



Memorandum

TO: Honorable Mayor &
City Council

FROM: Toni J. Taber, MMC
City Clerk

SUBJECT: The Public Record
September 3, 2026 – September 10, 2026

DATE: September 16, 2026

ITEMS FILED FOR THE PUBLIC RECORD

Letters from Boards, Commissions, and Committees

Letters from the Public

1. Letter from Brenda Dohmen, received September 3, 2026, regarding: Local Control Resolution.
2. Letter from Roberta Moore, received September 10, 2026, regarding: Housing Policy/ P-35 / Permanent Citywide Land-Use Changes.

Toni J. Taber, MMC
City Clerk

TJT/tt



Fw: Reviewing Letter Submission

From Agendadesk <Agendadesk@sanjoseca.gov>

Date Fri 9/4/2026 3:02 PM

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

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

Sent: Friday, September 4, 2026 7:48 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Subject: FW: Local Control Resolution

From: [REDACTED]

Sent: Thursday, September 3, 2026 7:23 PM

To: Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Tordillos, Anthony <Anthony.Tordillos@sanjoseca.gov>; Campos, Pamela <Pamela.Campos@sanjoseca.gov>; Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; Casey, George <George.Casey@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Candelas, Domingo <Domingo.Candelas@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>; Mulcahy, Michael <Michael.Mulcahy@sanjoseca.gov>

Cc: City Clerk <city.clerk@sanjoseca.gov>

Subject: Local Control Resolution

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Dear Mayor Mahan and San José City Council Members,

I am writing to respectfully request your support for the proposed Local Control Resolution at the upcoming League of California Cities (Cal Cities) Annual Conference.

Specifically, I urge you to:

1. Support the Resolution for Local Control submitted for consideration at the Cal Cities Convention.
2. Place this item on an upcoming San José City Council Agenda for an official vote to endorse this Local Control Resolution.
3. Direct the IGR team to lobby on behalf of this measure to be placed on the ballot and provide information to our residents on the initiative.

Please request updates on the vote at a City Council meeting.

Empowering local jurisdictions ensures our San Jose community maintains the decision-making authority needed to best serve our residents' unique needs. You can review the full text of the proposal here: <https://www.murrietaca.gov/DocumentCenter/View/4878/Local-Control-Resolution>

Why it matters: Because we need to know if you support local control of San Jose's General Plan and zoning matters or you don't.

Thank you for your leadership and dedication to our city.

Sincerely,

Brenda Dohmen
San Jose Resident
Families & Homes Board Member

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[Public Record: 2](#)

Outlook

Fw: Housing Policy / P-35 / Permanent Citywide Land-Use Changes

From Agendadesk <Agendadesk@sanjoseca.gov>**Date** Thu 9/10/2026 8:40 AM**To** Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

1 attachment (161 KB)

Housing Policy Letter P 35 to Council 9 10 26.pdf;

From: City Clerk <city.clerk@sanjoseca.gov>**Sent:** Thursday, September 10, 2026 8:27 AM**To:** Agendadesk <Agendadesk@sanjoseca.gov>**Subject:** FW: Housing Policy / P-35 / Permanent Citywide Land-Use Changes

From: Roberta Moore [REDACTED]**Sent:** Thursday, September 10, 2026 7:16 AM**To:** Mahan, Matt <Matt.Mahan@sanjoseca.gov>**Cc:** Quevedo, Matthew <Matthew.Quevedo@sanjoseca.gov>; vincent.rocha@sanjose.gov; Gomez, Leilani

<Leilani.Gomez@sanjoseca.gov>; Reed, Jim <Jim.Reed@sanjoseca.gov>; Burton, Chris

<Christopher.Burton@sanjoseca.gov>; Maguire, Jennifer <jennifer.maguire@sanjoseca.gov>; Ferguson, Jerad

<Jerad.Ferguson@sanjoseca.gov>; Cueto, Ruth <ruth.cueto@sanjoseca.gov>; CAO Main

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

Subject: Housing Policy / P-35 / Permanent Citywide Land-Use Changes

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Matt,

I'm sending you the attached because I have spent a considerable amount of time trying to understand the basis for what Planning is recommending. I support building more housing. After reviewing the record in detail, I still cannot understand why Council would even consider this permanent citywide change before the questions in my letter have been answered.

I've copied other Councilmembers and the appropriate City staff because I believe these are questions Council needs answered before the October meeting.

Thank you for taking the time to read it. I would be happy to provide any of the seven detailed sourced reports supporting the findings in the attached letter.

Regards,

Roberta Moore

[REDACTED]

Broker Associate

Compass

[REDACTED]

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

Dear Matt, Members of the San José City Council and Staff:

I support building more housing and San José meeting every genuine obligation under state housing law and our certified Housing Element. But after hundreds of hours reviewing the public record, state law, Housing Element, Planning documents, feasibility studies and Council materials, I have one fundamental question:

Why would Council permanently change development rights across San José before Planning has demonstrated that the change is legally required, economically feasible, necessary to provide sufficient housing capacity, or likely to accomplish its stated objectives without unacceptable losses?

I am a 34-year San José resident and business owner and have volunteered approximately twelve years on three City commissions. These are my personal views, not those of any commission. I am not an attorney or professional planner. My conclusions are based on my review of the public record and the sources identified below.

**What I have found is deeply disturbing because
Council should already have these answers.**

1. Show us the legal requirement.

The record I have reviewed does not establish that California law or HCD requires San José to adopt Planning staff's particular 16/24/32-DU-per-acre citywide framework, increased height, or citywide ministerial approval. Nor have I identified, in approximately 11 years of available Housing Element enforcement history reviewed, a written HCD determination or precedent in which HCD decertified a jurisdiction solely because its elected body rejected a particular locally proposed density framework while remaining obligated to implement its certified Housing Element.

HCD can enforce Housing Element compliance. But the record I reviewed does not establish that HCD can require this particular locally selected implementation mechanism—or threaten decertification if Council chooses another legally sufficient way to fulfill P-35.

A required housing outcome is not automatically a required implementation tool.

If staff believes rejecting any component of its proposal would put San José's certification at risk, Council should require four things before voting: the written HCD determination, the statute, the specific Housing Element commitment, and the enforcement precedent.

If that authority exists, put it in the public record. A consequence as serious as decertification should not drive a permanent citywide land-use decision based on an undocumented verbal interpretation.

2. Show us the P-35 feasibility analysis.

P-35 addresses Missing Middle housing of at least four and up to ten units in locations throughout San José.

Where is this feasibility analysis?

Before recommending permanent citywide density changes, Planning should show whether realistic 4-, 6-, 8- and 10-unit projects actually pencil under San José's land, construction and financing conditions.

That is particularly important because the City's own 2025 Cost of Residential Development Study found that, under the conditions studied, most higher-density housing prototypes evaluated were financially infeasible.

If the economics do not work, theoretical zoning capacity does not produce housing.

Capacity ≠ Production ≠ Affordability—and none measures Preservation or Protection.

3. Show us the actual capacity shortfall.

Planning should provide one transparent capacity ledger:

**Remaining General Plan capacity + qualifying SB 79 capacity + other legally countable capacity =
demonstrated additional capacity shortfall**

San José's current RHNA is 62,200 units. Planning subsequently reported approximately 17,000 units of remaining General Plan capacity while preparing for the next Housing Element cycle.

SB 79 may add substantial additional capacity. Government Code § 65912.155 provides a mechanism for qualifying SB 79 capacity to be reflected in the Housing Element sites inventory, subject to the statute's requirements. Determine how much qualifying capacity San José already has. Then determine what shortfall remains before permanently creating more.

**Why would Council approve a citywide entitlement before it knows
how much additional capacity is actually needed?**

4. Show us what gets built—and what gets lost.

San José's Housing Element is about Production, Preservation and Protection, not simply theoretical zoning capacity. Council needs a net-housing analysis showing what is realistically likely to be financed and built, at what price, and what could be lost through redevelopment—including demolition of existing lower-cost housing, displacement, loss of homeownership opportunities, infrastructure, parking and curb impacts, emergency access, VMT and tree canopy.

Zoning capacity is not housing production. Council needs to know what is realistically likely to be financed and built—and what existing housing could be lost—not merely what could theoretically be permitted.

5. Show us why citywide upzoning is better than a targeted approach.

The argument that four units under SB 9 effectively equals 32 DU/acre citywide does not establish that the policies are equivalent. Four units equal 32 DU/acre only on a parcel of approximately 5,445 square feet; depending on lot size, four units can represent approximately 17.4 to 34.8 DU/acre.

More importantly, SB 9 is a conditional, parcel-specific state-law mechanism. A citywide 32-DU/acre General Plan designation is a different policy instrument.

SB 9 became effective in 2022. HCD nevertheless certified San José's Housing Element on January 29, 2024 without a citywide 32-DU/acre Residential Neighborhood designation.

**If SB 9 itself required San José to translate residential zoning into 32 DU/acre citywide,
why did HCD certify the Housing Element without it?**

Los Angeles and San Diego are not applying Planning staff's proposed San José density framework uniformly citywide; they are pursuing more targeted and transit-oriented approaches. Mayor Mahan has also written that San José's biggest housing barrier is not zoning but construction cost and advocated concentrating housing Downtown, in Urban Villages and near transit.

**Just because Sacramento is doing it, Opticos Design recommends it, and members of the Planning
Commission want it doesn't make it a realistic or effective strategy for San José.**

San José can be aggressively pro-housing without being indiscriminately pro-upzoning.

Council should ask: What has Planning been doing for the last two years?

I hope the October Council meeting results in clearer direction to staff. Council should already have the legal analysis, P-35 feasibility results, capacity ledger, net-housing analysis and comparison of alternatives necessary to make this decision. Please direct limited staff resources and taxpayer dollars toward answering those questions before advancing a permanent citywide framework.

Council should ask: Where's the evidence?

If it is legally required, show us the law. If it is feasible, show us the analysis. If more capacity is needed, show us the shortfall. If it will produce affordable housing, show us the evidence. If existing housing could be lost, show us the impacts. If citywide upzoning is better than targeted growth, show us the comparison.

Existing Conditions → Capacity → Feasibility → What Gets Built → What Gets Lost → Alternatives → Community Engagement → Council Decision → Implementation

Not: Choose the policy first and justify it afterward.

After hundreds of hours reviewing these records, I cannot understand why Council does not already have these answers—or why Council would move forward with pursuing this policy until it does.

Do what is right for San José.

Require the evidence. Direct staff and taxpayer resources toward the work Council actually needs. Then make the decision. Not before.

I have seven detailed, sourced reports supporting these findings and can provide them to Council, staff, the press or the public.

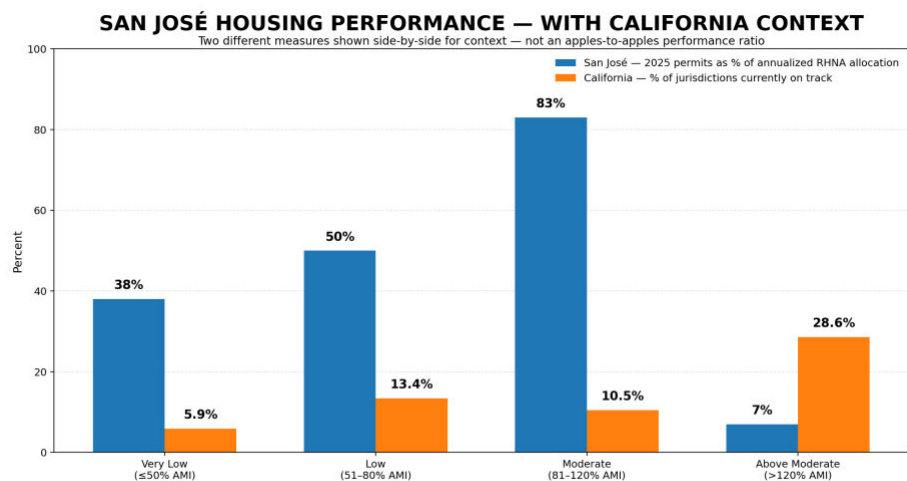
Respectfully,

Roberta Moore

This letter expresses my personal opinions and conclusions based on my review of publicly available records and identified sources. It does not represent the position of any City commission on which I have served. References to omissions, inconsistencies or unanswered questions are intended as requests for clarification and further review, not as allegations of unlawful conduct or improper motive.

San Jose Housing Performance – RHNA Progress by Income Level

San José is already producing housing across income levels. Before expanding development rights citywide, determine what additional capacity is actually needed.



San José source: City of San José 2025 Housing Element Annual Progress Report / Council materials. California source: CalMatters analysis of HCD data, Aug. 11, 2026. California 'on track' means permitting at a pace sufficient to reach the state-set target by cycle end.

Sources

1. Office of Mayor Matt Mahan, "A Message from Mayor Matt," Aug. 25, 2026.
2. City of San José, 2023–2031 Housing Element, Program P-35 / General Plan Four-Year Review Missing Middle materials.
3. California HCD / City of San José, Housing Element certification, Jan. 29–30, 2024.
4. Irene Smith, JD, PhD, "4 means 4, right? Maybe not when we compare SB9 to SJCC Zoning Proposal," Aug. 19, 2026; Cal. Gov. Code §§ 65852.21, 66411.7.
5. City of San José, Housing Catalyst Team Work Plan Status Report, Mar. 14, 2024, P-35 feasibility/economic analysis.
6. City of San José, 2023–2031 Housing Element Update environmental review (GPT22-001 / ER21-032).
7. City of San José, General Plan Four-Year Review staff memorandum, May 2025.
8. City of San José, General Plan Four-Year Review / SB 79 staff materials, 2026.
9. City of San José, Certified Housing Element, including Anti-Displacement Strategy and fair-housing components.
10. City of San José Planning Division, "Director's Desk: Planning Ahead for San José's Next Housing Element," Aug. 14, 2026.
11. Cal. Gov. Code §§ 65912.155, 65912.160(b), 65583.2; California HCD, SB 79 Housing Element Sites guidance.
12. Los Angeles City Planning, SB 79 phased implementation / Low-Rise implementation materials, 2026.
13. City of San Diego, SB 79 phased implementation and Transit-Oriented Development Alternative Plan materials, 2026.
14. City of San José, 2025 Cost of Residential Development Study (CSG Advisors/EPS) and City Council study-session materials, 2025–26.