

From: [Hill, Shannon](#)
To: [Downtown West Project](#)
Subject: Fw: Permit Condition Question
Date: Thursday, September 10, 2020 9:57:34 AM

Shannon Hill, Planner

Planning, Building & Code Enforcement | Environmental Review Section
City of San José | 200 East Santa Clara Street
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From: Keyon, David <david.keyon@sanjoseca.gov>
Sent: Tuesday, May 12, 2020 10:06 AM
To: Hill, Shannon <Shannon.Hill@sanjoseca.gov>
Subject: Re: Permit Condition Question

Hi Shannon,

The wording of the condition is fine. The only change may be to request that the acoustician review the plans and confirm that the appropriate measures have been incorporated. Relying on a planner or building technician to review and look for the measures would be time consuming.

Thanks,

David Keyon

Principal Planner, Environmental Review
City of San Jose
(408) 535-7898 david.keyon@sanjoseca.gov

From: Hill, Shannon <Shannon.Hill@sanjoseca.gov>
Sent: Tuesday, May 12, 2020 10:00 AM
To: Keyon, David <david.keyon@sanjoseca.gov>
Subject: RE: Permit Condition Question

Also, I'll double-check that the measure ensures compliance with the GP policy.

From: Hill, Shannon
Sent: Tuesday, May 12, 2020 9:20 AM
To: Keyon, David <david.keyon@sanjoseca.gov>
Subject: Re: Permit Condition Question

Good morning David,

Thanks, I understand that it needs to be part of the PD permit, which is why I made the comment that it needed to be rewritten as a condition of approval, and the measure was included by ESA to mitigate the non-CEQA impact from the rail corridor. I was wondering if you had input on the language because I've only dealt with standard permit conditions where we have prescriptive language to be included.

I will add a comment to the DWDSG spreadsheet about this measure and notify John and James because I don't believe it's addressed. You may want to check the AQ section as well because I didn't see how non-CEQA impacts for General Plan conformance were addressed in that section, but I just did a quick scan yesterday.

We have our normal check-in tomorrow at 10:30, but I can move it to today for this week if you would prefer. Just let me know.

Thanks!

Shannon Hill, Planner

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From: Keyon, David <david.keyon@sanjoseca.gov>

Sent: Tuesday, May 12, 2020 8:49 AM

To: Hill, Shannon <Shannon.Hill@sanjoseca.gov>

Subject: Re: Permit Condition Question

Hi Shannon,

Measures to reduce non-CEQA effects would be conditions of approval in the PD Permit and would be required to determine General Plan conformance. There is a specific General Plan Policy for vibration from rail corridors.

We will have to coordinate with James and John on how the conditions will be memorialized. These would be included as conditions in the PD Permit itself, but in this case we may also include them in the DWDSG. I recommend that ESA provide a list of all conditions referenced in the Draft EIR that we provide to John and James for inclusion in the PD Permit and/or DWDSG.

Did you want to do a quick check in today or tomorrow? I know we have our DSAP meeting with Circlepoint this afternoon.

Thanks,

David Keyon

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(408) 535-7898 david.keyon@sanjoseca.gov

From: Hill, Shannon <Shannon.Hill@sanjoseca.gov>

Sent: Monday, May 11, 2020 5:43 PM

To: Keyon, David <david.keyon@sanjoseca.gov>

Subject: Permit Condition Question

Hi David,

In reference to Karl's email below, it's my understanding that measures to minimize non-CEQA impacts to comply with GP policies will not be included in the MMRP, so I requested that vibration reduction measures be reworded as permit conditions. I looked at the AQ section for examples of conditions to avoid non-CEQA impacts you may have reviewed for that section but didn't find any. The highlighted text below is what is currently included in the Noise section.

My comment is that the Vibration Reduction Plan should be reworded as a permit condition. I was mostly referring to the heading of the measure and introductory text, but Karl made revisions to address the comment (see his email below). Do you have any input on how the condition should be included for this project, or are suggested edits sufficient?

FTA acknowledges that steel-wheeled/steel-rail vehicles can generate vibration impacts. FTA identifies screening buffer distances in its document Transit Noise and Vibration Impact Assessment. Specifically, for commuter rail lines, buffers extending 50–100 feet from the right-of-way are recommended for residences or any land uses where people sleep, such as hotels and hospitals, to avoid vibration impacts. Because the project proposes to develop land uses that could include residences within 100 feet of the Caltrain tracks, non-CEQA vibration exposure impacts could occur. The City of San José could adopt the following condition of approval to address this non-CEQA impact, which would establish a vibration performance standard for residential developments exposed to vibration levels in excess of 72 VdB from operations of the adjacent Caltrain tracks and would require preparation of detailed project-level vibration analyses to ensure that the standard would be met.

Vibration Reduction Plan

All residential development with vibration exposure exceeding 72 VdB from operations on the Caltrain tracks shall be designed to reduce vibration from Caltrain and other rail operations to 72 VdB or less for residential uses. Before any building permit is issued for structures intended for human occupancy within 100 feet of the mainline track, a qualified engineer shall complete a detailed vibration design study. The study shall confirm the ground vibration levels and frequency along the Caltrain tracks and determine the appropriate design to limit interior vibration levels to 72 VdB for residences, if necessary. As part of the plan-check process, the San José Department of Planning, Building, and Code Enforcement shall verify that the recommended measures in the acoustical study have been incorporated into the project's design elements.

Specific measures to achieve these performance standards may include one or a combination

of the following methods:

- Using vibration isolation techniques such as supporting the new building foundations on elastomer pads similar to bridge bearing pads.
- Installing vibration wave barriers. Wave barriers would consist of control trenches or sheet piles, which are analogous to controlling noise with a sound barrier. The applicability of this technique depends on the characteristics of the vibration waves.

Thanks!

Shannon Hill, Planner

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From: Karl Heisler <KHeisler@esassoc.com>

Sent: Monday, May 11, 2020 2:05 PM

To: Hill, Shannon <Shannon.Hill@sanjoseca.gov>

Cc: Keyon, David <david.keyon@sanjoseca.gov>; Chris Sanchez <CSanchez@esassoc.com>; Hillary Gitelman <HGitelman@esassoc.com>; Linda S. Peters <lpeters@esassoc.com>

Subject: RE: Noise and Vibration Permit Conditions

[External Email]

Hi, Shannon. I wanted to follow up on this question from last week to see if you have a particular format in mind for reformatting a non-CEQA noise condition? Note that the example below is no longer relevant, because we have deleted the discussion of environmental noise effects on project open spaces, given that the General Plan exempts Downtown open spaces from the noise standards that apply elsewhere in the City. However, the second such condition, for vibration reduction plans to minimize rail vibration, remains. Would it make sense to revise that in the same manner (see below for potential wording)?

Vibration Reduction Plan

As a condition of project approval, the project applicant and/or the developer of a residential building on the project site shall, prior to the issuance of any building permit for a structure intended for human occupancy within 100 feet of the mainline Caltrain tracks, provide to the Director of Planning, Building and Code Enforcement a detailed vibration study prepared by a qualified engineer. The study shall document that all residential development with vibration exposure exceeding 72 VdB from operations on the Caltrain tracks shall be is designed to reduce vibration exposure from Caltrain and other rail operations to 72 VdB or less for residential uses. Before any building permit is issued for structures intended for human occupancy within 100 feet of the mainline track, a qualified engineer shall complete a detailed vibration design study. The study shall confirm the ground vibration levels and frequency along the Caltrain tracks and determine the appropriate design to limit interior vibration levels to 72 VdB for residences, if necessary. As part of the plan-check process, the San José Department of Planning, Building, and Code Enforcement shall verify that the recommended measures in the acoustical study have been incorporated into the project's

design elements.

Specific measures to achieve these performance standards may include, but not necessarily be limited to, one or a combination of the following methods:

- Using vibration isolation techniques such as supporting the new building foundations on elastomer pads similar to bridge bearing pads.
- Installing vibration wave barriers. Wave barriers would consist of control trenches or sheet piles, which are analogous to controlling noise with a sound barrier. The applicability of this technique depends on the characteristics of the vibration waves.

Thank you.

Karl F. Heisler

ESA | Environmental Science Associates

Note that I am working remotely – call or text my mobile at (415) 377-5303.

550 Kearny Street, Suite 800

San Francisco, CA 94108-2512

phn 415.896.5900 | fax 415.896.0332

From: Karl Heisler

Sent: Tuesday, May 5, 2020 3:27 PM

To: Hill, Shannon <Shannon.Hill@sanjoseca.gov>

Cc: Keyon, David <david.keyon@sanjoseca.gov>; Chris Sanchez <CSanchez@esassoc.com>; Hillary Gitelman (HGitelman@esassoc.com) <HGitelman@esassoc.com>; Linda S. Peters <lspecters@esassoc.com>

Subject: Noise and Vibration Permit Conditions

Shannon: Our noise analyst, Chris Sanchez, has identified an additional comment in the Noise section that we did not get to during last week's roundtable sessions. For both of the non-CEQA impacts (exposure of parks to noise and exposure of project residents and workers to rail vibration), we had identified what were essentially proposed as conditions of approval (measures entitled, "Noise Exposure Reduction for Parks and Open Space" and "Vibration Reduction Plan"), although we had not expressly identified them as permit conditions. Your comment is that these measures should be revised/reworded to be applied as permit conditions.

Our question is whether there is a particular format you are looking for, or whether this revision is as simple as tweaking the language of each measure, such as the following:

Noise Exposure Reduction for Parks and Open Space. ~~Before approval of construction-related permits for parks and open space, As a condition of project approval, the project applicant and/or the developer of any open space on the project site for the open space(s) in question shall submit a noise reduction plan for the open space(s) in question prepared by a qualified acoustical engineer for review and approval by the Director of Planning, Building and Code Enforcement or the Director's designee. The noise reduction plan shall be prepared by a qualified acoustical engineer and shall be approved by the Director or designee prior to approval of construction-related permits for the open space(s) in question. The noise reduction plan shall contain noise reduction measures (e.g., noise barriers along major~~

roadways or rail lines) to minimize noise exposure to park users with an emphasis on children's playgrounds. Children's playgrounds shall be located as far from major noise sources (major arterials and railways) as possible. The construction contractor shall implement the recommendations of the approved plans during construction.

Thank you.

Karl F. Heisler

Senior Technical Associate

ESA | Environmental Science Associates

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Note that I am working remotely – call or text my mobile at (415) 377-5303.

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