

From: [Hill, Shannon](#)
To: [Keyon, David](#)
Subject: Permitting Requirements for Project Features
Date: Tuesday, August 18, 2020 11:09:17 AM

Hi David,

In follow up to our meeting earlier, I wanted to pass on John's responses to my questions below. I have shared his responses with ESA as well, since this may affect the analysis in the Noise and BIO sections.

Let me know if you have any recommendations based on John's responses.

Thanks!

Shannon Hill, Planner
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From: Tu, John
Sent: Friday, August 14, 2020 2:52 PM
To: Hill, Shannon <Shannon.Hill@sanjoseca.gov>; Han, James <James.Han@sanjoseca.gov>
Subject: Re: ADEIR4 Roundtable Action Items: Due 8/17

Shannon,

1. **Noise from "entertainment pavilions":** We received clarification that the newly proposed pavilions will be enclosed on sides facing the riparian corridor (if applicable), so this change will be reflected in the screencheck. However, there will be at least one side that can open to the outdoors for spill out, and amplified sound will be a "regular" occurrence. What are the permit requirements associated with this use? Also, were you aware these were being added? The addition completely changed the biological resources analysis, and the environmental team was not aware of the change until we received ADEIR4. It's a big change for the environmental document this late in the process.

Shannon, it really depends if it is within the Park Conservatory (which planning has not really been involved in that or on private land that Planning would govern it. They have not specifically discussed the Pavilions as an enumerated use in any of the tables, except for potentially as an interim or temporary use (this is just an assumption). We are working on putting specific conditions on some of the uses that they want to permit by right e.g. Bar with outside use, we may include conditions that they agreeing to before we we allow the use. We have not worked out the permit process for those things, because they have not provided use more detail on the future permit process officially yet, which is probably very important that they address in the screencheck.

2. **Mitigation Measure NO-1a-2 (Noise Control Plan for Outdoor Amplified Sound):** How would

this tie into the permit required for event? Is this a standard requirement? Also, instead of this being a mitigation measure, it should probably be included in the DWDSG as a standard and/or GDP because it's proposed in order to comply with muni code sound control requirements.

Same as above, we have not formalized the permitting process for interim and temporary uses, but I would throw out they have to get most likely need a Admin Permit (modified version for the zoning) but where specific details such as capacity, on-sale alcohol etc, would need more details, I think amplified sound should be one of those checklist items.

3. **Program Decks, Kiosks, etc.:** These are additional features not previously addressed in the EIR and are within the 50-foot riparian corridor buffer. Applicant team provided clarification that program decks are proposed on existing building footprints within the 50-foot buffer, and amplified noise will be prohibited. What are the permitting requirements, and what needs to be included in the GDP or other document to prohibit amplified noise on the program decks and other uses within or directly adjacent to the 50-foot riparian corridor? This may be addressed in the revised DWDSG when we receive it and will need to be confirmed. However, I want to flag this because it likely needs to be incorporated into the permit documents as well.
4. **Same as above, we have not seen the details, we have provided them guidanaces on how we can agree them with a checklist or conditions they have to accept at part of any future review. Just for consideration perhaps something anything outdoor use within 150 feet of a riparian habitat has to provide xyz.**

Best,

Tong (John) Tu

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From: Hill, Shannon <Shannon.Hill@sanjoseca.gov>
Sent: Friday, August 14, 2020 2:33 PM
To: Tu, John <john.tu@sanjoseca.gov>; Han, James <James.Han@sanjoseca.gov>
Subject: ADEIR4 Roundtable Action Items: Due 8/17

Hi John and James,

I'm sending this list of remaining actions items that have not been resolved from the last couple weeks. ESA has requested that answers to all outstanding items be provided Monday (8/17) by noon, if at all possible, but I'm requesting by COB if you need more time. Hopefully these are easy questions to answer:

1. **Noise from "entertainment pavilions":** We received clarification that the newly proposed

pavilions will be enclosed on sides facing the riparian corridor (if applicable), so this change will be reflected in the screencheck. However, there will be at least one side that can open to the outdoors for spill out, and amplified sound will be a “regular” occurrence. What are the permit requirements associated with this use? Also, were you aware these were being added? The addition completely changed the biological resources analysis, and the environmental team was not aware of the change until we received ADEIR4. It’s a big change for the environmental document this late in the process.

2. **Mitigation Measure NO-1a-2 (Noise Control Plan for Outdoor Amplified Sound):** How would this tie into the permit required for event? Is this a standard requirement? Also, instead of this being a mitigation measure, it should probably be included in the DWDSG as a standard and/or GDP because it’s proposed in order to comply with muni code sound control requirements.
3. **Program Decks, Kiosks, etc.:** These are additional features not previously addressed in the EIR and are within the 50-foot riparian corridor buffer. Applicant team provided clarification that program decks are proposed on existing building footprints within the 50-foot buffer, and amplified noise will be prohibited. What are the permitting requirements, and what needs to be included in the GDP or other document to prohibit amplified noise on the program decks and other uses within or directly adjacent to the 50-foot riparian corridor? This may be addressed in the revised DWDSG when we receive it and will need to be confirmed. However, I want to flag this because it likely needs to be incorporated into the permit documents as well.

Please provide your responses in this email, and we can have a follow-up call if necessary.

Thanks!

Shannon Hill, Planner

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