

# State of California



## Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance ••• Administration ••• Executive/Legal ••• Enforcement ••• Conflict of Interest  
(916) 322-5662 322-5660 322-5901 322-6441 322-6444

December 7, 1979

Daniel V. Texera  
City Councilman  
City Hall  
1500 Warburton Ave.  
Santa Clara, CA 95050

*A-79-108-a*

Dear Mr. Texera:

Thank you for your letter dated November 6, 1979, seeking advice pursuant to Government Code Section 83114, regarding the disqualification provision of the Political Reform Act.

The facts as I understand them are as follows. You presently serve on the Santa Clara City Council. Your participation in matters concerning condominium conversions has been challenged in Superior Court on the grounds that condominium conversions might affect your financial interests as a general contractor and real estate developer engaged in the building and sale of townhouses, condominiums and office buildings. The court has granted a preliminary injunction requiring you to refrain from participating in the condominium conversion issues until it has an opportunity to resolve the issue. After the granting of the injunction, but prior to final adjudication by the court of the merits, you have asked our office to advise you whether your participation in the condominium conversion matter is a conflict of interest under the Political Reform Act.

Because the Superior Court has assumed jurisdiction to decide whether your participation in these matters is a violation of the Political Reform Act, the Commission will defer to the jurisdiction of that court and will not render advice. If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dwight E. Dickerson".

Dwight E. Dickerson  
Counsel  
Legal Division

DED:plh

cc: Barry F. McCarthy, Deputy City Attorney

# THE CITY OF SANTA CLARA CALIFORNIA

CITY ATTORNEY  
CITY HALL  
1500 WARBURTON AVE  
SANTA CLARA, CA 95050  
(408) 984-3232

November 6, 1979

Fair Political Practices Commission  
926 "J" Street, Suite 522  
Sacramento, California 95814

Attention: Dwight Dickerson, Esq.

Dear Mr. Dickerson:

I hereby respectfully request an opinion and/or written advice from the Fair Political Practices Commission with respect to my duties under the Political Reform Act of 1974, as amended. This request is based on the following facts which I believe are material.

## MATERIAL FACTS

### 1. BACKGROUND

I am now, and have been for 5 years a duly elected member of the City Council of the City of Santa Clara, California. I have resided in the City of Santa Clara for over 60 years and I am a self employed general contractor and real estate developer with offices located at 1265A El Camino Real, Santa Clara, California.

Within the last two years, I have been involved in the construction and/or development of 49 new townhouse units, both in Santa Clara and Los Gatos, 20 new condominium units in Santa Clara, and approximately 25,000 square feet of new commercial and office buildings in San Jose and Santa Clara. In my capacity as a member of the City Council during the last two years, I have voted for approval of approximately 325 "planned development" residential units, which includes 105 townhouse units and 220 condominium units.

### 2. ECONOMIC INTERESTS

For your convenience, I have completed and enclose herewith a verified STATEMENT OF ECONOMIC INTERESTS (Form 721, FPFC) covering the period January 1, 1979 to November 1, 1979. This statement contains a full and complete disclosure of my reportable economic interests to

the best of my knowledge. Should any additional information or clarification be required, I will be happy to provide it.

### 3. GOVERNMENTAL DECISIONS

There is presently before the City Council for consideration several matters relating to condominium conversions and it is anticipated that future applications for approval of condominium conversion applications will be forthcoming. Specifically, the City Council will consider the final adoption of Ordinances No. 1390 and 1391 (certified copies of which are attached hereto and marked Exhibits "A" and "B", respectively). These ordinances were originally passed by the Council for purposes of publication at its regular meeting of October 9, 1979, which meeting I did not attend. Also to be considered by the City Council are three separate, yet related matters involving the application of the FAMILY TREE APARTMENTS for conversion to condominiums. The FAMILY TREE matters are (a) A rezoning request, approval of which has been recommended by the City Planning Commission, (b) The tentative subdivision map, approval of which has likewise been recommended and (c) The appeal of a variance application, originally denied by the City Planning Commission.

#### a. Ordinance 1390

This proposed ordinance constitutes a revision of Article 27 of "The Zoning Ordinance of the City of Santa Clara" which deals with regulations for (PD) planned development and combined zoning districts. For purposes of comparison, I have enclosed a certified copy of the existing Article 27, which is attached hereto and marked Exhibit "C". Of particular relevance to this opinion request are the amendments proposed in Sections 27-8 and 27-9 of the Article 27, which sections relate to physical standards and maintenance requirements for community ownership projects and other regulations which apply solely to condominium conversions.

#### b. Ordinance 1391

This ordinance adds a Section 14.1(b) to Article 14 of the Fire Prevention Code, adopted by the City in 1972. The ordinance contains requirements for certain fire alarm and detection systems, sprinkler protection and rated roof coverings, as well as access and maintenance. Collectively, these requirements are referred to as the "Life Safety System". As proposed, the requirements will apply to new apartment buildings, hotels, motels, new condominiums, converted condominiums, and townhouses, i.e., any residential complex where the units are clustered. They would not apply to single family and duplex units. I have enclosed a copy of portions of Article 14 of the Fire Prevention Code for comparison purposes. This has been attached and labeled Exhibit "D".

c. Family Tree Conversion

This 120 unit apartment complex is located at 1000 Kiely Boulevard in Santa Clara, California. On February 11, 1979, application was made to the Planning Commission on behalf of Family Tree for conversion of the complex to condominiums. As the existing parking and the lack of vertical fire walls at the complex failed to meet the requirements of the existing Article 27 of the Zoning Ordinance, a variance from those provisions was also sought. On September 26, 1979, the Planning Commission approved the tentative map and accepted the approved application for rezoning, but denied the application for the variance. The denial of the variance was appealed to the Santa Clara City Council and is now scheduled to be heard on December 18, 1979.

d. Future Applications

At the present time there is one other application pending for conversion of approximately 230 apartment units within the City to condominiums. I anticipate that questions concerning my duties under the Political Reform Act will also arise during consideration of this matter.

4. HOUSING IN SANTA CLARA

Throughout Santa Clara County, and in the City of Santa Clara particularly, there exists a severe housing shortage. This shortage is due to a number of factors, including the rapid growth of the electronics industry and the resultant work force, as well as the shortage of residential land in the area.

According to 1979 statistics, the demand for housing in the City exceeds the available supply by approximately 15,500 units. For further particulars, I am enclosing herewith a portion (Part I) of a document prepared by the Santa Clara County Planning Department, dated April 18, 1979, and entitled "Draft of the Housing Element Problem Statement: A Background Report for the General Plan Revision Project". This document is labeled Exhibit "E".

In my opinion, the current state of the housing market is perhaps the single most significant factor in determining the impact of any potential conflict of interest in this matter.

PENDING LITIGATION

On or about October 22, 1979, Mr. Steven Shapiro and Mr. Dan Porat, partners, doing business as THE FAMILY TREE filed a complaint for

injunctive relief and a motion for preliminary injunction in the Superior Court of Santa Clara County (Case No. 437096). I was named as the sole defendant and the action sought to enjoin and prohibit my participation in the deliberations or vote of the Santa Clara City Council on plaintiffs' application for a condominium conversion permit, on plaintiffs' appeal of the variance denial and on the proposed ordinances relating to condominium conversions (No. 1390 and 1391).

A hearing was had on October 30, 1979, before the Honorable Peter Anello, at which time the court reviewed the documents on file, received in evidence certain written declarations and heard oral argument. Thereafter, the court entered an order granting the preliminary injunction as requested, on the basis that I had publically made statements to the effect that I opposed condominium conversions because they competed with townhouses. Although I deny making any such statement, the ultimate finding on this question, I have been advised, must await the final outcome of the lawsuit. The City Attorney's Office has advised me that the granting of a preliminary injunction does not constitute a determination of the merits of the case, but is rather designed to preserve the status quo until a final judgment is obtained, a result which may take months to achieve.

Because of the temporary and interlocutory nature of the injunction and the fact that the FPPC is not bound by the Court's decision, I earnestly solicit your determination of my responsibilities.

This request is made pursuant to Section 83114 of the Government Code. Please forward copies of all materials or correspondence to the Office of the City Attorney, City of Santa Clara, 1500 Warburton Avenue, Santa Clara, California 95050. Thank you in advance for your cooperation.

Very truly yours,

  
DANIEL V. TEXERA

bd

enclosures

State of California

## Memorandum

To : Commissioners Houston, Lapan,  
McAndrews, Metzger, and Quinn

Date : Dec. 3, 1979

From : **FAIR POLITICAL PRACTICES COMMISSION**  
Dwight Dickerson

Subject: PROPOSED RESPONSE TO REQUEST FOR ADVICE

Attached please find a letter from Daniel V. Texera requesting advice, and its proposed response.

If you have any questions or comments regarding the proposed response, please contact me no later than 2:00 p.m. on Friday, December 7, 1979.

DD:plh  
Attachment

# THE CITY OF SANTA CLARA CALIFORNIA

CITY ATTORNEY  
CITY HALL  
1500 WARBURTON AVE.  
SANTA CLARA, CA. 95050  
(408) 984-3232

November 7, 1979

Fair Political Practices Commission  
926 "J" Street, Suite 522  
Sacramento, California 95814

Attention: Dwight Dickerson, Esq.

Re: Councilman Daniel V. Texera

Dear Mr. Dickerson:

Enclosed herewith is the request of Santa Clara City Councilman Daniel V. Texera for an opinion and/or written advice from the Fair Political Practices Commission with reference to his duties under the Political Reform Act.

As more fully set forth in paragraph 3 "Governmental Decisions" of the request letter, the City Council has continued their consideration of the final adoption of Ordinances No. 1390 and 1391, along with the described Family Tree matters from the meeting of October 30, 1979 to December 18, 1979. This continuance was made with the expressed City Council desire that the continuance would be sufficiently long so that Mr. Texera would have time to obtain the considered opinion of the Fair Political Practices Commission and staff regarding his duties as a Councilman. Toward this end, this request was prepared as quickly as possible so that there would not be any need for additional delay.

It has come to our attention, however, that the application described in subparagraph (d) of paragraph 3 of the request letter will most likely receive consideration by the City Council well before December 18, 1979. The applicant in this case is the Lawrence Square West apartment complex located at 1730-1750 Halford Avenue in the City of Santa Clara, a two hundred thirty unit project. This application has been set for hearing before the Planning Commission on November 14, 1979 and, if acted upon by the Commission, it is anticipated that the matter will

be before the City Council on November 20, 1979.

The owners of the Lawrence Square West have no connection with Councilman Texera or the owners of the Family Tree complex. Councilman Texera has not been enjoined or restrained in any manner from participating in the hearing on the Lawrence Square West matter and is desirous of obtaining your guidance in advance of the November 20, 1979 hearing date so as to allow Councilman Texera to participate in said hearing and give the other members of the Council the benefit of his expertise and consideration in the hearing of this application, along with the application for the Family Tree.

This office represents Councilman Texera in connection with the pending litigation described in the request letter. It is Councilman Texera's firm belief, and one joined in by our office, that the current demand for housing in the City of Santa Clara at this time is so disproportionate to the supply that the addition of these numbers of residential units, especially in "phased" increments as is the usual marketing technique, will not have any significant financial effect, either upon Councilman Texera personally or upon any of his investments or activities and that he should be allowed to participate as was expected on his election to office.

Should there be any need for further information or data regarding Mr. Texera's request, please feel free to contact this office and we will be happy to provide it. In addition, Councilman Texera has expressed his willingness to cooperate with the Commission staff in any way necessary, and has even expressed a desire to provide live testimony if this would be beneficial in rendering a prompt and complete opinion in this matter.

Thank you again for your courtesy and cooperation in our previous discussions with you.

Very truly yours,

  
BARRY F. MCCARTHY  
Deputy City Attorney

BFM/eg

ORDINANCE NO. 1390  
AN ORDINANCE OF THE CITY  
OF SANTA CLARA  
AMENDING ARTICLE 27 OF  
"THE ZONING ORDINANCE  
OF THE CITY OF SANTA  
CLARA" PERTAINING TO THE  
REGULATIONS FOR PD -  
PLANNED DEVELOPMENT  
AND COMBINED ZONING  
DISTRICT

BE IT ORDAINED BY THE  
CITY OF SANTA CLARA, as  
follows:

SECTION 1: That ARTICLE  
27 of "The Zoning Ordinance of  
the City of Santa Clara" is  
hereby amended to read as  
follows:

ARTICLE 27 REGULATIONS  
FOR PD - PLANNED DEVELOPMENT  
AND COMBINED ZONING DISTRICT

SECTION 27-1: APPLICATION

The regulations set forth in  
this Article shall apply to all  
PD zoning districts.

SECTION 27-2: INTENT

This district is intended to  
accommodate development  
that is compatible with the  
existing community and that:

- (a) Integrates uses that are not permitted to be combined in other zone districts; or
- (b) Utilizes imaginative planning and design concepts that would be restricted in other zone districts; or
- (c) Subdivides land or air space in a manner that results in units not having the required frontage on a dedicated public street; or
- (d) Creates a community ownership project. (See definition of "Community Ownership Project" in Section 3-3(c) of Article 3 hereinabove.)

Residential community ownership interest in their project coupled with a right of ownership or occupancy in their own dwelling units be bound together in an owner's association which is responsible for the maintenance and management of the common area and the improvements within the common area of the project. This mix of individual and common ownership is different from conventional and familiar patterns of housing in the City of Santa Clara. Community ownership in residential projects can provide new opportunities of home ownership at a lower cost than single family units, and provide housing for people who prefer not to have the responsibility of maintaining a separate lot and building. There are also potential problems associated with residential community ownership such as owner expectations, maintenance expenses for the entire common area, and the conversion of unsuitable apartments.

To insure that other problems are avoided in both the short and long term, it is the express intent of the City of Santa Clara to treat community ownership projects differently from rentals and to establish rules and standards thereto regulating the construction of and conversion to community ownership projects in the City of Santa Clara.

SECTION 27-3: THE FOLLOWING USES ARE PERMITTED

Any and all uses are permitted in this district except those excluded in Section 27-4; provided further that such use or uses and their location shall be

shown in the development plan of the applicant for the particular Planned Development zoning district as approved. Any change in use requires a rezoning.

SECTION 27-4: USES NOT PERMITTED

Those industrial uses limited to MH zoning districts or involving outdoor storage on more than ten percent (10%) of the lot area shall not be allowed in Planned Developments. SECTION 27-5: DESIGN STANDARDS

The proposed development plan must be designed to provide an environment of a stable, desirable character not out of harmony with its surrounding neighborhood. It must meet the most restrictive standards of this ORDINANCE with respect to open space, circulation, density, off-street parking and other conditions pertinent to the proposed use in such a way as to form a harmonious, integrated project of sufficient unity and architectural quality to justify the mixture of normally separated uses or to justify certain exceptions to the normal regulations of this ORDINANCE. These regulations include, but are not limited to the following: height limits, setback requirements, required distances and buffering between residential and commercial development.

1. (a) The number of dwelling units which are proposed shall not exceed the number of dwelling units which would normally be permitted in the area under consideration as indicated on the General Plan.

(b) The General Plan indicates the density (number of dwelling units) permitted. The Zoning Ordinance then indicates the zoning district which would permit a particular density. The maximum building coverage for each proposed use within the planned development shall not exceed the maximum coverage allowed for the particular use or uses in the appropriate zoning district.

SECTION 27-6: DEVELOPMENT PLAN

An application for a Planned Development zoning district shall include and be accompanied by a development plan which, if approved by the City Council, shall become a part of the Zoning Map of the City of Santa Clara as provided for by Section 2-3 of this ORDINANCE.

(a) Changes in the development plan shall be considered as changes in the Zoning Map and shall be made in accordance with the procedures set forth in Article 56 of this ORDINANCE.

(b) The development plan shall include:

- (1) A map showing any and all street systems and lot designs within the proposed Planned Development zoning district, any area proposed to be dedicated or reserved for public open space, parkways, common open space, playground, school sites, public buildings and other such uses. Compliance with this requirement shall not be construed to relieve the applicant from compliance with the Subdivision Ordinance or any other applicable ordinance of the City of Santa Clara.

(2) If required by the Zoning Administrator of the City of Santa Clara, a map showing the topography of the proposed district at one (1) foot contour intervals shall be submitted.

(3) A general land use plan for the proposed district delimiting the area of each of the proposed uses.

(4) A fully dimensioned plot plan for each building site or sites in the proposed Planned Development zoning district. The required plot plan shall show the exact location of all existing and/or proposed buildings and between buildings and property or building sites, and the location of outdoor storage areas.

(5) An off-street parking and loading plan drawn to scale shall be submitted. The number of required off-street parking spaces shall be the same as required for the particular uses in the zones in which they are otherwise permitted. Required parking spaces shall conform to all of the City of Santa Clara off-street parking standards.

(6) Elevations and/or perspective drawings of all proposed structures drawn to scale. The purpose of such drawings is to indicate the height of proposed buildings, materials to be used, and the general appearance of the existing and/or proposed structures so that the entire development will have architectural unity and be in harmony with surrounding developments.

(7) When the project involves the conversion of an existing structure to a community housing project, complete as-built drawings may be required by the Zoning Administrator. SECTION 27-7: DEVELOPMENT SCHEDULE

(a) Construction of the planned development must begin within one year of final approval of the City Council.

(b) Extension of time limits.

For good cause shown by the property developer, extensions of time may be granted for a period not to exceed one year for each extension. A request for an extension of time shall be made in writing prior to the expiration of the original time schedule or subsequent extensions granted for the development. The Planning Commission may, with or without a public hearing, recommend for or against an extension of time. Upon receipt of the recommendation of the Planning Commission, the City Council may change or extend the time limits imposed by the development schedule or leave the schedule unchanged as it deems necessary to secure the purposes of this Ordinance.

SECTION 27-8: COMMUNITY OWNERSHIP PROJECTS

In addition to the requirements of Section 27-5 and 27-6, the following shall apply to community ownership projects (both new and conversions). In the event of a conflict in requirements, the requirements set forth in this Section shall control over Sections 27-5 and 27-6.

(a) Physical standards

(1) Maximum building coverage, landscaped area and lot area per dwelling unit for new residential projects shall all be

the same as those required in the corresponding residential (R) zone district. The density of the proposed project shall determine the corresponding zone.

(2) Off-street parking shall be provided as required in the corresponding residential (R) zone district and by City Council policy. At least ten percent (10%) of these spaces shall be conveniently arranged and assigned to visitors and the general use of the residents.

(3) Each dwelling unit must have a separate circuit breaker panel and shut-off valves for all plumbing fixtures and gas supply. In addition, all newly constructed projects shall have individual dwelling unit meters for all utilities except water. Individual unit meters for water may be installed at the option of the developer.

(4) All permanent mechanical equipment and major domestic appliances including but not limited to dishwashers, washing machines and air conditioning units, determined by the Building Official to be a potential source of vibration or noise, shall be shock mounted, isolated from the floor and ceiling, or otherwise installed in a manner approved by the Building Official to lessen the transmission of vibration and noise.

(5) Two-hour firewalls for all vertical common walls shall be required in all condominiums. However, because of certain practical obstacles in complying with a rigidly enforced two-hour firewall requirement in condominium conversion situations, the following shall be applicable:

a. All common walls not already constructed as two-hour fire resistive walls shall be upgraded to provide a two-hour fire resistive equivalent thickness (normally 1 1/4 inches) of sheetrock on each interior surface of all common walls separating dwelling units. Sheetrock applied for this purpose shall result in a total thickness on each wall face of at least two layers, the outer layer to be 5/8-inch sheetrock with a "Type X" fire rating. Ceramic tile or other masonry material at least 1/2-inch thick will be accepted in lieu of one 5/8-inch layer of sheetrock.

b. Wall areas concealed behind bathtubs, bathroom cabinets and kitchen cupboards are exempt from the requires of subparagraph a. hereinabove.

c. Cavities between joists in intervening floors shall be closed at common walls with at least eight (8") inches nominal thickness of wood blocking or wall sheetrock required by subparagraph a. hereinabove and shall be carried continuously up through the floor, except that such sheetrock may be penetrated by joists, beams, subflooring and other necessary wooden structural members.

d. Wall sheetrock required by subparagraph a. hereinabove shall be carried down to the foundation, except where a parking area exists beneath the dwelling units. Where such a parking area exists, blocking or sheetrock as required by subparagraph c. hereinabove shall be provided in the parking area.

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common walls, and the exposed ceiling surface of the parking area shall have installed a minimum of two layers of 5/8-inch sheetrock throughout.

e. Wall sheetrock required by subparagraph a. hereinabove shall be carried continuously upward into the attic space, terminating against the underside of the roof sheathing. In addition, a single layer of 1/2-inch Type X sheetrock shall be mounted on the underside of the rafters, extending at least 5 feet on each side of the common wall, where the common wall terminates at a flat roof with no attic, a minimum layer of 1/2-inch sheetrock shall be mounted on the ceiling, extending at least 5 feet on each side on the wall.

f. Where there is a floor/ceiling assembly between two dwelling units, the existing ceiling shall be added to by installing a two-hour fire resistive equivalent thickness of sheetrock.

g. The Building Official may approve any such alternate to the above requirements, or any other such requirement pertaining to fire safety, provided he finds that the proposed design is satisfactory and complies with the intent of the hereinabove requirements contained in subparagraphs a. through f., or any other such requirement. The Building Official shall determine that the material, method, or work offered is, for the purpose intended, at least the equivalent of the above said requirements in quality, strength, effectiveness, fire resistance, durability, and safety. The Building Official may require that sufficient evidence or proof be submitted to substantiate any claim that may be made regarding the use of alternates to the above said requirements.

(6) The Life Safety System as adopted in Chapter 11 of the "Santa Clara City Code" shall be provided.

(7) The walls and floor/ceilings separating dwelling units must meet the applicable sound transmission criteria found in the Uniform Building Code as adopted by the City of Santa Clara in effect at the time of approval of PD zoning. If architectural plans are available and sufficient in detail, the Building Official may determine the sound transmission class based on laboratory tests of similar designs. If the Building Official is unable to make such a determination for any reason, field testing of an existing building shall be made by an acoustical engineer (or a professional acoustician) acceptable to the Building Official, and said testing shall be based on a representative sample of walls and ceiling/floors.

(b) Maintenance.

In order to protect the public health, safety, and welfare and in order to avoid disproportionate public expense, the owners' association shall be responsible for proper maintenance of the common area (including, but not limited to, property and facilities) and of the activities necessary to maintain operation of the community ownership project as

approved. Said maintenance is dependent on the payment by the unit owners of assessments imposed by the owners' association.

It is imperative that the unit owners in a community ownership project be held strictly accountable for his and/or her share of the costs expended by the owners' association for the health, safety, and welfare of the project. To the extent permitted by law, to accomplish said objective of accountability for health, safety, and welfare matters, the unit owners shall be subject to having a lien placed against his and/or her unit by the owners' association. Said imposition of lien may occur in the event that the unit owner fails to pay for his and/or her share of expenses incurred by the owners' association in providing for the health, safety, and welfare of the project. The City encourages the developer to give notice of said authority of the owners' association to impose said lien on the individual unit in the organizational documents. Said authority to impose a lien is necessary to assure the owners' association that a unit owner cannot refuse to accept his and/or her responsibility to pay for expenditures pertaining to the health, safety, and welfare of the community ownership project by refusing to pay assessments imposed by the owners' association for said purposes.

(c) Organizational documents.

(1) Prior to approval of the final map, the organizational documents shall be reviewed and approved by the City Attorney. If no action is taken by the City Attorney within 45 days after a complete set of documents have been duly filed with him, the organizational documents shall be deemed approved.

(2) The organizational documents shall provide that the City, at its option, has the right and authority to veto any amendment to the organizational documents that would adversely affect the long term maintenance of the project structure or its common areas. To enable the City to exercise said optional veto, the organizational documents shall provide that any amendment shall not become effective until 60 days after notice of such proposed action is filed with the City Council and the Council has not vetoed the amendment.

#### SECTION 27-9: COMMUNITY OWNERSHIP CONVERSION

In addition to those requirements set forth in Section 27-8, the following requirements shall apply to conversion of a rental project to a community ownership project.

(a) The conversion of a rental project to a community ownership project presents potential problems due to the fact that the structure may not have been originally designed and constructed for community ownership use. In reviewing applications for conversions, the City of Santa Clara may consider not only the specific standards required of all community ownership projects, but also the following

considerations, as applicable, to the type of project.

(1) The condition of the structure and major mechanical facilities.

(2) Size of units.

(3) Open space and recreational facilities.

(4) Adequacy of parking spaces in relation to unit size and potential occupancy. There shall be a requirement that two parking spaces for each dwelling unit be maintained. Tandem parking may be considered as justification for a parking variance.

(5) The impact of conversion on existing tenants. Ability of residential tenants to find equivalent housing in the City for equivalent rent.

(6) The impact on the City's rental housing market.

(7) The impact on the public school system.

(8) Where there are significant open spaces, recreational facilities, and/or maintenance responsibilities, a conversion request shall be evaluated only if the apartment complex has over twenty-five (25) units.

(9) Existing roofs less than two (2) years of age are exempted from required fire resistive material.

If in reviewing these considerations, the City finds that the proposed conversion is unsuitable for community ownership, the City shall deny the rezoning application and not approve the tentative map.

(b) A community ownership conversion must also comply with the following regulations:

(1) Pursuant to Section 66427.1 of the California Government Code, as amended from time to time, the applicant shall submit evidence concerning the following requirements in order that the City Council may make a determination whether or not said requirements have been complied with and make findings with respect to said determination:

(a) Each tenant of a project proposed to be converted into a community ownership project has been, or will be given, one hundred twenty (120) days written notice of the applicant's intention to convert prior to termination of tenancy due to the conversion or proposed conversion. This provision shall not alter or abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent or the obligations imposed by Section 1941, 1941.1 and 1941.2 of the California Civil Code.

(b) Each tenant of the proposed community ownership project has been or will be given notice of an exclusive right to contract for the purchase of their respective units upon the same terms and conditions that such units will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than sixty (60) days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the California Business & Professions Code, unless the tenant

has given prior written notice of his intention not to exercise the right.

(2) A report on the physical condition of the planned conversion and estimated unit owner payments for capital improvements, repairs and maintenance for both the common area and the individual units shall be given by the applicant to potential unit purchasers. The report shall be based on a structural analysis which describes the condition of the following major physical elements of the project: foundations, walls and roofs, mechanical equipment, recreational facilities, parking facilities, and any appliance.

The report shall estimate, to the best knowledge of the applicant, the approximate date when each element will require replacement and the cost of such replacement. In addition, the applicant's report shall estimate the ongoing maintenance and repair costs to the buyer of the common area, the cost of utility payments that will be billed to the buyer as an individual and other costs necessary for normal occupancy.

Said report requirement is expressly intended to realistically appraise a potential buyer of costs he or she may reasonably anticipate with respect to their purchase and maintenance of a unit in community ownership project.

(3) The City shall complete, at the applicant's expense, a pre-sale inspection of a planned conversion project for compliance with the Housing Codes and all corrective actions must be made, agreements executed, and/or bonds posted to cover such actions prior to sale.

(4) The applicant shall include a list of all known tenants' names and addresses with submission of the request for rezoning. Subsequently, the City may notify through mailing all known tenants of the proposed rezoning at least ten (10) days prior to the rezoning hearing. This notification may also inform the tenants of their future rights and alternatives if the conversion is approved. The failure to mail such notice to all of said persons shall not operate to divest the City of jurisdiction to conduct any hearing required to be held.

**SECTION 2: Savings Clause**  
The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance.

#### SECTION 3: Penalties

Any person violating any of the provisions of this ordinance shall be guilty of an infraction punishable by a fine of not more than Five Hundred Dollars (\$500.00).

#### SECTION 4: Constitutionalality; Severability

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of compe-

AUG 3 4 9

# EXHIBIT "B"

ORDINANCE NO. 1391

CERTIFIED AS A TRUE COPY

*A. S. Belick*

A. S. BELICK, CITY CLERK  
CITY OF SANTA CLARA

ORDINANCE NO. 1391  
AN ORDINANCE OF THE CITY  
OF SANTA CLARA AMEND-  
ING CERTAIN PORTIONS OF  
A DOCUMENT ENTITLED  
"MODIFICATIONS AND  
AMENDMENTS TO THE FIRE  
PREVENTION CODE" SAID  
DOCUMENT'S MODIFICA-  
TIONS AND AMENDMENTS  
WERE INCORPORATED INTO  
THE FIRE PREVENTION CODE  
(1970 EDITION) WHICH WAS  
ADOPTED BY ARTICLE 1 OF

approved system designed to  
alert all occupants of the build-  
ing in the event of fire.

3. Monitoring by the municipal  
fire alarm system.

Buildings or complexes hav-  
ing seven or more dwelling  
units, or those having a public  
assembly building with an  
occupant capacity of fifty or  
more persons shall provide a  
means for monitoring the on-  
site fire alarm system by the

Where the lower sill of an  
egress or rescue window from  
a sleeping room is located  
more than fifteen feet above  
grade level, and one exit door  
is provided from the dwelling  
unit, the following regulations  
shall apply:

(1) Door Locking Devices.  
The door locking device re-  
quirements for new construc-  
tion and condominium conver-  
sion shall also be applicable to

SECTION 4: Effective date.  
This ordinance shall take  
effect and be in force thirty  
days after its final adoption,  
but before such final adoption,  
it shall be published in an  
official newspaper of the City  
of Santa Clara as required by  
the Charter of said City.

PASSED FOR THE PUR-  
POSE OF PUBLICATION BY  
THE CITY COUNCIL OF THE  
CITY OF SANTA CLARA THIS

## ORDINANCE NO. 1390

tent jurisdiction to be uncon-  
stitutional or invalid, such de-  
cision shall not affect the  
validity of the remaining por-  
tions of this ordinance.

The City Council of the City  
of Santa Clara declares that it  
would have passed this ordi-  
nance and every section, sub-  
section, sentence, clause and  
phrase thereof, irrespective of  
the fact that any one or more  
sections, subsections, senten-  
ces, clauses or phrases, were  
to be held invalid by such  
court.

SECTION 5: Effective Date.

This ordinance shall take  
effect and be in force thirty  
days after its final adoption,  
but before such final adoption,  
it shall be published in an  
official newspaper of the City  
of Santa Clara as required by  
the Charter of said City.

PASSED FOR THE PUR-  
POSE OF PUBLICATION BY  
THE CITY COUNCIL OR THE  
CITY OF SANTA CLARA this  
9th day of October, 1979, by  
the following vote:

AYES: COUNCILMEN: Mahan,  
Martinez and Street.

NOES: COUNCILMEN: Souza  
and Tobkin

ABSENT: COUNCILMEN: Tex-  
era

ABSTAINED: COUNCILMEN:  
Mayor Glesler

ATTEST: A. S. BELICK  
City Clerk  
City of Santa Clara  
Pub: 10/18/79.

AAD349

# EXHIBIT "C"

CERTIFIED AS A TRUE COPY

ART 27

*A. S. Belick*  
A. S. BELICK, CITY CLERK  
CITY OF SANTA CLARA

ARTICLE 27 REGULATIONS FOR PD - PLANNED DEVELOPMENT AND COMBINED ZONING DISTRICT

SECTION 27-1: APPLICATION

The regulations set forth in this Article shall apply to all PD zoning districts.

SECTION 27-2: INTENT

This district is intended to accommodate development that is compatible with the existing community and that:

- (a) Integrates uses that are not permitted to be combined in other zone districts such as neighborhood, community or central business district shopping centers, professional and administrative offices, multi unit housing, single family residential units, or industrial parks;
- (b) Utilizes imaginative planning and design concepts that would be restricted in other zone districts;
- (c) Subdivides land or air space in a manner that results in units not having the required frontage on a dedicated public street;
- (d) Creates a community ownership project.

Residential community ownership projects require that households, each with a common ownership interest in their project coupled with a right of ownership or occupancy in their own dwelling units, be bound together in an owner's association which is responsible for the maintenance and management of the common area and the improvements within the common area of the project. This mix of individual and common ownership is different from conventional and familiar patterns of housing in the City of Santa Clara. Community ownership can provide new opportunities of home ownership at a lower cost than single family units, and provide housing for people who prefer not to have the responsibility of maintaining a separate lot and building. There are also potential problems associated with community ownership such as owner expectations and the conversion of unsuitable apartments.

To insure that such problems are avoided in both the short and long term, it is the express intent of the City of Santa Clara to treat community ownership projects differently from rentals and to establish rules and standards thereto regulating the construction of and conversion to community ownership projects in the City of Santa Clara.

SECTION 27-3: THE FOLLOWING USES ARE PERMITTED

Providing that the requirements of Section 27-4 have been met, then any and all uses are permitted in this district except those excluded in Section 27-5; provided further that such use or uses and their location shall be shown in the development plan of the applicant for the particular Planned Development zoning district as approved. No change in use or location as shown on the development plan shall be permitted without the grant of a use permit from the Planning Commission. Appeal from said Planning Commission action may be taken pursuant to the provisions of Section 54-1.

SECTION 27-4: CONDITIONAL USES

The following conditional uses may be established only by first securing a use permit in each case as provided in Article 50 of this ORDINANCE.

- (a) Auto laundry.
- (b) Auto repair garages.
- (c) Auto sales and service (new or used).
- (d) Auto service stations (and subject to Design Standards as set forth in Article 34 of this ORDINANCE).
- (e) Boat or camper sales (if to include any outdoor display or storage).
- (f) Cocktail lounges, bars, taverns (to include any establishment serving liquor, beer, wine or other alcoholic beverage for consumption on the premises).

- (g) Drive-in - outdoor - or self-service food establishments.
- (h) Motels.
- (i) Mortuary.
- (j) Theatres (indoor).
- (k) Tire, battery and auto accessory service centers.
- (l) Kennels.

SECTION 27-5: USES NOT PERMITTED

Those industrial uses limited to MH zoning districts or involving outdoor storage on more than ten percent (10%) of the lot area shall not be allowed in Planned Developments except as expressly provided in this Article.

SECTION 27-6: DESIGN STANDARDS

The proposed development plan must be designed to provide an environment of a stable, desirable character not out of harmony with its surrounding neighborhood. It must meet the most restrictive standards of this ORDINANCE with respect to open space, circulation, density, off-street parking and other conditions pertinent to the proposed use in such a way as to form a harmonious, integrated project of sufficient unity and architectural quality to justify the mixture of normally separated uses and to justify certain exceptions to the normal regulations of this ORDINANCE. These regulations include but are not limited to the following: height limits, setback requirements, required distances and buffering between residential and commercial development.

- (a) The number of dwelling units which are proposed shall not exceed the number of dwelling units which would normally be permitted in the area under consideration as indicated on the General Plan.
- (b) The General Plan indicates the density (number of dwelling units) permitted. The Zoning Ordinance then indicates the zoning district which would permit a particular density. The maximum building coverage for each proposed use within the planned development shall not exceed the maximum coverage allowed for the particular use or uses in the appropriate zoning district.
- (c) No application shall be accepted for an area of less than three (3) acres when any combination of the approved uses in Section 27-4 are included in a development plan.

SECTION 27-7: APPLICATION FOR PLANNED DEVELOPMENT ZONING DISTRICT

The application for a Planned Development zoning district shall be accompanied by the following:

- (a) Development plan as required by Section 27-8
- (b) Development schedule as required by Section 27-9.

SECTION 27-8: DEVELOPMENT PLAN

An application for a Planned Development zoning district shall include and be accompanied by a development plan which, if approved by the City Council, shall become a part of the Zoning Map of the City of Santa Clara as provided for by Section 2-3 of this ORDINANCE.

- (a) Changes in the development plan shall be considered as changes in the Zoning Map and shall be made in accordance with the procedures set forth in Article 56 of this ORDINANCE.
- (b) The development plan shall include:
- (1) A map showing any and all street systems and lot designs within the district, any area proposed to be dedicated or reserved for public open space, parkways, common open space, playground, school sites, public buildings and other such uses. Compliance with this requirement shall not be construed to relieve the applicant from compliance with the Subdivision Ordinance or any other applicable ordinance of the City of Santa Clara.
  - (2) If required by the Zoning Administrator of the City of Santa Clara, a map showing the topography of the proposed district at one (1) foot contour intervals shall be submitted.
  - (3) A general land use plan for the proposed district delimiting the area of each of the proposed uses.
  - (4) A fully dimensioned plot plan for each building site or sites in the proposed Planned Development zoning district or any portion thereof as required by the Zoning Administrator. The required plot plan shall show the exact location of all existing and/or proposed buildings, indicating maximum and minimum distances between buildings and between buildings and property or building sites, and the location of outdoor storage areas.
  - (5) An off-street parking and loading plan drawn to scale shall be submitted. The number of required off-street parking spaces shall be the same as required for the particular uses in the zones in which they are otherwise permitted. Required parking spaces shall conform to all of the City of Santa Clara off-street parking standards.
  - (6) Elevations and/or perspective drawings of all proposed structures drawn to scale. The purpose of such drawings is to indicate the height of proposed buildings, materials to be used and the general appearance of the existing and/or proposed structures to the end that the entire development will have architectural unity and be in harmony with surrounding developments.
  - (7) When the project involves the conversion of an existing structure to a community housing project, complete as-built drawings may be required by the Zoning Administrator.

SECTION 27-9: DEVELOPMENT SCHEDULE

(a) Contents

An application for a Planned Development zoning district shall be accompanied by a development schedule indicating the date on which construction, enlargement, alteration, repair, removal, or demolition of any and all portions of the project can be expected to begin, the anticipated rate of development and completion dates. The development schedule, if approved by the City Council, shall become a part of the development plan and shall be adhered to by the developer of the property in the Planned Development zoning district and his successors in interest.

Construction of the planned development must begin within one year of final approval of the City Council.

## (b) Extension of time limits

For good cause shown by the property developer, extensions of time may be granted for a period not to exceed one year for each extension. A request for an extension of time shall be made in writing prior to the expiration of the original time schedule or subsequent extensions granted for the development. The Planning Commission may, with or without a public hearing, recommend for or against an extension of time. Upon receipt of the recommendation of the Planning Commission, the City Council may change or extend the time limits imposed by the development schedule or leave the schedule unchanged as it deems necessary to secure the purposes of this Ordinance.

## (c) Report by Zoning Administrator

From time to time the Zoning Administrator shall compare the actual development accomplished in the various Planned Development zoning districts with the approved development schedule and shall report his findings to the Planning Commission.

## (d) Action upon failure to comply with schedule.

If, in the opinion of the Planning Commission or City Council, the developer of property in Planned Development zoning districts is failing or has failed to meet the approved development schedule, the Planning Commission may initiate proceedings under Article 56 of this ORDINANCE to remove the Planned Development district from the Zoning Map or to amend the development plan.

SECTION 27-10: COMMUNITY OWNERSHIP PROJECTS

In addition to the requirements of Section 27-6, 27-8, and 27-9, the following shall apply to community ownership projects. In the event of a conflict in requirements, the requirements set forth in this Section shall control.

## (a) Physical standards.

- (1) Lot area, lot width, building height limit, yards, maximum building coverage, landscaped area and lot area per dwelling unit for new residential projects shall all be the same as those required in the corresponding residential (R) zone district. The density of the proposed project shall determine the corresponding zone.
- (2) All new residential projects shall provide the same number of off-street parking spaces as required in the corresponding residential (R) zone district. At least ten percent (10%) of these spaces shall be conveniently arranged and assigned to visitors and the general use of the residents.
- (3) Each dwelling unit must have a separate circuit breaker panel and plumbing shut-off valve or shut-off valves for all plumbing fixtures. In addition, all newly constructed projects shall have individual dwelling unit meters for all utilities except water. Individual unit meters for water may be installed at the option of the developer.
- (4) All permanent mechanical equipment and major domestic appliances including but not limited to dishwashers, washing machines and air conditioning units, determined by the Building Official to be a potential source of vibration or noise, shall be shock mounted, isolated from the floor and ceiling, or otherwise installed in a manner approved by the Building Official to lessen the transmission of vibration and noise.
- (5) The walls and the floor/ceilings separating dwelling units must be two (2) hour fire resistive occupancy separations.

## (b) Maintenance

In order to protect the public health, safety, and welfare and in order to avoid disproportionate public expense, the owners' association shall be responsible for proper maintenance of the common area (including, but not limited to, property and facilities) and of the activities necessary to maintain operation of the community ownership project as approved. Said maintenance is dependent on the payment by the unit owners of assessments imposed by the owners' association.

It is imperative that the unit owners in a community ownership project be held strictly accountable for his and/or her share of the costs expended by the owners' association for the health, safety, and welfare of the project. To the extent permitted by law, to accomplish said objective of accountability for health, safety, and welfare matters, the unit owners shall be subject to having a lien placed against his and/or her unit by the owner's association. Said imposition of a lien may occur in the event that the unit owner fails to pay for his and/or her share of expenses incurred by the owners' association in providing for the health, safety, and welfare of the project. The City encourages the developer to give notice of said authority of the owners' association to impose said lien on the individual unit in the organizational documents. Said authority to impose a lien is necessary to assure the owners' association that a unit owner cannot refuse to accept his and/or her responsibility to pay for expenditures pertaining to the health, safety, and welfare of the community ownership project by refusing to pay assessments imposed by the owners' association for said purposes.

## (c) Organizational documents

- (1) Prior to issuance of the public subdivision report, the organizational documents shall be reviewed and approved by the City Attorney. If no action is taken by the City Attorney within 45 days after a complete set of documents have been duly filed with him, the organizational documents shall be deemed approved.
- (2) The organizational documents shall provide that the City, at its option, has the right and authority to veto any amendment to the organization documents that would adversely affect the long term maintenance of the project structure or its common areas. To enable the City to exercise said optional veto, the organization documents shall provide that any amendment shall not become effective until 60 days after notice of such proposed action is filed with the City Council and the Council has not vetoed the amendment.

SECTION 27-11: COMMUNITY OWNERSHIP CONVERSION

In addition to those requirements set forth in Section 27-10, the following requirements shall apply to conversion of a rental project to a community ownership project.

- (a) The conversion of a rental project to a community ownership project presents potential problems due to the fact that the structure may not have been originally designed and constructed for community ownership use. In reviewing applications for conversions, the City of Santa Clara may consider not only the specific standards required of all community ownership projects, but also the following considerations, as applicable to the type of project.
  - (1) The condition of the structure and major mechanical facilities.
  - (2) Unit size.
  - (3) Open space and recreational facilities.
  - (4) Adequacy of parking spaces in relation to unit size and potential occupancy.

- (5) The impact of conversion on existing tenants. Ability of residential tenants to find equivalent housing in the City for equivalent rent.
- (6) The impact on the City's rental housing market.
- (7) The impact on the public school system.

If in reviewing these considerations, the City finds that the proposed conversion is unsuitable for community ownership, the City shall deny the rezoning application and not approve the tentative map.

- (b) Existing buildings proposed for conversion to community ownership projects must meet the following standards of construction. Evidence satisfactory to the Building Official that the proposed conversion meets these standards must accompany the application for rezoning. The building proposed for conversion shall comply with:

- (1) Sound transmission.

The applicable sound transmission criteria found in the Uniform Building Code as adopted by the City of Santa Clara in effect at the time of conversion. If architectural plans are available and in sufficient detail, the Building Official may determine the sound transmission class based on laboratory tests of similar designs. If the Building Official is unable to make such a determination for any reason, field testing of the existing building shall be made by an acoustical engineer, or a professional acoustician acceptable to the Building Official, based on a representative sample of walls and ceiling/floors.

- (2) Fire protection.

Walls and floor/ceiling separating dwelling units must be two (2) hour fire-resistive occupancy separations.

Sprinklers shall be provided as required by the applicable Fire Prevention Code as adopted by the City of Santa Clara at the time of conversion.

- (c) A community ownership conversion must also comply with the following regulations:

- (1) The applicant shall include a list of all known tenants' names and addresses with submission of the request for rezoning. Subsequently, the City may notify through mailing all known tenants of the proposed rezoning at least ten (10) days prior to the rezoning hearing. This notification may also inform the tenants of their future rights and alternatives if the conversion is approved. The failure to mail such notice to all of said persons shall not operate to divest the City of jurisdiction to conduct any hearing required to be held.
- (2) Present residential tenants shall have at least a thirty (30) day right of first refusal to purchase their own unit, from the issuance of final public report by the California Real Estate Commissioner. Notification of this right shall be made by the applicant prior to the approval of the final subdivision map or parcel map.
- (3) To the extent that it is not violative of the law, the present tenants shall have the right of occupancy of their own units for a period of at least thirty (30) days from the issuance of the final public report of the Real Estate Commissioner. As an express condition precedent for this right of occupancy to remain in effect, tenants shall meet their responsibilities as defined by the California Civil Code, and all other applicable California laws, fulfill their rent obligation, and comply with the terms and conditions of their rental or lease agreement. The notification of the right of occupancy shall be made by the applicant prior to approval of the final subdivision map or parcel map.

- (4) A report on the physical condition of the planned conversion and estimated unit owner payments for capital improvements, repairs and maintenance for both the common area and the individual units shall be given by the applicant to potential unit purchasers. The report shall be based on a structural analysis which describes the condition of the following major physical elements of the project: foundations, walls and roofs, mechanical equipment, recreation facilities, parking facilities, and any appliance.

The report shall estimate, to the best knowledge of the applicant, the approximate date when each element will require replacement and the cost of such replacement. In addition, the applicant's report shall estimate the on-going maintenance and repair costs to the buyer of the common area, the cost of utility payments that will be billed to the buyer as an individual and other costs necessary for normal occupancy.

Said report requirement is expressly intended to realistically apprise a potential buyer of costs he or she may reasonably anticipate with respect to their purchase and maintenance of a unit in community ownership project.

- (5) The City shall complete, at the applicant's expense, a pre-sale inspection of a planned conversion project for compliance with the Housing Codes and all correction actions must be made, or bonds posted to cover such actions, prior to the approval of the tentative subdivision map.

(K) SECTION 14.1 Survey of Premises and Specifications of Equipment

The chief of the bureau of fire prevention shall survey each commercial and industrial establishment, mercantile, educational and institutional occupancy, place of assembly, hotel, multi-family house, and trailer camp, and shall specify suitable fire detecting devices or extinguishing appliances which shall be provided in or near boiler rooms, kitchens, or restaurants, clubs, hotels, commercial establishments, industrial establishments, mercantile, educational or institutional occupancies, and like establishments, storage rooms involving considerable combustible material, rooms in which hazardous manufacturing processes are involved, repair garages, and other places of a generally hazardous nature. Such devices or appliances may consist of automatic fire alarm systems, automatic sprinkler or water spray systems, standpipe and hose, fixed or portable fire extinguishers of a type suitable for the probable class of fire, or suitable asbestos blankets, manual or automatic covers, or carbon dioxide or other special fire extinguishing systems.

In special hazardous process or storage, appliances of more than one type or special systems may be required. No person shall maintain any such device or appliance in any such premises except pursuant to a permit issued therefor by the chief of the bureau of fire prevention and shall issue such permit upon application being made therefor, payment of a permit fee of \$20.00, and after inspection and approval by him of the devices or appliances so provided.

Ordinance No. 1391

14.1(6) >

(L) SECTION 14.2 Maintenance of Equipment

Sprinkler systems, standpipe systems, fire alarm systems, and other fire protective or extinguishing systems or appliances which have been installed in compliance with any permit or order, or because of any law or ordinance, shall be maintained in operative condition at all times, and it shall be unlawful for any owner or occupant to reduce the effectiveness of the protection so required, except this shall not prohibit the owner or occupant from temporarily reducing or discontinuing the protection where necessary to make tests, repairs, alterations, or additions. The chief of the bureau of fire prevention shall be notified before such tests, repairs, alterations or additions are started unless the work is to be continuous until completion.

CERTIFIED AS A TRUE COPY

*A. S. Belick*  
A. S. BELICK, CITY CLERK

# EXHIBIT "E"

DRAFT OF THE HOUSING ELEMENT PROBLEM STATEMENT:

A BACKGROUND REPORT FOR THE GENERAL PLAN REVISION PROJECT

COUNTY OF SANTA CLARA

PLANNING DEPARTMENT

APRIL 18, 1979

## 1. HOUSING SHORTFALL

Findings: The present general plans combined with the growth pressures in Santa Clara County have resulted in a serious housing shortfall. Throughout most of the urban county, employment growth and other factors are generating demand for new housing units faster than the housing stock is being increased. If present trends continue, by 1990 the county will have a massive shortage of housing.

### A. Current Shortfall 1975-1979

Probably the single most significant factor generating new housing demand in Santa Clara County during the 1970s has been employment growth. The very rapid creation of new jobs has placed an increasing burden on the area housing supply which has been expanding at a more modest pace. This trend is most evident in the 1975 to 1979 time period. When the number of homes and apartments available is stacked up against the number of workers looking for those units, a dramatic swing from some slack in 1975 to a substantial housing deficit in 1979 appears. Between 1975 and 1979, the demand for housing has far outstripped the rate at which new housing has been added to the existing stock. The rapid rate of employment growth during this period has been one of the most significant factors generating housing demand. From 1975 to 1979, 155,800 new jobs were added to the County. This can be translated into a demand for 77,800 additional housing units. At the same time, only 46,400 new units were added to stock of housing. This has resulted in a four year housing shortfall of approximately 31,400 units.

Other factors have also put increased pressure on the area housing market during the last four years. Declining household size, speculative investment in housing, and consumer spending patterns have all fueled housing demand. When these other components are taken into account, the shortfall becomes even greater.

### B. Future Shortfall

The County's forecast of housing growth between 1975 and 1990 based on the present general plans,\* indicates that a countywide housing shortfall of some 24,000 units is likely to occur by 1990. This forecast is based on demographic trends and therefore represents the gap between planned housing supply and projected demand generated by the County's changing population. This estimate does not reflect the rapid employment growth the County has recently experienced and thus may tend to minimize the forecasted housing shortfall.

This picture of the 1990 housing supply may not be rosy. It is, however, somewhat optimistic. It assumes that the trend of the seventies toward lower residential densities will be reversed in the eighties and that the bulk of new units built will be more dense types than traditional single family housing. It also assumes a much lower rate of job growth in the eighties than we have experienced in this area since 1975.

\*The combined general plans of the 15 cities are likely to restrict the amount of residential development that trends indicate would otherwise occur if growth were to continue without constraint. \*\*This calculation is based on an analysis of the numbers of households with any workers or with only student or retired members. It does not account for the roughly 15,000 housing units occupied by households having one or more persons in the labor force.

The County job projection calls for about 225,000 new jobs between 1975 and 1990. The actual growth between 1975 and 1979 has been over 150,000. That is more than two-thirds of the projected increase in less than one-third of the time period. If this rate of growth were to continue with some growth in housing - an unlikely event because a downturn should occur as part of the normal economic cycle - in 1990 this area could wind up short more than 115,000 housing units.

C. Factors Contributing to the High Level of Housing Demand

The demand for housing is directly related to employment growth, demographic changes, housing speculation and lending practices.

1. Employment Growth

- a. The demand for housing has spiraled as a result of the rapid rate of economic growth that has recently taken place in the County.

Employment growth affects the demand for housing in two ways: 1) An increasing number of County residents, particularly women, have been entering the labor market resulting in a growing number of two-wage earner households. These households, because of their increased incomes, are able to pay more for housing and thus exert upward pressure on the housing market; 2) Many of the jobs that have been filled by immigrants to the County are well paying professional jobs. These relatively affluent new County residents exert further pressure on the housing market.

Should current employment trends prevail until 1990, the resulting housing demand would be enormous. Many of the new jobs added to the County between 1975 and 1990 will be filled by natural increases in the labor force (population growth, higher labor force participation rates). However, the high level of employment growth implied by current trends suggests there will be many more jobs in Santa Clara County than can be filled through a natural increase in the labor force. The gap between the number of jobs filled by the existing population (as it grows and changes in composition) and the total number of new jobs projected between 1975 and 1990 will attract new people into the County. These immigrants will further contribute to the demand for housing.

2. Demographic Changes

a. Population Growth

- a. The demand for housing is most directly a function of the number of households living in, or moving, into the County.

In 1975, the household population of 1,144,000 people occupied 392,000 housing units. If recent demographic trends were to continue without constraint, the estimated 1990 household population would reach 1,340,000 and would require 555,000 housing units. This would be an additional 163,000 households exerting demand pressure on the housing stock. However, the present supply of land designated for housing in 1990, according to the general plans, will result in 24,000 units less than that which would be required by the 1990 household population.

b. Changing Age Composition

. The arrival of the "Baby Boom" generation at the age when most people buy homes adds additional pressure to the demand for housing.

During the late 1940s and throughout the 1950s there was a marked increase in fertility rates. The babies born during this period are now in their twenties and thirties, an age when people typically enter the home ownership market. Because this age group comprises such a large proportion of the total population, the housing demand generated by it is considerable.

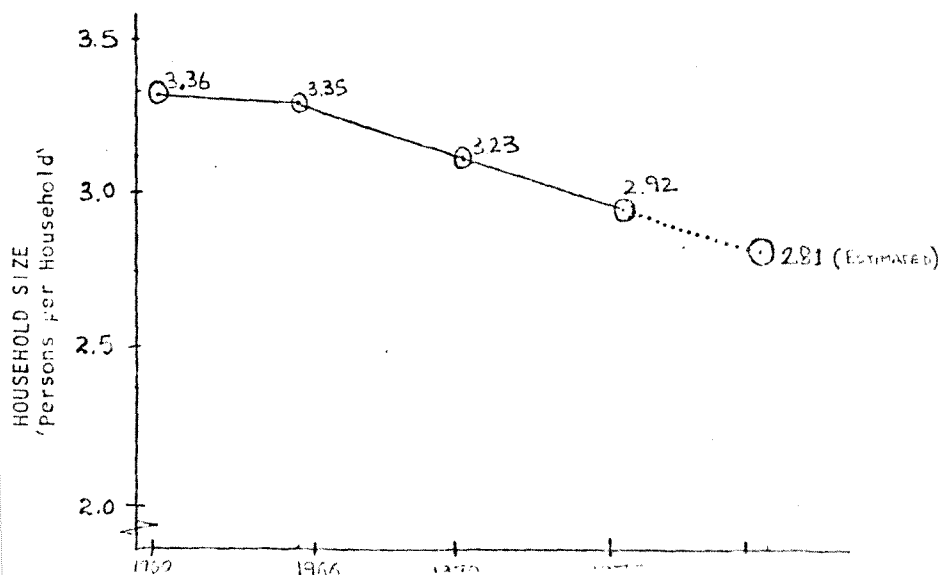
c. Household Size

. Declining household size has resulted in increasing demand from the same size population.

In 1960 there were 3.36 people per household, in 1975 2.92 people per household, and by 1990 it is expected that the average household size will be only 2.41 persons. The figure below depicts this trend in household size for Santa Clara County.

FIGURE 1

HOUSEHOLD SIZE TRENDS: SANTA CLARA COUNTY 1960-1979



The most important consequence of the trend toward small households is that having fewer people per household means that it will take more housing units to accommodate the same number of people. We would have to build 5,500 new dwellings each year between 1975 and 1990 just to house the same number of people that lived in the County in 1975.

Several factors contribute to declining household size.

- 1) The population in general is aging. The number of elderly individuals will increase significantly in the next 15 years, both in terms of absolute numbers and as a percentage of the total County population. These elderly households are generally smaller (1 or 2 individuals) than other households thereby forcing down the average household size throughout the County. In addition, the "empty nest" phenomena is becoming more prominent. People who settled here during the 1950s and 1960s and raised families are now occupying the same unit that used to be occupied by a larger family unit.
- 2) New households are being formed as young adults leave family units. In recent years, these young adults have been leaving home at a younger age and are staying single longer. These typically young, single people who have minimal family responsibilities constitute a significant factor in the demand for housing.
- 3) The fertility rate of women in prime childbearing years has dropped to an all-time low. As a result, the two-parent households that are formed are having fewer children.
- 4) The final factor directly tied to increasing household headship rates is the incidence of dissolution of households. In 1976, for the first time in County history, the number of divorces exceeded the number of marriages. Often, when married couples separate, two households are formed where one existed previously.

### 3. Speculation

The real estate market has recently experienced a more rapid price escalation than many other types of potential investments. Many investors have chosen to place their funds into housing because it brings a higher return and is relatively well secured in comparison to other types of investments, such as stocks. In the last few years, real estate has become regarded as the best hedge against inflation. In particular, since 1975 this has led to considerable speculation in the housing market. Many homes are purchased in this County with the expectation of reselling them in a short while at an inflated price. It has been estimated that, at the height of the speculative boom, late 1975 to mid-1977, one out of every three houses purchased in the County was bought by someone who was not planning to occupy the house. This

speculative purchase of houses adds to demand, and drives up the price of housing. In addition, young households who would traditionally rent, are accelerating their home purchases to avoid paying even higher prices later on. This further adds to demand. In the long run, it is expected these speculative pressures will dissipate as housing's attractiveness for investment declines relative to other investment possibilities.

It should be noted that speculative investment in housing does keep some units on the rental market that would otherwise not be. It also tends to keep monthly costs below what they would be for the owners in the same units.

#### 4. Changes in Mortgage Lending Practices

The more liberal lending practices of financial institutions in recent years are enabling households which would otherwise be priced out of the market, to purchase homes but at the cost of spending an increasing proportion of their income for shelter.

In recent years house prices have escalated more rapidly than both household income and the overall cost of living. These trends have had two effects. More and more people have been priced out of the housing market, and people are willing and, to some extent, able to spend a greater share of their total income on housing. As a result, lending institutions are now allowing households to go further into debt in order to afford homeownership. Today, 33% of gross monthly income is considered an acceptable percentage for housing costs. In addition, lending institutions now include the income of a second wage earner when determining a household's ability to meet mortgage payments. This enables many households, who would otherwise not qualify for a loan, to purchase homes. However, most households must cut back on other expenditures if 33% of their income is earmarked for mortgage payments. This is particularly the case for households making less than the median income because they have relatively little to cover the cost of other basic necessities.

#### D. The Housing Stock

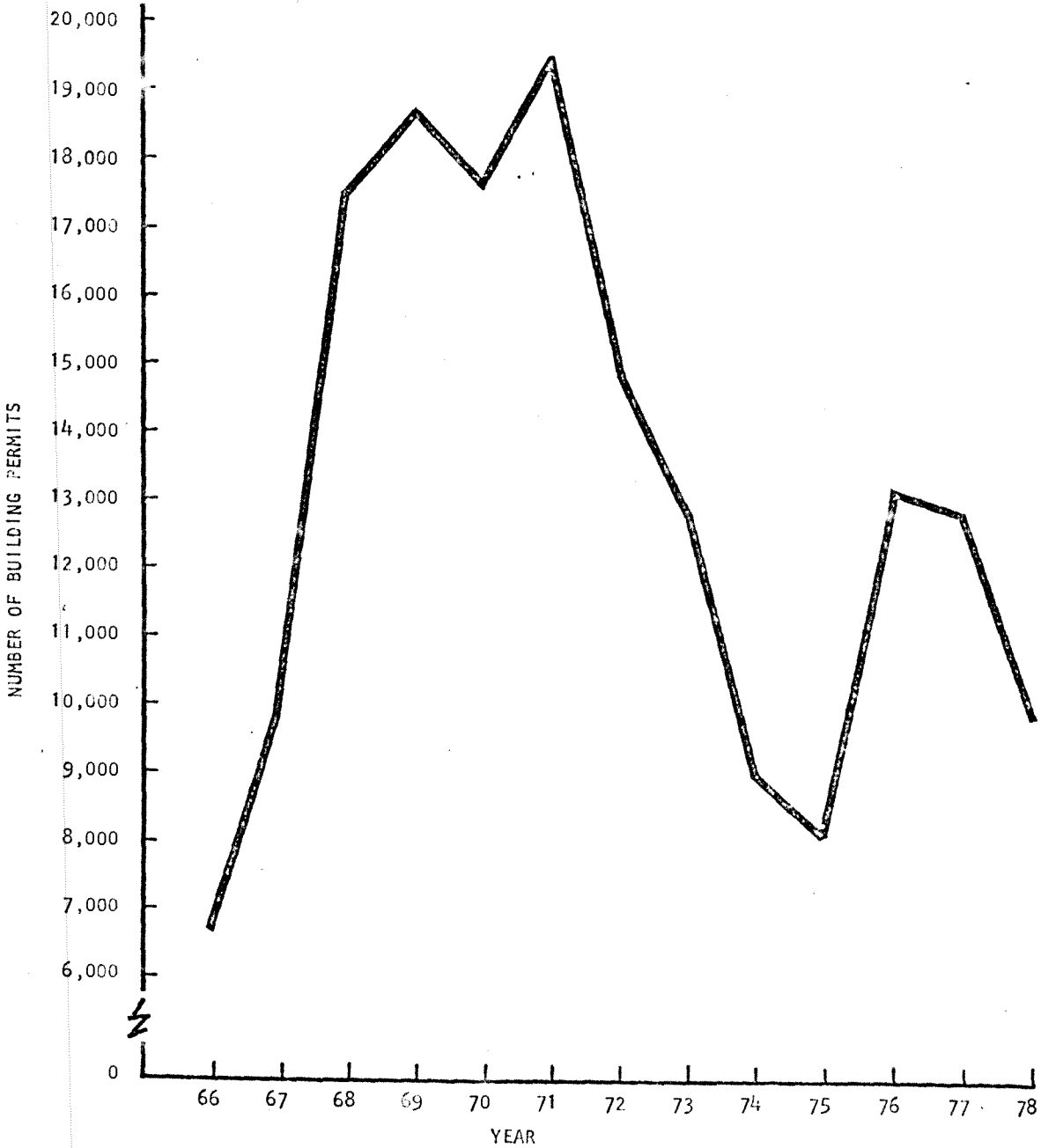
##### 1. The Sluggish Market

New housing in Santa Clara County is being built at a much slower rate than it was in the 1960's or early 1970's.

In April of 1979 Santa Clara County's estimated housing supply totaled 461,200 units. Of these, approximately 46,550 are new units added since April 1975. During this four year period (1975-1979), annual housing production averaged 11,640 units, representing a 11.2% increase in the total housing stock. However, in the previous four year period (1971-1975), annual housing production averaged 14,900 units, representing a 17% increase in the total housing stock. Figure 2 depicts the number of new dwelling units authorized by building permits in Santa Clara County between 1966-78.

FIGURE 2

NEW DWELLING UNITS AUTHORIZED BY BUILDING PERMIT  
SANTA CLARA COUNTY  
1966 - 1978



SOURCE: SANTA CLARA COUNTY PLANNING DEPARTMENT

Even though the demand side of the housing market remains heated, new housing construction remains slow. This sluggishness in housing production can be attributed to several factors.

- . The Federal inflation fight is having a significant impact on the rate at which new housing is constructed.

The housing market is highly sensitive to national monetary policy. The Federal government's policy of keeping a tight rein on the money supply to dampen inflation, forces interest rates up, and makes the amount of money available for construction loans and mortgages scarce.

- . Prime land for residential development is limited which in turn limits the number of new units that can be produced.

The vast majority of prime residential land, particularly in the Northwest region of the County, is all used up. In addition, the general plans constrain the amount of residential land that can be developed by 1990. Table 1 shows the amount of vacant residential land in all cities in 1975, and the amount of this land to be developed between 1975 and 1990. Note that by 1990, all the vacant residential land within the present urban service areas is expected to be used. In fact, it is more than likely this land will be used up well before 1990.

TABLE 1  
RESIDENTIAL LAND IN CITY URBAN SERVICE AREAS: POLICY CONSTRAINED PROJECTION

Area of the County	1975 Available Land (Acres)	Land Absorbed Between 1975 & 1990 (Acres)	1990 Available Land (Acres)
	For Dwellings	For Family Dwellings	For Family Dwellings
<b>Northwestern Cities</b>			
Palo Alto	270	270	0
Mountain View	140	140	0
Sunnyvale	260	260	0
Santa Clara	310	310	0
SUB AREA TOTAL	980	980	0
<b>Central &amp; East Valley Cities</b>			
Milpitas	2,270	2,270	0
San Jose	11,830	11,830	0
Campbell	110	110	0
SUB AREA TOTAL	14,210	14,210	0
<b>Western Foothills Cities</b>			
Cupertino	780	780	0
Los Altos	160	160	0
Los Altos Hills	1,520	1,520	0
Los Gatos	1,660	1,660	0
Monte Sereno	140	140	0
Saratoga	2,350	2,350	0
SUB AREA TOTAL	6,610	6,610	0
<b>South Valley Cities</b>			
Morgan Hill	3,200	1,320	1,880*
Gilroy	870	870	0
SUB AREA TOTAL	4,070	2,190	1,880*
<b>TOTAL FOR ALL CITIES</b>	<b>25,870</b>	<b>23,990</b>	<b>1,880*</b>

Footnote: \*Land which would have to be held out of development in order to implement Morgan Hill's Measure E growth control limit.

SOURCE: SANTA CLARA COUNTY PLANNING DEPARTMENT

. Proposition 13 is contributing to the housing production slowdown.

Local governments, concerned about the effects of Proposition 13 on municipal services are unwilling to allow any additional residential development that would require the extension of city services. This is of particular concern for those cities who already have the weakest tax bases in the County (San Jose, Milpitas, Morgan Hill, Gilroy), since they are projected to receive three-fourths of all new housing units built between 1975 and 1990. Additional housing may only be allowed in these cities if the costs of extending city services are borne by the new units. This would result in even higher priced units.

## 2. Housing Mix

. The rate of multi-family\* housing construction is slowing.

Currently, 38% of the County's housing stock is made up of multi-family units. Between 1956 and 1966, multi-family units increased substantially as a percentage of the total housing stock. However, in recent years the proportion of new multi-family construction has been declining. This trend is shown in Figure 3.

One reason that apartment construction has been low in recent years is that construction costs have increased faster than rents. Owners of conventionally financed new apartment complexes would be forced to charge rents higher than comparably equipped existing complexes in order to just break even, and so, few complexes have been built. A second reason for the low construction rate is that financing requirements for multi-family developments have become stricter. Developers are now required to make larger downpayments in order to borrow money to pay for construction costs. With more of their money tied up, developers have not been able to build as many complexes as they could in the past. A third reason is that the interest rate for borrowing money to construct apartment units has been higher than the rate for construction of single family units. This is a disincentive to multi-family developers.

A further disincentive to apartment developers is the prospect of rent control which would diminish the attractiveness of apartment investment. Many landlords have not passed on their Proposition 13 tax savings to tenants thus sparking growing community interest in rent control.

## 3. Housing Condition

The majority of the County's housing supply is already in existence. Only 18% of the projected total 1990 stock remains to be built in the next 10 years. Approximately one-half of the projected 531,500 1990 units were built from 1950 to 1970. By 1990 these units will be 20 to 40 years old and may suffer from deterioration. Already many of the tract homes constructed during this period are showing evidence of wear.

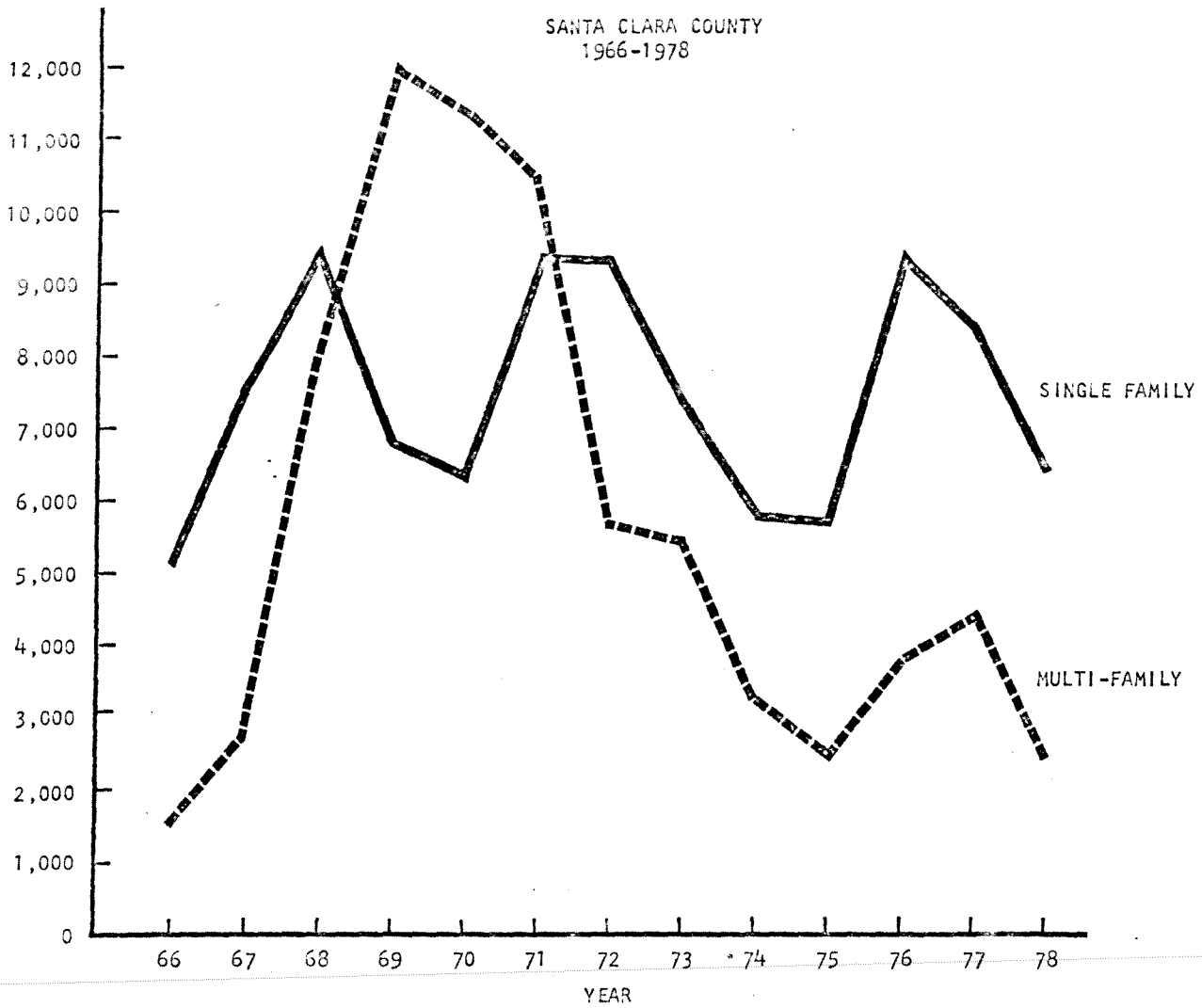
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\* Generally defined as above six dwelling units per acre. Included under this definition would be all types of densities other than traditional single-family units.

FIGURE 3

SINGLE FAMILY/MULTI-FAMILY BY BUILDING PERMIT

SANTA CLARA COUNTY  
1966-1978



SOURCE: SANTA CLARA COUNTY PLANNING DEPARTMENT

#### 4. Misfit Between Housing Size and Household Size

- . Housing built primarily in the fifties and sixties may not be appropriate to meet the needs of households in the eighties.

Most of our housing stock was built during a more family oriented and energy-rich period, with big homes spread over large amounts of land. However, as households become smaller and household incomes lag behind the rising costs of homeownership, our existing housing stock may not suit our changing lifestyles. If present trends continue, the future could find many households with very few people attempting to afford housing units that are much bigger than they need and costing much more than the household income can reasonably afford to purchase and to heat.

#### E. Conclusion

A partial approach to urban growth management has been adopted by many jurisdictions. It is based on a desire for fiscally sound development and for having new housing pay all associated costs of services and facilities. This fiscally based approach to residential growth management has not been matched by management of industrial growth. This pressure to limit housing has also grown from the desire of residents to preserve their community's character and the perceived amenity of smallness. This has contributed to the escalating current housing needs that force many families and individuals into housing which is unacceptable in terms of price, location and/or condition. It has also resulted in an inefficient, overheated housing market.

TABLE 12

1979 HOUSING SHORTFALL (SURPLUS) FOR WORKERS,  
STUDENTS AND THE RETIRED BY CITY AND SUBAREA  
OF SANTA CLARA COUNTY

Subareas	1979 Job Generated Housing Demand	1979 Housing Total Supply	1979 Housing Shortfall or (Surplus) Units
<u>Central</u>			
San Jose	140,741	230,570	(54,234)
Milpitas	8,488	11,029	( 1,373)
Sub Total	149,229	241,599	(55,607)
<u>Southwest</u>			
Campbell	10,681	13,766	( 939)
Los Gatos	9,167	11,766	143
Monte Sereno	--	1,236	( 945)
Saratoga	5,716	9,389	( 1,844)
Sub Total	25,564	36,157	( 3,585)
<u>South Valley</u>			
Gilroy	4,258	6,847	( 1,358)
Morgan Hill	1,392	5,944	( 3,930)
Sub Total	5,650	12,791	( 5,288)
<u>Northwest</u>			
Cupertino	14,325	12,389	3,596
Los Altos	4,885	10,909	( 3,603)
Los Altos Hills	1,996	2,611	( 142)
Mountain View	31,683	28,473	7,088
Palo Alto	47,221	26,622	27,049
Santa Clara	44,052	34,059	15,534
Sunnyvale	61,068	44,989	22,189
Sub Total	205,230	160,052	71,711
15 - USA Total	385,673	450,599	7,231
Rural	8,848	10,604	( 150)
Countywide Total	394,521	461,203	7,081



FORM 721

Statement of Economic Interests

(Government Code Sections 87200 et seq.)

This form is for officeholders filing annual statements, newly elected state office holders assuming office in December or January, and officials who have left office.

See "Instruction Manual for Statement of Economic Interest—Form 721."

Please type or print in ink.

- 1. Name: Daniel V. Texera
2. Address: 1510 Fremont Street, Santa Clara, California 95050
3. Office held: City Councilman, Seat No. 5 (e.g., county supervisor, city council member, etc.)

[ ] State of California [ ] County of [ X ] City of Santa Clara

- 4. Check the appropriate box: N/A Filed for Opinion Request only.
[ ] This is my assuming office statement. (File between January 1 and March 1.)
[ ] This is my annual statement. (State officers, including judges, file between January 1 and March 1; city and county officials file between January 1 and April 1.)
[ ] I left the above-named office as of (Date)

5. Period covered by the Statement: January 1, 1979 to November 1, 1979

VERIFICATION

I declare under penalty of perjury that I have used all reasonable diligence in preparing this statement and to the best of my knowledge it is true and complete.

Executed on November 6, 1979 at Santa Clara, California.

Signature of Daniel V. Texera

NOTE to officers receiving statements: Except for statements of city managers and chief administrative officers, which should be retained by you, make and retain copies of all statements filed with you and forward the originals within five days of the filing deadline...

FOR INFORMATION REQUIRED TO BE PROVIDED TO YOU PURSUANT TO THE INFORMATION PRACTICES ACT OF 1977, PLEASE SEE INSTRUCTION MANUAL FOR STATEMENTS OF ECONOMIC INTERESTS—FORM 721, APPENDIX II.

THE FOLLOWING SUMMARY MUST BE COMPLETED BY ALL FILERS

**SCHEDULE A—Investments over \$1,000**

Schedule completed and attached  No reportable interests

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**SCHEDULE B—Interests in Real Property over \$1,000**

Schedule completed and attached  No reportable interests

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**SCHEDULE C—Investments and Interests in Real Property Held by Business Entities or Trust**

Schedule completed and attached  No reportable interests

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**SCHEDULE D—Income (Other Than Gifts)**

Schedule completed and attached  No reportable interests

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**SCHEDULE E—Gifts**

Schedule completed and attached  No reportable interests

---

**SCHEDULE EE—Honoraria**

Schedule completed and attached  No reportable interests

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**SCHEDULE F—Income of Business Entity Which Provides Legal or Brokerage Services**

Schedule completed and attached  No reportable interests

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**SCHEDULE G—Income of Business Entity Which Does Not Provide Legal or Brokerage Services**

Schedule completed and attached  No reportable interests

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NOTE: Filers whose reportable interests on any particular schedule have not changed since a previously filed annual statement may complete this statement by attaching the appropriate schedule(s) from the previous annual statement and checking "Schedule completed and attached" above.

**SCHEDULE 721-A**

**Investments**

(Government Code Sections 82034 & 87206)

Investments owned by the filer, spouse and dependent children aggregating \$1000 or more in business entities in the filer's jurisdiction.

<p><u>Texera Construction Company, Inc.</u> (Name of Company)</p> <p><u>Ownership Interest</u> (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.)</p> <p><u>Construction/Development</u> Date Acquired <u>8/77</u> (General Description of Business Activity) Date Disposed</p>	<p align="center"><i>Check One</i></p> <p><input type="checkbox"/> Value does not exceed \$10,000</p> <p><input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000</p> <p><input checked="" type="checkbox"/> Value exceeds \$100,000</p>
<p><u>Mary-Vin Corporation</u> (Name of Company)</p> <p><u>Common Stock - 50% Ownership</u> (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.)</p> <p><u>Construction/Development</u> Date Acquired <u>1/78</u> (General Description of Business Activity) Date Disposed</p>	<p align="center"><i>Check One</i></p> <p><input type="checkbox"/> Value does not exceed \$10,000</p> <p><input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000</p> <p><input checked="" type="checkbox"/> Value exceeds \$100,000</p>
<p>..... (Name of Company)</p> <p>..... (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.)</p> <p>..... Date Acquired _____ (General Description of Business Activity) Date Disposed</p>	<p align="center"><i>Check One</i></p> <p><input type="checkbox"/> Value does not exceed \$10,000</p> <p><input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000</p> <p><input type="checkbox"/> Value exceeds \$100,000</p>
<p>..... (Name of Company)</p> <p>..... (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.)</p> <p>..... Date Acquired _____ (General Description of Business Activity) Date Disposed</p>	<p align="center"><i>Check One</i></p> <p><input type="checkbox"/> Value does not exceed \$10,000</p> <p><input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000</p> <p><input type="checkbox"/> Value exceeds \$100,000</p>
<p>..... (Name of Company)</p> <p>..... (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.)</p> <p>..... Date Acquired _____ (General Description of Business Activity) Date Disposed</p>	<p align="center"><i>Check One</i></p> <p><input type="checkbox"/> Value does not exceed \$10,000</p> <p><input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000</p> <p><input type="checkbox"/> Value exceeds \$100,000</p>
<p>..... (Name of Company)</p> <p>..... (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.)</p> <p>..... Date Acquired _____ (General Description of Business Activity) Date Disposed</p>	<p align="center"><i>Check One</i></p> <p><input type="checkbox"/> Value does not exceed \$10,000</p> <p><input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000</p> <p><input type="checkbox"/> Value exceeds \$100,000</p>
<p>..... (Name of Company)</p> <p>..... (Nature of Interests, e.g., Common Stock, Partnership Interest, etc.)</p> <p>..... Date Acquired _____ (General Description of Business Activity) Date Disposed</p>	<p align="center"><i>Check One</i></p> <p><input type="checkbox"/> Value does not exceed \$10,000</p> <p><input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000</p> <p><input type="checkbox"/> Value exceeds \$100,000</p>

Attach additional information on appropriately labeled continuation sheets.

**SCHEDULE 721-B**  
**Interests in Real Property**  
 (Government Code Sections 82033 & 87206)

Interests in real property in the filer's jurisdiction in which the filer spouse and dependent children have an aggregate interest of \$1,000 or more. (Principal place of residence is not reportable.)

1365-1367 Block Drive (Duplex) <small>(Street Address or Precise Location of Property)</small>	<small>Check One</small> <input type="checkbox"/> Value does not exceed \$10,000 <input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000 <input checked="" type="checkbox"/> Value exceeds \$100,000
3/4 Equity Interest <small>(Nature of Interest, e.g., Equity, Option)</small>	<small>Date Acquired</small> 1966 <small>Date Disposed</small>
*1867 Clay Street <small>(Street Address or Precise Location of Property)</small>	<small>Check One</small> <input type="checkbox"/> Value does not exceed \$10,000 <input checked="" type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000 <input type="checkbox"/> Value exceeds \$100,000
Equity <small>(Nature of Interest, e.g., Equity, Option)</small>	<small>Date Acquired</small> 1968 <small>Date Disposed</small>
*2375 Patricia Drive <small>(Street Address or Precise Location of Property)</small>	<small>Check One</small> <input type="checkbox"/> Value does not exceed \$10,000 <input checked="" type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000 <input type="checkbox"/> Value exceeds \$100,000
Equity <small>(Nature of Interest, e.g., Equity, Option)</small>	<small>Date Acquired</small> 8/79 <small>Date Disposed</small>
*1690 Long Street <small>(Street Address or Precise Location of Property)</small>	<small>Check One</small> <input type="checkbox"/> Value does not exceed \$10,000 <input checked="" type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000 <input type="checkbox"/> Value exceeds \$100,000
Equity <small>(Nature of Interest, e.g., Equity, Option)</small>	<small>Date Acquired</small> 11/79 <small>Date Disposed</small>
*344 Kellogg Way <small>(Street Address or Precise Location of Property)</small>	<small>Check One</small> <input type="checkbox"/> Value does not exceed \$10,000 <input checked="" type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000 <input type="checkbox"/> Value exceeds \$100,000
Equity <small>(Nature of Interest, e.g., Equity, Option)</small>	<small>Date Acquired</small> 7/79 <small>Date Disposed</small>
<small>(Street Address or Precise Location of Property)</small>	<small>Check One</small> <input type="checkbox"/> Value does not exceed \$10,000 <input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000 <input type="checkbox"/> Value exceeds \$100,000
<small>(Nature of Interest, e.g., Equity, Option)</small>	<small>Date Acquired</small> <small>Date Disposed</small>
<small>(Street Address or Precise Location of Property)</small>	<small>Check One</small> <input type="checkbox"/> Value does not exceed \$10,000 <input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000 <input type="checkbox"/> Value exceeds \$100,000
<small>(Nature of Interest, e.g., Equity, Option)</small>	<small>Date Acquired</small> <small>Date Disposed</small>

Attach additional information on appropriately labeled continuation sheets.

### Investments and Interests in Real Property held by Business Entities or Trusts

(Government Code Sections 82033, 82034 & 87206)

Reportable investments and interests in real property held by business entities or trusts in which the filer, spouse and dependent children have an aggregate interest of 10% or more.

NAME OF BUSINESS ENTITY Texera Construction Company, Inc.

#### INVESTMENTS HELD BY BUSINESS ENTITY

(Name of Company) _____ (Nature of Investment, e.g., Common Stock, Partnership Interest, etc.) _____ (General Description of Business Activity) _____		<i>Check One</i> <input type="checkbox"/> Value does not exceed \$10,000 <input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000 <input type="checkbox"/> Value exceeds \$100,000
(Name of Company) _____ (Nature of Investment, e.g., Common Stock, Partnership Interest, etc.) _____ (General Description of Business Activity) _____		<i>Check One</i> <input type="checkbox"/> Value does not exceed \$10,000 <input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000 <input type="checkbox"/> Value exceeds \$100,000
(Name of Company) _____ (Nature of Investment, e.g., Common Stock, Partnership Interest, etc.) _____ (General Description of Business Activity) _____		<i>Check One</i> <input type="checkbox"/> Value does not exceed \$10,000 <input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000 <input type="checkbox"/> Value exceeds \$100,000

Attach additional information on appropriately labeled continuation sheets.

#### INTERESTS IN REAL PROPERTY HELD BY BUSINESS ENTITY

(office/commercial building) <b>2795 Park Avenue</b> (Street Address or Precise Location of Property)		<i>Check One</i> <input type="checkbox"/> Value does not exceed \$10,000 <input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000 <input checked="" type="checkbox"/> Value exceeds \$100,000
Equity (Nature of Interest, e.g., Equity, Option)		Date Acquired <u>8/77</u> Date Disposed <u>9/79</u>
2795 Park Avenue (Street Address or Precise Location of Property)		<i>Check One</i> <input type="checkbox"/> Value does not exceed \$10,000 <input checked="" type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000 <input type="checkbox"/> Value exceeds \$100,000
Second Deed of Trust (Nature of Interest, e.g., Equity, Option)		Date Acquired <u>9/79</u> Date Disposed <u>10/79</u>
(6 units townhouses) <b>1000-1050 Madison Street</b> (Street Address or Precise Location of Property)		<i>Check One</i> <input type="checkbox"/> Value does not exceed \$10,000 <input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000 <input checked="" type="checkbox"/> Value exceeds \$100,000
Equity (Nature of Interest, e.g., Equity, Option)		Date Acquired <u>12/77</u> Date Disposed <u>4/79</u>

Attach additional information on appropriately labeled continuation sheets.

**Investments and Interests in Real Property held by Business Entities or Trusts**

(Government Code Sections 82033, 82034 & 87206)

Reportable investments and interests in real property held by business entities or trusts in which the filer, spouse and dependent children have an aggregate interest of 10% or more.

NAME OF BUSINESS ENTITY Texera Construction Company, Inc. (continued)

**INVESTMENTS HELD BY BUSINESS ENTITY**

		<i>Check One</i>
(Name of Company)		<input type="checkbox"/> Value does not exceed \$10,000
(Nature of Investment, e.g., Common Stock, Partnership Interest, etc.)		<input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000
(General Description of Business Activity)	Date Acquired _____ Date Disposed _____	<input type="checkbox"/> Value exceeds \$100,000
		<i>Check One</i>
(Name of Company)		<input type="checkbox"/> Value does not exceed \$10,000
(Nature of Investment, e.g., Common Stock, Partnership Interest, etc.)		<input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000
(General Description of Business Activity)	Date Acquired _____ Date Disposed _____	<input type="checkbox"/> Value exceeds \$100,000
		<i>Check One</i>
(Name of Company)		<input type="checkbox"/> Value does not exceed \$10,000
(Nature of Investment, e.g., Common Stock, Partnership Interest, etc.)		<input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000
(General Description of Business Activity)	Date Acquired _____ Date Disposed _____	<input type="checkbox"/> Value exceeds \$100,000

Attach additional information on appropriately labeled continuation sheets.

**INTERESTS IN REAL PROPERTY HELD BY BUSINESS ENTITY**

(8 units townhouses)		<i>Check One</i>
1701-1715 Civic Center Drive		<input type="checkbox"/> Value does not exceed \$10,000
(Street Address or Precise Location of Property)		<input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000
Equity	Date Acquired <u>12/77</u> Date Disposed <u>7/79</u>	<input checked="" type="checkbox"/> Value exceeds \$100,000
(Nature of Interest, e.g., Equity, Option)		
		<i>Check One</i>
(Street Address or Precise Location of Property)		<input type="checkbox"/> Value does not exceed \$10,000
(Nature of Interest, e.g., Equity, Option)	Date Acquired _____ Date Disposed _____	<input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000
		<input type="checkbox"/> Value exceeds \$100,000
(unimproved)		<i>Check One</i>
1919 Bellomy Drive		<input type="checkbox"/> Value does not exceed \$10,000
(Street Address or Precise Location of Property)		<input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000
Equity	Date Acquired <u>4/79</u> Date Disposed _____	<input checked="" type="checkbox"/> Value exceeds \$100,000
(Nature of Interest, e.g., Equity, Option)		

Attach additional information on appropriately labeled continuation sheets.

### Investments and Interests in Real Property held by Business Entities or Trusts

(Government Code Sections 82033, 82034 & 87206)

Reportable investments and interests in real property held by business entities or trusts in which the filer, spouse and dependent children have an aggregate interest of 10% or more.

NAME OF BUSINESS ENTITY Mary-Vin Corporation

#### INVESTMENTS HELD BY BUSINESS ENTITY

		<i>Check One</i>
(Name of Company)		<input type="checkbox"/> Value does not exceed \$10,000
(Nature of Investment, e.g., Common Stock, Partnership Interest, etc.)		<input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000
(General Description of Business Activity)	Date Acquired _____ Date Disposed _____	<input type="checkbox"/> Value exceeds \$100,000
		<i>Check One</i>
(Name of Company)		<input type="checkbox"/> Value does not exceed \$10,000
(Nature of Investment, e.g., Common Stock, Partnership Interest, etc.)		<input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000
(General Description of Business Activity)	Date Acquired _____ Date Disposed _____	<input type="checkbox"/> Value exceeds \$100,000
		<i>Check One</i>
(Name of Company)		<input type="checkbox"/> Value does not exceed \$10,000
(Nature of Investment, e.g., Common Stock, Partnership Interest, etc.)		<input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000
(General Description of Business Activity)	Date Acquired _____ Date Disposed _____	<input type="checkbox"/> Value exceeds \$100,000

Attach additional information on appropriately labeled continuation sheets.

#### INTERESTS IN REAL PROPERTY HELD BY BUSINESS ENTITY

		<i>Check One</i>
(24) Townhouse Units at Homestead & Lochinvar		<input type="checkbox"/> Value does not exceed \$10,000
(Street Address or Precise Location of Property)		<input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000
Equity	Date Acquired <u>5/78</u> Date Disposed <u>(see attached)</u>	<input checked="" type="checkbox"/> Value exceeds \$100,000
(Nature of Interest, e.g., Equity, Option)		
		<i>Check One</i>
(Street Address or Precise Location of Property)		<input type="checkbox"/> Value does not exceed \$10,000
(Nature of Interest, e.g., Equity, Option)	Date Acquired _____ Date Disposed _____	<input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000
		<input type="checkbox"/> Value exceeds \$100,000
		<i>Check One</i>
(Street Address or Precise Location of Property)		<input type="checkbox"/> Value does not exceed \$10,000
(Nature of Interest, e.g., Equity, Option)	Date Acquired _____ Date Disposed _____	<input type="checkbox"/> Value exceeds \$10,000 but does not exceed \$100,000
		<input type="checkbox"/> Value exceeds \$100,000

Attach additional information on appropriately labeled continuation sheets.

Attachment to Schedule 721-C Page 3

Of the 24 units 17 were sold at various times during the year 1979. The business entity retains title to the remaining 7.



**SCHEDULE 721-D Page 2**  
**Income (Other than Gifts)**

(Government Code Sections 82030 & 87207(a))

Income aggregating \$250 or more from any source in the filer's jurisdiction. Salary and reimbursement for expenses from federal, state and local government agencies are not reportable.

Single family rental <small>(Name of the Source of Income)</small>		<i>Check One</i>	
2375 Patricia Drive		<input type="checkbox"/>	Amount or value received was not greater than \$1,000
Santa Clara, CA. <small>(Address of the Source of Income)</small>		<input checked="" type="checkbox"/>	Amount or value received was greater than \$1,000 and was not greater than \$10,000
Rental Property <small>(Business Activity of the Source of Income)</small>		<input type="checkbox"/>	Amount or value received was greater than \$10,000

Rental  
(Description of the consideration, if any, for the Income)

Single family rental <small>(Name of the Source of Income)</small>		<i>Check One</i>	
1690 Long Street		<input type="checkbox"/>	Amount or value received was not greater than \$1,000
Santa Clara, CA. <small>(Address of the Source of Income)</small>		<input checked="" type="checkbox"/>	Amount or value received was greater than \$1,000 and was not greater than \$10,000
Rental Property <small>(Business Activity of the Source of Income)</small>		<input type="checkbox"/>	Amount or value received was greater than \$10,000

Rental  
(Description of the Consideration, if any, for the Income)

Single family rental <small>(Name of the Source of Income)</small>		<i>Check One</i>	
344 Kellogg Way		<input type="checkbox"/>	Amount or value received was not greater than \$1,000
Santa Clara, CA. <small>(Address of the Source of Income)</small>		<input checked="" type="checkbox"/>	Amount or value received was greater than \$1,000 and was not greater than \$10,000
Rental Property <small>(Business Activity of the Source of Income)</small>		<input type="checkbox"/>	Amount or value received was greater than \$10,000

Rental  
(Description of the Consideration, if any, for the Income)

<small>(Name of the Source of Income)</small>		<i>Check One</i>	
<small>(Address of the Source of Income)</small>		<input type="checkbox"/>	Amount or value received was not greater than \$1,000
<small>(Business Activity of the Source of Income)</small>		<input type="checkbox"/>	Amount or value received was greater than \$1,000 and was not greater than \$10,000
<small>(Description of the Consideration, if any, for the Income)</small>		<input type="checkbox"/>	Amount or value received was greater than \$10,000

Attach additional information

**SCHEDULE 721-E**

**Gifts**

(Government Code Sections 82028 & 87207(a))

Gifts aggregating \$25 or more from any source.

Marriott's Great America <small>(Name of Donor)</small>	April, 1979 <small>Date(s) of Gift(s)</small>
P.O. Box 393, Santa Clara <small>(Address)</small>	\$175.00 <small>Value of Gift(s)</small>
Amusement Park <small>(Business Activity, if any, of the Donor)</small>	Admission Fees <small>Description of Gift(s)</small>
<hr/> <small>(Name of Donor)</small>	<hr/> <small>Date(s) of Gift(s)</small>
<hr/> <small>(Address)</small>	<hr/> <small>Value of Gift(s)</small>
<hr/> <small>(Business Activity, if any, of the Donor)</small>	<hr/> <small>Description of Gift(s)</small>
<hr/> <small>(Name of Donor)</small>	<hr/> <small>Date(s) of Gift(s)</small>
<hr/> <small>(Address)</small>	<hr/> <small>Value of Gift(s)</small>
<hr/> <small>(Business Activity, if any, of the Donor)</small>	<hr/> <small>Description of Gift(s)</small>
<hr/> <small>(Name of Donor)</small>	<hr/> <small>Date(s) of Gift(s)</small>
<hr/> <small>(Address)</small>	<hr/> <small>Value of Gift(s)</small>
<hr/> <small>(Business Activity, if any, of the Donor)</small>	<hr/> <small>Description of Gift(s)</small>
<hr/> <small>(Name of Donor)</small>	<hr/> <small>Date(s) of Gift(s)</small>
<hr/> <small>(Address)</small>	<hr/> <small>Value of Gift(s)</small>
<hr/> <small>(Business Activity, if any, of the Donor)</small>	<hr/> <small>Description of Gift(s)</small>
<hr/> <small>(Name of Donor)</small>	<hr/> <small>Date(s) of Gift(s)</small>
<hr/> <small>(Address)</small>	<hr/> <small>Value of Gift(s)</small>
<hr/> <small>(Business Activity, if any, of the Donor)</small>	<hr/> <small>Description of Gift(s)</small>

Attach additional information in appropriately labeled continuation sheets.

**SCHEDULE 721-EE**

**Honoraria**

(Government Code Sections 82028, 82030 and 87207(a))

Payments, aggregating \$25 or more, received for speaking at an event, participating in a panel, leading a seminar or providing similar services

<b>Name of Source</b>	<b>Date(s) of Payment(s)</b>
<b>Address</b>	<b>Amount or Value of Payment(s)</b>
<b>Business Activity, if any, of Source</b>	<b>Description of Payment(s)</b>
<b>Other Relevant Information (Optional):</b>	<b>Specific Description of Service(s) Rendered</b>

<b>Name of Source</b>	<b>Date(s) of Payment(s)</b>
<b>Address</b>	<b>Amount or Value of Payment(s)</b>
<b>Business Activity, if any, of Source</b>	<b>Description of Payment(s)</b>
<b>Other Relevant Information (Optional):</b>	<b>Specific Description of Service(s) Rendered</b>

<b>Name of Source</b>	<b>Date(s) of Payment(s)</b>
<b>Address</b>	<b>Amount or Value of Payment(s)</b>
<b>Business Activity, if any, of Source</b>	<b>Description of Payment(s)</b>
<b>Other Relevant Information (Optional):</b>	<b>Specific Description of Service(s) Rendered</b>

Attach additional information in appropriately labeled continuation sheets.



**SCHEDULE 721-G**

**Income of Business Entity Which  
Does Not Provide Legal or Brokerage Services**

(Government Code Sections 82030 & 87207(b))

Income (from sources in the jurisdiction) of a business entity in which the filer, spouse and dependent children have an aggregate interest of 10% or more.

Texera Construction Company, Inc.

(Name of Business Entity)

1265-A El Camino Real, Santa Clara, CA 95050

(Address of Business Entity)

Construction and Development Company

(Description of its Business Activity)

List the name of each individual or entity from whom the above business entity received payments if your pro rata share of gross receipts from the individual or entity was \$10,000 or more.

M. Barber

Y. Pyon

L. Norman

J. Haliburton

H. Nudlemen

P.T.L. Second, a limited partnership

A. Wong

M.K.P. Co., a limited partnership

K. & D. Seriman

J. Lampl

Mary-Vin Corporation

(Name of Business Entity)

1265-A El Camino Real, Santa Clara, CA 95050

(Address of Business Entity)

Real Estate Development

(Description of its Business Activity)

List the name of each individual or entity from whom the above business entity received payments if your pro rata share of gross receipts from the individual or entity was \$10,000 or more.

A. Wong

C. & C. Pratte

K. Yiu

J. McGregor

W. Uchimoto

J. Piechoto

M. Hover

C. Coupal

P. Pardaman

N. Byl

C. Cole

R. Chen

C. Deason

B. Tang

J. Donovan