A new phrase recently entered the public vernacular: Opportunity Housing, a term for allowing, by right, the construction of multi-unit residences on properties zoned as single family residential. San Jose’s General Plan Task Force, in the process of the quadrennial review of the Envision San Jose 2040 General Plan, voted at its August 20, 2020 meeting to recommend that our City Council explore Opportunity Housing for properties with a Residential Neighborhood land use designation. Roughly 75% of San Jose’s residential land is zoned for single family homes.

Citizens for Fiscal Responsibility (CFR) is quite concerned about this development. Our City already struggles to provide the core services that we residents deserve. CFR believes that enacting Opportunity Housing will require additional General Fund spending simply to maintain current service levels. Opportunity Housing will also increase pressure on critical infrastructure, especially for water delivery and sewage disposal, driving increased capital spending to make up for decades of deferred maintenance.

Another concern is the impact Opportunity Housing will have on the quality of life of our residents. Many neighborhoods already struggle with inadequate parking, both on and off street. Allowing up to seven residential units per property will exacerbate what is for some an already insufferable situation. Additionally, streets serving most San Jose single family neighborhoods were built to service one or two vehicles per lot; adding more dwelling units will add more vehicle traffic, making already unacceptable intersection service levels intolerably worse.

Nobody disputes the urgent need for more housing in Silicon Valley. CFR has often stated that the best solution to our housing shortage is to build more housing at all price levels. Opportunity Housing might be one way to encourage that, but it is a new and untested solution. Only one state, Oregon, has enacted Opportunity Housing but it does not go into effect until 2022. One city, Minneapolis, has adopted it but they are currently tied up in court over determining whether an environmental impact assessment is necessary. We simply do not know whether Opportunity Housing works.

In the business world leaders of established companies typically do not bet the entire company on unproven products. They instead employ a process such as “proof of concept” plus test marketing to avoid irreversible consequences. CFR believes that San Jose should adopt a similar approach with respect to Opportunity Housing.

Our existing General Plan reflects a commitment to preserve and enhance existing residential neighborhoods. Planned new dwelling units are justifiably concentrated downtown or in “new, vibrant Urban Villages” located near transit hubs. If the City Council concludes Opportunity Housing is an appropriate tool for addressing our housing shortage, CFR believes the best approach involves implementing it within a one-half mile “walkshed” of new transit hubs. If successful, this could provide an aesthetic transition from the relatively large-scale Urban Villages to our smaller scale single family neighborhoods.

Finally, our city and its elected officials have an obligation to the residents of San Jose. Inhabitants of areas zoned for single family dwellings moved there, in part or in whole, because those were the kind of neighborhoods in which they wanted to live and raise their families. It would be a gross violation of the public trust if the San Jose City Council took it upon themselves to unilaterally enact a citywide Opportunity Housing policy. One might argue that even a limited adoption by the Council would be problematic.

Ultimately, Opportunity Housing may be a valuable tool in addressing San Jose’s housing affordability. However, the adoption is such a significant break from established zoning policy that it should only be decided by San Jose voters, whether enacted as a test case or across our city. CFR urges the San Jose City Council to heed that advice, and asks that residents send that same message to their Council representative and the Mayor.