

**FW: public comment re 439-451 South 4th Street for 12Mar2024 Council meeting**

Taber, Toni <toni.taber@sanjoseca.gov>

Thu 3/7/2024 12:43 PM

To:Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachments (195 KB)

San Jose - 439-451 S 4th St - HAA Letter.pdf;

---

**From:** James Lloyd <[REDACTED]>

**Sent:** Thursday, March 7, 2024 12:39 PM

**To:** The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>

**Cc:** City Clerk <city.clerk@sanjoseca.gov>; Manford, Robert <Robert.Manford@sanjoseca.gov>; Burton, Chris <Christopher.Burton@sanjoseca.gov>; CAO Main <cao.main@sanjoseca.gov>; Taber, Toni <toni.taber@sanjoseca.gov>; Hughey, Rosalynn <Rosalynn.Hughey@sanjoseca.gov>

**Subject:** public comment re 439-451 South 4th Street for 12Mar2024 Council meeting

[External Email]

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear San José City Council,

Please see attached CalHDF's public comment regarding 439-451 South 4th Street, item 10.1(a) for the 12 March 2024 Council meeting.

James M. Lloyd  
Director of Planning and Investigations  
California Housing Defense Fund  
[REDACTED]

This message is from outside the City email system. Do not open links or attachments from untrusted sources.



**Mar 6, 2024**

**San José City Council**  
**200 E. Santa Clara Street**  
**San Jose, CA 95113**

**By Email:** [mayoremail@sanjoseca.gov](mailto:mayoremail@sanjoseca.gov); [District1@sanjoseca.gov](mailto:District1@sanjoseca.gov); [District2@sanjoseca.gov](mailto:District2@sanjoseca.gov);  
[District3@sanjoseca.gov](mailto:District3@sanjoseca.gov); [District4@sanjoseca.gov](mailto:District4@sanjoseca.gov); [District5@sanjoseca.gov](mailto:District5@sanjoseca.gov);  
[district6@sanjoseca.gov](mailto:district6@sanjoseca.gov); [District7@sanjoseca.gov](mailto:District7@sanjoseca.gov); [district8@sanjoseca.gov](mailto:district8@sanjoseca.gov);  
[District9@sanjoseca.gov](mailto:District9@sanjoseca.gov); [District10@sanjoseca.gov](mailto:District10@sanjoseca.gov)

**CC:** [city.clerk@Sanjoseca.gov](mailto:city.clerk@Sanjoseca.gov); [robert.manford@sanjoseca.gov](mailto:robert.manford@sanjoseca.gov);  
[Christopher.Burton@sanjoseca.gov](mailto:Christopher.Burton@sanjoseca.gov); [cao.main@sanjoseca.gov](mailto:cao.main@sanjoseca.gov); [toni.taber@sanjoseca.gov](mailto:toni.taber@sanjoseca.gov);  
[rosalynn.hughey@sanjoseca.gov](mailto:rosalynn.hughey@sanjoseca.gov)

**Re:** Proposed 210-unit building at 439-451 South 4th Street

Dear San José City Council,

The California Housing Defense Fund (“CalHDF”) submits this letter to remind the Council of its duty to abide by the Housing Accountability Act (“HAA”) when evaluating the proposed 210-unit residential building at 439-451 South 4th Street.

The Housing Accountability Act (the “HAA”) (Gov. Code, § 65589.5) requires approval of zoning and general plan compliant housing development projects unless findings can be made regarding specific, objective, written health and safety hazards. These findings must be “supported by a preponderance of the evidence on the record.” (*Id.* at subd. (j)(1).)

As the staff report notes, the project complies with the Downtown General Plan designation and with the requirements of the DC zoning district. As a project with at least two-thirds of its area devoted to residential uses, the project falls within the HAA’s ambit. Thus, the Council must approve the project unless it makes written health and safety findings, as described above – which it cannot do, since the preponderance of the evidence in the record does not support such a finding.

As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: it will house hundreds of households, reducing pressure on existing housing stock and lowering rents; it will enhance the City's tax base; and it will bring new customers to local businesses. It is especially important to meeting our state's climate goals, as it will provide valuable housing near employment and educational centers. While no single housing development can solve all these problems, this project is a big step in the right direction. CalHDF urges the Council to approve the project, consistent with both its legal obligations and the community's economic and environmental interests.

CalHDF is a 501(c)3 non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at [www.calhdf.org](http://www.calhdf.org).

Sincerely,

A large black rectangular redaction box covering the signature of Dylan Casey.

Dylan Casey  
CalHDF Executive Director

A large black rectangular redaction box covering the signature of James M. Lloyd.

James M. Lloyd  
CalHDF Director of Planning and Investigations