



Memorandum

TO: Honorable Mayor &
City Council

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: The Public Record
February 4, 2021 to February 11, 2021

DATE: February 17, 2021

ITEMS FILED FOR THE PUBLIC RECORD

Letters from Boards, Commissions, and Committees

Letters from the Public

- 1-5 Letters dated from February 5, 2021 to February 8, 2021, regarding Funding for Permanent Railroad Quiet Zone in Downtown San Jose.
6. Letter from Louise Cate, dated February 5, 2021, regarding Please do not change single family housing zoning to 4-plex zoning in San Jose.
7. Letter from Tobacco-Free Coalition of Santa Clara County, dated February 8, 2021.
8. Letter from Blair Beekman, dated February 8, 2021, regarding Blair Beekman. sj council. Feb. 9, 2021. Open Forum.
9. Letter from Blair Beekman, dated February 9, 2021, regarding Blair Beekman. sj council. February 9, 2021. Open Forum.
10. Letter from Heather Rhines, dated February 9, 2021, regarding Equal Justice Under the Law?
11. Letter from David Eisbach, dated February 9, 2021, regarding Opportunity Housing.

Toni J. Taber, CMC
City Clerk

Fw: Funding for Permanent Railroad Quiet Zone in Downtown San Jose

Agendadesk <Agendadesk@sanjoseca.gov>

Mon 2/8/2021 12:49 PM

To: Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

Agenda Desk

City of San José | Office of the City Clerk
200 East Santa Clara St. – Tower 14th Fl.
San José, CA 95113-1905
Phone 408.535.1275 | Fax 408.292.6207
agendadesk@sanjoseca.gov

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From: The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>

Sent: Monday, February 8, 2021 10:27 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Subject: Fw: Funding for Permanent Railroad Quiet Zone in Downtown San Jose

FYI

From: Keith Kimmel [REDACTED]

Sent: Friday, February 5, 2021 8:42 PM

To: cindy.chavez@bos.sccgov.org <cindy.chavez@bos.sccgov.org>

Cc: downtownsanjosequietzone [REDACTED] <[REDACTED]>;
oe.lofgrenca19@mail.house.gov <oe.lofgrenca19@mail.house.gov>; kerry.duncan@mail.house.gov
<kerry.duncan@mail.house.gov>; The Office of Mayor Sam Liccardo
<TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; Nguyen, Mindy
<Mindy.Nguyen@sanjoseca.gov>; Ratana, Christopher <christopher.ratana@sanjoseca.gov>

Subject: Funding for Permanent Railroad Quiet Zone in Downtown San Jose

[External Email]

Dear Supervisor Chavez,

I am requesting your support to fund a permanent Quiet Zone at the Union Pacific Railroad (UPRR) railroad tracks in the San Jose neighborhoods of Japantown and Hensley. Since Feb. 1, 2019, UPRR began running rail service throughout the area at 5:30pm, 7:00pm, 10:00pm, 11:30pm, 12:30am, 2:00am, and 4am. Trains are required by the Federal

Railroad Association to use horns when approaching street crossings, emitting four blasts that are between 96 and 110 decibels, equivalent to the sound of a jet taking off or a nearby rock concert.

For thousands of residents, noise from the night trains has severely impacted our daily lives, compromising our health and well being from multiple sleep disruptions every night. We estimate that 11,415 residents live in this area.

In 2020, the pandemic further worsened matters, as residents complied with the stay-at-home order and now perform work duties from home while being subjected to daily train noise. The long-term health effects of noise pollution, sleep deprivation, and stress have drastically reduced our quality of life.

Thousands of lower income families are also disproportionately affected by persistent noise, as many low-cost housing units are located near UPRR tracks. It isn't an option to tell these families to move somewhere else, placing unreasonable financial burden on their shoulders. Several new housing development projects are underway near the tracks.

Fortunately, a formal Quiet Zone study has been completed by the City of San Jose. The only barrier left is to secure funding for this one-time infrastructure investment.

Congresswoman Zoe Lofgren, Mayor Sam Liccardo and Councilmember Raul Perez are all supportive of this project. Please help direct funding to the San Jose Department of Transportation so that they can begin construction in 2021.

Sincerely,

Keith Kimmel

Concerned Residents from Downtown San Jose, Japantown and Hensley

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Fw: Funding for Permanent Railroad Quiet Zone in Downtown San Jose

Agendadesk <Agendadesk@sanjoseca.gov>

Mon 2/8/2021 12:55 PM

To: Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

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From: The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>

Sent: Monday, February 8, 2021 10:26 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Subject: Fw: Funding for Permanent Railroad Quiet Zone in Downtown San Jose

FYI

From: Nathan Brittsan [REDACTED]

Sent: Friday, February 5, 2021 5:47 PM

To: cindy.chavez@bos.sccgov.org <cindy.chavez@bos.sccgov.org>

Cc: zoe.lofgrenca19@mail.house.gov <zoe.lofgrenca19@mail.house.gov>; kerry.duncan@mail.house.gov <kerry.duncan@mail.house.gov>; The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; Nguyen, Mindy <Mindy.Nguyen@sanjoseca.gov>; Ratana, Christopher <christopher.ratana@sanjoseca.gov>; downtownsanjosequietzone [REDACTED] <[REDACTED]>; Nathan Brittsan <[REDACTED]>

Subject: Funding for Permanent Railroad Quiet Zone in Downtown San Jose

[External Email]

Dear Supervisor Chavez,

My husband and I have lived in the Japantown neighborhood of San Jose since 2014. We are moving out of this neighborhood because of the overnight trains—our quality of life deteriorated greatly since February 2019.

Nevertheless, we are requesting your support to fund a permanent Quiet Zone at the Union Pacific Railroad (UPRR) railroad tracks in the San Jose neighborhoods of Japantown and Hensley. Since Feb. 1, 2019, UPRR began running rail service throughout the area at 5:30pm, 7:00pm, 10:00pm, 11:30pm,

12:30am, 2:00am, and 4am. Trains are required by the Federal Railroad Association to use horns when approaching street crossings, emitting four blasts that are between 96 and 110 decibels, equivalent to the sound of a jet taking off or a nearby rock concert.

For thousands of residents, noise from the night trains has severely impacted our daily lives, compromising our health and wellbeing from multiple sleep disruptions every night. We estimate that 11,415 residents live in this area. The long-term health effects of noise pollution, sleep deprivation, and stress have drastically reduced our quality of life.

Thousands of lower income families are also disproportionately affected by persistent noise, as many low-cost housing units are located near UPRR tracks. It isn't an option to tell these families to move somewhere else, placing unreasonable financial burden on their shoulders. Several new housing development projects are underway near the tracks.

Fortunately, a formal Quiet Zone study has been completed by the City of San Jose. The only barrier left is to secure funding for this one-time infrastructure investment.

Congresswoman Zoe Lofgren, Mayor Sam Liccardo and Councilmember Raul Peralez are all supportive of this project. Please help direct funding to the San Jose Department of Transportation so that they can begin construction in 2021.

Sincerely,

Nathan & Jason Brittsan

[REDACTED]
[REDACTED]

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Fw: Funding for Permanent Railroad Quiet Zone in Downtown San Jose

Agendadesk <Agendadesk@sanjoseca.gov>

Mon 2/8/2021 4:26 PM

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From: The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>

Sent: Monday, February 8, 2021 10:22 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Subject: Fw: Funding for Permanent Railroad Quiet Zone in Downtown San Jose

FYI

From: Raymond Liu [REDACTED] >

Sent: Friday, February 5, 2021 2:40 PM

To: cindy.chavez@bos.sccgov.org <cindy.chavez@bos.sccgov.org>

Cc: zoe.lofgrenca19@mail.house.gov <zoe.lofgrenca19@mail.house.gov>; kerry.duncan@mail.house.gov <kerry.duncan@mail.house.gov>; The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; Nguyen, Mindy <Mindy.Nguyen@sanjoseca.gov>; Ratana, Christopher <christopher.ratana@sanjoseca.gov>; downtownsanjosequietzone [REDACTED] >

Subject: Funding for Permanent Railroad Quiet Zone in Downtown San Jose

[External Email]

Dear Supervisor Chavez,

I am requesting your support to fund a permanent Quiet Zone at the Union Pacific Railroad (UPRR) railroad tracks in the San Jose neighborhoods of Japantown and Hensley. Since Feb. 1, 2019, UPRR began running rail service throughout the area at 5:30pm, 7:00pm, 10:00pm, 11:30pm, 12:30am, 2:00am, and 4am. Trains are required by the Federal Railroad Association to use horns when approaching street crossings, emitting four blasts that are between 96 and 110 decibels, equivalent to the sound of a jet taking off or a nearby rock concert.

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In 2020, the pandemic further worsened matters, as residents complied with the stay-at-home order and now perform work duties from home while being subjected to daily train noise. The long-term health effects of noise pollution, sleep deprivation, and stress have drastically reduced our quality of life.

Thousands of lower income families are also disproportionately affected by persistent noise, as many low-cost housing units are located near UPRR tracks. It isn't an option to tell these families to move somewhere else, placing unreasonable financial burden on their shoulders. Several new housing development projects are underway near the tracks.

Fortunately, a formal Quiet Zone study has been completed by the City of San Jose. The only barrier left is to secure funding for this one-time infrastructure investment.

Congresswoman Zoe Lofgren, Mayor Sam Liccardo and Councilmember Raul Peralez are all supportive of this project. Please help direct funding to the San Jose Department of Transportation so that they can begin construction in 2021.

Sincerely,

Jianyu Liu

Concerned Residents from Downtown San Jose, Japantown and Hensley

--

[Redacted signature block]

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Agendadesk <Agendadesk@sanjoseca.gov>

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From: The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>

Sent: Monday, February 8, 2021 10:21 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Subject: Fw: Funding for Permanent Railroad Quiet Zone in Downtown San Jose

FYI

From: Michael West <[REDACTED]>

Sent: Friday, February 5, 2021 12:24 PM

To: cindy.chavez@bos.sccgov.org <cindy.chavez@bos.sccgov.org>

Cc: downtownsanjosequietzone [REDACTED];

zoe.lofgrenca19@mail.house.gov <zoe.lofgrenca19@mail.house.gov>; kerry.duncan@mail.house.gov

<kerry.duncan@mail.house.gov>; The Office of Mayor Sam Liccardo

<TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; Nguyen, Mindy

<Mindy.Nguyen@sanjoseca.gov>; Ratana, Christopher <christopher.ratana@sanjoseca.gov>

Subject: Funding for Permanent Railroad Quiet Zone in Downtown San Jose

[External Email]

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Sincerely,

Michael West

A black rectangular redaction box covering the signature of Michael West.

Concerned Residents from Downtown San Jose, Japantown and Hensley

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Fw: Funding for Permanent Railroad Quiet Zone in Downtown San Jose

Agendadesk <Agendadesk@sanjoseca.gov>

Mon 2/8/2021 4:27 PM

To: Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

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From: The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>

Sent: Monday, February 8, 2021 10:21 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Subject: Fw: Funding for Permanent Railroad Quiet Zone in Downtown San Jose

FYI

From: Rebecca Walker <[REDACTED]>

Sent: Friday, February 5, 2021 12:09 PM

To: cindy.chavez@bos.sccgov.org <cindy.chavez@bos.sccgov.org>

Cc: zoe.lofgrenca19@mail.house.gov <zoe.lofgrenca19@mail.house.gov>; kerry.duncan@mail.house.gov <kerry.duncan@mail.house.gov>; The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; Nguyen, Mindy <Mindy.Nguyen@sanjoseca.gov>; Ratana, Christopher <christopher.ratana@sanjoseca.gov>; downtownsanjosequietzone <[REDACTED]>

Subject: FW: Funding for Permanent Railroad Quiet Zone in Downtown San Jose

[External Email]

Dear Supervisor Chavez & Additional Representatives,

I am requesting your support to fund a permanent Quiet Zone at the Union Pacific Railroad (UPRR) railroad tracks in the San Jose neighborhoods of Japantown and Hensley. It is miserable and has been so disruptive to our lives.

Since Feb. 1, 2019, UPRR began running rail service throughout the area at 5:30pm, 7:00pm, 10:00pm, 11:30pm, 12:30am, 2:00am, and 4am. Trains are required by the Federal Railroad Association to use horns when approaching street crossings, emitting four blasts that are between 96 and 110 decibels, equivalent to

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Congresswoman Zoe Lofgren, Mayor Sam Liccardo and Councilmember Raul Perez are all supportive of this project. Please help direct funding to the San Jose Department of Transportation so that they can begin construction in 2021.

Sincerely,

Rebecca Walker

Concerned Residents from Downtown San Jose, Japantown and Hensley

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Fw: Please do not change single family housing zoning to 4-plex zoning in San Jose

Agendadesk <Agendadesk@sanjoseca.gov>

Mon 2/8/2021 4:20 PM

To: Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

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From: The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>

Sent: Monday, February 8, 2021 2:11 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Subject: FW: Please do not change single family housing zoning to 4-plex zoning in San Jose

FYI

From: Louise Cate <[REDACTED]>

Sent: Friday, February 5, 2021 5:12 PM

To: District 10 <District10@sanjoseca.gov>; Mike Wasserman <District1@bos.sccgov.org>; The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>

Subject: Please do not change single family housing zoning to 4-plex zoning in San Jose

[External Email]

Please do not change single family housing zoning to 4-plex zoning in San Jose

The only thing this will do is make it more expensive to live here with more carbon emissions and more traffic, less parking, less quality of life

Louise Cate
[REDACTED]



1775 Story Road, Suite 120
San Jose, CA 95122

San Jose City Council
200 E. Santa Clara St.
San José, CA 95113

February 8, 2021

Dear Mayor and Council Members,

The Tobacco-Free Coalition of Santa Clara County, which consists of more than 20 organizations and individuals interested in promoting the health of our citizens, is urging you to strengthen your tobacco retailer licensing law and restrict flavored tobacco products in the City of San Jose.

During this challenging time, it is even more important to take action on the pressing public health issue of tobacco. There is growing evidence that smokers are at a greater risk of hospitalization and severe illness due to COVID-19. In addition, there is evidence that vaping can also harm lung health. These factors put smokers and vapers at greater risk when confronted with coronavirus.

In November 2018, the U.S. Food and Drug Administration (FDA) and the U.S. Centers for Disease Control and Prevention (CDC) reported a dramatic increase in youth nicotine use, leading the Surgeon General and the FDA to declare youth e-cigarette use an epidemic in the United States.

Tobacco companies are using candy-flavored products to hook kids into a dangerous addiction to nicotine. Most young people who have ever used tobacco started with a flavored product. These products often mimic popular candies, drinks, or snacks in both packaging and flavor, making them particularly appealing to youth.

Consider that:

- 82.3 percent of **Santa Clara County** teens currently using tobacco report using a flavored product.
- Nearly a quarter of surveyed **San Jose** tobacco retailers sold tobacco to an underage person. 11% of these illegal tobacco sales came from a tobacco/vape shop.

To protect the health of San Jose residents a strong retail ordinance should include:

- **Ban on ALL flavored tobacco products, including hookah, in all locations**
 - Menthol - Menthol flavor makes cigarettes easier to start and is disproportionately used to hook African-Americans, LGBTQ individuals and

youth. Among Santa Clara County youth who smoke, 63% smoke menthol cigarettes.

- Hookah - Hookah is a flavored tobacco and hookah use is linked to many of the same health risks as cigarette use.
- Adult-only stores - Other cities such as Oakland have encountered implementation challenges by exempting adult-only stores, leading to an extreme proliferation of these stores.
- **Restriction of e-cigarette and vape product sales**
 - In a survey, 13.2 percent of Santa Clara County teens reported using e-cigarettes in the past month, double the amount reported in the previous survey
- **Restriction of the density of tobacco retailers near schools and existing retailers**
 - More than a quarter of San Jose tobacco retailers are located within 1,000 feet of a school.
- **Regular and ongoing enforcement and compliance checks of retailers**

Other communities across our county have already stepped up to protect their residents from these harmful products. Santa Clara County, Cupertino, Los Altos, Los Gatos, Palo Alto, and Sunnyvale have restricted flavored tobacco. And seven cities in the county have banned the sale of all vaping products in their city.

For these reasons, we urge you to strengthen the tobacco retailer licensing laws, including a strong flavored tobacco provision with no exemptions, in San Jose.

Sincerely,

Vanessa Marvin, Co-Chair



Carol Baker, Co-Chair



Fw: Blair Beekman. sj council. Feb. 9, 2021. Open Forum.

Agendadesk <Agendadesk@sanjoseca.gov>

Mon 2/8/2021 5:02 PM

To: Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

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From: b. beekman [REDACTED] >
Sent: Monday, February 8, 2021 8:30 AM
To: Agendadesk <Agendadesk@sanjoseca.gov>
Subject: Blair Beekman. sj council. Feb. 9, 2021. Open Forum.

[External Email]

Dear community of San Jose, and city govt.,

Thank you, to the Mayor, city council, city government staff, and everyday community, for the good efforts, to try to make clear, the ideas & ideals, of equity and reimagine, at the San José city council, special meeting, Feb.5, 2021.

We have been trying to practice & understand, community ideas, of equity, green sustainability, housing rights, worker rights, open public policy ideas, and health care for all, long before the Covid-19 pandemic.

In the SF Bay Area, in the next 10 years, local communities, are going to have to begin, to better address, wildfires, sea level rise, and even, a possible large earthquake.

It will be important, to begin to learn, good lessons & practices, from this time of Covid-19, about emergency human health services. And the role, of how state funding can be, of simple, honest help, to most everyone.

Since early 2015, I have spoken publically, in San Jose, and across the Bay area, to learn what can be, more open, accountable, positive, sustainable community practices, with a number of issues, offered above.

The well-studied concepts, of equity & reimagine, can begin to help invite everyone, to a process, of our better sustainability ideals, as a community, and as a country.

It is a part of, an overall good thinking and idealism, that is what can help, pull us through, what may be, a difficult, next 5-10 years, in San Jose, and the SF Bay Area.

Sincerely,
Blair Beekman

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Fw: Blair Beekman. sj council. February 9, 2021. Open Forum.

Agendadesk <Agendadesk@sanjoseca.gov>

Tue 2/9/2021 12:58 PM

To: Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

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From: b. beekman [REDACTED] >
Sent: Tuesday, February 9, 2021 12:50 PM
To: Agendadesk <Agendadesk@sanjoseca.gov>
Subject: Blair Beekman. sj council. February 9, 2021. Open Forum.

[External Email]

Dear community of San Jose, and city govt.

I feel, at this time, a u.s. senate impeachment process, of the former president, is meant to ask, how to create boundaries - in what to consider as unacceptable, in the negotiative & deliberative powers, of a u.s. president.

An important lesson, I hope we are all learning, from this senate impeachment process, is simply, that the president, must be held accountable, for his recent actions, in some form.

We are at an interesting moment of time, of well- reasoned ideas, that can offer, both, accountability & forgiveness.

At the same time, this country, is about to embark on a journey, in the next four years, that can invite the country, to set goals, helped developed, by all sides, in the last decade - towards ideas of peace, health & human rights, green sustainabilty, and more open, positive sustainable, democratic practices, within a local community.

This can allow, all of us, to work towards, our better human ideals & thinking. And towards, the ideas of unity.

A part of, this good idealism, is positive community sustainability & accountability ideas, that have been developing, at the local community level, long before Covid-19.

Here in San Jose, I hope it is the process, of everyday community, its city council, and the election process, that can continue to be heard, and will be first, in how to consider choices, for the future of San Jose.

And for the charter review commission, the redistricting commission process, and the overall future of San Jose.

Sincerely,
Blair Beekman

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Fw: Equal Justice Under the Law ?

Agendadesk <Agendadesk@sanjoseca.gov>

Tue 2/9/2021 1:06 PM

To: Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

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From: City Clerk <city.clerk@sanjoseca.gov>
Sent: Tuesday, February 9, 2021 12:42 PM
To: Agendadesk <Agendadesk@sanjoseca.gov>
Subject: Fw: Equal Justice Under the Law ?

Forwarding ...

Office of the City Clerk | City of San José
200 E. Santa Clara St., Tower 14th Floor
San Jose, CA 95113
Main: 408-535-1260
Fax: 408-292-6207

How is our service? [Please take our short survey.](#)

From: Heather R [REDACTED]
Sent: Tuesday, February 9, 2021 10:52 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Equal Justice Under the Law ?

[External Email]

Public Comment Please. Thanks in advance.

Hello,

I have a few question for all of you today in hopes you can clarify the confusion that City Hall has pertaining to business operations. Below are my questions.

1. Does the city have a department that monitors illegal business activity by white collar criminals?
2. Are black and brown people the only individuals expected to comply with local business regulations concerning operating a business ? And are only those individuals susceptible the cities enforcement laws, if any ?
3. Is selling tacos without a permit more dangerous than city than a residential building operating without permits?
4. Why is the City of San Jose Housing Division taking money from mobile home residents(pass through &, registrations fees;) from a corporation that does not exist according to your own records ? How do you apply payments tp account/permit that does not exist?

Thank you for all of your time and stay safe and diligent out here.

Heather Rhines



“Life seems to be better, friendlier, more connected, more whole, more flowing when we participate in it by giving rather than taking.” -Unknown

Sent from [Mail](#) for Windows 10

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Fw: Opportunity Housing

Agendadesk <Agendadesk@sanjoseca.gov>

Wed 2/10/2021 8:39 AM

To: Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

📎 1 attachments (18 KB)

Last eveningAVCA2...9.21Opportunity Housing.docx;

Agenda Desk

City of San José | Office of the City Clerk
200 East Santa Clara St. – Tower 14th Fl.
San José, CA 95113-1905
Phone 408.535.1275 | Fax 408.292.6207
agendadesk@sanjoseca.gov

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From: City Clerk <city.clerk@sanjoseca.gov>
Sent: Wednesday, February 10, 2021 8:23 AM
To: Agendadesk <Agendadesk@sanjoseca.gov>
Subject: Fw: Opportunity Housing

Forwarding....

Office of the City Clerk | City of San José
200 E. Santa Clara St., Tower 14th Floor
San Jose, CA 95113
Main: 408-535-1260
Fax: 408-292-6207

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From: Murillo, Sandra2 (Mayor) <sandra2.murillo@sanjoseca.gov>
Sent: Tuesday, February 9, 2021 7:06 PM
To: Ho, Nathan <Nathan.Ho@sanjoseca.gov>; Mossing, Mackenzie <Mackenzie.Mossing@sanjoseca.gov>
Cc: City Clerk <city.clerk@sanjoseca.gov>
Subject: FW: Opportunity Housing

From: David Eisbach [REDACTED]
Sent: Tuesday, February 09, 2021 5:04 PM
To: District1 <district1@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District 6

<district6@sanjoseca.gov>; The Office of Mayor Sam Liccardo
<TheOfficeofMayorSamLiccardo@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>;
District9 <district9@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>; Liccardo, Sam
<sam.liccardo@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District3
<district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District 10
<District10@sanjoseca.gov>
Subject: Opportunity Housing

[External Email]

Dear Members of the Council:

I have included some reservations to the current proposal to move forward on the Opportunity Housing zoning change in San Jose. I think it is a mistake. I would appreciate it if you would peruse my thoughts. Simply stated, you don't build a great city by throwing out housing pattern rules and welcoming chaos.

Sincerely,

David Eisbach, Owner, Broker, Property Manager

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

Last evening (2.8.2021), I attended an information session sponsored by AVCA, Almaden Valley Community Association, with an introduction by Councilman Matt Mahan, District 10. Jacky Morales-Ferrand, Director of Housing and Rosalynn Hughey, Director of Planning, Building and Code for the City of San Jose. Jerry Strangis of Stangis Properties presented Investment Assessment and Roberta Moore, Real Estate Broker presented Neighborhood Impact. The following are my thoughts on the views, expressed:

1. Mr. Strangis showed a cost break-down, for the building of a four-plex and it did not make sense to build. The City website examples of existing properties were marvelous in design and integration, but a more practical view would be an older bungalow, somehow split laterally or upward, with structures in the rear.
2. What is promised here is City control of rents. Even if owners split their present residence, the City's efforts to suggest, who is best to be your new tenant because this person wants to stay in the neighborhood is troubling.
3. The theory that prices will be held in check by the expansion of rental properties even under rent control without success.
4. Unanswered is the worry that the addition of a number of units to a single street at some point will overwhelm the sewer and water supply lines, existing services, trash, gas, schools, and parking. The planners seem to think that you can get along with Uber.
5. Originally, the City used over-crowding as a reason for rent control, then they expand occupancy by excluding children up to 18 years from the count. Now they're back to the original stance.
6. There doesn't seem to be any concern for privacy or sun light, with allowing a two story, or higher structure in a neighborhood of single-story houses.
7. The standard lot is 60' X 100', 6,000 sq. ft. A standard 2-bedroom one bath duplex has a foot print of about 3,000 sq ft. if 5' set backs on each side, and the rear, plus a front set-back for parking, That leaves about 3,500 sq ft. for another duplex in the back. Other cities are concerned about open areas to absorb rain fall.

I think there is a logical desperate progression of decisions that are at the bottom of the housing crisis. I think this is the process:

1. City zoning, code enforcement, have burdened construction to the point of decisions not to build.
2. If the City allows an in-lieu fee in place of including the 15% of the apartments in the affordable range, that's what they do.
3. If this has been the practice, then where did the money go?
4. Another problem is the not-in-my-backyard bunch, which is a valid concern of neighborhoods.
5. The City is reluctant to use property that has been zoned for other reasons than housing.
6. There is sizable opposition of building large multi-unit communities filled with low-income residents, as an invitation to slums.
7. Even these proposals near transportation hubs engender NIMBY forces.
8. Covid 19 has brought unexpected possibilities into the housing expansion. The anti-eviction moratorium since April, 2020, has placed great financial strain on owners of small income properties. Now they are even prevented from raising rents until June. Federal money is allegedly on its way, but any assistance received by owners has strings of no eviction to them. The rental preservation movement forces an owner, who wishes to sell, to offer first refusal to the tenants, who turn to the Land Trust non-profits for purchase. Here the legislated control of owners' income, thwarting legal recourse, and maneuvering the sale are absolutely deplorable.
9. Now there is opportunity housing, whereby the R1 zoning for single family residence will be altered by allowing up to four units.

David Eisbach