

MEASURE B

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE B

The *San Jose Envision 2040 General Plan* establishes permissible land uses, maximum densities and intensities, and development policies for property in San Jose. Measure B would change San Jose'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 Jose which is planned to support approximately 129,500 jobs, or 35% of the General Plan's job growth goal.

Development in San Jose 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 Jose's fiscal health

Measure B would prohibit San Jose 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.

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE B-Continued

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.

/s/ 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.

ARGUMENT IN FAVOR OF MEASURE B

Argument in Favor of Measure B

Housing costs in San Jose are out of control, but local politicians have given us nothing but talk. Measure B is more than talk—it gives voters the opportunity to help solve our housing crisis by creating housing (with affordable housing) for seniors, including veterans.

Measure B allows for the creation of Evergreen Senior Homes, which will have up to 910 residential units for seniors by transforming 200 vacant acres of industrial land that has sat empty for over 30 years into much-needed senior housing.

Under current zoning, industrial development would generate significant daily commuter traffic and tall buildings in the Evergreen neighborhood. Measure B instead protects the neighborhood and keeps it family focused by rezoning to build senior housing.

20% of the housing created by Measure B would be available at below market rate for seniors. Currently, too many local seniors are struggling to find an affordable home because the City has failed to meet its affordable housing requirements.

Additionally, veterans, who have sacrificed so much for our country, would be given preference to the affordable housing—to the fullest extent allowed by law—to honor their service.

In addition to creating new housing, Measure B will create a new trail that will be open and available to the public, generating new greenspace for existing and new residents at no cost to taxpayers. And it requires the new housing to meet high water and energy conservation standards, with solar panels and captured storm water runoff to protect the environment.

Your "Yes" vote on Measure B is an important step towards solving our housing shortage with new, desperately needed housing for seniors, including affordable units for seniors and veterans. Please join us and thousands of San Jose residents in voting Yes on Measure B.

www.evergreenseniorhomes.com

/s/ Patricia E. Sausedo
Former Vice Mayor and Evergreen Councilmember, City of San Jose

/s/ Sharon Maples
Teacher

/s/ Malenia Horn
Disabled U.S. Army Veteran

/s/ Frank Stanley
Retired U.S. Postal Worker

/s/ James D. Kenny
San Jose Resident

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE B

Underneath their glossy mailers and multi-million dollar campaign, **the out-of-town developers who financed Measure B are trying to deceive you.** Measure B is bad for everyone except the billionaires who wrote it.

Measure B is opposed by nonpartisan, good-governance organizations like League of Women Voters, AARP, Mercury News, and Sierra Club because they read the fine print. Measure B:

- Waters down affordable housing requirements.
- Creates sprawl on undeveloped hillsides and threatens Coyote Valley.
- Will not pay for parks, libraries, and other community services.
- Will not pay for the road and traffic fees required normally.
- Worsens peak traffic bottlenecks.
- Does not provide for environmental or community review.
- Would not actually require a single veteran to be housed in the project.

Why? Follow the money. Measure B will fill the pocketbooks of Ponderosa Homes, the developer who funded it. They are using words like "seniors" and "veterans" only to exploit our compassion.

Housing costs in San Jose are out of control and Measure B only makes the problem worse. We need more homes under a million dollars, not a gated community of luxury homes.

San Jose has more housing than any other city in the region and new housing is being built thoughtfully with input from residents. With community support, our city council approved over 3,000 new homes in 2017 and is prioritizing affordable housing near transit. Measure B threatens this progress and sets dangerous precedent.

These developers should play by the rules everyone else has to follow. Don't let them get away with Measure B. Vote No.

www.NoOnBsj.com

/s/ Fred Buzo
Associate State Director, AARP California

/s/ Burton V. Smith
Veteran and Senior Citizen Advocate

/s/ Bruce Rienzo
Chair, Sierra Club Loma Prieta Chapter

/s/ Teresa Alvarado
San Jose Director, SPUR (SF Bay Area Planning and Urban Research Association)

/s/ Sam Liccardo
Mayor, City of San Jose

ARGUMENT AGAINST MEASURE B

Measure B was crafted and funded by wealthy out-of-town developers to exempt themselves from the city's rules. They want to line their pockets by building a gated community of luxury homes and sticking San Jose residents with the bill.

The Mercury News has it right: "Evergreen homes initiative isn't about housing shortage; it's about greed." Here's the truth:

Measure B masquerades as affordable housing for seniors and veterans, weakens San Jose's affordable housing rules, and doesn't guarantee a single unit of veterans' housing. Measure B also exempts developers from building affordable housing that San Jose currently mandates.

Measure B would increase traffic and create sprawl while exempting these developers from paying the traffic impact fees everybody else must pay.

Measure B is bad for the environment. It transforms 200 acres of undeveloped hillside into multi-million-dollar homes without environmental review. It also endangers open space citywide, including Coyote Valley's farmland and wildlife habitat.

Measure B doesn't make fiscal sense, costing San Jose \$24.5 million a year. This will strain our police, fire, libraries, and parks, reducing public safety in our neighborhoods.

Measure B silences the community and ignores the 5,000+ people who helped to write our general plan. San Jose residents deserve a say on what happens in their neighborhood.

That's why every member of the San Jose city council and the mayor are opposed to Measure B.

San Jose needs more affordable housing, not gated communities of luxury homes. Make developers pay for their traffic and environmental impacts, not exempt themselves from the city's rules.

Join an unprecedented coalition of community leaders and elected officials, Democrats and Republicans, seniors, millennials, environmentalists, veterans, affordable housing advocates, business and faith leaders who oppose Measure B.

Vote no on Measure B. Other developers are watching and your neighborhood might be on the ballot next. Find out more at www.NoOnBSJ.com.

/s/ Mary Collins
President, League of Women Voters San Jose Santa Clara

/s/ Leslye Corsiglia
Affordable Housing Advocate and Executive Director, SV@Home

/s/ Megan Medeiros
Executive Director, Committee for Green Foothills

/s/ Sylvia Arenas
Councilwoman, District 8, City of San Jose

REBUTTAL TO ARGUMENT AGAINST MEASURE B

FACT: A vote for Measure B is for new senior housing, while a No vote could result in a large industrial development with tall buildings and add significant traffic in a residential neighborhood.

Measure B transforms 200 acres of vacant land zoned for industrial use into desperately needed senior housing. And multiple studies show senior housing actually reduces traffic from the currently allowed usage.

FACT: Measure B helps solve our housing crisis by allowing up to 910 new housing units for independent seniors—at least 20% of which would be designated as affordable.

FACT: City studies show it has failed to meet annual affordable housing goals and the housing needs of 50% of seniors are not being met.

At least 20% of the units created by Measure B will be available at below market rates—more than required by law. That's real affordable housing for seniors, with a preference given to veterans to honor their service, to the fullest extent permitted by law.

FACT: According to the City's analysis, Measure B would only approve senior housing on this single site in Evergreen and it can't be built anywhere else without City approval.

There were more than 35,000 signatures on the petition to put Measure B on the ballot and is supported by a coalition of seniors, veterans and community leaders who want action to solve our housing crisis, not just more talk.

Join us voting Yes on B to create the new senior housing our community needs and protect the Evergreen neighborhood from inappropriate development.

www.EvergreenSeniorHomes.com

/s/ Patricia E. Sausedo
Former Vice Mayor and Evergreen Councilmember, City of San Jose

/s/ Sharon Maples
Teacher

/s/ Malenia Horn
Disabled U.S. Army Veteran

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