



Request for Policy Analysis (Council Referrals)

Department Planning, Building, and Code Enforcement Rules Date 5/13/26 Item C.1
 Department Rep. Name/Ext. Chris Burton Councilmember Sponsorship Tordillos, Campos, Cohen, and Kamei
 Policy/Ordinance Subject Ministerial Approvals for AB 130 Projects

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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is this time critical or an emergency? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Will this require substantial resources, staffing, budget, strategic support, or reprioritizing existing work plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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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 = 11
 c. High Complexity is a sum of 10 or greater.

Scoring Criterion		Low Complexity	Medium Complexity	High Complexity
	Estimated Duration	6 – 9 months <input type="checkbox"/> = 1	9 - 18 months <input checked="" type="checkbox"/> = 2	More than 18 months <input type="checkbox"/> = 3
(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 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 checked="" 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 checked="" 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 checked="" type="checkbox"/> Housing	<input type="checkbox"/> IPA	<input type="checkbox"/> Library	<input checked="" type="checkbox"/> PBCE	<input checked="" type="checkbox"/> PW	<input checked="" type="checkbox"/> DOT

CMO Approval: /s/ Lee Wilcox Date 5/12/2026

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 Council defer this nominated idea, to allow AB 130-exempt projects ministerially through an ordinance update by September 2026, to a later designated date and 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.

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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)

Per Council direction, staff is working on and has completed a number of work items to streamline housing development including ministerial processes in our growth areas, including Downtown and North San Jose, exploring additional density through the General Plan Four Year Review, and updates to the CEQA Handbook and Standard Conditions of Approval.

This proposal would represent new work not currently included in the workplan.

Ministerial projects need clear, objective criteria that is developed with community and development stakeholder input, as well as coordination with other City departments.

The current ministerial ordinance adopted in 2025 with a focus on growth areas, allows for a streamlined process that eliminates the public hearing component and opportunity for appeal. As such they are statutorily exempt from CEQA. AB 130-exempt projects may be located anywhere in the City. Expanding the scope of the ministerially approved projects, beyond those prioritized through the Housing Element and Building More Housing Focus Area work, would impact Housing Element timelines, and may have ramifications that allow for unsuitable projects in large swaths of the City (especially those that qualify for SB 79 in single family neighborhoods), if done without proper objective standards. Also, while the intent is to reduce staff time, the process for such projects is already significantly streamlined with approvals at Director Hearing (no staff report). The largest amount of time goes into completeness and consistency evaluation with the core departments, which would still be required, even for ministerial projects. If such projects were required to be approved within 90 days (separate March Budget Message direction), it would leave very little room for meaningful staff and community engagement.

Separate from the policy concerns, Ordinance amendments typically take a minimum of 6-9 months, as they require multiple hearings before the Airports and Land Use Commission, Planning Commission, and City Council. The scope of this proposal would require further prioritization amongst other state mandated work and may jeopardize our Housing Element's certification.