



FW: Item 8.3 Soft Story Council Vote 9-24

From City Clerk <city.clerk@sanjoseca.gov>
Date Mon 9/23/2024 7:44 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

 3 attachments (10 MB)

Soft Story Why it Won't Work & What's Needed 9-20-24.pdf; HCDC Seismic Retrofit Ad Hoc 11-9-2023 Final.pdf; HCDC Soft Story Ad Hoc Committee Report 11-01-2023.pdf;

From: Roberta Moore <[REDACTED]>
Sent: Friday, September 20, 2024 6:36 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Item 8.3 Soft Story Council Vote 9-24

[**External Email.** Do not open links or attachments from untrusted sources.]

Dear Honorable Mayor, Council Members and City Staff,

Attached is an overview about *Soft Story Why it Won't Work & What is Needed* with supporting information from the *HCDC Ad Hoc Committee Presentation and Report*.

This presentation:

- Addresses critical considerations to avoid a mass elimination of affordable housing for San Jose's low-income renters.
- Shows how staff's recommendation is based on incomplete information and inaccurate assumptions without regard to the negative consequences.
- Includes 3 key recommendations to make this program work and critical information to get before proceeding. This is a data driven recommendation with sourced information.

I hope you will read it and make a more informed decision before voting on 9-24.

Regards,

Roberta Moore
Broker Associate | Compass
DRE # [REDACTED]
[REDACTED]



Soft Story Mandate

Critical Considerations & Data to Avoid a Mass
Elimination of Affordable Housing
for Low-income Renters

Provided by
Roberta Moore
September 20, 2024



Staff's Recommendation Based on Incomplete Information

Doesn't Target Most at Risk Properties

- Soft Story adds Risk but is NOT the Risk
 - Only 200 of the tens of thousands of buildings lost in the 1994 Northridge earthquake were soft story buildings. And, they were built on more than one natural hazard zone.
 - 88% of loss from Loma Prieta was in the San Francisco Marina Liquefaction Zone.
- Natural Hazard Zones Matter
 - Natural Hazard Disclosures (NHD) are Federally Mandated by law for buying and selling real estate. They include Fault, Landslide, and Liquefaction zones.
 - If a 2-story 4 Plex not built in 2 or more natural hazard zones collapses, all of San Jose's structures are at risk. (Loma Prieta vs Northridge, San Francisco vs San Jose)
- Expanded Buildings at Risk beyond ABAG's & SF's
 - Claim without substantiation San Jose is More at Risk than San Francisco.
 - Provide no valid reason to create a mandate broader than San Francisco with 3+ Stories and 5+ units.

Marginalized Challenges and Barriers, & Housing Provider Stakeholder Feedback



Staff's Recommendation will Destroy Affordable Housing

Unfairly Targets the Most Affordable Housing Units

- Puts these units at risk of removal from the market.
- Will force small mom and pop with low rents to sell.
- Only institutional investors will be able to afford to own.
- Renters will suffer the most with higher rents.

Cumulative Mandates & Cost Include

- 2024 Insurance Renewal \$125,000
- 2025 Soft story Retrofit \$100,000
- 2025 Balcony Retrofit \$100,000,
- 2027 Electrification Water Heater \$75,000
- 2029 Electrification HVAC \$150,000.

Natural Hazard Zones Matter

Damage Sustained from Recent Earthquakes

- Loma Prieta 1989 6.9 Magnitude; 3,573 Hurt; 63 Deaths; \$6.8 Billion
- Northridge 1994 6.7 Magnitude; 9,000 Hurt; 57 Deaths; \$40 Billion

Source: <https://www.conservation.ca.gov/>

Comparison of Damage Sustained by Natural Hazard Zones

- Northridge sustained the greatest total damage because landslide and liquefaction zones.
- San Francisco sustained most total damage in Loma Prieta because of damage from Liquefaction in the Marina \$6 Billion. (88% of Damage)

Source:

<https://www.conservation.ca.gov/cgs/documents/melange/Marina%20Poster.pdf>

- Rest of Bay Area sustained 12% of total damage.
- San Jose (closer to epicenter than SF) sustained less damage from Loma Prieta because fewer buildings are in a landslide zone and risk of liquefaction is lower.

Source: HCDC Ad Hoc Seismic Retrofit Committee Report 11-1-2023 and Presentation 11-9-2023, https://abag.ca.gov/sites/default/files/lq_rept.pdf

All Structures Are at Risk

Steel is not a guarantee of protection.

Tens of thousands of buildings were damaged during the 1994 Northridge earthquake including buildings built with steel that cracked.

Only 200 of these buildings were soft story buildings.

“The data clearly shows . .

if there is an earthquake big enough to damage

a 2-story 3 or 4 unit soft story building

NOT in a fault zone and another NHD zone (liquefaction, landslide),

then most of San Jose’s 313,944 housing units will be damaged.”

– Roberta Moore

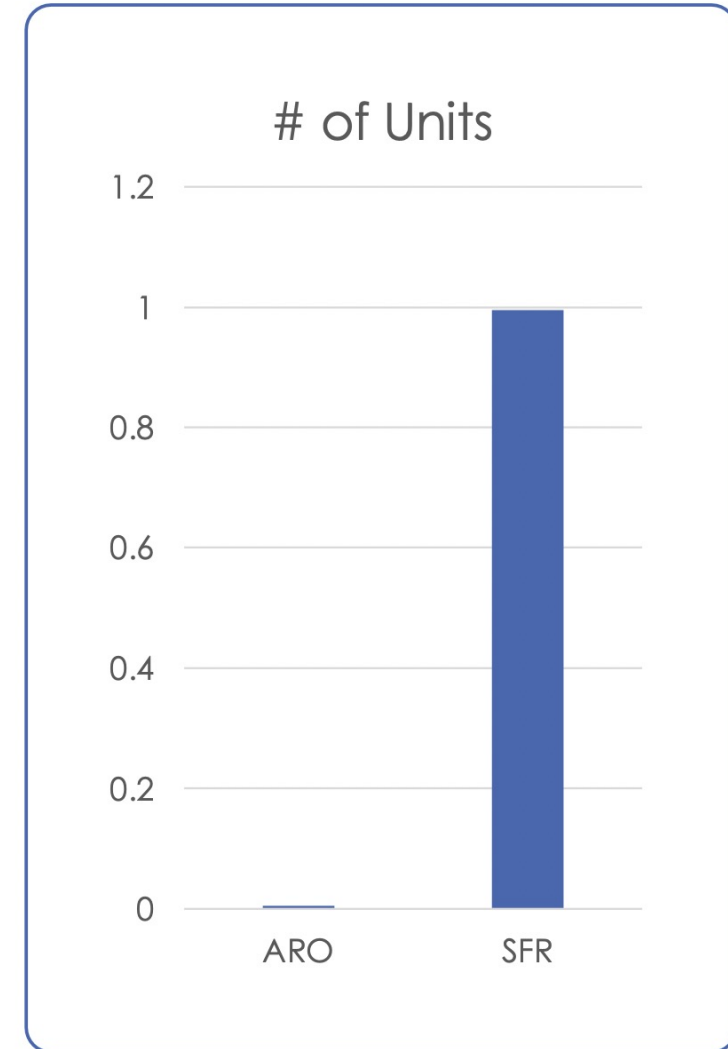
Structures Most at Risk

ABAG's Data Shows:

- Buildings at risk include: in a landslide or liquefaction zone, single-family and multi-family with a soft-story. Refer to Appendix 3 for more information.
- 9.5% of San Jose's 313,944 households are at risk.
- Less than 1% of these units are in a 3+ multi-unit building.

ABAG & City Photos of Damage Showed:

- 3+ Story Buildings with 5+ units in 2 or more Natural Hazard zones.



Target Most at Risk Housing

- Choose Item 8.3 Memo Table 5, Page 15, Option 1 – Like San Francisco (Pre-1978, five or more units)
 - Add 3+ Stories (like San Francisco which has more natural hazard risks and sustained more damage)
- Take a Phased Approach (like San Francisco)
 - First Phase target 15+ units
 - Test policies and implementation. Make sure enough materials, city staff, architects, engineers, and contractors are available.
 - Evaluate what worked and what didn't for defining second phase to add in 5+ units
- Let Owners Submit a Natural Hazards Disclosure (NHD) Report for Exemption
 - And allow exemption if building is not in 2 or more NHD zones: liquefaction, landslide, and fault. Do not require expensive engineer report.

NHD Reports

County-level NHD Determinations	IN	NOT IN
Fault		X
Landslide		X
Liquefaction	X	
Compressible Soils		X
Dike Failure		X

City-level NHD Determinations	IN	NOT IN
Fault		X
Landslide	X	
Redevelopment Area	X	
Special Geologic Hazard Study Area		X



Ask Critical Questions First

The following data should be available before approving Staff's recommendation:

1. What buildings are most at risk? How can San Jose's policy be broader than ABAG's & San Francisco's?
Require Staff use Natural Hazards Disclosure data.
 2. How does Staff justify targeting small affordable units?
Require Staff provide examples of 2-story buildings made uninhabitable by the Loma Prieta earthquake.
 3. How does driving costs through unjustified mandates qualify as preserving affordable housing?
Require Staff provide an analysis of lost units and resulting increase in rents.
-

Appendix 3: Fragile Housing Types

TABLE 2 Commonly-found Fragile Housing Types in the Bay Area

Fragile Housing Type	Definition	Notes
Hillside	Located in a "zone of required investigation" for earthquake-induced landslide.	Hillside homes may also have structural damage due to ground shaking
Single family cripple wall	Contains a crawl space and/or stairs leading up to the front door.	Commonly found in bedroom communities, rare in city centers and dense suburbs. Common in older, more established regions such as San Francisco and Alameda counties.
Single family house over garage	Garage with living space above it that lacks interior walls and may be unable to support the living space above it.	Commonly found in dense pre-1950's suburbs like San Francisco, or post 1950's suburbs with attached multicar garages. Highly prevalent in more recently urbanized areas such as Santa Clara and Contra Costa counties.
Unreinforced masonry	Masonry buildings that lack any structural support aside from mortar.	1% of total regional housing stock, most significant in San Francisco and Alameda counties. Mandated to be inventoried by state law.
Multi-family cripple wall	Contains a crawl space and/or stairs leading up to the front door.	Commonly found in pre-1920's neighborhoods.
Multi-family soft story	Contains large openings on the first floor, typically for parking or commercial space, with residential units on the upper floors.	Pre-1950: mixed or high density suburban neighborhoods. Significant in older cities – over 10% in San Francisco. Post-1950: Fairly prevalent, especially in San Mateo County. Also found in large subdivision developments (Fremont, Hayward).
Multi-family non-ductile concrete	Concrete structures lacking steel reinforcement to add ductility, or the ability to bend without breaking.	Commonly found in high-density suburban neighborhoods.

Source: https://abag.ca.gov/sites/default/files/soft_story_report_web_version_v2.pdf

ABAG:
Fragile
Housing
Types



Federally Mandated NHD Reports

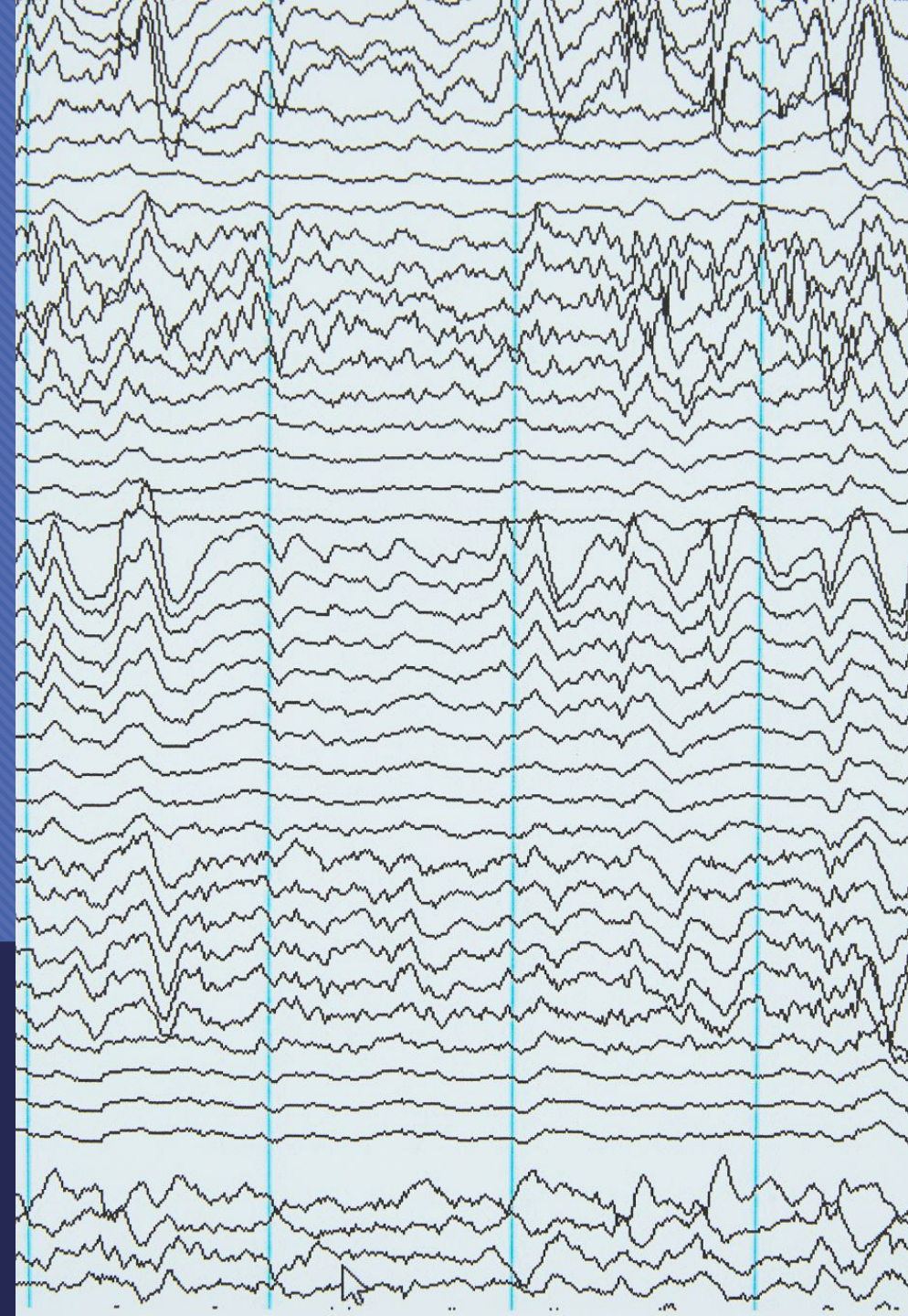
Natural Hazard Disclosure Reports are sourced as followed:

- Earthquake Fault Zone maps are delineated and compiled by the California State Geologist.
- Seismic Hazard Zone maps are based on a review of the official map(s) issued by the California Department of Conservation, Division of Mines and Geology, including Landslide Hazard Zone and Liquefaction Hazard Zone.

Seismic Retrofit Overview & Policy Framework Report

Prepared by Commissioner Moore
D10 & Housing Provider Representative

For HCDC, November 9, 2023



Ad Hoc Committee

HCDC AD Hoc Committee

Roberta Moore, Chair

HCDC D10, Housing Provider Representative

Jen Beehler, Vice Chair

HCDC D6 Representative

Roma Dawson

HCDC D1 Representative

Barry Del Buono

HCDC D3 Representative

Ryan Jasinsky

HCDC Chair & Mobilehome Owner Representative

Staff Liaison

Rachel VanderVeen, Assistant Director

Process

- 9/18 Ad Hoc Committee held first meeting to create purpose, strategy, and next steps. Commissioners Moore, Dawson, Beehler, Del Buono, and Staff Rachel VanderVeen attended.
- 10/2 Ad Hoc Committee meeting held to review information gathered. Commissioners Moore, Dawson, Beehler, Del Buono, and Staff Rachel VanderVeen attended. Lisa Joyner (City Building Department) and Anil Babbar (CAA) presented.
- 10/23 Ad Hoc Committee meeting held to discuss report and policy framework. Commissioners Moore and Staff Rachel VanderVeen attended.
- 10/25 Commissioner Moore wrote draft report and e-mailed to Ad Hoc Committee for feedback. No feedback received.
- 10/30. Ad Hoc Committee meeting held to discuss feedback on report and policy framework. Commissioner Moore and Staff Rachel VanderVeen attended.
- 10/30 Commissioner Moore sent revised draft report with changes requested to committee for feedback. No feedback received.
- 10/31 Staff Rachel VanderVeen sent final report to all Commissioners.
- 11/6 Ad Hoc Committee meeting held to review presentation Commissioner Moore created. Commissioners Moore and Dawson and Staff Rachel VanderVeen attended.
- 11/6 Commissioner Moore e-mailed revised presentation with changes requested to Ad Hoc Committee and Staff Rachel VanderVeen for distribution to HCDC.

Overview



PURPOSE



STRATEGY

Living Units Identified at Risk

AT RISK

- Hillside
- Single family cripple wall
- Single family house over garage
- Multi-family soft story

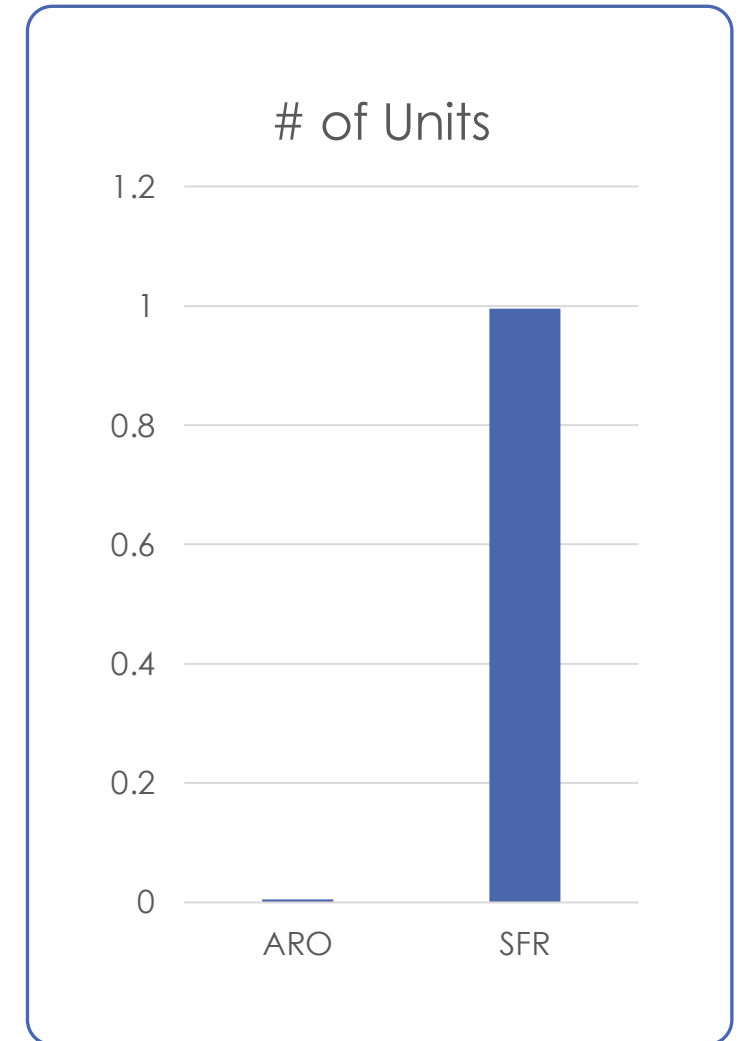
PROPOSED

- 30,000 Living Units in San Jose = 9.5%
- 2,630 Soft Story Santa Clara County.

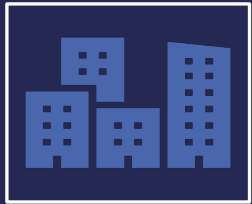
ANALYSIS

- <1% of San Jose's Living Units ARO Multi-family Soft Story. (Source: ABAG, Census, ARO Study)

Source: ABAG



Every Structure Vulnerable



1989 Loma Prieta

63 Deaths

\$6 Million in Property Damage including Roads, Bridges, Steel Structures.

Most Damaged where in San Francisco on Hillside and in Marina District: Landfill and Liquefaction Zones.



1994 Northridge

57 Deaths

\$15.3 Billion in Property damage including Tens of Thousands Buildings and Steel Structures.

200 Soft Story.

25 Evaluated for Structural Damage. Likely in Landfill and Liquefaction Zones.

City-level NHD Determinations	IN	NOT IN
Fault		X
Landslide	X	
Redevelopment Area	X	
Special Geologic Hazard Study Area		X

County-level NHD Determinations	IN	NOT IN
Fault		X
Landslide		X
Liquefaction	X	
Compressible Soils		X
Dike Failure		X

Barriers/Challenges

Cost

- Affordability: \$20k+ per unit
- Inflation & Interest Rates: 8%+
- Cost of Loan: \$155 per Unit
- Cost to Renter: \$167 per Unit
- Lack of Financing: Small Housing Providers

Materials & People

- Shortages of Steel
- Lack of Engineers, Architects, Contractors, etc.
- Limited City Resources for Processing Permits

Burden ARO Providers

- Eviction Moratorium: Lost Rent and Administrative Burden
- Electrification Mandate: \$250,000+ per building
- Seismic Retrofit Mandate: \$20,000+ per unit
- Balcony and Staircase Retrofit Mandate
- Rent Stabilization Program: Administrative Burden and Fees

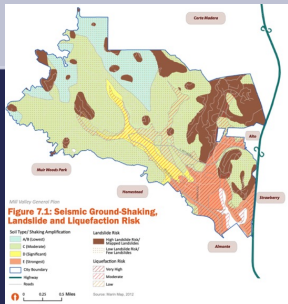
Policy Framework



Buildings Target

Hazard Zones

- Compressible Soils, Fault, Landslide, Liquefaction



Source: City of Mill Valley

Units

- Phase 2: 12+
- Phase 3: 5+

Age

- Phase 2: 1970-'79
- Phase 3: 1950-'69

How Built

- Soft Story over Carport or Garage, Wood Construction

County-level NHD Determinations	IN	NOT IN
Compressible Soils		X
Dike Failure		X
Fault		X
Landslide		X
Liquefaction		X

Source: Natural Hazards Disclosure

City Incentives

Permit Fee Waivers
(5%)

100% Capital
Improvement Pass
Through pre-
Approved

Streamline Permit
Process

Waive Pre-existing
Conditions

Tiered Approach:

- 20+ Units = 4 Years
- Less than 20 Units = 6 Years

Post Earthquake
Warning

Risk/Benefit Assessment

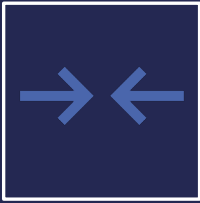
CATASTROPHIC EARTHQUAKE

- RISKS
 - Loss of Property & Life
- BENEFICIARIES
 - Government: FEMA & City
 - Owners & Residents: <1%

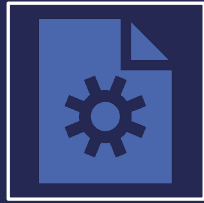
MANDATE RISKS

- INVESTMENT: Hundreds of millions to \$1.3 Billion Los Angeles.
- LOST UNITS: Affordable habitable units become uninhabitable or converted to condo because can't be retrofitted or sold.

Commission Discussion



Mandate



Phased
Approach



Buildings to
Target



City
Incentives

New Sources of Information

Area of San Francisco that suffered the most damage was the Marina district where four buildings were destroyed by fire and several others collapsed, many of which were apartment buildings common in the area. (Karl 12) To understand why this was the case a brief history of the Marina district is required.

- [https://ivypanda.com/essays/analysis-of-damage-to-apartment-buildings-in-the-1989-loma-prieta-earthquake/#:~:text=\(Karl%2012\)%20This%20was%20the,destroyed%20and%203%2C530%20businesses%20damaged.](https://ivypanda.com/essays/analysis-of-damage-to-apartment-buildings-in-the-1989-loma-prieta-earthquake/#:~:text=(Karl%2012)%20This%20was%20the,destroyed%20and%203%2C530%20businesses%20damaged.)

Major property damage in San Francisco's Marina District 60 mi (97 km) from the epicenter resulted from liquefaction of soil used to create waterfront land. Other effects included sand volcanoes, landslides and ground ruptures. Some 12,000 homes and 2,600 businesses were damaged Marina 70 buildings.

- https://en.wikipedia.org/wiki/1989_Loma_Prieta_earthquake#:~:text=Major%20property%20damage%20in%20San,and%202%2C600%20businesses%20were%20damaged

The term "soft story" as used throughout this report refers specifically to older, wood-frame multi-story buildings with an especially weak, flexible, or otherwise vulnerable ground story. Often (but not always), the soft story deficiency is indicated by large openings in the ground story walls, typically due to garage doors, open parking stalls, or large storefront windows. These buildings, built before current building codes, have ground stories that have a tendency to collapse when shaken hard enough.

- https://abag.ca.gov/sites/default/files/soft_story_report_web_version_v2.pdf

The Seismic Hazards Mapping Act (SHMA) of 1990 (Public Resources Code, Chapter 7.8, Section 2690-2699.6) directs the Department of Conservation, California Geological Survey to identify and map areas prone to earthquake hazards of liquefaction, earthquake-induced landslides and amplified ground shaking. The purpose of the SHMA is to reduce the threat to public safety and to minimize the loss of life and property by identifying and mitigating these seismic hazards. The SHMA was passed by the legislature following the 1989 Loma Prieta earthquake.

- <https://www.conservation.ca.gov/cgs/sh/seismic-hazard-zones#:~:text=The%20easiest%20way%20is%20to,your%20city%20or%20county%20office.>

Other:

- <https://www.bloomberg.com/news/articles/2023-05-25/apartment-landlords-bleeding-cash-imperil-47-billion-of-loans#xj4y7vzkg>
- <https://bayarearetrofit.com/wp-content/uploads/ABAG-Shaken-Awake.pdf>
- [City of San Jose: Housing Provider Meetings, Real Estate Agents, Housing Providers, SCCAOR, CAA](#)

HCDC Ad Hoc Seismic Retrofit Committee
Preserve Affordable Housing Short Term and Long Term
Overview & Policy Framework Recommendation, November 1, 2023

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Ad Hoc Committee

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HCDC Ad Hoc Seismic Retrofit Committee
Preserve Affordable Housing Short Term and Long Term
Overview & Policy Framework Recommendation, November 1, 2023

Overview

FEMA and the City of San Jose want to minimize their risk and their cost from a catastrophic earthquake. A seismic retrofit program must be mandated to receive FEMA funds. Significant resource limitations (engineers, materials, and cost) will hinder smooth roll-out of a program that targets all buildings at once.

Every building is vulnerable to an earthquake in California including steel buildings. The buildings to be considered most at risk of significant damage during a catastrophic earthquake are any wood buildings built on a hillside, in a liquefaction zone, and/or with a soft story, as well as single-family homes built with a cripple wall.

Tens of thousands of buildings were damaged during the 1994 Northridge earthquake including buildings built with steel that cracked. Steel is not a guarantee of protection. Only 200 of these buildings were soft story buildings. Almost half of the buildings lost during the 1989 Loma Prieta earthquake were soft story buildings. San Francisco's buildings sustained more soft story damage than other cities likely because these buildings were also built on a hill, which is another major factor for damage. While the 1989 Loma Prieta earthquake killed 63 people and caused \$6 billion in property damage, there were no multi-unit soft story buildings reported as damaged. In San Jose, the housing units today either withstood this significant earthquake activity or have already been rebuilt with the new standards.

Purpose

The purpose of this recommendation is to balance protection of residents and property in the event of a catastrophic earthquake with preservation of affordable housing stock today and tomorrow given the current barriers to retrofitting.

Strategy

A seismic retrofit mandate will have the most success with a strategic phased roll-out targeting the most at risk buildings first and applying FEMA funds and City assistance to these buildings. A policy framework for this strategic roll-out is recommended herein.

Soft Story

The City has defined a soft story building as any 3+ unit wood-frame building built before 1990. The accurate definition of a soft story building is a building that has a large opening on the first floor, such as a carport, so it is unable to carry the weight of the stories above the carport during a catastrophic event. This applies to single family homes as well as multi-unit homes.

Risk of Earthquakes

Earthquakes, even significant ones, are a regular occurrence in California. There have been 54 significant earthquakes in California since the 1906 earthquake. In the past 112 years, given the number of deaths and damage, 7 of these (6%) may warrant a seismic retrofit ordinance and

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Overview & Policy Framework Recommendation, November 1, 2023

only 3 achieved public notoriety. See Appendix 1. For example, there were two significant earthquakes in Alum Rock since 2022 without damage to property or life. One was a 5.2 in magnitude. There were also significant foreshocks along the San Andreas fault in 1988 and 1989 that occurred without public notice.

The risk varies due to several factors especially if a building is on bedrock or clay. Some cities, such as Mill Valley, made the effort to identify the degree of risk in establishing their retrofit policies. Refer to Appendix 2 for more information.

San Jose is on the North American Plate of the San Andreas Fault. 31%+ chance of an earthquake magnitude of 6.7+Some areas are more at risk for severe damage than others. According to ABAG, San Jose is most impacted by the San Andreas fault, liquefaction zones, and hillsides. Refer to Appendix 3 for ABAG's list of type of buildings at risk.



Housing Units at Risk

ABAG estimates there are 2,630 soft story (multi-unit) buildings in Santa Clara County. A subset of these are located in San Jose.

“Based on the collected damage information from the 1994 [Northridge Earthquake](#), the Associated Bay Area Governments (ABAG) [estimates](#) San Jose can expect 30,000 living units damaged or vacated.”*

ABAG's estimate means 9.5% of San Jose's 313,944 households are at risk and most of these buildings are single family homes. Less than ½ of 1% of San Jose's units are in a soft story multi-unit building. The reality is all structures, even those built with steel, are at risk.

ARO Units Lost

While most housing units at risk are single family homes, this retrofit mandate only targets Apartment Rent Ordinance multi-unit buildings (ARO) which is a small percentage of San Jose's households. ARO owners do not have the funds to pay the \$20,000+ per unit for these retrofits. Singling out these properties puts San Jose's most affordable units at risk of being taken off the market and converted to condominiums. ARO units are the last of San Jose's affordable housing stock where rents are lower than market rents. Keeping these units on the market may be more important than retrofitting them.

Barriers to Retrofitting

Skyrocketing Inflation, cost of construction, and rising interest rates have increased retrofit costs significantly since San Francisco implemented their policy making. Today, the actual costs of retrofitting a building are unpredictable. San Francisco's owners were able to refinance the funds and keep their monthly costs the same. San Jose owners will not be able to do this.

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For example, the cost per unit in SF averaged \$12,000 and the interest rates were 3%. Today, these costs are estimated at \$20,000 per unit and interest rates are closer to 8% which will more than triple the cost to retrofit.

Resources are constrained and costs to all parties are high. Following are the four most important reasons for a strategic phased approach should San Jose choose to implement a seismic retrofit mandate:

1. Most ARO mom and pop providers (who are the primary target of this proposed mandate) will not be able to afford this price, nor will they be able to get loans to finance it. Therefore, more of these affordable housing units will become uninhabitable.
2. Resource availability is constrained. There are:
 - Lack of engineers, contractors, and other trades people to perform the retrofits.
 - Limited city resources for processing retrofit compliance applications.
 - Shortages of raw materials (steel) world-wide for completing the job.
3. The cost to renters and owners is high. Following are estimates given current information received:
 - Cost of retrofit to owner: \$20,000+ per unit. (Refer to Appendix 4 for another cost estimate.)
 - Cost of loan per unit: \$155 per month
 - Interest rates: 8%+
 - Cost to get an exemption waiver: \$15,000+ per building.
 - Cost to renter through current Capital-improvement Pass-through: \$166.67+ per month.
4. The City, County, and State continue to add one set of burdens after another on ARO Housing Providers, as follows:
 - Eviction Moratorium: Lost Rent and Administrative Burden
 - Electrification Mandate: \$250,000+ per building
 - Seismic Retrofit Mandate: \$20,000+ per unit
 - Balcony and Staircase Retrofit Mandate
 - Rent Stabilization Program: Administrative Burden and Fees

Conclusion / Recommendation

A soft story retrofit program would provide benefit to FEMA, the City of San Jose, and a select number of people in the event of a catastrophic earthquake. The cost of this program will be in the hundreds of millions of dollars if not closer to the \$1.3 Billion already spent in Los Angeles.

Soft story multi-unit housing represents the smallest fraction of those buildings at risk during a catastrophic earthquake. It does not address the 99.58% of houses at risk. Targeting a small group of property owners puts an unfair burden on those providing affordable housing to San Jose's residents while protecting very few people.

Every mandate that goes into place costs housing providers time and money without the ability to recover these costs. Many ARO owners have not recovered from the Eviction Moratorium, yet more "mandates" are on the near horizon. These mandates are being implemented without regard to survival of these crucial allies in providing affordable housing. Bottom line:

- Most ARO owners will not be able to refinance or get loans to do the retrofit. Therefore, most buildings targeted will not be able to comply.
- The stigma of a building being identified/tagged as a soft story decreases the property value and hinders the sale of such buildings. For example, sales of multi-unit buildings with possible soft story structures have come to a halt in San Jose just with the threat of this mandate. Soft story multi-family is now on a check list of what not to buy in San Jose.

How much can the city put on one type of business and expect it to survive? The City should not rely on a broad sweeping mandate that requires property owners to pay for an expensive waiver to be removed. Instead, a strategic approach targeting the most at risk buildings, utilizing FEMA funding, city assistance, and capital pass through will be crucial to preserving the limited affordable housing stock in San Jose. If implemented, the assessment process and phased approach as outlined in the policy framework is most important to success. This won't take 25 years, but it is unrealistic to require that compliance on all units will be completed in 10 years.

HCDC Ad Hoc Seismic Retrofit Committee
Preserve Affordable Housing Short Term and Long Term
Overview & Policy Framework Recommendation, November 1, 2023

Policy Framework

The purpose of this policy framework recommendation is to begin to protect properties that most need it, while preserving as much of the affordable housing stock as possible should City Council decide to proceed with this mandate.

Strategy

Here is a strategic phased approach to prioritize the buildings by risk factors to preserve affordable housing stock in the short term and in the long term:

Phase 1

1. Identify all qualifying “soft story” structures per state law.
2. Assess all qualifying “soft story” structures for vulnerability utilizing FEMA funding.
3. Assign a designation A, B, or C:
 - A are most vulnerable structures (refer to criteria for most vulnerable structures in Table 1: Buildings to Target).
 - B structures have some vulnerability.
 - C structures have little or no vulnerability.
4. Determine City Policies (refer to programs in Table 2: City Policies)

Phase 2

1. Conduct a risk / benefit analysis for the target buildings selected.
2. Establish costs of retrofitting per unit.
3. Identify funding available for Category “A” structures.
4. Identify sufficient qualified contractors, architects, engineers, and raw materials exist to complete all Category “A” structures.
5. Identify the timeframe in which all Category “A” structures must be retrofitted.
6. Roll-out program.

Phase 3

1. Evaluate impact on consequences of retrofit mandate:
 - Rent Increases
 - Loss of Units
 - Renter Displacement
 - Housing Provider and Renter Complaints
2. Conduct a risk /benefit analysis based on the true impact. (Determine how many units “protected” versus how many units were removed from the market.) Weigh the risks against the benefits of proceeding and make a go-no go decision.
3. If proceed, with retrofit mandate, then implement Phase 2, steps 2 through 6 with Category B units.

HCDC Ad Hoc Seismic Retrofit Committee
Preserve Affordable Housing Short Term and Long Term
Overview & Policy Framework Recommendation, November 1, 2023

Table 1: Buildings to Target

Some areas are more at risk for severe damage. There are specific criteria for identifying the most at risk buildings. All criteria must be met to for retrofit to be required, as follows:

Criteria	Most Vulnerable Structures for Category A
Landslide, and Liquefaction Risk	Conduct an evaluation of this like Mill Valley. Target buildings on hills & liquefaction zones.
Years Built -Pre 1970 had higher building standards and better-quality materials. -1980 Soft-story laws advised and building practices improved. -1990 Soft-story Laws enacted.	Category A: Target buildings built 1970 to 1979) (Phase 3: Category B: Target larger multi-unit buildings built 1950 to 1969 when soft story buildings were built. After completion and evaluation of Category A in Phase 2.)
Soft story over carport	Target multi-unit buildings with a carport under the living space. (Do not expand to wood construction with cripple walls as most properties needing retrofitting would be single-family homes.)
Number of Stories and Configuration (Hardest to escape)	Target multi-unit buildings with 2+ stories that do not have direct egress from the unit, i.e., when unit entry is on the 2 nd floor +.
Number of Units	Category A: 12+ Units (Phase 3: Category B: 5+ Units. After completion and evaluation of Category A in Phase 2.)
Type of Structure	Target buildings built with wood construction. Steel construction is already reinforced.

HCDC Ad Hoc Seismic Retrofit Committee
Preserve Affordable Housing Short Term and Long Term
Overview & Policy Framework Recommendation, November 1, 2023

Table 2: City Policies

San Jose's Building Department expects to get recoup their costs of implementation. Equity would dictate that the Housing Providers get to do the same. The city needs to do its part to contribute to this program so as many buildings as possible are retrofitted. This diagram includes are what other cities, including Oakland, San Francisco, Fremont, and Alameda offered. We Recommend San Jose adopt the following:

Program	Recommendation From other City's Programs
Funding Available per Unit from City and FEMA	TBD
Permit Fee Waivers	Waive 5% of permit fees from total cost of retrofitting to owners who comply with the ordinance within the given timeline.
Capital Improvement Pass Through	Streamline the pass-through application. Allow 5% increase over 10 years. Do not allow renter to block this capital pass through. Any grants or reimbursements owner receives for project will be deducted from the actual cost of project when calculating pass-through.
Permitting Process	Streamline permit process including: <ul style="list-style-type: none"> • Give official approval without requiring plans or calculations prepared by an architect or engineer for 2 story buildings. • Expedite approval. • Do not require the owner to submit plans.
Pre-existing Conditions	Waive mandate to upgrade of the plumbing, mechanical, electrical and fire life/safety system unless they constitute a material hazard to life or property.
Tiered Approach Considering adding years for completion for the smaller buildings and to allow for resource availability.	For each Category (A, B, C): Tier 1: Give up to 4 Years for buildings with more than 20 units. Tier 2: Give up to 6 Years for buildings with fewer than 20 units.
Post Warning	Earthquake warning. This is a soft-story building. Occupants and visitors may not be safe inside or near this building during an earthquake.

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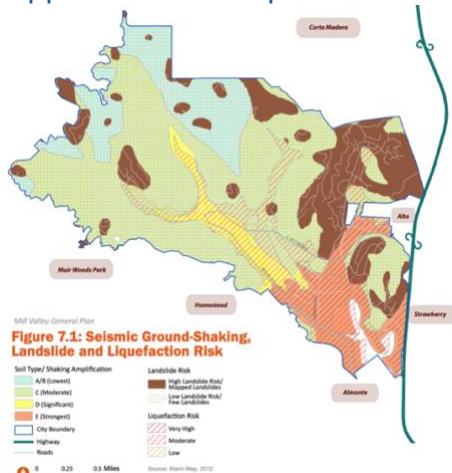
Appendix

Appendix 1: Catastrophic Earthquakes

Date	Magnitude	Area	Loss of Life and Property
1906, April 18	7.8	Great San Francisco Earthquake (and Fire)	3,000 dead; \$524 million in property damage; includes damage from fire
1971, February 9	6.6	San Fernando	65 dead; more than 2,000 injured; \$505 million in losses
1989, October 17	6.9	Loma Prieta	63 dead; 3,737 injured; \$6 billion in property damage
1992, April 25	7.2	Cape Mendocino	356 injured; \$48.3 million in property damage. Followed the next day by two aftershocks of magnitude 6.6 and 6.5
1992, June 28	7.3	Landers & Bear	1 dead; 402 injured; \$91.1 million in property damage
1994, January 17	6.7	Northridge	57 dead; more than 9,000 injured; about \$40 billion in property damage
2019, July 5	7.1	Ridgecrest	1 dead; estimate of economic losses \$5.3 billion. Preceded by M6.4 foreshock on July 4.

Source: <https://www.conservation.ca.gov/cgs/earthquakes/big>

Appendix 2: Earthquake Risk Mill Valley



Source: <https://www.cityofmillvalley.org/DocumentCenter/View/3345/Soft-Story-Mitigation-Program-Presentation-By-David-Bonowitz-SE?bidId=>

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Overview & Policy Framework Recommendation, November 1, 2023

Appendix 3: Fragile Housing Types

TABLE 2 Commonly-found Fragile Housing Types in the Bay Area

Fragile Housing Type	Definition	Notes
Hillside	Located in a “zone of required investigation” for earthquake-induced landslide.	Hillside homes may also have structural damage due to ground shaking
Single family cripple wall	Contains a crawl space and/or stairs leading up to the front door.	Commonly found in bedroom communities, rare in city centers and dense suburbs. Common in older, more established regions such as San Francisco and Alameda counties.
Single family house over garage	Garage with living space above it that lacks interior walls and may be unable to support the living space above it.	Commonly found in dense pre-1950's suburbs like San Francisco, or post 1950's suburbs with attached multicar garages. Highly prevalent in more recently urbanized areas such as Santa Clara and Contra Costa counties.
Unreinforced masonry	Masonry buildings that lack any structural support aside from mortar.	1% of total regional housing stock, most significant in San Francisco and Alameda counties. Mandated to be inventoried by state law.
Multi-family cripple wall	Contains a crawl space and/or stairs leading up to the front door.	Commonly found in pre-1920's neighborhoods.
Multi-family soft story	Contains large openings on the first floor, typically for parking or commercial space, with residential units on the upper floors.	Pre-1950: mixed or high density suburban neighborhoods. Significant in older cities – over 10% in San Francisco. Post-1950: Fairly prevalent, especially in San Mateo County. Also found in large subdivision developments (Fremont, Hayward).
Multi-family non-ductile concrete	Concrete structures lacking steel reinforcement to add ductility, or the ability to bend without breaking.	Commonly found in high-density suburban neighborhoods.

Source: https://abag.ca.gov/sites/default/files/soft_story_report_web_version_v2.pdf

Appendix 4: Retrofit Cost Estimate

Here is another estimate of the potential cost from 2022 when prices were lower:

Due to variations in building size and conditions, there is a wide range of potential costs. New steel and foundation elements will drive costs higher. Including design and construction, costs may be:

- Between \$35,000 and \$70,000 for a 3-unit or 4-unit building
- Between \$40,000 and \$130,000 for a larger building.

Source: David Bonowitz, S.E., based on Berkeley and San Francisco mandatory programs. Values are in 2022 dollars and do not include any costs for geohazard mitigation, temporary tenant relocation, or tenant compensation for loss of housing services.

HCDC Ad Hoc Seismic Retrofit Committee
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Overview & Policy Framework Recommendation, November 1, 2023

Additional Sources of Information

- Oakland, San Francisco, Fremont, Mill Valley, and Alameda's Seismic Retrofit Program
- https://upload.wikimedia.org/wikipedia/commons/9/9e/20200202193400%21Shake_Map_Northridge_1994.jpg
- <https://www.earthquakeauthority.com/California-Earthquake-Risk/California-Earthquake-History-Timeline#CAEarthquake5>
- <https://www.google.com/search?client=safari&rls=en&q=number+of+housing+units+in+san+jose&ie=UTF-8&oe=UTF-8>
- *<https://www.earthquakeauthority.com/Blog/2020/Earthquake-Risk-in-San-Jose#:~:text=San%20Jose%20earthquake%20risk%20is,%2C%20Calaveras%2C%20and%20San%20Andreas.>
- <https://www.conservation.ca.gov/cgs/earthquakes/big>
- <https://abag.ca.gov/our-work/resilience/data-research/earthquake#:~:text=Earthquake%3A%20Risks%20%26%20Resources&text=Currently%2C%20there%20is%20a%2072,related%20risks%20in%20this%20region>
- <https://www.latimes.com/california/story/2022-10-20/l-a-hits-1-billion-earthquake-milestone-8-000-buildings-retrofitted#:~:text=Kehl%20Tonga%20of%20Cal%2DQuake,story%20apartment%20building%20in%20Hollywood.&text=In%20the%201994%20Northridge%20earthquake,in%20which%2016%20people%20died.>
- https://abag.ca.gov/sites/default/files/soft_story_report_web_version_v2.pdf
- <https://la.curbed.com/2018/1/17/16871368/earthquake-apartments-safe-northridge>
- <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/building-division/soft-story-retrofit>
- <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/building-division/soft-story-retrofit/soft-story-ordinance-retrofit-program-faq>



FW: Opposition to Soft Story Retrofit Mandate (Item 8.3)

From City Clerk <city.clerk@sanjoseca.gov>
Date Mon 9/23/2024 7:52 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: David A. Flores <[REDACTED]>
Sent: Saturday, September 21, 2024 4:13 PM
To: City Clerk <city.clerk@sanjoseca.gov>; 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>
Subject: Opposition to Soft Story Retrofit Mandate (Item 8.3)

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Hi! we cannot afford any more mandates. I am writing to express my strong opposition to the proposed Soft Story Retrofit Mandate (Item 8.3) scheduled for discussion on Tuesday, September 24th. As a housing provider in San Jose, I am deeply concerned about the financial burden this mandate will impose on property owners like myself.

I urge you to reconsider the scope of this mandate and explore alternative solutions that do not place undue financial strain on housing providers. Please listen to the voices of your constituents and prioritize policies that support both property owners and renters.

Thank you for your attention to this critical issue.

Sincerely,

.

David Flores
[REDACTED]

.

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FW: No to Soft Story Retrofit

From City Clerk <city.clerk@sanjoseca.gov>
Date Mon 9/23/2024 9:01 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Devlin Creighton <[REDACTED]>
Sent: Monday, September 23, 2024 8:53 AM
To: City Clerk <city.clerk@sanjoseca.gov>; 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>
Subject: No to Soft Story Retrofit

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Hello City Council,

How many problems have we actually had? Zero?? So you're having investors spend millions of dollars to solve what??

With all the rules you've already put into place, San Jose is not a viable investment location.

Please stop over controlling things and making unnecessary and costly policies.

Lastly, most other cities are limiting it to the larger buildings with 5+ units. I don't see why San Jose would be more restrictive.

Thank you,
Devlin Creighton
San Jose Property Owner
[REDACTED]

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FW: Sep. 24 City Council Meeting Agenda Item 8.3- Soft Story Seismic Retrofit Ordinance

From City Clerk <city.clerk@sanjoseca.gov>

Date Mon 9/23/2024 3:13 PM

To Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachments (181 KB)

9-23-24 SV@Home letter-Agenda Item 8.3- Soft Story Seismic Retrofit Ordinance.pdf;

From: Alison Cingolani <[REDACTED]>

Sent: Monday, September 23, 2024 3:10 PM

To: City Clerk <city.clerk@sanjoseca.gov>; District1 <district1@sanjoseca.gov>

Subject: RE: Sep. 24 City Council Meeting Agenda Item 8.3- Soft Story Seismic Retrofit Ordinance

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Hello all,

My apologies for sending the previous email without any language- that's what I get for leaving my laptop open with a cat around.

Please find attached SV@Home's comment letter on the proposed Soft Story Seismic Retrofit Ordinance (Agenda Item 8.3) for the City Council meeting on September 24, 2024.

Thank you,

Alison Cingolani

Policy Manager | SV@Home



Join our Houser Movement. [Become a member!](#)

[REDACTED]
[Website](#) [Facebook](#) [LinkedIn](#) [Twitter](#)

From: Alison Cingolani

Sent: Monday, September 23, 2024 1:44 PM

To: city.clerk@sanjoseca.gov; district1@sanjoseca.gov

Subject: Sep. 24 City Council Meeting Agenda Item 8.3- Soft Story Seismic Retrofit Ordinance

Alison Cingolani

Policy Manager | SV@Home

408.785.0531 | [REDACTED]



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Executive Director

September 23, 2024

San Jose City Council
200 E. Santa Clara Street
San Jose, CA 95111

Mayor Mahan, Vice Mayor Kamei, and Councilmembers Jimenez, Torres, Cohen, Ortiz, Davis, Doan, Candelas, Foley, and Batra,

Re: Sep. 24 City Council Meeting Agenda Item 8.3- Soft Story Seismic Retrofit Ordinance

As an organization dedicated to ensuring every resident of Santa Clara County has access to a safe, stable home they can afford, SV@Home is pleased to see the Council considering real, concrete solutions to the physical vulnerability of residents of soft story buildings. We agree that ensuring the safety of these buildings is crucial, not only in order to preserve this important stock of less expensive housing, but also to prevent injury and loss of life in the event of an earthquake. This is a unique challenge in a city with a large amount of soft story housing, which is home to some of the city's most vulnerable residents, and the cost of retrofitting these homes is substantial. We value the ongoing efforts of Council and City staff to work toward a solution, and are writing today to share our thoughts regarding staff's current recommendations for the proposed soft story ordinance.

Impact of cost on tenants

SV@Home appreciates the City's analysis of alternatives and assessment of the racial equity impact of the program, and we are pleased that there is no additional pass-through cost to tenants above the annual 5% rent increase cap. However, the analyses do not include critical assessment of the risk of displacement from San Jose or into homelessness due to an unaffordable rent increase as landlords pass along the non-rebated cost of soft story retrofit to their tenants.

As the Soft Story Seismic Retrofit Ordinance memo (9/12/24) notes, many residents of soft story housing are living at the lowest income levels. The City's research indicates that from 2019 through 2023, for units in the city's ARO program (many of which are in soft story buildings) 45% of landlords did not increase rents. The remaining 55% of landlords averaged a rent increase of only \$2.4% year-over-year. This behavior by landlords indicates that they are already charging the price the market will bear for their units, and that existing tenants cannot afford the allowed 5% annual rent increase. Further, a 2020 study by the U.S. Government Accountability Office finds that, for every \$100 increase in median rent, homelessness increases by 9%. We believe that the potential financial impact to tenants and risk for displacement and homelessness has not yet been adequately assessed by the City of San Jose, and the proposed ordinance is therefore missing this critical foundation.

Use of Measure E funding

Staff's recommendation includes the diversion of \$61,000,000 of Measure E funding, at \$6.1 million annually over 10 years, to provide rebates to landlords who have completed

September 23, 2024

Re: **Sep. 24 City Council Meeting Agenda Item 8.3- Soft Story Seismic Retrofit Ordinance**

Page 2 of 2

necessary soft-story retrofits. Measure E has been the City's largest source of funding for affordable housing since it was passed by voters in 2020 with an adopted expenditure plan that reserved 90% of the funds for building affordable homes. Critically, local funding such as Measure E helps bridge the gap between other available funding sources and what developers need in order to make a development feasible at affordable rents, is able to leverage \$3 - \$5 of state and federal investment for every \$1 of local money.

Notably, the housing preserved by the program, although largely covered by the City's Apartment Rent Ordinance (ARO), will not be deed-restricted to remain affordable to lower-income renters.

In the 2024-2025 budget adopted by Council on June 11, 2024, most Measure E funding was diverted away from permanent affordable housing to support the construction and operation of emergency interim shelter sites. This left just \$11 million in Measure E funds for the construction of new permanent affordable housing, enough to fund one new housing community.

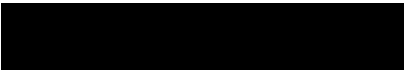
Recommendations

For that reason, we strongly recommend the following key framework considerations:

- 1. Direct staff to identify a funding source for a low interest loan fund outside of Measure E dollars.**
- 2. If Measure E funds will be utilized to fund the program, direct staff to attach additional requirements for property owners accessing these dollars including affordability requirements and additional protections for renters living in soft story buildings.**
- 3. Conduct further research on the impact that this ordinance would have on tenants in soft story buildings, cross referenced with data around tenants that are currently rent burdened and extremely rent burdened, in order to capture the potential impact of a 5% rent increase on already vulnerable households. Conduct this analysis annually over the course of the program.**

We appreciate the memo authored by Councilmembers Ortiz, Jimenez, and Torres which addresses many of these concerns. We urge Council to adopt the recommendations discussed in the Ortiz/ Jimenez/ Torres memo, and strongly urge Council to take the recommendations in this letter into account to keep San Jose families safe and housed under equitable living conditions.

Sincerely,


Regina Celestin Williams
Executive Director

FW: September 24th City Council Meeting Item 8.3 (Soft Story Seismic Retrofit Ordinance)

From City Clerk <city.clerk@sanjoseca.gov>
Date Tue 9/24/2024 7:46 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachments (68 KB)

Soft Story Seismic Retrofit Ordinance Comment Letter (2).pdf;

From: Huascar Castro [REDACTED]
Sent: Monday, September 23, 2024 5:03 PM
To: Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Torres, Omar <Omar.Torres@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>; Candelas, Domingo <Domingo.Candelas@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Batra, Arjun <arjun.batra@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>
Cc: City Clerk <city.clerk@sanjoseca.gov>
Subject: September 24th City Council Meeting Item 8.3 (Soft Story Seismic Retrofit Ordinance)

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Mayor and Council,

Please see our coalition's letter regarding item 8.3 (Soft Story Seismic Retrofit Ordinance) for the September 24th City Council Meeting. Thank you for the opportunity to provide comment on this matter.

Sincerely,

Huascar Castro
Director of Housing and Transportation Justice

WORKING PARTNERSHIPS USA

 wpusa.org



September 23, 2024

San Jose City Council
200 E. Santa Clara Street
San Jose, CA 95111

Mayor Mahan, Vice Mayor Kamei, and Councilmembers Jimenez, Torres, Cohen, Ortiz, Davis, Doan, Candelas, Foley, and Batra,

Re: Sep. 24 City Council Meeting Agenda Item 8.3- Soft Story Seismic Retrofit Ordinance

The Soft Story Seismic Retrofit Ordinance has been a multi year initiative due to the numerous serious considerations that go into crafting this ordinance. We understand that it is crucial to have a policy in place to ensure that we as a city are structurally prepared should an earthquake occur. We also need to ensure our efforts to mitigate the impact of natural disasters does not create an adverse impact on housing insecure renters at a time when renters in San Jose are enduring an increased risk of homelessness and displacement due to the rising cost of living. We as a city should not pit crucial priorities against one another, rather we should strive to craft ordinances that prioritize building safety and public health as well as community stabilization and affordable housing.

We appreciate the various components that make up this ordinance between existing funding sources and positioning the city to receive additional funding at the federal level, but we are concerned that the current framework of this ordinance as currently proposed may continue to impact renters, as well as further compromise Measure E dollars which are essential for the funding of affordable housing in San Jose. As this process continues, we urge staff to continue to conduct outstanding analysis on the following key framework considerations around this ordinance.:

- 1. Further Analysis on how this ordinance could impact renters in Soft Story buildings who are currently not receiving a full 5% rent increase as currently allowed under the Apartment Rent Ordinance.**
- 2. Continue to identify funding sources for the retrofit financing program outside of Measure E.**

Additionally, we have concerns regarding the lack of affordability or tenant protections attached to the use of Measure E funding for the retrofit financing program. Measure E, as a funding source should be used towards advancing affordable housing and community stabilization goals and if Measure E dollars are going to be given to private landlords there needs to be

commitments to additional layers of protection for tenants, such as stricter rent stabilization requirements and/or additional eviction protections for tenants over a period of time in exchange for this kind of substantial subsidy to landlords. If no additional requirements are placed on landlords, these dollars cannot be considered affordable housing preservation. This consideration, along with the aforementioned priorities do warrant additional review.

We appreciate the memo authored by Councilmembers Ortiz, Jimenez, and Torres which addresses many of these concerns. In order to proceed with this ordinance as proposed, we urge council to adopt the recommendations discussed in their 9/20 memo.

We strongly urge Council to take the recommendations in this letter into account as critical decisions get made during this upcoming city council meeting. It is imperative that we take all implications into account as we create policy in this city to keep families safe and housed under equitable living conditions.

Sincerely,

Maria Noel Fernandez, Executive Director, Working Partnerships USA

Andrea Portillo, Director of Community Impact and Policy, SOMOS Mayfair

Kyra Kazantzis, Executive Director, Silicon Valley Council of Nonprofits

Poncho Guevara, Executive Director, Sacred Heart Community Services Agency

Jeremy Barousse, Director of Policy and Organizing, Amigos de Guadalupe

Gabriel Manrique, Organizer, Latinos Unidos for a New America

Regina Celestin Willaims, Executive Director, Silicon Valley@Home

Tristia Bauman, Directing Attorney, Law Foundation of Silicon Valley

FW: Destination: Home letter re: soft story program

From City Clerk <city.clerk@sanjoseca.gov>

Date Tue 9/24/2024 8:21 AM

To Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachments (70 KB)

DH letter on Soft Story program 09242024.pdf;

From: David Low [REDACTED]

Sent: Tuesday, September 24, 2024 8:17 AM

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>; City Clerk <city.clerk@sanjoseca.gov>

Cc: Jennifer Loving <jennifer@destinationhomesv.org>

Subject: Destination: Home letter re: soft story program

[**External Email.** Do not open links or attachments from untrusted sources.]

Honorable Mayor & Councilmembers,

Please find attached a letter from Destination: Home CEO Jennifer Loving expressing our concern about the recommendation to once again shift Measure E funding to fund the City's proposed soft story retrofit program.

As always, please reach out if you have any questions or would like to discuss this issue in greater detail.

Thank you,
David



DAVID LOW
Sr. Director of Policy & Communications
[REDACTED]

A 3180 Newberry Dr, Suite 200, San Jose, CA 95118

DestinationHomeSV.org

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Nicole Taylor
Silicon Valley Community Foundation

Ted Wang

Gary Wipfler
Apple



P: 408.961.9895 F: 408.559.9515

E: info@destinationhomesv.org

3180 Newberry Dr, Suite 200, San Jose, CA 95118

DESTINATIONHOMESV.ORG

Mayor & City Council
City of San Jose
200 East Santa Clara Street, 18th Floor
San Jose, CA 95113

Re: Soft Story Seismic Retrofit Ordinance
(Item 8.3 on the 9/24 City Council Meeting Agenda)

Dear Mayor Mahan and City Councilmembers,

We appreciate the staff work currently being done to address the need to retrofit soft story residential buildings throughout San Jose. This is an important and difficult issue, and we appreciate the staff's efforts to develop a program that will balance and navigate several key factors.

However, we were distressed to learn that the Administration has proposed funding this new soft-story retrofit program by once again shifting significant funding from Measure E. The City has already diverted more than \$20 million in Measure E funding to support its shelter strategies in this year's budget (while also projecting that similar, if not greater, shifts should be expected in the upcoming year as well). And this proposal would move another \$61 million over the next 10 years - leaving only a tiny fraction of Measure E funding available for affordable housing development and homelessness prevention, as the measure was originally intended to support.

The potential loss of these Measure E dollars for affordable housing development will be even more devastating given the lack of other local affordable housing dollars - particularly now that the County's Measure A bond has been expended and the recent decision to pull the Regional Affordable Housing bond from the ballot - and the fact that there are more than a dozen of pipeline projects that are at-risk of failing without local funding.

We urge you to consider a much more balanced funding strategy for the proposed soft-story program that leverages funding from a variety of eligible City sources. And more importantly, let's start seriously exploring strategies for raising new revenue that will allow the City to meet its growing needs while maintaining its critically important commitment to affordable housing.

Sincerely,

Jennifer Loving
CEO

For the Public Record - Agenda Item 8.3 - Soft Story Seismic Retrofit Ordinance for 9/24/2024 City Council Meeting - CM Doan's Memo

From Roberta Moore [REDACTED]

Date Tue 9/24/2024 10:47 AM

To Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Reed, Jim <Jim.Reed@sanjoseca.gov>; Rocha, Vincent <Vincent.Rocha@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>; Jonathan Fleming [REDACTED] Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; Fruen, Joseph <Joseph.Fruen@sanjoseca.gov>; Batra, Arjun <arjun.batra@sanjoseca.gov>; Navarro, Rodolfo <Rodolfo.Navarro@sanjoseca.gov>; Dexter, Michele <Michele.Dexter@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>

Cc Agendadesk <Agendadesk@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>

 1 attachments (3 MB)

Item 8.3 Seismic Retrofit Analysis & Recommendation 9-22-2024.pdf;

[**External Email.** Do not open links or attachments from untrusted sources.]

Dear Honorable Mayor, Council Members and Staff,

Thank you for your time and consideration this past week.

Staff's poorly drafted ordinance is not based on government geologic studies reported in the Natural Hazard Disclosures (NHD Reports) required by State Law.

Source: CA Civil Code 1103 & AB 1195

If using taxpayer money to protect 54%+ buildings that are not vulnerable, there is less funding for the 46% that are high risk.

Source: ABAG

Support Council Member Doan's memo to fix the problem this ordinance created.

- Don't waste limited resources retrofitting the NO risk buildings.
- Doan's's memo protects the naturally affordable mom and pop rentals and THEIR RENTERS.

Don't bankrupt our mom and pop housing providers who provide 70% of our naturally affordable housing in San Jose. Most keep rents low and don't raise them. If you force them out, investors who take over will not keep rents low.

Natural Hazard Disclosure (NHD Report)

- Every building must report Natural Hazard Zones to sell per California Civil Code 1103.
- Every seller must provide a Natural Hazard Disclosures or NHD Reports per Assembly Bill 1195.
- This law is because of the importance of geologic studies for identifying risk by property.
- Not every building is in a risk zone (fault, liquefaction, landslide) per government geologic studies as reported in the NHD Report.

The attached presentation explains government reporting requirements that staff did not include and the risks of not supporting Council Member Doan's memo.

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

Regards,

Roberta Moore



Seismic Retrofit Item 8.3 Analysis & Recommendation

Provided by

Karl Lee, Real Estate Broker Associate
[REDACTED]

Roberta Moore, Real Estate Broker Associate
[REDACTED]

September 22, 2024

Critical Considerations to Protect High-risk Housing while Avoiding Mass Elimination of Affordable Housing



- Strategically Balance Objectives
- Create a Strategic Solution by Targeting Government Identified Most at Risk Housing
- Staff Failure to Strategically Prioritize Risk & Consequences
- Staff Errors & Omissions
- Staff's Recommendation will Unnecessarily Destroy Low Risk Affordable Housing
- Supporting Information
 - Staff Ignored Information Provided by Government Geologic Studies to Identify High-priority Risks
 - Soft Story Adds Risk but is NOT the Risk
 - Liquefaction Zone in Combination with a Fault Zone Most at Risk
 - All Structures at Risk
 - Evaluating Risk
 - Staff Used Only One ABAG Fragile Housing Type and Ignored other Relevant ABAG Recommendations
 - Sources

Strategically Balance Objectives

Obtain FEMA Funding
to Retrofit San Jose's
Most at Risk Soft
Story Buildings

Preserve Low Rents
by Not Adding Cost
Burden to Lower Risk
Buildings

Create a Strategic Solution by Targeting Government Identified Most at Risk Housing



Target highest risk buildings and areas for FEMA funding. Then evaluate next steps.



Use information provided by government geologic studies to prioritize highest risk areas. Information from these geologic studies are available in Natural Hazard Disclosure (NHD) reports including, Fault, Landslide, and Liquefaction zones.



Allow Property Owners to submit an NHD Report (\$125) for exemption if they are not in a fault zone and a landside or liquefaction zone. Do not require an expensive \$5k engineer report.

Staff's recommendation to target ALL pre-1990 multi-family units was done by ignoring relevant government information. This puts unnecessary cost burden on those properties that have a low risk of damage and wastes limited resources.

- Staff conclusions are based on incomplete and inaccurate analysis.
- Staff did not take strategic priority-based approach.
- Staff ignored trusted government geologic studies which reporting is mandated by law to identify risk when selling real estate. These Natural Hazard Disclosure (NHD Reports) include liquefaction, landslide, and fault zones by property address.
- Staff does not provide a reasonable approach to prioritize deployment of very limited resources from FEMA, the City, property owners, and renters.
- Funding, including from the FEMA grant, is NOT sufficient to help the number of property owners and renters covered by the scope of properties in staff's recommendation.
- By proposing a more expansive policy than ABAG and San Francisco, staff is implying San Jose will be more devastated by a major earthquake than San Francisco, despite the fact that the two most devastating Northern California earthquakes in the past 125 years sustained the most damage in San Francisco.



Staff Errors & Omissions

- Bypasses all Established Government Regulations to Identify Risk:
CA Civil Code 1103, SHMA of 1990, ABAG
- Targets Only One of ABAG's Fragile Housing Types and Ignores all of ABAG's Natural Hazard zones.
- Ignores Primary Causes of Damage & Historic Data
- Expands Description of Buildings at Risk
 - Claims, because everything is within a fault zone, it is enough to target all.
 - Claims San Jose is more at risk than San Francisco.
 - Provides no valid reason to create a mandate broader than San Francisco's (3+ Stories and 5+ units)
- Marginalized Stakeholder Feedback
 - Claims units will not be lost and cost burden will work for owners and renters.

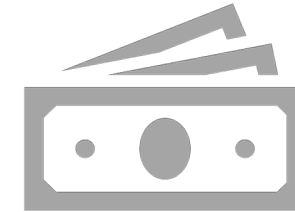
Staff's Recommendation will Unnecessarily Destroy Low-risk Affordable Housing



Risks Removal of the Most Affordable Housing

Forces Mom & Pops (especially affordable rental providers) to sell to Institutional investors or walk-away from the property.

Potential consequences include fewer affordable rental housing units, higher rents as institutional investors buy out mom and pops, and foreclosure crisis level blight.



Mandates & Cumulative Costs of \$600,000*

2024 Insurance Renewal \$125,000

2025 Seismic Retrofit \$100,000

2025 Balcony Retrofit \$100,000,

2026 Air Conditioning Mandate \$50,000

2027 Electrification Water Heater \$75,000

2029 Electrification HVAC \$150,000

*Per Property Average Estimate (5 units) from Real Estate Professionals, Contractors, & Building Owners



Supporting Information

- Staff Ignored Information Provided by Government Geologic Studies to Identify High-priority Risks
- Soft Story Adds Risk but is NOT the Risk
- Liquefaction Zone in Combination with a Fault Zone Most at Risk
- All Structures at Risk
- Evaluating Risk
- Staff Used Only One ABAG Fragile Housing Type and Ignored other ABAG Recommendations including Single Family and Natural Hazard Zones of Risk
- Sources

Staff Ignored Information Provided by Government Geologic Studies to Identify High-priority Risks

Information available in Natural Hazard Disclosure (NHD) Reports include **Fault, Landslide, and Liquefaction** zones:

- California requires property sellers to disclose natural hazard zones : CA Civil Code 1103 to 1103.15. NHD Reports are used by Sellers and relied on by Buyers.
- Santa Clara County added Compressible Soil (landfill, soft soil) to the NHD reporting requirement.

Natural Hazard Disclosure Reports are sourced as followed:

- **Earthquake Fault Zone maps** are delineated and compiled by the California State Geologist.
- Seismic Hazard Zone maps are based on a review of the official map(s) issued by the California Department of Conservation, Division of Mines and Geology, including **Landslide Hazard Zone** and **Liquefaction Hazard Zone**.

Additional Government Monitoring Because of Loma Prieta

- ABAG with the USGS Reports Risks of Ground Shaking (**Liquefaction**) to mitigate risk.
- The Seismic Hazards Mapping Act (SHMA) of 1990 (Public Resources Code, Chapter 7.8, Section 2690-2699.6) directs the Department of Conservation, California Geological Survey to identify and map areas prone to earthquake hazards of **liquefaction**, earthquake-induced **landslides** and amplified ground shaking. **The purpose of the SHMA is to reduce the threat to public safety and to minimize the loss of life and property by identifying and mitigating these seismic hazards.** The SHMA was passed by the legislature following the 1989 Loma Prieta earthquake.

NHD Reports

County-level NHD Determinations	IN	NOT IN
Fault		X
Landslide		X
Liquefaction	X	
Compressible Soils		X
Dike Failure		X

Ex: Building 1

City-level NHD Determinations	IN	NOT IN
Fault		X
Landslide	X	
Redevelopment Area	X	
Special Geologic Hazard Study Area		X

Ex: Building 2

Soft Story adds a Risk but is NOT the Risk

1994 Northridge
Earthquake

Only 200 of the tens of thousands of buildings
damaged were soft story buildings.

-6.7 Magnitude

These were built on a thrust fault and on soft soil
which creates a liquefaction zone.

-\$40 Billion

-9,000 Hurt

Steel structures were damaged.

-57 Deaths

Most destructive earthquake since 1906 because of
thrust fault and liquefaction zone.

Liquefaction Zone in Combination with a Fault Zone is Most at Risk

1989 Loma Prieta Earthquake

Damage \$6.8 Billion; 6.9 Magnitude; 3,573 Hurt; 63 Deaths (70% in SF & Oakland)

- SF Marina
 - \$6 Billion spent
 - 88% of the damage
- San Francisco Marina built on landfill and in a liquefaction zone and in between 2 fault zones.

Liquefaction Damage in Marina 1989 Loma Prieta Earthquake

The Environment



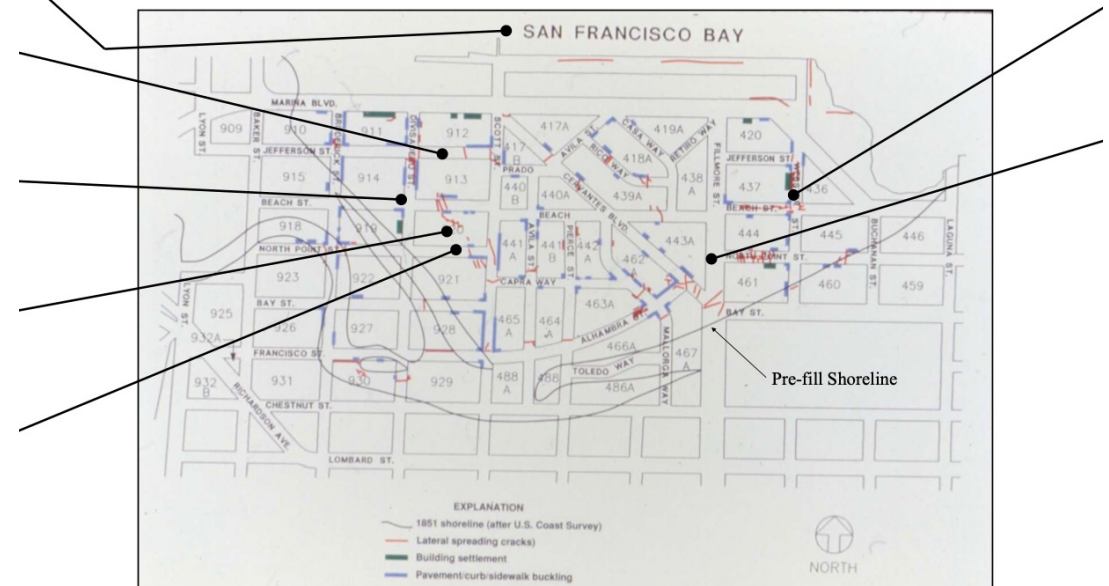
Marina District – Embayment Late 1800's



Pre-fill Shoreline over Today's



Marina District 1912 – Filling Begins



All Structures Are at Risk

Steel is not a guarantee of protection.

Tens of thousands of buildings were damaged during the 1994 Northridge earthquake including buildings built with steel that cracked.

Only 200 of these buildings were soft story buildings.

“The data clearly shows . .

if there is an earthquake big enough to damage

a 2-story 4-unit soft story building

NOT in a fault zone and another NHD zone (liquefaction, landslide),

then most of San Jose’s 342,027 housing units will be damaged

*and retrofitting less than 7% of the units
—especially so many low risk—*

will make little difference.”

— Roberta Moore

Evaluating Risk

San Jose is most impacted by San Andreas Fault, liquefaction zones, and hillsides. (Source: ABAG)

- The specific properties affected are identified in NHD Reports available by property address.

Staff used Photos from SF Marina &/or Northridge (most at risk areas):

- The photos used were of 3+ Story Buildings with 5+ units in 2 or more Natural Hazard zones.

No photos were available for San Jose.

- San Jose (closer to Loma Prieta epicenter than SF) sustained little damage because fewer buildings are in a landslide zone, there is less landfill, risk of liquefaction is lower, and San Jose is not near a thrust fault.
- Some damage was sustained in San Jose in a single family soft story home built on a hillside.



Staff

Used Only One ABAG Fragile Housing Type

and

Ignored other Relevant ABAG Recommendations:

- Single Family Soft Story
- Natural Hazard Zones of Risk (Hillside, i.e., Landslide & Liquefaction)

ABAG Fragile Housing Types

TABLE 2 Commonly-found Fragile Housing Types in the Bay Area

Fragile Housing Type	Definition	Notes
Hillside	Located in a "zone of required investigation" for earthquake-induced landslide.	Hillside homes may also have structural damage due to ground shaking
Single family cripple wall	Contains a crawl space and/or stairs leading up to the front door.	Commonly found in bedroom communities, rare in city centers and dense suburbs. Common in older, more established regions such as San Francisco and Alameda counties.
Single family house over garage	Garage with living space above it that lacks interior walls and may be unable to support the living space above it.	Commonly found in dense pre-1950's suburbs like San Francisco, or post 1950's suburbs with attached multicar garages. Highly prevalent in more recently urbanized areas such as Santa Clara and Contra Costa counties.
Unreinforced masonry	Masonry buildings that lack any structural support aside from mortar.	1% of total regional housing stock, most significant in San Francisco and Alameda counties. Mandated to be inventoried by state law.
Multi-family cripple wall	Contains a crawl space and/or stairs leading up to the front door.	Commonly found in pre-1920's neighborhoods.
Multi-family soft story	Contains large openings on the first floor, typically for parking or commercial space, with residential units on the upper floors.	Pre-1950: mixed or high density suburban neighborhoods. Significant in older cities – over 10% in San Francisco. Post-1950: Fairly prevalent, especially in San Mateo County. Also found in large subdivision developments (Fremont, Hayward).
Multi-family non-ductile concrete	Concrete structures lacking steel reinforcement to add ductility, or the ability to bend without breaking.	Commonly found in high-density suburban neighborhoods.

Criteria Used

Source: https://abag.ca.gov/sites/default/files/soft_story_report_web_version_v2.pdf

ABAG's *The REAL Dirt on Liquefaction*

https://abag.ca.gov/sites/default/files/lq_rept.pdf

Sources

https://abag.ca.gov/sites/default/files/lq_rept.pdf

<https://www.conservation.ca.gov/>

<https://www.conservation.ca.gov/cgs/documents/melange/Marina%20Poster.pdf>

<https://pubs.usgs.gov/of/1994/0214a/report.pdf>

[https://central.scec.org/publication/138#:~:text=The%20Northridge%20earthquake%20produced%20extremely,second%20crustal%20block%20\(see%20p.](https://central.scec.org/publication/138#:~:text=The%20Northridge%20earthquake%20produced%20extremely,second%20crustal%20block%20(see%20p.)

<https://data.census.gov/profile?q=San+Jose+city,+California+Miwok/Me-Wuk&g=160XX00US0668000>

<https://www.britannica.com/science/earthquake-geology/Tectonics>

<https://www.conservation.ca.gov/cgs/sh/seismic-hazard-zones#:~:text=The%20easiest%20way%20is%20to,your%20city%20or%20county%20office.>

Months of interviews with small housing providers, real estate professionals, and other stakeholders.


Additional Sources in:

- HCDC Ad Hoc Seismic Retrofit Committee Report 11-1-2023
- HCDC Ad Hoc Seismic Retrofit Committee Presentation 11-9-2023

Contact HCDC or the Housing Department for a copy.\.

FW: Public Comment Agenda Item 8.3

From City Clerk <city.clerk@sanjoseca.gov>
Date Tue 9/24/2024 10:28 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachments (235 KB)
San Jose Soft Story Ordinance_Support Letter.pdf;

From: Sarah Atkinson <[REDACTED]>
Sent: Tuesday, September 24, 2024 10:24 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Cc: Bruce Maison <[REDACTED]>; Richard McCarthy <[REDACTED]>; Evan.reis<[REDACTED]>
Subject: Public Comment Agenda Item 8.3

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Hello,

Apologies for sending this late, I just noticed that it was supposed to be sent by 8 am. I hope it can still be included in public comment for the Council meeting tonight.

Thank you,
Sarah

--
Sarah Atkinson (she/her)
Hazard Resilience Sr. Policy Manager | [SPUR](#)

SPUR

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Join us at the [Silver SPUR Awards](#) on October 24 to celebrate, connect, and honor civic excellence!

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September 23, 2024

Subject: Support Letter for the City of San Jose's seismic retrofit ordinance of certain wood-frame target story residential buildings, Agenda Item 8.3

Dear Councilmembers,

We are writing in support of the City of San Jose's proposed seismic retrofit ordinance. This ordinance has been placed on the back burner for too long in San Jose, it is past time the City takes action to protect residents from injury and displacement in the event of a major earthquake.

The San Francisco Bay Area has a [72% chance of experiencing a magnitude 6.7 or greater](#) earthquake in the next 30 years. In a major earthquake, many homes may become uninhabitable, and communities fracture as people search for temporary shelter or are forced to relocate. In the event of a major earthquake, the retrofits required by this ordinance could contribute to disaster recovery by:

- Protecting residents from physical harm
- Allowing residents to return home more quickly
- Reducing residential displacement and neighborhoods' need to rebuild
- Preserving existing housing amid a long-term housing and homelessness crisis
- Mitigate economic impact resulting from housing disruption
- Decreasing the [climate impact](#) of an earthquake by minimizing building collapse, which avoids debris waste and the need for carbon-intensive new construction

We urge the San Jose City Council to adopt this wood-frame target story ordinance to protect San Jose residents and join other major Bay Area cities like San Francisco, Oakland, Berkeley, Albany, and Mill Valley in advancing seismic resilience for vulnerable housing. Thank you for your attention to this matter and your dedication to public safety.

Sincerely,

Sarah Atkinson
Hazard Resilience Sr. Policy Manager | SPUR

Evan Reis
Executive Director | U.S. Resiliency Council

Richard McCarthy
Board President | Earthquake Engineering Research Institute, Northern California Chapter

FW: Downtown Office Incentive Program - Item 8.2 on October 1, 2024

From City Clerk <city.clerk@sanjoseca.gov>
Date Tue 9/24/2024 10:36 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachments (127 KB)

Advocacy Committee - Letter of Support - Downtown Incentive Program.pdf;

From: Trami Cron <[REDACTED]>
Sent: Tuesday, September 24, 2024 10:34 AM
To: City Clerk <city.clerk@sanjoseca.gov>; Lomio, Michael <Michael.Lomio@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; Torres, Omar <Omar.Torres@sanjoseca.gov>; Klein, Nanci <Nanci.Klein@sanjoseca.gov>
Subject: Downtown Office Incentive Program - Item 8.2 on October 1, 2024

[**External Email.** Do not open links or attachments from untrusted sources.]

Advocacy Committee - Letter of Support - Downtown Incentive Program Sep 22 24.docx

Dear Mayor and Council,

Please see the attached document.

Thank you.

--

Trami Cron
Executive Artistic Director
[Chopsticks Alley Art](#)
Chief Editor
[Chopsticks Alley Publication](#)



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Honorable Mayor and Members of the San Jose City Council
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

Dear Mayor and Council,

On behalf of Chopsticks Alley Art, we are writing to express our enthusiastic support for the San Jose Downtown Incentive Program. As representatives of downtown businesses who are deeply invested in the economic and community development of San Jose, we recognize the transformative potential of this program for our downtown area.

The San Jose Downtown Incentive Program represents a strategic initiative to invigorate our city's core, drive economic growth, and enhance the quality of life for our residents. By providing targeted incentives, this program will attract new businesses, foster innovation, and create job opportunities while expanding the number of greatly needed residential units.


In particular, the program's focus on attracting new downtown office tenants aligns with our organization's mission and values. We believe these incentives will spur significant investments in our downtown area, elevate our current residents, and bring new people into the area to experience all San Jose has to offer, both night and day.

In addition, we encourage you to incentivize existing non-profit arts organizations and businesses currently operating downtown as they attract visitors to downtown yet continue to struggle to stay in business. Not only should we support new companies, but we should also prioritize financially supporting existing organizations and businesses so that they will continue to remain in business.

We urge the City Council to fully support and prioritize the San Jose Downtown Incentive Program and continue to move it forward. Its successful implementation will undoubtedly contribute to the long-term success and prosperity of San Jose, making it a more dynamic and attractive place for residents, businesses, and visitors alike.

Thank you for considering our perspective. We look forward to continuing to collaborate with the City and local stakeholders to support the passage and implementation of this program.

Sincerely,



Trami Cron
Executive Artistic Director
Chopsticks Alley Art

FW: Council meeting agenda item 8.3 Soft story seismic retrofit

From City Clerk <city.clerk@sanjoseca.gov>
Date Tue 9/24/2024 11:05 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

-----Original Message-----

From: Tobin Gilman [REDACTED]
Sent: Tuesday, September 24, 2024 11:03 AM
To: City Clerk <city.clerk@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>
Subject: Council meeting agenda item 8.3 Soft story seismic retrofit

[External Email. Do not open links or attachments from untrusted sources.]

Please accept CM Doan's memo on this item. This will focus on high risk buildings without imposing unnecessary and burdensome costs on mom and pop housing providers. Kind regards,

Tobin Gilman

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FW: Item 8.3 Seismic Retrofit Analysis Recommendation

From City Clerk <city.clerk@sanjoseca.gov>
Date Tue 9/24/2024 11:14 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Ruth Vega [REDACTED]
Sent: Tuesday, September 24, 2024 11:06 AM
To: Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Reed, Jim <Jim.Reed@sanjoseca.gov>; Rocha, Vincent <Vincent.Rocha@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>; Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; arun.batra@sanjoseca.gov; Navarro, Rodolfo <Rodolfo.Navarro@sanjoseca.gov>; Dexter, Michele <Michele.Dexter@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>
Cc: Agendadesk <Agendadesk@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>
Subject: Item 8.3 Seismic Retrofit Analysis Recommendation

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Dear Honorable Mayor, Council Members and Staff,

Thank you for your time and consideration this past week.

Staff's poorly drafted ordinance is not based on government geologic studies reported in the Natural Hazard Disclosures (NHD Reports) required by State Law.
Source: CA Civil Code 1103 & AB 1195

If using taxpayer money to protect 54%+ buildings that are not vulnerable, there is less funding for the 46% that are high risk.
Source: ABAG

Support Council Member Doan's memo to fix the problem this ordinance created.

- Don't waste limited resources retrofitting the NO risk buildings.
- Doan's's memo protects the naturally affordable mom and pop rentals and THEIR RENTERS.

Don't bankrupt our mom and pop housing providers who provide 70% of our naturally affordable housing in San Jose. Most keep rents low and don't raise them. If you force them out, investors who take over will not keep rents low.

Natural Hazard Disclosure (NHD Report)

- Every building must report Natural Hazard Zones to sell per California Civil Code 1103.
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- This law is because of the importance of geologic studies for identifying risk by property.

- Not every building is in a risk zone (fault, liquefaction, landslide) per government geologic studies as reported in the NHD Report.

The attached presentation explains government reporting requirements that staff did not include and the risks of not supporting Council Member Doan's memo.

Regards,

Ruth Vega

Managing Member



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FW: Too many mandates to afford by us

From City Clerk <city.clerk@sanjoseca.gov>

Date Mon 9/23/2024 7:51 AM

To Agendadesk <Agendadesk@sanjoseca.gov>

From: Beemay Fan [REDACTED]

Sent: Saturday, September 21, 2024 12:11 PM

To: City Clerk <city.clerk@sanjoseca.gov>; 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>

Subject: Too many mandates to afford by us

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please consider of all the civilians who are affected by these mandates because we cannot afford any more mandates. We are living under the most expensive of living cost of the county, more than half of the residents here are now even struggling with the utilities already for our basic living needs, your consideration is highly appreciated.

Regards

B M

Resident of San Jose

Sent from my iPhone

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FW: The new mandates

From City Clerk <city.clerk@sanjoseca.gov>
Date Mon 9/23/2024 7:52 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

-----Original Message-----

From: JANICE DOWN [REDACTED]
Sent: Saturday, September 21, 2024 9:29 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: The new mandates

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Dear people, if these mandates are enacted, that would be devastating to us.
As senior citizens all these additional mandates are nothing that we can pay for and survive.
Please consider carefully how the mandates will affect both us and our tenants Thank you for your consideration Janice Down [REDACTED]

Sent from my iPhone

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FW: Soft Story Retrofit Mandate Ordinance

From City Clerk <city.clerk@sanjoseca.gov>

Date Tue 9/24/2024 12:09 PM

To Agendadesk <Agendadesk@sanjoseca.gov>

From: Wendy Liu [REDACTED]

Sent: Tuesday, September 24, 2024 11:37 AM

To: City Clerk <city.clerk@sanjoseca.gov>; 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>

Subject: Soft Story Retrofit Mandate Ordinance

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Dear Mayor and All council Members,

I am a long time San Jose resident, and I am also a small house provider. Even I don't own any multi-units, I do know how hard to be a landlord (You can terminate your other business easily, but you can't even terminate a lease even it is expiring). I have lots of concern on this Soft Story Retrofit Mandate Ordinance, and I worry it will cover single family, condo, or townhouse in the future. Lots of San Jose properties are not even in earthquake zone, why they are included in this ordinance. This is waste of money and resource for both city and house providers! This Ordinance is including more properties than San Francisco(more earthquake threat)'s Ordinance. Most of small landlords including myself are offering below market rent to the tenants. By looking at the estimate cost of all retrofit items, it will be a big burden for the small house providers. In the pandemic period, lots of house providers have suffered loss of big amount of rent already, they recover very slowly because of the strict rent control policy. This ordinance will push them further to go bankruptcy and out of business. Do you think it is good for tenants? If the city really cares about the safety issue, the city should consider provide financial assistance to these house providers and help them out!

Thank you for your reading!

Wendy Liu

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FW: OBJECTION TO SOFT STORY MANDATE

From City Clerk <city.clerk@sanjoseca.gov>

Date Tue 9/24/2024 1:54 PM

To Agendadesk <Agendadesk@sanjoseca.gov>

Cc Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

From: quinlam tong [REDACTED]

Sent: Tuesday, September 24, 2024 1:07 PM

To: City Clerk <city.clerk@sanjoseca.gov>; 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>

Subject: OBJECTION TO SOFT STORY MANDATE

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Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)
Hi all,

I am a mom and pop housing owner.

I am writing to object to the proposed mandate on soft story.

Almost all of of us mom and pop property owners can not afford such a mandate. it will drive us into financial hardship and possibly bankrupt. We have been paying so much taxes (property and small business taxes) and can't afford to have another mandate.

Thank you for reading my concerns.

Alex (4plex property owner)

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