



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Christopher Burton

SUBJECT: Environmental Review
Policy

DATE: May 18, 2026

Approved

Date:

5/18/2026

SUPPLEMENTAL

REASON FOR SUPPLEMENTAL

This supplemental memorandum addresses a change to the criteria for Environmental Standard Permit Condition (SPC) NOI-6 related to mechanical equipment noise (page 26 of Attachment E to the City Council memorandum dated May 13, 2026).

Planning, Building, and Code Enforcement staff amended the criteria for SPC NOI-6 after the April 22, 2026, Planning Commission hearing to clarify what types of projects it would apply to and which projects would need noise studies. However, due to concerns raised by applicants and the need for further data gathering to determine what kinds of projects typically would benefit from early noise analysis, staff recommends reverting to the original criteria published prior to the Planning Commission hearing.

BACKGROUND

The criteria for SPC will revert to the criteria included in the Planning Commission packet for the April 22, 2026, Planning Commission hearing. The correct wording of the criteria is as follows:

Standard Permit Conditions – Operational Noise

Criteria: The following condition applies to any project that includes standard (such as heating, ventilation, and air conditioning [HVAC] equipment) mechanical equipment associated with residential and commercial buildings adjacent to sensitive receptors such as residences. If a project includes mechanical equipment beyond standard HVAC equipment such as back-up generators or equipment associated with an industrial use, a project-level noise study will be required at the Planning stage to confirm noise levels meet General Plan and Municipal Code standards.

SPC NOI-6: Mechanical Equipment Noise: Prior to the issuance of any building permits, mechanical equipment shall be selected and designed to meet the City's 55 day-night average sound level, dBA DNL, noise level requirement at the nearby noise-sensitive land uses. A qualified acoustical consultant shall be retained to review the mechanical noise equipment to determine specific noise reduction measures needed to reduce equipment noise to comply with the City's noise level requirements. Noise reduction measures could include, but are not limited to, the selection of equipment that emits low noise levels and the installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. Other alternate measures include locating equipment in less noise-sensitive areas (such as along the building façades farthest from the nearest residences or sensitive receptors), where feasible. The findings and recommendations from the acoustical consultant for noise reduction measures shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any building permits.

Other revisions made to the Environmental Review Policy documents following the Planning Commission hearing are limited to minor administrative, formatting, and clarifying edits based on input from stakeholders that do not materially alter the substance or implementation of the proposed policy. These changes are highlighted in the strikethrough versions of the Environmental Review Handbook and Environmental Review Standard Permit Conditions posted on the project website.¹

/s/
Christopher Burton
Director, Planning, Building and Code
Enforcement

For questions, please contact David Keyon, Principal Planner, Planning, Building and Code Enforcement Department at david.keyon@sanjoseca.gov or (408) 535-7898.

¹ <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/ordinances-proposed-updates/environmental-review-handbook-and-environmental-standard-permit-conditions>