

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING A NEW COUNCIL POLICY, ENTITLED “ENVIRONMENTAL REVIEW POLICY”**

**WHEREAS**, the California Environmental Quality Act (“CEQA”) requires government agencies to consider the environmental consequences of their actions before approving plans and policies or committing to a course of action on a project, and the City of San José (“City”) adheres to the requirements of CEQA; and

**WHEREAS**, in March 2022, the City Auditor’s Office published a report evaluating the City’s environmental review process (“2022 Audit Recommendations”); and

**WHEREAS**, the audit report presented findings and included 12 recommendations to reduce environmental review timelines for private development projects, including:

- a) Establishing clear expectations on the roles and responsibilities for planners, reviewers in other City departments, and environmental consultants;
- b) Publish guidelines for the City’s CEQA requirements and process to help consultants prepare documents that meet City standards; and
- c) Publish a consolidated list of the City’s threshold of significance; and

**WHEREAS**, in the Mayor’s March 2024 Budget Message, the Mayor stated the need to streamline the CEQA process for development projects in Downtown San José and directed the City Manager to pursue the best strategy to eliminate or reduce the need for technical reports and analyze the staff review process for efficiencies with the goal of reducing review times. This action was included in the 2024-2025 Adopted Operating Budget; and

**WHEREAS**, on August 14, 2024, the Rules and Open Government Committee directed staff to present additional information on CEQA streamlining to the Community and Economic Development Committee, including recommendations that could allow for more projects to be determined eligible for CEQA exemptions and to further streamline the CEQA process for projects, and including standard mitigation measures for projects in Downtown and urban villages; and

**WHEREAS**, building upon the 2022 Audit Recommendations, and in response to the Mayor's March 2024 Budget Message and direction from the August 14, 2024 Rules and Open Government Committee, Planning staff presented additional recommendations for CEQA streamlining at the February 24, 2025 Community and Economic Development Committee meeting, including implementation of standard permit conditions and standard mitigation measure language for common environmental impacts for projects in the developed areas of San José, particularly Downtown and General Plan growth areas; and

**WHEREAS**, in response to the 2022 Audit Recommendations and City Council direction, the Department of Planning, Building, and Code Enforcement prepared a City Council Policy on Environmental Review, which adopts the Environmental Review Handbook as a guidance document for City staff and consultants when preparing environmental review documents pursuant to CEQA and the National Environmental Policy Act ("NEPA"), including 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 (collectively, the "Environmental Review Policy"); and

**WHEREAS**, the Environmental Review Policy also adopts Environmental Standard Permit Conditions to reduce the environmental impacts of the most common types of development projects in developed areas of San José, which 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; and

**WHEREAS**, the Environmental Review Policy will be effective immediately after Council adoption. Projects under review prior to the adoption of the policy will not be subject to the guidance in the Environmental Review Handbook or the Environmental Standard Permit Conditions; however, project applicants may elect to use guidance in the Environmental Review Handbook or incorporate Environmental Standard Permit Conditions;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

**THAT THE CITY COUNCIL** does hereby incorporate the foregoing recitals into this Resolution.

**THAT THE CITY COUNCIL** does hereby delegate authority to the Director of Planning, Building and Code Enforcement to update the Environmental Review Policy and the corresponding Environmental Standard Permit Conditions in accordance with this Resolution, and to make any further non-substantive edits and amendments as deemed necessary for continued City operations.

**THAT THE CITY COUNCIL** does hereby make the following findings: (1) A new Council Policy, entitled “Environmental Review Policy,” which policy is attached hereto as Exhibit A and incorporated by reference as if fully set forth herein, is hereby approved.

**THAT THE CITY COUNCIL** does hereby find that based upon the entire administrative record of proceedings before it and all information received that there is no substantial evidence that adoption of the Environmental Review Policy will result in any significant effects on the environment as detailed in the certified Environmental Impact Report for the Envision San José 2040 General Plan and the Downtown Strategy 2040

Environmental Impact Report. The Determination of Consistency to the Environmental Impact Report prepared for the Envision San José 2040 General Plan is: (1) on file in the Office of the Director of Planning, Building and Code Enforcement, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, and electronically on the City of San José's Department of Planning, Building and Code Enforcement website, and (2) available for inspection by any interested person.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2026, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, MMC  
City Clerk

# City of San José, California

## COUNCIL POLICY

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<b>EFFECTIVE DATE</b>	<b>REVISED DATE</b>	
<b>APPROVED BY COUNCIL ACTION</b>		

### BACKGROUND

The California Environmental Quality Act (CEQA) requires public agencies to disclose the environmental impacts of projects and identify mitigation measures to reduce impacts. All discretionary projects are subject to CEQA. Most private development projects qualify for an exemption and don't require extensive analysis. However, some types of development projects may require technical studies, such as for air quality or noise, to determine if a project is exempt or to identify impacts and mitigation. These studies can take multiple months to prepare and create lengthy project review times.

The National Environmental Policy Act (NEPA) requires disclosure of environmental impacts of projects which require federal approval or funding. Most NEPA reviews are conducted by the federal agency that funds or implements a project. However, for projects in the City of San José that receive funds from the Department of Housing and Urban Development, the Department of Planning, Building, and Code Enforcement (PBCE) is the Responsible Entity for preparing NEPA documents and the Director of PBCE is the designated Certifying Officer for the City.

### PURPOSE

This Council Policy 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. The Handbook reduces uncertainty in the environmental review process, sets expectations for performance, and provides 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.

**DRAFT – Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for final document.**

*City of San José, California*

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**POLICY**

***Environmental Review Handbook***

The Handbook provides guidance for City staff and consultants when preparing environmental review documents pursuant to CEQA and NEPA in the City. The Handbook includes the following:

- Roles and expectations for performance for City staff and environmental consultants
- Target City 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

The Handbook will be updated regularly to reflect changes based on case law and new legislation. It may also be updated to reflect changes in the City’s approach to environmental review. Changes to the Handbook must be approved by the Director of Planning, Building and Code Enforcement.

***Environmental Standard Permit Conditions***

This policy also adopts Environmental Standard Permit Conditions for development projects in developed areas of San José. These conditions would apply to development and use permits based on criteria listed in the Environmental Standard Permit Conditions document. 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 the urban services line, including impacts related to:

- 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.

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Each condition includes criteria for when the condition would be required. The criteria is based on factors such as the size of the project, the type of project, length of construction, and characteristics of the area surrounding the project site.

Implementation of Environmental Standard Permit Conditions would ensure that most small to medium development projects in previously developed areas of San José would not result in significant environmental impacts. Inclusion of the Environmental Standard Permit Conditions will result in more CEQA Exemptions and will reduce the timeline for the preparation of other environmental review documents. However, project-specific environmental analysis will be required for projects that do not meet the criteria, which may identify additional project-specific mitigation measures to reduce impacts beyond those addressed by the Environmental Standard Permit Conditions.

The Environmental Standard Permit Conditions may be modified by the Director of Planning, Building, and Code Enforcement in response to changes in City, State, or federal law or in response to case law. The conditions may also be modified based on new information or changes in City planning procedures.

***Applicability of Policy***

The Environmental Review Policy will be effective upon adoption by City Council. Projects submitted prior to adoption of the Policy may continue with their environmental review approach pursuant to an approved scope of work. Projects submitted between the date of adoption and a date 90 calendar days from adoption may proceed with the environmental review approach in a City approved scope of work. Projects submitted more than 90 days after Council adoption of the Policy shall utilize an environmental review approach pursuant to the Policy (including the Environmental Review Handbook and Environmental Standard Permit Conditions) unless the Director of Planning, Building and Code Enforcement, or the Director's Designee, agrees to a modified approach in an approved scope of work.