



County of San Diego

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NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION

July 31, 2008

NOTICE IS HEREBY GIVEN that the County of San Diego is proposing to adopt Negative Declaration(s) in accordance with the California Environmental Quality Act for the following project(s). The proposed Negative Declaration(s) can be reviewed on the World Wide Web at http://www.sdcounty.ca.gov/dplu/ceqa_public_review.html, at the Department of Planning and Land Use (DPLU), Project Processing Counter, 5201 Ruffin Road, Suite B, San Diego, California 92123 and the public library(ies) listed below. Comments on these proposed Negative Declaration(s) must be sent to the DPLU address listed above and should reference the project number and name.

POD08-009; LOG NO. ER08-00-002; County Noise Ordinance Amendment. The project proposes amendments to the County Noise Ordinance. The proposed Noise Ordinance amendment consists of a thorough update to the ordinance which will help to clarify regulations, improve readability and upgrade enforcement components available in the ordinance. The County of San Diego Noise Ordinance establishes sound level limits for various noise sources. Limits are specified depending on the zoning placed on a property (e.g., varying densities and intensities of residential, industrial and commercial zones). It is unlawful for any person to cause or allow the creation of any noise that exceeds the applicable limits of the Noise Ordinance at any point on or beyond the boundaries of the property on which the sound is produced. Furthermore, the Noise Ordinance allows the County to grant variances from the noise limitations, subject to terms and conditions intended to achieve compliance. Finally, the Noise Ordinance serves as an enforcement document and establishes noise level limits subject to code enforcement and procedural requirements for enforceability of said Ordinance. Proposed amendments to the County Noise Ordinance consist of the following:

- **Section 36.401:** Revisions to the "Purpose" section of the ordinance;
- **Section 36.402:** Revisions, deletions of definitions and addition of new definitions to the "Definitions" section of the ordinance. Notable new definitions include the introduction of *Impulsive Noise*, *Maximum Sound Level* and *Off-road Vehicle*;

- **Section 36.403:** Revisions to the “Sound Level Measurement” section;
- **Section 36.404 :** Revisions to the “General Sound Level Limits” including the clarification of noise limitations within specific plan areas (Sec. 36.404(c));
- **Section 36.405:** Revisions to “Repairing, Rebuilding or Testing Motor Vehicles” section of the ordinance;
- **Section 36.406:** Revisions to the “Powered Model Vehicles” section of the ordinance;
- **Section 36.407:** Revisions to the “Refuse Vehicles & Parking Lot Sweepers section of the ordinance;
- **Section 36.408:** Deletion of “Watercraft” section;
- **Section 36.409:** Deletion of the “Airports” section;
- **Section 36.408** (New section number as a result of the above deletion): Revisions including clarification to the “Hours of Operation of Construction Equipment” section of the ordinance;
- **Section 36.409:** New section pertaining to “Sound Level Limitations on Construction Equipment” establishing a 75 dB eight-hour average sound limit. A decibel allowance table has also been added to this section.
- **Section 36.410:** New section pertaining to “Sound Level Limitations on Impulsive Noise”. These noise generators differs from typical construction noise in that they tend to be intermittent (single noise events) and although infrequent, generate noise which may be potentially damaging because of their “high peak” noise level. This section also utilizes the use of “maximum sound level” measurement or Lmax. This methodology allows the County to capture short duration events or episodes of high intensity that could not be adequately sampled with a one-hour average (Leq).
- **Section 36.411:** Revisions to the “Containers and Construction Material” section of the ordinance;
- **Section 36.412:** Revisions to the “Signal Device for Food Trucks” section of the ordinance;
- **Section 36.413:** Revisions to the “Multiple Family Dwelling Units” sections of the ordinance;
- **Section 36.414:** Revisions to ordinance section pertaining to “General Noise Prohibitions”;
- **Section 36.415:** Revisions to the “Burglar Alarms” section of the ordinance;
- **Section 36.416:** Deletion of section pertaining to “Aircraft”;
- **Section 36.416** (New): Addition of section pertaining to the regulation of “Noise from Off-Road Recreational Vehicles”. The Noise Ordinance will now include a section pertaining specifically to off-road-vehicle (ORV) noise. The noise level at the property line is based on the same L-max measurement methodology discussed above in addition to the Leq requirements.
- **Section 36.417:** Revisions to the “Exemptions” section of the ordinance. A new section pertaining to the use of emergency generators has also been added to this section.

- **Section 36.418:** Revisions to the “Responsibility for Enforcement” section of the ordinance.
- **Section 36.419:** Deletion of section pertaining to “Violations – Misdemeanors”;
- **Section 36.419** (formerly 36.420): Revisions to the “Additional Remedies” section of the ordinance;
- **Section 36.420** (formerly 36.421): Revisions to the “False Statement” section of the ordinance;
- **Section 36.421** (formerly 36.422): Revisions to the “Reproductions or Alteration of Documents” section of the ordinance;
- **Section 36.422** (formerly 36.423): Revisions to the “Display of Permits, Variance or other Documents” section of the ordinance;
- **Section 36.423** (formerly 36.424): Revisions to the “Variance” section of the ordinance;
- **Section 36.424** (formerly 36.425): Revisions to the “Application for Variance” section of the ordinance;
- **Section 36.425** (formerly 36.426): Revision to the “Request for Duplicate Variance Certificate” section of the ordinance;
- **Section 36.427:** Deletion of unused section of the ordinance;
- **Section 36.426** (formerly 36.428) Revisions to the “Action on Application” section of the ordinance;
- **Section 36.429:** Deletion of the “Applications Deemed Denied” section of the ordinance;
- **Section 36.427** (formerly 36.430): Revisions to the “Failure to Comply with Conditions” (renamed section: formerly “Provision of Sampling and Testing Facilities) section of the ordinance;
- **Section 36.428** (formerly 36.431): Revisions to the “Appeals” sections of the ordinance;
- **Section 36.432:** Deletion of the “Filing Fee” section of the ordinance;
- **Section 36.429** (formerly 36.433): Revisions to the “Contents of the Notice of Appeal” section of the ordinance;
- **Section 36.430** (formerly 36.434): Revisions to the “Dismissal of Appeal” section of the ordinance;
- **Section 36.435:** Deletion of the “Place of Hearing” section of the ordinance.
- **Section 36.431:** New section pertaining to the “Hearing Officer”.
- **Section 36.432** (formerly Section 36.436): Revision to the “Scheduling of Hearings” section of the ordinance;
- **Section 36.433** (formerly Section 36.437): Revision to the “Hearing Procedures” (Renamed from “Evidence”) section of the ordinance.
- **Section 36.438:** Deletion of the “Preliminary Matters” section of the ordinance;
- **Section 36.439:** Deletion of the “Official Notice” section of the ordinance;
- **Section 36.434** (formerly 36.440): Revisions to the “Continuances” section of the ordinance;
- **Section 36.435** (formerly 36.441): Revisions to the “Decision” section of the ordinance;

- **Section 36.442:** Deletion to the “Effective Date of Decision” section of the ordinance; and
- **Section 36.443:** Deletion to the “Severability” section of the ordinance.

The project is located within the County of San Diego is located in Southern California bordered on the west by the Pacific Ocean, to the east by Imperial County, to the north by Orange and Riverside Counties, and to the south by Mexico. The project covers all unincorporated portions of the County of San Diego over which the County has land use jurisdiction. Comments on this proposed Negative Declaration must be received no later than **August 30, 2008** at 4:00 p.m. (a 30 day public review period).

This proposed Negative Declaration can also be reviewed at the following library branches: Alpine, Bonita, Borrego Springs, Campo, Casa De Oro, Crest, Descanso, Fallbrook, Jacumba, Julian, Lakeside, Pine Valley, Potrero, Ramona, Rancho San Diego, Rancho Santa Fe, Spring Valley and Valley Center. For additional information, please contact Joseph Farace at (858) 694-3690 or by e-mail at joseph.farace@sdcounty.ca.gov.