

BACKGROUND

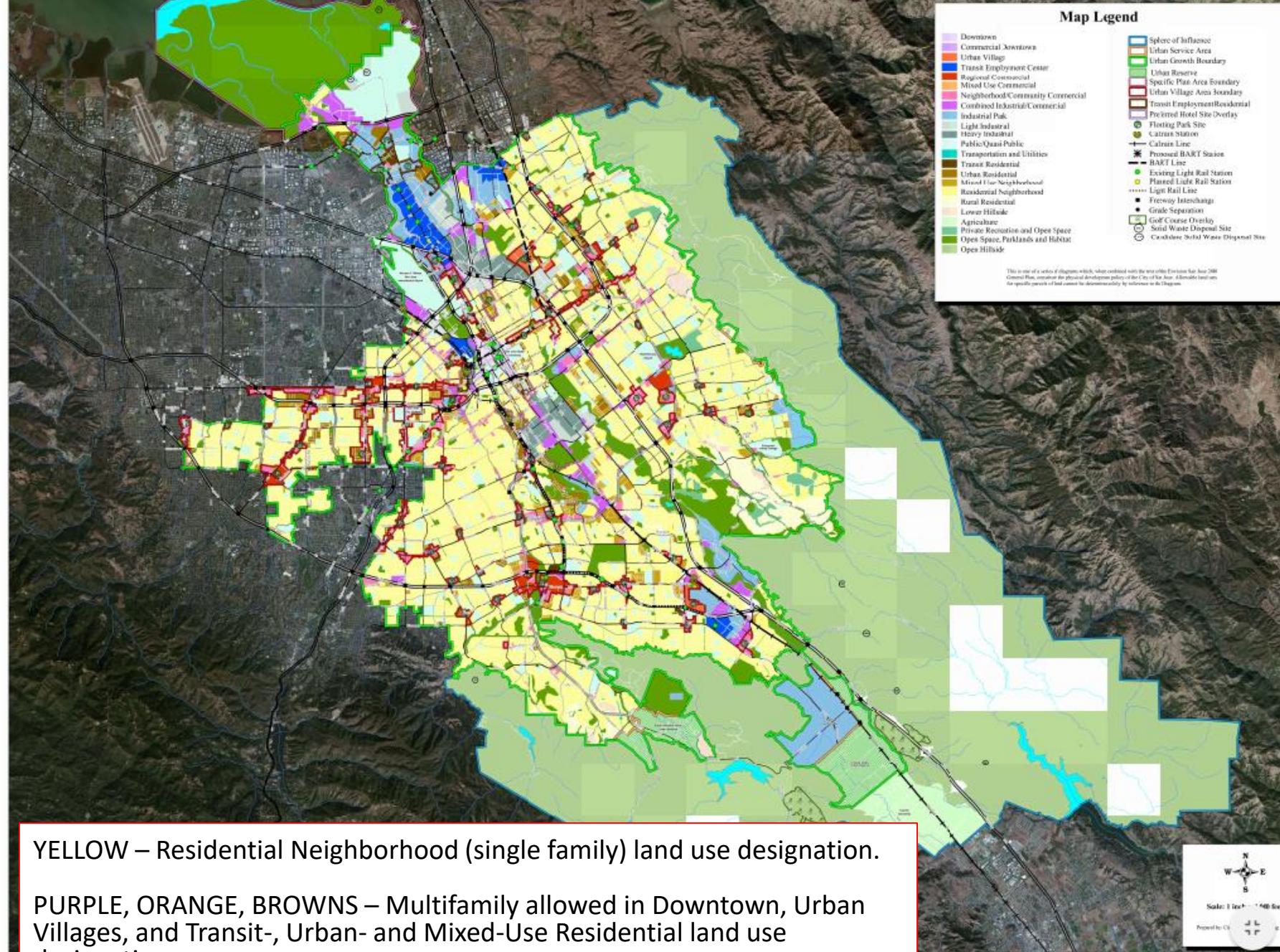
**San José – 94%
of residential land is
designated for single-family
homes**

**Median SJ home price:
\$1.225 million**

*Where do workers, teachers,
young families go who can't
afford a single-family home
in San Jose?*

YELLOW – Residential Neighborhood (single family) land use designation.

PURPLE, ORANGE, BROWNS – Multifamily allowed in Downtown, Urban Villages, and Transit-, Urban- and Mixed-Use Residential land use designations.



WHAT IS OPPORTUNITY HOUSING?

- Delivers more housing choices: form, scale and housing types
- Allows multi-unit housing on properties with Residential Neighborhood land use designation (typically applied to single family neighborhoods), while generally maintaining the existing development envelope
- Affordable by design; smaller homes
- Also called Missing Middle Housing



A large home and lot on N. 2nd Street has been converted into a few units. We estimate 6,000 homes in San Jose have been converted to multiple units, largely around WWII.

WHAT IS OPPORTUNITY HOUSING?

- Some cities that have already allowed multi-unit housing on single-family lots: Minneapolis, Portland, Seattle, State of Oregon
 - In progress: Sacramento, Berkeley, South San Francisco

The
Mercury
News

Berkeley to end single-family residential...

Berkeley to end single-family residential zoning, citing racist ties

Resolution calls for change by December 2022



By **ANGELA RUGGIERO** | aruggiero@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: February 24, 2021 at 11:57 a.m. | UPDATED: February 25, 2021 at 3:58 a.m.

BERKELEY— The same city that was the birthplace of single-family zoning in the early 1900s has now voted to eliminate it by December 2022.

npr KQED

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Oregon Legislature Votes To Essentially Ban Single-Family Zoning

July 1, 2019 - 7:03 PM ET



LAUREL WAMSLEY



WHY ARE WE TALKING ABOUT OPPORTUNITY HOUSING?

The City Council directed staff to explore Opportunity Housing as part of the General Plan Four-year Review Task Force process; part of the Task Force scope of work.

“Explore allowing single-family parcels currently designated ‘Residential Neighborhood’ to redevelop to 2-4 units per parcel with the following parameters from the outset:

- Limit to parcels proximate to transit-oriented Urban Villages or immediately adjacent to residential parcels with existing medium-density building types, e.g., duplexes or triplexes.
- Develop a set of design guidelines
- Allow flexibility on the number of units allowed per parcel
- Clarify that any redevelopment remains within the discretion of the property owner
- Specify that this would be sensitive to historic neighborhoods
- Validate that opportunity housing projects are cost effective”

STAFF & TASK FORCE LOOKED AT ...

Allowing up to 4 units per parcel.

Where allowing it would make the most sense.

Including a mix of a single-family home, duplex, triplex, or fourplex. State law also allows ADUs.

Considerations and next steps to further explore Opportunity Housing.



WHAT IS BEING RECOMMENDED?

- **Staff recommendation**

Allow Opportunity Housing generally within a half mile walkshed around transit-oriented urban villages and/or on parcels that share a property line with properties that allow for multifamily residential.

- **Task Force recommendation**

Allow Opportunity Housing citywide on properties designated Residential Neighborhood.



WHAT ABOUT DEVELOPMENT STANDARDS?

- Development Standards will be drafted during the long-term work plan
 - Feedback through community engagement
 - Setbacks, Height, FAR will be similar to existing standards to meet City Council direction
- Public Utility/Infrastructure needs would be on the developer –
 - Parkland Impact Fee
 - School Fee

20.30.200 - Development standards.



All development in the residential zoning districts shall conform to the development regulations set forth below in Table 20-60.

Table 20-60
Residential Zoning Districts Development Standards

EXPAND

Regulations	Zoning District							
	R-1-8	R-1-5	R-1-2	R-1-1	R-1-RR	R-2	R-M	R-MH
Minimum lot area (square feet or acreage)	5,445	8,000	20,000	43,560	5 acres	5,445	6,000	6,000
Minimum setback (feet)								
Front	20	20	30	30	50	15	10	15
Side, interior (Note 6)	5	5	15	20	20	5	5	5
Side, corner (Note 6)	12.5	12.5	15	20	30	10	7.5	7.5
Rear, interior	20	20	25	25	30	25	25	25
Rear, corner	20	20	25	25	30	25	15	15
Minimum driveway length (feet) measured from lot	18	18	18	18	18	0	0	0

WHAT ABOUT DISPLACEMENT?

3. Find an approach that would allow Opportunity Housing while also minimizing displacement risk:

- a) Conduct a Displacement Risk Analysis where Opportunity Housing would be implemented.
- b) Determine if existing City protections for renters would be sufficient or if additional protections are needed to minimize and discourage displacement.
- c) Consider additional restrictions for use of Opportunity Housing units as short term rentals, beyond the City's existing ordinance.

ELLIS ACT ORDINANCE

The Ellis Act Ordinance applies when an owner or developer plans to demolish or remove apartments from the rental market. This Ordinance applies to apartments that are three units or more that were:

- **Before 1979 and are rent stabilized subject to the Apartment Rent Ordinance.** The Ellis Act Ordinance requires 50% of new apartments built on the site of previously rent stabilized apartments be subject to the Apartment Rent Ordinance. The owner is responsible for providing the noticing requirements and relocation benefits to the displaced tenant households.
- **Built after 1979 and are not rent stabilized.** The owner is responsible for providing the noticing requirements and relocation assistance to the displaced tenant households.
- [For additional information, please review the Ellis Act Ordinance and Fact Sheet.](#)
- [The required forms and instructions are available for download here.](#)
- In February 2020, the Housing Department intended to return to City Council for revisions to the Ellis Act Ordinance. [The proposed draft amendments are available here to review](#), along with the [e-blast announcement](#). However, the item was deferred due to COVID-19.

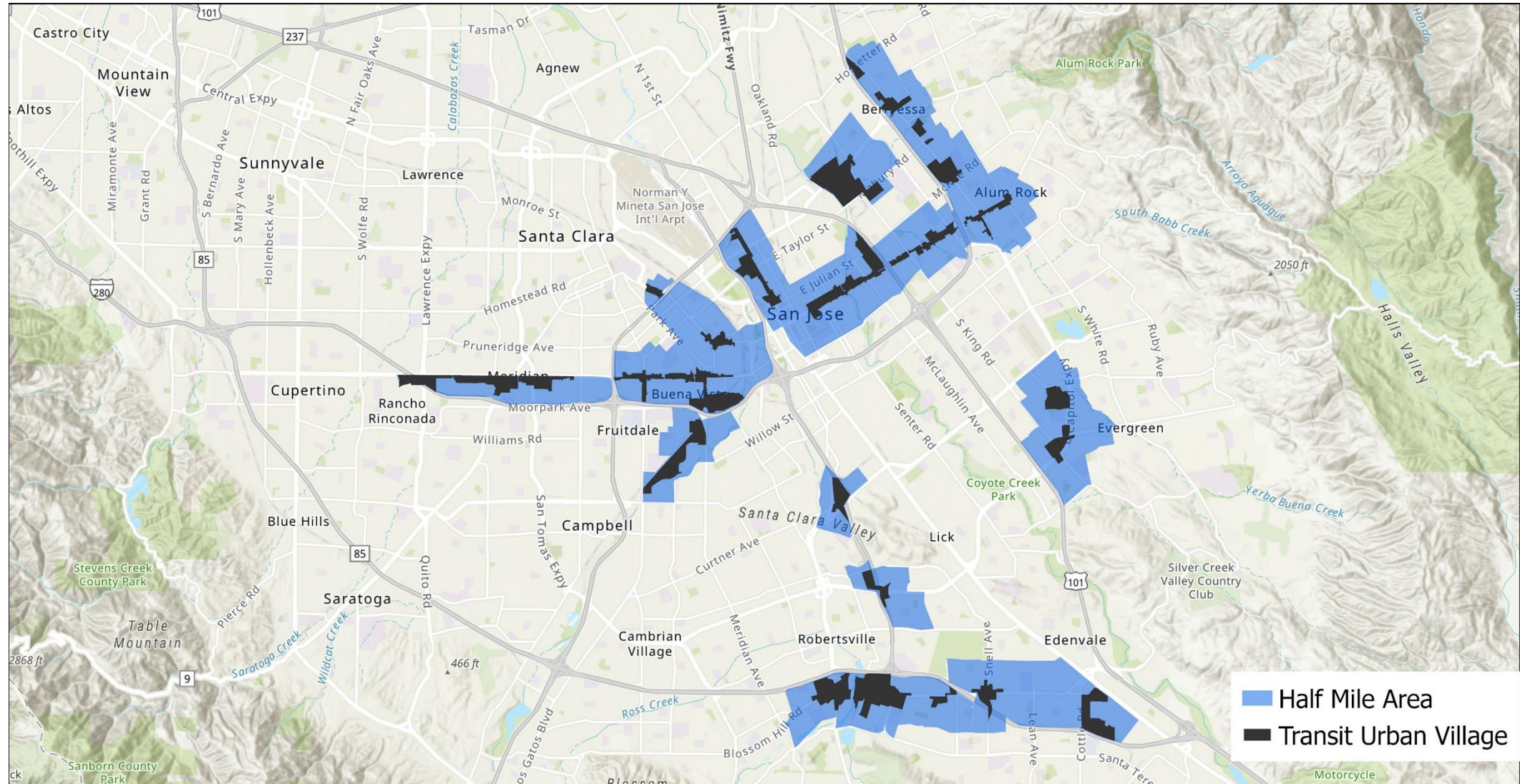
LEARN ABOUT RENT STABILIZATION

In 1979, the San José City Council appointed a task force to address issues in rental housing. In July 1979, the City Council adopted a rent stabilization ordinance for mobilehome parks and apartments, and created the City's Rental Dispute Program (now known as the Rent Stabilization Program) to administer the Ordinance. In 1985 the City Council voted to separate the Rent Stabilization Ordinance into two ordinances - one for mobilehome parks and another for apartments.

The City has [several ordinances](#) that govern rental housing. The [Apartment Rent Ordinance](#) and its [companion regulations](#) limit rent increases on approximately 38,000 apartments in San Jose.

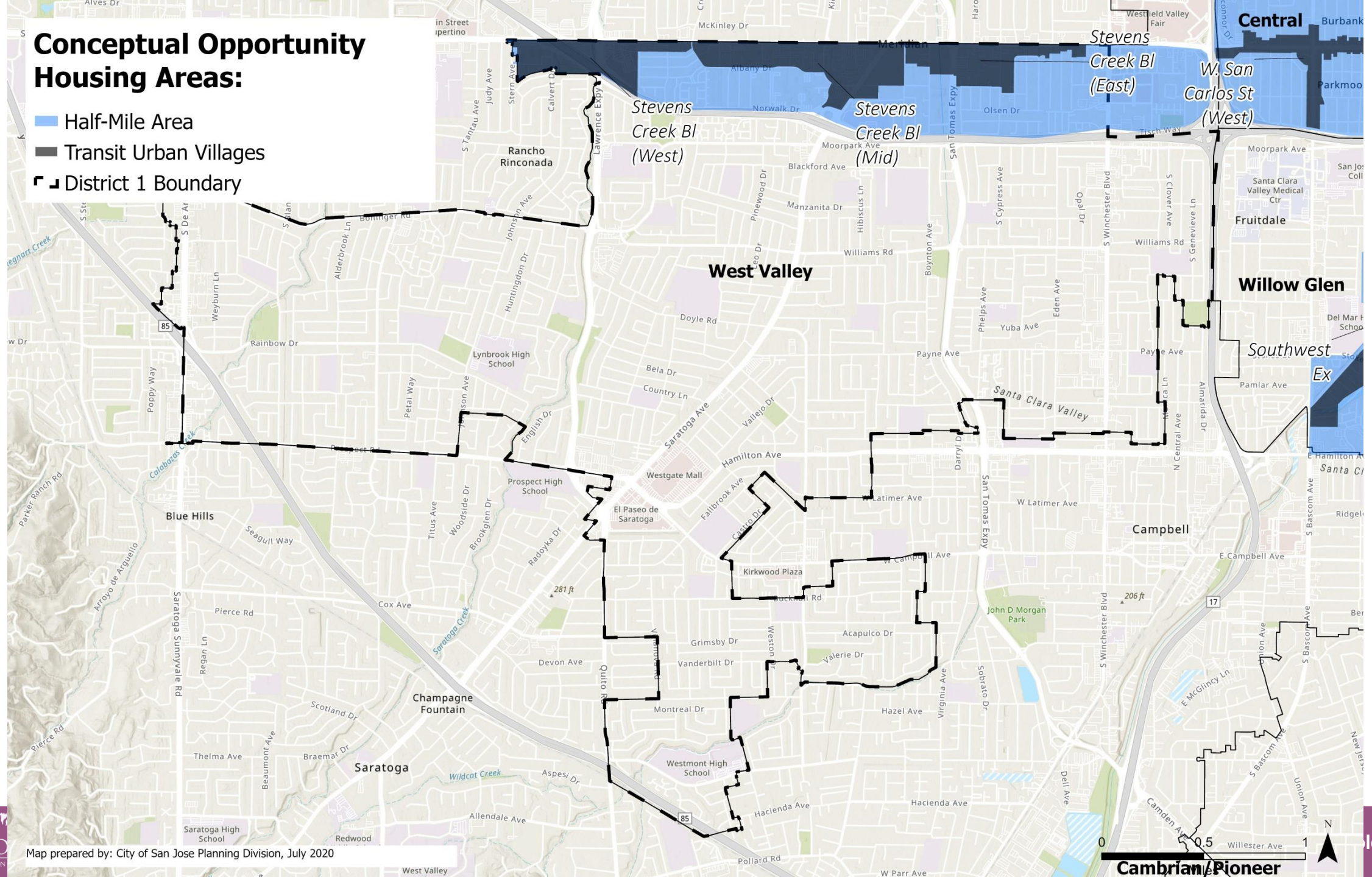
Below is a [short video regarding the Apartment Rent Ordinance](#):

STAFF RECOMMENDATION

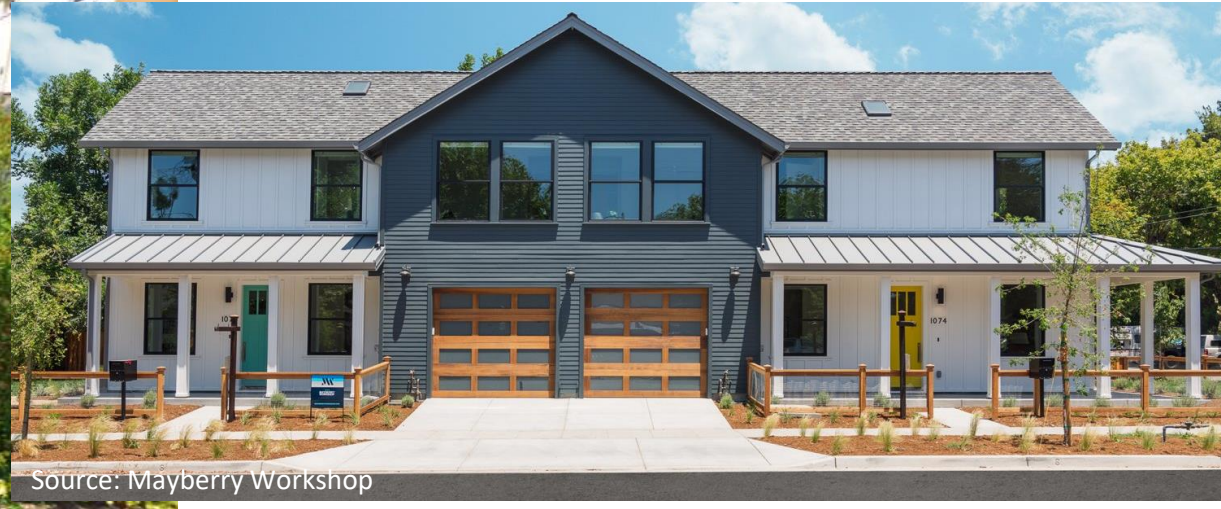


Conceptual Opportunity Housing Areas:

- Half-Mile Area
- Transit Urban Villages
- District 1 Boundary



Examples of Opportunity Housing Types



NEXT STEPS FOR OPPORTUNITY HOUSING

Staff will take all Task Force recommendations to City Council in summer 2021; City Council to consider the recommendations

If Council directs staff to pursue developing an Opportunity Housing policy, staff will:

- Conduct extensive community engagement
- Conduct a displacement risk analysis
- Prepare design standards
- Prepare an environmental analysis to identify impacts that might be associated with the initiative

RESOURCES:

- **Opportunity Housing**
 - <https://bit.ly/SJOpportunityHousing>
 - FAQs
 - Past meeting materials
 - Recordings of past meetings
 - For questions contact
GeneralPlanStaff@sanjoseca.gov