



SIERRA CLUB

LOMA PRIETA

SAN MATEO, SANTA CLARA & SAN BENITO COUNTIES

November 20, 2021

City of San Jose
200 E. Santa Clara Street
San Jose, CA 95113

Mayor and City Council of San Jose, mayoremail@sanjoseca.gov

Chappie Jones <District1@sanjoseca.gov>,

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District3 <district3@sanjoseca.gov>,

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Sylvia Arenas <district8@sanjoseca.gov>,

Pam Foley <District9@sanjoseca.gov>,

Matt Mahan <district10@sanjoseca.gov>

Planning Commission Chair, Rolando Bonilla

Via: PlanningCom6@sanjoseca.gov

Community Development and Housing Element Project Manager

Via: luisa.galdamez@sanjoseca.gov

Cc: city.clerk@Sanjoseca.gov

Subject: General Plan Revisions - Housing Element

The Sustainable Land Use Committee (SLU) of the Sierra Club Loma Prieta Chapter advocates on land use issues in San Mateo and Santa Clara Counties.

Currently, all cities in California are required to update their current Housing Element to meet the new 2023 - 2031 RHNA requirements. This is an impactful process, and we offer the following comments and observations for your consideration.

1. Cities are contributing to an imbalance between jobs and housing that is unsustainable.

We recognize the new RHNA goals are much higher than the previous RHNA goals and most cities are struggling to see how to meet these higher goals; however, as this process is unfolding, many cities are also simultaneously approving large office and R&D developments within their jurisdiction which will bring thousands of new jobs into the community without considering the impact of those jobs on the new RHNA goals and the city's existing jobs/housing balance.

2. Jobs/Housing Fit: Cities are not providing for a sustainable "jobs/housing fit" within their city.

An unsustainable jobs/housing fit means that the majority of homes within the city are not affordable to the majority of employees who work in the city, and conversely, the jobs in the city do not pay enough to cover the cost of housing in the city. This causes difficulty in hiring and retaining employees, higher worker costs, more traffic congestion, more air pollution, less time with family, and less time participating in community recreational activities and events.

3. Many cities are not coordinating plans for new commercial development with their Housing Element.

Cities are not coordinating the expected number of new jobs with the expected number of new housing units that will be needed to house those new employees and the impact those new jobs will have on city-wide housing prices, housing availability, and income inequality.

4. RHNA numbers are not reflecting the anticipated housing need in relation to the real numbers of jobs that each city is approving.

Despite large increases in the RHNA goals, the disconnect is so vast that, even if the city were to fully meet it's 2023-31 RHNA goals, it could still be far short of a sustainable jobs/housing balance.

5. Probability of development: "p(dev)"

While "Probability of Development" for each lot is a required part of a Housing Element, many cities are not considering and documenting the probability ["p(dev)"] that those lots can in-fact be developed.

6. Commercial development proposals should be required to specify anticipated number of jobs created.

If commercial developers do not include an estimate of number of jobs expected in their proposed development, the city staff should

- a) Use a rule of thumb¹ to estimate the number of jobs and the potential impact on the city's overall jobs / housing ratio.
- b) Add this to a running total of the cumulative number of jobs and housing in the city, using a consistently updated excel sheet or equivalent data record in order to track the balance.
- c) Evaluate what impact those jobs will have on the projections in the Housing Element.

7. Sea level rise and wildfires should be a consideration in the Housing Element.

Sea Level Rise and wildfires have increasingly serious financial consequences for taxpayers. The new Housing Element should either not allow or discourage permanent housing in areas highly vulnerable to flooding, potential inundation from ground water rise, and wildfires.

Below we note some ways to maintain a jobs / housing balance.

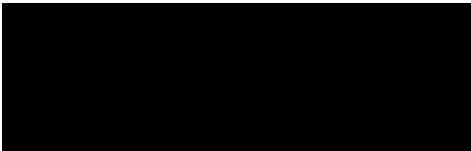
- a) Require developers of large commercial projects to actually provide the number of housing units needed either on-site or off-site to balance the jobs generated by their development.
- b) This can be in partnership with a for-profit or non-profit housing developer or be built by the commercial developer itself.
- c) Increase current commercial impact fees as they are not sufficient to meet this need.
- d) Require the needed housing to be built simultaneous with building the commercial development.
- e) Change some commercial zoning to residential zoning or mixed-use/housing.

Summary

- **The 2023-31 RHNA goals do not reflect the real anticipated housing needs in many cities based on the real numbers of commercial development and jobs that each city has in its pipeline and is expected to approve during the new RHNA time frame.**
- **The goal of the Housing Element needs to be aligned with the actual number of jobs in the development pipeline, not just the RHNA numbers.**
- **The Housing Element should, in addition, include a “jobs/housing fit” goal, not just numerical jobs:housing balance.**
- **If cities approve zoning changes that are not likely to produce any real new development, those revisions should not count toward the new RHNA goals.**

We recognize that this Housing Element is particularly challenging and are very appreciative of the effort that the city is putting into it. Therefore, we offer this only in the hope that this information may serve to be useful in your process.

Respectfully Yours,



Gita Dev, FAIA, Co-Chair
Sustainable Land Use Committee
Sierra Club Loma Prieta Chapter

Cc: Chair and Members of the San Jose Planning Division
Mayor and Members of the City Council of San Jose
James Eggers, Executive Director, Sierra Club Loma Prieta Chapter
Gladwyn d'Souza, Conservation Chair, Sierra Club Loma Prieta Chapter

¹ **Rule of Thumb:** Per our research, a good rule of thumb is a new office building will generate about one job per every 150 square feet of floor space and a new R&D or Biotech campus will generate about one job per 300 to 400 square feet of floor space. These jobs will in turn require a jobs/housing ratio of 1.5 jobs per housing unit or less to maintain a sustainable jobs / housing balance. Note: Calculating the jobs/housing ratio based only on office and R&D square footage covers the housing needed for those new jobs, but does not factor in the multiplier effect where each new office and R&D worker, creates more jobs for the lower income service workers who support that new employee (e.g., grocery clerk, Amazon driver, restaurant worker, etc.). A method of calculating this multiplier effect should also be built into the Housing Element as each office project approved simultaneously creates demand for additional low income and affordable level housing.

City Council meeting Dec 14

EDWARD DAVIS [REDACTED]

Wed 12/8/2021 10:31 AM

To: City Clerk <city.clerk@sanjoseca.gov>

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Please provide the attached letter for the 2021-12-14 City Council Agenda Items 10.3 & 10.5 to the public record and to all of the district offices and the mayor's office. These agenda numbers are from the agenda posted as of 8:45 am on 2021 12 07.

To Mayor Liccardo and City Council Districts 1 through 10

We strongly support the position of the Families and Homes San Jose and the Willow Glen Neighborhood Association. We urge you to take the following actions to prevent the potential for uncontrolled development. Whereas we understand and appreciate the need for additional housing, some of which must be affordable housing. However, the means being proposed to accomplish these ends are being put forth by speculators and developers that have no stake in any of the neighborhoods that will be affected other than anticipated corporate profits.

- Pass an urgency ordinance that will limit SB9 development to a maximum of 4 units per existing parcel.
- Ensure the urgency ordinance includes protections for our single family neighborhoods by making all new SB9 development subject to the same existing single family development standards that have long governed residential development in our city.
- Ensure the urgency ordinance also include a requirement that all new SB9 development be subject to the same fees that currently apply to all single family development in the city. Additional fees to address increased climate impacts (i.e., increased Vehicle Miles Traveled (VMT) and loss of tree canopy) should be considered.
- Direct city staff to abandon any further action on "Opportunity Housing" as it largely overlaps SB9, which is now state law.
- Direct to staff to not explore allowance for "SB 9-type" housing projects within R-2 Zoning Districts and on historic and/or conservation properties that do not currently qualify under SB 9."

Respectively,

Edward Davis
and
Maureen Sheehan

San Jose Property Owners, Residents and Registered Voters



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Fwd: 10.3 Opportunity Housing, and 10.5 SB 9 Implementation

City Clerk <city.clerk@sanjoseca.gov>

Mon 12/13/2021 8:55 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Mathew Reed <mathew@siliconvalleyathome.org>

Sent: Friday, December 10, 2021 5:15:56 PM

To: Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Jones, Chappie <Chappie.Jones@sanjoseca.gov>

Cc: McGarrity, Patrick <Patrick.McGarrity@sanjoseca.gov>; Ramos, Christina M <christina.m.ramos@sanjoseca.gov>; Ho, Nathan <Nathan.Ho@sanjoseca.gov>; The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; Morales-Ferrand, Jacky <Jacky.Morales-Ferrand@sanjoseca.gov>; Kaspar, Nick <Nick.Kaspar@sanjoseca.gov>; Groen, Mary Anne <maryanne.groen@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; Quevedo, Matthew <Matthew.Quevedo@sanjoseca.gov>; Brown, Stacey <Stacey.Brown@sanjoseca.gov>; Chapman, Helen <helen.chapman@sanjoseca.gov>; Lomio, Michael <Michael.Lomio@sanjoseca.gov>; Nguyen, Mindy <Mindy.Nguyen@sanjoseca.gov>; Brilliot, Michael <Michael.Brilliot@sanjoseca.gov>; Hughey, Rosalynn <Rosalynn.Hughey@sanjoseca.gov>; Arreola, Kiara <Kiara.Arreola@sanjoseca.gov>; Gomez, David <David.Gomez@sanjoseca.gov>

Subject: 10.3 Opportunity Housing, and 10.5 SB 9 Implementation

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Councilmembers Arenas, Davis, Carrasco, Cohen, Esparza, Foley, Jimenez, Mahan, and Peralez

Re: 10.3 Opportunity Housing, and 10.5 SB 9 Implementation

On behalf of the San Jose Neighborhoods for All coalition I am pleased to submit this letter of comment on the SB 9 implementation items that will be before you next week.

Mathew Reed
Director of Policy
SV@Home

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Honorable Mayor Sam Liccardo and Members of the City Council
 City of San Jose
 200 East Santa Clara Street, 18th Floor
 San Jose, CA 95113

Dear Mayor Liccardo, Vice Mayor Jones, and Councilmembers Arenas, Davis, Carrasco, Cohen, Esparza, Foley, Jimenez, Mahan, and Peralez,

Re: 10.3 Opportunity Housing, and 10.5 SB 9 Implementation

The San Jose Neighborhoods for All coalition was formed in support of “Opportunity Housing,” to begin to remove barriers to building a community of inclusion where everyone can live, work and thrive.

With the passage of SB-9 at the state level – which eliminated exclusionary single-family zoning, allowed 2-4 new homes, took measures to prevent displacement, and acknowledged the challenges of historic neighborhoods – we made the decision to focus our collective energy on successful implementation of the State law, and to advocate for a separate study of incentives and subsidy programs that would expand affordability. We believe this is a tremendous opportunity for San Jose and communities throughout the state.

San Jose should embrace this opportunity by moving forward with the work of implementing the new law, and taking these additional steps to support its full potential:

- **Planning and Housing Department staff should study a broad range of incentives, subsidies, and additional programs that could create opportunities for more affordable homeownership and rentals, without undermining the feasibility of SB 9 projects.**
- **The opportunities of SB 9 should be extended to R-2 parcels, and staff should be directed to explore ways to integrate them into existing design guidelines for historic districts.**
- **Any urgency ordinance language must focus on clarity and feasibility, and not create barriers to opportunity before the community has had a chance to be heard on a permanent ordinance.**

- **Community Engagement in developing permanent design guidelines must be broad, and inclusive of the entire community – renters and homeowners, residents of all ages, incomes, and backgrounds, from across all areas of the city. These guidelines must be reflective of all of our needs and interests.**

We continue to believe that expanding housing opportunities and communities of inclusion will help break down the division of our city by race and income, provide new housing choices and options, and promote environmental sustainability by building in rather than sprawling out. We believe that thoughtful implementation will enhance neighborhoods and strengthen communities throughout the city.

Since this coalition came together we have known that ending exclusionary-zoning barriers alone would not address historic divisions in San Jose, nor would it offer a quick solution to our housing crisis. What the state law has done is create a tool that San Jose can use to expand opportunities. But, realizing this potential will require a collective commitment to embracing this tool, supporting feasibility, furthering inclusivity and broadening accessibility.

At a time when many cities in our region, and around the state, are responding to this moment by erecting new barriers to maintain exclusion, San Jose has the opportunity to be a model of a different way, one which embraces inclusion and expands opportunity.

San Jose Neighborhoods for All

City Council Meeting Dec. 14th agenda item 10.3 21 2571Pat Blevins 

Mon 12/13/2021 8:35 PM

To: City Clerk <city.clerk@sanjoseca.gov>

[E ternal Email]

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Mayor Liccardo and City Council members from District 1 - 10,

I am asking you to pass by Dec. 31st. 2021 the following Urgency Ordinance to include the following:

- An urgency ordinance that will limit SB9 development to a maximum of 4 units per existing parcel
- Ensure the urgency ordinance includes protections for our single-family neighborhoods by making all new SB9 development subject to the same existing single family development standards that have long governed residential development in our city.
- Ensure the urgency ordinance also include a requirement that all new SB9 development be subject to the same fees that currently apply to all single family development in the city. Additional fees to address increased climate impacts (i.e., increased Vehicle Miles Traveled (VMT) and loss of tree canopy) should be considered.
- Direct city staff to abandon any further action on “Opportunity Housing” as it largely overlaps SB9, which is now state law.
- Direct to staff to not explore allowance for “SB 9-type” housing projects within R-2 Zoning Districts and on historic and/or conservation properties that do not currently qualify under SB 9 ”

Patricia Blevins
San Jose

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Re: Item 10.2 General Plan 4 Year Review, Commercial Requirements for 100% Affordable Housing

Mathew Reed <[REDACTED]>

Mon 12/13/2021 8:00 PM

To Jimenez Sergio <[REDACTED]> Peralez Raul <[REDACTED]> Cohen David
 <[REDACTED]> Carra co Magdalena <[REDACTED]> Davi Dev
 <[REDACTED]> Arenas Sylvia <[REDACTED]> Mahan Matt <[REDACTED]> Foley
 Pam <[REDACTED]> E parza Maya <[REDACTED]> Liccardo Sam
 <[REDACTED]> Jone Chappie <[REDACTED]>
 Cc McGarrity Patrick <[REDACTED]> Ramos Chri tina M <[REDACTED]> Ho
 Nathan <[REDACTED]> The Office of Mavor Sam Liccardo <[REDACTED]>
 Morales Ferrand Jacky <[REDACTED]> Ka par Nick <[REDACTED]> Groen Mary
 Anne <[REDACTED]> City Clerk <[REDACTED]> Quevedo Matthew
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 <[REDACTED]>

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Dear Mayor Liccardo, Vice Mayor Jones, and Councilmembers Arenas, Davis, Carrasco, Cohen, Esparza, Foley, Jimenez, Mahan, and Peralez.

We are pleased to submit these comments on the need to remove commercial requirements from 100% affordable residential developments.

Mathew Reed
 Director of Policy
 SV@Home

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Javier Gonzalez
Google

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Jennifer Loving
Destination: Home

Mary Murtagh
EAH Housing

Chris Neale
The Core Companies

Kelly Snider
Kelly Snider Consulting

Staff
Regina Celestin Williams
Executive Director

TRANSMITTED VIA EMAIL

December 13, 2021

Honorable Mayor Sam Liccardo and Members of the City Council
City of San Jose
200 East Santa Clara Street, 18th Floor
San Jose, CA 95113

Dear Mayor Liccardo, Vice Mayor Jones, and Councilmembers Arenas, Davis, Carrasco, Cohen, Esparza, Foley, Jimenez, Mahan, and Peralez.

**Re: Item 10.2 - General Plan 4-Year Review,
Commercial Requirements for 100% Affordable Housing**

We write in support of the General Plan Task Force's recommendation to eliminate commercial space requirements for all new 100% affordable housing developments.

Eliminating commercial requirements is the most high-impact action this council can take to remove city-imposed barriers to affordable housing development.

Our City continues to fall short in its response to the magnitude of the affordable housing crisis, even as the hardship facing communities hardest hit by the pandemic are making this need more pressing. The Council has an opportunity to acknowledge that the hardship of the housing crisis falls disproportionately on lower income workers and Black, Indigenous, People of Color (BIPOC) communities where severe rent-burden, housing instability, and risk of displacement can be socially, psychologically, and economically crippling.

Through this bold action of eliminating the commercial requirement from 100% affordable housing developments, the Council has the opportunity to recognize the existence of land-use and zoning regulations or policies in our General Plan that reinforce the racial and economic inequality that we see in our City. These existing regulations or policies constrain our response to the housing crisis and were intended to do so.

In most parts of the city where we have planned to build new homes, mixed-use zoning requires that 100% affordable developments include ground floor commercial or retail space. This city requirement is making many projects infeasible in the very places we have planned to expand opportunities – adding millions of dollars in additional development costs, reducing the number of homes that can be built, creating a funding problem because

December 13, 2021

Re: Item 10.2 Commercial Requirements for 100% Affordable Housing

Page 2 of 2

affordable housing funds cannot be used to build commercial spaces, and forcing developers to pass up on opportunities in these well resourced areas.

These unique barriers are widely acknowledged. They were included by staff as a citywide concern in the original Housing Crisis Workplan (#22), they were then referred to the General Plan Four-Year Review Task Force as “Commercial Space Requirements for Affordable Developments” separate from Urban Village items, and after significant discussion across multiple meetings, the Task Force voted nearly unanimously to eliminate the requirements due to the overwhelming desire to use every tool available to combat structural racism in all shapes and forms and to build more desperately needed affordable housing.

Integrating housing for people of all incomes into mixed-use, high-growth areas of the City is a long recognized policy priority. The existing commercial requirements, which assume that every building must be mixed-use in all of these areas, is a barrier to this integrative vision. Meeting the challenge of the housing crisis means removing barriers to creating a City where no one is shut out, left unhoused, under-housed, or rent burdened, a City that cares for its people who live and work here.

On Tuesday we urge you to move forward in removing these barriers and support both memoranda introduced by councilmembers Davis, Arenas and Jimenez, and by councilmembers Foley and Cohen.

Sincerely,



Regina Celestin Williams
Executive Director



Opposition to Item 10.3: Oppose Study SB 9 in Historic and Conservation Areas

Marni Kamzan <[REDACTED]>

Mon 12/13/2021 10:27 PM

To: City Clerk <city.clerk@sanjoseca.gov>

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Please post in Public Letters about Dec 14 Agenda item 10.3

I have lived in Naglee Park for the past 15 years. One of the primary reasons why my husband and I moved here was because we fell in love with the architecture of the area. Many neighborhoods nowadays are developments with very little variation between houses. In Naglee Park, however, houses are all different from one another. And because the area has been a Conservation area for many years, a majority of the houses have been preserved in their original state. My own house is over 100 years old. I often feel as if I am its steward instead of its owner, and I try to maintain it not only for my own enjoyment, but for the next people who will live here.

The Historic Resources Inventory, Conservation Areas and Historic Districts have been part of the City for decades, and help us preserve the unique character of San Jose. Why then has the Planning Department recommended a study to open these areas to development under the new State Law, SB 9? The housing stock in these areas, less than 4000, is miniscule compared to other types of housing, which the Census puts at 342,037 citywide. Why spend money on a study, and consultant's fees, on such a tiny potential increase in density?

When the idea of Opportunity Housing was first being considered, the Planning Department was saying that they would exclude older houses, though the exact age of those houses was never specified. What has changed that would make the City intentionally and specifically want to add new houses in older neighborhoods? Especially since there has been absolutely no community engagement before allocating money for this study?

It does not make any sense to me, and I doubt that it makes any sense to you. Please vote against this study, and concentrate on making SB 9 the best law it can be in the vast majority of the city.

--

Marni Kamzan
Naglee Park

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