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## OC DEVELOPMENT SERVICES REPORT

**ITEM #1**

**DATE:** August 25, 2021

**TO:** Orange County Planning Commission

**FROM:** OC Development Services / Permitting

**SUBJECT:** Request to open the application window for the certification of County Certified Acoustical Consultants.

**PROPOSAL:** Staff is requesting the Planning Commission authorize OC Development Services to open an additional application window for the certification of County Certified Acoustical Consultants in 2021, prior to the next application window in 2025.

**ZONING/  
GENERAL  
PLAN:** N/A

**LOCATION:** Countywide

**APPLICANT:** OC Development Services

**STAFF  
CONTACT:** Judy Kim, Private Property Permits Manager  
(714) 667-8866  
Email: [Judy.Kim@ocpw.ocgov.com](mailto:Judy.Kim@ocpw.ocgov.com)

## **RECOMMENDED ACTION(S):**

OC Development Services recommends that the Planning Commission:

- a. Receive staff report;
- b. Find that opening the application window for the certification of County Certified Acoustical Consultants is not a ‘project’ per CEQA Guidelines Section 15378; and,
- c. Approve Planning Application PA21-0146 to authorize OC Development Services to open an additional application window from September 1, 2021 through September 30, 2021, for the certification of County Certified Acoustical Consultants in 2021, prior to the next application window in 2025.

## **BACKGROUND:**

The County’s Land Use/Noise Compatibility Manual (“Manual”) is intended to implement the land use/noise compatibility policies and standards of the Noise Element of the County’s General Plan. The Noise Element contains general policies and establishes specific noise standards to guide the manner in which land use/noise compatibility issues are to be addressed by the Development Services Department, Planning Commission, and Zoning Administrator. Exhibit V-9 (‘Qualifications for County Certification of Acoustical Consultants’) (Attachment 1) of the Manual enumerates the qualifications and application process for prospective County Certified Acoustical Consultants.

Exhibit V-9, Section C (‘Expiration’), of the Manual, which was recently amended by the Planning Commission,<sup>1</sup> sets forth the process for certification and the expiration date for certifications of acoustical consultants. The Manual states:

“Certification shall be valid for a period of five (5) years. A ‘certification’ year is defined to start on March 1 and end on the last day of February. The period of validity extends automatically to include the month of February following the nominal expiration date. Henceforth, PDSD will schedule rectification (sic) [recertification] hearings at the Planning Commission in January only. It is the Acoustical Consultant’s responsibility to notify PDSD of intent to be re-certified prior to the end of its nominal expiration year, accompanied by a payment of the current rectification (sic) [recertification] fee.”

In accordance with Section C, the application window for recertification of acoustical consultants opened in November 2020 to bring the item for consideration at the January Planning Commission meeting date. The Planning Commission certification hearing was held on January 27, 2021 to

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<sup>1</sup> In May 2021, the Planning Commission recommended amending this section to increase the period of certification validity to six (6) years, versus the existing five (5) years and open the certification process every three (3) years, versus the existing five (5) years. However, the amendments are not effective because the Board of Supervisors (Board) has not approved a resolution adopting the amendments. The amendments will go to the Board in November 2021.

establish the new 2021 – 2026 County Certified Acoustical Consultants list (Attachment 2). The new list certified a total of four (4) County Acoustical Consultants.

### **DISCUSSION/ANALYSIS:**

Following the January certification hearing, several inquiries from consultants requesting to be certified were received by staff in the subsequent months. These individuals were unaware that the application period had already opened and closed at the end of 2020, primarily attributing their lack of awareness of the application window opening due to the COVID-19 pandemic and their limited access to notices sent to their places of work.

As the guidelines in the Manual are a policy only, the window for applications may open outside of the specified months stated in the Manual, subject to approval of the Planning Commission.

At the time of this staff report, a total of three individuals have expressed an interest in requesting certification as an acoustical consultant. If staff is authorized to open an additional application window, staff will once more reach out to all sixteen consultants on the previously certified list (2015-2020 Acoustical Consultants list), informing them of the recertification process. Notice will also be made in the OC Reporter and posted on the OC Development Services webpage, with links to information on the process and application instructions (Attachment 3). Staff will also inform the current existing list of Certified Acoustical Consultants that they do not need to request recertification during this new application window, as their certifications will continue to remain valid. Staff will then present to the Planning Commission requests to certify an additional group of Acoustical Consultants.

Following the approval of Planning Commission Resolution No. 21-01 (Attachment 4) during the May 26, 2021 hearing, staff is currently scheduled to appear before the Board of Supervisors (Board) in November, requesting that the Board adopt of amendments to the County's Land Use/Noise Compatibility Manual, Exhibit V-9, Section C regarding the expiration and certification process for Qualified Acoustical Consultants. The proposed update would increase the period of certification validity to six (6) years, versus the existing five (5) years and open the certification hearing every three (3) years, versus the existing five (5) years.

If an additional group of consultants is certified in 2021, their certification would be valid until 2026; if the Board approves adoption of these amendments, the certification for all County Certified Acoustical Consultants (including the applicants from 2020) would be made valid until 2026; therefore, there is no loss in time for the period of certification validity for these individuals being certified after the initial application window. If the amendment is adopted, both groups of County Certified Acoustical Consultants would return to request recertification at the same time, at the end of 2026.

Given these factors and the circumstances that may have prevented potential applicants from requesting certification in 2020, staff is requesting that the Planning Commission authorize OC Development Services to open an additional application window for the certification of County Certified Acoustical Consultants in 2021, prior to the next application window currently scheduled for 2025.

## **REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

Staff notified the Orange County Development Processing Review Committee (DPRC) and Building Industry Association (BIA) of the intent to request reopening the application window to the Planning Commission; at the time of this staff report, no further comments were received.

## **CEQA COMPLIANCE:**

This action is not a project within the meaning of CEQA Guidelines Section 15378 and is therefore not subject to CEQA, since it does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

## **CONCLUSION:**

OCPW is requesting that the Planning Commission authorize staff to open an additional application window for the certification of County Certified Acoustical Consultants in 2021, prior to the next application window in 2025.

Submitted by:



Laree Alonso, Division Manager  
OC Development Services / Permitting

Concurred by:



Amanda Carr, Deputy Director  
OC Development Services

## **ATTACHMENTS:**

1. Exhibit V-9 ('Qualifications for County Certification of Acoustical Consultants')
2. 2021 – 2026 Certified Acoustical Consultant List
3. Process & Qualifications for Acoustical Consultants Requesting County Certification (Draft)
4. Planning Commission Resolution No. 21-01

## **APPEAL PROCEDURE:**

Any interested person may appeal the decision of the Planning Commission on this permit to the Orange County Board of Supervisors within 15 calendar days of the decision upon submittal of required documents and a fee of \$500 filed at the County Service Center, 601 N Ross St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to OC Development Services / Permitting Division.

QUALIFICATIONS FOR COUNTY CERTIFICATION OF ACOUSTICAL CONSULTANTS

(Unincorporated Orange County)

A. Qualifications

- (1) Acoustical consultants, desiring County certification to supervise the preparation of evidence of compliance with Conditions of approval pursuant to Board of Supervisors Resolution 84-1376, must submit his/her request for certification to the Manager, Building Permits Division along with a resume including references and/or exhibits of his/her previous experience in the field of Acoustics for County's review.

- (2) Minimum Professional Qualifications for acoustical consultants

Either I: A degree in engineering, physics or a closely related field, and four (4) years acoustical engineering experience;

OR II: An equivalent combination of education and relevant experience as determined by the Director, PDSD;

AND

Either A: Is a Registered Engineer in the State of California;

OR B: Has passed the Institute of Noise Control Engineering (INCE) professional examination.

B. Certification Process

Acoustical consultants desiring County Certification shall adhere to and be certified by the following process:

1. The acoustical consultant shall submit evidence to the Manager, Building Permits Division of the Planning and Development Services Department, County of Orange which demonstrates compliance with the above stated minimum qualifications. This includes submission of the following items:
  - (a) Evidence of being a Registered Engineer in the State of California of having passed the INCE professional exam.
  - (b) Evidence of educational background and pertinent acoustical engineering qualification.
  - (c) A sample Acoustical Analysis Report which illustrates working knowledge of County requirements, including compliance with the Land Use/Noise Compatibility Manual Standards.

- (d) Written intent to provide acoustical consultation for the unincorporated County territory.
- 2. The acoustical consultant must include payment of a non-refundable fee of current amount for the processing of the application.
- 3. Upon review and determination by the Manager, Building Permits Division, that the minimum qualifications have been satisfied, the applicant will be recommended for certification to the Orange County Planning Commission. However, if such review indicates non-satisfaction of the minimum qualifications, the Manager, Environmental Analysis Division shall notify the applicant in writing of his determination and indicate the right to, and process of, appeal.
- 4. The acoustical consultant will be scheduled for an appearance before the Orange County Planning Commission in which public testimony shall be heard and the Commission shall determine certification or non-certification of the consultant.
- 5. Upon certification by the Planning Commission, the name of the acoustical consultant shall be placed on the County's "Certified Acoustical Consultants" list.

C. Expiration

Certification shall be valid for a period of five (5) years. A 'certification' year is defined to start on March 1 and end on the last day of February. The period of validity extends automatically to include the month of February following the nominal expiration date. Henceforth, PDSD will schedule rectification hearings at the Planning Commission in January only. It is the Acoustical Consultant's responsibility to notify PDSD of intent to be re-certified prior to the end of its nominal expiration year, accompanied by a payment of the current rectification fee.

D. Appeals

Any appeal regarding the Director's determination as to satisfaction of minimum qualifications shall be submitted to the Planning Commission for decision. The Commission's decision on such appeal, or on its certification of acoustical consultants, may in turn be appealed to the Board of Supervisors whose decision shall be final.



County Administration South

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& Construction  
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Maintenance  
& CUF



OC Fleet Services



OC Construction



OC Environmental  
Resources



OC Operations &  
Maintenance



OC Infrastructure  
Programs



OC Survey



□ Orange County Public Works  
□ 2021-2026 Certified Acoustical Consultants List

1. Robert Kahn, P.E.  
RK Engineering Group, Inc.  
4000 Westerly Place Suite 280  
Newport Beach CA 92660  
Office (949) 474-0809  
Fax (949) 474-0902  
Email: [rk@rkengineer.com](mailto:rk@rkengineer.com)  
[www.rkengineer.com](http://www.rkengineer.com)
2. Fred Greve, P.E.  
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(949) 466-2967  
[fred@greveandassociates.com](mailto:fred@greveandassociates.com)  
[www.greveandassociates.com](http://www.greveandassociates.com)
3. Bill Lawson, P.E.  
41 Corporate Park, Suite 300  
Irvine CA 92606  
(949) 660-1994 x203  
Email: [blawson@urbanxroads.com](mailto:blawson@urbanxroads.com)  
[www.urbanxroads.com](http://www.urbanxroads.com)
4. Paul H. Dunholter, P.E.  
BridgeNet International  
20201 S.W. Birch St. Suite #250  
Newport Beach CA 92660  
Office: (949) 250-1222 Ext. 22  
Fax: (949) 2250-1225  
Email: [pauld@airportnetwork.com](mailto:pauld@airportnetwork.com)  
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OC Survey



## PROCESS & QUALIFICATIONS FOR COUNTY CERTIFICATION OF ACOUSTICAL CONSULTANTS (Unincorporated Orange County)

The following document identifies the minimum qualifications and process for applicants desiring County certification as a Certified Acoustical Consultant. Applications for the 2021-2026 Certified Acoustical Consultant list will be accepted from September 1, 2021 through September 30, 2021. Application window will close on **September 30, 2021 at 11:59 PM**. All applications requesting certification are to be submitted through [myOCeServices.ocgov.com](https://myOCeServices.ocgov.com).\*

*(Referenced manual: Land Use/Noise Compatibility Manual, Section V-C, Exhibit V-9)*

### A. Qualifications

1. Acoustical consultants, desiring County certification to supervise the preparation of evidence of compliance with Conditions of approval pursuant to Board of Supervisors Resolution 84-1376, must submit their request for certification to the Manager, Building & Safety Division along with a resume including references and/or exhibits of their previous experience in the field of Acoustics for County's review.

### 2. Minimum Professional Qualifications for acoustical consultants

Either I: A degree in engineering, physics or a closely related field, and four (4) years acoustical engineering experience;

OR II: An equivalent combination of education and relevant experience as determined by the Director, OC Public Works (OCPW) and or designee (i.e. Deputy Director, OC Development Services)

AND

Either A: Is a Registered Engineer in the State of California;

OR B: Has passed the Institute of Noise Control Engineering (INCE) professional examination.

### B. Certification Process

All applications requesting certification are to be submitted through [myOCeServices.ocgov.com](https://myOCeServices.ocgov.com).\*

Acoustical consultants desiring County Certification shall adhere to and be certified by the following process:

1. The acoustical consultant shall submit evidence to the Manager, Building & Safety Division of OCPW/OC Development Services, which demonstrates compliance with the above stated minimum qualifications. This includes submission of the following items:
  - (a) Evidence of being a Registered Engineer in the State of California of having passed the INCE professional exam.
  - (b) Evidence of educational background and pertinent acoustical engineering qualification.



- (c) A sample Acoustical Analysis Report which illustrates working knowledge of County requirements, including compliance with the Land Use/Noise Compatibility Manual Standards.
- (d) Written intent to provide acoustical consultation for the unincorporated County territory.
- 2. The acoustical consultant must include payment of a non-refundable fee of current amount for the processing of the application.
- 3. Upon review and determination by the Manager, Building & Safety Division, that the minimum qualifications have been satisfied, the applicant will be recommended for certification to the Orange County Planning Commission. However, if such review indicates non-satisfaction of the minimum qualifications, the Manager, Permitting Division shall notify the applicant in writing of their determination and indicate the right to, and process of, appeal.
- 4. The acoustical consultant will be scheduled for an appearance before the Orange County Planning Commission in which public testimony shall be heard and the Commission shall determine certification or non-certification of the consultant.
- 5. Upon certification by the Planning Commission, the name of the acoustical consultant shall be placed on the County's "Certified Acoustical Consultants" list.

C. Expiration

Certification shall be valid for a period of five (5) years. A 'certification' year is defined to start on March 1 and end on the last day of February. The period of validity extends automatically to include the month of February following the nominal expiration date. Henceforth, OCPW/OC Development Services will schedule rectification hearings at the Planning Commission in January only. It is the Acoustical Consultant's responsibility to notify OCPW/OC Development Services of intent to be re-certified prior to the end of its nominal expiration year, accompanied by a payment of the current recertification fee.

D. Appeals

Any appeal regarding the Director and or designee's determination as to satisfaction of minimum qualifications shall be submitted to the Planning Commission for decision. The Commission's decision on such appeal, or on its certification of acoustical consultants, may in turn be appealed to the Board of Supervisors whose decision shall be final.

**\*Instructions on how to apply on MyOCeServices (New Certification Request)**

**You must use Google CHROME as your browser**

- Create an account at [myOCeServices.ocgov.com](https://myOCeServices.ocgov.com)
- Select Dashboard
- Click on Permit Applications on the left-hand side
- Select New
  - Step One select "Private Property Permits"
  - Step Two select "Miscellaneous"
  - Step Three select "Acoustical Consultant Certification"
- Follow the remaining steps until the application is submitted.
- If you have any questions, please call (714) 667-8888 and/or email us at [ocpcustomer@ocpw.ocgov.com](mailto:ocpcustomer@ocpw.ocgov.com).

RESOLUTION NO. 21-01  
RESOLUTION OF THE PLANNING COMMISSION OF  
ORANGE COUNTY, CALIFORNIA  
RECOMMENDING ADOPTION OF PROPOSED LAND USE/NOISE COMPATIBILITY  
MANUAL AMENDMENTS TO EXHIBIT V-9, SECTION C

May 26, 2021

On Motion of Commissioner Rice, duly seconded and carried, the following Resolution was adopted:

WHEREAS, the Board adopted the Land Use/Noise Compatibility Manual on September 18, 1984; and

WHEREAS, the Board adopted Amendment 93-1 on December 14, 1993 to the Land Use/Noise Compatibility Manual to improve the accuracy in acoustical analysis and reporting; and

WHEREAS, on January 27, 2021, during the Planning Commission's consideration of certification of Acoustical Consultants, the Planning Commission directed staff to explore modifying the certification length and interval for Certification of Acoustical Consultants; and

WHEREAS, OC Development Services has prepared and proposed amendments to the Land Use/Noise Compatibility Manual, Exhibit V-9, Section C, to increase the period of certification validity to six (6) years, versus the existing five (5) years and open the certification process every three (3) years, versus the existing five (5) years; and

WHEREAS, the proposed amendments provide Development Services staff greater flexibility in maintaining an adequate list of Certified Acoustical Consultants; and

WHEREAS, the proposed amendments provide Acoustical Consultants with more opportunities to submit applications for certification; and

WHEREAS, the Planning Commission has reviewed and fully considered proposed Land Use/Noise Compatibility Manual amendments, and has heard and considered the staff report that were presented to it on this project and has determined after review and consideration to recommend adoption of Land Use/Noise Compatibility Manual amendments.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Planning Commission finds that the proposed amendments to the Land Use/Noise Compatibility Manual is not a project per CEQA Guidelines Section 15378.

2. The Planning Commission recommends the Board of Supervisors adopt the proposed amendments, attached hereto as Exhibit A and incorporated as if full set forth herein, to Exhibit V-9, Section C of the County's Land Use/Noise Compatibility Manual.

The foregoing resolution was passed and adopted by the following vote of the Orange County Planning Commission, on May 26, 2021 to wit:

Ayes: Ha, Harper, Rice, Perez and Bartlett

Noes:

Absent:

I HEREBY CERTIFY that the foregoing Resolution No. 21-01 was adopted on May 26, 2021 by the Orange County Planning Commission.

ORANGE COUNTY PLANNING COMMISSION



Richard Vuong,  
Executive Officer, Orange County Planning Commission

**ATTACHMENTS:**

Exhibit A - Proposed text amendments to the County of Orange Land Use/Noise Compatibility Manual