
FW: REAL Coalition Letter re Cost of Development Study Session

From City Clerk <city.clerk@sanjoseca.gov>
Date Wed 11/26/2025 8:03 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachment (248 KB)

REAL Coalition Letter Request for Data in Cost of Development Study Session.pdf

From: Shannon Zhang [REDACTED]
Sent: Tuesday, November 25, 2025 4:53 PM
To: The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; Wilcox, Leland <Leland.Wilcox@sanjoseca.gov>; Maguire, Jennifer <jennifer.maguire@sanjoseca.gov>; Hughey, Rosalynn <Rosalynn.Hughey@sanjoseca.gov>; Solivan, Erik <Erik.Solivan@sanjoseca.gov>; Fields, Sarah <Sarah.Fields@sanjoseca.gov>; Alexander, Cupid <Cupid.Alexander@sanjoseca.gov>
Cc: Reed, Jim <Jim.Reed@sanjoseca.gov>; Fruen, Joseph <Joseph.Fruen@sanjoseca.gov>; Ramirez, Lucas <lucas.ramirez@sanjoseca.gov>; Moreno, Brisa <Brisa.Moreno@sanjoseca.gov>; Gvatua, Alexander <Alexander.Gvatua@sanjoseca.gov>; Lynn.lee@sanjoseca.gov; Nguyen, Lam <Lam.Nguyen@sanjoseca.gov>; Moreno, Brisa <Brisa.Moreno@sanjoseca.gov>; Ramirez, Lucas <lucas.ramirez@sanjoseca.gov>; aaron.zeelig@sanjoseca.gov; Danino, Shawn <Shawn.Danino@sanjoseca.gov>; Gomez, David <David.Gomez@sanjoseca.gov>; Fleming, Jonathan <Jonathan.Fleming@sanjoseca.gov>; Adera, Teddy <Teddy.Adera@sanjoseca.gov>; Yamamoto, KiyomiH <Kiyomi.Yamamoto@sanjoseca.gov>; Nguyen, Lam <Lam.Nguyen@sanjoseca.gov>; Hughes, Scott <scott.hughes@sanjoseca.gov>; Kylie Clark <[REDACTED]>; Gianella Ordonez <[REDACTED]>; Kyra Kazantzis <[REDACTED]>; City Clerk <city.clerk@sanjoseca.gov>
Subject: REAL Coalition Letter re Cost of Development Study Session

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Dear Mayor, Vice Mayor, Councilmembers, and Staff,

Please find attached a letter from the Race Equity Action Leadership Coalition (REAL) Housing Justice Workgroup regarding requests for data in the upcoming Cost of Development Study Session on December 8. We look forward to your discussion on the topic.

Best,

Shannon Zhang | Nonprofit Policy + Advocacy Fellow
Silicon Valley Council of Nonprofits
[REDACTED] Web: svcن.org | [Linkedln](#)
Pronouns: she/her/hers

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November 25, 2025

Mayor & City Council, et. al
City of San José
200 East Santa Clara Street, 18th Floor
San José, CA 95113
Sent via electronic mail

Re: Request for Data in Cost of Development Study Session

Dear Mayor Mahan, Vice Mayor Foley, and Members of the City Council:

We are writing to request that Council direct staff to address significant gaps in data, analysis, and stakeholder engagement concerning proposed amendments of the Inclusionary Housing Ordinance (IHO) be addressed in part by the Cost of Residential Development study session. Amendments to the IHO were originally scheduled for Council consideration on November 18, 2025, but were unanimously deferred pending the December 8th study session, as members of the Rules and Open Government Committee (Rule Committee) felt they did not have the information Council needs to make such consequential decisions.

Changes to programs that address housing affordability, a top priority for San José's residents and Council, should be supported by robust data analysis and meaningful stakeholder engagement.

The Cost of Residential Development report and study session will inform Council decisionmaking, including consideration of amendments to the IHO, with consequences that impact the lives of hundreds and thousands of San José's residents. It must also accurately inform our collective understanding of San José's housing market and Council's deliberations for the next several years. San José's councilmembers need and deserve to be empowered with the analysis and stakeholder engagement necessary to thoughtfully deliberate, make data-grounded decisions that support accountability, and be able to communicate with your constituents, in order to fulfill your role as representative leaders.

A robust and accurate Cost of Residential Development report is crucial for data-driven decisionmaking, as during last year's budget process, we witnessed significant challenges created by the absence of accurate key information, e.g., the

October 27, 2025 [IHO memo](#) states that 20% of developments currently choose to pay in-lieu fees without producing onsite units, directly contradicting the assertion in the Council-adopted [Mayor's 2025 March Budget Message](#) (p.28) that “developers nearly always elect to pay in-lieu fees.”

The Rules Committee has requested robust data analysis and insights from meaningful stakeholder engagement, which the Cost of Residential Development study session can partially provide, to support consideration of whether and how to amend the IHO. Considering this context, many of our requests for data and analysis to be included in the Cost of Development Study Session reference the Inclusionary Housing Ordinance:

Data Analysis: The study session should substantiate the need for changes and model the potential impact of changes through robust data analysis. The

October 27, 2025 IHO memo states: “Historically, less than 10% of projects subject to IHO requirements have advanced from application to development.” It also says that “feasibility in today’s environment is fragile: only about 28% of initial applications filed since 2021 are still active, reflecting the impact of high land costs, construction costs that are roughly double national averages, and interest rates near 7%, all of which have made it significantly harder for projects that were feasible in 2021 to remain viable in 2025.”

- It is currently unclear that IHO obligations, among the hundreds of factors that affect the cost and feasibility of development, are the factor that renders residential development infeasible. How is this causal connection substantiated?
- Additional clarity is necessary regarding the development project pipeline described in the IHO memo. In regard to the memo’s statements on feasibility:
 - On page 2, what is an “application” in this context? What is “development” in this context? When did these developments apply (number of developments by month by year)?
 - What is the average timeline for a development to move from “application” to “development”? How has this changed over time?

- How has the percentage of developments moving from “application” to “development” changed over time?
- What assessment of current barriers to advancing “from application to development” was conducted?
- How were changes to barriers within the City’s control modeled?
- What changes did scenario modeling of barriers to development within the City’s control demonstrate were likely to impact development outcomes, and by what degree?
- How was the impact of changes on feasibility modeled over time, to demonstrate the current IHO renders market-rate development infeasible not only in the current economic environment (already addressed by the time-limited Multifamily Housing Incentive Program), but in the longer term?

Performance Evaluation: The study session should provide a clear picture of the outcomes of the current IHO. This includes:

- How many units have been developed at each AMI level, in increments of 10%, under the current IHO each year? (The October 27, 2025 IHO memo assesses the current pipeline, but not historical or current performance.)
- How has this changed over time?

Cumulative Impacts: The study session should provide clear understanding of the cumulative and longitudinal impacts of changes affecting housing affordability

- Multiple changes have been made, across both programs and funding, that impact housing affordability in San José. More are scheduled for consideration. As policy changes accumulate, gaining clarity and accountability on which changes are creating which outcomes becomes difficult. How have the cumulative impacts of these changes/ potential changes been assessed?
 - Redirection of Measure E funds, deprioritizing City subsidy of permanent affordable housing
 - Multifamily Housing Incentive Program

- Downtown High Rise Incentive Program
- Tenant Utility Passthrough (scheduled for future consideration)
- The way these changes interact with federal funding cuts to housing programs, rental assistance, and other programs that meet the needs of San José's low-income households, such as nutrition programs and healthcare
- What is the impact of cumulative changes on the City's ability to meet the needs of low-income residents, who make up 44% of San José's population and more than two-thirds of renter households?
- What is the impact of cumulative changes on the City's ability to make adequate progress on its RHNA and Housing Element programs?

Stakeholder Engagement: The study session should substantiate the need for changes and the potential impact of changes through real and meaningful stakeholder engagement

- For the Cost of Residential Development Study, at what point in the Study's development were stakeholders engaged, what organizations did they represent, what specific insights came from engagement, and which stakeholders were not engaged?
- The October 27, 2025 IHO memo states briefly that changes were informed by only two points of engagement, with no summary of questions, concerns, or insights of those engaged: "In mid-August 2025, the Department solicited feedback on the revised Inclusionary Housing regulations from 19 development professionals who use the program, including multifamily developers and single-family home builders. The Department hosted a Community Engagement session on October 9, 2025, to review the proposed IHO revisions."
 - What organizations and perspectives are represented by the "development professionals" who were engaged?
 - What methods of engagement were used?
 - What specific insights were gained from this engagement and how did these insights inform the Housing Department's recommendations?

- Why were the full range of constituencies previously engaged in the development of the current IHO, not engaged in the proposed revision, including:
 - Organizations representing the business community, which struggles to attract and retain talent in San José’s high-cost housing market
 - Developers of affordable housing
 - Low-income families and individuals residing in San José, and the organizations which serve them
- In the absence of robust stakeholder engagement, which limited constituencies have influenced the proposed IHO revisions, and whose needs are the changes responding to?
- See below for a summary from a [2019 IHO memo](#), of robust and transparent public engagement conducted to inform proposed amendments to the IHO, substantially the City’s current IHO.

HONORABLE MAYOR AND CITY COUNCIL
 October 23, 2019
Subject: Inclusionary Housing Ordinance Proposed Revisions
 Page 38

PUBLIC OUTREACH

The Housing Department has hosted seven outreach meetings to members of the development community and other stakeholders to discuss the potential updates to the IHO program, totaling 186 attendees.

Table 16: Summary of Public Meetings

Meeting Date and Audience	Attendees
July 9 – Developers & Stakeholders	22
August 5 – Developers & Stakeholders	17
August 14 – Open Public Meeting	16
August 15 – Silicon Valley Organization	32
October 17 – Silicon Valley Organization	56
October 18 – Developers & Stakeholders	36
October 22 – Developers & Stakeholders	7
TOTAL	186

Additionally, on July 19, 2019 the Housing Department met with two Builders Industry Association board members. Housing Department staff have met in-person with an estimated 25 individual developers to discuss their projects, current requirements, and the potential updates to the IHO. This report will be made available to the public on October 25, 2019 through the Housing Website, and on the City of San José website and in hard copy in the City Clerk’s office, prior to the City Council meeting scheduled for November 5, 2019.

Implications for the Development of Affordable Housing: The study session should assess the impact of proposed changes on the City's ability to assist in the development of affordable housing

- The memo states: "Since 2021, the City has collected \$50 million from in-lieu fees." It also notes that another \$50.6 is represented in the current pipeline. In-lieu fees are one of the largest remaining sources of funding for City subsidy of deeply affordable housing, so long as Measure E is directed away from its original purpose. Helpful data would include:
 - Has the City modeled the potential impact on in-lieu fee revenues of shifting the AMI bands upwards, and the impact on the City's ability to directly subsidize affordable housing development?
 - How would increasing in-lieu fee rates, a change City staff has indicated is likely to be considered during the 2026-27 budget process, impact in-lieu fee collection?
- What is the purpose of removing compliance options that address deeper levels of affordability? The IHO memo states that "Very deep affordability at 30% AMI inside market-rate buildings prohibit financial feasibility under current financing structures," but about 10% of developments in the current pipeline have chosen to produce units at 30% AMI.

In the absence of additional data and analysis, it appears that changing the AMI bands will undermine the City's ability to address the housing needs of lower-income residents, both through IHO units and the City's direct subsidy.

The study session should provide to Council additional key information to support deliberation of changes to programs affecting affordability:

- Clear definition of terms such as "workforce housing," which in context falsely implies that San José's lower-income residents are not in the workforce
- Income distribution of San José's renter households, the primary target of the IHO
- Current average rents in San José, and the relationship of average rent to rent limits at the AMIs 1) currently served by the IHO and 2) in proposed changes to the IHO

- Current RHNA progress by income level, compared to RHNA targets
- Diverse policy options to address development feasibility. Past memorandums from the Housing Department have provided the Council with a wide menu of policy options, along with pros and cons of adopting each. In comparison, the IHO memo focuses on one version of the AMI band shift.

The Cost of Development Study Session typically happens only every two years, and it is the Council's primary opportunity to gather crucial data that will inform your decision-making on the IHO and other housing policy and funding decisions. Please ensure your conversations are centered around data, analysis, and meaningful stakeholder engagement rather than claims, and that decisions are made based on facts rather than assumptions. We hope to see much of this data presented on December 8 and look forward to the conversations that will follow.

In Community,

REAL Housing Justice Workgroup

About REAL:

The REAL community of Silicon Valley based nonprofit leaders and allies has been meeting since June 2020 to use our positional power to advocate for a more racially-just and equitable society; to establish a peer network of leaders committed to fighting white supremacy and systemic racism in ourselves and our institutions; and to hold each other accountable to the promises we made in the Nonprofit Racial Equity Pledge. The REAL coalition is broadly representative of the nonprofit community including human and community services, behavioral health and health, arts and culture, domestic violence, older adults, food security, education, environmental, farming, legal, disability rights, LGBTQ rights, ethnic, immigrant rights, housing and homelessness, criminal justice reform, urban planning, and intermediary organizations, and others. REAL has 50 core nonprofit members, numerous individual members, and hundreds of active participants in the nonprofit community.

FW: Monday Dec 8 Study Session, Agenda Item 2, Residual Land Value

From City Clerk <city.clerk@sanjoseca.gov>
Date Mon 12/8/2025 4:47 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Anne Paulson [REDACTED]
Sent: Sunday, December 7, 2025 10:11 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Re: Monday Dec 8 Study Session, Agenda Item 2, Residual Land Value

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Honored Councilmembers,

PS: there are typos at the bottom of the spreadsheets on pages 30-34. In each case, the last line is labeled RLV per Land Sq. Ft., but it is actually RLV per Land Acre.

On Sun, Dec 7, 2025 at 10:00 AM Anne Paulson <[REDACTED]> wrote:

Honored Councilmembers,

The thorough Cost of Residential Development Study is full of useful information. But there's one confusion, which I hope you can clarify. On page 11, the study explains how the Residual Land Value (RLV) of a project is calculated: it's the market value of the project, minus all the costs except the land cost. It's how much money will be left over to buy the land.

On page 18, the study explains, "The RLV can be compared against the typical cost of acquiring vacant or developable land to obtain a general sense of whether certain residential building types are likely to be viable investment opportunities in the current market." If the land would cost more than the RLV, then the project can't be feasible. And that's how developers decide if a project will be feasible.

So far so good.

But then the analyses starting on page 20 go off the rails. They're assuming that any positive RLV is enough for feasibility: "Sale price points in the green area have positive RLV while those in the red area have negative RLV. In this scenario, the current market price of \$1,100 per square foot is associated with approximately \$525k RLV per unit. Given this significantly positive RLV, it would take a large drop in prices (to about \$670 per square foot) to become infeasible." At \$670 per square foot, the RLV is 0. Feasibility disappears at a much higher RLV than zero in every case, because **the RLV is the money that buys the land**, and land is not free in San Jose.

This is misleading. Can you please get your consultants to explain this discrepancy between the earlier part of the report and the analyses starting on page 20? And can you also ask what RLV

would be necessary for feasibility for the various prototypes (it will not be zero)? Thank you.

--

-- Anne Paulson

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-- Anne Paulson

More Housing, Faster

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FW: Cost of Residential Development Study Session


From City Clerk <city.clerk@sanjoseca.gov>

Date Mon 12/8/2025 8:03 AM

To Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachment (166 KB)

Study Session - The Cost of Residential Development in San José.pdf;

From: Huascar Castro 

Sent: Friday, December 5, 2025 6:47 PM

To: Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>; Candelas, Domingo <Domingo.Candelas@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>

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

Subject: Cost of Residential Development Study Session

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Mayor and Council,

Please see the comment letter below submitted on behalf of the South Bay Labor Council and the Santa Clara and San Benito Counties Building and Construction Trades Council.

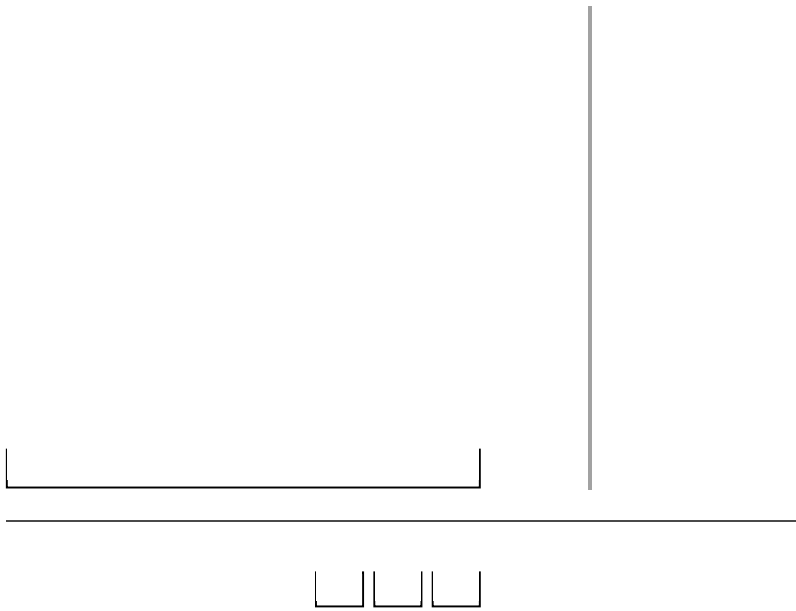
Sincerely,

Huascar Castro

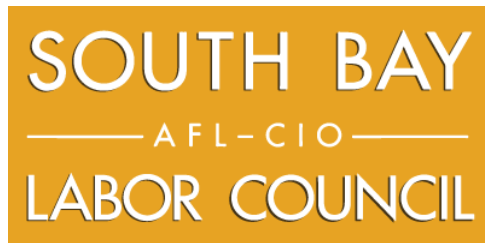
Director of Housing and Transportation Justice



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December 5, 2025

Mayor Matt Mahan and City Council
San Jose City Hall
200 E. Santa Clara Street
San Jose, CA 95112

Re: Study Session - The Cost of Residential Development in San José

Dear Mayor Mahan and Council:

As representatives of the labor movement in Silicon Valley, we believe it is crucial for the City of San Jose to jointly address the goals of increasing housing at all income levels and promoting development that offers good-paying, family-supporting jobs in the building and construction trades to combat housing insecurity and affordability.

Despite efforts by some to portray them as at odds, these two goals go hand in hand. Employing well-trained, fairly paid workers produces higher-quality work, reduces costly construction delays, puts more money into the hands of local workers, strengthening our local economy.

According to the City's latest cost-of-development study, while several barriers affect the financial feasibility of residential construction, prevailing wage standards and apprenticeship programs are not obstacles to development. The City of San Jose should consider this new information in upcoming policy discussions and include workforce standards in future votes on these issues. The Labor Movement is your partner in addressing the housing crisis and creating quality jobs.

As we analyze this data to guide future decisions, it's vital to consider how residential development efforts can also support good jobs and train future workers. To meet future housing demands, we should promote incentives that encourage developers to hire high-road contractors and subcontractors who pay prevailing wages and invest in training through registered apprenticeships. This approach offers San Jose residents—including women, low-income workers, and other underrepresented groups—a pathway to the middle class. These workers deserve wages and working conditions that enable them to advance their careers while remaining active community members.

Currently, there are large scale residential projects in San Jose that have recently adopted labor standards, confirming the viability of economic development goals that ensure good union jobs at scale while addressing our housing shortage. We urge the council to adopt labor standards in all residential construction policies and utilize the study session to guide our future policy decisions in this direction.

High interest rates, rising development costs, and limited public subsidies—not prevailing wage standards—are the primary barriers to both market-rate and affordable housing. Cutting fees alone will not solve this challenge. We need broader strategies that meet the needs of working families, including leveraging the labor movement’s underutilized assets, such as union pension funds.

This is why the South Bay Labor Council, the Santa Clara and San Benito Counties Building Trades Council, and Working Partnerships USA and a broad set co-chairs of various representations launched the Working Families Housing Workgroup in the fall of 2025 to develop a 2026 roadmap for reducing development costs through union pension investment and innovative public financing. The workgroup brings together more than 70 policymakers, developers, finance experts, pension trustees, and community organizations. Over the next year, we will present solutions and look forward to working with the Mayor and City Council to advance shared housing goals

We look forward to continuing this important work with you to build an equitable city that offers good jobs and housing for everyone.

Sincerely,

Jean Cohen, Executive Officer, South Bay Labor Council

David Bini, Executive Director, Santa Clara and San Benito Counties Building and Construction Trades Council

Re: December 8 Study Session as it relates to T24-038

From Alexander Sywak [REDACTED]

Date Mon 12/8/2025 7:00 AM

To The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; Yuen, Charlotte <Charlotte.Yuen@sanjoseca.gov>; Garg, Tina <Tina.Garg@sanjoseca.gov>; Keyon, David <david.keyon@sanjoseca.gov>; Hughes, Alexandre <Alexandre.Hughes@sanjoseca.gov>; Atienza, Manuel <Alec.Atienza@sanjoseca.gov>; Burton, Chris <Christopher.Burton@sanjoseca.gov>; Yu, Aaron <aaron.yu@sanjoseca.gov>; Benjamin Patterson [REDACTED]

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Good morning,

In case I get muddled during my 2 minutes, here is my text.

Since our project's CEQA exemption singularly hinges on whether ADUs count to a project's density required 15 units/acre, who better to ask than the person who wrote the bill, Governor Newsom.

Question:

Governor, do proposed ADUs count towards the density calcs of AB 130?

If he answers YES, case closed – our project density is 24 units/acre – we are exempt.

If he answers NO, we will ask:

Governor, does SB 9 allow two (2) primary dwellings to be sited on each of our 72 single-family lots, providing a density of 24 units/acre?

Answer:

Yes, state law per SB 9 mandates, streamlines and ministerially approves siting two (2) primary dwelling units on any single family lot.

Your density would be 24 units/acre.

Question:

Governor, is each primary dwelling unit allowed to have an ADU attached to it?

Answer:

Yes, under state ADU laws, every primary dwelling unit is allowed to have an ADU attached to it. ADU approval is mandated, streamlined and ministerial.

Your density would be 48 units/acre.

Question:

Governor, on the 7 lots that we provide per our DB application, we could site on each lot four (4) very-low-income housing units, a total of twenty-eight (28)?

Answer:

Yes – that would be great!

Question from the Governor:

And you would really build those 28 units, at **no cost** to the City, and provide them to very-low-income households?

Answer from us:

Yes.

Question from the Governor:

What kick-back do you want from the City?

Answer from us:

None, except maybe no park fee payment, since we will dedicate 1.8 acres of our parcel as a “dog park”, open to the public.

Exclamation from the Governor:

Shezam, what a great deal!

A win-win for everybody, especially shelter seeking families!

You get to finally build your project, it is exempt from CEQA, it has to be ministerially approved, monies from the sale of market houses will cover the gap of constructing the affordable units, all at no cost to the City.

And all you want is lawful CEQA exemption and consideration for the donated 1.8 acres of parkland.

He cautioned:

You know you still have to get this through Planning.

Governor Newsom both smiled and furrowed as he left:

You know you will need a lot of luck with the deep-state. They live off delay, non-responsiveness and invention of obstruction.

Thank you very much for putting this Study Session together, and considering our comments.

Happy to answer any questions, and hope you can help in getting our project approved.

Regards,

Ingrid and Alex Sywak. (408) 309-9253.

On Sun, Dec 7, 2025 at 11:52 AM Alexander Sywak [REDACTED] wrote:

Re: ***City Council Study Session - The Cost of Residential Development in San José.***

December 7, 2025

Dear Mayor, Council Members and City Staff,

We very much appreciate your continuing efforts to address the City's affordable housing shortage. We were made aware of tomorrow's Study Session two days ago. The item not discussed in the Presentation is the deep state resistance within Planning obstructing the approval of upto twenty-eight (**28**) homes to be sold to very-low-income households proposed by a Mom and

Pop, us. Under *Problem: 2. Development Services Process*, ^[1] we are living the obstacles raised and the inattentive and dismissive attitude. Our project provides seventy-two (72) single family lots. Per SB 9 and ADU laws, each lot is allowed to site two (2) primary dwelling units, with an ADU attached to each primary unit, for a maximum of four (4) homes on each lot. **A total of 288 homes, a density of 48 homes/acre.** What we continue to endure could be a Netflix movie/TMZ/Judge Judy.

We submitted T24-038 and our DBL application in November last year, and received our incomplete letter a month later.

On June 30 this year, Governor Newsom signed AB 130, an “urgency” bill, exempting from CEQA housing development projects that are less than 20 acres, if all checklist items are met.

On July 10, 2025, we asked our environmental Planner, to determine whether our project was eligible.^[2]

On July 23 DOT noted that VMT analysis would not be required if a project was AB 130 eligible,^[3] and indicated our project's eligibility was still ongoing.^[4]

On August 1, a new environmental Planner was assigned.^[5] On August 19, Planning denied CEQA exemption,^[6] citing no authority.^[7] The Memorandum found that the project satisfied all requirements of PRC 21080.66, except project density, without citing authority for the conclusion:

Based on the City's analysis, the proposed project does not qualify for AB130 because it does not meet the minimum density requirement of 15 dwelling units/acre.

Although each lot will include one (1) ADU, ADUs are not included in density calculations.

Bear in mind, that just 5 days previously, the Mayor and Council celebrated that San José was the first city in the state to allow the sale of an ADU separate from its primary dwelling unit. This milestone was posted on the City's website:^[8]

The City of San José approved the first Accessory Dwelling Unit (ADU) condominium in the state ... will be the first ADU in the state of California that can be sold separately from the property's main house. The move provides another opportunity for affordable homeownership during the housing crisis.

San José is creating housing affordability and ownership by thinking differently,

The Mayor added:

San José is creating housing affordability and ownership by thinking differently.

ADUs are affordable by design and growing in popularity across the state, and now they can offer the most accessible form of home ownership, too. We are offering a proof of concept for California and hope that other cities follow San José's lead.

The article continued:

The condoization is the first of its kind completed since San José became the first city to approve the sale of ADUs in July 2024. The state approved AB1033 in January of 2024, allowing cities to adopt ADU condoization to increase housing supply. While many cities are in the process, San José is the First large city to implement the measure with a proposal from the Planning, Building and Code Enforcement Department, directed by City Council. The Public Works Department completed the Parcel Map review ... in just 60 days.

The City Manager stated:

The importance of collaboration to help make the dream of homeownership a reality for more of our community cannot be overstated. City departments came together as One Team to make the process as efficient and accessible as possible.

The article continued:

The City is leading the way in helping homeowners decide if building and selling an ADU is right for them. The ADU Condominium Checklist is a step-by-step guide to see if properties qualify for a condominium conversion. The Building Division also has two ADU Ally positions to assist property owners in navigating the process. The City also created the ADU Universal Checklist in 2024, a roadmap commended by other municipalities for synthesizing complex information and streamlining the permitting application process across planning, building, fire, and public works. The First-of-its-kind guide allows property owners to navigate several permitting processes at once and legally build ADUs faster than ever before.

The approved condoized ADU applicant added:

With San José leading the way under AB1033, we can offer homeownership at more attainable price points, giving families the opportunity to build equity and long-term

stability,” ... “I want to thank Mayor Matt Mahan, the City’s leadership, and city staff for their vision in adopting AB1033 and for partnering with us to make this milestone a reality. Together, we are opening new doors for families to achieve stability and a brighter future here.”

On September 2, our legal counsel submitted a letter to the Director identifying the several ways the project met the density criterium.^[9] We checked with the Director’s staff, it was received. A response was requested within two weeks. None has been provided by the Director.

On September 24, in follow-up to our counsel’s inquiry, the City attorney stated:^[10]
Thanks for speaking to me about this project last week. I met with City Planning staff to discuss your letter regarding your client’s project and qualification for statutory exemption under AB 130. I will offer that the City is tentatively in agreement that the project may qualify under AB130, but will need to evaluate based on your client’s resubmittal earlier this week. City staff will reach out to your client shortly to set up a meeting to discuss any remaining issues or concerns, hopefully in the next week or so. If you have any questions, please free to contact me.

The promised meeting has never been scheduled.

On September 25, after discussing our project, the senior policy advisor to Mayor Mahan stated:^[11]
Thank you Alex and Ingrid for bringing investment in much needed housing to San Jose!

On October 2, Planning responded to questions about the *condoization* of our proposed ADUs, and suggested we contact that specialty department.^[12] In the several ensuing conference calls with Ms. Ankola (great Planner, called back many times to initiate calls and discussions), we began to understand the City’s requirements for the separate sale of ADU’s from their primary units.

On October 15, Planning notified us that our resubmission filed on September 19, was deemed complete.^[13] We understand that as of September 19, the clock started ticking the City’s mandated time periods for subdivision and CEQA reviews.

On October 16, we again reached out to Planning asking if there were any updates/questions stemming from our counsel’s note to the Director.^[14] Planning did not respond.

On October 20, the City attorney provided an additional update:^[15]
Apologies for the delayed response. I reached out to Planning staff for an update and hopefully they will get back to the applicant soon.

Planning again did not get back to us.

On October 22, the Mayor’s office provided an update.^[16]

On November 18, we requested clarification from the Planning Commissioners re PP25-001.

^[17] Unbelievably, in the heart of Silicon Valley, Commissioners’ published email addresses do not work. We attended the PC Hearing the evening of November 19. We were the only persons to comment/attend on this item.

On November 21, Planning noticed that the second Review had been completed,^[18] and copied.

^[19] Planning denied that our housing development for very-low-income households under the DBL was eligible for CEQA exemption. Planning’s provided evidence is not based on state law or City ordinance. Additionally, the denials were provided eighty (80) days after our counsel’s notice to the Director, and sixty-three (63) days after our resubmission was deemed complete.

On December 3, we requested a meeting with Planning staff.^[20] We have not heard back yet, but hope that at that meeting, we can convince the department our project density is well over 15 dwellings/acre, and find that our project is eligible for CEQA exemption.

We have a question for the Mayor and Council Members – how would you feel in our shoes, and what would you do next?

Looking forward to the Study tomorrow. Call anytime. [REDACTED]

Regards,

Ingrid and Alex Sywak

[1] Presentation, Page 60.

[2] Email request to Kara Hawkins, City CEQA Planner; July 10, 2025.

[3] DOT note that if AB eligible, project would be exempt from VMT analysis, July 23, 2025.

[4] Note from Planning that determination re eligibility not yet made, July 23, 2025.

[5] New environmental Planner assigned, Ms. Charlotte Yuen, August 1, 2025.

[6] Email notification that a determination had been made, August 19, 2025.

[7] Ms. Charlotte Yuen Memorandum re AB 130 ineligibility, August 19, 2025.

[8] City News Release, August 14, 2025.

[9] Legal counsel's letter to the Planning Director; September 2, 2025.

[10] Response from City attorney, September 24, 2025.

[11] Email from Mr. Vincent Rocha, Senior Policy Advisor to Mayor Mahan, September 25, 2025.

[12] Planning's referral to City's ADU specialists, October 2, 2025.

[13] Planning deeming resubmission as complete, October 15, 2025.

[14] Note to Planning re response to September 2, 2025, counsel letter.

[15] Update from City attorney, October 20, 2025.

[16] Update from Mr. Vincent Rocha, Senior Policy Advisor to Mayor Mahan, October 22, 2025.

[17] Email to Planning Commissioners re PP25-001, November 18, 2025.

[18] Email from Planning, November 21, 2025.

[19] 2nd. Review Letter, sent November 21, 2025.

[20] Request to meet with Planning, December 3, 2025



Alexander Sywak <alex.sywak@gmail.com>

Impact of AB 130 & 131

Alexander Sywak <[REDACTED]>

Thu, Jul 10, 2025 at 12:23 PM

To: "Kara.Hawkins@sanjoseca.gov" <Kara.Hawkins@sanjoseca.gov>, David Keyon <David.Keyon@sanjoseca.gov>
Cc: Alexandre Hughes <Alexandre.Hughes@sanjoseca.gov>, Alec Atienza <alec.atienza@sanjoseca.gov>, "Balance, Renzel" <Renzel.Balance@sanjoseca.gov>, "Banwait, Manjit" <Manjit.Banwait@sanjoseca.gov>, Florin LaPustea <florin.lapustea@sanjoseca.gov>, Jason Yan <jason.yan@sanjoseca.gov>, Elizabeth Koki <elizabeth.koki@sanjoseca.gov>, Ingrid Sywak <[REDACTED]>

July 10, 2025

Hi Kara, David

The recent enactment of ABs 130 and 131 may impact CEQA requirements for our project. We believe our project may be eligible for a statutory exemption under AB 130 for the following reasons:

- Our housing development project is ~6.04 acres, and less than 20 acres.
- It is consistent with the General Plan.
- It is within City limits with an urban use and previously had 2 homes on the site.
- Utilizing the DBL, the project is eligible for 72 homesites, each to include an ADU within its footprint, with a density ~24 units/acre. 14 units (7 homes + 7 ADUs) will be provided for very-low-income households.
- The project is not located on a wetlands site.
- In 2018, DTSC cleared the site for residential development.

We are currently reanalyzing the project's VMT impact, based on 144 units (72 home sites, each footprint to include an ADU).^[1] It should be noted that our project is within ½ mile of 2 MTSs along Senter Road: @ Forestbrook Way and Hellyer Avenue.^{[2] [3]} Per CEQA Guideline 15064.3, the project should be presumed to have a less than significant transportation impact.

Has Planning and DOT determined how the bills would affect VMT analyses for eligible projects, and specifically our project?

Thank you for your consideration.

Regards, Ingrid and Alex Sywak

[1] DOT email 20250130.

[2] MTSs along Senter Road.

[3] ½ mile proximity.

3 attachments



SCC 2x MTS.png
8185K



20250130 Balance from Gmail - very low income eligibility number.pdf
119K



MTS 2 Wire.pdf
556K



Alexander Sywak <alex.sywak@gmail.com>

Impact of AB 130 & 131

Hughes, Alexandre <Alexandre.Hughes@sanjoseca.gov>

Wed, Jul 23, 2025 at 11:24 AM

To: "Balance, Renzel" <Renzel.Balance@sanjoseca.gov>, Alexander Sywak <[REDACTED]>
Cc: "Atienza, Manuel" <Alec.Atienza@sanjoseca.gov>, "Lapustea, Florin" <Florin.Lapustea@sanjoseca.gov>, "Yan, Jason" <Jason.Yan@sanjoseca.gov>, "Koki, Elizabeth" <Elizabeth.Koki@sanjoseca.gov>, "Hawkins, Kara" <Kara.Hawkins@sanjoseca.gov>, "Keyon, David" <david.keyon@sanjoseca.gov>, "Banwait, Manjit" <Manjit.Banwait@sanjoseca.gov>, Ingrid Sywak <[REDACTED]>

Right now it's still under review as far as I understand it.

best,

Alexandre Hughes, Planner III

Planning Division, Planning, Building and Code Enforcement Department
City of San José | 200 E. Santa Clara Street | San José, CA 95113
alexandre.hughes@sanjoseca.gov | (408)535-7827

From: Balance, Renzel <Renzel.Balance@sanjoseca.gov>

Sent: Wednesday, July 23, 2025 11:20 AM

To: Alexander Sywak <[REDACTED]>

Cc: Hughes, Alexandre <Alexandre.Hughes@sanjoseca.gov>; Atienza, Manuel <Alec.Atienza@sanjoseca.gov>; Lapustea, Florin <Florin.Lapustea@sanjoseca.gov>; Yan, Jason <Jason.Yan@sanjoseca.gov>; Koki, Elizabeth <Elizabeth.Koki@sanjoseca.gov>; Hawkins, Kara <Kara.Hawkins@sanjoseca.gov>; Keyon, David <david.keyon@sanjoseca.gov>; Banwait, Manjit <Manjit.Banwait@sanjoseca.gov>; Ingrid Sywak <[REDACTED]>

Subject: RE: Impact of AB 130 & 131

[Quoted text hidden]



Alexander Sywak <alex.sywak@gmail.com>

Impact of AB 130 & 131

Balance, Renzel <Renzel.Balance@sanjoseca.gov>

Wed, Jul 23, 2025 at 11:20 AM

To: Alexander Sywak [REDACTED]

Cc: "Hughes, Alexandre" <Alexandre.Hughes@sanjoseca.gov>, "Atienza, Manuel" <Alec.Atienza@sanjoseca.gov>, "Lapustea, Florin" <Florin.Lapustea@sanjoseca.gov>, "Yan, Jason" <Jason.Yan@sanjoseca.gov>, "Koki, Elizabeth" <Elizabeth.Koki@sanjoseca.gov>, "Hawkins, Kara" <Kara.Hawkins@sanjoseca.gov>, "Keyon, David" <david.keyon@sanjoseca.gov>, "Banwait, Manjit" <Manjit.Banwait@sanjoseca.gov>, Ingrid Sywak [REDACTED]

Hi Alex,

Our determination would be that the project would be exempt from any VMT analysis if the project is AB 130 compliant. We want to hold off on any LTA requirements for the project until Planning has finished their review on project eligibility.

Thanks,

Renzel Balance | *Associate Engineer*

Development Services | Public Works | City of San Jose

200 E. Santa Clara St., 3rd Floor Tower

San Jose, CA 95113

T: (408) 793-4336

From: Alexander Sywak [REDACTED]

Sent: Wednesday, July 23, 2025 9:53 AM

To: Balance, Renzel <Renzel.Balance@sanjoseca.gov>

Cc: Hughes, Alexandre <Alexandre.Hughes@sanjoseca.gov>; Atienza, Manuel <Alec.Atienza@sanjoseca.gov>; Lapustea, Florin <Florin.Lapustea@sanjoseca.gov>; Yan, Jason <Jason.Yan@sanjoseca.gov>; Koki, Elizabeth <Elizabeth.Koki@sanjoseca.gov>; Hawkins, Kara <Kara.Hawkins@sanjoseca.gov>; Keyon, David <david.keyon@sanjoseca.gov>; Banwait, Manjit <Manjit.Banwait@sanjoseca.gov>; Ingrid Sywak [REDACTED]

Subject: Re: Impact of AB 130 & 131

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[Quoted text hidden]

This message is from outside the City email system. Do not open links or attachments from untrusted sources.



Alexander Sywak <alex.sywak@gmail.com>

Project Reassignment (&24-039) 880 Sylvandale

Hawkins, Kara <Kara.Hawkins@sanjoseca.gov>

Fri, Aug 1, 2025 at 4:30 PM

To: Alexander Sywak [REDACTED], "trogers@[REDACTED]" [REDACTED]

Cc: "Yuen, Charlotte" <Charlotte.Yuen@sanjoseca.gov>, "Garg, Tina" <Tina.Garg@sanjoseca.gov>, "Hughes, Alexandre" <Alexandre.Hughes@sanjoseca.gov>

Hello,

My last day with the City of San Jose is today, August 1st. The CEQA review of your project located at [880 Sylvandale Ave](#) has been reassigned to Charlotte Yuen, CC'ed. Please reach out to Charlotte for any environmental review questions moving forward.

Thank you,

Memorandum

TO: Alexander Huges - Implementation PM **FROM:** Planning – Environmental Team
Alexander Sywak and Ingrid Sywak Charlotte Yuen

SUBJECT: Review Comments
(T24-038 and ER24-295)

DATE: August 19, 2025

The following comments are based on the application and supporting documents materials for the residential development (“proposed project”) at 880 Sylvandale Avenue submitted in January 2025.

Project Description

The project applicant proposes to divide the project site into 73 lots in order to construct 72 three-story, single-family detached houses on an approximately 6.03-gross acre site. Of the 72 residences, seven would be reserved for very-low income households. Each residence would have a two-car garage and an optional accessory dwelling unit (ADU) on the ground-floor, increasing the total number of residential units on site to 144.

Environmental Analysis and Preliminary Determination

Based on preliminary review of the project, the project is a Housing Development Project as defined by Section 65589.5 (h)(2) of the Government Code, as amended, and may qualify for a statutory Exemption under Assembly Bill 130 (AB 130).

To qualify for an exemption under AB 130, the proposed project would need to be consistent with all applicable aspects of Section 21080.66 of the Government Code, as follows:

1. **Project must meet the definition of a Housing Development Project:** A project must meet the definition of a “Housing Development Project” per Section 65905.5(b) of the CA Government Code to qualify for a statutory exemption. The project meets this definition because it meets the following criteria:
 - Project contains only residential units.
 - Project is a mixed-use developments consisting of residential and nonresidential uses that meet any of the following conditions:
 - At least two-thirds of the new or converted square footage is designated for residential use.
 - At least 50 percent of the new or converted square footage is designated for residential use and the project meets both of the following:
 - The project includes at least 500 net new residential units.
 - No portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except a portion of the project may be designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.
 - At least 50 percent of the net new or converted square footage is designated for residential use and the project meets all of the following:

- The project includes at least 500 net new residential units.
- The project involves the demolition or conversion of at least 100,000 square feet of nonresidential use.
- The project demolishes at least 50 percent of the existing nonresidential uses on the site.
- No portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except a portion of the project may be designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.
- Transitional housing or supportive housing.
- Farmworker housing, as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code.

Eligibility: *The proposed project contains only residential units and meets this criteria.*

2. **Zoning and General Plan Consistency:** The project must be consistent with the General Plan and Zoning. (This requirement does not apply to Builders Remedy projects.)

Eligibility: *The subject site has a General Plan land use designation of Residential Neighborhood on the land use/transportation diagram of the Envision San José 2040 General Plan. The allowable residential density for the subject site is 8 Dwelling Units per Acre (8 DU/AC). However, the applicant is utilizing State Density Bonus Law to increase the allowable density by 23 units. The proposed 72 units would be within the allowable density. Therefore, the proposed project would be consistent with the General Plan designation.*

3. **Project site size limitations:** Project site does not exceed 20 acres. OR The project is a Builder's Remedy project and the site does not exceed 5 acres.

Eligibility: *The project site is approximately 6.03 acres and meets this criteria.*

4. **Project site must be in an urban area surrounded by urban uses:** The project is located within an urban area and is surrounded by urban uses.

Eligibility: *The proposed project is located on a site that is already developed with urban use and meets this criteria.*

5. **The project meets minimum density requirements:** The minimum density of the project is more than 15 dwelling units/acre.

Eligibility: *A total of 72 single family homes are proposed. Although each lot will include one (1) ADU, ADUs are not included in density calculations. Therefore, there are 72 dwelling units proposed on a 6.03-acre site, which equates to 11.9 dwelling units/acre. This does not meet the minimum density requirement of 15 dwelling units/acre and does not meet this criteria.*

6. **The project will not demolish a historic structure:** The project does not propose to demolish a historic structure placed on a national, state, or local historic register (the City's Historic Resources Inventory).

Eligibility: *The site is not on the Historic Resources Inventory and meets this criteria.*

7. **The project is not on natural or protected lands:** The proposed project cannot be on natural and protected lands, as defined pursuant to Section 21067.5, based on the following criteria:
- a. Site is not on prime farmland or farmland of statewide importance.
 - b. Site does not contain wetlands.
 - c. Site is not within a fire hazard area.
 - d. The site is not a hazardous waste site that is listed pursuant to Section 65962.5 unless either of the following apply:
 - The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses **OR**
 - The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses.
 - e. Site is not within an earthquake fault zone.
 - f. Site is not within a flood hazard area or floodway.
 - g. Site is not designated for conservation.
 - h. Site is not habitat for protected species.

Eligibility: *The project is not on natural or protected lands. The site is not on the Cortese List. In 2018. The City of San Jose Local Enforcement Agency referred the Site to DTSC requesting that DTSC review and evaluate the Site data for volatile organic compounds and make a recommendation on whether the Site is safe for residential use. DTSC reviewed the background information, sampling results, and environmental assessment reports and determined the Site is safe for the planned residential use. This finding is recorded in a letter from DTSC dated August 27, 2018. The project meets this criteria.*

Conclusion

Based on the City's analysis, the proposed project does not qualify for AB130 because it does not meet the minimum density requirement of 15 dwelling units/acre.

Please reach out if you want to discuss environmental review options or seek clarification about qualifying criteria. I can be reached at charlotte.yuen@sanjoseca.gov or (408) 535-5658.

Thank you,

Charlotte Yuen, Planner
Planning, Building and Code Enforcement
Environmental Review Division

Yuen, Charlotte <Charlotte.Yuen@sanjoseca.gov>

Tue, Aug 19, 2025 at 11:28 AM

To: Alexander Sywak <[REDACTED]>

Cc: "Garg, Tina" <Tina.Garg@sanjoseca.gov>, "Hughes, Alexandre" <Alexandre.Hughes@sanjoseca.gov>, "Keyon, David" <david.keyon@sanjoseca.gov>, Ingrid Sywak <[REDACTED]>

Hi Alexander,

Please see the attached letter for the City's determination of the proposed project's eligibility for AB130. My Supervisor and I will be available to answer any questions that you may have at today's meeting.

[Quoted text hidden]



Letter for AB 130 Exemption.pdf

206K

Alexander Sywak <[REDACTED]>

Tue, Aug 19, 2025 at 11:45 AM

To: "Yuen, Charlotte" <Charlotte.Yuen@sanjoseca.gov>

Cc: "Garg, Tina" <Tina.Garg@sanjoseca.gov>, "Hughes, Alexandre" <Alexandre.Hughes@sanjoseca.gov>, "Keyon, David" <david.keyon@sanjoseca.gov>, Ingrid Sywak <[REDACTED]>

Bcc: Mark Forster <[REDACTED]>, Juan Rodriguez <[REDACTED]>, Tyler Rogers <[REDACTED]>

Thank you for providing your assessment that our project is not eligible.

Although 144 units were required to be analyzed for VMT and CEQA purposes, now only 72 are eligible for AB 130. So much for the DBL requiring "liberal interpretation" in administering the DBL and the provision of affordable housing for the state.

[Quoted text hidden]



Letter for AB 130 Exemption.pdf

206K

Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law
2010 Main Street, 8th Floor | Irvine, CA 92614-7214
Telephone: 949.553.1313 | Facsimile: 949.553.8354
www.allenmatkins.com

Benjamin N. Patterson

File Number: 396784.00001/4901-7487-8308.3

September 2, 2025

City of San Jose Planning, Building
and Code Enforcement
Environmental Review Division
Attn: Christopher Burton, Director
200 E. Santa Clara St.
San Jose, CA 95113
Email: Christopher.burton@sanjoseca.gov

**Re: CEQA Exemption for Project Located at 880 Sylvandale Avenue
(T24-038 and ER24-295)**

Dear Mr. Burton:

Our firm represents Alex and Ingrid Sywak (the “Sywaks”) with respect to their proposed housing development project consisting of 72 three-story single-family homes, with each home including an accessory dwelling unit (“ADU”) for a total of 144 dwelling units (“Project”) located on roughly six acres at 880 Sylvandale Avenue (“Property”) within the City of San Jose (“City”).

We reviewed the letter provided to the Sywaks on August 19, 2025. In that letter the City explains that the Project satisfies all conditions necessary to qualify for the “Statutory Infill Exemption,” except for the minimum density condition specified in Public Resources Code section 21080.66(a)(5), which requires the Project to provide at least 15 units per acre.

We provide this letter to explain the reasons why the Project also meets the minimum density requirement and ultimately qualifies for the Statutory Infill Exemption. In short, there are two distinct reasons.

First, for purposes of the Statutory Infill Exemption, the density is calculated based on the “project site,” which is defined as the area to be altered or disturbed. Here, the project site is 4.2 acres because 1.8 acres will not be developed, altered, or disturbed. Calculating density based on the 4.2-acre project site, the Project has a density of 17.14 units per acre before ADUs are considered and 34.28 units per acre after ADUs are considered.

Second, ADUs count as dwelling units and must be considered in the density calculation. The density requirement within the Statutory Infill Exemption is based upon a default assumption that

local agencies are permitted to use when identifying sites that can be used to satisfy their regional housing needs allocation (“RHNA”). The definition of a “unit” under RHNA is broad enough to include ADUs and junior ADUs. Furthermore, ADUs are counted towards a local agency’s RHNA numbers, and the City has even relied on ADUs to satisfy roughly 35% of its RHNA obligations. Thus, ADUs are units from both a practical and legal perspective, so there is no basis for excluding ADUs from the density calculation here. As specified above, the Project’s density is 34.28 units per acre. However, even if we assumed a six-acre project site, the Project would achieve a density of roughly 24 units per acre.

In sum, the Project qualifies for the Statutory Infill Exemption, and as explained below, the City must initiate the tribal consultation process within 14 days of the development application being deemed complete.

1. Density is Calculated Based on the 4.2 Acre Project Site

The Statutory Infill Exemption is concerned with the “project site” rather than the “gross acreage” of the Property, which is used to calculate density under the State Density Bonus Law (“SDBL”). (See Pub. Resources Code, § 21080.66(a); Gov. Code, § 65915(f),(o)(6).) This point is illustrated throughout the Statutory Infill Exemption. The Statutory Infill Exemption asks whether the “project site is not more than 20 acres;” whether the “project site” is located within a city or urban area; and whether the “project site” has been previously developed with, or is surrounded by, urban uses. (Pub. Resources Code, § 21080.66(a),(1),(2),(3).) Even the tribal consultation process is concerned with whether there are any tribes “traditionally and culturally affiliated with the project site.” (Pub. Resources Code, § 21080.66(b).) In short, each of the Statutory Infill Exemption conditions that relate to the land refer to the project site rather than the parcel or the property.

In CEQA parlance, the term “project site” has a special meaning. It refers to the area which will be disturbed or altered as part of the project. (*Protect Tustin Ranch v. City of Tustin* (2021) 70 Cal.App.5th 951, 960.) As one court of appeal has stated: “an agency can properly consider a ‘project site’ to be part of an existing parcel, so long as development and construction activity are confined to that part of the parcel and no other part of the parcel is being altered by the project.” (*Nassiri v. City of Lafayette* (2024) 103 Cal.App.5th 910, 927.)

When the Legislature uses a term of art, such as “project site,” it is assumed that the Legislature intended that the term carry its traditional meaning. As the California Supreme Court recently explained, the canons of statutory interpretation mandate that “every statute should be construed with reference to the whole system of law of which it is a part.” (*Make UC a Good Neighbor v. Regents of University of California* (2024) 16 Cal.5th 43, 55.)

As noted above, the Property is roughly six acres, but only 4.2 acres are developable. The remaining 1.8 acres is underlain by a household landfill, which was closed in 1970 (“Landfill Parcel”). While all environmental concerns relating to the Property have been resolved, the Landfill Parcel is

not suitable for development and will not be disturbed or altered as part of the Project. Thus, for purposes of the Statutory Infill Exemption, the project site is 4.2 acres rather than six acres. As explained above, when calculating density based on the project site, the Project has a density of 17.14 units per acre before ADUs are considered and 34.28 units per acre after ADUs are considered. In either scenario, the Project exceeds the 15 units per acre mandated by the Statutory Infill Exemption. (See Pub. Resources Code, § 21080.66(a)(5); Gov. Code, § 65583.2(c)(3)(B)(iv).)

2. ADUs Are Included in the Density Calculation

ADUs and junior ADUs are included as units for purposes of calculating the minimum density required to qualify for the Statutory Infill Exemption. The Statutory Infill Exemption requires that the “project will be at least one-half of the applicable density specified in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65583.2 of the Government Code.” (Pub. Resources Code, § 21080.66(a)(5).) Government Code section 65583.2 (“Section 65583.2”) is located within Article 10.6 of Chapter 3, Division 1, Title 7 of the Government Code, which describes the various requirements for the housing element of a general plan (“Housing Element Laws”).

Under the Housing Element Laws, a unit is defined broadly and includes: “a house, an apartment, a group of rooms, or a single room occupied or intended for occupancy as separate living quarters.” (Housing Element Sites Inventory Guidebook, p. 6.) ADUs and even junior ADUs easily satisfy this definition as both provide at least a single room that is intended for occupancy as separate living quarters.

Furthermore, the obligation imposed by Section 65583.2 is to require a local agency to identify land suitable for residential development that can be used to satisfy the local agency’s RHNA obligations. The Housing Element Laws are clear that ADUs count towards a local agency’s RHNA obligation. (Gov. Code, § 65583.1(a); see also Housing Element Sites Inventory Guidebook, p. 30 [“The jurisdiction can count the potential for the development of ADUs within the planning period”].) Thus, there is no reason to discount ADUs from a density calculation when they count towards the RHNA obligations.¹

Finally, even though the City has not raised this question, we take this opportunity to explain that the “unit of housing” definition in Section 65583.2(c)(4)(D) is not applicable here. That definition is limited to paragraph (4) of Section 65583.2, which describes site selection considerations, not paragraph (3), which addresses density assumptions. (Gov. Code, § 65583.2(c)(4)(D).) Thus, even though it defines a unit of housing to exclude ADUs and junior ADUs, the clear intent of this definition is to prevent a local agency from allocating more than 75%

¹ We also note that the ADUs can easily be converted into for-sale condominium units pursuant to Section 20.80.181 *et seq.* of the City’s Municipal Code. At that point, there will be no discernable differences between the ADUs and other condominium units within the City.

of its moderate-income and above moderate-income housing to sites that have a base density of less than four units. This intent is further illustrated by the fact that the unit of housing definition expressly states that it should not be interpreted to “limit the ability of a local government to count the actual production of [ADUs] and junior [ADUs] in an annual progress report” discussing the local agency’s compliance with RHNA. (Gov. Code, 65583.2(c)(4)(D).).

In sum, ADUs qualify as units, count towards the City’s RHNA obligations, and therefore should be included in the density calculation for the Statutory Infill Exemption.

3. Procedure For Processing Statutory Infill Exemption

A. Tribal Notification

From the date that the Sywaks submit a complete development application, the City has 14 days to provide a formal notification via certified mail and email to each California Native American tribe that is traditionally and culturally affiliated with the project site.” (Pub. Resources Code, §21080.66(b)(1)(A).)

The formal notification serves as an invitation to consult on the proposed project, its location, and the project’s potential effects on tribal cultural resources. (*Ibid.*) Each tribe has 60 days to notify the City whether it intends to accept the invitation to participate in the consultation. (Pub. Resources Code, §21080.66(b)(2).) If no tribe accepts the invitation within 60 days, the consultation automatically concludes. (*Ibid.*) If a tribe accepts the invitation for consultation, the consultation must begin within 14 days of receiving the notification and conclude no later than 60 days after the consultation begins. (Pub. Resources Code, §21080.66(b)(3).)

Once the consultation concludes, the City has 30 days to either approve or deny the Project. (Gov. Code, § 65950(a)(7).) If the local agency fails to approve or disapprove the Project within the timeframe allotted, the Project will be deemed approved by a matter of law. (Gov. Code, §§ 65957, 65956.)

B. Environmental Conditions

Upon approval of the Project, the City is required to condition the Project on completing a phase 1 environmental assessment before beginning construction. (Pub. Resources Code, § 21080.66(c)(1)(A).) If the phase 1 uncovers a recognized environmental condition, the developer must complete a preliminary endangerment assessment and mitigate the hazardous substance to levels required by federal and state standards before the City issues a certificate of occupancy. (Pub. Resources Code, § 21080.66(c)(1).)

City of San Jose Planning, Building and Code Enforcement
September 2, 2025
Page 5

4. Conclusion

As shown above, the Project meets the minimum density required to qualify for the Statutory Infill Exemption. When the Sywaks resubmit their development application, we request that the City provide confirmation that the Project qualifies for the Statutory Infill Exemption. If the City has any further questions regarding the applicability or procedural process of the Statutory Infill Exemption, we are happy to schedule a brief meeting to discuss any remaining questions.

If the City disagrees with the analysis above, we ask that the City provide a written response by September 17, 2025, and schedule a meeting to discuss this question further.

Very truly yours,



Benjamin N. Patterson

BNP

cc: Alexandre Hughes (alexandre.hughes@sanjoseca.gov)
Alec Atienza (alec.atienza@sanjoseca.gov)
John Tu (john.tu@sanjoseca.gov)
Tina Garg (tina.garg@sanjoseca.gov)
David Keyon (david.keyon@sanjoseca.gov)
Charlotte Yuen (Charlotte.Yuen@sanjoseca.gov)

From: Yu, Aaron <aaron.yu@sanjoseca.gov>

Sent: Wednesday, September 24, 2025 2:48 PM

To: Patterson, Benjamin [REDACTED]

Subject: 880 Sylvandale Avenue

CAUTION: External Email

Hi Benjamin,

Thanks for speaking to me about this project last week. I met with City Planning staff to discuss your letter regarding your client's project and qualification for statutory exemption under AB 130. I will offer that the City is tentatively in agreement that the project may qualify under AB130, but will need to evaluate based on your client's resubmittal earlier this week. City staff will reach out to your client shortly to set up a meeting to discuss any remaining issues or concerns, hopefully in the next week or so. If you have any questions, please free to contact me.

Regards,

Aaron Yu

Senior Deputy City Attorney

City of San José | City Attorney's Office

200 E. Santa Clara Street | San José, CA 95113

p: 408.535.1989 | f: 408.998.3131

aaron.yu@sanjoseca.gov

Atienza, Manuel <Alec.Atienza@sanjoseca.gov>

Thu, Oct 2, 2025 at 12:14 PM

To: "Hughes, Alexandre" <Alexandre.Hughes@sanjoseca.gov>, Alexander Sywak [REDACTED]

Cc: Ingrid Sywak [REDACTED]

You can also reach out to Aparna Ankola, as she was the lead in drafting the ordinance to allow ADU condos. Her email is aparna.ankola@sanjoseca.gov.

Kind Regards,

Manuel (Alec) Atienza

Acting Supervising Planner | Planning Division | [City of San Jose](#)

[200 E. Santa Clara Street, 3rd floor](#)

Phone: (408) 535-7688

Email: alec.atienza@sanjoseca.gov

From: Hughes, Alexandre <Alexandre.Hughes@sanjoseca.gov>

Sent: Thursday, October 2, 2025 11:06 AM

To: Alexander Sywak [REDACTED]

[Quoted text hidden]

[Quoted text hidden]

Alexander Sywak [REDACTED]

Thu, Oct 2, 2025 at 12:43 PM

To: "Atienza, Manuel" <Alec.Atienza@sanjoseca.gov>

Cc: "Hughes, Alexandre" <Alexandre.Hughes@sanjoseca.gov>, Ingrid Sywak [REDACTED]

Great - will do. Thx.

[Quoted text hidden]

T24-038 2nd Round Permit Streamlining Act letter



Hughes, Alexandre

to me, Manuel

9:26 AM (9 minutes ago) ☆ 😊 ↩ ⋮

Find the permit streamlining act letter attached.

The comprehensive 45-day review letter is forthcoming.

best,

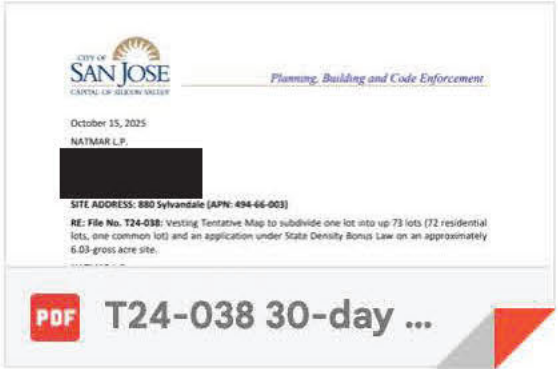
Alexandre Hughes, Planner III

[Planning Division](#), Planning, Building and Code Enforcement Department
City of San José | 200 E. Santa Clara Street | San José, CA 95113
alexandre.hughes@sanjoseca.gov | (408)535-7827

...

[Message clipped] [View entire message](#)

One attachment • Scanned by Gmail ⓘ Add to Drive





Alexander Sywak <alex.sywak@gmail.com>

T24-038 and ER24-295

2 messages

Alexander Sywak [REDACTED]

Thu, Oct 16, 2025 at 7:00 AM

To: Charlotte Yuen <Charlotte.Yuen@sanjoseca.gov>

Cc: "Garg, Tina" <Tina.Garg@sanjoseca.gov>, Alexandre Hughes <Alexandre.Hughes@sanjoseca.gov>, Alec Atienza <alec.atienza@sanjoseca.gov>, Ingrid Sywak <ingrid.[REDACTED]>

Dear Ms. Yuen,

You may know that T24-038 was deemed complete yesterday. In order for it to continue to move forward, its environmental status, ER24-295, needs to be determined.

On September 2, we forwarded arguments to Director Burton that our housing project and DB application comply with AB 130, and that our project is by statute exempt from CEQA.

On September 24, City attorney Aaron Yu wrote:

I will offer that the City is tentatively in agreement that the project may qualify under AB130, but will need to evaluate based on your client's resubmittal earlier this week. City staff will reach out to your client shortly to set up a meeting to discuss any remaining issues or concerns, hopefully in the next week or so.

Such meeting has not yet been scheduled.

If a determination as to our project's AB 130 eligibility has been made, please let us know.

If a meeting is still needed, lets schedule it soon?

Thank you for your attention to this matter.

Regards,

Ingrid and Alex Sywak



[Redacted signature block]

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[Redacted signature block]

[Redacted signature block]

20250924 CSJ attorney from.png
243K

Alexander Sywak [REDACTED]

Thu, Oct 16, 2025 at 7:01 AM

To: Benjamin Patterson [REDACTED]

Cc: Mark Forster [REDACTED], Juan Rodriguez [REDACTED], Patrick Tysell [REDACTED], Salvatore Giovannotto <[REDACTED]>

[Quoted text hidden]



20250924 CSJ attorney from.png

243K

243K





Alexander Sywak <alex.sywak@gmail.com>

FW: 880 Sylvandale Avenue

Patterson, Benjamin [REDACTED]

Mon, Oct 20, 2025 at 3:10 PM

To: Alexander Sywak [REDACTED] Ingrid Sywak [REDACTED]

FYI.

Benjamin N. Patterson | Associate | Allen Matkins

[REDACTED] [REDACTED]

From: Yu, Aaron <aaron.yu@sanjoseca.gov>

Sent: Monday, October 20, 2025 9:36 AM

To: Patterson, Benjamin <[REDACTED]>

Subject: RE: 880 Sylvandale Avenue

CAUTION: External Email

Hi Benjamin,

Apologies for the delayed response. I reached out to Planning staff for an update and hopefully they will get back to the applicant soon.

Regards,

Aaron Yu

Senior Deputy City Attorney
City of San José | City Attorney's Office
200 E. Santa Clara Street | San José, CA 95113
p: 408.535.1989 | f: 408.998.3131

aaron.yu@sanjoseca.gov



Alexander Sywak <alex.sywak@gmail.com>

re first ever separately deedable ADU @ 410 Josefa Street

Rocha, Vincent <Vincent.Rocha@sanjoseca.gov>

Wed, Oct 22, 2025 at 10:42 AM

To: Alexander Sywak <[REDACTED]>

Cc: Ingrid Sywak <[REDACTED]>

Hi Alexander and Ingrid,

Reading the attached it seems that staff is responsive and working to meet our timelines. I will check with them on the status though.

Regards,

Vince Rocha
Senior Policy Advisor
San José Mayor Matt Mahan
408-535-4812
vincent.rocha@sanjoseca.gov

[Quoted text hidden]



Alexander Sywak <alex.sywak@gmail.com>

PP25-001

Alexander Sywak [REDACTED] Tue, Nov 18, 2025 at 10:23 AM
To: Brent Carvalho <brent.carvalho@sanjoseca.gov>, Rina Horie <Rina.Horie@sanjoseca.gov>, PlanningSupportStaff <planningsupportstaff@sanjoseca.gov>
Cc: "Burton, Chris" <Christopher.Burton@sanjoseca.gov>, Ingrid Sywak <[REDACTED]>
Bcc: Benjamin Patterson <[REDACTED]>, Mark Forster <[REDACTED]>, Juan Rodriguez <[REDACTED]>, Patrick Tysell <[REDACTED]>, Salvatore Giovannotto <[REDACTED]>
<[REDACTED]>

Dear Planning Support Staff,

We have an item of interest on tomorrow's PC Meeting: Agenda Item PP25-001. We tried to email the Commissioners but our emails bounced back as being undeliverable.

I came by the City Clerk's office and they suggested I forward the email to you, and you would forward to the Commissioners.

We also request that the City's legal counsel be copied, as well as letting us know who that person is.

We have no issue with the public posting of our below communication. Happy to discuss this further [REDACTED]

The email follows:

November 18, 2025

Dear Planning Staff and Commissioners,

Upon further review of PP25-001, we have additional questions and have been notified that our emails yesterday to the Commissioners were *undeliverable*. We resend our comments to include the Commission's legal counsel.^[1]

We very much appreciate the Planning Department updating the City's *condoization* ordinances allowing for the construction and separate sale of ADUs attached to a main dwelling unit.

We have a pending tentative map application, T24-038, wherein each of the 72 SFR lots includes an attached ADU, to be constructed so can be easily sold separately.

PP25-001 is adding MC 20.30.820(A)(2)^[2] to allow upto four (4) dwelling units on each SFR lot. MC 20.30.820(A)(1) allows only upto two (2) of these dwelling units to be *main* or *family dwellings*, the remainder to be ADUs or JADUs.

We request confirmation of our above understanding. This particularly pertains to our DB project where seven (7) lots are for very-low-income households. Being permitted to construct upto four (4) dwelling units on each SFR lot, will yield twenty-eight (28) affordable housing units, as compared to only seven (7) without the ability to *condoize*.

PP25-001 modifies MC 20.80.185(A).^[3] However, the proposed wording is not clear-cut. The existing MC maximum of four (4) units is being deleted without providing a replacement numeric. The cited Gov. Code Section 66313 nowhere provides a maximum number. If there is a controlling statute, we request it be cited. The clarity in proposed MC 20.30.820(A)(2) becomes muddled by the proposed amendment of 20.80.185(A).

We request confirmation that MC 20.30.820(A)(2) will govern over MC 20.80.185(A).

We appreciate the City's proposal to process tentative maps ministerially, and that the map's filing date tolls the Director's response due date, MC 19.11.010.^[4] Proposed MC 19.11.130(A)^[5] addresses the time allowed for the Director's decision. The MC does not provide the number of days within which a decision is required. It references the Subdivision Map Act, without specifying the statute or time period. Presumably the controlling statute is Gov. Code Section 66452.1(b), which sets the response period as 50 days.^[6]

We request confirmation that the time period for response to a complete tentative map filing is 50 days.

The MC nowhere addresses the consequences of Planning failing to timely decide within the statutory period. Gov. Code Section 66452.4(a) provides that upon expiration of the response period, the tentative map filing is *deemed approved*.^[7]

We request confirmation that failing to timely decide renders a map filing *deemed approved*.

We bring these issues to the Commission's attention as they relate our application. Our resubmission of T24-038 was filed on September 19, and on October 15 our resubmission of September 19, was *deemed complete*. Pursuant to GC 66452.1(b), a decision was due 50 days from September 19, i.e. by November 8. As of today, the decision is 10 days past due. Pursuant to Gov. Code Section 66452.4(a) it should be eligible to be *deemed approved*.

Thank you for your consideration. We look forward to attending in person.

Regards,

Ingrid and Alex Sywak [REDACTED]

[1] Have obtained current PCommissioners' email addresses from Director's office.

[2] MC 20.30.820(A)(2), Page 12 of PP25-001.

[3] MC 20.80.185(A), Page 38 of PP25-001.

[4] MC 19.11.010, Page 3 of PP25-001.

[5] MC 19.11.130(A), Page 6 of PP25-001.

[6] GC 66452.1(b).

[7] GC 66452.4(a).

[Quoted text hidden]

20.30.020 Dwelling Unit Standards

MC 20.30.820_Page 12_PP25-001.png
283K

MC 20.80.185(A)_Page 38_PP25-001.png
372K

MC 19.11.010_Page 3_PP25-001.png
485K

MC 19.11.130(A)_Page 6_PP25-001.png
518K

GC 66452.1(b).png
298K

GC 66452.4.png
248K



Alexander Sywak <alex.sywak@gmail.com>

Can condoized ADUs count to AB 130 density?

Alexander Sywak [REDACTED]

Wed, Dec 3, 2025 at 10:10 AM

To: Charlotte Yuen <Charlotte.Yuen@sanjoseca.gov>

Cc: "Garg, Tina" <Tina.Garg@sanjoseca.gov>, David Keyon <David.Keyon@sanjoseca.gov>, "Burton, Chris" <Christopher.Burton@sanjoseca.gov>, Alexandre Hughes <Alexandre.Hughes@sanjoseca.gov>, Alec Atienza <alec.atienza@sanjoseca.gov>, Jason Yan <jason.yan@sanjoseca.gov>, Elizabeth Koki <elizabeth.koki@sanjoseca.gov>, "Yung, Samuel" <samuel.yung@sanjoseca.gov>, Aaron Yu <aaron.yu@sanjoseca.gov>, Benjamin Patterson [REDACTED] aparna ankola <aparna.ankola@sanjoseca.gov>, Ingrid Sywak [REDACTED]

Bcc: Mark Forster <[REDACTED]>, Juan Rodriguez <[REDACTED]>, Patrick Tysell <[REDACTED]>, Salvatore Giovannotto <[REDACTED]>

Re: TM24-038 and ER24-295

December 3, 2025

Dear Ms. Yuen,

You should be aware that on August 14 of this year, the Mayor and Council celebrated the very first in the state [condoized](#) ADU (Josefa), approved within a streamlined 60 days.^[1] We agree with the Mayor that an [ADU is the most accessible form of home ownership](#). That is why eighteen (18) months ago we submitted that all of our seventy-two (72) homes would include an attached ADU.^{[2] [3]}

Our inquiry is whether the approved Josefa ADU would count towards the cumulative density requirement of PRC 21080.66(a)(5). If you continue to exclude [condoized](#) ADUs from that calculation, please provide the statutory and/or municipal code authority that authorizes such exclusion. Keep in mind, that the [condoization](#) of an ADU on a proposed single family lot is subject to ministerial approval – Gov. Code Section 65852.21(a); MC 20.80.176 - [Streamlined Approval](#). Once Council adopts [PP25-001](#) (unanimously passed by the Planning Commission on November 19), the amendment within MC 20.30.820(A)(2) will permit upto four (4) dwelling units on any proposed single family lot. If maximized, our 72 lots would yield 288 dwelling units, a density of 48 dwelling units/acre. Our current proposal provides a density of 24 dwelling units/acre, way exceeding the 15 units/acre required by AB 130.

We are extremely grateful to Governor Newsom for having the [cojones](#) to increase to 20 acres the statutory exclusion from CEQA of housing projects, expediting by years their approval, as well as streamlining them to 60 days.

We note that Council has scheduled a [Study Session - The Cost of Residential Development in San José](#) for next Monday. We plan to attend and request their input on our project.

We have engaged EnGeo to finalize the PCLUP.

Looking forward to your response. Happy to discuss any of above at your convenience. We very much appreciate Ms. Ankola's attentiveness and availability for us to better understand the

City's policies re ADUs.^[4]

Please provide dates for the meeting you offered in your November 21 note.

Thank you for your attention to our project.

Regards,

Ingrid and Alex Sywak, [REDACTED]

[1] City of San Jose, News Release, August 14, 2025.

[2] TMap - Site Plan.

[3] ADU Sketches.

[4] Email from Planning ADU ally Ms. Ankola, November 19, 2025.

4 attachments

 **20250814 NEWS RELEASE: San José Approves the First ADU Condominium in California | News | City of San José.pdf**
2557K

 **TM24-038 Site Plan.pdf**
728K

 **24-07-02 Plan Sketches.pdf**
494K

 **20251119 Planning ADU ally from.pdf**
216K

Building More Housing Focus Area

Long-Term Goal

Meet resident's housing needs across income levels by making San José a great place to build housing.

Problem

2. Development Services Process.

Goal 2.1 Performance Management: Analyze options to report on development services timeliness across the pipeline and report findings to the CED Committee in December 2025.

Goal 2.2 CEQA Standard Conditions: Bring standard conditions of approval and CEQA process guidelines to City Council by Q3 FY 2025-2026.

Goal 2.3 CEQA Streamlining: Conduct initial analysis of projects affected by state CEQA streamlining statutes by June 2026.

Goal 2.4 Development Fee Estimator: Complete development fee estimator work by adding multifamily new construction by December 2025.

Context



We exceeded our timeliness goal for multifamily residential building permit reviews the last two quarters of FY 2024-2025



Although the City works across teams and departments to coordinate project reviews, building housing in San José is still seen as overly complex. Most projects are delivered successfully, but many developers are unaware of tools to track project status, leading to growing concerns.



We need to better communicate our progress in delivering timely and efficient services to customers.

October 1, 2025

NATMAR L.P.



2nd Planning Comment Letter

SITE ADDRESS: 880 Sylvandale Avenue (APN: 494-66-003)

RE: File No. T24-038: Tentative Map to subdivide one lot into up 73 lots (72 residential lots, one common lot) and an application under State Density Bonus Law on an approximately 6.03-gross acre site.

Dear NATMAR L.P.:

Your application, referenced above, has undergone review for completeness and consistency with City policies and regulations. The purpose of this letter is to provide you with comments and revisions necessary for the project to meet City policies and ordinances, so you can appropriately respond to the issues identified below. The comments below are based on the plans and information currently on file. Additional comments may be made at a later time when you receive revised plans and additional information. Please let me or the contact listed in the attached memos know if you have any questions regarding these comments.

Project Issues and Concerns

Based on our review of your project, the items listed below are the substantial issues that affect the proposed project, and are explained in more detail in this letter:

1. Contact the Local Enforcement Agency (LEA) Staff at Paul.Shah@sanjoseca.gov, regarding this project. The project needs to first obtain an approved Post Closure Land Use Plan (PCLUP) before entitlement. The LEA will assist regarding application/outstanding fees and/or new fees which may be applicable. Updated documents from the Department of Toxic Substances Control (DTSC), State Water Board, Bay Area Air Quality Management District (BAAQMD), among others, may be required. See Section 2 of this letter for more information.
2. Dedication: Land dedication is required to the County per either the previous PCLUP and/or Planned Development Zoning. The financial assurance demonstrations per the Post Closure Land Use Plan may be required to show feasibility by the future Homeowner's Association (HOA) and/or Developer for maintaining any passive/active gas remediation system as part of the PCLUP.
3. Project Description: Clarify whether condo-mapping applies to homes or just the accessory dwelling units on all relevant documents.

4. Lot Standards: The proposed lots do not meet lot size or lot depth requirements pursuant to Title 19 of the Municipal Code. Revise or request density bonus waivers to lot size/depth. See the Subdivision Consistency section of this letter below.
5. Transportation (VMT): The project is in an immutably high VMT area. If the project is unable to proceed under Assembly Bill 130 (AB 130), an Environmental Impact Report (EIR), must be prepared and the City Council may need to adopt a statement of overriding consideration for the project to be approved.
6. Wells: The applicant indicates 6 wells on site but Valley Water indicates 19. Resolve the discrepancy and comply with Tentative Map standards by showing these existing wells on the Tentative Map. See Attachment A for details.
7. Address all Public Works comments in their Memorandum dated November 11th, 2025. See Attachment B for details.
8. Regulatory Agreement: A Regulatory Agreement with the City is required before issuance of grading or building permits but after entitlement. See the State Density Bonus Law section of this letter below.
9. CEQA: The proposed project does not qualify for AB130 because it does not meet the minimum density requirement of 15 dwelling units/acre.

Project Review

1. Project Description

Staff understands the proposed project to consist of a Tentative Map to allow the subdivision of one approximately 6.03-gross-acre vacant lot into up to 73 lots (72 residential lots, one common lot). The project will reserve seven lots for very-low-income households. Each future single-family house will be “condoized” to allow for the separate sale of an attached ADU. The applicant proposes to offer a “Remainder Lot” to the City for public use as a leash free dog park, or solely for such use by the future homeowners.

A concurrent State Density Bonus Law Application was submitted with a request for waivers for reduction of alley widths to 20 feet, reduction of front setbacks to three feet, reduction of side setbacks to three feet, and reduction of rear setbacks to 8 feet. As currently proposed, Lots 2 - 8 are reserved for very-low-income households (Sheet 2 of the resubmitted Tentative Map). 23 Density Bonus Units are sited on lots 50 - 72 (Sheet 2 of the resubmitted Tentative Map). Per the application, the owner shall fund the construction of the 7 homes reserved for very-low-income households.

A Senate Bill 330 Preliminary Application (File No. PRE24-326) was submitted on November 6, 2024.

Please confirm the description above includes all aspects of the proposed project and advise us immediately if any information is incorrect or omitted.

Staff Comments: The project description/summary on the Tentative Map Application, and the Density Bonus Application, indicate the desire to condo-map the proposed project. It is assumed by staff and vaguely asserted the condominium process is only for the Accessory Dwelling Units. However, the Tentative Map Application indicates that it is the single-family residences that are to be turned into condominiums. This is likely in error but should be clarified to avoid ambiguity.

Additionally, please confirm the total number of lots that are proposed in this subdivision. The map and application indicate 73 lots. However, it is unclear if the private streets will be subdivided as their own lots or created through easements only. Upon resubmittal, please clarify.

2. Local Enforcement Agency (LEA)

Under the requirements of the California Code of Regulations Title 27, all operators of Class II and Class III municipal solid waste landfill facility(ies), also known as a “landfill,” are required to prepare and file a preliminary closure plan, a post closure maintenance plan, a partial final, or a final closure plan and post closure maintenance plan at time of filing for a permit or revisions of project or permit review or renewal.

Each plan must provide the information necessary for the local enforcement agency (LEA), the Regional Water Quality Control Boards (RWQCB), and the California Department of Resources Recycling and Recovery (CalRecycle) to make the required assessment as to the adequacy of the plans.

When a development is proposed on a closed landfill the LEA and others must deem the site safe and suitable. LEA staff will:

- Review a Post Closure Land Use Plan (PCLUP) for the closed facility pursuant to California Code of Regulations Title 27 § 21190 et al. and specify conditions for development, such as proper control and monitoring of landfill gases that may continue to generate from buried, decomposing waste materials.

Staff Comments: Pursuant to California Code of Regulations Title 27 § 21190 et al., a Post Closure Land Use Plan (PCLUP) must be reviewed and approved by the Local Enforcement Agency (LEA), in coordination with the California Department of Resources Recycling and Recovery (CalRecycle) and other applicable reviewing agencies, before any entitlement can be granted. No approved PCLUP is on file for the project address.

A PCLUP and subsequent revision were submitted to the LEA on March 13, 2017, but were not approved due to outstanding deficiencies, including nonpayment of required fees—with an outstanding balance of \$16,625. Please coordinate with the LEA in regard to payment of fees and re-submittal of documents for the required PCLUP. Please note that the filing of a new or revised PCLUP will likely be subject to an initial Closure & Post Closure Maintenance Plan filing fee, and review time in excess of 15 hours may be billed at the current Environmental Inspector rate.

Staff have reviewed documents that were prepared as part of the old initial PCLUP filing. These documents are now nearly a decade old. LEA staff may require updated documents from the DTSC, State Water Board, Bay Area Air Quality Management District considering the age of the old PCLUP documents.

As part of the PCLUP, the land dedication requirements of the Zoning District (PDC84-063) must be disclosed and any gas capture system installed by the developer will not be part of the Homeowners Association for this project. Financial assurance demonstrations are typically a requirement in the PCLUP process on behalf of the developer to ensure that the passive monitoring and active remediation in the event gas levels rise past passive thresholds can be met.

The portion of the land upon which the gas collection system is maintained may be considered part of the project if remediation is required per the PCLUP in regard to AB130. This is largely dependent on the findings in the PCLUP. This may impact the overall project density findings pursuant to AB130. Determinations are pending the approval of the PCLUP.

3. General Plan Consistency

The subject site has a General Plan land use designation of Residential Neighborhood on the land use/transportation diagram of the Envision San José 2040 General Plan.

Density: Typically 8 DU/AC; FAR up to 0.7 (1 to 2.5 stories)

This designation is applied broadly throughout the City to encompass most of the established, single-family residential neighborhoods, including both the suburban and traditional residential neighborhood areas which comprise the majority of its developed land. The intent of this designation is to preserve the existing character of these neighborhoods and to strictly limit new development to infill projects which closely conform to the prevailing existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern. New infill development should improve and/ or enhance existing neighborhood conditions by completing the existing neighborhood pattern and bringing infill properties into general conformance with the quality and character of the surrounding neighborhood. New infill development should be integrated into the existing neighborhood pattern, continuing and, where applicable, extending or completing the existing street network. The average lot size, orientation, and form of new structures for any new infill development must therefore generally match the typical lot size and building form of any adjacent development, with particular emphasis given to maintaining consistency with other development that fronts onto a public street to be shared by the proposed new project.

Staff Comments: The allowable residential density for the subject site is 8 Dwelling Units per Acre (8 DU/AC). The density proposed is 11.9 DU/AC, which exceeds the allowable density. However, the applicant is utilizing State Density Bonus Law to increase the allowable density. See the State

Density Bonus Law Section below for more information.

General Plan Policies

CD-3.8 Provide direct access from developments to adjacent parks or open spaces, and encourage residential development to provide common open space contiguous to such areas.

CD-4.4 In non-growth areas, design new development and subdivisions to reflect the character of predominant existing development of the same type in the surrounding area through the regulation of lot size, street frontage, height, building scale, siting/setbacks, and building orientation.

EC-6.9 Adopt City guidelines for assessing possible land use compatibility and safety impacts associated with the location of sensitive uses near businesses or institutional facilities that use or store substantial quantities of hazardous materials by June 2011. The City will only approve new development with sensitive populations near sites containing hazardous materials such as toxic gases when feasible mitigation is included in the projects

EC-7.8 Where an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.

FS-4.8 Emphasize mixed-use development for most new development, to achieve service efficiencies from compact development patterns and to maximize job development and commercial opportunities near residential development.

FS-5.5 Allow residential development at urban densities (one dwelling unit per acre or greater) only where adequate services and facilities can be feasibly provided.

H-2.4 Allow affordable residential development at densities beyond the maximum density allowed under an existing Land Use/Transportation Diagram designation, consistent with the minimum requirements of the State Density Bonus Law (Government Code Section 65915) and local ordinances.

IP-12.4 Use the Environmental Clearance process to facilitate the implementation of the facilities and services goals and policies of the Envision General Plan. The review of proposed development includes the analysis of the project's compliance with the General Plan's VMT requirements as specified in the City Council's Transportation Analysis Policy 5-1, and level of service policies for sanitary sewer and Regional Wastewater Facility capacity

MS-13.1 Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

PR-8.5 Encourage all developers to install and maintain trails when new development occurs adjacent to a designated trail location. Use the City's Parkland Dedication Ordinance and Park Impact Ordinance to have residential developers build trails when new residential development occurs adjacent to a designated trail location, consistent with other parkland priorities.

Encourage developers or property owners to enter into formal agreements with the City to maintain trails adjacent to their properties.

TR-1.1 Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).

TR-1.4 Through the entitlement process for new development, projects shall be required to fund or construct needed transportation improvements for all transportation modes giving first consideration to improvement of bicycling, walking and transit facilities and services that encourage reduced vehicle travel demand.

- Development proposals shall be reviewed for their impacts on all transportation modes through the study of Vehicle Miles Traveled (VMT), Envision San José 2040 General Plan policies, and other measures enumerated in the City Council Transportation Analysis Policy and its Local Transportation Analysis. Projects shall fund or construct proportional fair share mitigations and improvements to address their impacts on the transportation systems.
- The City Council may consider adoption of a statement of overriding considerations, as part of an EIR, for projects unable to mitigate their VMT impacts to a less than significant level. At the discretion of the City Council, based on CEQA Guidelines Section 15021, projects that include overriding benefits, in accordance with Public Resources Code Section 21081 and are consistent with the General Plan and the Transportation Analysis Policy 5-1 may be considered for approval. The City Council will only consider a statement of overriding considerations for (i) market-rate or mixed-income housing consistent with the General Plan Land Use Designation effective on November 29, 2022 or future City-initiated General Plan amendments; (ii) market-rate or mixed-income housing that requires a privately-initiated General Plan amendment that is on land currently designated with a Private Recreation and Open Space land use designation; (iii) commercial projects; (iv) industrial projects; and (v) 100% deed-restricted affordable housing as defined in General Plan Policy IP-5.12. Such projects shall fund or construct multimodal improvements, which may include improvements to transit, bicycle, or pedestrian facilities, consistent with the City Council Transportation Analysis Policy 5-1.
- Area Development Policy. An "area development policy" may be adopted by the City Council to establish special transportation standards that identifies development impacts and mitigation measures for a specific geographic area. These policies may take other names or forms to accomplish the same purpose.

TR-5.3 Development projects' effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements.

TR-9 Reduce Vehicle Miles Traveled (VMT) per service population by 20% (2030 goal) and by 45% (2040 goal), from the 2017 levels.

TR-9.2 Serve as a model city for VMT reduction by implementing programs and policies that reduce VMT for City of San José employees.

Staff Comments: Given its proximity to open space, the development needs to show access to nearby open space/trails on the Tentative Map to meet General Plan policy.

To meet environmental and safety concerns associated with the site's history as a landfill, a Post Close Land Use Plan and a comprehensive environmental review must be conducted—since AB130 was found not applicable to this project—to identify hazardous materials and implement necessary mitigation measures, such as soil remediation and methane capture, in compliance with General Plan policies to protect health and safety.

Given that the project is in an immutably high Vehicle Miles Traveled (VMT) area, as outlined in the General Plan policies, the project must take additional steps to mitigate its VMT impact. The project may be able to align with VMT reduction goals by enhancing multi-modal transportation options such as pedestrian walkways, bicycle lanes, and transit access. However, given the immutability of the VMT area, it may be necessary for the City Council to consider a statement of overriding consideration, especially if the project's benefits—such as the provided affordable housing—outweigh its VMT impacts. The inclusion of mixed-use elements and proximity to essential services could further minimize transportation impacts and support the broader city goals of efficient land use and sustainability.

Pursuant to State Density Bonus Law, affordable housing must be integrated into the project as part of the required density increase and the indicated percentages in the State Density Bonus Application appear to be meeting policy requirements.

Grading and construction should be handled with minimal environmental impact, incorporating dust control measures and landform grading where applicable.

4. Subdivision

Tentative Map

Pursuant to Chapter 19.12 of the Subdivision Code, the Tentative Map must include the following information:

- Section 19.19.030 – Preparation Information to be shown:
 - If any streets or alleys shown on the tentative map are proposed to be private streets or alleys, they shall be clearly indicated, and there shall be submitted supplemental information to the city to show why such private streets or alleys should be approved by the city.
 - The approximate location of any existing well or wells on the property proposed to be subdivided.

Staff Comments: Upon resubmittal, refer to and address all Public Works comments in their Memorandum dated November 11th, 2025 (Attachment B).

Upon resubmittal, show the location of existing wells on the subject property and note whether they are to be capped or abandoned in accordance with Santa Clara Valley Water District standards. In an email, include as Attachment A, Valley Water indicates their records show 19 active wells on the subject property. This is in opposition to the presumed six (6) you have indicated are part of the proposed project. The discrepancy between Valley Water's record of 19 wells and the presumed 6 wells on site need to be addressed on the plans. If these are to be capped, they require permit from Valley Water as explained in Attachment A.

Design Requirements

Pursuant to Chapter 19.36 of the Subdivision Code, the proposed subdivision must comply with the following applicable design requirements:

- Lot Area and Width - Except as lot areas or widths are set forth in other provisions of Title 19 or 20 of this Code, each lot shall contain a minimum area of not less than six thousand square feet each with an average width of not less than 55 feet.
 - The director may permit the reduction of the six thousand square foot minimum lot area prescribed in Section 19.36.170 of all or some of the lots in a proposed subdivision if the director shall, in the exercise of reasonable judgment, deem such reduction advisable in view of the character of the neighborhood in which the subdivision is to be located, the quality or kinds of development to which the area is best adapted, the size, use or physical or other conditions of the property proposed to be subdivided, neighborhood and general planning, or safety and general welfare of the public and of the lot owners in the proposed subdivision, provided that in no event shall any lot contain a minimum area of less than five thousand square feet. The provisions of this section shall not be used to decrease the minimum lot areas designated in Title 20 of this Code or in any sections of this Title 19 other than Section 19.36.170.

Staff Comments: The smallest lot size is approximately 1,418-square-foot and the largest is 2,909-square-foot. This does not meet the minimum standards even after consideration by the director. Upon resubmittal, provide lots that either conform to the 5,000-square-foot minimum or update the Density Bonus waivers and concessions to include a waiver to the minimum lot size requirement.

- Lot Depth - All lots fronting on a major street and all lots with approved double frontage shall have a minimum depth of 120 feet, except where the director finds that because of the design and/or improvements in such subdivision such lots having a lesser depth are satisfactory in such subdivisions.

Staff Comments: Corner lots have two frontages or a double-frontage as defined in Title 20. Lots with a double frontage require a depth of 120 feet. The provided lots are, at their smallest, approximately 48-foot and the largest, approximately 60-foot. Upon resubmittal, provide lots that have a double frontage with the 120-foot depth minimum or update the Density Bonus waivers and concessions to include a waiver to the minimum lot depth requirement.

5. Zoning Consistency

The subject site is located in an A(PD) Planned Development Zoning District established under PDC84-063.

Land Use Dedication Requirement

Pursuant to PDC84-063, the landfill area is to be dedicated to the County of Santa Clara and will not be part of the Homeowners Association for this project. The methane gas collection system will be installed by the Project Developer on the landfill parcel which is to be dedicated to the County. The methane gas collection system will be maintained by the project developer until such time as the landfill parcel is dedicated to the County. Extension of the gas collection system is subject to BAAQMD permit.

Staff Comments: See the Local Enforcement Agency section above.

Development Regulations

Planned Development Zoning		Single-Family Zoning R-1-8	
Maximum Number of Units	44 Single-Family Dwelling Units	Maximum Number of Units	8 Dwelling Units per Acre
Off Street Parking	44 Garages	Off Street Parking	-
Minimum Lot Size	1,600 Square Feet	Minimum Lot Size	5,445 Square Feet
Minimum Setback between Building and Public Street	10 Feet	Front Setback	20 Foot Front Setback
Minimum Setback between Building Groups	10 Feet	Side, interior (Note 6)	5
Minimum Setback between Building and Private Streets	5 Feet	Side, corner (Note 6)	<u>12.5</u>
Minimum Setback between Buildings and Landfill	20 Feet except one lot on southeast boundary may be 10 Feet	Rear, interior	20
Maximum Height	2 Stories or 30 Feet	Rear, corner	20
Planned Development Zoning Notes <ul style="list-style-type: none"> • Conversion of single car garage shall not be permitted • Six-foot good neighbor fence along property lines adjacent to existing residential • 15-gallon size trees to be planted along property lines of the adjacent residential neighborhood 		Minimum driveway length (Note 5)	18
		Maximum height (Notes 1, 2 and 4)	35

R-1-8 Notes

1. Refer to Part 9 of [Chapter 20.100](#) regarding single-family house permit requirements and [Section 20.200.510](#) regarding the definition of "height."
2. An alternative maximum height may be established as described in [Chapter 20.85](#). Where an alternative maximum height restriction has been established as described in [Chapter 20.85](#), that regulation described in [Chapter 20.85](#) shall govern and control over the provisions in this section.
3. Refer to [Section 20.200.120](#) regarding the definition of "basement;" refer to [Section 20.200.1210](#) regarding the definition of "story;" and refer to [Section 20.200.1220](#) regarding the definition of "half story."
4. An alternative maximum height may be established as described in [Chapter 20.85](#). Where an alternative maximum height restriction has been established as described in [Chapter 20.85](#), that regulation described in [Chapter 20.85](#) shall govern and control over the provisions of this section.
5. The minimum driveway length shall also comply with the minimum setback requirements for the zoning district in which the lot is situated.
6. Refer to [Section 20.30.260](#) for side setback exceptions in the R-M and R-MH districts.

Staff Comments: A Density Bonus application does not require rezoning. Either the existing zoning under PDC84-063, or the zoning which conforms to the General Plan of Residential Neighborhood—in this case R-1-8—can be used to make findings for approval. Depending on which, additional conflicts may arise, to which additional Density Bonus waivers and concessions maybe required. If developing under the R-1-8 standards, a Site Development Permit may be required, as opposed to the Planned Development permit.

6. Council Policies

CP 6-5 New Streets and Other Named Rights of Way

It is the policy of the City of San Jose that the names for new public and private streets and other named rights of way:

- A. Are to be selected by the developer and submitted to the Department of Planning, Building and Code Enforcement for clearance and approval before the tract map is recorded.
- B. Must meet with the approval of the County Communications Department and the U.S. Post Office.
- C. That continuing for some length in one general alignment shall have only one name.
- D. Will usually be called "court" when they are cul-de-sacs; however, "place" is acceptable.
- E. A cul-de-sac may carry the same name as the street at its open-end.
- F. That are loop streets will usually be called "circle".
- G. The maintenance and future use of names with historic significance within Santa Clara Valley is encouraged

Proposed Street Names

Alexander Way	Natalia Way	Temperino Way
Ingrida Way	Marika Way	Mistyviolet Way
Mieka Way	Anand Way	Ange Rose Way
Michael Way	Maya Way	
Tatiana Way	Aidan Way	

Staff Comments: Based on the Tentative Map and plans provided, the project will construct new private streets and alley ways. Staff will forward the names provided to the relevant internal and external agencies for review. Upon approval, please add the names to the Tentative Map. Note, if any street names are proposed to be changed between approval of the Tentative Map and approval of a Final Map, the new street names will need to be reviewed by all necessary agencies prior to map recordation.

7. State Density Bonus Law

The applicant submitted a concurrent application pursuant to State Density Bonus Law

([Government Code Section 65915](#)). See staff comments below.

Staff Comments: The Density Bonus Application is requesting modifications and waivers to development standards without a proposed development permit, including reduction of alley widths to 20 feet, front setback of units to 3 feet, side setback to 3 feet, and rear setback of 8 feet. Additional incentives/concessions or waivers may be required as discussed in this letter.

Density Bonus

Pursuant to Government Code Section 65915(b)(1)(B), at least five percent of the total units of the for-sale housing development are restricted to very-low-income households. Therefore, the project is eligible for a density bonus.

Based on the Density Bonus Application provided, the project proposes 14% of the units for-sale for very-low-income households. Therefore, pursuant to Government Code Section 65915(f)(2), the project is eligible for a 46.25 percent density bonus, equivalent to 23 additional units. The project proposes 23 units above the base density of 8 Dwelling Units per Acre in accordance with this section.

Incentives/Concessions and Waivers

The project has not requested the any incentives/concessions. The following waivers have been requested:

- Waiver 1 – Reduction of alley widths to 20 feet.
- Waiver 2 – Reduction of front setback of units to 3 feet.
- Waiver 3 – Reduction of side setback of units to 3 feet.
- Waiver 4 – Reduction of rear setback of units to 8 feet.

Regulatory Agreement Required – Section 20.190.100

- A. General. Applicants for a Density Bonus, Incentive, waiver, or modification of Development Standards shall enter into a Regulatory Agreement with the City. The terms of the draft Regulatory Agreement shall be reviewed and revised as appropriate by the Director and the City Attorney. The final Regulatory Agreement, as approved by the City Attorney, shall be executed by the Applicant, and forwarded to the Approval Authority for final approval.
- B. Timing of Agreement Approval. Approval of the Regulatory Agreement by the Approval Authority shall take place either concurrently with the Discretionary Approval or Ministerial Approval that is being processed with the Density Bonus application; or under an application for a compliance plan submitted between the Discretionary Approval and Ministerial Approval, and Building Approval or Grading Approval, whichever comes first.
- C. Agreement Terms and Conditions. See [Section 20.190.100.C](#) for the Regulatory Terms and Conditions.

Staff Comments: The recordation of a Regulatory Agreement between the City and applicant will be included as a condition of approval in the Development Permit. The applicant would be required to submit a Planning Permit Adjustment to process the draft regulatory agreement after entitlement but before grading or building approval, whichever comes first.

8. Environmental Review

Based on preliminary review of the project, the project is a Housing Development Project as defined by Section 65589.5 (h)(2) of the Government Code, as amended, and may qualify for a statutory Exemption under Assembly Bill 130 (AB 130).

To qualify for an exemption under AB 130, the proposed project would need to be consistent with all applicable aspects of Section 21080.66 of the Public Resource code, as follows:

1. Project must meet the definition of a Housing Development Project: A project must meet the definition of a “Housing Development Project” per Section 65905.5(b) of the CA Government Code to qualify for a statutory exemption. The project meets this definition because it meets any the following criteria:
 - Project contains only residential units.
 - Project is a mixed-use developments consisting of residential and nonresidential uses that meet any of the following conditions:
 - At least two-thirds of the new or converted square footage is designated for residential use.
 - At least 50 percent of the new or converted square footage is designated for residential use and the project meets both of the following:
 - The project includes at least 500 net new residential units.
 - No portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except a portion of the project may be designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.
 - At least 50 percent of the net new or converted square footage is designated for residential use and the project meets all of the following:
 - The project includes at least 500 net new residential units.
 - The project involves the demolition or conversion of at least 100,000 square feet of nonresidential use.
 - The project demolishes at least 50 percent of the existing nonresidential uses on the site.
 - No portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except a portion of the project may be designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.
 - Transitional housing or supportive housing.
 - Farmworker housing, as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code.

Staff Comments: The proposed project contains only residential units and meets the above criterion.

2. Zoning and General Plan Consistency: The project must be consistent with the General Plan

and Zoning. (This requirement does not apply to Builders Remedy projects.)

Staff Comments: The subject site has a General Plan land use designation of Residential Neighborhood on the land use/transportation diagram of the Envision San José 2040 General Plan. The allowable residential density for the subject site is 8 Dwelling Units per Acre (8 DU/AC). However, the applicant is utilizing State Density Bonus Law to increase the allowable density by 23 units. The proposed 72 units would be within the allowable density. The subject site is located in an A(PD) Planned Development Zoning District established under PDC84-063. The project is consistent with zoning; see Zoning Consistency section above.

Therefore, the proposed project would be consistent with the General Plan designation and zoning, meeting the above criterion.

3. Project site size limitations: Project site does not exceed 20 acres. OR The project is a Builder's Remedy project and the site does not exceed 4 acres.

Staff Comments: The project site is approximately 6.03 acres and meets the above criterion.

4. Project site must be in an urban area surrounded by urban uses: The project is located within an urban area and is surrounded by urban uses.

Staff Comments: The proposed project is located on a site that is already developed with urban use and meets the above criterion.

5. The project meets minimum density requirements: The minimum density of the project is more than 15 dwelling units/acre.

Staff Comments: A total of 72 single family homes are proposed. Although each lot is proposed to include one (1) ADU, ADUs are not included in density calculations. Therefore, there are 72 dwelling units proposed on a 6.03-acre site, which equates to 11.9 dwelling units/acre. This does not meet the minimum density requirement of 15 dwelling units/acre and does not meet the above criterion. The full 6.03-acre site is used to calculate density because the full 6.03-acre site is being developed, based on information provided in the application.

Determining Size of the Project Site

In the letter from the applicant's legal counsel dated September 2, 2025, the following is stated:

- As noted above, the Property is roughly six acres, but only 4.2 acres are developable. The remaining 1.8 acres is underlain by a household landfill, which was closed in 1970 ("Landfill Parcel"). While all environmental concerns relating to the Property have been resolved, the Landfill Parcel is not suitable for development and will not be disturbed or altered as part of the Project.

While the applicant claims that only 4.2 acres of the parcel should be considered as the project site because that will be the only disturbed area and the remaining 1.8 acres will not be disturbed, the project description states that there will be a dog park in the remaining 1.8 acres. Additional information is also required based on the outstanding PCLUP to confirm if mitigation measures or improvements will be required on the remaining 1.8 acres. Therefore, without additional documentation, the full acreage of the site is used for density calculations.

Exclusion of ADUs in Calculating Density

In the letter from the applicant's legal counsel dated September 2, 2025, the following is stated:

- ADUs qualify as units, count towards the City's RHNA obligations, and therefore should be included in the density calculation for the Statutory Infill Exemption.

For the purposes of the Regional Housing Needs Allocation (RHNA), the housing element, which outlines how a city will meet the RHNA, must include ADUs as part of its methodology to meet State Law (Gov. Code, § 65583; HSC, § 50504.5.). The RHNA requires that cities consider ADUs using a three-part approach: (1) development trends, (2) anticipated affordability, and (3) resources and incentives. At no point does the RHNA contemplate or require density calculations for ADUs. The State requires the total number of ADUs be allowed ministerially and shall not be considered to exceed the allowable density for a lot (Government Code Section 66314(c)).

Per the Housing and Community Development's Accessory Dwelling Handbook, ADU's are not considered when calculating a site's maximum allowable residential density. Maximum allowable residential density is defined as "the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan" (Gov. Code, § 65915, subd. (o)(6)). By the same token, ADU's are not considered when calculating the minimum density threshold for purposes of determining whether a project qualifies for statutory exemption under AB 130. Per state law, ADU's are permitted by right with the issuance of building permits alone and therefore are not considered when calculating the residential density of a proposed project.

6. The project will not demolish a historic structure: The project does not propose to demolish a historic structure placed on a national, state, or local historic register (the City's Historic Resources Inventory).

Staff Comments: The site is not on the Historic Resources Inventory and meets the above criterion.

7. The project is not on natural or protected lands: The proposed project cannot be on natural and protected lands, as defined pursuant to Section 21067.5, based on the following criteria:
 - a. Site is not on prime farmland or farmland of statewide importance.
 - b. Site does not contain wetlands.
 - c. Site is not within a fire hazard area.
 - d. The site is not a hazardous waste site that is listed pursuant to Section 65962.5 unless either of the following apply:
 - The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses OR
 - The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a

determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses.

- e. Site is not within an earthquake fault zone.
- f. Site is not within a flood hazard area or floodway.
- g. Site is not designated for conservation.
- h. Site is not habitat for protected species.

Staff Comments: The project is not on natural or protected lands. The site is not on the Cortese List. In 2018, The City of San Jose Local Enforcement Agency referred the Site to DTSC requesting that DTSC review and evaluate the Site data for volatile organic compounds and make a recommendation on whether the Site is safe for residential use. DTSC reviewed the background information, sampling results, and environmental assessment reports and determined the Site is safe for the planned residential use. This finding is recorded in a letter from DTSC dated August 27, 2018.

Post Closure Land Use Plan

While the project meets the above criterion because it is not on the Cortese List and DTSC has determined the Site is safe for the planned residential use, the project site is located on a closed landfill. Therefore, a PCLUP must be reviewed and approved by the LEA in coordination with the CalRecycle and other applicable reviewing agencies before any entitlement can be granted—which may require new documents from the DTSC and other agencies. Please refer to page 3 of this memo for more information.

Conclusion

Based on the City's analysis and the information provided in the application, the proposed project does not qualify for AB130 because does not meet the minimum density requirement of 15 dwelling units/acre.

Please reach out if you want to discuss environmental review options or seek clarification about qualifying criteria. I am be reached at charlotte.yuen@sanjoseca.gov or (408) 535-5658.

9. On-Site Sign Posting

Per the City's Public Outreach Policy, a sign describing the proposed project is required to be placed on each project site street frontage, so it is legible from the street. A PDF file of the on-site poster is uploaded in ProjectDox. Once the sign is posted, please take photographs of the on-site sign and fill out the Declaration of Posting (page 3 of the first link) and send both of those to me. Delay in posting the sign and providing the declaration form, would delay any future review.

- On-Site Noticing/Posting Requirements: [On-Site Noticing/Posting Requirements](#)
- Public Outreach: [Public Outreach Policy for Pending Land Use and Development Proposals](#) (Council Policy 6-30).

10. Comments from Other Departments/Divisions and Agencies

Attached are memoranda from other departments/divisions. Please carefully review the memos, as they contain essential information needed to successfully and efficiently move your project through the Planning entitlement process. Comments contained in the attached memos must be incorporated into the revised plan sets as required.

- Building — to be sent once complete.
- Fire — to be sent once complete.
- Public Works/DOT — see Attachment B.
- Affordable Housing — to be sent once complete.
- PRNS — to be sent once complete.

11. Next Steps

Please be advised that this summary does not constitute a final review. In order to facilitate the development review process, please include a detailed response letter with your resubmittal that addresses all items contained in this letter and attached memos. When ready, please submit all updated plans and documents to ProjectDox using the Planning File Naming Conventions. Please anticipate at least three weeks for departmental staff to review your responses and revisions.

The decision to approve, deny, or conditionally approve the Tentative Map would take place at either Planning Commission or City Council if the project requires an EIR with significant unavoidable impacts or if overriding consideration is required for the immitigable VMT impact, as part of an EIR. Otherwise, the decision to approve, deny, or conditionally approve the Tentative Map if this is the preferred path forward, takes place at Director's Hearing.

- Planning Commission - every Wednesday at 6:30 P.M. on the First Floor of the City Hall Wing, 200 East Santa Clara Street San José, California.
- City Council - every Tuesday at 1:30 P.M. for afternoon sessions and 6:00 P.M. for evening sessions, in the City Hall Council Chambers, 200 E. Santa Clara Street, San José, California 95113.
- Director's Hearing - every Wednesday at 9:00 a.m., currently via zoom. Once the project plans are acceptable and all comments have been addressed, the project will be scheduled for public hearing.

There is a three to four-week lead time prior to the hearing for preparation, distribution, and responses to the public notice, and for preparation of the draft permit. Additional fees may be applicable for community meetings, additional public noticing, and for other processes/reviews as a result of revisions to the project description or plans, based on the adopted fee schedule. We will inform you should additional fees be required. The project will not be scheduled for hearing until all fees have been paid in full.

Should you have any questions, you may contact me at alexandre.hughes@sanjoseca.gov or (408) 535-7827. You may also contact the Supervising Planner overseeing this project, Alec Atienza, at alec.atienza@sanjoseca.gov.

Sincerely,



Alexandre Hughes
Project Manager
City of San José

Attachments:

Attachment A – Email from Santa Clara Valley Water District
Attachment B – Public Works Memorandum

ATTACHMENT A



RE: T24-038 @ 880 Sylvandale

From Matthew Sasaki [REDACTED]
Date Tue 9/23/2025 9:19 AM
To Hughes, Alexandre [REDACTED]
Cc Lee, Jason <Jason.Lee@sanjoseca.gov>

[External Email. Do not open links or attachments from untrusted sources. [Learn more](#)]

Y u d n' f n ma fr m [REDACTED] [learn why this is important](#)

Hi Alexandre,

The Santa Clara Valley Water District (Valley Water) has reviewed the tentative map to subdivide 2 lots into 73 lots at 880 Sylvandale Avenue, received on September 18, 2025.

Based on our review, we have the following comments:

1. According to Valley Water records, there are 19 active wells on the subject property. The applicant noted that there are six (6) gas monitoring wells on the site that will be capped and abandoned. These wells need to be properly destroyed under permit from Valley Water. The discrepancy between Valley Water's records and the applicant's information also needs to be resolved. Please see our website for additional information and the contact information for our Well Permitting and Inspections Hotline: <https://www.valleywater.org/contractors/doing-businesses-with-the-district/wells-well-owners>.
2. Valley Water does not have any right of way or facilities on the project site. Therefore, in accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water encroachment permit is not required for the work.

Please let me know if you have any questions regarding the comments. This project was assigned to Valley Water File 35517. Please reference this number on future correspondence regarding this project.

Thank you,

MATT SASAKI

Pronouns: he/him

Associate Engineer - Civil

Community Projects Review Unit

[REDACTED]

Santa Clara Valley Water District is now known as:



Clean Water • Healthy Environment • Flood Protection

5750 Almaden Expressway, San Jose CA 95118

www.valleywater.org

From: Hughes, Alexandre <Alexandre.Hughes@sanjoseca.gov>

Sent: Thursday, September 18, 2025 2:46 PM

To: CPRU-Dropbox <CPRU@valleywater.org>

Cc: Lee, Jason <Jason.Lee@sanjoseca.gov>

Subject: T24-038 @ 880 Sylvandale

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

This email is to bring the proposed project, T24-038, to your attention. This project is a Tentative Map to subdivide 2 lots into 73 lots (72 residential lots, one common lot) on an approximately 6.03-gross acre site with. Each residential lot will have 1 unit and 1 ADU. The project is approximately 125 to 150-foot of the Coyote Creek.

best,

Alexandre Hughes, Planner III

Planning Division, Planning, Building and Code Enforcement Department

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

alexandre.hughes@sanjoseca.gov | (408)535-7827

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

ATTACHMENT B

Memorandum

TO: Alexandre Hughes
Planning and Building

FROM: Jason Yan
Public Works

**SUBJECT: 2nd INITIAL RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: 11/18/25

Approved 

Date 11/19/2025

PLANNING NO.: T24-038
DESCRIPTION: Tentative Map to subdivide 2 lots into 73 lots (72 residential lots, one common lot) on an approximately 6.03-gross acre site
LOCATION: Southside of the easterly terminus of Sylvandale Avenue
P.W. NUMBER: 3-06411

Public Works received the subject project on 10/22/25 and submits the following comments and requirements. **Upon completion of the Action/Revisions Required items by the applicant, Public Works will forward a Final Memo to the Department of Planning prior to the preparation of the Staff Report for Public Hearing.**

Actions / Revisions Required:

1. **Public Works Development Review Fees:** An additional Public Works Review Fee is due. Prior to the project being cleared for the hearing and approval process, this fee shall be paid to the Development Services Cashier using the attached invoice. The additional fee due is a NPDES - C.3 Requirements Review Fee of \$3,064.00.
2. **Stormwater Runoff Pollution Control Measures:** Submit the following:
 - a) Provide a completed Stormwater Evaluation Form (SEF). This worksheet may be found at the Planning website located at: <http://www.sanjoseca.gov/?navid=2847>.
 - i) Use the current SEF dated 05/15/2025.
 - ii) Item 1: List the Project File Number T24-038.
 - iii) Item 1. d: List the Project Cross Streets.
 - iv) Item 1. g: List the Estimated Project Completed Date.
 - v) Item 2. Verify the values listed in the Area Data table.
 - vi) Item 3.g: Ensure that all the Site Design Measures and Source Control Measures used on the project are selected in this section.
 - vii) Item 6: List the responsible party in charge of the operation and maintenance for this project.
 - viii) Item 7. List the individual who completed the SEF.

- b) Update the Stormwater Control Plan (SCP) to include all of the required items per the Stormwater Submittal Checklist.
- c) Revise the treatment method for Drainage Management Area (DMA) 3 to only provide one bioretention area. Only one Treatment Control Measure (TCM) is allowed per DMA.
- d) Revise the bioretention areas for DMA 1 and DMA 2 to remove any pinch points. Stormwater must be able to flow freely throughout each area to ensure full saturation.
- e) Relocate the overflow risers to the middle of each bioretention area.
- f) Provide the top of overflow riser elevation, top of soil elevation, top of bank elevation, and show the cleanout locations and perforated pipe for each bioretention area.
- g) Include the preliminary building downspout locations.
- h) Since the project is proposing the flow/volume method, provide the numeric sizing calculations based on the Stormwater Control Plan, certified by a qualified stormwater professional (civil engineer, licensed architect or landscape architect), used to determine runoff quantity and to design/select the post-construction treatment control measures. Select calculation templates are available at the City of San Jose website: <http://www.sanjoseca.gov/devresources>
- i) Update the Treatment Control Measure (TCM) Summary Table showing minimum performance criteria vs. designed performance for the selected BMPs for each Drainage Management Area (DMA). For minimum performance standards refer to SCVURPPP handbooks (<https://scvurppp.org/2016/06/20/c-3-stormwater-handbook-june-2016/>) and CASQA guidelines (<http://www.casqa.org/>) and the Public Works Project Engineer.
- j) Update / revise the notes and details on Sheet TM-5.0 with the latest notes and details from the Public Works website under the C.3 Design and Submittal Resources section of the webpage located at the following: <http://www.sanjoseca.gov/devresources>. The following Details and Notes need to be added or revised:
 - i) Add the Bioretention Detail w/ Liner.
 - ii) Add the Curb Adjacent to Bioretention Detail.
 - iii) Add the Bubbler Box Detail.
 - iv) Add the Curb Opening Detail, if applicable.
 - v) Add the Stormwater Treatment Measure Medallion Detail and Notes.
 - vi) Add the Bioretention and Flow-Through Planting Table.
 - vii) Add the typical Bioretention / Flow-Through Planter Notes and eliminate any of the notes that do not pertain.
 - viii) Add the "Standard Stormwater Control Notes".
 - ix) Add the Project Site Information Table.
 - x) Add the Biotreatment Soil Requirements notes.
 - xi) Add the Site Design Measures Table and list all appropriate Site Design Measures selected in the most current C.3 Stormwater Evaluation Form on the Stormwater Control Plan.
 - xii) Add the Source Control Measures Table and list all appropriate Source Control Measures selected in the most current C.3 Stormwater Evaluation Form on the Stormwater Control Plan.

- xiii) Add the Operations and Maintenance (O&M) Information Table that lists the party responsible for O&M.
 - xiv) Include the O&M maintenance procedure with the maintenance procedures located in Appendix G of the C.3 Stormwater Control Handbook entitled: “Table 1: Routine Maintenance Activities for bioretention areas”.
 - xv) Revise the Pervious and Impervious Comparison Table to the Comparison of Impervious and Pervious Areas at Project Site Table from the Stormwater Evaluation Form.
3. **Stormwater Peak Flow Control Measures:** Submit the following:
- a) Provide a copy of the BAHM analysis report.
 - b) The report is indicating a 3-inch layer of BSM above the 18-inch BSM layer. Please clarify the purpose of this additional 3-inch layer in the design.
4. **Landscape Plan:** Provide a landscape plan with the following elements.
- a) Add the following note: *“Street trees shown in the public right-of-way are for information only. The Planning Permit does not authorize the installation or removal of trees in the public right of way. Actual street tree location will be determined by Public Works at the implementation stage on the Public Improvement plan. The installation or removal of the street trees requires a permit from the Department of Transportation. The City Arborist will specify the species.”*
 - b) Identify and label all Bioretention location(s) and number(s), including any Hydromodification basin(s), consistent with the Stormwater Control Plan on the Planting and Irrigation Plans.
 - c) Delineate the plants that will be used in the Bioretention and Flow-Through Planter areas (and Hydromodification basin).
 - d) Add the following note: “Include 3 inches of composted, non-floatable mulch in areas between stormwater treatment plantings.”
5. **Transportation:**
- a) A Transportation Analysis (TA) was submitted to the City on October 27, 2023, and comments were sent to TJKM Transportation Consultants on November 29, 2023. Additionally, a VMT Assessment supplemental was submitted on January 12, 2024, and comments were sent to TJKM on February 15, 2024. The City is awaiting resubmittal of the TA report.
 - i) Additional off-site improvements may be conditioned upon completion of Transportation Analysis.
 - b) Based on the City’s evaluation, the project, as proposed, has unmitigable VMT impact. Per City Council Policy 5-1, a project that has significant and unavoidable impacts may not proceed unless the project maximizes its VMT mitigation by constructing physical improvements and implementing programmatic Transportation Demand Management (TDM) Plan. The project will also be required to obtain City Council approval for an override and pay a VMT impact Overriding Offset payment for any remaining unmitigable VMT. The 2025 VMT Overriding Offset payment is \$3,002 per unmitigated VMT per capita. This fee is

subject to an annual escalation on January 1st per the Engineering News-Record Construction Cost Index for San Francisco (ENR CCI).

6. **Street Improvements:**

- a) Submit a more detailed plan showing existing and proposed street improvements.
- b) Show the construction of a cul-de-sac at the Sylvandale Avenue terminus and a 26' wide driveway per CSJ Standards to access the private streets.
- c) Show the construction of a 10' wide detached sidewalk with parkstrip per CSJ standards along the Sylvandale Avenue frontage.
- d) Show the construction of a cul-de-sac per CSJ Standards at the terminus of Jana Lane. Remove the proposed bollards for EVA access.
- e) Coordinate with the County of Santa Clara to improve the Hellyer County Park/Sylvandale Avenue pedestrian/bike connection to the Coyote Creek Trail from the east end of Sylvandale Avenue, at the northwest corner of the project site.

7. **Sanitary:**

- a) Submit a conceptive sanitary sewer plan with pipe slopes, surface elevations, and invert elevations.
- b) Update the proposed sanitary connection at Jana Lane to City Standard manhole connection.
- c) Revise the proposed cleanout at the terminus of each street and alley to a manhole.
- d) Provide expected flow rate to the existing surrounding sanitary mains to evaluate potential capacity constraints for this proposed project. If the provided flow rate for the project exceeds the current capacity, upsizing of the surrounding mains will be required.

8. **Storm:** Revise the preliminary grading/drainage plan prior to approval.

- a) Clearly indicate how the stormwater from the site will be routed to each bioretention area (provide spot elevations and surface flow arrows).
- b) Update the utility plan to only show one existing 33" storm main on Sylvandale Avenue.

9. **Private Streets:**

- a) Revise plans to show preliminary/conceptual private street cross section including street dimensions, cross slopes, curb & gutters, and sidewalks.
- b) Final private street improvement plans may be required to the satisfaction of the Director of Public Works.

10. **Tentative Map:**

- a) Provide clarification on the location of the common area lot. There are a few areas that are not designated with lot numbers. These include:
 - i) The Remainder Lot.
 - ii) The Private Street and associated Alley's.
 - iii) The stormwater treatment areas.

If these are intended to be part of a single common lot, assign a lot number or letter accordingly.

- b) Update the site plan (sheet 3) to use the correct boundary line type as indicated in the legend. Please ensure the Tentative Map consistently applies the symbols, hatching patterns, and line types shown in the legend. Some lines within the lots and near the parking areas are unclear, making it difficult to confirm whether the lot boundaries are being accurately represented.
- c) Clearly identify all easements proposed to be included in the Covenant of Easement (COE). Add the COE to both the legend and the tentative map. Please also verify whether the stormwater treatment areas should be covered under the COE. If drainage from the residential lots flow to a treatment facility within the common lot, a COE will be required for stormwater purposes.
- d) Change the Emergency Vehicle Access Easement (E.V.A.E.) to an Emergency Access Easement (E.A.E).
- e) Change the Public Utility Easement (P.U.E.) to a Public Service Easement (P.S.E.).
- f) Add a private surface drainage release easement (PSDRE), private sanitary sewer easement (PSSE), and private storm drain easement (PSDE) in the common lot to serve the residential lots.
- g) Per the Tentative Map Requirements, the proposed Private Street is required to be named. Contact the Project Manager for additional information and approval of proposed new street names. Once a street name has been approved, add the following note: "Street names shown here have been approved by the County of Santa Clara Communications and the U.S. Postal Service." The Private Street name should be added to the Map.

11. **Referrals:** This project should be referred to the County Roads and Airports Department.

Project Conditions:

Public Works Clearance for Building Permit(s) or Map Approval: Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits. Standard review timelines and submittal instructions for Public Works permits may be found at the following:

<http://www.sanjoseca.gov/devresources>.

12. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements in accordance with adopted standards in the City of San Jose Municipal Code Chapters 27.38 and/or 19.32. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.

Transportation:

- a) A Transportation Analysis (TA) was submitted to the City on October 27, 2023, and comments were sent to TJKM Transportation Consultants on November 29, 2023. Additionally, a VMT Assessment supplemental was submitted January 12, 2024, and comments were sent to TJKM on February 15, 2024. The City is awaiting resubmittal of the TA report.
 - i) Additional off-site improvements may be conditioned upon completion of Transportation Analysis.
- b) Based on the City's evaluation, the project, as proposed, has unmitigable VMT impact. Per City Council Policy 5-1, a project that has significant and unavoidable impacts may not proceed unless the project maximizes its VMT mitigation by constructing physical improvements and implementing programmatic Transportation Demand Management (TDM) Plan. The project will also be required to obtain City Council approval for an override and pay a VMT impact Overriding Offset payment for any remaining unmitigable VMT. The 2025 VMT Overriding Offset payment is \$3,002 per unmitigated VMT per capita. This fee is subject to an annual escalation on January 1st per the Engineering News-Record Construction Cost Index for San Francisco (ENR CCI).

13. **Grading/Geology:**

- a) A grading permit is required prior to the issuance of a Public Works Clearance.
- b) All on-site storm drainage conveyance facilities and earth retaining structures 4 foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the latest California Plumbing Code as adopted under the City of San Jose Municipal Code Section 24.04.100 or submit an engineered design for Public Works approval designed to convey a 10-year storm event in accordance to the City of San Jose Design for Storm Drains design requirements.
- c) If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
- d) Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
- e) The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The report should also include, but not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation should be consistent with the

guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.

14. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges.
 - a) The project's Stormwater Control Plan and numeric sizing calculations have been reviewed and require revisions.
 - b) Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
15. **Stormwater Peak Flow Control Measures:** The project is located in a Hydromodification Management (HM) area and will create and/or replace one acre or more of impervious surface. The project must comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14) which requires demonstrating that post-project runoff is less than or equal to the estimated pre-project rates and durations.
 - a) The project's HM plan and sizing calculations have been reviewed and requires additional information.
 - b) Final inspection and maintenance information for the HM controls must be included on the final HM plans.
16. **Flood: Zone D** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for Zone D.
17. **Sewage Fees:** In accordance with the City of San Jose Municipal Code Chapter 15.16 all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable prior to Public Works Clearance.
18. **Parks:** This residential project is subject to either the requirements of the City's Park Impact Ordinance (Chapter 14.25 of Title 14 of the San Jose Municipal Code) or the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San Jose Municipal Code) for the dedication of land and/or payment of fees in-lieu of dedication of land for public park and/or recreational purposes under the "Formula for Dedication of Land" and/or "Schedule of Fees and Credits" contained within in the chapter.
19. **Street Improvements:**
 - a) Construct a cul-de-sac at the Sylvandale Avenue terminus and a 26' wide driveway per CSJ Standards to access the private streets.

- b) Provide a 10' wide detached sidewalk with parkstrip per CSJ standards along the Sylvandale Avenue frontage.
 - c) Construct a cul-de sac per CSJ Standards at the terminus of Jana Lane.
 - d) Coordinate with the County of Santa Clara to improve the Hellyer County Park/Sylvandale Avenue pedestrian/ bike connection to the Coyote Creek Trail from the east end of Sylvandale Avenue at the Northwest corner of the project site.
 - e) Developer shall be responsible for adjusting existing utility boxes/vaults to grade, locating and protecting the existing communication conduits (fiber optic and copper) along the project frontage.
 - f) Dedication and improvement of the public streets shall be to the satisfaction of the Director of Public Works.
 - g) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
20. **Sanitary:**
- a) Submit a conceptive sanitary sewer plan at the PD permit stage.
 - b) The project is required to submit plan and profile of the private sewer mains with lateral locations for final review and comment prior to construction.
21. **Electrical:**
- a) Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.
 - b) Locate and protect existing electrical conduit in driveway and/or sidewalk construction.
22. **Street Trees:** The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in park strip. Obtain a DOT street tree planting permit for any proposed street tree plantings. Street trees shown on this permit are conceptual only.
23. **Private Streets:**
- a) Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.
 - b) The plan set includes details of private infrastructure improvements. The details are shown for information only. Final design shall require the approval of the Director of Public Works.
24. **Referrals:** This project should be referred to the County Roads and Airports Department.

Planning and Building

11/18/25

Subject: T24-038

Page 9 of 9

Please contact Keith Gaxiola at keith.gaxiola@sanjoseca.gov or (408) 535-6896 or me at jason.yan@sanjoseca.gov or (408) 793-5399 if you have any questions. You may also reach the Senior Engineer overseeing the project, Elizabeth Koki at elizabeth.koki@sanjoseca.gov, or (408) 535-8324.

A handwritten signature in black ink that reads "Jason Yan". The script is cursive and fluid.

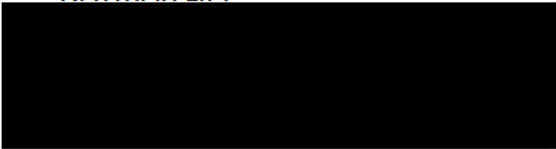
Jason Yan
Project Engineer
Development Services Division

JY:kg
1172431.DOC

c: Mitch Burley, BKF Engineers

October 15, 2025

NATMAR L.P.



SITE ADDRESS: 880 Sylvandale (APN: 494-66-003)

RE: File No. T24-038: Vesting Tentative Map to subdivide one lot into up to 73 lots (72 residential lots, one common lot) and an application under State Density Bonus Law on an approximately 6.03-gross acre site.

NATMAR L.P.:

This letter is written pursuant to the Permit Streamlining Act (Government Code Chapter 4.5 of Title 7), which requires cities to inform the applicant of the completeness of an application within 30 days of submission.

The above referenced application has been deemed complete under the Permit Streamlining Act. This means solely that all documents required for evaluation of the submission have been included within the application. Additional information may be required in the future in order for the project to be fully evaluated.

If you have any questions, you may contact me at alexandre.hughes@sanjoseca.gov or by phone at (408)535-7827. You may also contact the Supervising Planner overseeing this project, Alec Atienza, at alec.atienza@sanjoseca.gov.

A handwritten signature in cursive script, appearing to read "Alex Hughes".

Alexandre Hughes
Project Manager

Just received for letters from the public for today

From Taber, Toni <toni.taber@sanjoseca.gov>

Date Mon 12/8/2025 9:51 AM

To Agendadesk <Agendadesk@sanjoseca.gov>

Cc Campos, Pamela <Pamela.Campos@sanjoseca.gov>; Candelas, Domingo <Domingo.Candelas@sanjoseca.gov>; Casey, George <George.Casey@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Frimann, Nora <Nora.Frimann@sanjoseca.gov>; Jutson, Craig <craig.jutson@sanjoseca.gov>; Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; Maguire, Jennifer <jennifer.maguire@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Mulcahy, Michael <Michael.Mulcahy@sanjoseca.gov>; Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>; Tordillos, Anthony <Anthony.Tordillos@sanjoseca.gov>; Taber, Toni <toni.taber@sanjoseca.gov>; Wilcox, Leland <Leland.Wilcox@sanjoseca.gov>

 2 attachments (32 MB)

2025-Impact-Report.pdf; 2025-Annual-Report-5-LSA.pdf;

Submitted by Hadiyah Fain.

Toni J. Taber, MMC

City Clerk

City of San José

200 E Santa Clara Street

San Jose, CA 95113

408-535-1260

(she/her)

[Let us know how we're doing.](#)

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ANNUAL REPORT



Presented by
Life Services Alternatives

Spring Avenue
Open House

2025 Year In Review

Donor
Appreciation
Dinner

Run Home
Race 2025

Home is Where
the Heart is

CITP Program volunteering
at Westhope Church

Animal Assisted
Happiness,
Lollipop Award

Life Services Alternatives

Salerno Home

Who we are

Mission

Life Services Alternatives provides **exceptional** community living and programs for adults with developmental disabilities.

Board of Directors:

John Pencer - President
Tina Underwood - Vice President
Michael Phillips - Treasurer
Christine Wang - Secretary
Maurice Leibenstern
Greg Dalzell
Bob Marshalla
Lee Nelson
Sandra Castellano-Bustos
Ramaswamy Ranganathan
Ahmed Taufiq
Steven Minchen
Bruce Wolfe
Dave Hovda
Chris Burke
Mimi Giannini
Supriya Rao
Monisha Perkash

Vision

Life Services Alternatives believes all people with developmental disabilities have the right to live life to its fullest in our **community**.



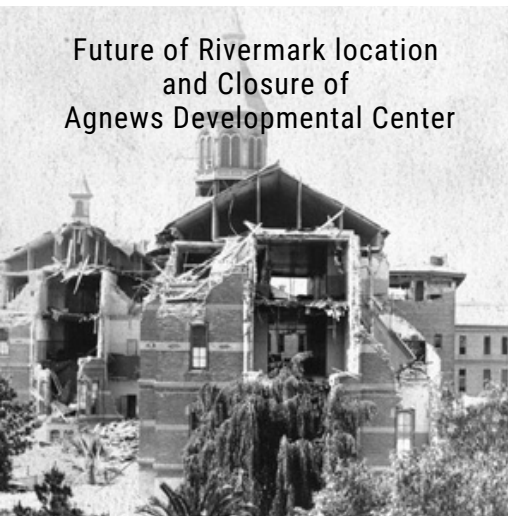
History of LSA

Life Services Alternatives was founded by parents who had a dream of establishing homes for their adult children with special needs.

In 2002, LSA began a journey to establish quality homes and nurturing services so that adults with developmental disabilities - including those with enduring medical needs - could receive life-long services while living in a community, not an institution.

Since that time, LSA has grown to sixteen homes in four cities in Santa Clara County. In addition, we have in-home day programs and a Community Integration Training Program, which includes life skills training, meaningful and integrated community activities, and volunteer opportunities.

Future of Rivermark location
and Closure of
Agnews Developmental Center



Rivermark Community Construction

Community Members Celebrating
Groundbreaking at Rivermark



Life Services Alternatives

Leadership

November 2025

Dear Friends, Families, and Supporters,



Dana Hooper
Executive Director

In a year marked by uncertainty and change, the strength and heart of the LSA community has continued to shine. Despite challenges, residents, staff, families, and supporters have come together, showing that compassion, connection, and perseverance can carry us forward.

2025 has been a year of growth and new beginnings. In March, our 16th home on Spring Avenue opened, welcoming four new residents into a safe and supportive environment. The residents and staff have quickly formed strong bonds, creating a warm, welcoming atmosphere filled with laughter, hugs, and care. Our homes offer more than just a place to live—they are a space to build routines, relationships, and confidence, reflecting what is possible when a community comes together.

Looking ahead, we anticipate approval to expand the Community Integration Training Program in 2026, allowing LSA to serve more adults and create new opportunities for participants to contribute to community projects, develop skills, and experience pride and purpose in their daily lives.

Our employees remain the backbone of LSA. Nearly all support staff positions are now filled, and well-deserved raises were provided to honor their dedication and commitment. Their resilience and care create warm, welcoming homes where each individual can thrive.

The community has been strengthened through advocacy and collaboration. LSA joined local leaders to recognize Developmental Disabilities Awareness Day and Month in San Jose, and met with mayors in Saratoga and Morgan Hill to reinforce the commitment to community inclusion. These efforts help ensure the voices of adults with intellectual and developmental disabilities are heard and respected.

Celebrations brought energy and connection throughout the year. From our 5th annual Home Is Where the Heart Is at the Campbell Community Center to the annual Run Home at Vasona Park, these events highlighted the generosity, spirit, and joy of the LSA community.

Looking ahead to 2026, LSA remains committed to opening more homes, expanding programs, and creating opportunities for adults with intellectual and developmental disabilities to grow, contribute, and feel a sense of belonging. The dedication of staff, families, volunteers, and supporters continues to make this work possible. Together, we are building not just homes, but community, pride, and connection.

With heartfelt gratitude,



Dana Hooper
Executive Director

2025 Highlights

2025 Outings & Celebrations


Our community has enjoyed a wonderful year filled with connection, celebration, and adventure!

CITP participants kicked off the year with a joyful Spring and Easter Celebration at Mountain Mike's Pizza in Campbell, followed by lively monthly Birthday Celebrations filled with music, sweet treats, and plenty of smiles. They also loved volunteering at the Animal Assisted Happiness Farm, where they rake leaves, wash dishes, and feed the tortoise.

As summer arrived, the fun continued with outings to Great America, the Evergreen Farmers Market, Casa de Fruta, and the Triton Museum. Participants enjoyed smoothies from Jamba Juice, relaxed afternoons at Las Palmas Park, and frozen yogurt trips to Yogurtland. The season wrapped up with a joint July and August Birthday Celebration at John D. Morgan Park, complete with lunch, games, and joyful memories.

Our ARFPSHN homes came together for themed celebrations throughout the year, including the "Hot August Days" party at Salerno and the beloved International Party at McKendrie Home, where residents and staff shared cultural dishes and stories from around the world. These gatherings continue to bring residents together across homes, strengthening friendships and community spirit.

Across LSA homes, residents enjoyed memorable outings all year long—exploring favorite local spots, catching movies, and sharing new experiences together. At Hatikvah Home, residents spent sunny days by the Santa Cruz Wharf, strolled through Marshall Park, and visited Valley Fair Mall. Rivermark 3 residents enjoyed movie days watching *Bad Guys 2* and *Superman*, scenic walks along the Pacifica Trails, and an exciting casino trip. Ramita residents danced the night away at a Halloween party dressed as skeletons and never miss a chance to go bowling. At Tamarack, residents delighted in live performances—seeing *Smurfs* and *Stitch Head* at the theater, and attending musicals like *Little Shop of Horrors* and *The Sound of Music*. Each outing, big or small, reflected the joy, friendship, and sense of adventure that fill LSA's homes all year long.




Volunteering at
Animal Assisted
Happiness



Pumpkin Patch
Adventure with
CITP


Volunteering at
Animal Assisted
Happiness



Halloween Dance
with Ramita Home




Hot August Nights
Party at Salerno
Home



International Party
at McKendrie Home

Bowling with
Ramita Home



Basketball at City
Sports with CITP

Life Services Alternatives

Run Home with
Tamarack Home

Devonne Pencer, Richard Penrose, & John Pencer

HOME IS WHERE THE HEART IS

This year, we celebrated our 5th annual Home Is Where the Heart Is at the Campbell Community Center, marking 23 years of impact at Life Services Alternatives. The Cinco de Mayo-themed event brought together over 100 guests for an afternoon of joy, community, and connection.

Guests enjoyed a festive taco dinner, a lively silent auction, and incredible entertainment, including American Idol contestant James Durbin, the Dream Achievers Band, and three energetic Latin dance performances—capturing the spirit of love and belonging at every LSA home.

We are grateful to our generous sponsors—Tina & Walter Underwood, The Allison Lee Condit Foundation, Bob & Renee Marshalla, Val & Carolyn Dixon, Jill & Christopher Escher, Saratoga Springs, Mimi Giannini, Linda & Bill Giannini Family Foundation, The Child Who Never Knew by Madhu Ranganathan, Mike & Liz Phillips, Neeta Shinde, Mark & Amy Milani, Minchen Team, Dave & Tracy Hovda, Helpers Community, Destination: Home, Greg Dalzell, Katie & Bryan Neider, Misdee Inc., and Frank Ciari Plumbing—for making this celebration possible.

A heartfelt thank-you also to our board members, staff, and volunteers for making Home Is Where the Heart Is 2025 so vibrant and meaningful.



Walter Underwood & his granddaughter



Brent Hooper & Kathleen Erickson



Sharmean Heffernan & Jay Salaya taking a photo with a guest



Rivermark &
Tamarack, Residents



Christine Wang, Dana Hooper &
Steve Minchen

20 SPONSORS

23 YEARS OF IMPACT



Bachata Dancers Performing



Tamarack Residents



Salsa Dancers Performing

200+ GUESTS



Dream Achievers Singing



Margaret & Maniam Alagaratnam



James Durbin Singing



Ramita Residents, Christine Wang,
and a guest

The background image shows two women smiling at the camera. They are standing in front of a large black banner with the word "START" in white capital letters. The woman on the left is wearing a white t-shirt with a circular logo that says "LSA'S RUN HOME" and a race bib with the number "137". The woman on the right is wearing a white t-shirt with a similar logo and has headphones around her neck. They are both holding up their race bibs. The background is filled with green trees and foliage.

LSA'S 2025 RUN HOME

LSA's Run Home this year was a fantastic in-person race at Vasona County Park in Los Gatos, with 346 participants choosing to walk or run a 5K or 10K, plus 33 virtual participants. We're proud to celebrate this year's winners: Jonathan Campbell (5K), Ethan Liang (10K), and Sachin Thatte (virtual race).

The event also featured a resource fair with DCARA, Bay Area Housing Corp, Camp Via West, Vista Center, Thrive Therapy and Social Center, Morgan Autism Center, and Hope Services, while Chi-Ling Wu kept the atmosphere lively with his keyboard music.

We extend heartfelt thanks to our generous sponsors, including The Child Who Never Knew by Madhu Ranganathan, Kirkorian Family Foundation, Jewish Silicon Valley, Palo Alto Mind Body, South Bay Paints, The Allison Condit Foundation - Ross & Susan Condit, Walter & Tina Underwood, Destination: Home, Bob & Renee Marshalla, Ada's Cafe, Mark & Amy Milani, Saratoga Springs, and Cookman Law. Your support makes events like this possible!

Attendees of LSA's
2025 Run Home Race



8 PARTNERS



Fran Goodwin & Friends

346 REGISTRANTS



Ranga Ranganathan & one of his trainees



14 SPONSORS

Community Partnerships & Home Improvements

This year, LSA celebrated the power of collaboration, bringing together volunteers, corporate partners, and local leaders to enhance our homes and support our residents.

In September, **Rebuilding Together** and **Wells Fargo** came together at our Hatikvah Home to repaint interiors, repair planter boxes, install landscaping lights, and refresh the space—creating a brighter, more welcoming environment for residents and staff.

The following month, **Archbishop Mitty High School** freshmen joined us at our Ramita Home for their annual Freshmen Day of Service. Thirty students helped refresh interior spaces while learning about LSA's mission and the importance of inclusive housing for adults with developmental disabilities.

In November, volunteers from **Rebuilding Together** partnered with **Silicon Valley Mechanical** to make improvements at our Humboldt Home. The group completed a range of projects, including painting, landscaping, and installing a new backyard awning—enhancing comfort and curb appeal for residents.

We were also honored to be featured in the Wishbook and partnered with more organizations than ever to advance our vision of creating homes and changing lives. We are grateful to supporters like **Hope Services**, **Mission City Community Fund**, **Helpers Community**, **Palo Alto Mind and Body**, **South Bay Paints**, **ADA's Cafe**, **Animal Assisted Happiness**, **SV@Home**, **Destination Home**, and **Jewish Silicon Valley**—partners whose dedication makes this work possible.

Beyond our homes, we continued advocating for our residents, **joining mayors in San Jose, Saratoga, and Morgan Hill** to celebrate Developmental Disabilities Awareness Month and ensure individuals' voices are heard. Some of these efforts were highlighted in **The Mercury News**, **SF Gate**, and **Fox News**.

These combined efforts—through volunteer projects, partnerships, and advocacy—have strengthened our community and created a more vibrant, inclusive environment for the people we serve.





2025 Donor
Appreciation Dinner



Wells Fargo & Rebuilding
Together working on
Hatikvah Home



Rivermark Resident
dancing in his room



SVM & Rebuilding
Together working at
Humbolt Home



Saratoga Mayor, Belal Aftab, Madhu Ranganathan & Dana Hooper
at LSA's 2025 Run Home



Archbishop Mitty
freshmen working on
Ramita Home



CITP Safety Class



Morgan Hill Mayor, Mark Turner,
MHCC, & LSA at Spring Avenue
Open House

2025 Highlights



I/DD TOPICS & TRENDS WEBINAR SERIES

The I/DD Topics & Trends 2025 webinar series wrapped up its fifth year! Led by LSA's Executive Director Dana Hooper, the series featured four engaging Fireside Chats with I/DD professionals Ian Ramos, Ellen Cookman, Lisa Zuegel, Melissa Crisp-Cooper, and Lilian Ansari, covering assistive technologies, special needs planning, inclusive housing, and self-determination.

The webinars offered practical guidance for families, caregivers, and advocates, strengthening community connections. Recordings are available on LSA's YouTube channel.

STAFF APPRECIATION

At Life Services Alternatives, we are proud of the work we do, made possible by our incredible staff. From caring Direct Support Professionals (DSPs) to skilled nurses, every team member creates meaningful change in the lives of our residents.

This year, we were thrilled to give our employees a well-deserved raise in recognition of their dedication and exceptional care. Supporting adults with developmental disabilities takes patience, empathy, and expertise. Our DSPs provide personalized support, while nurses and LVNs deliver compassionate medical care. Together, they embody LSA's mission of building communities where residents feel secure, valued, and empowered.

To all our team members—thank you. Your compassion and care make a real difference.

STAFF ANNIVERSARIES

In 2025, we proudly celebrated LSA team members reaching milestone anniversaries of service. Jovencio Jerico Espejo marked 20 years, Merle Richards celebrated 15 years, and Evelyn Andrews, Emebet Assefa, Natasha Ollivant, Sisay Berhie, Cheryll De Luna, Elizabeth Pabilona, Naya Herrera, Roxane Mortensen, Rosemary Taganas Martin, and Seble K. Tamirat each celebrated 10 years. We are deeply grateful for their dedication, compassion, and lasting impact on the LSA community.

CITP

In 2025, the Community Integration Training Program continues to be a place where participants grow in confidence, learn new skills, and find joy in giving back. The program now supports 15 participants, with the newest joining in September, and more referrals under review.

Each week, participants choose meaningful activities—from cooking simple recipes to volunteering with Westhope Church, Martha's Kitchen, Animal Assisted Happiness, Reaching Out (Cathedral of Faith), and the Agnews Museum. Their dedication was even recognized this fall when several were honored with the Lollipop Award at Animal Assisted Happiness's fundraiser. Classes and celebrations keep the group connected, with lessons in safety, ASL, and nutrition alongside birthday and holiday gatherings that bring everyone together. As CITP continues to grow, so do the opportunities for participants to learn, contribute, and build lasting community connections.

REMEMBERING COZY & JOSEPH

This year, we bid a heartfelt farewell to two cherished members of the LSA family. Cozy, whose sweet, spirited energy and playful nature—especially her love of kicking a soccer ball—brought joy to everyone at Empey. Joey, a gentle gentleman whose bright, twinkling smile and kind heart connected with everyone he met.

Their presence shaped our days, and their memory will forever inspire the care and love we share at LSA.

NEW RESIDENTS

This year, we were thrilled to welcome several new residents into the LSA community. Shubam joined our home in Morgan Hill, Sid joined our Cypress home in the spring, and Diana moved into Salerno over the summer. Earlier in the year, Luke, Allison, Scotty, and LaDora became the first residents of our newest home in Morgan Hill. We are excited to see each of them settle in, build friendships, and thrive in their new homes surrounded by supportive staff and a caring community.

Our Impact in 2025



79

ADULTS LIVING
IN LSA HOMES

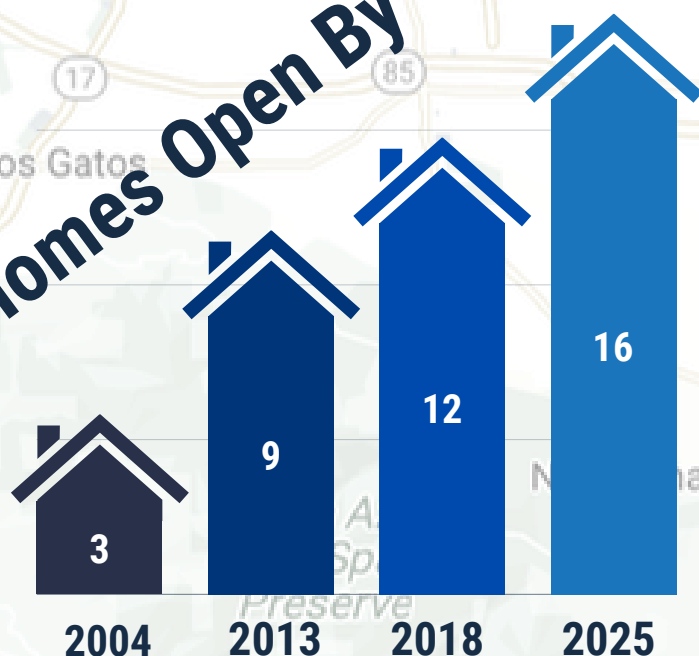
54

RESIDENTS LIVING IN A
LEVEL 4,5,& 7 HOME W/
24-HOUR SUPPORT

25

RESIDENTS LIVING IN A
962 HOME W/ 24-HOUR
MEDICAL SUPPORT

Homes Open By Year

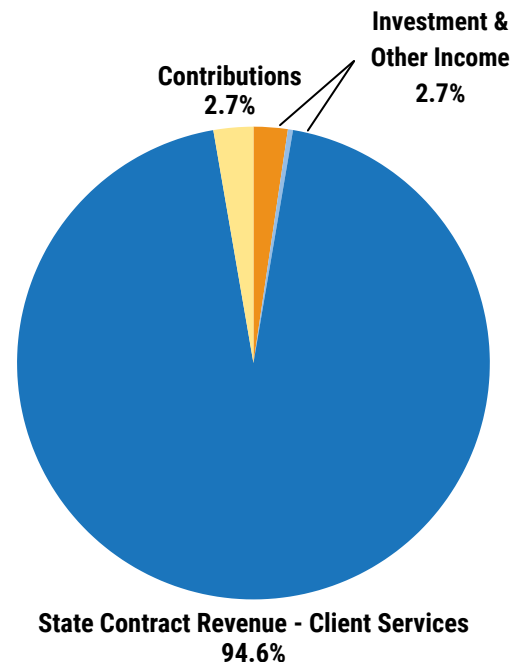


Financials

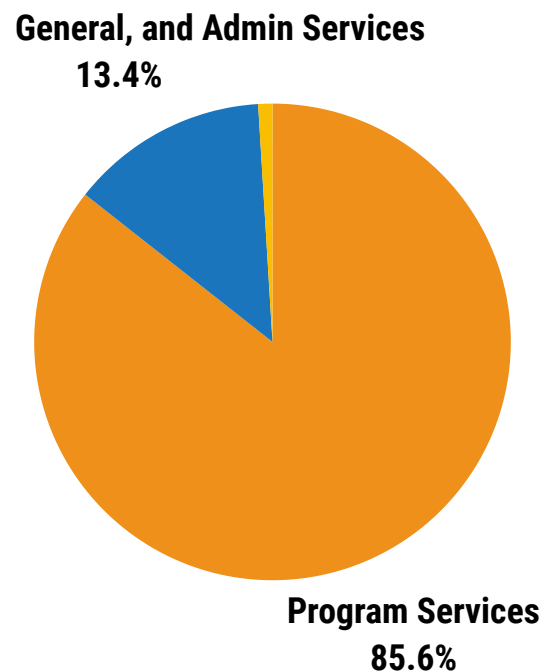
FISCAL YEAR ENDING SEPTEMBER 30, 2025

	2025	2024
Revenue and Support		
State contract revenue– client services	\$ 18,244,060	\$ 16,645,075
Contributions	524,211	558,048
Investment income (loss)	449,862	460,915
Other income	67,320	16,400
Net assets released from restrictions:		
Satisfaction of purpose restrictions	--	
Total Revenue and Support	<u>19,285,452</u>	<u>17,680,438</u>
Expenses		
Program services	15,754,913	14,719,859
Supporting services:		
Management, general and administrative services	2,470,321	2,388,208
Development services	177,364	216,815
Total Supporting Services	<u>2,647,685</u>	<u>2,605,023</u>
Total Expenses	<u>18,402,598</u>	<u>17,324,882</u>
Change in Net Assets	882,854	355,556
Net Assets, Beginning of Year	<u>10,684,511</u>	<u>10,328,955</u>
Net Assets, End of Year	<u>\$ 11,567,365</u>	<u>\$ 10,684,511</u>

REVENUE & SUPPORT



EXPENSES





creating home
changing lives

260 W Hamilton Ave
Campbell, CA 95008

DONORS

LSA appreciates each and every donor for your support of our mission to provide exceptional housing and programs for adults with intellectual and developmental disabilities. Due to space constraints, this list is for all donations above \$500 given between July 1, 2024 to November 14, 2025.

\$30,000 AND ABOVE

Amy & Mark Milani
Jim & Patty White
Tina & Walter Underwood
Helpers Community
Adobe Foundation

\$10,000 TO \$29,999

Bob & Renee Marshalla
Allison Lee Condit Foundation
Kirkorian Family
Elsie Fan
Jewish Silicon Valley
Mary Ann Metzger
Kailash Ranganathan
Hammond Climate Solutions
Foundation
Deborah E Moore
Supriya Rao
David & Tracy Hovda
Ranga & Madhu Ranganathan
Mark & Fran Goodwin
Deborah Faryniarz & Steve Emond
Palo Alto Mind Body

\$5,000 TO \$9,999

Jewish Community Federation
John & Devonne Pencer
Prasana Iyengar
South Bay Paints
Maniam & Margaret Alagaratnam
Rich Penrose
Destination: Home

Saratoga Springs
Bruce Wolfe
Sondra Press
Kottayam Murugan
Jill Escher
Mimi Giannini
Cupertino Rotary
Bill & Linda Giannini
Kay & David Griffy
Val & Carolyn Dixon

\$1,000 TO \$4,999

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Angela J. Speulda
James & Anne Quaranta
Esther Fan
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Julie Cardillo
Eric Beckstrom
Fay Chong
Wendy Fan Kendessary Charitable Fund

\$500 TO \$999

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Ray & Julie DuBois
Frank Ciari Plumbing & Heating Inc.
Misdee Inc.
Christine Wang
Merrick Wolfe



2025

IMPACT REPORT



Life Services Alternatives



6,243

of the **10,324** people in Santa Clara County living with disabilities, are adults 18 years and older.

Almost 315,000

people receive services for a developmental disability in California. Of this number, **43%** are over the age of 22, often facing concerns about adult independence and living beyond their current caregivers.

The Problem

The Bay Area housing crisis remains one of the greatest barriers facing adults with intellectual and developmental disabilities (I/DD). Rising costs, limited availability of supportive housing, and long waitlists prevent many from accessing stable community-based homes. As a result, too many people remain at risk of institutionalization or homelessness. This shortage also places growing strain on families and caregivers who worry about what will happen when they can no longer provide care. Building and sustaining community support is essential to ensure that people with developmental disabilities can live with dignity, independence, and a true sense of belonging.

61%

of adults with disabilities live at home with their parents or guardians due to the lack of available and affordable housing. This percentage has doubled over the past ten years.



Caregiver Shortage

With the lack of available caregivers, there is also a lack of available housing with sufficient staff to give I/DD people the quality, independent living they need. Many people are on wait lists for residential homes, day programs, transportation services, and more, leaving them stuck at home or in larger facilities with more restrictive care and less independence.

3.2
million

of paid direct care workers.
Also, California will face a
shortage of paid direct
care workers.

62%

of open Direct
Support Worker
positions this year

Life Services Alternatives successfully hired **21 people for the 34 open direct support worker jobs** this year, significantly strengthening their recruitment efforts. This was largely made possible by hiring a dedicated staff recruiter focused on filling these essential roles.





About Life Services Alternatives

Founded in 2002, Life Services Alternatives (LSA) provides community-based homes and programs that empower adults with intellectual and developmental disabilities to live fulfilling, self-directed lives. Guided by the belief that everyone deserves the opportunity to fully participate in their community, LSA operates fifteen neighborhood homes across Santa Clara County, offering 24/7 care and support. Each home fosters independence, skill-building, and confidence—helping residents thrive, form meaningful connections, and reach their fullest potential.

16 homes

along with LSA's day program, offer adults with developmental disabilities meaningful community living and strong skill-building support.

SARC Eligibility

Residents must first be a SARC client to be eligible for LSA services. Eligible adults are clients of the San Andreas Regional Center (SARC) or one of the other Regional Centers in CA. They have been through an intake process and have been deemed eligible for services.

Application

SARC eligible clients must be 18+. Families work with SARC to find the best residential living option for their family member.



Opening A Home

Purchasing a home

Life Services Alternatives acquires homes, either leased or owned, and completes all necessary steps such as renovations, permits, inspections, and gaining full control of the property. The goal is to obtain a license to operate under Title 22 regulations from CCL and receive approval from SARC.

Renovations to make the home accessible and comfortable

Life Services Alternatives makes changes to the home not only to improve accessibility but also to create a comfortable, pleasant, and welcoming living environment.

Furnishing and adding amenities

Life Services Alternatives purchases a vehicle, furniture, window coverings, program supplies, household supplies, emergency supplies, office equipment, and other essential items.

Staffing homes and resident selection

Life Services Alternatives recruits qualified staff and consultants who are the best fit for the program and will best support residents. Residents are provided with a comfortable, safe, and exceptionally well-cared-for living situation.

LSA Timeline

2002

LSA Founded by a group of parents who wanted community homes for their adult children with developmental disabilities.

2004

Rivermark Homes: First three residential care homes open in John Burns Gardens in Santa Clara.

2007-2009

ARFPSHN (962) Homes: Five additional homes open, expanding services to medically fragile residents.

Home for independent young women opens in San Jose.

Home for men opens in Morgan Hill, expanding services to a fourth city.

Tamarack & Calle Viento Homes open.

2013

Ramita Home: Home for young men opens in Campbell.

2014

Hatikvah Home: Home for six adults, men and women, practicing Jewish values.

2016

Spring Home: LSA's 16th home and second home in Morgan Hill welcomes five adult men and women.

2018

Cypress Home opens for independent men.

CITP day program launches, supporting participants' goals through community activities.

2020-2021

Humboldt & Cambrian Homes: Two homes for women open in Santa Clara and Campbell.

2025

Spring Home: LSA's 16th home and second in Morgan Hill continues to welcome five adult men and women.



Our Growth

24

adults living in 962
Homes w/ 24-hour
medical support

54

adults living in a
Level 4 or 5 Home
w/24-hour support

77

adults living in
LSA Homes



LSA's CITP

LSA's Community Integration Training Program (CITP) continues to help adults with developmental disabilities build confidence, independence, and meaningful connections in their communities. Through a person-centered approach, participants set personal goals, explore interests, and develop the skills needed to lead more self-directed lives.

In 2025, CITP remains focused on expanding access and strengthening community partnerships to create more opportunities for inclusion and growth. With continued support and collaboration, the program empowers participants to thrive—turning everyday experiences into lifelong learning and personal achievement.

"The Community Integration Training Program (CITP) currently supports 15 participants, with new members joining regularly. Using a person-centered approach, participants choose meaningful outings, build life skills, and engage in volunteer work throughout the community. In 2025, several participants were recognized for their dedication, including those honored with the "Lollipop" Award at the Animal Assisted Happiness fundraiser. As the program grows, we're expanding volunteer partnerships and offering classes on cooking, safety, communication, and more—creating opportunities for connection, learning, and celebration.

These new additions will provide memorable and impactful volunteer experiences for all participants involved, to enjoy and learn from!

Juanita Cruz
CITP Administrator

Our Community

LSA hires kindhearted and highly qualified adults to provide exceptional care for our residents. LSA's goal is to be a great place to live and a great place to work.

Our current volunteer partners are:

Westhope Church

Martha's Kitchen

Animal Assisted Happiness

Reaching Out (Cathedral of Faith)

Agnews Museum

925

donors all time
(adults and
companies)

\$5.3M

in all-time
donations

SUPPORT LSA INITIATIVES AND BE A PART OF OUR JOURNEY

Help make a difference in the quality of our residents' lives, enabling them to reach their true potential through a donation of any size, whether that's monetary or time volunteered.

There are various ways to demonstrate support for LSA. In the past, our generous and kindhearted advocates have started their own facebook fundraisers for LSA, left a legacy gift, shared our story, and encouraged others to get involved!



Donors

2009 Persely Family Trust	Arvind Raghavan	Dana Drusinsky	Eunjoo Kim
2009 Persley Family Trust	Ashish Naik	Dana Hooper	Evelyn Ng
Aaron DeNardo	Ashvin Kannan	Dancia Bostrom	Fabricio Bronzatti
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