

## **CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE B**

The *San José Envision 2040 General Plan* establishes permissible land uses, maximum densities and intensities, and development policies for property in San José. Measure B would change San José's General Plan; Zoning, Specific Plan, and Inclusionary Housing Ordinances; and the Evergreen-East Hills Development Policy; and would adopt a Specific Plan to develop 910 units on 200 acres in Evergreen currently zoned for 2,000,000 square feet of Campus Industrial development.

Measure B would establish a "Senior Housing Overlay" ("Overlay") designation to allow senior housing (for ages 55+ and "qualified permanent residents") on "Underutilized Employment Lands." The term "underutilized" is not defined in Measure B, but employment lands include land currently designated for various industrial and commercial uses. Measure B could affect an estimated 3,247 acres of vacant employment land in San José which is planned to support approximately 129,500 jobs, or 35% of the General Plan's job growth goal.

Development in San José must substantially conform with the General Plan. Measure B's proposed changes exempt Overlay developments from many current General Plan policies relating to:

- Balancing jobs and housing
- Preserving limited employment lands
- Focusing development in mixed-use, pedestrian-oriented, and transit-integrated Growth Areas and Urban Villages
- Promoting San José's fiscal health

Measure B would prohibit San José from counting the senior housing created in Overlay areas towards its housing inventory required by state law. Measure B would also require the City to find substitute employment lands.

Measure B would change some of the Inclusionary Housing Ordinance's requirements regarding for-sale market-rate senior housing in Overlay areas if the project has an approved specific plan that provides the affordable and market-rate units on the same site and specifies the design construction timing, location, parking, amenities, square footage and bedroom count of the affordable units. Additionally, the developer must choose whether to construct 20% for-sale units affordable to moderate-income households (110% of Area Median Income ("AMI") or to construct 20% rental units consisting of 14% moderate-income affordable and 6% very-low-income (50% AMI) affordable. The 14% moderate-income affordability in the rental option above would replace the City's current requirement of 9% lower-income (80% AMI) affordability.

Measure B would include a veteran housing preference "to the extent permitted by law," and add general veteran housing goals to the General Plan for government and non-profit agencies to implement.

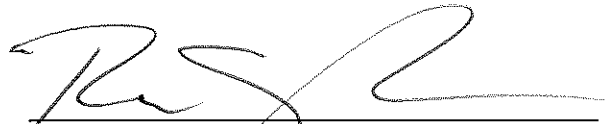
Measure B would exempt the 910 Evergreen senior units from the current 500-unit residential capacity limit in the Evergreen-East Hills Development Policy and from paying currently required traffic impact fees. Measure B depicts the location of the affordable units outside the gated Evergreen senior development.

Measure B was placed on the ballot by petition signed by the requisite number of voters. Measure B has not been evaluated under the California Environmental Quality Act (CEQA) because it is not required for voter-sponsored initiatives. Future discretionary approvals for the Evergreen site and any other Overlay development require CEQA compliance.

For the first 10 years following adoption, Measure B can only be amended or repealed by the voters.

A "Yes" vote is a vote to implement Measure B's changes.

A "No" vote is a vote against Measure B's changes.



RICHARD DOYLE, CITY ATTORNEY  
CITY OF SAN JOSE

**The above statement is an impartial analysis of Measure B. If you would like to read the full text of the initiative, see <http://www.sanjoseca.gov/index.aspx?nid=446> (or <http://www.sanjoseca.gov/index.aspx?nid=5694>) or call 408-535-1260 and a copy will be sent to you at no cost.**

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