsf of office/commercial growth in downtown Bellevue (Wash.). Principal-in-charge for 64 acre, 2 million gsf multi-use complex for FMC adjacent to San Jose International Airport. Project manager for transportation element of Sacramento Capitol Area Plan for the state governmental complex, and for Downtown Sacramento Redevelopment Plan. Project manager for Napa (Calif.) General Plan Circulation Element and Downtown Riverfront Redevelopment Plan, on parking program for downtown Walnut Creek, on downtown transportation plan for San Mateo and redevelopment plan for downtown Mountain View (Calif.), for traffic circulation and safety plans for California cities of Davis, Pleasant Hill and Hayward, and for Salem, Oregon.

TRAFFIC • TRANSPORTATION • MANAGEMENT

5311 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478

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Transportation Centers. Project manager for Daly City Intermodal Study which developed a \$7 million surface bus terminal, traffic access, parking and pedestrian circulation improvements at the Daly City BART station plus development of functional plans for a new BART station at Colma. Project manager for design of multi-modal terminal (commuter rail, light rail, bus) at Mission Bay, San Francisco. In Santa Clarita Long Range Transit Development Program, responsible for plan to relocate system's existing timed-transfer hub and development of three satellite transfer hubs. Performed airport ground transportation system evaluations for San Francisco International, Oakland International, Sea-Tac International, Oakland International, Los Angeles International, and San Diego Lindberg.

Campus Transportation. Campus transportation planning assignments for UC Davis, UC Berkeley, UC Santa Cruz and UC San Francisco Medical Center campuses; San Francisco State University; University of San Francisco; and the University of Alaska and others. Also developed master plans for institutional campuses including medical centers, headquarters complexes and research & development facilities.

Special Event Facilities. Evaluations and design studies for football/baseball stadiums, indoor sports arenas, horse and motor racing facilities, theme parks, fairgrounds and convention centers, ski complexes and destination resorts throughout western United States.

Parking. Parking programs and facilities for large area plans and individual sites including downtowns, special event facilities, university and institutional campuses and other large site developments; numerous parking feasibility and operations studies for parking structures and surface facilities; also, resident preferential parking .

Transportation System Management & Traffic Restraint. Project manager on FHWA program to develop techniques and guidelines for neighborhood street traffic limitation. Project manager for Berkeley, (Calif.), Neighborhood Traffic Study, pioneered application of traffic restraint techniques in the U.S. Developed residential traffic plans for Menlo Park, Santa Monica, Santa Cruz, Mill Valley, Oakland, Palo Alto, Piedmont, San Mateo County, Pasadena, Santa Ana and others. Participated in development of photo/radar speed enforcement device and experimented with speed humps. Co-author of Institute of Transportation Engineers reference publication on neighborhood traffic control.

Bicycle Facilities. Project manager to develop an FHWA manual for bicycle facility design and planning, on bikeway plans for Del Mar, (Calif.), the UC Davis and the City of Davis. Consultant to bikeway plans for Eugene, Oregon, Washington, D.C., Buffalo, New York, and Skokie, Illinois. Consultant to U.S. Bureau of Reclamation for development of hydraulically efficient, bicycle safe drainage inlets. Consultant on FHWA research on effective retrofits of undercrossing and overcrossing structures for bicyclists, pedestrians, and handicapped.

MEMBERSHIPS

Institute of Transportation Engineers Transportation Research Board

PUBLICATIONS AND AWARDS

Residential Street Design and Traffic Control, with W. Homburger *et al.* Prentice Hall, 1989.

Co-recipient, Progressive Architecture Citation, *Mission Bay Master Plan*, with I.M. Pei WRT Associated, 1984.

Residential Traffic Management, State of the Art Report, U.S. Department of Transportation, 1979.

Improving The Residential Street Environment, with Donald Appleyard *et al.*, U.S. Department of Transportation, 1979.

Strategic Concepts in Residential Neighborhood Traffic Control, International Symposium on Traffic Control Systems, Berkeley, California, 1979.

Planning and Design of Bicycle Facilities: Pitfalls and New Directions, Transportation Research Board, Research Record 570, 1976.

Co-recipient, Progressive Architecture Award, *Livable Urban Streets, San Francisco Bay Area and London*, with Donald Appleyard, 1979.

EXHIBIT E



WI #19-005

22 March 2019

Richard Drury, Esq.
Lozeau Drury LLP
410 12th St., No. 250
Oakland, California 94607

Subject: Appeal of CEQA Categorical Exemption for the Outside Lands Festival Use Permit
Significance of Noise Impacts – Comments on National Historic Registry Sites
SF Plng Case No.: 2019-000684PRJ
SF BOS File No.: 190117

Dear Mr. Drury,

In my letter of 13 February 2019, I used the very limited noise level data that has been collected by the Outside Lands promoters and the San Francisco Recreation and Park Department (RPD) to establish reasonable and substantial evidence for the assertion that the noise from the festival does create a significant noise impact in the residential neighborhoods and indeed a wide area surrounding Golden Gate Park. My letter focused on residences because it was based, in part, on complaints made by 192 residents who independently complained about noise from the 2018 event. This letter now addresses the noise at eight sites within Golden Gate Park that are listed in the National Register of Historic Places.

At the outset, I note that to my knowledge no one visiting one of these sites called to complain about noise from the 2018 event. This does not establish that no one at those sites was annoyed or had their use and enjoyment of those sites diminished by noise from the 2018 Outside Lands event. There are many explanations for why no complaints were received, chief among them is that the people would have reasonably concluded that calling the Recreation and Park Department or even the Police would do nothing to change their experience in any meaningful way.

Based on a log of noise complaints received by San Francisco Recreation and Parks Department from the Outside Lands Noise Hotline, Mr. Solow created the map in Figure 1 showing the locations of the intersections closest to each complaint address (the exact addresses were understandably withheld by RPD). The map and the data table from which it was derived (Figure 2) illustrate that 192 San Francisco residents called to complain about the concert noise during the 3-day Festival, clearly indicating that it was unreasonably loud to persons of normal sensibilities.

On the map in Figure 1, I have indicated the locations of the following site which are all listed in the National Register of Historic Places:

1. Conservatory of Flowers
2. Francis Scott Key Monument
3. Lawn Bowling Clubhouse and Greens
4. McLaren Lodge
5. Music Concourse
6. Sharon Building

I note that it was somewhat difficult to fit legible labels on the map without covering any of the noise complaint locations.

Clearly, the area at the east end of Golden Gate Park where the majority of these historic sites are situated is literally surrounded by noise complaints lodged by residents. Therefore, it is very reasonable to presume that some people visiting, utilizing, and enjoying the historic sites were likewise annoyed. Please refer to my 13 February 2019 letter for a discussion of the noise limits that should be enforced per Article 29 of the San Francisco Police Code and how even the limited amount of data collected during the 2018 event reasonably establishes that those limits were exceeded.

Regarding the historic sites, I would like to note, in particular, that clearly audible music from the Outside Lands Festival would be particularly encroaching upon visitors of the Conservatory of Flowers and users of the Lawn Bowling Clubhouse and Greens, both places where people might ordinarily be expected to spend a fair amount of time. The number and extent of noise complaints surrounding the east end of Golden Gate Park establish beyond any doubt that the festival music was clearly audible at the and the other historic place.

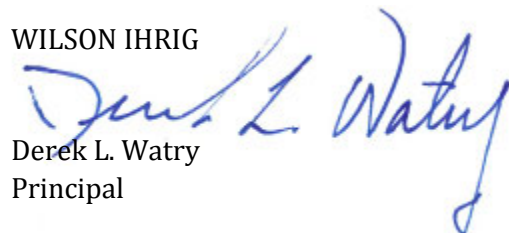
I take it as self-evident that the Music Concourse was rendered unusable during the 2018 Outside Lands Festival.

At the west end of the park, the dozen complaints received from residents who live between Sunset Boulevard and the Great Highway provide substantial evidence that noise at both historic windmill sites and the entire Beach Chalet area were also unreasonably loud to persons of normal sensibilities.

In conclusion, the map of noise complaints regarding the 2018 Outside Lands Festival provides a clear indication that noise from the festival adversely impacted visitors and users of the many sites within Golden Gate Park that are listed in the National Register of Historic Places.

Respectfully submitted,

WILSON IHRIG



Derek L. Watry
Principal

Figure 1
Outside Lands Festival – Noise Complaint Map - August 2018
(Courtesy of Andrew Solow)



Figure 2 Outside Lands Noise Hotline Complaints Log

18
9
220

	109
	30
	52

235
124
190

1/4
119
212

EXHIBIT F

2019 Special Events Master Applications-
Not Approved Until I or P appears in 1st column

Sta	Permit	Comments	Day	Date	Set Up	Down	Attendance	Sound	Site	Area	Event Name:
a			Week Starting	11-Mar					a		
a			Week Starting	18-Mar					a		
a			Week Starting	25-Mar					a		
a			Week Starting	1-Apr					a		
a			Week Starting	8-Apr					a		
P	admin R10575	n/a	Saturday	13-Apr	10-Apr		1000	Yes	GGP-Robin Williams Meadow (Sharon Meadow		Eggstravaganza
a			Week Starting	15-Apr					a		
	SB admin SB 420 only	sent email	Saturday	20-Apr	18-Apr		20000	Yes	GGP-Robin Williams Meadow (Sharon Meadow		420 Hippie Hill
a	n/a		Sunday	21-Apr					Easter		Easter
a			Week Starting	22-Apr					a		
I	R9763	sent email RC 11/5	Saturday	27-Apr			2000	Yes	GGP-MurphyWindmill	Murphy Windmill	Kingsday 2019
a			Week Starting	29-Apr					a		
a			Week Starting	6-May					a		
a			Week Starting	13-May					a		
	admin R10497	sent email	Sunday	19-May	16-May		30000	Yes	GGP-Roadway	we reserve all of Gold	Bay to Breakers 2019
a			Week Starting	20-May					a		
a			Week Starting	27-May					a		
a			Week Starting	3-Jun					a		
	admin R11018 - in	sent email	Sunday	9-Jun			10000	Yes	GGP-Roadway	JFK Dr. between Tran	Sunday Streets Sunset/Golden Gate Park
a			Week Starting	10-Jun					a		
a			Week Starting	17-Jun					a		
a			Week Starting	24-Jun					a		
a			Week Starting	1-Jul					a		
a			Week Starting	8-Jul					a		
	SB admin R10631	sent email; multi day	Thursday	11-Jul	8-Jul	23-Jul	8,000	Yes	GGP-Botanical Gardens	Whole Garden	Flower Piano 2019
	SB admin R11029	sent email	Sunday	14-Jul	13-Jul	15-Jul	6,000	Yes	GGP-Robin Williams Meadow (Sharon Meadow	Sharon Arts Building,	AIDS Walk San Francisco
a			Week Starting	15-Jul					a		
	SB admin R10631	sent email; 3 nights	Thursday	18-Jul	15-Jul	20-Jul	3000	Yes	GGP-Botanical Gardens		Flower Piano at Night 2019
	SB admin R10631	sent email; multi day	Saturday	20-Jul	8-Jul	23-Jul	8,000	Yes	GGP-Botanical Gardens	Whole Garden	Flower Piano 2019
a			Week Starting	22-Jul					a		
	SB admin R10579	sent email DK	Sunday	28-Jul	26-Jul		8500	Yes	GGP-14th Ave Meadow	14th Avenue Meadow	The San Francisco Marathon
	SB admin R10579	sent email DK	Sunday	28-Jul	27-Jul		15000	No	GGP-Roadway	various roads in the pa	The San Francisco Marathon
a			Week Starting	29-Jul					a		
a			Week Starting	5-Aug					a		
	admin	Aug 9-11	Friday	9-Aug	29-Jul	16-Aug	Impact		GGP-West End		Outside Lands
	admin	Aug 9-11	Saturday	10-Aug	29-Jul	16-Aug	Impact		GGP-West End		Outside Lands
	admin	Aug 9-11	Sunday	11-Aug	29-Jul	16-Aug	Impact		GGP-West End		Outside Lands
a			Week Starting	12-Aug					a		
a			Week Starting	19-Aug					a		
a			Week Starting	26-Aug					a		
a			Week Starting	2-Sep					a		
a			Week Starting	9-Sep					a		
a			Week Starting	16-Sep					a		
a			Week Starting	23-Sep					a		

2019 Special Events Master Applications-
Not Approved Until I or P appears in 1st column

Sta	Permit	Comments	Day	Date	Set Up	Down	Attendance	Sound	Site	Area	Event Name:
a			Week Starting	30-Sep					a		
	admin R10576	3 days	Friday	4-Oct	29-Sep	9-Oct	75,000	Yes	GGP-Meadows		Hardly Strictly Bluegrass 2019
a			Week Starting	7-Oct					a		
a			Week Starting	14-Oct					a		
a			Week Starting	21-Oct					a		
a			Week Starting	28-Oct					a		

Wong, Jocelyn (BOS)

From: BOS Legislation, (BOS)
Sent: Tuesday, March 19, 2019 10:21 AM
To: richard@lozeaudrury.com; alsolow@earthlink.net; pprows@briscoelaw.net
Cc: GIVNER, JON (CAT); STACY, KATE (CAT); JENSEN, KRISTEN (CAT); Rahaim, John (CPC); Teague, Corey (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Sider, Dan (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Fordham, Chelsea (CPC); Ketcham, Dana (REC); Rosenberg, Julie (BOA); Cantara, Gary (BOA); Longaway, Alec (BOA); Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS-Supervisors; BOS-Legislative Aides; BOS Legislation, (BOS)
Subject: PROJECT SPONSOR RESPONSE: Appeal of CEQA Exemption Determination - Outside Lands Festival Use Permit - Appeal Hearing on April 2, 2019

Categories: 190198

Greetings,

Please find linked below an appeal response brief received by the Office of the Clerk of the Board from the project sponsor Peter S. Prows of Briscoe Ivester & Bazel LLP, on behalf of Another Planet Entertainment LLC.

[Project Sponsor Response - March 18, 2019](#)

The hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on April 2, 2019, at 3:00 p.m.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the links below:

[Board of Supervisors File No. 190198](#)

Best regards,

Jocelyn Wong

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

T: 415.554.7702 | F: 415.554.5163

jocelyn.wong@sfgov.org | www.sfbos.org



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*

BRISCOE IVESTER & BAZEL LLP

155 SANSOME STREET
SEVENTH FLOOR
SAN FRANCISCO, CALIFORNIA 94104
(415) 402-2700
(415) 398-5630 FAX

Peter S. Prows
pprows@briscoelaw.net
(415) 402-2708

18 March 2019

By Email Only

President Norman Yee
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689
Norman.Yee@sfgov.org

Subject: Outside Lands

Dear President Yee and Members of the Board of Supervisors:

I represent Another Planet Entertainment LLC, which has applied to extend its existing use permit to operate the Outside Lands festival in and around the Polo Fields of Golden Gate Park for an additional 10 years. Outside Lands is a major cultural event, now in its 12th year. In 2017 alone, Outside Lands generated economic activity of \$66.8 million for the City of San Francisco and \$75 million for the entire Bay Area, together with the equivalent of 700 full-time year-round jobs.¹

Another Planet appreciates City staff's determination that this permit extension ought to be exempt from CEQA, under categorical exemption 4 ("Minor Alterations to Land"). Another Planet encourages the Board of Supervisors to supplement staff's finding that this permit extension is exempt from CEQA with the additional findings that: (i) categorical exemption 1 ("Existing Facilities") applies, (ii) categorical exemption 23 ("Normal Operations of Facilities for Public Gatherings") applies, and (iii) no unusual circumstances exist here. Another Planet may supplement this letter with additional information by the 22 March comment deadline.

¹ *Economic Impact Analysis of the 2017 Outside Lands Festival on the City of San Francisco and the Bay Area*, Marin Economic Consulting.

Background

Golden Gate Park and the Polo Fields are the birthplace of the modern arts, culture, and rock music festival. (A relatively comprehensive list of festivals held there is attached as **Exhibit A**.) Highlights include:

- In 1894, the Midwinter Fair, a World's Fair, took place across more than 200 acres of the Park and attracted more than two million people.²
- In 1967, as a prelude to the Summer of Love, the Polo Fields hosted the first ever rock festival—the Human Be-In—where the Grateful Dead and Jefferson Airplane performed and attracted perhaps 30,000 people.³ The 40th and 50th anniversaries of the Summer of Love were celebrated with concerts in Golden Gate Park.
- In 1989, Jefferson Airplane returned for a concert in the Polo Fields with Bob Weir and Rob Wasserman.⁴
- In 1991, about 300,000 people gathered in and around the Polo Fields to celebrate the life of Bill Graham, with performances by The Grateful Dead, Santana, Joan Baez, and Crosby, Stills, Nash & Young.⁵

² Bob Bragman, *The Unknown Midwinter Fair – San Francisco 1894*, San Francisco Chronicle, 22 December 2015, available at: <https://www.sfgate.com/bayarea/article/SF-Midwinter-Fair-that-no-one-knows-about-6713601.php>.

³ <http://www.outsidelands.org/be-in.php>

⁴ <https://www.concertarchives.org/venues/polo-field-golden-gate-park>

⁵ Jonathan Weber, *Bay Area Plays Tribute to Graham: Memorial: About 300,000 gather for free concert at Golden Gate Park honoring the rock promoter who died 10 days ago in a helicopter crash*, Los Angeles Times, 4 November 1991, http://articles.latimes.com/1991-11-04/news/mn-715_1_golden-gate-park.

- The Polo Fields hosted the Ben & Jerry's One World One Heart Festival in 1992, and the Womad Festival (featuring Sinéad O'Connor and Peter Gabriel) in 1993.⁶
- In 1995, Pearl Jam played a massive show at the Polo Fields.
- In 1996, the Beastie Boys, Smashing Pumpkins, A Tribe Called Quest, Foo Fighters, Richie Havens, John Lee Hooker, Yoko Ono, Red Hot Chili Peppers, Björk, Sonic Youth, Rage Against The Machine, and the Fugees, among many others, all rocked the Polo Fields.⁷
- In 1999, the Polo Fields welcomed the Fleadh Festival, with talent including Elvis Costello, Ben Harper, Taj Mahal, and Van Morrison.⁸
- In 2004, the Dave Matthews Band, joined by Santana, jammed for charity for hours before a huge Polo Fields crowd.⁹

Since 2001, of course, Hardly Strictly Bluegrass has put on an annual, free, three-day music festival throughout the western-central portion of the Park.¹⁰

Outside Lands has also been an annual event in and around the Polo Fields since 2008. Outside Lands' current permit runs through 2021. Outside Lands is seeking an extension that would allow it to operate through 2031.

⁶ <https://www.concertarchives.org/venues/polo-field-golden-gate-park>

⁷ *Id.*

⁸ <https://www.setlist.fm/festival/1999/guinness-fleadh-san-francisco-1999-73d6daf1.html>

⁹ <https://davemattthewsband.shop.musictoday.com/product/DMDD19/dmb-live-trax-vol-2-golden-gate-park>

¹⁰ In a lyric resolution, co-sponsored by Supervisor Peskin, the Board "urg[ed]" Warren Hellman to ensure the festival remained in the Park. (SF Board of Supervisors Resolution No. 253-04, Approved on 29 April 2004.)

Additional Categorical Exemptions: CatEx Nos. 1 & 23

City staff have concluded that Outside Lands qualifies for categorical exemption 4. Outside Lands qualifies for this exemption because it is a “[m]inor temporary use of land” akin to a “carnival”. (14 Cal. Code Regs. § 15304(e).)

Categorical exemption 4 is subject to a limitation that most other categorical exemptions are not: it does not apply where the activity “may impact” a “precisely mapped” resource. (14 Cal. Code Regs. § 15300.2(a).) Although the Polo Fields and western-central Park areas where Outside Lands takes place are not in the mapped area of the Coastal Zone, appellants assert that Outside Lands may impact those mapped Coastal-Zone areas in the western portion of the Park.

Two additional, broader, categorical exemptions also apply to Outside Lands: categorical exemption 1 (“Existing Facilities”) and categorical exemption 23 (“Normal Operations of Facilities for Public Gatherings”). These two additional categorical exemptions seem tailor-made for events like Outside Lands. They are also not subject to the ‘precisely-mapped’ limitation that categorical exemption 4 can be.

Categorical exemption 1 applies to the “operation, ... permitting, leasing, licensing, or minor alteration of existing public ... facilities ... involving negligible or no expansion of existing or former use.” (14 Cal. Code Regs. § 15301.) Large music festivals like Outside Lands are a longstanding use of the Polo Fields and western-central Park area. Outside Lands does not seek any significant expansion of its existing permit. Because extending Outside Lands’ permit would not significantly expand any existing or former use, categorical exemption 1 applies.

Categorical exemption 23 applies to “the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose.” (14 Cal. Code Regs. § 15323.) “Past history” means “that the same or similar kind of activity has been occurring for at least three years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility.” (*Id.*) “[S]tadiums”, “auditoriums”, and “amphitheaters” are given as examples of facilities included within this exemption. (*See Campbell v. Third Dist.*

Agricultural Assn. (1987) 195 Cal.App.3d 115, 118 (racetrack operations near residential area exempt); *Citizens for Environmental Responsibility v. 14th Dist. Ag. Assn.* (2015) 242 Cal.App.4th 555, 572 (rodeo operations near residential area exempt)¹¹.) The Polo Fields and western-central Park areas have been used for large music festivals like Outside Lands for decades, if not more than a century, and Outside Lands proposes merely to continue that proud musical tradition. Categorical exemption 23 applies.

A Board finding that categorical exemptions 1 and 23 also apply would bolster City staff's conclusion that extension of Outside Lands' permit is exempt from CEQA.

**The Board Should Make An Express Finding That
No Unusual Circumstances Exist Here**

Appellants assert that "unusual circumstances" prevent use of categorical CEQA exemptions here. (See 14 Cal. Code Regs. § 15300.2(c) (exemptions do not apply where "activity will have a significant effect on the environment due to unusual circumstances").) A lead agency's finding that no unusual circumstances exist will be affirmed by the courts if any substantial evidence exists in the record that supports the finding. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1114.) No unusual circumstances exist here: events like Outside Lands have been held at the Polo Fields and western-central Park area for decades. There is nothing unusual about continuing those kinds of events. The Board should make an express finding that no unusual circumstances exist here.

¹¹ *Citizens for Environmental Responsibility* also rejected an argument by the Lozeau Drury firm that the firm makes again on behalf of appellants here. Mr. Drury, on behalf of appellants, argues here that "[a] project that requires mitigation measures cannot be exempted from CEQA", and that various traffic- and noise-related terms of the permit constitute mitigation measures. But terms that merely "formalize[] practices that had been implemented for decades" are not mitigation measures that preclude application of CEQA exemptions. (242 Cal.App.4th at 570.) The terms of the proposed permit renewal here are not materially different from the terms of prior Outside Lands permits, and they merely formalize best practices already implemented for similar events by the City.

BRISCOE IVESTER & BAZEL LLP

President Yee and Members of the Board

18 March 2019

Page 6

Thank you for your consideration of these comments.

Sincerely,

BRISCOE IVESTER & BAZEL LLP

/s/ Peter Prows

Peter S. Prows
Attorneys for
Another Planet Entertainment LLC

cc: Board of Supervisors
Clerk to the Board

Exhibit A:

Golden Gate Park Festivals

#	Date	Performers	Location
1	1/13/1967	Big Brother & the Holding Company and Quicksilver Messenger Service	Polo Field
2	6/20/1967	Big Brother & the Holding Company and Quicksilver Messenger Service and Grateful Dead	Polo Field
3	7/7/1968	Big Brother & the Holding Company	Polo Field
4	3/16/1969	Boogie, Crazy Horse, Alice Cooper	Speedway Meadows
5	5/6/1969	Grateful Dead	Polo Field
6	11/15/1969	Crosby, Stills, Nash & Young	Polo Field
7	5/30/1975	Jefferson Starship	Marx Meadows
8	7/30/1975	Jefferson Starship	Marx Meadows
9	9/28/1975	Grateful Dead & Jefferson Starship	Lindley Meadows
10	9/2/1985	Country Joe & The Fish	Polo Field
11	9/12/1987	Country Joe & the Fish, Bib Brother & the Holding Company	Polo Field
12	11/1/1991	Laughter, Love and Music: In Memory of Bill Graham	Polo Field
13	9/1993	WOMAD Festival	Polo Field
14	6/24/1995	Neil Young & Pearl Jam	Polo Field
15	6/1996	Tibetan Freedom Concert	Polo Field
16	10/12/1997	30th Anniversary - Summer of Love	Beach Chalet Field
17	6/5/1999	Guinness Fleadh	Polo Field
18	10/27/2001	Hardly Strictly Bluegrass	West End
19	9/7/2002	Power to the Peaceful	Speedway Meadow

20	10/1/2002	Hardly Strictly Bluegrass	West End
21	4/20/2003	We The Planet Festival	Speedway Meadow
22	6/1/2003	Alice's Summerthing	Speedway Meadow
23	9/6/2003	Power to the Peaceful	Speedway Meadow
24	10/1/2003	Hardly Strictly Bluegrass	West End
25	6/1/2004	Alice's Summerthing	Speedway Meadow
26	9/11/2004	Power to the Peaceful	Speedway Meadow
27	9/12/2004	Dave Matthews Band	Polo Field
28	10/2004	Hardly Strictly Bluegrass	West End
29	06/2005	Alice's Summerthing	Speedway Meadow
30	9/7/2005	Power to the Peaceful	Speedway Meadow
31	10/1/2005	Hardly Strictly Bluegrass	West End
32	6/1/2006	Alice's Summerthing	Speedway Meadow
33	9/9/2006	Power to the Peaceful	Speedway Meadow
34	10/1/2006	Hardly Strictly Bluegrass	West End
35	6/17/2007	Alice's Summerthing	Speedway Meadow
36	9/2/2007	Country Joe & The Fish	Speedway Meadow
37	9/8/2007	Power to the Peaceful	Speedway Meadow

38	10/1/2007	Hardly Strictly Bluegrass	West End
39	4/20/2008	Yonder Mountain String Band	Speedway Meadow
40	6/2008	Alice's Summerthing	Speedway Meadow
41	8/2008	Outside Lands	West
42	9/6/2008	Power to the Peaceful	Speedway Meadow
43	10/2008	Hardly Strictly Bluegrass	West
44	6/2009	Alice's Summerthing	Speedway Meadow
45	8/2009	Outside Lands	West
46	9/12/2009	Power to the Peaceful	Speedway Meadow
47	10/2009	Hardly Strictly Bluegrass	West End
48	10/25/2009	Chambers Brothers	Speedway Meadow
49	6/27/2010	Alice's Summerthing	Speedway Meadow
50	8/2010	Outside Lands	West
51	9/11/2010	Power to the Peaceful	Speedway Meadow
52	10/1/2010	Hardly Strictly Bluegrass	West End
53	6/26/2011	Alice's Summerthing	Speedway Meadow
54	8/2011	Outside Lands	West
55	9/2011	Hardly Strictly Bluegrass	West
56	6/8/2012	Chipotle Cultivate Festival	Hellman Hollow

57	6/24/2012	Alice's Summerthing	Hellman Hollow
58	8/2012	Outside Lands	West
59	10/2012	Hardly Strictly Bluegrass	West
60	6/2013	Alice's Summerthing	Speedway Meadow
61	8/2013	Outside Lands	West
62	10/1/2013	Hardly Strictly Bluegrass	West End
63	4/26/2014	Michael Milano	Speedway Meadow
64	06/2014	Alice's Summerthing	Hellman Hollow
65	8/2014	Outside Lands	West
66	10/2014	Hardly Strictly Bluegrass	West
67	06/2015	Alice's Summerthing	Hellman Hollow
68	8/2015	Outside Lands	West
69	10/2015	Hardly Strictly Bluegrass	West
70	5/22/2016	All Day I Dream	Hellman Hollow
71	8/2016	Outside Lands	West
72	9/2016	Hardly Strictly Bluegrass	West
73	6/25/2017	All Day I Dream	Hellman Hollow
74	8/2017	Outside Lands	West
75	10/2017	Hardly Strictly Bluegrass	West
76	8/2018	Outside Lands	West
77	10/2018	Hardly Strictly Bluegrass	West

Wong, Jocelyn (BOS)

From: Board of Supervisors, (BOS)
Sent: Wednesday, March 27, 2019 9:32 AM
To: BOS-Supervisors; BOS Legislation, (BOS)
Subject: FW: Hours of Outsidelands concert

Categories: 190198

-----Original Message-----

From: rbrandi <rbrandi@earthlink.net>
Sent: Sunday, March 24, 2019 5:26 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Yee, Norman (BOS) <norman.yee@sfgov.org>
Subject: Hours of Outsidelands concert

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Member Board of Supervisors

I understand you are likely to approve the continuation of the Outside lands concert in Golden Gate Park. I am sure you are aware that the music from the concert travels far and hits the West Portal area where I live, among other places. We can hear loud thumping or booming noises almost constantly. It may have something to do with the nearby hills. In any case I urge you to limit the time for music to no later than 8 pm.

Thank you

Richard Brandi
125 Dorchester Way

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following appeal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Tuesday, April 2, 2019

Time: 3:00 p.m.

Location: Legislative Chamber, City Hall, Room 250
1 Dr. Carlton B. Goodlett, Place, San Francisco, CA 94102

Subject: **File No. 190198.** Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department on January 17, 2019, for the amendment to the City's Use Permit with Another Planet Entertainment for the annual three-day festival in Golden Gate Park (aka "Outside Lands"), to extend the term for an additional 10 years and to update certain provisions related to rents and cost of reimbursements based on cost of living and other increases, with terms substantially the same as the draft dated December 1, 2018. (District 1) (Appellant: Richard Drury of Lozeau Drury LLP, on behalf of Andrew Solow and Stephen Somerstein) (Filed February 14, 2019)

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information relating to this matter will be available for public review on Friday, March 29, 2019.


Angela Calvillo
Clerk of the Board

Wong, Jocelyn (BOS)

From: BOS Legislation, (BOS)
Sent: Tuesday, March 19, 2019 10:03 AM
To: richard@lozeaudrury.com; alsolow@earthlink.net
Cc: GIVNER, JON (CAT); STACY, KATE (CAT); JENSEN, KRISTEN (CAT); Rahaim, John (CPC); Teague, Corey (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Sider, Dan (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Fordham, Chelsea (CPC); Ketcham, Dana (REC); Rosenberg, Julie (BOA); Cantara, Gary (BOA); Longaway, Alec (BOA); Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS-Supervisors; BOS-Legislative Aides; BOS Legislation, (BOS)
Subject: HEARING NOTICE: Appeal of CEQA Exemption Determination - Outside Lands Festival Use Permit - Appeal Hearing on April 2, 2019
Categories: 190198

Good morning,

The Office of the Clerk of the Board has scheduled a hearing for Special Order before the Board of Supervisors on **April 2, 2019, at 3:00 p.m.**, to hear the appeal of appeal of the determination of categorical exemption from environmental review under CEQA for the proposed Outside Lands Festival Use Permit.

Please find the following link to the hearing notice for the matter.

[Public Hearing Notice - March 19, 2019](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the links below:

[Board of Supervisors File No. 190198](#)

Best regards,

Jocelyn Wong

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

T: 415.554.7702 | F: 415.554.5163

jocelyn.wong@sfgov.org | www.sfbos.org



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The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*

Wong, Jocelyn (BOS)

From: BOS Legislation, (BOS)
Sent: Friday, February 22, 2019 10:35 AM
To: Ko, Yvonne (CPC)
Cc: BOS Legislation, (BOS)
Subject: APPEAL CHECK PICKUP: Appeal of CEQA Exemption Determination - Outside Lands Festival Use Permit - Appeal Hearing on April 2, 2019

Categories: 190198

Good morning Yvonne,

A check for the appeal filing fee for the CEQA Categorical Exemption appeal of the proposed Outside Lands Festival Use Permit is ready to be picked up here in the Clerk's Office weekdays from 8 a.m. through 5 p.m. Confirming that no fee waiver applications were filed.

Thanks, as always,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

brent.jalipa@sfgov.org | www.sfbos.org

From: BOS Legislation, (BOS)
Sent: Friday, February 22, 2019 9:50 AM
To: Rahaim, John (CPC) <john.rahaim@sfgov.org>
Cc: GIVNER, JON (CAT) <Jon.Givner@sfcityatty.org>; STACY, KATE (CAT) <Kate.Stacy@sfcityatty.org>; JENSEN, KRISTEN (CAT) <Kristen.Jensen@sfcityatty.org>; Teague, Corey (CPC) <corey.teague@sfgov.org>; Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>; Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>; Jain, Devyani (CPC) <devyani.jain@sfgov.org>; Navarrete, Joy (CPC) <joy.navarrete@sfgov.org>; Lynch, Laura (CPC) <laura.lynch@sfgov.org>; Sider, Dan (CPC) <dan.sider@sfgov.org>; Rodgers, AnMarie (CPC) <anmarie.rodgers@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; Fordham, Chelsea (CPC) <chelsea.fordham@sfgov.org>; Ketcham, Dana (REC) <dana.ketcham@sfgov.org>; Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>; Cantara, Gary (BOA) <gary.cantara@sfgov.org>; Longaway, Alec (BOA) <alec.longaway@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Subject: Appeal of CEQA Exemption Determination - Outside Lands Festival Use Permit - Appeal Hearing on April 2, 2019

Good morning,

The Office of the Clerk of the Board has scheduled a hearing for Special Order before the Board of Supervisors on **April 2, 2019, at 3:00 p.m.**

Please find linked below a letter of appeal filed for the proposed Outside Lands Festival Use Permit, as well as direct links to the Planning Department's determination of timeliness for the appeal, and an informational letter from the Clerk of the Board.

[Appeal Letter - February 14, 2019](#)

[Planning Department Memo - February 21, 2019](#)

[Clerk of the Board Letter - February 21, 2019](#)

You are invited to review the entire matter on our [Legislative Research Center](#) by following the link below.

[Board of Supervisors File No. 190198](#)

Regards,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

brent.jalipa@sfgov.org | www.sfbos.org



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

February 22, 2019

File Nos. 190198

Planning Case Nos. 2019-000684PRJ

Received from the Board of Supervisors Clerk's Office one check, in the amount of Six Hundred Seventeen Dollars (\$617), representing the filing fee paid by Richard Drury for the appeals of the CEQA Categorical Exemption for the proposed Outside Lands Festival Use Permit:

Planning Department
By:

Tong
Print Name

[Signature] 2/25/19
Signature and Date

Wong, Jocelyn (BOS)

From: BOS Legislation, (BOS)
Sent: Friday, February 22, 2019 10:26 AM
To: richard@lozeaudrury.com; alsolow@earthlink.net
Cc: GIVNER, JON (CAT); STACY, KATE (CAT); JENSEN, KRISTEN (CAT); Rahaim, John (CPC); Teague, Corey (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Sider, Dan (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Fordham, Chelsea (CPC); Ketcham, Dana (REC); Rosenberg, Julie (BOA); Cantara, Gary (BOA); Longaway, Alec (BOA); Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS-Supervisors; BOS-Legislative Aides; BOS Legislation, (BOS)
Subject: Appeal of CEQA Exemption Determination - Outside Lands Festival Use Permit - Appeal Hearing on April 2, 2019
Categories: 190198

Good morning,

The Office of the Clerk of the Board has scheduled a hearing for Special Order before the Board of Supervisors on **April 2, 2019, at 3:00 p.m.**

Please find linked below a letter of appeal filed for the proposed Outside Lands Festival Use Permit, as well as direct links to the Planning Department's determination of timeliness for the appeal, and an informational letter from the Clerk of the Board.

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[Board of Supervisors File No. 190198](#)

Regards,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office

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TDD/TTY No. 554-5227

February 21, 2019

Richard Drury
Lozeau Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607

**Subject: File No. 190198 - Appeal of CEQA Categorical Exemption
Determination - Proposed Outside Lands Festival Use Permit**

Dear Mr. Drury:

The Office of the Clerk of the Board was in receipt of a memorandum dated February 21, 2019, from the Planning Department regarding their determination on the timely filing of appeal of the Categorical Exemption Determination issued by the Planning Department under CEQA for the proposed Outside Lands Festival Use Permit.

The Planning Department has determined that the appeal was filed in a timely manner (copy attached).

Pursuant to Administrative Code, Section 31.16, a hearing date has been scheduled for **Tuesday, April 2, 2019, at 3:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102.

Please provide to the Clerk's Office by noon:

20 days prior to the hearing: names and addresses of interested parties to be notified of the hearing, in spreadsheet format; and


11 days prior to the hearing: any documentation which you may want available to the Board members prior to the hearing.

For the above, the Clerk's office requests one electronic file (sent to bos.legislation@sfgov.org) and two copies of the documentation for distribution.

NOTE: If electronic versions of the documentation are not available, please submit 18 hard copies of the materials to the Clerk's Office for distribution. If you are unable to make the deadlines prescribed above, it is your responsibility to ensure that all parties receive copies of the materials.

If you have any questions, please feel free to contact Legislative Clerks Brent Jalipa at (415) 554 7712, Lisa Lew at (415) 554-7718, or Jocelyn Wong at (415) 554-7702.

Very truly yours,


Angela Calvillo
Clerk of the Board

c: Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Kristen Jensen, Deputy City Attorney
John Rahaim, Director of Planning, Planning Department
Corey Teague, Zoning Administrator, Planning Department
Scott Sanchez, Acting Deputy Zoning Administrator, Planning Department
Lisa Gibson, Environmental Review Officer, Planning Department
Devyani Jain, Deputy Environmental Review Officer, Planning Department
Joy Navarette, Environmental Planning, Planning Department
Laura Lynch, Environmental Planning, Planning Department
AnMarie Rodgers, Director of Citywide Planning, Planning Department
Dan Sider, Director of Executive Programs, Planning Department
Aaron Starr, Manager of Legislative Affairs, Planning Department
Dana Ketcham - Staff Contact, Recreation and Park Department
Julie Rosenberg, Executive Director, Board of Appeals
Gary Cantara, Legal Assistant, Board of Appeals
Alec Longaway, Staff Contact, Board of Appeals



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: February 21, 2019
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Lisa Gibson, Environmental Review Officer
RE: Appeal Timeliness Determination – Extension of Outside Lands Music Festival Permit Categorical Exemption
Planning Department Case No. 2019-000684PRJ

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

An appeal of the categorical exemption for the proposed Recreation and Parks Department Extension of Outside Lands Music Festival Permit was filed with the Office of the Clerk of the Board of Supervisors on February 14, 2019 by Richard Drury of Lozeau Drury LLP, on behalf of Andrew Solow and Stephen Somerstein. As explained below, the appeal was timely filed.

Date of Approval Action	30 Days after Approval Action	Appeal Deadline (Must Be Day Clerk of Board's Office Is Open)	Date of Appeal Filing	Timely?
Thursday, January 17, 2019	Saturday, February 16, 2019	Tuesday, February 19, 2019	Wednesday, February 14, 2019	Yes

Approval Action: On January 17, 2019, the Planning Department issued a categorical exemption for the proposed Extension of Outside Lands Music Festival Permit. The categorical exemption identified the approval action for the Extension of the Outside Lands Music Festival Permit as the Recreation and Parks Commission approval. The Recreation and Parks Commission approved a use permit extension for the project at a duly noticed hearing on January 17, 2019 (Date of the Approval Action).

Appeal Deadline: Section 31.16(a) and (e) of the San Francisco Administrative Code states that any person or entity may appeal an exemption determination to the Board of Supervisors during the time period beginning with the date of the exemption determination and ending 30 days after the Date of the Approval Action. The 30th day after the Date of the Approval Action was Saturday, February 16, 2019. However, when an appeal deadline falls on a weekend day, it has been the longstanding practice of the Clerk of the Board to accept appeals until the close of business on the following workday. That date was Tuesday, February 19, 2019 (Appeal Deadline).

Appeal Filing and Timeliness: The appellant filed the appeal of the categorical exemption on February 14, 2019, prior to the Appeal Deadline. Therefore, the appeal is considered timely.

Memo

Wong, Jocelyn (BOS)

From: BOS Legislation, (BOS)
Sent: Tuesday, February 19, 2019 12:52 PM
To: Rahaim, John (CPC)
Cc: GIVNER, JON (CAT); STACY, KATE (CAT); JENSEN, KRISTEN (CAT); Teague, Corey (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Sider, Dan (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Rosenberg, Julie (BOA); Cantara, Gary (BOA); Longaway, Alec (BOA); Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS-Supervisors; BOS-Legislative Aides; BOS Legislation, (BOS)
Subject: Appeal of CEQA Exemption Determination - Outside Lands Festival Use Permit - Timeliness Determination Request
Attachments: Appeal Ltr 021419.pdf; COB Ltr 021519.pdf
Categories: 190198

Good afternoon, Director Rahaim:

The Office of the Clerk of the Board is in receipt of an appeal of the CEQA Categorical Exemption Determination for the proposed Outside Lands Festival Use Permit. The appeal was filed by Richard Drury of Lozeau Drury LLP, on behalf of Andrew Solow and Stephen Somerstein, on February 14, 2019.

Please find the attached letter of appeal and timely filing determination request letter from the Clerk of the Board.

Kindly review for timely filing determination.

Regards,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

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TDD/TTY No. 554-5227

February 15, 2019

To: John Rahaim
Planning Director

From:  Angela Calvillo
Clerk of the Board of Supervisors

Subject: **Appeal of California Environmental Quality Act (CEQA) Determination of
Categorical Exemption from Environmental Review - Outside Lands
Festival Use Permit**

An appeal of the CEQA Determination of Categorical Exemption from Environmental Review for the proposed Outside Lands Festival Use Permit was filed with the Office of the Clerk of the Board on February 14, 2019, by Richard Drury of Lozeau Drury LLP, on behalf of Andrew Solow and Stephen Somerstein.

Pursuant to Administrative Code, Chapter 31.16, I am forwarding this appeal, with attached documents, to the Planning Department to determine if the appeal has been filed in a timely manner. The Planning Department's determination should be made within three (3) working days of receipt of this request.

If you have any questions, please feel free to contact Legislative Clerks Brent Jalipa at (415) 554-7712, Lisa Lew at (415) 554-7718, or Jocelyn Wong at (415) 554-7702.

c: Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Kristen Jensen, Deputy City Attorney
Corey Teague, Zoning Administrator, Planning Department
Scott Sanchez, Acting Deputy Zoning Administrator, Planning Department
Lisa Gibson, Environmental Review Officer, Planning Department
Devyani Jain, Deputy Environmental Review Officer, Planning Department
Joy Navarette, Environmental Planning, Planning Department
Laura Lynch, Environmental Planning, Planning Department
AnMarie Rodgers, Director of Citywide Planning, Planning Department
Dan Sider, Director of Executive Programs, Planning Department
Aaron Starr, Manager of Legislative Affairs, Planning Department
Dana Ketcham, Staff Contact, Recreation and Parks Department
Julie Rosenberg, Executive Director, Board of Appeals
Gary Cantara, Legal Assistant, Board of Appeals
Alec Longaway, Legal Process Clerk, Board of Appeals

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date _____

I hereby submit the following item for introduction (select only one):

- ☐ 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- ☐ 2. Request for next printed agenda Without Reference to Committee.
- ☒ 3. Request for hearing on a subject matter at Committee.
- ☐ 4. Request for letter beginning : "Supervisor [] inquiries"
- ☐ 5. City Attorney Request.
- ☐ 6. Call File No. [] from Committee.
- ☐ 7. Budget Analyst request (attached written motion).
- ☐ 8. Substitute Legislation File No. []
- ☐ 9. Reactivate File No. []
- ☐ 10. Topic submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☐ Planning Commission ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Clerk of the Board

Subject:

Hearing - Appeal of Determination of Exemption From Environmental Review - Outside Lands Festival Use Permit

The text is listed:

Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department on January 17, 2019, for the amendment to the City's Use Permit with Another Planet Entertainment for the annual three-day festival in Golden Gate Park (aka "Outside Lands"), to extend the term for an additional 10 years and to update certain provisions related to rents and cost of reimbursements based on cost of living and other increases, with terms substantially the same as the draft dated December 1, 2018. (District 1) (Appellant: Richard Drury of Lozeau Drury LLP, on behalf of Andrew Solow and Stephen Somerstein) (Filed February 14, 2019)

Signature of Sponsoring Supervisor:

Angela Corbett to KCA

For Clerk's Use Only

for File No. 190198