



County of San Diego

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May 18, 2018

PERMITEE: SDGE NEAL BARTEK
NOISE VARIANCE: PDS2018-VAR-18-004
E.R. NUMBER: NA
PROPERTY: INTERSTATE 15 HIGHWAY AND POMERADO ROAD

DECISION OF THE DIRECTOR

San Diego County Noise Control Officer

Pursuant to Section 36.424 of the San Diego County Code, and based on the findings stated below, this Noise Variance is for the activity, work or machinery (Noise Source) indicated below including the terms and conditions included herein.

Noise Source:

The trenching for proposed electrical transmission line for SDGE project covers the trenching and installation along Pomerado Road near the Interstate 15 Highway (work stations 445+00 to 453+00). The installation activities would include an excavator, Cat excavator and backhoe, bobcat loader, cat asphalt roller or other noise intensive construction will occur at night.

Variance & Time for Compliance:

The Variance period shall be conditionally granted for the nighttime work for excavation, installing a new conduit along Pomerado Road between the hours of 10:00 p.m to 5:00 a.m. Sunday night through Thursday night within a four weeks period from May 20 to June 14, 2018. The nighttime improvements are be expected to take approximately two weekend; however, due to the uncertainty in construction scheduling and the amount of progress achieved per night for the improvement, a four weekend period is provided for the nighttime work shifts to occur. No construction will be allowed on Friday and Saturday nights and holidays.

The project work would start with setting up closures and mobilizing equipment. The excavation would be followed by the installation of the conduit then backfill. The final phase would be installation of new pavement and clean up closure pick up at each shift. This site shall return to the noise performance standards in the County regulations (Property Line Sound level Limits, Section 36.404) by the morning of June 14, 2018.

The following will be the tentative night shift work schedule for the work under this permit:

1 st Night:	May 20 th thru May 21 st :	10:00pm to 5:00am from Sunday night thru Monday morning.
2 nd Night:	May 21 st thru May 22 nd :	10:00pm to 5:00am from Monday night thru Tuesday morning.
3 rd Night:	May 22 nd thru May 23 rd :	10:00pm to 5:00am from Tuesday night thru Wednesday morning.
4 th Night:	May 23 rd thru May 24 th :	10:00pm to 5:00am from Wednesday night thru Thursday morning.
5 th Night	May 27 th thru May 28 th :	10:00pm to 5:00am from Sunday night thru Monday morning.

The work would start with excavating activities comprised of trenching eastbound segment of Pomerado Road and will continue west towards Interstate 15 Highway. Each weeknight result in the following work construction schedule:

10:00pm:	Set up traffic control.
10:00pm-3:30 am:	Construction Activities, Excavate, Install Conduit, Backfill, Paving
3:30 am-4:00am:	Cleanup work area, place cold mix and steel plates over excavations
4:00am-5:00am:	Pick up traffic control.
5:00am:	Off the Street Completely

Terms & Conditions:

1. Any vehicle or equipment used, related to the construction work shall be designed, modified, or equipped to reduce sounds produced to the lowest possible level consistent with the effective operation of such vehicle, device, apparatus, or equipment and in accordance with OSHA regulations. Additionally, all construction equipment shall be equipped with manufacturer's approved exhaust mufflers and if available, maximum noise reduction mufflers are required for all truck-mounted auxiliary engines.
2. Require that the contractor and all vendors, suppliers, and subcontractors who operate construction equipment have a regular maintenance and lubrication program.
3. Prior to the start of evening or nighttime work on the SXtoPQ, place notification signs along Pomerado Road to be read by area residents and occupants. The signs will state that night work will be conducted with the SXtoPQ and will include a 24-hour contact number for further information. Additionally, provide an initial notification, by letter or doorknob hanger notice, to residents within 500 feet of the boundary. The notification will describe the activities anticipated in the nighttime hours and project contact information.

4. In the event of two or more citizen noise complaints substantiated by the Noise Control Officer or referral from the Board of Supervisors are registered within this single night from two separate residences, SDGE or the contractor shall implement all applicable measures identified to limit noise generation, including stopping work or limiting nighttime work within 500 feet of the complaints. Within 24 hours, the Department of Public Works or their designated representative may retain a County-approved noise consultant to conduct a noise investigation at the residence(s) that registered the complaint. The consultant would prepare a letter report summarizing the complaint and provide measures to address these concerns. The letter report would be provided to code enforcement for determining adequacy and recommendations, as well as potential revocation of the variance and if measures are inadequate.

Findings:

1. Pursuant to San Diego County Code Section 36.424, the Noise Control Officer has determined that the terms of this Noise Variance are reasonable, having taken into consideration the following:
 - a. The magnitude of nuisance caused by the offensive noise: The major sources of nuisance are associated with nighttime work beginning on Sunday, May 20th through Thursday morning, June 14, 2018 ending at 5:00am. The nighttime trenching and conduit installation would generate temporary construction noise along the Pomerado Road segment. In addition to the intermittent or short exposure to high levels of noise, back-up beepers or other signaling equipment will be used at night as a worker safety measure if there are no other feasible alternatives.
 - b. The uses of the property within the area of impingement by the noise: Rural residential, commercial/industrial buildings, and vacant land.
 - c. General public interest and welfare: While there will be noise levels associated with nighttime work proposed, this nighttime activity will substantially reduce the number of days requiring lane closures and traffic delays. Extended exposure to interim road subgrade surfaces would not be required. Overall, the risk of accidents and injury to local residents, commuters, and work crews will substantially be reduced by allowing nighttime work and the early completion of the installation.
2. Pursuant to Section 15301 of the California Environmental Quality Act, it is hereby found that there are no changes in the project, no changes in the circumstances under which the project is undertaken, or no new information which results in a new significant environmental effect. The project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and it is recommended that the project qualifies for Categorical Exemption under CEQA Section 15301 that involves the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

APPEAL PROCEDURE: Within fifteen calendar days after the date of this Decision of the Director, the decision may be appealed to the County Hearing Officer in accordance with Section 36.428 of the San Diego County Code. An appeal shall be filed within FIFTEEN CALENDAR DAYS of the date of this notice AND MUST BE ACCOMPANIED BY THE DEPOSIT OR FEE AS PRESCRIBED IN THE DEPARTMENT'S FEE SCHEDULE, PDS FORM #369, pursuant to Section 362 of the San Diego County Administrative Code. If the fifteenth day falls on a weekend or County holiday, an appeal will be accepted until 4:00 p.m. on the following day the County is open for business. Filing of an appeal will stay the decision of the Director until a hearing on your application is held and action is taken by the Hearing Officer. Furthermore, the 90-day period in which the applicant may file a protest of the fees, dedications or exactions begins on the date of approval of this Decision.

PLANNING & DEVELOPMENT SERVICES
MARK WARDLAW, DIRECTOR

By:



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Project Planning Division

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