



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: Councilmember Tordillos
Councilmember Campos
Councilmember Cohen
Councilmember Kamei

SUBJECT: MINISTERIAL APPROVAL OF AB 130-QUALIFYING PROJECTS

DATE: April 22, 2026

Approved

Date: 4/22/26

Anthony Tordillos *R* *David Cohen* *Rosemary Kamei*

RECOMMENDATION

Direct the City Manager to return to Council by September 2026 with an ordinance to expand ministerial approval processes citywide to housing development project applications that meet the eligibility criteria for a statutory exemption to the California Environmental Quality Act (CEQA) pursuant to AB 130 (2025).

BACKGROUND

Throughout San Jose, infill sites represent some of our best opportunities to meet our housing goals. These sites already feature the infrastructure—utilities, transit access, etc—to support housing growth while creating little to no environmental impacts from new development. Last year, recognizing the need to unlock infill opportunities across the state, the Legislature adopted AB 130 as a budget trailer bill to streamline infill housing by exempting it from expensive and time-consuming CEQA review.

The criteria to qualify for a CEQA statutory exemption under AB 130 are prudent, exacting, and carefully designed to ensure exempted projects suit the local community; incorporate extensive environmental protections; and, in the case of developments over 85 feet tall, include strong prevailing wage and trained workforce requirements. Given these criteria, allowing for ministerial approval of qualifying projects would expedite

much needed housing development in key parts of the City, while still ensuring that any such project remains subject to key climate and labor protections. For similar reasons, the City of Mountain View is examining AB 130 as the basis for administrative approval of qualifying projects.

Moreover, a ministerial approval process for AB 130-qualifying projects may, in the long term, ease the workload on our Planning, Building, and Code Enforcement Department (PBCE). By minimizing the need for hearings for such projects, including the capacity and time taken up by additional hearing noticing or by the drafting of related staff reports, PBCE resources can be freed up for projects that require closer review or greater staff support, or that result from council-directed policymaking activity.

AB 130 presents the City with a viable framework for a ministerial process to accelerate housing production in the places where it most makes sense. We should move quickly and thoughtfully to build on that framework.

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.