



# Request for Policy Analysis (Council Referrals)

Department Planning, Building & Code Enforcement Rules Date 9/4/2024 Item C.1  
 Department Rep. Name/Ext. Chris Burton Councilmember Sponsorship Mayor  
 Policy/Ordinance Subject Development Process and Jimenez  
CEQA Improvements Doan

### Staff Recommendation

<input type="checkbox"/> GREEN Adopt based on tradeoffs outlined on next page	<input checked="" type="checkbox"/> YELLOW Defer to a later designated date or the annual Budget Process	<input type="checkbox"/> RED Recommend Council not adopt nominated idea	<input type="checkbox"/> NEEDS CLARIFICATION OR MORE TIME TO EVALUATE
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### Staff Evaluation

Is this already underway in a department work plan?	Is this time critical or an emergency?	Will this require substantial resources, staffing, budget, strategic support, or reprioritizing existing work plan?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

### Criterion to Determine Scale of Project Complexity

Project complexity is determined by scoring the project in each of the 3 criteria below and then summing the score.

a. Low Complexity is a sum of 6 or less.

b. Medium Complexity is a sum of 7 – 9. Total Score = 8

c. High Complexity is a sum of 10 or greater.

Scoring Criterion	Low Complexity	Medium Complexity	High Complexity
	Estimated Duration	6 – 9 months <input checked="" type="checkbox"/> = 1	9 - 18 months <input type="checkbox"/> = 2
(Internal)	Organizational Complexity: Can easily be absorbed into existing work plan <input type="checkbox"/> = 1	Planned work (future) <input type="checkbox"/> = 2	Work not currently proposed <input checked="" type="checkbox"/> = 3
	Have staff with required skillset/knowledge <input type="checkbox"/> = 1	Have staff with required skillset/ requires moderate research <input checked="" type="checkbox"/> = 2	Do not have staff with required skillset/requires significant research <input type="checkbox"/> = 3
	Less than or equal 2 staff required <input checked="" type="checkbox"/> = 1	3 - 4 staff required <input type="checkbox"/> = 2	More than 5 staff required <input type="checkbox"/> = 3
(External)	1 Additional department; no community outreach required <input checked="" type="checkbox"/> = 1	2 Other departments Involved; some community outreach required <input type="checkbox"/> = 2	3 or more departments and/or external partners involved; significant community outreach required <input type="checkbox"/> = 3

DEPT. Required	<input type="checkbox"/> Airport	<input type="checkbox"/> Auditor	<input type="checkbox"/> CMO	<input type="checkbox"/> OEDCA	<input type="checkbox"/> ESD	<input type="checkbox"/> Fire	<input type="checkbox"/> HR	<input type="checkbox"/> IT	<input type="checkbox"/> PRNS	<input type="checkbox"/> Police	<input type="checkbox"/> Retirement
	<input checked="" type="checkbox"/> Attorney	<input type="checkbox"/> Clerk	<input type="checkbox"/> CMO – Budget	<input type="checkbox"/> Community Energy	<input type="checkbox"/> Finance	<input type="checkbox"/> Housing	<input type="checkbox"/> IPA	<input type="checkbox"/> Library	<input checked="" type="checkbox"/> PBCE	<input type="checkbox"/> PW	<input type="checkbox"/> DOT

CMO Approval: /s/ Lee Wilcox Date 8/30/2024

**Analysis**

**Explain the rationale for staff recommendation, including any mitigating factors that need to be considered (recent legislative action, significant work plan changes, etc.). Please address the following as well.**

GREEN LIGHT: The Administration can implement this nominated idea under its current work plan. Item should be sent to Council to add to department work plan. (1) How will the idea be approached? (2) If adopted, what is its impact and/or tradeoff to the City Council Focus Area or to a department work plan, including strategic support? (3) What is the minimum viable scope to move the idea forward and reduce its complexity?

YELLOW LIGHT: Administration recommends Council defer this nominated idea to a later designated date or the annual Budget Process due to (describe cost implications, workload impacts, or other factors)

The administration recommends the City Council defer this nominated idea to a later designated date and to the annual Budget Process due to workload impacts that would require reprioritization of existing work items causing significant delay in important policy objectives or private development projects. In addition, the recommendation overlaps heavily with the report by the City Auditor on "Environmental Review for New Developments: Better Project Management and Reviewing Resources Can Improve the CEQA Process" (<https://www.sanjoseca.gov/home/showpublisheddocument/83400/637834607762098708>).

RED LIGHT: The Administration recommends Council not to adopt this nominated idea due to (describe reason implementation would be difficult if not impossible – conflict with other laws, etc.).

## Analysis (Continued)

This process provided a number of significant recommendations that are currently being implemented (to date one is complete, five are partially implemented, and four are not implemented), and that will continue to evolve and improve the CEQA process for private development projects. Staff is currently working with an environmental consultant to prepare environmental review guidelines (including a thresholds of significance guide).

This effort includes the development standard of mitigation measure language for common impacts such as those related to nesting migratory birds, construction air quality, construction noise, and hazardous materials. In addition, there must be a refinement of standard permit condition language associated with this work. Moreover, there must also be the development of standard templates for the most common CEQA and NEPA documents, which will streamline preparation of these documents. This work is anticipated to be complete in spring 2025, but would be delayed until fall 2025 or winter 2025/2026 if staff has to shift focus to responding to the proposed recommendations.

In addition to the audit, staff plans to return to the Community and Economic Development Committee on February 24, 2025 to provide a report to the Committee under the title, CEQA Streamlining for Downtown Projects Status Report. The purpose of this update is to provide a status report on approaches and estimated costs to update the Downtown Strategy 2040 Environmental Impact Report to provide streamlining opportunities for future development projects in downtown. While this work has some similarities to the proposed work plan item, it is limited to the unique attributes of development in the Downtown core and as such would require expansion of the scope to include the recommendations.

Beyond these two forward looking work plan items, adding the recommendations to the Environmental Review Team's work plan (the Team consists of six Planner I-IIIs, one Supervising Planner IV, and one Principal Planner) would have timeline impacts on the following work already in progress:

CMO-Led Homelessness Efforts: The CMO has directed staff, including Environmental Review Team staff, to prioritize efforts to reduce homelessness adjacent to creeks and establish safe sleeping sites, emergency interim housing sites, and safe parking sites. All of these sites require some level of environmental constraints analysis and environmental review for CEQA and/or NEPA (if federal funds will be used). This work is a priority, and PBCE dedicated an environmental planner to the project that will spend between 5 – 20 hours/week. The goal is to complete this work by the end of 2024.

## Analysis (Continued)

Major private development projects anticipated for completion by December 2024 that could be delayed if staff resources are re-deployed to focus on City Council direction:

- Santa Teresa Kaiser Hospital EIR (PC on 9/11 and CC on 10/8)
- Westgate West Costco EIR (PC likely in October and CC in November, subject to change)
- Good Samaritan Hospital EIR (public hearings likely in November/December, possibly extending into early 2025)
- Downtown San Jose, Willow Street, and Mabury Yard Digital Billboards (hearing potentially in November or December 2024)
- 24 active Builders Remedy projects in various stages of review. Several are preparing EIRs and at least one of these projects (De Anza) could conceivably complete circulation before the end of 2024. These projects have strict processing timelines under the Housing Accountability Act, so staff is limited in the ability to delay these projects in order to respond to the City Council referral

Five Wounds Urban Village Plan EIR: The First Administrative Draft EIR is under staff review. This EIR will provide programmatic CEQA clearance to future development in the Urban Village to streamline future project approvals, consistent with the 2022 Audit recommendation #12.

Ministerial Ordinance for Residential Projects: Citywide and Environmental Review Team staff are coordinating on the preparation of a ministerial ordinance that would allow certain types of projects to pursue a ministerial process with no CEQA review. This will require the development of performance standards and standard conditions of approval (likely coming from the conditions and mitigation measures being refined in the Environmental Review Guidelines). This will require significant staff focus, especially since the goal is to complete this item by December 2024.