

City of San José

Environmental Review Policy

Environmental Review Handbook
Environmental Review Standard Permit Conditions
Title 21 Amendment

City Council
May 19, 2026

Presenter:
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Department



Overview

Background

Environmental Review Policy

- Environmental Review Handbook
- Environmental Standard Permit Conditions

Title 21 Ordinance Amendment

- Changes to appeal noticing requirements



Background

California Environmental Quality Act (CEQA): Public agencies must disclose environmental impacts of projects and identify mitigation measures to reduce impacts

National Environmental Policy Act (NEPA): Requires disclosure of environmental impacts of projects with federal funds and/or approvals

Both frequently require technical analysis, and reviews can be costly and time consuming

City Auditor's office published a report in March 2022 on improvements to City's environmental review process



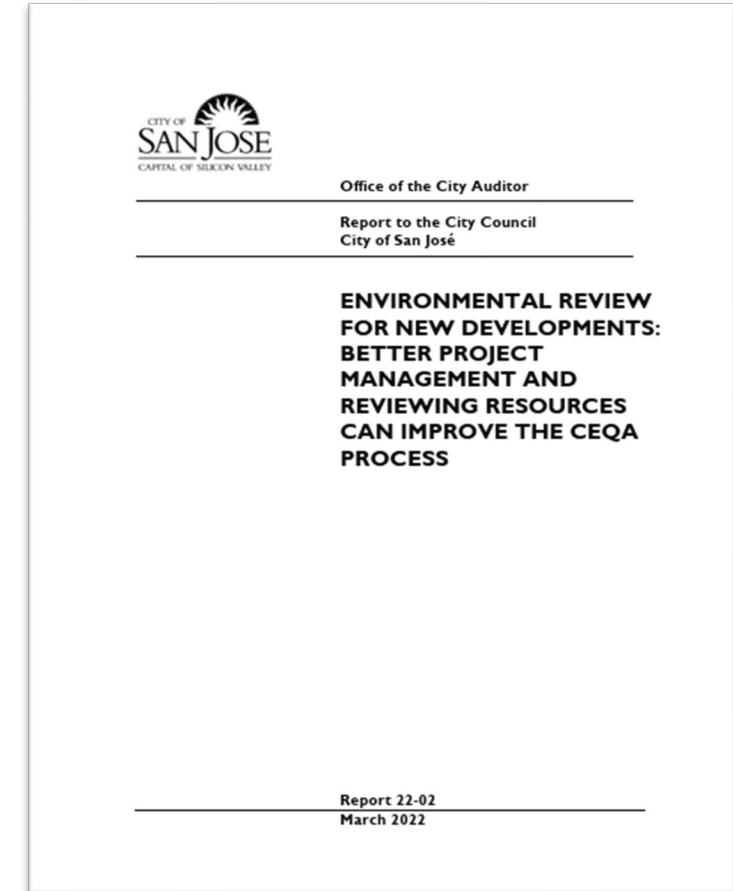
Proposed Environmental Review Policy

A City Council Policy to adopt the Environmental Review Handbook and Environmental Standard Permit Conditions

Adoption of this Policy will implement several recommendations from 2022 Audit and City Council direction to streamline environmental review.

Policy will formally adopt:

- The Environmental Review Handbook
- Environmental Standard Permit Conditions





Environmental Review Handbook

The Environmental Review Handbook:

- Defines roles and expectations including target review timelines, scope of work guidance, and deliverables
- Define and clarify thresholds of significance
- Provide a standardized approach to analysis methodology
- Provide guidance for preparing CEQA and NEPA documents

Goal:

- Improve clarity and consistency for consultants and staff
- Reduce timelines and project costs



Environmental Standard Permit Conditions

Purpose of the Environmental Standard Permit Conditions:

- Address the most common impacts from typical projects
- Eliminate or reduce project-specific technical analysis
- Provide criteria for when standard conditions apply
- Implement General Plan and City policies for protecting workers, residents, and habitat for statutorily exempt projects (Assembly Bill 130 and Senate Bill 131)



Environmental Standard Permit Conditions

Standard permit conditions apply for common development impacts:

Common Impacts Addressed by Permit Conditions	
Air quality (construction and operation)	Nesting migratory birds
Archeological and tribal cultural resources	Roosting bats
Non-CEQA historic resources	Geology and soils
Hazardous materials (pesticides and soil)	Hydrology and water quality
Noise (construction)	Vibration (construction)

- Developed with a consultant and technical experts
- Shared with stakeholders and developers for feedback and input
- Will reduce or eliminate need for technical studies for some projects
- May not apply to all projects
- Build upon work for the City's Residential Ministerial Ordinance



Examples of How Standard Conditions will Apply

Residential Example: 1295 Curtner Ave

- Demolition of existing single family dwelling and removal of all trees
- Build 12 residences (eight townhomes and four condominiums)
- No underground parking

Based on criteria:

- Standard permit conditions apply
- No construction air quality health risk assessment
- No construction noise assessment
- Still needed Tree survey and Phase I Environmental Site Assessment



Curtner Avenue Residential Project
Site Plan



Title 21 Municipal Code Amendment

Amend Title 21 (21.04.140(E)(6)) of Municipal Code regarding Environmental Appeal noticing requirements:

- Remove requirement to mail hard copies of staff reports to appellants, the applicant, and to adjacent neighbors for environmental appeals
- Notice would continue per the City's Outreach Policy
- Would follow same noticing process as appeal procedures
- This would reduce staff time and cost
- All documents would be available online and hearing notices would be provided in the same manner as currently required



Outreach

The Draft Environmental Review Handbook and Draft Environmental Standard Permit Conditions were published on the City's website on March 26, 2026.

The website link was sent to Developer's Roundtable contacts, Environmental Consultants Roundtable contacts and environmental groups for review.

Received four comments from consultants, and environmental groups staff met with one consultant and one applicant representative.



Recommendation

Recommendation from the Planning Commission (9-0-2) that the City Council take the following actions:

- 1) Consider the Determination of Consistency to the Environmental Impact Reports for the Envision San José 2040 General Plan and Downtown Strategy 2040 in accordance with CEQA
- 2) Adopt a resolution approving the Environmental Review Policy, which adopts the Environmental Review Handbook and Environmental Standard Permit Conditions
- 3) Approve an ordinance amending Section 21.04.140 of the San José Municipal Code

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