



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: COUNCILMEMBER
NANCY PYLE

SUBJECT: ADOPTION OF A
CITYWIDE
INCLUSIONARY HOUSING
ORDINANCE

DATE: January 11, 2010

APPROVED:

DATE:

1/11/10

RECOMMENDATION

Support the request from representatives of Communication Hill to remove the proposed change in the Inclusionary Ordinance Subsection 5.08.320 G, Item 5

“As of the Operative Date, there has been no construction of residential units in one or more remaining phases of the Residential Development within the Specific Plan area, and within forty (40) months of the Operative Date the Developer has obtained City approval of at least one building permit in any such remaining construction phase.”

BACKGROUND

The City of San Jose has been working with affordable housing advocates, developers and community members for more than a year to create a citywide Inclusionary Housing ordinance. Housing staff has done exemplary work to make sure that all interests were kept well informed.

The Communication Hill Specific Plan was approved in 1992. Specific Plans take years to implement and both property owners and developers need to know that the regulations and ordinances in place at the time of approval will not dramatically change.

There have been unforeseen and major changes regarding development and finances for both businesses and the city. The property owners of Communication Hill are currently without a developer and have been notified that given the financial state of the city, there will not be any public funds to help pay for the infrastructure costs anticipated to total more than \$300 million. Exempting Communication Hill from the proposed Inclusionary Ordinance without a sunset will simply ensure that the development plans in place during the approval of the Specific Plan will remain consistent.