Outlook

Fw: General Plan 2040 / Inclusionary Housing Ordinance 2026/Ministerial Right

From Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>
Date Thu 1/8/2026 8:31 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

2/14 Council, Item 10.1(b)?

Rules and Open Government Committee Agendas
City of San José|Office of the City Clerk
200 East Santa Clara St. – Tower 14th Fl.
San José, CA 95113-1905
Phone 408.535.1260| Fax 408.292.6207
rulescommitteeagenda@sanjoseca.gov
Memos, items, and attachments must be submitted to** rulescommitteeagenda@sanjoseca.gov **before 12PM on the Thursday before the intended Rules meeting *Holidays may impact this schedule; revised deadlines will be noticed as applicable.*

From: City Clerk <city.clerk@sanjoseca.gov>
Sent: Thursday, January 8, 2026 8:24 AM
To: Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>
Subject: Fw: General Plan 2040 / Inclusionary Housing Ordinance 2026/Ministerial Right

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? Your feedback is appreciated!

From: Deborah Aguirre [redacted]
Sent: Wednesday, January 7, 2026 8:17 PM
To: Cueto, Ruth <ruth.cueto@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; CAO Main <cao.main@sanjoseca.gov>; Webmaster Manager <webmaster.manager@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>
Subject: General Plan 2040 / Inclusionary Housing Ordinance 2026/Ministerial Right

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Dear City Officials:

The General Plan 2040, currently under review, proposes to allow Ministerial Right to develop Multi-Family Housing on insured Titled R1 parcels in Single Family Neighborhoods.

As a resident of the Kooser, Dentwood neighborhood, a Titled R1 community, I strongly protest this action for the following reasons:

1. SB9 law states and specifically exempts Titled R1 single family developments, gated communities, and Homeowners Associations whose Title's Contracts Covenants and Re
2. The Garcia Residential Titled Development, which constitutes the neighborhoods of Kooser and Dentwood (95118) clearly states that only one residential unit per lot is perm
3. The Garcia CCR's defines the set-backs for each lot from the property lines and enumerates the number of cars permitted to be parked on the residential lot as well as the allo
4. Each Residential Unit in the Kooser Dentwood neighborhood is R1 Titled with one residential unit per lot, established setbacks and number of parking spaces on the lot and i
5. The proposed **Inclusionary Ordinance** and the **General Plan 2040's** have provisions to allow **Ministerial Right in R1** titled neighborhoods. This is an SB9 **Reach Code**.

The KooserWoods Coalition Neighborhood Association has a copy of the Title Insurance for the Garcia development, as well as, the R1 Title Insurance CCR's for each lot.

The residents will pursue all legal avenues to protect the Garcia Development and each home's R1 Title and CCR's if Ministerial Right is included in the General Plan or any Inclusionary Housing Ordinance.

Sincerely,

Deborah G. Aguirre

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Outlook

Fw: General Plan 2040 / Inclusionary Housing Ordinance 2026/Ministerial Right/Proposed Senate Bill 677

From Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>
Date Thu 1/8/2026 2:32 PM
To Agendadesk <Agendadesk@sanjoseca.gov>

1/14 Council, Item 10.1(b)

Rules and Open Government Committee Agendas
City of San José|Office of the City Clerk
200 East Santa Clara St. – Tower 14th Fl.
San José, CA 95113-1905
Phone 408.535.1260| Fax 408.292.6207
rulescommitteeagenda@sanjoseca.gov
Memos, items, and attachments must be submitted to rulescommitteeagenda@sanjoseca.gov* before 12PM on the Thursday before the intended Rules meeting *Holidays may impact this schedule; revised deadlines will be noticed as applicable.*

From: City Clerk <city.clerk@sanjoseca.gov>
Sent: Thursday, January 8, 2026 2:11 PM
To: Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>
Subject: Fw: General Plan 2040 / Inclusionary Housing Ordinance 2026/Ministerial Right/Proposed Senate Bill 677

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? Your feedback is appreciated!

From: Ruth Callahan <[redacted]
Sent: Thursday, January 8, 2026 2:09 PM
To: Cueto, Ruth <ruth.cueto@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; CAO Main <cao.main@sanjoseca.gov>; Webmaster Manager <webmaster.manager@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; Cortese, Dave <Dave.Cortese@sen.ca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>
Subject: General Plan 2040 / Inclusionary Housing Ordinance 2026/Ministerial Right/Proposed Senate Bill 677

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Dear Public Officials:

The General Plan 2040, currently under review, proposes to allow Ministerial Right to develop Multi-Family Housing on insured Titled R1 parcels in Single Family Neighborhoods. As a resident of the Kooser, Dentwood neighborhood, a Titled R1 community, we strongly protest this action for the following reasons:

1. SB9 law states and specifically exempts Titled R1 single family developments, gated communities, and Homeowners Associations whose R1 Title's Contracts Covenants and Restrictions state, "only one residential unit per lot", are protected from being developed into multifamily housing.

This carve out was a negotiated protection in order for Weiner to get Senate Bill 9 passed. Private Property owners didn't rush to embrace this concept, so the Senator's faction wants to annul these protections with a new law under consideration this session. This change will not have voter approval or even their awareness that it's happening.

2. I purchased my home with an insured guarantee that my property rights to live in a single-family housing development would not be annulled 55 years later.

In San Jose in 2024 224,000 plus migrated out of the metro. To project housing needs of 662,000 residential units by 2040 is absurd. There is ample land in San Jose for development without destroying and disfiguring single family neighborhoods for unnecessary social engineering experiments based on the faulty Turner study with no evidence-based results. The proposed SB677, with the objective to summarily invalidate our Titled R1 Private Property Protections and pierce the veil of our historical and constitutionally protected rights to own private property is unwarranted, unconstitutional and will be court challenged.

The State of California is seizing private property rights without constitutional authority and without voters' approval.

Foremost, what is the legal justification for seizing private property rights? California, with one party's rule, does not afford any legislative protection for the opposition position.

The concept, that SB677 legalizes, has failed in numerous applications in diverse urban/suburban populations over the decades. The most notable study was the Cabrini Green Village concept, with mixed income housing. It always fails but the superlative socialist left refuses to acknowledge its futility and enormous expenditures.

Owning a home is the keystone of the American Dream. I strongly protest your unlawful and punitive discriminatory actions targeting property owners.

3. The Garcia Residential Titled R1 Development, which constitutes the neighborhoods of Kooser and Dentwood (95118) clearly states that only one residential unit per lot is permitted within the Garcia Development tract.

4. The Garcia Residential Titled R1 CCR's defines the setbacks for each lot from the property lines and enumerates the number of cars permitted to be parked on the residential lot as well as the allotment of spaces in front of each residential unit in thedevelopment.

5. Each Residential Unit in the Kooser and Dentwood neighborhoods is Titled R1, with one residential unit per lot, established setbacks and the number of parking spaces allowed on the lot and in front of each home.

6. The proposed Inclusionary Ordinance and the General Plan 2040's have provisions to allow Ministerial Right in R1 titled neighborhoods. This is an SB9 Reach Code. Assembly Bill 130 imposes a Moratorium on Residential Building Reach Codes, until 2031 and Reach Codes are no longer permitted in the State of California as of October 1, 2025 until the moratorium expires.

The KooserWoods Coalition Neighborhood Association has a copy of the Title Insurance for the Garcia development, as well as the R1 Title Insurance CC&R's for each lot. The community will defend our R1 CC&R's.

The residents will pursue all legal avenues to protect the Garcia Development and each home's R1 Title and CCR's.

R Callahan

--

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Outlook

FW: Agenda Item 10.1.b

From City Clerk <city.clerk@sanjoseca.gov>
Date Sun 1/11/2026 11:32 PM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: brendamcleandohmen[redacted]
Sent: Sunday, January 11, 2026 2:28 PM
To: Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; Campos, Pamela <Pamela.Campos@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>; Mulcahy, Michael <Michael.Mulcahy@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>; Candelas, Domingo <Domingo.Candelas@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Casey, George <George.Casey@sanjoseca.gov>; Mattmatt.mahan@sanjoseca.gov; City Clerk <city.clerk@sanjoseca.gov>
Subject: Agenda Item 10.1.b

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Dear Mayor and City Council Members:

The City Council will consider a comprehensive Zoning Ordinance Update (PP25-001) related to SB 9, group homes, ADUs, density bonus, ministerial approvals, SB 684/1123, and SB 1418 on January 13, 2026.

I am writing to formally express my opposition to several of the proposed changes within the Comprehensive Zoning Ordinance Update (PP25-001). While I understand the City's obligation to meet Housing Element goals, the proposed expansions beyond state-mandated minimums threaten the livability and environmental health of our established neighborhoods.

I am particularly concerned about the following "SB 9–type" expansions:

- **Privacy and Setback Reductions:** Reducing rear-yard setbacks to 18 inches while allowing 30-foot heights is a significant departure from standard urban planning. This effectively eliminates privacy for neighboring residents and creates a "canyon effect" that diminishes natural light and air circulation.
- **Infrastructure and Density:** Increasing the Floor Area Ratio (FAR) and allowing larger units on flag lots puts a localized strain on our aging infrastructure—specifically power, water, and emergency vehicle access—without a clear plan for mitigation.
- **Historic Resource Impacts:** Allowing these projects on properties within the Historic Resources Inventory risks the permanent loss of San José's unique architectural heritage.

Discrepancy in Housing Element Commitments City staff suggests these changes are required by our Housing Element. However, the specific commitments made in Chapter 3 do not necessitate these extreme

measures. We should adhere to the state minimums rather than proactively removing local protections that residents rely on.

Request for Action When many of us invested in our homes, we did so based on the city's promise of stable, single-family zoning. The current path of "densification at any cost" ignores the environmental and psychological stress caused by overcrowding and the loss of green space.

I urge the Council to **vote NO** on the proposed SB 9 expansions. Please prioritize the quality of life for the residents you represent by maintaining the existing 2021 SB 9 limits and protecting our historic neighborhoods.

NOTED SIGNIFICANT SB 9 CHANGES

- Reduce access corridor width for flag lots
- Allow larger units through higher Floor Area Ration (FAR), paired with a new lot coverage standard
- Align rear-yard height and setback rules with current ADU standards (effectively allowing two stories (30-feet) within 18" of rear property lines) Please Note: Current San José SB 9 limits are:30-foot / two-story height cap
- 20-foot height limit within 20 feet of rear property lines

- No ADUs beyond the four SB 9 units
- Maximum 0.45 FAR
- 4-foot minimum rear setback
- Allow streamlined "SB 9–type" two-unit projects in R-2 zones, with review criteria for buildings constructed before 1950
- Permit SB 9–type projects on properties listed in the Historic Resources Inventory, with standards to protect historic integrity (The City Council in December 2021 asked the staff to explore – but not necessarily implement -- this item. Only 3 of the current 11 Council Members were on the Council at the time. Historic districts are exempted from SB 9.)

City staff state these changes are required to implement commitments in the San José Housing Element (See Chapter 3, page 3-1). The actual commitment in the Housing Element were:

P-11	**Allow SB 9-Type Housing on Additional Properties** - • Complete work on City Council direction to allow SB 9-type projects on properties zoned R-2 and a policy to allow SB 9-type projects that maintain the historic character of properties listed on the Historic Resources Inventory consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties. • Create design standards to promote feasibility of SB 9 developments in single-family neighborhoods. For example, reduce driveway egress to the extent practical for flag-lot redevelopment, remove the constraint of existing owner-occupied requirement for lot splits, and allow two detached single-family homes per lot. • Conduct outreach to increase public awareness of SB 9 and maximize community acceptance of SB 9 developments. • To support the financial sustainability of ownership for low-income homeowners, explore programs to support and/or potentially subsidize SB 9 developments, leveraging the expertise and capacity of community-based organizations and nonprofits.	

Thank you for your time and for considering the long-term impact these changes will have on the character of San José.

Sincerely,

Brenda Dohmen
San Jose Resident
Board Member, Families & Homes San Jose
Member Better Way California

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Outlook

FW: General Plan 2040 / Inclusionary Housing Ordinance 2026/Ministerial Right

From City Clerk <city.clerk@sanjoseca.gov>
Date Sun 1/11/2026 11:32 PM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Petra N[redacted]
Sent: Sunday, January 11, 2026 12:47 PM
To: Cueto, Ruth <ruth.cueto@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; CAO Main <cao.main@sanjoseca.gov>; Webmaster Manager <webmaster.manager@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>
Subject: General Plan 2040 / Inclusionary Housing Ordinance 2026/Ministerial Right

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Some people who received this message don't often get email from [redacted] Learn why this is important

Dear City Officials:

The General Plan 2040, currently under review, proposes to allow Ministerial Right to develop Multi-Family Housing on insured Titled R1 parcels in Single Family Neighborhoods.

As a resident of the Kooser, Dentwood neighborhood, a Titled R1 community, we are against this action for the following reasons:

1. SB9 law states and specifically exempts Titled R1 single family developments, gated communities, and Homeowners Associations whose Title's Contracts Covenants and Restrictions state, "only one residential unit per lot", are protected from being developed into multifamily housing.
2. The Garcia Residential Titled Development, which constitutes the neighborhoods of Kooser and Dentwood (95118) clearly states that only one residential unit per lot is permitted within the Garcia Development tract.
3. The Garcia CCR's defines the set-backs for each lot from the property lines and enumerates the number of cars permitted to be parked on the residential lot as well as the allotment of spaces in front of each residential unit in the development.
4. Each Residential Unit in the Kooser Dentwood neighborhood is R1 Titled with one residential unit per lot, established setbacks and number of parking spaces on the lot and in front of each home.
5. The proposed **Inclusionary Ordinance** and the **General Plan 2040's** have provisions to allow **Ministerial Right in R1** titled neighborhoods. This is an SB9 **Reach Code**. *Assembly Bill 130* imposes a **Moratorium on Residential Building Reach Codes**, until 2031 and Reach Codes are no longer permitted in the State of California as of October 1, 2025 until the moratorium expires.

The KooserWoods Coalition Neighborhood Association has a copy of the Title Insurance for the Garcia development as well as the R1 Title Insurance CCR's for each lot.

As a community, our goal is to protect the Garcia Development and each home's R1 Title and CCR's if Ministerial Right is included in the General Plan or any Inclusionary Housing Ordinance.

Sincerely,
Petra N
Dellwood Way homeowner

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Outlook

Fw: 1/13/2026 Agenda Item 10.1.b - SB 9 Expansions

From City Clerk <city.clerk@sanjoseca.gov>
Date Mon 1/12/2026 7:34 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

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? Your feedback is appreciated!

From: Ruth Callahan [redacted]
Sent: Monday, January 12, 2026 6:17 AM
To: Mahan, Matt <Matt.Mahan@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; CAO Main <cao.main@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Solivan, Erik <Erik.Solivan@sanjoseca.gov>; ruth.curto@sanjoseca.com <ruth.curto@sanjoseca.com>; Webmaster Manager <webmaster.manager@sanjoseca.gov>
Subject: Fwd: 1/13/2026 Agenda Item 10.1.b - SB 9 Expansions

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The Kooser Woods Coalition Neighborhood Association endorses the position of Families and Homes San Jose
Single family neighborhoods are the ONLY attractive feature of this city.
The seizing of local control & the building of high rise section 8 housing, infill and lot splitting is strongly opposed.
The city staff is riddle with institutionalized racism and the housing policy reflex a targeted destruction of single family neighborhoods to redistribute the wealth of the Middle class demonstrated by this systemic economic bias.
We oppose the inclusion ordinance.

https://www.kooserwoods.com/

---------- Forwarded message ----- [redacted]
From: **Families & Homes San Jose** [redacted]
Date: Sun, Jan 11, 2026, 4:23 PM
Subject: 1/13/2026 Agenda Item 10.1.b - SB 9 Expansions
To: Horie, Rina <rina.horie@sanjoseca.gov>, Ankola, Aparna <aparna.ankola@sanjoseca.gov>, Davis, Martina <Martina.Davis@sanjoseca.gov>, <city.clerk@sanjoseca.gov>
Cc: Burton, Chris <Christopher.Burton@sanjoseca.gov>

Dear Councilmembers,
Several members of our board met with City Planning staff earlier in 2025 to discuss proposed changes to SB 9. We appreciate the staff's time, professionalism, and willingness to listen. They provided helpful information and offered thoughtful proposals to address concerns related to privacy, fire safety, and unit count.
However, due to state law constraints and other limitations, many of our concerns could not be addressed. We remain concerned that the City is proposing measures that exceed Housing Element requirements and, as a result, may not fully reflect the concerns of our residents.
We are particularly concerned about the proposal to align rear yard height and setbacks with current ADU standards. Our understanding is that ADUs may be built on the rear property line (with additional fire requirements) or as close as 18 inches from the rear property line (with no additional fire requirements). In contrast, the 4-foot rear setback required under SB 9 is already more than adequate and should be maintained.
Privacy was a major concern raised both during our meeting with staff and in public comment sessions. Since measures such as privacy glass, grates, or higher window placement cannot be required, maintaining the 4-foot setback is especially important. **We strongly urge the Council not to approve rear setbacks of less than 4-feet for SB 9 developments**.
Finally, we request that the **total number of units under SB9 be maintained at 4 units or less.**
Thank you for your consideration.
Sincerely,
Sandra A. Delvin
Board Member

--
Families & Homes San José

FAMILIES & HOMES
San José

Email: [redacted]
Website: https://www.familieshomessj.org/
--
You received this message because you are subscribed to the Google Groups "F&H Executive Team" group.
To unsubscribe from this group and stop receiving emails from it, send an email to fh-executive-team+unsubscribe@googlegroups.com.
To view this discussion visit https://groups.google.com/d/msgid/fh-executive-team/CAB0ToB6Taq%3DCeEnWoiKC0pH%2BjxVSUm9pimX9p%3D06395mdV-0ow%40mail.gmail.com.
For more options, visit https://groups.google.com/d/optout.

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Outlook

FW: ADUs

From City Clerk <city.clerk@sanjoseca.gov>
Date Mon 1/12/2026 8:55 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Mary Beth Boch[redacted]
Sent: Monday, January 12, 2026 8:53 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: ADUs

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You don't often get email from[redacted] Learn why this is important

Hi,

I am an owner/resident of San Jose[redacted] I am in favor of adding additional dwelling units to lots in San Jose. We have a housing and affordability crisis, and I want to be allowed to build on my lot. I think an 18-inch setback from the rear lot line makes sense. A four-foot setback is just a waste of space! My neighborhood, mostly built in the early 1940s do not have four-foot setbacks on the garages, and it causes no problem.

Please do not give into the NIMBYs

Thank you,

--
Mary Beth Boch

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Outlook

Fw: Agenda Item 10.1.b on 1/13/2026

From City Clerk <city.clerk@sanjoseca.gov>
Date Mon 1/12/2026 2:21 PM
To Agendadesk <Agendadesk@sanjoseca.gov>

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? Your feedback is appreciated!

From: Pat Blevins [redacted]
Sent: Monday, January 12, 2026 2:12 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Cc: District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>
Subject: Agenda Item 10.1.b on 1/13/2026

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I am writing to protest the changes to the comprehensive Zoning Ordinance Update (PP25-001) related to SB 9, group homes, ADUs, density bonus, ministerial approvals, SB 684/1123, and SB 1418.

You were elected to represent the residents of San Jose, the very people who pay your salaries and who voted to put you in office, solely to represent them, not developers and unions. The residents have already voiced their rejection of the changes to our neighborhoods brought about and approved by the City Council and Mayor from SB9. Now you propose to go even further with the destruction of our neighborhoods by considering this Zoning Ordinance Update (PP25-001)

The quality of life in San Jose has plummeted to an all time low and now this latest annihilation of our neighborhoods will completely remove any reason for long time residents to remain in San Jose.

Absolutely no consideration for aging City infrastructure such as sewer lines, or the increased amount of cars parked on our neighborhood streets, as no accomodation for on site parking is required with this dense housing on tiny lots.``

There is land for housing, but the amount of land the huge Data Centers you are considering taking over miles of San Jose and requiring more electricity and water then is available, could be used for that housing and NOT cramming even more buildings onto small lots already occupied by homes.

This is just wrong on so many levels and you could do something about it and for once take into consideration the resident/taxpayer/voters of San Jose....
The people you were elected to represent.
Patricia Blevins

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Outlook

FW: SB9 Changes 10.1.b

From City Clerk <city.clerk@sanjoseca.gov>
Date Tue 1/13/2026 8:02 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

1 attachment (18 KB)
A Revised ADU Program (4) (2) (1).docx;

From: David Eisbach [redacted]
Sent: Tuesday, January 13, 2026 12:14 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: SB9 Changes 10.1.b

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Dear City of San Jose Clerk:
Please forward to the Mayor and Council

I wrote suggestions on SB9 on 7.8.2022. I want to be clear about several points.

1. I do not want to see any structure in the rear yard over One Story. Think about privacy in your back yard with your neighbor's second story window looking directly on you.

2. I think narrowing the space from structure to lot line should be any less than 60 inches/ 18" is not good

3. I would like to see the total number of ADUs on any block to be limited

4. I cannot imagine that parking will not be a problem

Thank you
David Eisbach [redacted]

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A Revised ADU Program

It is staggering, the amount of money, earmarked for housing, that has flooded California, yet it seems that temporary housing, emergency services and few permanent homes are forthcoming. The state has borne heavy fruit with SB9, allowing a single-family zoned lot to be split and a duplex put on each side, and SB10, offering ten units on the same lot. Myriad roadblocks, like NIMBY, code enforcement, cost, environmental and zoning rules, are out there. Because, homeless people are viewed as hopeless in their present state, it is imperative, supportive housing advocates call non-profits to train for jobs, teach language, offer medical care, legal, and life services. New construction is at $850.000 per apartment, which is a real deal killer. Getting finances, planning, code enforcement, legal challenges and construction fees all make it more difficult. One example, a 79-unit affordable building, accepted in 2019 to be built at San Jose's Roosevelt Park, just got funding of $56.5 million and will take two years to complete. Here, the unit price is $715,200, but the wait, so far, has seen a price rise of 23%.

The city is missing a chance of quicker, less expensive housing in developing a standardized Auxiliary Dwelling Unit. San Jose already has developed a program, just not enough to matter.

1. The Standard ADU should be single story only, and limited to one. It could have one of three sizes: A Studio at 700 sq. ft, A Two Bedroom at 900 sq. ft. and a three bedroom at 1,100 sq. ft. It must be placed in the rear of the existing home. The number is controlled to no more than four ADUs in one block,

2. These standard pre-approved designs, could be partially constructed in the factory. Costs could be about $400,000 or less.

3. The City of San Jose would pay the full cost of the ADU. The City's reward would be the housing of an individual or family at an affordable rent. The city would hold a $400,000 note owed by the owner. So long as it is rented at an affordable rate, each two-year anniversary, the loan would drop by $50,000. If the owner sells the property, the new owner must accept the same agreement, or the balance of the loan must be paid in full. If the new owner desires to end the rental program under the Ellis Act, resettlement fees would be required.

4. Construction of the ADUs could be done modeled after Habitat for Humanity's program, by encouraging retired tradespeople, supervised union apprentices, volunteers, and future residents to hold costs down. In other words, a community effort.

5. Keep in mind, the owner will be the property manager (or they could hire a manager). They will be responsible for maintaining the property such as painting, landscaping, plumbing, roof repairs, insurance, and city regulations, while receiving less than market rents. Therefore, the property tax reassessment of the ADU will be stopped, however, the property tax will be paid. Until the ADU loan has been cancelled, city housing fees shall also be waived.

6. This program has the City build the ADU and virtually turns it over to the owner, without a property tax increase, but a $400,000 promissory note with automatic $50,000 reduction every two years. There are no loan payments by the owner. Without additional taxes, fees and payments, the owner will be able to survive on the lower rent structure, basically 30% of earned income. However, if extraordinary expense on the AUD, like solar installation, air conditioning or privacy landscaping are accomplished, the city will take half of the cost from the loan.

7. Because, the proximity of ADU and owner is so close, the owner's rights in the face of discord, shall have increased rights in negotiations and settlement. Rent control measures would be applied more empathetically toward the owner, because in principle, it is inviting someone into their home. Affordable rents, tenant and owner rights would be decided by a commission of Renters, Owners, and Citizens, who are neither.

8. The Housing Department is hoping to add another five full-time Employees, for approximately $1,300,000. I encourage the city to take that amount, take Measure E funds to bring the total to $2, 250,000 and make a trial building five ADUs. It certainly won't take five years to bring it to fruition.

David Eisbach [redacted]