

**COUNTY OF SAN MATEO
ENVIRONMENTAL SERVICES AGENCY**

Submittal Date: March 14, 2001
Meeting Date: March 27, 2001
Set Time: 10:00 a.m.

TO: Honorable Board of Supervisors

FROM: Marcia Raines, Director of Environmental Services *MR*

SUBJECT: **Executive Summary** - Requests from Midcoast Community Council regarding (1) reporting of permit applications; (2) notification of changes in permit applications; (3) contractors blocking street access; (4) posting of construction noise limits and project notices; (5) winter well drilling, (6) joint review of well applications by Planning and Environmental Health

RECOMMENDATION

That your Board review the above requests and direct staff to:

1. Produce a monthly planning permit status report for the MCC beginning in May.
2. Inform the MCC Planning and Zoning Committee of revisions to plans or applications which either respond to a comment by the MCC or change the location, bulk or exterior design of a project, and provide three weeks for MCCC comment
3. When issuing building permits, provide a written reminder to follow street parking and noise regulations.
4. Monitor the effectiveness of the new well ordinance in regulating winter drilling and report to the Board by May 15, 2002.
5. Conduct joint Environmental Health/Planning inspections of proposed well sites in the Coastal Zone.

BACKGROUND

In November 2000, representatives of the Midcoast Community Council addressed your Board under oral communication to outline concerns about development in the Midcoast. Supervisor Gordon and I subsequently met with representatives of the Council to discuss their concerns. We agreed to report to the Board on possible actions to address those.

SUMMARY

We can produce a monthly permit status report beginning in May. We can also inform the MCCC of changes to plans and applications during the permit review process

Builders could be admonished to follow parking laws, which are the same for them as for others. Parking enforcement in unincorporated San Mateo County is the responsibility of the CHP although the Sheriff does provide informal assistance on the Coast.

The County does have noise regulations in place, but most construction noise is either exempt or falls within established limits. Environmental Health enforces those regulations and does pursue complaints. We do not recommend additional posting of project notices.

New well drilling regulations recently took effect. They include winterization provisions and site restoration requirements. The County should track their effectiveness before amending them to prohibit winter drilling. It would be feasible for Planning and Environmental Health to make joint well inspections in the Coastal Zone.

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TO: Honorable Board of Supervisors

FROM: Marcia Raines, Director of Environmental Services

SUBJECT: Requests from Midcoast Community Council regarding (1) regular reporting and mapping of permit applications; (2) notification of changes in permit applications; (3) contractors blocking street access; (4) posting of signs in the Midcoast summarizing construction hours, noise limits and contact numbers for complaints and posting of on-site project notices; (5) prohibition on well drilling during the winter season; (6) joint review of well permit applications by Planning and Environmental Health

RECOMMENDATION

That your Board review the above requests of the Midcoast Community Council (MCCC) and direct staff to

1. Produce a monthly planning permit status report for the MCC beginning in May.
2. Inform the MCC Planning and Zoning Committee of revisions to plans or applications which respond to a comment by the MCC or change the location, bulk or exterior design of a project, and provide three weeks for MCCC comment
3. When issuing building permits, provide a written reminder to follow street parking and noise regulations.
4. Monitor the effectiveness of the new well ordinance in regulating winter drilling and report to the Board by May 15, 2002
5. Conduct joint Environmental Health/Planning inspections of proposed well sites in the Coastal Zone.

BACKGROUND

In November 2000, representatives of the Midcoast Community Council addressed your Board under oral communication to advise you that a letter to Supervisor Gordon would be forthcoming outlining several concerns about development activity in the Midcoast. Supervisor Gordon and I subsequently met with a Development Issues Subcommittee formed by the Council to discuss their concerns. The concerns that evolved at that meeting are listed above, under Subject. We agreed to investigate those concerns and report to the Board on possible actions to address them. A draft of this report was provided to the Midcoast Council Planning and Zoning Committee on March 8. The

Committee's response was received on March 12 and is attached. The report has been modified slightly as a result of their comments, which are discussed further toward the end of this report.

DISCUSSION

1. Regular reporting and mapping of planning permit applications.

Request: The MCCC requests that the Planning and Building Division provide a regular report listing the status of planning permit applications on file. They would also like these applications mapped. The purpose is to fully inform the community of proposed development and facilitate the Council's review of and input to those applications.

Background: Currently, the MCCC Planning and Zoning Committee receives a formal referral of each planning permit application shortly after it is filed. This is the same referral sent to other agencies involved in the permit review process. The requested report and map would be in addition to that and would constitute a regular summary of all planning permits currently in process in the Midcoast. We estimate that to be approximately 65 permits at any one time.

Possible Action: If the Board so directs, we can generate a regular report from the permit system listing active planning permit cases in the Midcoast, annotate that to provide a summary of the current status of each case and have our graphics staff map those. We estimate eight hours of staff time to prepare each report and map the data. This would come at the expense of other permit processing activity. We estimate that the initial report and map could be produced by May 15, 2001 and that it would be feasible to update this information monthly thereafter. The initial report would include applications not yet approved. The report will then evolve to track projects until construction is complete, at which point they would be dropped from the report.

2. Notification of changes to planning permit applications.

Request: The MCCC has requested that they be notified and sent copies of significant changes to planning permit applications and be provided an opportunity to review and comment on those changes before the application proceeds to hearing or decision.

Background: As noted above, the MCCC Planning and Zoning Committee currently receives a referral of each planning permit application shortly after it is filed. They then discuss those at a subsequent meeting and return comments to the project planner.

Comments received from referring agencies during the referral process often result in changes to the project plans or application, to address concerns raised by commentors. Referring agencies, including the MCCC Planning and Zoning Committee, then receive notice of any scheduled hearing or decision and copies of the staff report or other documentation prepared for that. That information generally outlines any

changes to the project which have been made during the review process Referral agencies are free to participate in the hearing/decision process and also receive copies of the decision notice.

Possible Action: If the Board so directs, we can refer revised plans and applications filed in response to comments received during the referral process to the MCCC Planning and Zoning Committee for further review and comment before the project proceeds to hearing or decision

It would be helpful if the Board would provide guidance on the types of changes to be referred (suggestion: those which respond to an MCCC comment or which change the location, bulk or exterior design of a project) and the appropriate turnaround time for the MCCC review (suggestion by the MCCC Planning and Zoning Committee: three weeks). The impact of this change would be to delay processing of affected applications by that amount of time. Some projects could be subject to multiple rounds of revision, review and comment

3. Contractors blocking street access.

Request: That the County take appropriate steps to prevent contractors from blocking street access during construction projects.

Background: Parking at construction sites is subject to the same regulations as other parking. On-site parking is generally not an issue, but street parking of construction vehicles can create problems for neighbors if not properly managed. The rules governing on-street parking are contained in Vehicle Code Sections 22500 et seq In unincorporated San Mateo County, those regulations are enforced by the California Highway Patrol, with occasional assistance from the Sheriff

Possible Action: If the Board so directs, we could distribute a notice with issued construction permits admonishing builders to follow parking regulations and that violations are subject to citation by the Highway Patrol. We do not believe it would be appropriate for building inspectors to enforce parking regulations, however. The Board could also request that the CHP and Sheriff increase monitoring and enforcement of parking violations by construction vehicles in the Midcoast. And, of course, the public may contact the CHP or Sheriff regarding parking violations.

4. Posting of signs in the Midcoast summarizing construction hours, noise limits and contact numbers for complaints and posting of application and permit information on-site throughout the application and construction process.

Request: That the County post signs at various points along the rights-of-way, presumably at entry points to the various Midcoast communities, noting construction hours, noise limits and a contact number for further information or complaints. The Council has also requested posting of project and permit information accessible to the public at construction sites from the time of application through completion of

construction. A sample sign and notice are attached to the MCC Planning and Zoning Committee's March 12 letter

Background: A copy of the County Noise Control regulations is attached. That ordinance is enforced by the Environmental Health Division.

The County does not limit construction hours or construction noise per se. Rather, there are general exterior and interior noise limits in the County noise ordinance, which apply to all noise sources and vary by time of day (see Sections 4.88.330 and 4.88.340). There is an exemption from those limits for construction noise generated between 7:00 a.m. and 6:00 p.m. weekdays and 9:00 a.m. and 5:00 p.m. Saturdays (see Section 4.88.360.e). Construction noise outside those hours is not prohibited; it simply must meet the general noise limits. Experience responding to construction noise complaints shows that most fall within either the exemption period or the general noise limits and are therefore not violations.

We believe it would be difficult to communicate these regulations in a meaningful way on a street sign.

Regarding posting of project information on-site throughout the permit application and construction process, our experience with posting has been mixed. Posting a notice of application is currently required by the County design review and tree-cutting regulations and can help bring these projects to the attention of neighbors. But we often receive reports or complaints that the information either has not been posted, is hard to view or has disappeared. For that reason we have added mailed notification to the process for those applications. Most other significant construction in the Midcoast is subject to mailed notice as well. And, as noted above, all planning permit applications are sent to the MCC Planning and Zoning Committee early in the review process

Persons who comment on a project or otherwise express an interest in continued information are added to the project notification list and subsequently receive hearing or decision notices. We believe those who are interested have ample opportunity to become aware of what is proposed or being constructed in their neighborhood. In addition, we are concerned that a requirement to post a project notice from initial application through project construction, a period which can last from many months to several years, could become a point of contention in itself, leading to complaints that the notice is inaccurate, hard to view or has disappeared for whatever reason.

Current regulations do require that a copy of the issued building permit inspection record be maintained on-site and available for use and review by building inspectors

Possible Action: If the Board so directs, we can prepare a summary of noise limits and distribute it with issued construction permits. This could be consolidated with the parking admonishment discussed above. Complaints about construction noise should be directed to Environmental Health.

Posting an on-site project notice from application through construction would best be accomplished through amendment of the zoning, grading, tree-cutting and building regulations so as to be clear about what is required and the consequences of non-compliance. If the Board so directs, we can work with County Counsel to prepare those amendments, but we do not recommend them at this time.

5. Prohibition on well drilling during the winter season.

Request: That well drilling be prohibited during the rainy season, currently defined in the County grading ordinance as October 15 to April 15.

Background: The revised County well regulations have only recently taken effect. They were developed in close collaboration with a variety of community representatives. They do not contain any limitation on the time of year during which a well may be drilled. Rather, they require permits from and supervision by the Environmental Health Division, including winterization provisions and restoration of the site to its pre-existing condition following completion of the well. A copy of Section 4.68.050, the relevant Section of the revised regulations, is attached.

Possible Action: We recommend that the Board monitor this issue through a full one-year period of drilling under the recently revised regulations, with a report from the Director of Environmental Health by May 15, 2002 on the effectiveness of the new ordinance in controlling winter drilling.

6. Joint review of coastal zone well permit applications by Planning and Environmental Health.

Request: That Planning and Environmental Health conduct joint inspections before issuance of any well permit in the Coastal Zone

Background: Wells do constitute development as defined in the Coastal Act and our Local Coastal Program. As a result, proposed wells are subject to either a Coastal Development Permit (CDP) or a Coastal Development Permit Exemption (CDX). The Midcoast Council requests that neither of those be issued unless Planning and Environmental Health have made a joint inspection of the site and a joint review of the drilling plans and concluded that the proposed well and the plans for drilling it comply with both the County well regulations, administered by Environmental Health, and the Local Coastal Program, administered by the Planning and Building Division

Possible Action: If the Board so wishes, direct that the Directors of Environmental Services and Environmental Health take steps to assure that their staffs have completed joint inspection and joint review of well permit applications in the Coastal Zone to assure compliance with both the well regulations and the LCP prior to issuance of well permits.

7. Comments from Midcoast Community Council Planning and Zoning Committee.

A draft of this report was sent to the Planning and Zoning Committee on March 8. Their comments were received on March 12 and are attached. The preceding portions of the report have been modified as a result to: (a) state that the report of planning permit applications will evolve to track projects through to the completion of construction; (b) recommend three rather than two weeks for review of project revisions by the MCC Planning and Zoning Committee; and, (c) address the issue of requiring an on-site project notice from application through construction. Other minor changes to the report were made as well.

The Committee raised at least three other concerns. First, the identified issues came from a Development Issues Subcommittee established by the MCC. The MCC expected to receive a report back from that group following meetings with County representatives. That has not occurred. Second, because of that and other logistical issues, the MCC Planning and Zoning Committee has asked that this matter be deferred to April. Third, there should be more emphasis on the overall objective of the MCC in this matter, which is to address the cumulative impacts of accelerated residential development and improve communication, with the goal of reducing appeals.

Staff would have no objection to deferring this to April or later to allow further review and discussion by the MCC and its committees, but feels that the issues above have been sufficiently developed for Board consideration. Regarding the cumulative impacts of development, development has not accelerated in the recent past. It has remained steady at about 50-60 new residential units per year. The LCP update will address buildout levels and, most likely, rates of development and will focus on the issues of highest-priority in relation to that as identified by the community during the earlier scoping sessions for that project.

REVIEWING AGENCIES

County Counsel
Environmental Health
Midcoast Council Planning and Zoning Committee

ATTACHMENTS

1. March 12, 2001 letter from Chuck Kozak, Chair, MCC Planning and Zoning Committee.
2. County Noise Control Regulations.
3. Well Regulations Section 4.68.050, Mitigation of disturbance at well site.

COPIES

Chuck Kozak, Chair, MCC Planning and Zoning Committee

Selected Midcoast contractors and well drillers
County Counsel
Environmental Health
Public Works
Sheriff

MR:kdr – T1bl0341_wkru.doc

March 12, 2001

FAX 5 pages

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re Staff Report on MCC Development Issues

Dear Marcia & Terry

These are our collective thoughts on the staff report you sent over last week. I thought we'd have at least one more meeting with Rich & Marcia and a little more notice and time before anything went before the Board because there are still some issues to be addressed within this initial context.

The report should clarify in terms of the MidCoast Council where requests and ideas had come from. The Council did originally request that these and other issues arising from current residential development be looked into and formed a Development Issues Subcommittee to work with the County and look into possible solutions. It was this subcommittee that had met with Rich & Marcia and at this time the required report back to the full Council has not occurred. To be most effective in our representation before the Board we believe that this proposal and any further input we give should be reviewed by the full MCC first, to provide the opportunity for an update and background report and solicit input from Councilmembers and the community. To move this along we've scheduled a report and review of this process for our next MCC meeting on 3/14/01, and would like to have the Council review any further changes to the proposal before the Board hearing.

This is a very good report. We especially support the mapping report and the re-review, although we have some ideas for refinement which are detailed below. There are issues on the table beyond the immediate subjects included in this report, but this is a good starting point.

Although they are within the context of the proposed report, some of the items discussed below may be beyond the scope of immediate implementation and may be best presented in a more informational manner which includes an explanation of the need for further study and a request that the Board direct such study.

And as I noted in my earlier reply, Committee member Dennis Doherty would be out of town at the scheduled hearing date for an extensive trip to visit relatives in Ireland which he is unable to reschedule

Postponing the hearing until April 10th or 17th would have the following benefits

- It will allow time to address the extended issues below
- It will allow all parties involved to be present
- It will give us the required time for a review by the Council
- It will facilitate a more comprehensive presentation to the Board which more fully reflects the planning processes involved in its development

Our purpose in requesting this process was to (a) initiate ongoing study and consideration of the 'cumulative impacts of accelerated residential development to existing infrastructure community character quality-of-life, environmental resources etc. that were not foreseen in existing regulations and guidelines and (b) provide a level of information and communication between the County and MidCoast communities that we hope would help eliminate un-necessary appeals and reduce the excessive demands on the time and energy of planning staff who are responsible for fielding inquiries on development activities We feel that these points should be the main focus of the discussion and this emphasis should be reflected in the staff report The work currently proceeding on the drainage issue is an excellent example.

We expect that work on some of the more extensive longer-term issues that have been raised -- scheduling project approvals based on cumulative neighborhood impacts, for example -- will grow from the use and review of these initial actions but it is important to confirm that is the attitude at work here Our specific suggestions are as follows

1. Regular reporting and mapping of planning permit applications.

This is a very good idea as outlined, and we would like to note that this would not be useful for the MCC alone, but would be a good planning tool for pro-active analysis of potential impacts to the developing communities countywide Mapping gives a quick and easy look at specific areas where residential development might be intensifying and locations where potential problems with traffic, drainage, and environmental impacts might develop The extra time initially required to prepare these reports could easily be outweighed by the proactive benefits provided by the information generated

We had also discussed at our meeting with Rich & Marcia that this sort of analysis should include not only projects in the application stage but also those in the construction stage and possibly projects recently completed as well e g the map I prepared of the Cedar Street Drainage took this approach

2. Notification of changes to planning permit applications.

We would like to clarify that when the MCC P&Z Committee reviews referrals the applicant is always notified and involved in any meetings and on-site reviews. If the applicant or an appropriate representative of the project is not available we do not proceed with the review without their agreement

One reason we request notification of permit and application changes is that the majority of the projects we review are subject to staff-level approval, and do not go to hearing. At times, when the only notification of substantial change to the project that we receive is in the form of a decision letter which cannot be withdrawn, the only available avenue for further consideration is the appeal process. From my personal experience this tends to be a confrontational and defensive situation, as staff develops arguments to defend the decision and appellants attempt to discredit those arguments and projects are subjected to substantial delay – a situation we would hope to avoid with the opportunity of a second review cycle

The staff report also states that “Referral agencies . . . have the same rights of appeal as other members of the public.” Our understanding under current interpretation, is that the MCC does not have the right of appeal as we are a part of the County organization and the County would not be appealing its own decisions. And again the purpose here is to avoid appeals where possible. This should be noted in the report

The suggested time for turnaround on revised referrals of 2 weeks in many cases would be inadequate to place them on our agenda for a regular meeting. A period of 2-3 weeks is preferable because this would accommodate our regular Planning and Zoning Committee meeting schedule of every 1st and 3rd Wednesday

3. Contractors blocking street access.

We were surprised to learn that the California Highway Patrol is responsible for enforcing parking regulations in the residential area of the MidCoast. This seems to be a difficult task considering the work load of dealing with Highways 1 and 92. We would appreciate confirmation that this is, in fact the case

A street full of construction vehicles and activities that block the street trap residents in their driveways or result in property damage from maneuvering equipment create part of the accumulative frustration we see expressed in our communities concerning construction projects. The Sheriff's office has a working relationship with County Code Enforcement and the Building inspectors. We are hopeful that an arrangement could be made among those agencies to deal with street access problems

4. Posting of signs in the Midcoast summarizing construction hours, noise limits and contact numbers for complaints.

The idea of expanded project site posting listing extent of work permits required hours of work etc had been discussed, and we had worked up some samples for presentation (included as an attachment) These would be posted on site after application approval for neighborhood notification and information, and would be as essential as the proposed neighborhood posting We had also discussed having site posting for the duration of the application process instead of the current 10-day notice at the time of application filing

The report states that the County does not limit construction activities or construction noise per se Yet building permits come with very specific directions on when construction activities are permitted The report should clarify this point. We had also asked for consideration of further time limitations on heavy machinery operation and other high-volume or high-impact activities as have been currently implemented in Atherton and in Mill Valley A number of local builders now voluntarily limit heavy machinery operation to more restrictive hours (9 AM - 4 PM) and on weekdays only The Board could be asked to direct further immediate research on this item should they find it appropriate

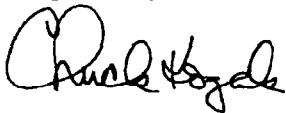
5. Prohibition on well drilling during the winter season.

6. Joint review of coastal zone well permit applications by Planning and Environmental Health.

We agree with the report's suggestions on these items, and would like to encourage that the report emphasize that this policy would result in less inadvertent property and environmental damage from inadequate analysis of the impacts of well drilling

Thank you for your continued efforts on these issues We hope the above suggestions can contribute positively to a better working relationship between the County and the MidCoast Communities I can be reached at my cell phone number on Monday if you wish to discuss this further

Respectfully for the MCC Development Issues Subcommittee,



Chuck Kozak MidCoast Community Council Vice-chair
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cc MidCoast Community Council
Attachment Sample Site Posting and Mill valley Construction Notice Sign

CONSTRUCTION INFORMATION FOR:
123 MIDCOAST COURT

PERMITTED CONSTRUCTION WORK:

PLANNING, BUILDING, AND PUBLIC WORKS PERMITS:

- PLN2000-00000, BLD2000-0000
- REMOVE 6 TREES OVER 8" IN DIAMETER
- EXCAVATE APPROXIMATELY 80 CU YDS
- FILL APPROXIMATELY 20 CU YDS
- CONSTRUCT NEW HOME
 - 2649 SQ FT, INCLUDING 2 CAR ATTACHED GARAGE
 - FIBER CEMENT LAP SIDING
 - COMPOSITION SHINGLE ROOF
 - INSTALL SEWER, WATER, AND POWER UTILITIES
 - CONSTRUCT ASPHALT DRIVEWAY APPROACH

ATTENTION CONTRACTORS

PERMITTED CONSTRUCTION HOURS:

MON. - FRI. 7am-6pm, SAT 9am-5pm
NO CONSTRUCTION SUNDAYS OR HOLIDAYS
DO NOT BLOCK STREET OR LOCAL EMERGENCY
ACCESS FOR EXTENDED PERIODS

FOR MORE INFORMATION

CALL SAN MATEO COUNTY PLANNING AND BUILDING
(650) 363-4161

THIS SIGN IS REQUIRED TO BE POSTED FOR THE
DURATION OF THE ABOVE PERMIT ACTIVITY

THIS SIGN IS THE PROPERTY OF SAN MATEO COUNTY

UNAUTHORIZED REMOVAL, ALTERATION, OR DESTRUCTION IS A MISDEMEANOR AND IS
PUNISHABLE BY A \$1000 FINE (penal code sec ?? ???)



Construction sign
in Mill Valley

	Chapter 4.88	4.88.360	Exemptions.
		4.88.370	Air conditioning and refrigeration. Transition period.
	NOISE CONTROL		
Sections:		4.88.380	Exemption.
		4.88.390	Noise board of review.
4.88.010	Findings—Declaration of policy.	4.88.400	Variations—Authorization.
4.88.020	“ ‘A’ weighted sound level” defined.	4.88.410	Variations—Procedure.
4.88.030	“Background noise level” defined.	4.88.420	Guidelines for variance.
4.88.040	“Commercial facility” defined.	4.88.430	Variations—Notification and restrictions.
4.88.050	“Construction” defined.	4.88.440	Time limit for variance.
4.88.060	“Cumulative period” defined.	4.88.450	Appeal to board of supervisors.
4.88.070	“Decibel” defined.	4.88.460	Misdemeanors.
4.88.080	“Demolition” defined.	4.88.470	Responsibility.
4.88.090	“Dwelling unit” defined.	4.88.010	Findings—Declaration of policy.
4.88.100	“Emergency work” defined.		In order to control unnecessary, excessive and annoying noise in the County of San Mateo, it is hereby declared to be the policy of the County to prohibit such noise generated from or by all sources as specified in this chapter. It shall be the policy of the County to maintain quiet in those areas which exhibit low noise levels and to implement programs aimed at reducing noise in those areas within the County where noise levels are above acceptable values.
4.88.110	“Exterior noise” defined.		It is hereby determined that certain noise levels are detrimental to the public health, welfare and safety, and are contrary to public interest. Therefore, the Board of Supervisors does ordain and declare that creating, causing or maintaining or allowing to be created, caused or maintained, any noise in a manner prohibited by or not in conformity with the provisions of this chapter, is a public nuisance and shall be punishable as such. (Prior code, § 4920; Ord. 2803, 10/19/82)
4.88.120	“Fixed noise source” defined.		
4.88.130	“Health officer” defined.		
4.88.140	“Hospital” defined.		
4.88.150	“Impulsive noise” defined.		
4.88.160	“Interior noise” defined.		
4.88.170	“Intermittent noise” defined.		
4.88.180	“Industrial facility” defined.		
4.88.190	“Intrusive noise” defined.		
4.88.200	“Intruding noise level” defined.		
4.88.210	“Mobile noise source” defined.		
4.88.220	“Noise disturbance” defined.		
4.88.230	“Person” defined.		
4.88.240	“Property line” defined.		
4.88.250	“Recurrent noise” defined.		
4.88.260	“Residential property” defined.		
4.88.270	“School” defined.		
4.88.280	“Simple tone noise” defined.		
4.88.290	“Sound level meter” defined.		
4.88.300	Lead official.	4.88.020	“ ‘A’ weighted sound level” defined.
4.88.310	Power.		The sound level in decibels as measured with the sound level meter using “A” weighted network. The unit of measurement is referred to herein as dB(A) or dBA. (Prior code § 4921; Ord. 2803, 10/19/82)
4.88.320	Procedures.		
4.88.330	Exterior noise standards.		
4.88.340	Interior noise standards.		
4.88.350	General noise regulation.		

4.88.030 "Background noise level" defined.

The composite of noise from all sources, near an defined far, excluding the alleged offensive noise. In this context it represents the normal or existing level of environmental noise at a given location for a specified time of the day or night. (Prior code § 4922; Ord. 2803, 10/19/82)

4.88.040 "Commercial facility" defined.

Any building, structure, premise or portion thereof used for wholesale or retail commercial purposes. (Prior code § 4923; Ord. 2803, 10/19/82)

4.88.050 "Construction" defined.

Any site preparation, assembly, erection, substantial repair, or alteration of any building, structures, or land, public or private, together with any associated scientific or engineering surveys. (Prior code § 4924; Ord. 2803, 10/19/82)

4.88.060 "Cumulative period" defined.

An additive period of time composed of individual time segments which may be continuous or interrupted. (Prior code § 4925; Ord. 2803, 10/19/82)

4.88.070 "Decibel" defined.

A unit for measuring the amplitude of a sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals. (Prior code § 4926; Ord. 2803, 10/19/82)

4.88.080 "Demolition" defined.

Any dismantling, intentional destruction, or removal of structures, surfaces, or similar property, public or private. (Prior code § 4927; Ord. 2803, 10/19/82)

4.88.090 "Dwelling unit" defined.

Any building or separate portion thereof used for residential purposes. The term shall include, but not be limited to, single family dwellings, apartments,

condominiums, and other distinct residential units. (Prior code § 4928; Ord. 2803, 10/19/82)

4.88.100 "Emergency work" defined.

Any work performed to protect, maintain, or restore safe and/or healthy conditions in the community, along with work performed by private or public utilities when restoring utility service. (Prior code § 4929; Ord. 2803, 10/19/82)

4.88.110 "Exterior noise" defined.

Noise which impacts the area outside the outermost walls of any dwelling unit. (Prior code § 4930; Ord. 2803, 10/19/82)

4.88.120 "Fixed noise source" defined.

A device or machine which creates sounds while fixed or stationary, including, but not limited to, residential, agricultural, industrial and commercial machinery and equipment, pumps, fans, compressors, air conditioners, refrigeration equipment, and construction equipment moving within the fixed boundaries of a construction site. (Prior code § 4931; Ord. 2803, 10/19/82)

4.88.130 "Health officer" defined.

The Health Officer of the County or his duly authorized deputy. (Prior code § 4932; Ord. 2803, 10/19/82)

4.88.140 "Hospital" defined.

Any building or portion thereof used for the accommodation and medical care of sick, injured, or infirm persons and includes rest homes, nursing homes and convalescent hospitals. (Prior code § 4933; Ord. 2803, 10/19/82)

4.88.150 "Impulsive noise" defined.

A noise of short duration, usually less than one second, with an abrupt onset and rapid decay. (Prior code § 4934; Ord. 2803, 10/19/82)

4.88.160 "Interior noise" defined.

Noise which impacts the area within the outer-

most walls of any dwelling unit. (Prior code § 4935; Ord. 2803, 10/19/82)

4.88.170 "Intermittent noise" defined.

A noise that is repeated at non-uniform time intervals. (Prior code § 4936; Ord. 2803, 10/19/82)

4.88.180 "Industrial facility" defined.

Any building, structure, factory, plant, premise or portion thereof used for manufacturing or industrial purposes. (Prior code § 4937; Ord. 2803, 10/19/82)

4.88.190 "Intrusive noise" defined.

That noise which intrudes over and above the existing background noise at a given location. The relative intrusiveness of a sound depends upon its level, duration, frequency, time of occurrence, and tonal or informational content as well as the prevailing background noise level. (Prior code § 4938; Ord. 2803, 10/19/82)

4.88.200 "Intruding noise level" defined.

The sound level created, caused, maintained, or originating from an alleged offensive intrusive noise source, measured in decibels, at a specified location while the alleged offensive intrusive noise source is in operation. (Prior code § 4939; Ord. 2803, 10/19/82)

4.88.210 "Mobile noise source" defined.

Any noise source other than a fixed noise source. (Prior code § 4940; Ord. 2803, 10/19/82)

4.88.220 "Noise disturbance" defined.

Any sound which (1) endangers or injures the safety or health of human beings or (2) annoys or disturbs persons of normal sensitivities, or (3) endangers or injures personal or real property, or (4) violates the factors set forth in section 4.88.380 of this chapter, or (5) violates the quantitative standards set forth in section 4.88.360 and section 4.88.370. (Prior code § 4941; Ord. 2803, 10/19/82)

4.88.230 "Person" defined.

Any individual, association, partnership, or corpo-

ration, and includes any officer, employee, department, agency or instrumentality of a State or any political subdivision of a State, or any other entity, public or private in nature. (Prior code § 4942; Ord. 2803, 10/19/82)

4.88.240 "Property line" defined.

The imaginary lines along the ground surface, and their vertical extension, which separate the real property owned by one person from that owned by another person, but not including intra-building real property divisions. (Prior code § 4943; Ord. 2803, 10/19/82)

4.88.250 "Recurrent noise" defined.

A noise that is repeated at relatively uniform time intervals. (Prior code § 4944; Ord. 2803, 10/19/82)

4.88.260 "Residential property" defined.

A parcel of real property which is developed and used either in whole or in part for residential purposes, other than transient use such as hotels or motels. (Prior code § 4945; Ord. 2803, 10/19/82)

4.88.270 "School" defined.

Any public or private institution conducting regular academic instruction or planned activity at the preschool, elementary, secondary or collegiate levels, or which provides adult or continuing education. (Prior code § 4946; Ord. 2803, 10/19/82)

4.88.280 "Simple tone noise" defined.

Any noise which is distinctly audible as a single pitch (frequency) or set of pitches as determined by the Health Officer. (Prior code § 4947; Ord. 2803, 10/19/82)

4.88.290 "Sound level meter" defined.

An instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks, for the measurement of sound levels which meets the American National Standards Institute's Standard S1.4-1971 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will pro-

vide equivalent data. (Prior code § 4948; Ord. 2803, 10/19/82)

4.88.300 Lead official.

The noise control program established by this ordinance shall be administered by the Health Officer. (Prior code § 4950; Ord. 2803, 10/19/82)

4.88.310 Power.

In order to implement and enforce this ordinance the Health Officer shall have the power to:

a) Coordinate the noise control program established by this ordinance with all other governmental agencies.

b) Conduct public education in all aspects of noise control.

c) Conduct all necessary inspections, monitoring, and surveys necessary for the enforcement of this ordinance.

d) Establish an interdepartmental noise enforcement responsibility and procedures document relative to the investigation of noise complaints. This procedure shall define jurisdictional responsibilities of the Environmental Health section, Sheriffs Department, Planning Department and Department of Animal Control.

e) Enter into contracts, with the approval of the Board of Supervisors, for the provision of technical and enforcement services to the Cities of the County. (Prior code § 4951; Ord. 2803, 10/19/82)

4.88.320 Procedures.

All noise measurements taken for the enforcement of this chapter shall be in accordance with the following criteria:

a) Any noise measurement made pursuant to the provisions of this ordinance shall be made with a sound level meter as defined in section 4.88.290. The "A" weighted network (scale) at "slow" response shall be used to measure the sound level. The "fast" or "impulsive" response shall be used to measure impulsive type sound levels; the response used shall be stated. The time durations for each of the sound levels occurring shall be measured, together with the duration of the measurements.

b) Calibration of the measurement equipment utilizing an acoustic calibrator shall be performed immediately prior to recording any noise data.

c) A windscreen shall be used on the sound level meter for all sound measurements. No external measurements shall be made during precipitation, or if wind speed exceeds 12 miles per hour.

d) Exterior noise levels shall be measured within 50 feet of the affected residence, school, hospital, church, public library but in no case beyond the property line. Where practical, the microphone shall be positioned four to five feet above the ground and ten feet or more away from any reflective surface. The location of microphone and adjacent surfaces shall be described. The microphone orientation shall be as recommended by the sound meter manufacturer.

e) Interior noise levels shall be measured within the affected dwelling unit at a point at least four feet from the wall, ceiling, or floor nearest the noise source, with windows in the normal seasonal configuration. The microphone location and room configuration shall be described. (Prior code § 4952; Ord. 2803, 10/19/82)

4.88.330 Exterior noise standards.

It is unlawful for any person at any location within the unincorporated area of the County to create any noise, or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person which causes the exterior noise level when measured at any single or multiple family residence, school, hospital, church, public library situated in either the incorporated or unincorporated area to exceed the noise level standards as set forth in Table I following:

Table I - Receiving Land use: Single or Multiple Family Residence, School, Hospital, Church, or Public Library Properties.

NOISE LEVEL STANDARDS, dBA

Category	Cumulative Number of Minutes in any one hour time period	Daytime	Nighttime
		7 A.M.—10 P.M.	10 P.M.—7 A.M.
1	30	55	50
2	15	60	55
3	5	65	60
4	1	70	65
5	0	75	70

a) In the event the measured background noise level exceeds the applicable noise level standard in any category above, the applicable standard shall be adjusted in five (5) dBA increments so as to encompass the background noise level.

b) Each of the noise level standards specified above shall be reduced by 5 dBA for simple tone noises, consisting primarily of speech or music, or for recurring or intermittent impulsive noises.

c) If the intruding noise source is continuous and cannot reasonably be stopped for a period of time whereby the background noise level can be measured, the noise level measured while the source is in operation shall be compared directly to the noise level standards in Table I. (Prior code § 4953; Ord. 2803, 10/19/82)

4.88.340 Interior noise standards.

No person shall, at any location within the unincorporated area of the County operate, or cause to be operated within a dwelling unit, any source of sound, or create, or allow the creation of, any noise which causes the noise level when measured inside a receiving dwelling unit with windows in their normal seasonal configuration to exceed the following noise level standards as set forth in Table II following:

Table II - Interior Noise Level Standards - Dwelling Unit

NOISE LEVEL STANDARDS, dBA

Category	Cumulative Number of Minutes in any one hour time period	Daytime	Nighttime
		7 A.M.—10 P.M.	10 P.M.—7 A.M.
1	5	45	40
2	1	50	45
3	0	55	50

a) In the event the measured background noise level exceeds the applicable noise level standard in any category above, the applicable standard shall be adjusted in five (5) dBA increments so to encompass the background noise level.

b) Each of the noise level standards specified above shall be reduced by 5 dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring or intermittent impulsive noises.

c) If the intruding noise source is continuous and cannot reasonably be stopped for a period of time whereby the background noise level can be measured, the noise level measured while the source is in operation shall be compared directly to the noise level standards in Table II. (Prior code § 4954; Ord. 2803, 10/19/82)

4.88.350 General noise regulation.

Notwithstanding any other provision of this ordinance, it shall be unlawful for any person to willfully or negligently make or continue, or cause to be made or continued any unreasonably loud, unnecessary, or unusual noise which disturbs the peace and quiet of any neighborhood or which causes any discomfort or annoyance to any person of normal sensitivity residing in the area. The factors which shall be considered in determining whether a violation of the provisions of this section exist include the following:

- a) The sound level of the objectionable noise.
- b) The sound level of the background noise.
- c) The proximity of the noise to residential sleeping or hospital facilities.

- d) The nature and zoning of the area from which the noise emanates and upon which the noise impacts.
- e) The number of persons affected by the noise sources.
- f) The time of day or night the noise occurs.
- g) The duration of the noise and its tonal, informational, or musical content.
- h) Whether the noise is continuous, recurrent, or intermittent.
- i) Whether the noise is produced by a commercial or non-commercial activity. (Prior code § 4955; Ord. 2803, 10/19/82)

4.88.360 Exemptions.

The following activities shall be exempted from the provisions of this chapter:

- a) School bands, school athletic and school entertainment events.
- b) Outdoor gatherings, public dances, shows and sporting and entertainment events providing said events are conducted pursuant to all County regulations.
- c) Activities conducted on parks, public playgrounds and school grounds provided such parks, playgrounds and school grounds are owned and operated by a public entity.
- d) Any mechanical device, apparatus or equipment used, related to or connected with emergency machinery, vehicle or work.
- e) Noise sources associated with demolition, construction, repair, remodeling, or grading of any real property, provided said activities do not take place between the hours of 6:00 P.M. and 7:00 A.M. weekdays, 5:00 P.M. and 9:00 A.M. on Saturdays or at any time on Sundays, Thanksgiving and Christmas.
- f) All mechanical devices, apparatus or equipment which are utilized for the protection or salvage of agricultural crops during periods of potential or actual frost damage or other adverse weather conditions.
- g) Mobile noise sources associated with agricultural operations provided such operations do not

take place between the hours of 8:00 P.M. and 7:00 A.M.

- h) Mobile noise sources associated with agricultural pest control through pesticide application provided that the application is made in accordance with restricted material permits issued by or regulations enforced by the Agricultural Commissioner.
- i) Noise sources associated with the maintenance of real property used for residential purposes provided said activities take place between the hours of 7:00 A.M. and 8:00 P.M.
- j) Any activity to the extent regulation thereof has been preempted by State or Federal law. (Prior code § 4956; Ord. 2803, 10/19/82; Ord. 3208, 03/06/90)

4.88.370 Air conditioning and refrigeration. Transition period.

During the three year period following the effective date of this chapter, the noise standards enumerated in section 4.88.330 and section 4.88.340 shall be increased by eight (8) dBA where the alleged offensive noise source is an air conditioning or refrigeration system or associated equipment which was installed prior to the effective date of this chapter. (Prior code § 4958; Ord. 2803, 10/19/82)

4.88.380 Exemption.

Whenever, for the good of the public, a government agency, public utility, or private utility determines a project must be done before 7:00 A.M., or after 6:00 P.M., or weekends, and so states in its contract, change order(s), or bid documents, said work shall be exempted from this chapter. (Prior code § 4959; Ord. 3208, 03/06/90; catchline editorially created, 6/94)

4.88.390 Noise board of review.

The Planning Commission of the County of San Mateo shall serve as the Noise Board of Review. (Prior code § 4960; Ord. 2803, 10/19/82)

4.88.400 Variances—Authorization.

This Noise Board of Review is authorized to

grant variances for exception from any provision of this ordinance, subject to imposed limitations as to area, noise levels, time limits, and any other terms and conditions the Noise Board of Review determines are appropriate to protect the public health, safety and welfare. Three (3) members shall constitute a quorum and at least three (3) affirmative votes shall be required in support of any action. This section shall in no way be construed as granting authority to operate or conduct any activity which is otherwise regulated by law. (Prior code § 4961; Ord. 2803, 10/19/82)

4.88.410 Variances—Procedure.

Any person seeking a variance for a noise source which the Health Officer has determined violates any provision of this ordinance may file an applica-

tion with the Noise Board of Review Secretary. Said application shall be accompanied by a fee in the amount of Fifty Dollars (\$50 00). The application shall contain information that demonstrates that bringing the noise source into compliance with this ordinance would constitute an unreasonable hardship on the applicant, the community, or on other persons. The applicant shall also set forth any actions already taken to comply with the provisions of this ordinance. A separate application shall be filed for each noise source; provided, however, that several mobile sources operating within the boundaries of a single property may be combined into one application. Notice of an application for a variance shall be published (according to established jurisdictional procedure) Any individual who claims to be adversely affected by the allowance of the variance may file a statement with the Noise Board of Review containing any information to support his/her claim.

Upon receipt of the application and all supporting evidence deemed necessary by the Noise Board of Review, the Board shall within (30) days, (1) approve the application in whole or in part, or (2) deny the application.

Applicants for variances and persons contesting variances may be required to submit such information as the Board may reasonably require. In granting or denying an application, the Board Secretary shall keep on public file a copy of the decision and the reason for granting or denying the variance. (Prior code § 4962; Ord. 2803, 10/19/82)

4.88.420 Guidelines for variance.

In determining whether to grant or deny an application for variance the following criteria shall be considered:

- a) The magnitude of nuisance caused by the offensive noise,
- b) The uses of property within the area of impingement by the noise,
- c) The time factors related to study, design, financing and construction of remedial work,
- d) The economic factors related to age and useful life of equipment,

e) The general public interest and welfare.

f) Whether strict compliance with the requirement of this chapter will cause practical difficulties, unnecessary hardship or unreasonable expense and any other relevant considerations, including but not limited to, the fact that a commercial or industrial facility as defined in section 4.88.040 and section 4.88.180 commenced development prior to the existence of a resident affected by noise from such facility.

g) The extent to which a commercial or industrial applicant has endeavored to reduce noise. (Prior code § 4963; Ord. 2803, 10/19/82; Ord. 2870, 1/3/84)

4.88.430 Variances—Notification and restrictions.

In the event the variance is granted, the applicant shall be notified of all conditions, which may include restrictions on noise level, noise duration and operating hours, an approved method of achieving compliance, and a time schedule for its implementation. The variance shall not become effective until all conditions are agreed to by the applicant. Non-compliance with any condition of the variance shall terminate the variance and subject the person holding it to those provisions of this ordinance for which the variance was granted. (Prior code § 4964; Ord. 2803, 10/19/82)

4.88.440 Time limit for variance.

A variance will not exceed one (1) year from the date on which it was granted. Application for extension of the time limits specified in variances or for modification of other substantial conditions shall be treated like applications for initial variances under this chapter. (Prior code § 4965; Ord. 2803, 10/19/82)

4.88.450 Appeal to board of supervisors.

Within fifteen (15) days following the decision of the Noise Board of Review, the applicant may appeal the decision to the Board of Supervisors by filing a notice of appeal with the Clerk of the Board of Supervisors. The Board of Supervisors shall

either affirm, modify, or reverse the decision of the Noise Board of Review. Such decision shall be final and shall be based upon such considerations as are set forth in this chapter. (Prior code § 4967; Ord. 2803, 10/19/82)

4.88.460 Misdemeanors.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. The provisions of this chapter shall not be construed as permitting conduct not proscribed herein and shall not affect the enforceability of any other applicable provisions of law. (Prior code § 4968; Ord. 2803, 10/19/82)

4.88.470 Responsibility.

The primary responsibility for the enforcement of the provisions of this chapter shall be with the Health Officer. The Sheriff may also enforce the provisions of this chapter in his area of responsibility as described in the interdepartmental noise enforcement responsibility and procedure document established under section 4.88.310 of this chapter. (Prior code § 4969; Ord. 2803, 10/19/82)

Excerpt from San Mateo County Well Regulations

4.68.050 Mitigation of disturbance at well site.

(a) Any disturbance at a well site for the purposes of construction, reconstruction, repair, destruction or conversion of a water well, geothermal heat exchange or cathodic protection well shall be limited to the minimum amount of disturbance necessary to gain access to drill the well and shall be in compliance with any other pertinent laws or regulations, including but not limited to grading permit requirements, coastal development regulations, and roadway encroachment permits. Drilling fluids and other drilling materials produced or used in connection with well construction, destruction, or conversion shall not be allowed to discharge onto or into streets, waterways, sensitive habitats, or storm drains. Drilling fluids discharged onto an adjacent property requires the written permission of the property owner. Drilling fluids shall be properly managed and disposed of in accordance with applicable local, regional, and state requirements. Upon completion of the construction, destruction or conversion of the well, the site shall be restored as near as possible to its original condition, and appropriate erosion control measures shall be implemented. Site restoration is the responsibility of the property owner and must be implemented within 60 days of the completion of the well, and not more than a year from the date of the permit issuance. In the event a water well should, at the time of drilling, prove to have an inadequate water supply or quality for its intended use, it shall be closed in accordance with requirements of the County Health Officer and the site shall be returned as near as possible to its original condition. In the event a water well is tested for certification for a building permit, any water generated by pumping during the test shall be disbursed or disposed of in a manner which will not cause excessive erosion

(b) In addition to the requirements above, the well site, including any excavations and drainage pits, shall at the time of drilling be secured or maintained in such a manner as to prevent injury or damage to persons and animals.

(c) Wells constructed during a period where winterization requirements are in effect, between October 15 and April 15, shall comply with County grading and storm water pollution prevention measures.

(d) Mud pits shall not be installed in the drip zone of any tree.