



# Memorandum

TO: PLANNING COMMISSION FROM: Christopher Burton

SUBJECT: File No. ER26-045 DATE: April 14, 2026

Project	PBCE Environmental Review Handbook and Environmental Standard Permit Conditions
Applicability	Citywide applicability to qualifying projects within the City of San José.
Project Description	A new policy of the City of San José adopting the Environmental Review Handbook and Environmental Standard Permit Conditions as a City Council Policy that would establish standardized environmental review procedures and requirements for development projects, and an Ordinance amending Title 21 (Environmental Clearance) of the San José Municipal Code Sections 21.04.140 “Appeals – General” to revise appeal hearing noticing requirements removing the requirement to physically mail final appeal memos.
CEQA	Determination of Consistency with the Environmental Impact Report for the Envision San José 2040 General Plan, as Supplemented, and with the Environmental Impact Report for the Downtown Strategy 2040, File No. ER26-045.
Project Planner	Cort Hitchens

**RECOMMENDATION**

Staff recommends that the Planning Commission recommend the City Council take all of the following actions:

1. Adopt a policy of the City of San José to implement the Environmental Review Handbook and Environmental Standard Permit Conditions that would establish standardized environmental review procedures and requirements for development projects, and to satisfy City Auditor recommendations by improving consistency, transparency, and efficiency in the City’s environmental review process.
2. Amend Title 21 (Environmental Clearance) of the San José Municipal Code to revise Chapter 21.04, ‘General Provisions and Procedures,’ that includes Section 21.04.140 Appeals – General.

## **OUTCOME**

Approval of the proposed policy would further the Department of Planning, Building and Code Enforcement's (PBCE) compliance with the recommendations contained in the March 2022 audit report by formally adopting an Environmental Review Handbook and Environmental Standard Permit Conditions intended to streamline providing information to environmental consultants and internal departments about the City's environmental review process and better prepare them as they undertake their analyses and internal reviews.

Approval of the proposed ordinance would amend Title 21 (Environmental Clearance) to remove the current requirement that environmental appeal reports be physically mailed and would instead allow for noticing to be posted and distributed electronically.

## **PROJECT BACKGROUND**

The California Environmental Quality Act (CEQA), originally adopted in 1970, requires public agencies to disclose environmental impacts and identify mitigation measures for all discretionary actions by the City that can affect the physical environment. These laws were established to inform the decision-making process by adequately disclosing the project impacts to the environment and allow public input.

The National Environmental Policy Act (NEPA) similarly requires disclosure of environmental impacts for projects involving federal approval or funding. Although NEPA reviews are typically conducted by the responsible federal agency that funds or implements a project, for projects in the City of San José receiving funding from the U.S. Department of Housing and Urban Development (HUD), PBCE serves as the Responsible Entity for preparing NEPA documents and the Director of PBCE is the Certifying Officer.

Every year about  $\frac{3}{4}$  of approved private development projects qualify for an exemption and do not require extensive analysis. About  $\frac{1}{4}$  of approved projects require technical studies to determine exemption status or to identify impacts and mitigation, comprising about 45 – 60 projects per year. For projects that are not exempt, the environmental review process drives overall project review timelines. In addition, non-exempt projects are typically larger and more controversial, and environmental review is the most common method of filing a legal challenge to the project.

In March 2022, the City Auditor's Office published a report on the City's environmental review process. The audit assessed the time required to complete the City's CEQA review process and provided findings and recommendations to improve and streamline the process. One recommendation was for PBCE to finalize environmental review guidelines for consultants, including submittal criteria, examples of non-performance, an overview of the review process and project management, and guidance for preparing initial studies, negative declarations, and environmental impact reports in order to streamline how consultants are informed and better prepare them to conduct their analysis.

Building on the 2022 audit recommendations, Planning staff presented additional CEQA streamlining measures at the February 24, 2025, Community and Economic

Development Committee, including standard permit conditions and standardized mitigation measure language for common environmental impacts in developed areas of San José, particularly Downtown and General Plan growth areas.

In July 2025, the state adopted additional laws, AB 130 and SB 131, that further streamlined the CEQA process for certain kinds of projects. Guidance for preparing environmental documents for projects in San José under these new laws are provided as part of the proposed policy documents.

The proposed policy is a culmination of that effort and would achieve standardized processes, thresholds of significance, and environmental conditions. Additional audit recommendations that will be completed in subsequent months will include creating standardized templates for preparation of environmental documents.

## **ANALYSIS**

The proposed Council Policy (Attachment A) formally adopts the Environmental Review Handbook (Handbook) as a guidance document for City staff and consultants when preparing environmental review documents pursuant to CEQA and NEPA. The Handbook includes guidance on roles and expectations of consultants, City staff, and applicants; thresholds of significance and guidance for analysis; and expected deliverables for each type of CEQA and NEPA document, all intended to reduce uncertainty in the environmental review process, set expectations for performance, and provide a consistent approach to environmental analysis for consultants and City staff.

This Policy also adopts Environmental Standard Permit Conditions to reduce the environmental impacts of most development projects in developed areas of San José. These conditions will reduce the need for project-specific mitigation measures and will ensure project conformance with General Plan Policies for the purpose of protecting City residents and the environment. The CEQA process has typically been used as a conduit to generate technical analysis or conditions of approval to address not just environmental issues, but also health and safety issues associated with development, such as building on fault lines or in high fire hazard areas. With state law changes, these health and safety issues need to be addressed through conditions of approvals.

Adoption of the Handbook and Environmental Standard Permit Conditions also implements several recommendations to reduce review timelines in the March 2022 Audit of the City's environmental review process.

In addition to the proposed Council Policy to adopt the Handbook and Environmental Standard Permit Conditions, staff proposes a minor ordinance amendment to Title 21 removing the requirement to mail hard copies of appeal reports to numerous neighbors when these are documents that are made available online. This change would reduce the cost and inefficiency associated with such distribution, which is not required under state law and is typically not found in other jurisdictions best practices either.

### ***Environmental Review Handbook***

The intent of the City of San José's Environmental Review Handbook (handbook) is to

provide Environmental Consultants (Consultants), City staff, and permit applicants with guidance on expected tasks and deliverables for California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) review in the City. The handbook aims to help Consultants prepare Scopes of Work for private and public projects by clarifying expectations of the Consultant's role in the environmental review process, including for technical analyses and environmental documents. In addition, the handbook will aid Consultants and City staff in preparing environmental review documents that can be understood by the public, are consistent in format and approach, and are legally defensible. The guidance in the handbook is intended to apply to most types of projects, but a project with unique issues may pursue a different approach through conversation with Planning staff. Finally, the handbook will guide City staff in the preparation of some types of environmental review documents in-house without the need for a consultant, potentially reducing costs and review time.

The handbook includes the City's typical standard review timelines, thresholds of significance for determining environmental impacts pursuant to Section 15064.7 of the CEQA Guidelines, scope of work considerations, and a summary of the different types of CEQA and NEPA documents. Providing this information within the handbook will help to reduce overall project review timelines and reduce project costs by providing a clear understanding of timelines and expectations to the public including applicants and consultants.

The City of San José Environmental Review Handbook (handbook) implements recommendations of the 2022 audit and provides Environmental Consultants (Consultants), City staff, and permit applicants with guidance on expected tasks and deliverables for provides guidance for City staff and consultants when preparing environmental review documents pursuant to California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) review in the City. The Handbook includes the following, as further described below:

- Roles and expectations for performance by City staff and environmental consultants
- Target review times by type of environmental review document
- Guidelines for analysis and thresholds of significance pursuant to Section 15064.7 of the CEQA Guidelines by environmental resource area
- Deliverable expectations for consultants when preparing a scope of work
- Direction for preparing the most common types of CEQA and NEPA documents

#### Roles and expectations for performance

Section 2.0 of the Handbook includes roles and expectations for City staff, consultants, and applicants during the environmental review process. This section outlines protocol for addressing conflicts of interest and submittal of incomplete or inadequate documents from a consultant. It also includes criteria for removing a consultant from the City List of Approved Environmental Consultants if a consultant consistently does not meet

expectations.

### Target review times

Section 3.0 of the Handbook contains the City's target review times based on the type of environmental document and round of review for documents prepared by consultants. Depending on the type of project and the quality of the initial drafts, these target review times may be adjusted for individual projects after coordination between City staff, the consultant, and applicant. For example, some projects requiring an exemption may take a few weeks to prepare while some projects requiring EIRs may take a year or more to complete their environmental review process.

### Thresholds of significance and analysis guidelines

This section (Section 4.0) contains guidance for environmental impact analysis and thresholds of significance for each CEQA resource area. Thresholds of significance provide a standard for determining when a significant impact would occur, and are used to identify avoidance or mitigation measures which reduce impacts to below this threshold. The intent of this section is to ensure a consistent approach to analysis for consultants and City staff.

For most resource areas, thresholds of significance have previously been adopted through Envision San José 2040 General Plan policies, City Council Policies (i.e. the City's Transportation Analysis Policy, Policy 5-1), the Downtown Strategy 2040 Environmental Impact Report, or the Initial Study checklist in Appendix G of the CEQA Guidelines. This section identifies the sources of thresholds used by the City and includes clarification on implementing thresholds of significance for the following resource areas:

- Construction noise – use of Federal Transit Administration Guidelines for projects with substantial noise generating activities over 12 months.
- Shade and shadow impacts for downtown projects – clarification on days and times for conducting shadow analysis.

If a project has unique circumstances that require the use of a different threshold of significance, than the consultant must provide substantial evidence to support the use of the threshold instead of the City's standard threshold of significance.

### Scope of work considerations

Section 5.0 lists the tasks and deliverables expected of environmental consultants when preparing documents for the City of San Jose. The intent of this section is to ensure consultants account for all tasks and deliverables when preparing a scope of work.

### Types of CEQA and NEPA documents

Sections 6.0 and 7.0 list common CEQA and NEPA documents and notices in the City of San José. This section includes guidance for staff and consultants when preparing these documents, including for CEQA/NEPA documents prepared for federally-funded affordable housing projects.

### ***Environmental Standard Permit Conditions***

The Environmental Standard Permit Conditions document applies to development projects in San José based on reasonable criteria and development factors, such as the size, type and location of project, length of construction, and characteristics of the project vicinity. The conditions and criteria are based on substantial evidence from previously adopted environmental review documents and supplemental analysis prepared to support conditions related to construction air quality, biological resources, construction noise, and construction vibration. These conditions address the most common types of environmental impacts from development projects within urban (previously developed) areas of San José. The Environmental Standard Permit Conditions address public health, safety impacts and national, state, and local regulatory compliance related to the following:

- Construction air quality, including particulate matter and health risk;
- Nesting migratory birds;
- Roosting bats;
- Archeological and tribal cultural resources;
- Historic resources (excluding landmarks and candidate landmarks);
- Seismic hazards;
- Paleontological resources;
- Hazardous materials;
- Construction noise;
- Mechanical equipment noise; and
- Construction vibration.

The adoption of Environmental Standard Permit Conditions will streamline the preparation of exemptions and will reduce the timeline for the preparation of some types of environmental review documents. The conditions will facilitate the preparation of exemptions, such the In-Fill Development Exemption and Community Plan Exemption (CEQA Guidelines Section 15332 and 15183, respectively) by: 1) formally adopting conditions that reduce the most common types of impacts from development projects; 2) reducing the need for project-specific technical analysis; and 3) providing a consistent approach to reducing impacts. Furthermore, for projects that are not exempt,

the Environmental Standard Permit Conditions will reduce the need for some types of technical analysis if a project meets the specified criteria. This will save time and consultant costs.

The Environmental Standard Permit Conditions will also implement General Plan Policies for the purposes of protecting workers, residents, and the environment for projects that qualify for one of the new State CEQA streamlining laws such as AB 130 and SB 131. Projects that qualify for these laws will not require an analysis of potential impacts at the Planning permit stage. However, including applicable Environmental Standard Permit Conditions will reduce potential impacts. For example, conditions that address construction air quality will ensure that for most projects, health risks to residents adjacent to the project site will be below thresholds established by the Bay Area Air District.

Implementation of Environmental Standard Permit Conditions would ensure that most small to medium development projects in urbanized areas of San José will not have a significant environmental impact.

#### ***Amendment to Title 21 – Environmental Clearance***

In addition to the proposed Council Policy to adopt the Handbook and Environmental Standard Permit Conditions, staff proposes a minor amendment to Title 21 related to environmental appeals. Specifically, staff recommends that Section 21.04.140(E)(6) be amended as follows:

6. The maker of the environmental decision being appealed shall prepare a report and recommendation on the appeal to the city council ~~and such report shall be provided to the appellant, and applicant, and adjacent property owner(s) in the same manner provided for hearing notices pursuant to provisions of Section 21.07.050.~~

The removal of the requirement to mail a hard copy of the appeal report reduces staff time and costs, which can be significant if a project site is large or is adjacent to a multi-family building. This requirement is also challenging due to the multi-week timelines for inter-departmental review of draft City Council memorandums, with the risk of missing the noticing timelines in Section 21.07.050 of the Municipal Code. Applicants, appellants, and interested parties will continue to be notified of an appeal hearing based on the noticing provisions of Section 21.07.050. If the environmental appeal is for a private land use or development proposal, interested parties are notified per the procedures in the City Council Public Outreach Policy (Council Policy 6-30). Furthermore, interested parties are notified of appeal hearings by e-mail. All hearing materials, including for environmental appeals, are made available electronically for public review and comment

### **GENERAL PLAN CONFORMANCE**

The Environmental Review Handbook and Standard Permit Conditions would further the goals of the General Plan by establishing a consistent and transparent framework for

the preparation of environmental documents pursuant to CEQA and, where applicable, NEPA. The Handbook would standardize methodologies, thresholds of significance, and documentation expectations, reducing variability in consultant-prepared analyses and improving the overall quality and defensibility of environmental review documents. By providing clear direction to applicants and consultants at the outset of project review, the Handbook would streamline the environmental review process, reduce revisions, and improve permitting timelines. This directly supports General Plan goals and policies related to efficient service delivery and effective implementation of land use policies.

The Standard Permit Conditions component would further General Plan policies by ensuring that commonly applied environmental conditions are consistently incorporated into project approvals where applicable. This approach would strengthen protections of environmental resources and reduce the risk of omissions or inconsistencies across projects.

The proposed Policy will implement and be consistent with General Plan policies, including those associated with air quality, biological resources, archeological resources, historic resources, geology and soils, hazards and hazardous materials, noise, and vibration.

### Air Quality

MS-10.1: Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission reduction measures.

MS-10.2: Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.

MS-11.1: Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.

MS-11.2: For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.

MS-11.3: Review projects generating significant heavy duty truck traffic to designate truck routes that minimize exposure of sensitive receptors to TACs and particulate matter.

MS-11.4: Encourage the installation of appropriate air filtration at existing schools, residences, and other sensitive receptor uses adversely affected by pollution sources.

***Analysis:*** Section 4.3 of the Environmental Review Handbook includes guidance for analysis of air quality impacts, including operational and construction air quality. The Handbook also highlights that the City uses the Bay Area Air District CEQA Guidelines as the thresholds of significance for determining air quality impacts in San Jose, per General Plan Policy 10.1.

*Environmental Standard Permit Conditions SPC AIR-1 through SPC AIR-8 implement General Plan Policies MS-11.1 through MS 11.4 by requiring the use of clean construction equipment for medium to larger projects near residents and schools in addition to enhanced dust control best management practices as recommended by the Bay Area Air District. The air quality Environmental Standard Permit Conditions also require preparation of a construction and/or operational air quality health risk assessment for projects that meet specified criteria such as projects with subterranean parking or projects that generate significant truck trips.*

### Biological Resources

ER-4.1: Preserve and restore, to the greatest extent feasible, habitat areas that support special-status species. Avoid development in such habitats unless no feasible alternatives exist and mitigation is provided of equivalent value.

ER-4.3: Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special-status species.

ER-5.1: Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.

ER-5.2: Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

***Analysis:*** The Environmental Review Handbook provides guidance for preparing analysis of common impacts to biological resources. The Handbook focuses on guidance for development projects in previously developed areas of the City, which constitute the majority of development projects. The Handbook also highlights existing thresholds of significance for projects subject to the Downtown Strategy 2040 EIR with shade and shadow impacts on riparian areas.

*Environmental Standard Permit Conditions SPC BIO-1 through SPC BIO-3 provide conditions for medium and large projects in developed areas to avoid impacts to nesting migratory birds and roosting bats (General Plan Policies ER-4.3, ER-5.1, and ER-5.2). These are the most common impacts for projects in developed areas of the City. Projects that impact sensitive habitat will be required to prepare project-specific*

*biological studies as part of their environmental review and implement mitigation measures to address impacts beyond those addressed in the Environmental Standard Permit Conditions.*

### Archeological Resources

ER-10.1: For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

ER-10.2: Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon their discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.

ER-10.3: Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

***Analysis:*** *The Environmental Review Handbook clarifies guidance on the evaluation of archeological and paleontological resources per CEQA Guidelines Section 15064.5 and General Plan Policies ER-10.1 through ER-10.3. Environmental Standard Permit Conditions SPC CUL-1, SPC CUL-2, and SPC-GEO-2 memorialize conditions already used for most planning permits, which implement General Plan Policies ER-10.2 and ER-10.3. Environmental Standard Permit Conditions TCR-1 through TCR-3 may apply to projects based on the outcome of tribal consultation and could be replaced or supplemented as a result of the consultation.*

### Historic Resources

LU-13.1: Preserve the integrity and fabric of candidate or designated Historic Districts.

LU-13.2: Preserve candidate or designated landmark buildings, structures and historic objects, with first priority given to preserving and rehabilitating them for their historic use, second to preserving and rehabilitating them for a new use, or third to rehabilitation and relocation on-site. If the City concurs that no other option is feasible, candidate or designated landmark structures should be rehabilitated and relocated to a new site in an appropriate setting.

LU-13.6: Ensure modifications to candidate or designated landmark buildings or structures conform to the Secretary of the Interior's Standards for Treatment of Historic Properties and/or appropriate State of California requirements regarding historic buildings and/or structures, including the California Historical Building Code.

LU-13.7: Design new development, alterations, and rehabilitation/remodels within a designated or candidate Historic District to be compatible with the character of the Historic District and conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties, appropriate State of California requirements regarding historic buildings and/or structures (including the California Historic Building Code) and to applicable historic design guidelines adopted by the City Council.

LU-14.4: Discourage demolition of any building or structure listed on or eligible for the Historic Resources Inventory as a Structure of Merit by pursuing the alternatives of rehabilitation, re-use on the subject site, and/or relocation of the resource.

***Analysis:*** *The Environmental Review Handbook provides guidance and clarification for evaluating historic resources, including criteria on when an evaluation is required. This guidance implements General Plan Policies LU-13.2, LU-13.6, LU-13.7, and LU-14.4.*

*The Environmental Standard Permit Conditions SPC HIS-1 through SPC HIS-4 apply to Structures of Merit in the Historic Resources Inventory (General Plan Policy 14.4). The conditions, with the addition of SPC-HIS 5, may also be incorporated into mitigation measures for projects that impact a candidate or designated City, State, or Federal Landmark in addition to project-specific measures.*

### Geology and Soils

EC-4.2: Approve development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.

EC-4.7: Consistent with the San José Geologic Hazard Ordinance, prepare geotechnical and geological investigation reports for projects in areas of known concern to address the implications of irrigated landscaping to slope stability and to determine if hazards can be adequately mitigated.

***Analysis:*** *The Environmental Review Handbook and Environmental Standard Permit Condition SPC GEO-1 implement General Plan Policies EC-4.2 and EC-4.7.*

### Hazards and Hazardous Materials

EC-6.4: Require all proposals for new or expanded facilities that handle hazardous materials that could impact sensitive uses off-site to include adequate mitigation to reduce identified hazardous materials impacts to less than significant levels.

EC-6.6: Address through environmental review for all proposals for new residential, park and recreation, school, day care, hospital, church or other uses that would place a

sensitive population in close proximity to sites on which hazardous materials are or are likely to be located, the likelihood of an accidental release, the risks posed to human health and for sensitive populations, and mitigation measures, if needed, to protect human health.

EC-7.1: For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.

EC-7.2: Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.

EC-7.3: Where a property is located in near proximity of known groundwater contamination with volatile organic compounds or within 1,000 feet of an active or inactive landfill, evaluate and mitigate the potential for indoor air intrusion of hazardous compounds to the satisfaction of the City's Environmental Compliance Officer and appropriate regional, state and federal agencies prior to approval of a development or redevelopment project.

EC-7.4: On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.

***Analysis:*** *The Environmental Review Handbook clarifies existing guidance on the preparation of the hazards and hazardous materials section of environmental review documents. This guidance implements General Plan Policies EC-6.4, EC-7.1, EC-7.2, EC-7.3, and EC-7.4. Environmental Standard Permit Condition SPC HAZ-1 implements General Plan Policies EC-7.1 through EC-7.4 for projects that are not subject to environmental review, such as projects that are statutorily exempt.*

### Noise/Vibration

EC-1.2: Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:

- Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or
- Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

EC-1.3: Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.

EC-1.7: Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:

- Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

EC-2.3: Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or building that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Equipment or activities typical of generating continuous vibration include but are not limited to: excavation equipment; static compaction equipment; vibratory pile drivers; pile-extraction equipment; and vibratory compaction equipment. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of historical buildings, or buildings in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction. Transient vibration impacts may exceed a vibration limit of 0.08 in/sec PPV only when and where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

**Analysis:** *Section 4.13 of the Environmental Review Handbook provides guidance for evaluating noise and vibration impacts using the thresholds of significance identified in General Plan Policies EC-1.1, EC-1.2, EC-1.3, EC-1.7, and EC-2.3. The Handbook also clarifies the approach to evaluating construction noise impacts per General Plan Policy EC-1.7 by using the approach in the Federal Transit Administration's Transit Noise and Vibration Impact Assessment Manual.*

*Environmental Standard Permit Conditions SPC NOI-1 through SPC NOI-5 related to construction noise will implement General Plan Policy EC-1.7. These conditions address construction noise for projects with extended construction hours, including*

*nighttime construction, for activities such as extended concrete pours. Environmental Standard Permit Condition SPC NOI-6 implements General Plan Policy EC-1.3 for projects with typical mechanical equipment (such as HVAC equipment) near sensitive receptors such as residences. Finally, Environmental Standard Permit Conditions SPC VIB-1 through SPC VIB-3 implement General Plan Policy EC-2.3 for construction vibration.*

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Determination of Consistency with the Environmental Impact Report for the Envision San José 2040 General Plan, as Supplemented, and with the Environmental Impact Report for the Downtown Strategy 2040, File No. ER26-045.

**PUBLIC OUTREACH**

Staff posted the draft City Council Policy, Handbook, and Environmental Standard Permit Conditions on the City’s website on March 26, 2026, and notification was sent by e-mail to environmental consultants and contacts on the Developer’s and Construction Roundtable contact list. Staff also presented the proposal at the Developer’s and Construction Roundtable on March 26, 2026, and at the Environmental Consultant’s Roundtable on April 2, 2026. Staff followed Council Policy 6-30: Public Outreach Policy, in that the notices for the public hearing were posted on the City’s website and published in the San José Post-Record. Staff is available to meet with questions and comments.

Project: Cort Hitchens  
Manager:  
Approved by: /s/ Manira Sandhir, Deputy Director, for Christopher Burton, Planning Director

ATTACHMENTS	
Attachment A:	Draft Environmental Review Policy
Attachment B	Draft Environmental Review Handbook
Attachment C	Draft Environmental Standard Permit Conditions
Attachment D	Draft text Edits to Title 21 of the Municipal Code