



Task Force Meeting No. 5 Synopsis June 25, 2020

Task Force Members Present: Teresa Alvarado, David Pandori, Dev Davis, Pam Foley, Sylvia Arenas, Michelle Yesney, Mariel Caballero, Linda LeZotte, Jessie O'Malley Solis, Jeffrey Buchanan, David Bini, Pat Sausedo, Vincent Rocha, Nate LeBlanc, Karl Lee, Erik Schoennauer, Don Little, Harvey Darnell, Juan Estrada, Megan Fluke, Jason Su, Leslye Corsiglia, Shiloh Ballard, Andre Luthard, Sam Ho, Robert (Bob) Levy, Smita Patel, Tamiko Rast, Margie Matthews, Jesus Flores, Shawn Milligan, Ray Bramson, Bonnie Mace, Susan Butler-Graham, Roberta Moore, and Eddie Truong. (verified by Zoom participant panel and confirmed by Task Force members)

Task Force Members Absent: Steven Solorio, Michael Van Every, Jim Zito, Kevin Zwick, and Luis Arguello (verified by Zoom participant panel and confirmed by Task Force members)

City Staff, Consultants and Other Public Agency Staff Present: Rosalynn Hughey (PBCE), Michael Brilliot (PBCE), Jared Hart (PBCE), Jennifer Piozet (PBCE), Kieulan Pham (PBCE), Jessica Setiawan (PBCE), Robert Rivera (PBCE). Kenneth Chou (PBCE), and Ruth Cueto (PBCE).

Public Present: 12 people on Zoom, 93 live viewers on YouTube and Granicus

1. Welcome, Introductions, and Overview of Agenda

The meeting convened at approximately 6:00 p.m. The Co-Chairs welcomed the Task Force and discussed the trial of the new virtual meeting format. Planning, Building and Code Enforcement Director, Rosalynn Hughey addressed the Task Force to acknowledge the current state of affairs with regards to the Covid-19 Pandemic and racial inequity. She spoke about the opportunity for the Task Force to deliberate and recommend policy changes that will effect the community.

2. Approval of February 27, 2020 Meeting Synopsis

The approval of the February 27, 2020 Meeting Synopsis was deferred because the link within the agenda was incorrect.

3. Announcements

Co-Chairs introduced new Task Force members – Megan Fluke from Green Foothills and Mariel Caballero from the Planning Commission.

4. Recommendations from February 27, 2020 Task Force Meeting and Schedule Updates.

Kieulan Pham, Supervising Planner of the General Plan team, summarized the scope of work items covered and Task Force recommendations made during the February 27, 2020 meeting. Additionally staff also presented schedule changes for the General Plan 4-Year Review process.

5. Public Comment & Task Force Discussion on Commercial Space Requirements for Policy H-2.9 (1.5-acre rule)

Kieulan Pham presented staff recommendation on Commercial Space Requirements for Policy H-2.9. (1.5-acre rule).

General Plan Policy H-2.9

To increase the supply of affordable housing, one hundred percent deed restricted affordable housing developments would be allowed on sites outside of the existing Growth Areas on properties with a Mixed Use Commercial or Neighborhood/Community Commercial land use designation if the development meets the following criteria:

1. The site is 1.5 acre or less.
2. The site is vacant or underutilized.
3. The site has adjacent properties with a residential General Plan Land Use / Transportation Diagram designation on at least one side and the development would be compatible with the surrounding neighborhood.
4. The development would not impact the viability of surrounding commercial or industrial properties or businesses.
5. The site is located within a ½-mile of an existing transit line.
6. The development integrates commercial uses that support the affordable housing project and/or the surrounding neighborhood.
7. Development on properties that contain structures that are on, or are eligible for inclusion on the City of San José's Historic Resources Inventory should adaptively reuse these structures.

STAFF RECOMMENDATION *Remove the requirement to integrate commercial uses for affordable housing projects under Policy H-2.9.*

Public Comment

One member of the public, Matthew from Silicon Valley at Home, made a general comment about increasing affordable housing opportunities outside of Growth Areas in the City and felt there may be more possibilities to increase affordable housing in other areas of the City.

Task Force Discussion

The Task Force members asked questions, discussed Staff's recommendations, and made a motion on the Commercial Space requirement for Policy H-2.9 (1.5 acre rule).

Several members of the Task Force asked questions related to other criteria of Policy H-2.9, specifically staff's definition and interpretation of "underutilized" in the policy. Staff explained that as part of the Housing Crisis Work Plan, staff is revising standards to be more objective to facilitate affordable housing projects moving forward. Staff stated that they anticipate the work to be completed by early 2021 so that it will be brought forward simultaneous with the proposed commercial requirement changes. The Task Force asked staff how many sites would the policy affect, and staff responded that approximately 1,000 sites qualified for the locational criteria of Policy H-2.9; however, the total number of sites would be reduced based on the other criteria and standards. The Task Force asked staff about other commercial requirements in other parts of the City, and Staff responded that Approved Urban Village Plans and Specific Plans may have different commercial requirements and a portion of Downtown would require commercial uses regardless of the proposed use. A number of Task Force members expressed that affordable housing requirements need to be addressed citywide and stated their desire to also change the other criteria in Policy H-2.9.

A Task Force member expressed that San Jose is a fiscally poor city and that the effects of the COVID-19 Pandemic would result in closure of small businesses, impacting the viability of Neighborhood Business Districts and, therefore, criteria number four in Policy H-2.9 becomes very important to define. Others have commented that placement of affordable housing should be thoughtful and considerate of the environmental effects and overall quality of life of the future on-site residents as well as compatibility with surrounding uses. Members of the Task Force also requested staff to explore criteria that would respect the interface between commercial uses and residential uses to ensure the viability of existing commercial uses.

A couple Task Force members commented that criteria number one should be expanded to increase the size criteria for available sites. Staff explained that through the previous General Plan 4-Year Review and consulting with affordable housing developers, the eligible site criteria of 1.5 acres or less was agreed upon. A Task Force member elaborated that originally there was a two-acre rule and the decision for the 1.5 acre rule was a compromised between affordable housing advocates and City Council. A couple Task Force members commented on criteria number five in terms of increasing the proximity to transportation, such as using a bike-shed, to include more eligible sites as well as whether the criteria is a valid measurement with more people currently working from home due to responses to the COVID-19 Pandemic.

Motion

Task Force member Leslye Corsiglia made the following motion:

- To approve Staff's recommendation to eliminate the commercial requirement in policy H-2.9;
- To encouraged staff to bring forth clear guidelines to what constitutes as "underutilized" in the policy;

- For a citywide policy, to ensure there is a uniform policy throughout the City that does not put an obligation on 100% affordable housing developers to develop commercial space; and
- To bring these policy changes to City Council earlier than the timeline set for all the other General Plan 4-Year Review recommendations to go to City Council, which is anticipated for Spring 2021.

Task Force member Linda LeZotte seconded the motion. The motion passed.

Motion passed by: Teresa Alvarado, David Pandori, Dev Davis, Pam Foley, Sylvia Arenas, Michelle Yesney, Mariel Caballero, Linda LeZotte, Jessie O'Malley Solis, Jeffrey Buchanan, David Bini, Pat Sausedo, Vincent Rocha, Nate LeBlanc, Karl Lee, Don Little, Erik Schoennauer, Harvey Darnell, Juan Estrada, Megan Fluke, Jason Su, Leslye Corsiglia, Shiloh Ballard, Andre Luthard, Sam Ho, Robert (Bob) Levy, Smita Patel, Tamiko Rast, Margie Matthews, Shawn Milligan, Ray Bramson, Susan Butler-Graham, Bonnie Mace, Roberta Moore, and Eddie Truong.

Motion opposed by: Jesus Flores

6. Adjourn

The meeting adjourned at approximately 8:00 p.m. The next meeting will be on July 30, 2020 at 6:00 p.m.