



COMMITTEE FOR  
GREEN FOOTHILLS

December 17, 2004

Members of the CVSP Task Force  
Department of Planning  
Building and Code Enforcement  
City of San Jose  
801 N. First St., Rm 400  
San Jose CA 95110-1795

**Re: future changes to San Jose's jobs-housing balance, and farmland mitigation requirements**

Dear CVSP Task Force Members,

Sal Yakubu asked me to give him the information I mentioned in the most recent Technical Advisory Committee meeting, and I would like to pass this on directly to the Task Force as well. Developing Coyote Valley together with the proposed North First Street development suggests that the City will have more jobs than employed residents, a significant environmental impact. Second, the California Supreme Court recently "depublished" an appellate court case stating there is no need to purchase mitigation for the loss of farmland, which is a strong indication that San Jose will have to require the purchase of agricultural conservation easements in the CVSP EIR.

Attached are excerpts from the Association of Bay Area Governments "Projections 2003" document. They show a fairly consistent surplus of 85,000 employed San Jose residents relative to San Jose jobs for the next 20 years. San Jose's plan to create 50,000 "industry leading" jobs, plus a still-completely-unknown number of support jobs in Coyote Valley, plus an unknown number of additional jobs in the rest of San Jose, is only partially balanced by planned construction of 25,000 residences. A reasonable estimate would conclude that a job demand of 65,000 positions would be created, while Coyote Valley's housing supply would only accommodate 35,000 employed residents. The effect then is to reduce San Jose's employed resident "surplus" from 85,000 to 55,000. Meanwhile, the proposed North First Street development plans to accommodate over 100,000 new jobs while providing just 25,000 residences. North First Street will create 60,000 more jobs than housed residents. Together, Coyote Valley plus North First Street will create a net deficit in housing versus jobs in San Jose, making the city much like the Peninsula cities that have been criticized for not shouldering their housing responsibilities.

While the above does not take into account other housing projects, it also does not consider other job and business development projects. The implication is that San Jose is not just harming the regional housing balance, but creating significant housing problems within the City itself.

Sal and I also discussed the responsibility to mitigate the loss of farmland through agricultural preservation of nearby farmland. It is my understanding that the City has previously argued preserving existing farmland does not mitigate the loss of other farmland. The California Supreme Court recently depublished an appellate court opinion that adopted an identical argument to the City's, *Friends of the Kangaroo Rat v. California Dept. of Corrections* (2003) 111 Cal.App.4th 1400. Depublication means the opinion cannot be used as legal precedent, and is a strong indication that the Supreme Court disagrees with the legal reasoning. This indicates that the City should require mitigation for the loss of agricultural land.

Please contact me if you have any questions.

Sincerely,

*<signed>*

Brian A. Schmidt  
Legislative Advocate, Santa Clara County