



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Rosalynn Hughey  
Kim Walesh

**SUBJECT:** SEE BELOW

**DATE:** February 2, 2018

Approved

*D. D. SyL*

Date

2/2/18

**SUBJECT: ACTIONS RELATED TO THE PETITION INITIATIVE AMENDING THE ENVISION SAN JOSE 2040 GENERAL PLAN**

## RECOMMENDATION

- (a) Accept staff's report analyzing the Petition Initiative Amending the *Envision San José 2040 General Plan* (Initiative) pursuant to California Elections Code section 9212; and either
- (b) Approve an ordinance, as proposed by the Initiative, for passage for publication of title amending Title 5, Title 18, and Title 20 of the San José Municipal Code and the Zoning District Map, and call a special meeting, to occur by Friday, February 23, 2018, to adopt the proposed ordinance, to adopt the Initiative's amendments to the *Envision San José 2040 General Plan* and *Evergreen-East Hill Development Policy*, and to adopt the Initiative's Evergreen Senior Homes Specific Plan; or
- (c) Direct staff to return on February 27, 2018 to adopt a resolution calling for an election to submit the Initiative to the voters at the next General Election to be held on Tuesday, June 5, 2018.

## OUTCOME

On January 23, 2018, the City Council accepted the Certificate of Sufficiency issued by the Registrar of Voters that an Initiative amending the *Envision San José 2040 General Plan*, amending the *Evergreen-East Hill Development Policy*, adopting the Evergreen Senior Homes Specific Plan, and amending Title 5, Title 18, and Title 20 of the San José Municipal Code qualified for Council action under the City Charter and Elections Code. In addition, the Council directed staff to prepare a report, known as a 9212 Report, about the effects of the Initiative consistent with Council direction and the requirements of Elections Code section 9212. Staff was directed to present this report to Council by February 22, 2018.

Under the Elections Code, the Council must consider the 9212 report within 30 days of accepting the Certificate of Sufficiency. Once the report is presented, the Council must adopt the ordinance, as submitted, within 10 days or adopt a resolution calling for an election to submit the initiative to the voters at least 88 days before the next General Election, which will occur on Tuesday, June 5, 2018. (Elec. Code § 9215(c).)

If Council were to adopt the Initiative, as submitted, the Council would need to call for a Special Meeting to occur by February 23, 2018 because there is no regularly scheduled meeting on Tuesday, February 20, 2018, due to President's Day on February 19. A Special Meeting would be needed to comply with the Elections Code requirement that the Council adopt the ordinance within 10 days. (Elec. Code § 9215(c).)

## **BACKGROUND**

On September 8, 2017, Sean Welch (Nielsen Merksamer Parrinello Gross & Leoni LLP), submitted to the City a Notice of Intent to Circulate Petition for the purpose of qualifying and enacting the Initiative. On November 27, 2017 the Petition with obtained signatures was submitted to the City of San Jose City Clerk's Office. On January 10, 2018 the Santa Clara County Registrar of Voters certified the proponents of the Evergreen Senior Homes Initiative submitted sufficient signatures to qualify the Initiative for the June 5, 2018 general municipal election. The Initiative has both a policy and a project component.

- *Citywide Policy.* The Initiative proposes to amend goals and policies of the Envision San José 2040 General Plan and create a citywide Senior Housing Overlay (Citywide Overlay/CSHO) land use designation, coupled with a process to apply the overlay on "underutilized employment lands" in the city.
- *Development Project.* The Initiative would apply the Citywide Overlay to an approximately 200-acre site in the Evergreen area currently designated Industrial Park in the City's Envision 2040 General Plan, make additional amendments to the Envision 2040 General Plan, Evergreen-East Hills Development Policy (EEHDP) and the Municipal Code (Zoning, Specific Plan, and Inclusionary Housing requirements), and adopt a Specific Plan, entitled the "Evergreen Senior Homes Specific Plan." The Specific Plan would allow the development of up to 910 new homes where one resident in each household would need to be at least 55 years of age.

The Initiative proposes a significant number of amendments to the General Plan, EEHDP, and Municipal Code to exempt the Initiative's proposed development on the Evergreen site and the Citywide Overlay from conformance to these existing policies and codes.

On October 17, 2017, the City Council considered the October 12, 2017 memorandum and recommendation from the City Clerk that City staff be directed by Council to prepare a 9212 Report, including the subject matters that are authorized under Elections Code section 9212

regarding the proposed Initiative. Council Member Rocha's October 30, 2017 memorandum to the Mayor and Council requested staff provide information on how the City Council's discretion to approve or deny development projects would be altered by the proposed Initiative's Citywide Overlay and whether the City Council would be able to re-designate underutilized employment sites potentially affected by the Initiative to non-employment designations, such as Open Space.

The Council directed staff to move forward with preparing the 9212 Report on the statutory items identified in the City Clerk's memorandum. The prepared analysis is made in accordance with the timing requirement per the Elections Code section 9212, which provides that the report must be completed no later than 30 days after the elections official certifies the sufficiency of the signatures on the Initiative petition. On January 23, 2018 the City Council accepted the Registrar of Voters certification of sufficient petition signatures and directed staff to prepare the 9212 Report for review at the February 13, 2018 City Council meeting.

## **ANALYSIS**

### **9212 Report Organization**

The attached 9212 Report and technical fiscal, environmental, & traffic appendices analyze the impacts of the Evergreen Senior Homes Initiative and compares those impacts with the Adopted Envision 2040 General Plan. The 9212 Report is organized into four Chapters, with a two pronged review analyzing the Initiative's proposed 910 senior housing development in Evergreen and the Initiative's proposed Citywide Overlay policy change to the adopted General Plan.

- Chapter I includes the Executive Summary of the report's findings.
- Chapter II includes the description of the Initiative and the Initiative's effect on the City's current land use approval process. Chapter II also discusses the environmental, fiscal, and economic analysis submitted by the Proposers of the Initiative and discloses areas where the analysis departs from City's conducted analysis in methodology and assessed impacts.
- Chapter III analyzes the Initiative's proposed development project in Evergreen that replaces 200 acres of lands currently planned and entitled for campus industrial development with 910 senior homes.
- Chapter IV analyzes the Initiative's proposed Citywide Overlay, which would create a designation in the General Plan enabling future development proposals for senior housing on "underutilized employment lands" citywide.

### **Changes to Planning Director and City Council Discretion**

#### *Planning Process and Approval Changes*

As described in greater detail in Chapter II Section C, Land Use Approval Process and Voter Approval Requirement in the 9212 Report, the Initiative makes significant modifications and

limits the ability of the Planning Director, Planning Commission, and City Council to deny or modify the proposed Evergreen Senior Housing Specific Plan as well as any future projects proposing to utilize the Citywide Overlay.

A project seeking to build senior housing on underutilized employment lands would need to apply for a General Plan Amendment, which is subject to City Council approval, in order to utilize the Citywide Overlay, and is the first discretionary decision the City will make on such a development proposal. General Plan Amendment applications are reviewed for consistency with the General Plan's Major Strategies, goals, and policies. If a proposed General Plan Amendment is found to be consistent with the General Plan and does not have significant environmental impacts, City staff recommend approval to Planning Commission and City Council; if found to be inconsistent with the General Plan, City staff recommend denial to Planning Commission and City Council. Some General Plan Amendments, however, may be both consistent and inconsistent with the General Plan's goals and policies. In these scenarios, City staff typically prioritize conformance to Major Strategies above conformance to individual goals and policies.

The Adopted General Plan currently includes Major Strategies, goals, and policies that seek to preserve, maintain, and expand employment land in San José and would not support the approval of the proposed Citywide Overlay. The Initiative, however, modifies all such policies to allow the proposed Citywide Overlay on employment lands as an exception. Thus, the Initiative, if adopted by voters, would support the adoption of the proposed Citywide Overlay through the General Plan Amendment process on underutilized employment lands and it would become more difficult to deny such land use applications. If a proposed General Plan Amendment to utilize the Citywide Overlay were submitted to the City, however, the City Council has the discretion to approve or deny the application based on conformance with other General Plan strategies, goals, or and policies or City Council policies that remain unchanged by the Initiative.

In addition to needing approval for a General Plan Amendment, senior housing developments seeking to use the Citywide Overlay will also require the City's approval of a specific plan and a discretionary planning permit, through either a Site Development Permit, Planned Development Permit, or the proposed Specific Plan Permit. These planning permits require several findings for approval, such as conformance to the applicable zoning district, consistency with applicable city council policies, and having an appropriate interrelationship between the orientation, location, mass and scale of building volumes, and elevations of proposed buildings, structures and other uses on-site. For Site Development and Planned Development Permits, the Planning Director or Planning Commission on appeal can approve or deny applications that do not meet the required findings regardless if they are utilizing the Citywide Overlay. As for the proposed Evergreen Senior Homes Specific Plan, subsequent discretionary planning permits are necessary for its implementation. The Initiative creates and requires an Evergreen Senior Homes Specific Plan (ESP) Permit as an alternative to the City's current permit process, but will also need other land use and construction related approvals including, but not limited to, tentative subdivision maps, grading permits, tree removal permits, demolition permits,

building permits, and sign permits. The Director is the primary administrator of the proposed Evergreen Senior Homes Specific Plan and shall review all proposals within its boundary for conformance. The City, under current processes, retains broad discretion to modify and condition permits to address a wide variety of concerns; however, the Initiative prohibits the Director's discretion to deny subsequent development permits within the proposed Evergreen Senior Homes Specific Plan boundary unless it does not substantially conform to the General Plan as amended by the Initiative.

The Initiative also bypasses the City's standard development review process by including the proposed Evergreen Senior Homes Specific Plan as a component of the ballot initiative. If the proposed Evergreen Senior Homes Specific Plan were proposed under the City's standard process, it would be subject to the Specific Plan initiation process set forth in the municipal code (Section 18.20.040), and the City would require extensive community outreach with the Evergreen area and the city. This would involve multiple community meetings, public hearings, discussion with stakeholders, and public interaction between the City, the applicant, and the public. By submitting the proposed Evergreen Senior Homes Specific Plan as a ballot initiative, the public is not able to engage or be involved in the plan's design, implementation, or review process. The public can only vote to adopt or not adopt the Initiative, which does not meet the City's criteria for community engagement per the City's Public Outreach Policy.

#### *California Environmental Quality Act*

*ESH Specific Plan:* Chapter 8, Implementation, Administration, and Financing within the Evergreen Homes Specific Plan addresses procedural and subsequent approval processes for the Specific Plan. If the Initiative is adopted, the City will need to comply with CEQA prior to issuing subsequent discretionary development approvals required or anticipated in the Specific Plan. Section 8.5.4 of the Specific Plan appears to recognize as much, and refers to mitigation measures that could be required pursuant to an environmental impact report prepared for any ESP Permit.

Other provisions of the Specific Plan, however, appear to seek to limit the application of CEQA to subsequent discretionary approvals. For instance, section 8.2 states that the City has no ability "to deny an application for an Approval for the Evergreen Senior Homes Project," and that the City's ability to impose any conditions on such subsequent project approvals "shall be limited to those necessary to achieve consistency with the General Plan, substantial with this Specific Plan, and compliance with applicable law."

To the extent that these provisions seek to compel the City to issue a statement of overriding considerations under CEQA notwithstanding any significant and unmitigated impacts, or to reject feasible measures to mitigate such impacts, these provisions could conflict with CEQA.

*Citywide Overlay:* However, the Citywide Overlay will trigger future General Plan Amendments and approval of future specific plans for site-specific senior housing projects. The implementation of these future specific plans will also require subsequent discretionary

approvals. Therefore, these General Plan Amendments, specific plans, and all related discretionary planning approvals will be subject to environmental review under CEQA. In other words, the City will require site-specific environmental review for all actions, including legislative actions on all sites subject to the Citywide Overlay.

CEQA review may identify significant impacts that are unavoidable and do not have feasible mitigations. In such cases, the City Council has the discretion to:

- Make findings, adopt a statement of overriding considerations, and certify the Environmental Impact Report (EIR). The City Council has the obligation to balance competing public objectives, including economic, environmental, legal, technical, social factors, when the City decides to certify an EIR with a statement of overriding consideration for a project that has potential significant effects on the environment, or
- Not to adopt the findings and the statement of overriding considerations and thereby not certify the EIR for the project.

## **9212 Report Analysis**

### **Approach**

Creation of a Citywide Senior Housing Overlay land use designation would allow development of senior housing on underutilized employment lands within the City's urban growth boundary. For the purposes of analysis, this report defines underutilized employment lands as vacant lands with General Plan designations that support employment uses. This equates to 3,247 acres of lands currently planned for employment that could be converted to senior housing. This is discussed in greater detail in Section IV.A.1. of the 9212 report. The 9212 analysis compares buildout of the Senior Housing Initiative with the effects of buildout of the adopted General Plan. The Initiative allows modifications by the City Council 10 years after the Initiative's adoption; however modifications are not certain as this is dependent on the actions the City Council at that time takes. For the purposes of the 9212 analysis it assumes the Initiative has the same time horizon as the General Plan.

The Initiative states that any actual or potential jobs lost from land subject to the CSHO would be shifted to other employment lands within the city. The Initiative does not state or evaluate where that could occur and rather defers to the City to locate replacement employment land. However, the analysis in this report indicates that market and environmental constraints make it unlikely that the loss of employment lands and the job development potential of those lands through conversion to residential use through the proposed CSHO could be made up in other locations. Therefore, the analysis assume these jobs would be lost to San Jose.

The analysis evaluates the impacts on the 200-acre site within the Evergreen-East Hills Development Policy Area of the ESH Specific Plan's proposed 910 unit senior residential project as compared to the two million square foot campus industrial development that is currently zoned on the site through a Planned Development Zoning, and in conformance to the adopted

General Plan. Based on an analysis by Applied Development Economics, the senior residential project would house 2,160 persons. The campus industrial development is planned for 5,000 jobs.

### **I. Citywide Senior Housing Overlay**

The application of the Initiative's Citywide Overlay will negatively impact the fiscal health of the City by resulting in a deficit of \$17.1 million per year and an opportunity cost of \$106.6 million annually, which would be the lost net revenue potential of employment lands building out per the adopted General Plan. The Citywide Overlay will exacerbate the City's Jobs to Housing imbalance and would substantially reduce economic outcomes, such as long-term employment, payroll taxes and business output. The residential units resulting from the application of the Citywide Overlay will also have greater impacts to parks, police services, water supply, and solid waste disposal than the build out of the adopted General Plan.

With respect to transportation impacts, the Citywide Overlay is projected to result in fewer trips during the peak hours in areas proximate to the associated senior development than the adopted General Plan. However, the loss of employment lands to senior housing will reduce planned employment opportunities in the city, increasing the likelihood that San Jose residents need to drive longer and commute outside the city for employment, thus increasing regional congestion and cost of roadway maintenance.

#### ***Land Use Impacts***

The proposed Citywide Overlay is fundamentally inconsistent with the City's Adopted General Plan's Major Strategies, goals, and policies that seek to focus job and housing growth in identified Growth Areas; preserve and enhance the City's limited employment lands; locate housing growth in Urban Villages; implement adopted Urban Village Plans; and make land use decisions that promote the City's fiscal health.

#### ***Jobs, Housing & Population Impact***

The Initiative's proposed Citywide Overlay would allow senior housing on what the Initiative terms "Underutilized Employment Lands." The Initiative does not define "Underutilized Employment Lands." For the purposes of analysis, the 9212 report assumes that vacant lands that have General Plan designations for employment activities would be potentially affected by the Citywide Overlay. This equates to an estimated 3,247 acres of vacant employment lands within the urban growth boundary that could potentially be subject to the Citywide Overlay zone. According to City initiated analysis completed by Applied Development Economics, at full build out of the 2040 General Plan with their current land use designations, these properties would be expected to support future growth of 129,500 jobs, which is 35 percent of the City's job growth goal. If 20 percent of these lands are converted from jobs to housing, then the jobs lost would equal 25,900. At 50 percent conversion, the future job capacity lost would be 64,750.

When applied to the Initiative's proposed Citywide Overlay, the 3,247 acres could be developed into 86,010 senior units with a population of 168,160 persons. Under State Civil Code sec. 53.1, at least 80 percent of the units would need to be occupied by at least one senior citizen aged 55+.

If only 20 percent of the vacant employment acres are converted, approximately 17,200 senior units would be produced. With a population of 33,630. At 50 percent conversion, there would be 43,050 senior units occupied by 84,050 people.

The Initiative also specifies that all housing developed under the Citywide Overlay would not count toward to the City’s planned growth capacity of 120,000 housing units. Therefore, this expansion of residential growth capacity is unnecessary for the City to meet its Regional Housing requirements. Additionally, development would move forward outside of Plan Horizons.

In order to improve San José’s fiscal health and environmental sustainability, the adopted General Plan sets a goal for San José to achieve a Jobs/Employed Resident ratio of 1.1 jobs per employed resident, or 1.1. Currently, the City’s Jobs/Employed Resident ratio is 0.80, far below the City’s goal. This means that substantially more residents leave San José for work than workers from other communities commute into San José. This imbalance has led to significant negative fiscal, environmental, and quality of life impacts for San José and its residents.

***Fiscal & Economic Activity Impacts***

The Citywide Overlay will negatively impact the City’s fiscal health, as the net revenues yielded with the residential development enabled through the Initiative are substantially less than the revenues yielded with the projected build out of the Adopted General Plan.

Based on a net analysis performed by Applied Development Economics, and shown in Table 1, the Adopted General Plan’s growth of employers and 129,500 jobs on the 3,247 acres is projected to create a net revenue surplus of \$89.5 million per year at full build out.

**Table 1: Annual Fiscal Impact if Citywide Vacant Employment Lands are Developed in Accordance with Adopted General Plan**

<b>BUDGET CATEGORY</b>	<b>TOTAL</b>	<b>COMMERCIAL</b>	<b>INDUSTRIAL PARK</b>	<b>LIGHT/ HEAVY INDUSTRIAL</b>
<b>TOTAL REVENUES</b>	<b>\$206.5 M</b>	\$146.1 M	\$55.3 M	\$4.995 M
<b>TOTAL EXPENDITURES</b>	<b>\$116M</b>	\$70M	\$41.9 M	\$4.843 M
<b>NET (COST)/REVENUE</b>	<b>\$89.5 M</b>	\$76.1 M	\$13.4 M	\$152 K



If the Citywide Overlay is applied to all 3,247 acres, revenue from these areas would not cover the cost of services needed to support the new development. There would instead be a citywide shortfall of \$17.1 million per year to cover service costs from the new senior development as shown in Table 2 below.

**Table 2: Annual Fiscal Impact if Citywide Vacant Employment Lands are Development in Accordance with Citywide Senior Housing**

<b>BUDGET CATEGORY</b>	<b>TOTAL</b>	<b>SINGLE FAMILY</b>	<b>MULTI-FAMILY</b>
<b>TOTAL REVENUES</b>	<b>\$124,641,155</b>	\$36,817,900	\$87,823,255
<b>TOTAL EXPENDITURES</b>	<b>\$141,705,900</b>	\$33,150,300	\$108,555,600
<b>NET (COST)/REVENUE</b>	<b>(\$17,064,745)</b>	\$3,667,600	(\$20,732,345)

When comparing the adopted General Plan buildout to the Citywide Overlay, the total net loss to the City's General Fund is \$106.6 million annually. If 20 percent of the vacant land is converted, the total net fiscal loss to the City would be about \$21.3 million and at 50 percent conversion the net loss to the City would be about \$53.2 million per year.

There are several reasons why the application of the Citywide Overlay would result in the shortfall of revenues to cover service costs. On a citywide basis, much of the senior housing would develop at higher densities with lower assessed values than the housing product proposed in the ESH Specific Plan. There would also be a relative lack of other revenues such as much less sales tax from the ESH Specific Plan as compared to the Adopted General Plan. Further, there are additional considerations for senior housing because state law allows persons 55 or older to transfer their existing assessed value to a new home purchased at equal or lesser market value of their existing home. Proposition 60, passed in 1986, allows such transfers when the sales occur within the same county. Proposition 90, passed in 1988, allows similar transfers between counties, for counties that choose to participate in the program. Santa Clara is one of the counties that participates in the Proposition 90 program.

In addition to Propositions 60 and 90, state and federal tax laws allow parents to bequeath real property to their children without an increase in tax basis. Therefore, until the children sell the home, it would carry the same Proposition 13 assessed value as their parents had. If the children were 55 years or older they could elect to occupy the home in the age-restricted development with no increase in property tax, as would otherwise occur if the property were sold. This would also be true if the children retain ownership of the home and rent it out. The California

Legislative Analyst's Office estimated that Santa Clara County lost \$99 million in property tax revenues in FY 2014-15 due to the Parent-to-Child reassessment exclusion. Based on an evaluation of actual transaction trends in Santa Clara County, ADE reduced all the assessed values associated with property tax by 15 percent to account for the senior property assessment exclusion.

While it is unlikely that all 3,247 vacant acres would be converted to senior housing (which why the 9212 report analysis also shows the impact of lesser conversion as well) it is also possible that the City's analysis of 3,247 acres potentially impacted is underestimated. Given that the Initiative does not define "underutilized employment lands," a broad interpretation of the term "underutilized" could be defined as any employment land not built to maximum floor area ratio (FAR). Such an interpretation would affect the majority of employment lands in San Jose, except for a few Downtown high rise offices. However, the City has broad discretion in its interpretation of its General Plan and other local land use laws, and rejects such a broad interpretation of the term. For the purpose of this Initiative, the City uses vacant employment lands only to define "underutilized employment lands."

### ***Housing Affordability***

The Initiative proposes its own Partial Exemption for For-Sale Residential Developments under the Senior Housing Overlay. The Initiative proposes to adopt its ESH Specific Plan, which would authorize up to 910 residential units on the 200-acre site. The ESH Specific Plan states that 20% of the housing units will be affordable. If passed the Initiative and ESH Specific Plan seek to achieve this by creating its own alternative Inclusionary Housing requirement and effectively change the San Jose Inclusionary Housing Ordinance under Municipal Code Chapter 5.08. As stated in the section regarding the ESHSP analysis below, if the development is residential units and they are rented out, the levels of affordability proposed do not need to meet the levels of affordability required by the current San Jose Inclusionary Housing Ordinance. If the development is for-sale, then the residential development may specify all of its own Inclusionary guidelines as it relates to: i) the timing of construction, and ii) requirements with respect to (a) geographic location, (b) parking, (c) amenities, and (d) square footage and bedroom count. As such, the Initiative and ESH Specific Plan propose to create an alternative version of the San José Inclusionary Housing Ordinance to lessen the affordable housing requirements.

The Initiative proposes to create mostly market rate housing. Seniors who are able to afford market-rate housing are relatively well served through the currently available market-rate housing developments. The table below shows the City of San José's housing production over the past five years. The amount of market rate housing production has consistently exceeded the annual Regional Housing Needs Allocation (RHNA) housing goals during this period. The production of affordable deed-restricted housing has fallen significantly below the amount needed to reach the RHNA goal. The Initiative's Citywide Overlay may allow for the production of more market rate senior units in the city, but this will not necessarily make progress toward meeting the greatest need for deed-restricted affordable housing for residents with annual household incomes below \$84,900 (the income needed to afford the average one-bedroom apartment in San José in Q3 of 2017).

**Table 3 : City Of San José Housing Production Vs. Annual RHNA Goals**

Income Category	2012		2013		2014		2015		2016	
	Actual	% of Goal	Actual	% of Goal	Actual	% of Goal	Actual	% of Goal	Actual	% of Goal
Affordable Housing *	495	18%	494	18%	506	21%	70	3%	314	13%
Market Rate	3,097	140%	3,211	145%	3,954	245%	1,950	121%	1,774	110%
All Housing	3,592	72%	3,705	75%	4,460	112%	2,020	51%	2,088	52%

\* Affordable to annual household incomes below \$84,900, the income needed to afford the average one-bedroom apartment in San José in Q3 of 2017.

***Transportation Impacts***

The Initiative provides an example of the likely effects that individual conversions of employment lands to senior housing could have on the roadway system in other areas of the city. Sites that are within heavily congested areas, such as Evergreen, that are converted to senior housing may reduce the amount of commute trips added to the roadway system in the proximate area, and therefore improve traffic during the commute peak hours. The adopted General Plan has policies related to reducing Vehicle Miles Traveled (VMT). As a means to reduce energy consumption, to reduce green house gas emissions and to create a healthier community, San José maintains a goal to reduce the number of vehicle miles traveled in the city by 40% by 2040. Achieving this goal will require a multi-prong strategy that includes both land use and transportation. The Initiative’s proposal contradicts the VMT goals because by removing planned employment lands, employed residents in those areas, without the opportunity to work nearby, will be forced to make longer trips, likely outside of the City. This may increase the VMT for residents traveling to work, not only in the project areas but throughout the City.

The land use conversions would result in an adverse effect on the citywide transportation system when considered cumulatively along with the balance of housing and employment Citywide. The City historically has had an imbalance in jobs to housing ratio that resulted in significantly more residents than jobs within San Jose. The imbalance results in San Jose residents commuting longer distances to employment located outside of the City limits. The Land Use/Transportation Diagram of the General Plan provides for opportunities, such as the Evergreen campus industrial lands, to provide more jobs within the City limits for its residents. By providing more jobs within San Jose, more residents will not need to travel outside the city to work, thus reducing regional congestion, the cost of roadway maintenance, and fuel consumption.

Among the 3,247 acres vacant employment lands analyzed as potentially affected by the Citywide Overlay, 58 percent are located both in the City’s Planned Growth Areas and within ½ mile of an existing major transit stop<sup>1</sup> or an existing stop along a high-quality transit corridor<sup>2</sup> (or “High-Quality Transit”), as shown in Table 4. In other words, most of the underutilized, high-Employment-VMT parcels are located in areas that would support the General Plan’s focused and balanced growth strategy by bringing jobs to the areas and bringing people close to the places they need to go. By locating senior housing in these areas designated for employment, it upsets the balance and creates longer trips which prevents mode shift to transit use, biking and walking. Converting these employment lands to senior housing would also result in an imbalance of jobs and housing in the Planned Growth Areas and diverge from the City’s focused and balanced growth strategy.

**Table 4: Citywide Senior Housing Overlay Sites,  
 by Planned Growth Area and High-Quality Transit**

Applicable acres/ Percent of total 3,247 acres of vacant employment lands		High-Quality Transit		
		No	Yes	Total
<b>Planned Growth Area</b>	No	12/ 0%	80/ 3%	92/ 3%
	Yes	1,242/ 39%	<b>1,824/ 58%</b>	3,065/ 97%
Total		1,254/ 40%	1,904/ 60%	3,158/ 100%

***Environmental Analysis and Infrastructure Development***

The City conducted a high-level environmental analysis to assess potential impacts of the Initiative versus the adopted General Plan. The City’s 9212 analysis does not meet the protocol for CEQA review, which would include public input in the development of the analysis scope and circulation to responsible public agencies and the public.

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<sup>1</sup> Major transit stop means a site containing an existing rail transit station or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

<sup>2</sup> A high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

Both the adopted General Plan and the Citywide Overlay allow development on vacant employment land. With the exception of traffic and parkland impacts, there is not as much differentiation with regards to environmental impacts relative to impacts analyzed in the 9212 report. See the 9212 and Appendix 5 David J. Powers Environmental Analysis for methodology and subject area analysis.

*The following are areas where the Initiative will create more impacts than the adopted General Plan:*

**Parks and Open Space**— Development under the Citywide Overlay would generate residents that would use existing park and open space facilities and, therefore, result in greater impacts to parks than development under the adopted General Plan. Development of residential units on 3,247 acres of employment land citywide would generate a demand for 504 acres of new parks, above the additional 1,327 acres of neighborhood/community-serving parkland needed to serve growth in the General Plan as adopted.

**Fire/EMS**— On a Citywide basis, the proposed Initiative would generate greater impacts than the General Plan as adopted.

**Library Services**— The proposed General Plan with Initiative would result in slightly greater impacts to library services (though the City's library service goal of at least 0.59 square feet per capita would still be exceeded) compared to the adopted General Plan because it would allow for additional residents.

**Water Supply**— On a Citywide basis, the proposed Initiative would generate 1.3 times more water demand as the Adopted General Plan.

**Solid Waste Disposal**— On a Citywide basis, the adopted General Plan would generate 20 percent less solid waste due to the higher density of the residential units under the proposed Initiative.

**Hazards and Hazardous Materials**— Citywide, the proposed Initiative would potentially place senior housing in proximity to existing industrial uses.

**Noise**— Development proposed by the Initiative or assumed in the adopted General Plan is likely to result in significant construction-related noise impacts. Long-term operational noise impacts of development under either scenario would need to be evaluated to determine design avoidance features or mitigation measures to meet applicable noise goals and standards. Citywide, the proposed Initiative would potentially place senior housing in proximity to existing industrial uses, which may generate higher noise levels.

*The following are areas where the Initiative will create fewer impacts than the adopted General Plan:*

**Wastewater Treatment and Sanitary Sewer System Capacity**— On a Citywide basis, business development would generate less annual sewage flows than residential, but would generate higher daily flows during the work week, which would have a greater impact on sewage collection and treatment facility capacities.

**Air Quality & Greenhouse Gas Emissions**— The Initiative would result in lesser air quality impacts and greenhouse gas (GHG) emissions than development under the adopted General Plan because senior housing would generate fewer vehicle trips than employment uses. Although mitigation of GHG emissions impact is easier to achieve with employer trip reduction plans than with residential development.

## **II. Evergreen Senior Homes Specific Plan**

The Initiative's Evergreen Senior Housing Overlay and Evergreen Senior Homes Specific Plan propose to convert a 200-acre site in Evergreen entitled for two million square feet of campus industrial development, which is south of Aborn and east of Yerba Buena Road, into an age-restricted, senior housing development consisting of 910 homes. The project is a primarily detached, single-family development. The ESH Specific Plan calls out 180 units in multifamily configuration and the remainder as single-family detached units. The Initiative proposes units to be at affordability levels that do not meet the City's Inclusionary Housing Ordinance, which would otherwise be required of any new housing developments of this size.

### ***Land Use***

The proposed ESH Specific Plan is fundamentally inconsistent with the adopted General Plan's Planned Growth Areas Diagram, Land Use/Transportation Diagram, and Major Strategies, goals, and policies. The proposed ESH Specific Plan is inconsistent with strategies that seek to effectively engage the community; focus new job and housing growth within designated Growth Areas; preserve and enhance the City's limited employment lands; substantially increase the number of jobs in San José; place new housing growth within Urban Villages; and make land use decisions that promote the City's fiscal health.

The proposed ESH Specific Plan is consistent with policies that relate to specific development proposals that would be applicable to the proposal's size and location in Evergreen that focus on the design of the development including green building, sustainable and attractive development, quality design, provision of adequate parking, and the facilitation of housing.

The proposed ESH Specific Plan's substantial inconsistencies with the adopted General Plan outweigh the benefits of providing attractive and sustainable design.

The Initiative proposes amendments to address its inconsistencies with the adopted General Plan, Evergreen East-Hills Development Policy and Zoning Ordinance, essentially by exempting the ESH Specific Plan from the strategies, goals, and policies in the adopted General Plan with

which it conflicts. These numerous amendments do not change the fact that the ESHO is fundamentally inconsistent with the Adopted General Plan. Moreover, as a legal matter, it appears to be an open question, whether such fundamental inconsistencies can be resolved in this manner. *Sierra Club v. Kern County* discusses that the carte blanche exemption approach to resolving inconsistencies as unlawful “precedence clauses.”

### ***Fiscal & Economic Activity Impacts***

As shown in Table 5 below, Applied Development Economics (ADE) performed a net fiscal analysis for the Adopted General Plan’s Campus Industrial development and the ESH Specific Plan’s development of 910 senior residential units. The Campus Industrial development will generate \$4.6 million in revenues for the City. The City would expend \$3.5 million annually in services to the development. Thus the campus industrial project will generate \$1.1 million in net revenue for the City annually.

The 910 homes developed through the ESH Specific Plan would generate \$1.92 million per year in revenues for the City, but the City would expend \$1.96 million in annual costs for services related to the development. Thus the ESH Specific Plan would result in a revenue shortfall from the project of \$31,300 per year. The ESH Specific Plan will generate \$1.14 million less in revenues to the City annually than the Campus Industrial development.

Economic activity, including housing, creates not only direct jobs on the site, but also supports other jobs and business revenues through buyer/supplier transactions and employee spending in retail and services outlets. These additional business effects are referred to as economic multipliers. These multipliers can be applied to the construction phase of projects as well as to the on-going operations of projects.

As described in greater detail in the Fiscal Analysis Technical Report prepared by ADE and shown in the table below, the construction of senior housing project will yield 273 more construction jobs onsite as well as more indirect and induced jobs for a total of 776 more jobs citywide for the five-year life of the construction phase, than the campus industrial construction project. The senior housing project would result in \$48.6 million more in payroll for the construction phase than the campus industrial project. If the campus industrial development takes longer to construct, the annual level of construction jobs would be lower.

**Table 5: Estimated Annual Fiscal Impact of ESH Specific Plan compared to Adopted General Plan's Campus Industrial Development**

Source: ADE, Inc.

BUDGET CATEGORY	ADOPTED GENERAL PLAN-CAMPUS INDUSTRIAL	ESH SPECIFIC PLAN
<b>REVENUES</b>		
Property Taxes	\$911,800	\$1,143,500
Sales Tax	\$1,555,900	\$216,600
Transient Occupancy Tax	\$0	\$0
Franchise Fees	\$204,500	\$72,200
Utility Tax	\$407,800	\$144,100
Telephone Line Tax	\$80,500	\$28,400
Business Taxes	\$733,400	\$6,800
Licenses & Permits	\$55,400	\$19,600
Fines & Forfeitures	\$61,700	\$21,900
Revenue from Money and Property	\$27,400	\$11,500
Revenue from Local Agencies	\$11,500	\$4,000
Revenue from State Government	\$0	\$27,500
Revenue from Federal Government	\$0	\$5,900
Departmental Charges	\$110,700	\$39,100
Other revenue	\$116,000	\$41,000
Transfers/Reimbursements	\$343,900	\$143,300
<b>TOTAL REVENUES</b>	<b>\$4,620,500</b>	<b>\$1,925,400</b>
<b>EXPENDITURES</b>		
General Government	\$550,800	\$307,300
Economic Development	\$173,400	\$3,300
Environmental Services	\$17,100	\$6,000
Police	\$923,400	\$562,700
Fire/EMS	\$869,400	\$380,600
Planning/Bldg./ Code Enf.	\$46,200	\$64,900
Housing	\$19,300	\$6,900
Public Works	\$242,400	\$85,600
Recreation, Neigh. Svcs.	\$75,800	\$118,700
Park Maintenance	\$28,400	\$114,000
Library	\$59,700	\$52,000
Transportation	\$92,100	\$53,700
Transfers	\$130,600	\$46,100
Reserves	\$277,200	\$154,700
<b>TOTAL EXPENDITURES</b>	<b>\$3,505,800</b>	<b>\$1,956,500</b>
<b>NET (COST)/REVENUE</b>	<b>\$1,114,700</b>	<b>(\$31,100)</b>



**Table 6: Construction Phase: Economic Impacts**

	<b>DIRECT EFFECT</b>	<b>INDIRECT EFFECT</b>	<b>INDUCED EFFECT</b>	<b>TOTAL EFFECT</b>	<b>MULTIPLIER</b>
<b>Campus Industrial Construction</b>					
Employment	2,086.1	275.3	787.3	3,148.7	1.51
Labor Income	\$189,068,866	\$24,528,921	\$54,189,730	\$267,787,516	1.42
Output	\$307,800,000	\$48,830,293	\$125,770,934	\$482,401,234	1.57
<b>Senior Homes Construction</b>					
<b>Employment</b>	2,359.5	600.7	964.3	3,924.5	1.66
<b>Labor Income</b>	\$209,102,053	\$40,382,951	\$66,931,560	\$316,416,565	1.51
<b>Output</b>	\$438,414,298	\$85,660,681	\$153,046,713	\$677,121,692	1.54

Source: ADE, Inc.

After construction, during the operations phase of both projects, the campus industrial project will yield 4,778 more jobs onsite and 11,574 more total jobs citywide through indirect and direct impacts. The campus industrial project will yield during the life of the projects after construction \$1.2 billion more in annual wages than the senior housing project and \$3.2 billion more in business output than the senior housing project.

**Table 7: Operations Phase: Annual Economic Impacts**

	<b>DIRECT EFFECT</b>	<b>INDIRECT EFFECT</b>	<b>INDUCED EFFECT</b>	<b>TOTAL EFFECT</b>	<b>MULTIPLIER</b>
<b>Campus Industrial</b>					
Employment	5,000.0	3,087.6	3,787.6	11,875.2	2.38
Labor Income	\$686,152,749	\$315,849,302	\$264,048,061	\$1,266,050,113	1.85
Output	\$1,928,291,067	\$746,496,699	\$604,587,253	\$3,279,375,019	1.70
<b>Senior Homes</b>					
Employment	221.7	22.4	57.3	301.4	1.36
Labor Income	\$10,591,605	\$1,778,661	\$4,067,293	\$16,437,558	1.55
Output	\$21,436,171	\$4,084,752	\$8,774,492	\$34,295,415	1.60

Source: ADE, Inc.

## **Housing**

### **Changes to Inclusionary Housing Ordinance**

As described in more detail in this report under the Impacts to Housing Capacity and Affordability chapter of the 9212 Report, the Initiative proposes to change the City's Inclusionary Housing Ordinance.

The proposed specific plan and project does not follow the development review process within the Department of Housing. The City will need to include conditions of approval on permits associated with the ESH Specific Plan to ensure that housing is restricted for seniors (either affordable or market rate). The condition would require an agreement with the City to implement the proposed Senior Housing Overlay land use designation and ESH Specific Plan in the manner contemplated by the Initiative.

If the proposed project is Rental, the proposed number of affordable units and affordability levels are not consistent with San José's Inclusionary Housing Ordinance. In order to meet the affordability obligations of the current San José Inclusionary Housing Ordinance, if the proposed project is rental, it would also need to provide units at a deeper level of affordability.

If the proposed development project is for-sale, the affordable homes that are currently proposed in the ESH Specific Plan could be lost over time when resold. Without the Inclusionary Housing Ordinance and recorded agreements to codify the Inclusionary obligations, no resale controls will be in place to collect revenue from the sale proceeds, therefore resulting in a net loss of affordable housing units and a financial windfall for the first owner.

The Initiative's ESH Specific Plan proposes changes to key components of the San Jose's Inclusionary Housing Ordinance, including, but not limited to the timing of construction, location of units and amenities, and square footage and bedroom count requirements. Unlike the current Inclusionary Housing Ordinance, which requires that affordable units be constructed at the same time as market-rate units, the Initiative amends the Ordinance to remove that concurrent construction requirement of affordable units for the project. As a result, if the Initiative is adopted by the voters, affordable units may be constructed last after all market rate units are completed, or not at all.

### ***Veterans Housing Preference***

The Initiative states that it will provide a preference for housing for veterans to the extent authorized by law, but includes no plan or rules regarding the Initiative's veterans housing preference.

The Unruh Civil Rights Act (California Civil Code sections 51 et seq.) prohibits discrimination in "all business establishments," including housing operated by both for-profit and non-profit housing providers. The Act prohibits discrimination on the basis of sex, race, color, religion, ancestry, national origin, and disability. California Courts have interpreted this law broadly to prohibit all arbitrary discrimination, regardless of whether the discrimination is one of the listed categories in the statute, to include students, persons in particular occupations, and children. The Unruh Act provides an exception for senior housing meeting very specific requirements. There is no such exception in the Unruh Act for a veterans housing preference.

If an individual housing provider gives veterans preferential treatment in housing opportunities, that preference may result in an unlawful disparate impact if it operates to

exclude women or certain racial or ethnic groups. The housing provider will have to demonstrate that (1) it has a business necessity for the preference, and (2) the preference effectively carries out the purpose it is intended to serve. A housing preference for veterans may withstand a disparate impact claim if the veterans' preference program is based upon and advances strong public policy goals, such as reintegrating military families into the community or providing homes for homeless veterans given the high rates of homelessness among veterans. According to a 2002 Housing and Urban Development publication, 23% of homeless men are veterans while veterans comprise only 9-10% of the general population. <sup>3</sup>

Housing providers who establish a veterans housing preference should link the preference to significant policy goals and to their organization's purpose, and should provide access to services and supports that further these goals in order to overcome potential claims of disparate impact under the Unruh Act.

The Initiative provides no information, other than the veterans housing preference will be to the extent allowed by law, regarding how specifically it will provide veteran housing in order to assess whether the veterans housing preference is lawful and viable. Instead, if the Initiative were adopted by the voters, the Specific Plan for the Evergreen site approves primarily market-rate dwellings with a fraction of affordable units that are unlikely to serve the homeless veteran population or unemployed or under-employed veterans who are unable to afford even the income restricted units. Absent any information in the Initiative regarding veterans housing preference requirements and goals, including how the veterans' preference is to be implemented and by whom, it is unclear how this broad provision in the Initiative would be translated into a requirement upon private developers of senior housing under the Initiative.

### ***Transportation Impacts***

For the past 37 years, the City has adopted the most stringent transportation policy for development in Evergreen recognizing that daily traffic congestion, access into and out of the area, and residents' need to travel outside of Evergreen to jobs all combined to create immitigable transportation impacts.

The Evergreen East Hills Development Policy and the Adopted General Plan identify the development of Campus Industrial uses within the Evergreen area, including the ESH Specific Plan site. Providing a job center within the Evergreen area was projected to improve traffic conditions by establishing a reverse commute pattern and internalizing trips within the Evergreen area. Since the greater Evergreen area has been developed primarily as housing, the existing Campus Industrial entitlements would not exacerbate the existing unbalanced transportation issues that currently exist.

In the City's analysis, the number of trips generated by the proposed ESH Specific Plan was estimated using trip rates recommended by the Institute of Transportation Engineers (ITE) Trip

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<sup>3</sup> Coordinating Resources and Developing Strategies to Address the Needs of Homeless Veterans. U.S. Department of Housing and Urban Development, Community Planning and Development Office (February 2002).

Generation Manual, 10th Edition (2017). This reference publishes the results of 30 surveys of detached senior adult housing around the country (land use category 251). The ITE rates for Senior Adult Housing (Land use 251) include a wide variety of studies ranging from communities with very active, working residents to communities with older, retired residents. Many factors affect the trip rates for detached senior adult housing such as average age of residents, development location and size, affluence of residents, employment status and vehicular access/accessibility. Other factors included proximity to medical facilities, restaurants, shopping centers, banks, and recreational activities. Given the higher end unit types depicted in the ESH Specific Plan and the proposed development's location in San Jose, an area with especially high residential housing costs, the City's analysis may be an underestimation of the automobile trips generated by the ESH proposal and may in fact, result in substantially more traffic than estimated in the report.

Trip generation for the approved Campus Industrial entitlements was estimated using the City of San Jose's R&D trip generation rate, to be consistent with previous traffic studies for the Evergreen area. The two million sq. ft. of Campus Industrial space was studied to generate 16,000 daily trips, with 2,560 trips (2,048 inbound and 512 outbound) occurring during the AM peak hour and 2,240 trips (224 inbound and 2,240 outbound) occurring during the PM peak hour, which is above the projected trips for the proposed senior housing project. However, the existing zonings on the Campus Industrial site approved in 1981, 1982 and 1998 included conditions limiting the amount of traffic the projects could generate by 30%. Applying the 30% reduction to the trip generation rate results in the campus industrial project generating 11,200 daily trips with 1792 trips in the AM and 1568 trips in the PM peak hour, which is approximately 4,800 daily trips (768 AM and 672 PM) peak hour trips fewer than what was analyzed in the report. The resulting reduction in trips would reduce the impacts and the volume of traffic attributed to the Campus Industrial that were identified in this report.

The addition of senior housing in Evergreen will exacerbate traffic in the direction of commute congestion in six of the seven gateway corridors. Directional congestion occurs along the major gateway corridors within Evergreen and on US101 and I280 where commuters must travel in the same direction, out of Evergreen, to get to jobs; whereas, retaining campus industrial uses will add fewer trips to these same intersections in the direction of greatest congestion in peak commute hours (AM & PM). For instance, during the PM peak hour, the Initiative's senior housing development will add more vehicles to six of the seven Gateway Corridor intersections in Evergreen than the campus industrial project. Specifically, the senior housing project will add 123 more trips at Yerba Buena Road, 314 more trips at Capitol Expressway, 235 more trips at Tully Road, 46 more trips at King Road, 154 more trips at Capitol Expressway, and 15 more trips at White Road in the PM peak hour, than the number of cars added from the approved campus industrial project. The weekday AM & PM peak traffic generated by campus industrial project will not add any substantial traffic to the existing commute congestion direction.

Further, the proposed ESH Specific Plan will significantly impact six intersections to operate at unacceptable levels of service ( Capitol Expressway & Story Road in the PM; Capitol Expressway and Silver Creek Road in the AM & PM; Capitol Expressway & Aborn Road in the

AM & PM; and Capitol Expressway & Tully Road in the AM); whereas the campus industrial development would significantly impact only two intersections to operate at unacceptable levels of service (Capitol Expressway & Silvercreek Road in the PM & Nieman Boulevard/Silvercreek Valley Road and Yerba Buena Road in the AM).

The impact of more housing in Evergreen is evident in the current directional congestion along the major transportation corridors within Evergreen and on US101 and I280 where commuters must travel in the same direction to get to jobs. The adopted General Plan provides direction for future transportation to be multimodal, environmentally sustainable, minimizing the need to drive, and create walkable communities proximate to transit. The proposed ESH Specific Plan conflicts with many of these goals.

### ***Environmental and Infrastructure Development***

The City's high-level environmental analysis assessed potential impacts of the Initiative versus the adopted General Plan, but does not include all information that would normally be produced following a thorough review of all aspects of a development proposal required through CEQA review. California case law does not require voter-sponsored initiatives to have CEQA review. Both the adopted General Plan and the ESH Specific Plan allow development on a vacant 200 acre site. With the exception of traffic, there is not much differentiation with regards to environmental impacts. See the 9212 and Appendix 5 David J. Powers Environmental Analysis for methodology and subject area analysis.

*The following are areas where the Initiative will create more impacts than the adopted General Plan:*

**Parks and Open Space**—The Initiative's ESH Specific Plan would generate residents that would use existing park and open space facilities and, therefore, result in greater impacts to parks and open space than development under the adopted General Plan, which proposes no residential development.

**Police Protection**—The Initiative's ESH Specific Plan would result in a slightly greater impact and need for police services compared to development under the adopted General Plan.

**Hazards and Hazardous Materials**— The development of either industrial uses or residential uses on the 200-acre site in Evergreen would result in less than significant hazardous materials impacts. The development of residential uses (per the proposed General Plan with Initiative) would place sensitive receptors near existing hazardous materials users (e.g., the Hitachi development south of the ESH Specific Plan site) and be required to provide appropriate setbacks to minimize land use incompatibility impacts.

*The following are areas where the Initiative will create fewer impacts than the adopted General Plan:*

Fire/EMS— For the Fire Department, the majority of its calls-for-service are for emergency medical response, rather than fire suppression. Ninety percent of its expenditures are allocated on a per capita basis to reflect this priority for the department. The remaining ten percent of the Fire Department budget, which represents responses to fire incidents, is allocated on the basis of assessed value for each land use. Buildings with greater assessed value, such as commercial buildings, are generally larger and require greater Fire Department response when fires occur.

Water Supply— The Initiative's ESH Specific Plans would have approximately 61 percent less water demand and, therefore, lesser impact on water supply than development under the adopted General Plan.

Wastewater Treatment and Sanitary Sewer System Capacity— The Initiative's ESH Specific Plan would have approximately 76 percent (or 666,110 million gallons daily (mgd)) less sewage generation and, therefore, lesser impact on the sewer system than development under the adopted General Plan.

Solid Waste Disposal— The Initiative's ESH Specific Plan would generate approximately 85 percent (or 4,255 tons) less solid waste and, therefore, lesser impact on landfill capacity than development under the adopted General Plan.

Air Quality— The Initiative's ESH Specific Plan and the adopted General Plan would both result in significant air quality impacts. However, because development of senior housing would generate fewer vehicle trips than development of industrial uses onsite, it is concluded that the Initiative's ESH Specific Plan would result in lesser air quality impacts than development under the adopted General Plan.

Greenhouse Gas Emissions— The Initiative's ESH Specific Plan would result in fewer automobile trips and therefore lesser greenhouse gas emissions than development under the adopted General Plan.

## **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the February 13, 2018 Council Meeting.

## **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office, Budget Office, Department of Public Works, Housing Department, Department of Parks, Recreation, and Neighborhood Services, Department of Transportation, and San Jose Public Library.

## **COMMISSION RECOMMENDATION/INPUT**

No commission recommendation is associated with this action.

## **CEQA**

Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

/s/  
Rosalynn Hughey  
Acting Director  
Planning, Building, and Code Enforcement

/s/  
Kim Welsh  
Deputy City Manager  
Director of Economic Development

For questions please contact Reena Brilliot, Senior Executive Analyst, at (408) 535-3537.

### **Attachments:**

- A) Responses to Council Member Rocha's Additional Questions
- B) Review of Initiative Proposer's Environmental, Fiscal, & Transportation Analysis
- C) Evergreen Senior Housing Overlay Map
- D) San Jose Employment Lands Map
- E) 9212 Report
  - Appendix 1 Notice of Intent to Circulate Petition
  - Appendix 2 Text of Proposed Initiative: [www.sanjoseca.gov/DocumentCenter/View/73836](http://www.sanjoseca.gov/DocumentCenter/View/73836)
  - Appendix 3 California Elections Code, Section 9212
  - Appendix 4 Applied Development Economics Fiscal Analysis
  - Appendix 5 David J. Powers Environmental Analysis
  - Appendix 6 Hexagon Transportation Analysis
  - Appendix 7 Analysis of the proposed Evergreen Senior Homes Specific Plan's consistency with the Adopted General Plan

HONORABLE MAYOR AND CITY COUNCIL

January 22, 2018

**Subject: 9212 Report for Evergreen Ballot Initiative**

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Appendix 8 Analysis of the proposed Citywide Senior Housing Overlay's consistency with the Adopted General Plan

Appendix 9 Cushman and Wakefield Third Quarter 2017 Industrial, R&D, and Office Silicon Valley

Appendix 10 CoStar Real Estate Retail Citywide Data Search for City of San

Appendix 11 CoStar Real Estate Industrial and Multifamily Development Data Search for City of San Jose