Outlook

FW: CalHDF comment re agenda item 10.(c), 380 N 1st St, for 3/11/25 Council meeting

From City Clerk <city.clerk@sanjoseca.gov>
Date Wed 3/5/2025 1:02 PM
To Agendadesk <Agendadesk@sanjoseca.gov>

1 attachment (252 KB)
San Jose - 380 North 1st St - HAA Letter - CC - 11 Mar 2025.pdf;

From: James Lloyd [redacted]
Sent: Wednesday, March 5, 2025 12:35 PM
To: The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>
Cc: City Clerk <city.clerk@sanjoseca.gov>; Burton, Chris <Christopher.Burton@sanjoseca.gov>; CAO Main <cao.main@sanjoseca.gov>; Webmaster Manager <webmaster.manager@sanjoseca.gov>; PlanningSupportStaff <PlanningSupportStaff@sanjoseca.gov>
Subject: CalHDF comment re agenda item 10.(c), 380 N 1st St, for 3/11/25 Council meeting

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Dear San José City Council,

The California Housing Defense Fund ("CalHDF") submits the attached public comment re agenda item 10.(c), the proposed 118-unit housing development project, including six very low-income units, located at 380 North 1st Street, for the 3/11/25 Council meeting.

Sincerely,

James M. Lloyd
Director of Planning and Investigations
California Housing Defense Fund
[redacted]
CalHDF is grant & donation funded
Donate today - https://calhdf.org/donate/

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Mar 5, 2025

City of San José
200 E. Santa Clara Street
San Jose, CA 95113

By Email: mayoremail@sanjoseca.gov; District1@sanjoseca.gov; District2@sanjoseca.gov; District3@sanjoseca.gov; District4@sanjoseca.gov; District5@sanjoseca.gov; district6@sanjoseca.gov; District7@sanjoseca.gov; district8@sanjoseca.gov; District9@sanjoseca.gov; District10@sanjoseca.gov

CC: city.clerk@Sanjoseca.gov; Christopher.Burton@sanjoseca.gov; cao.main@sanjoseca.gov; webmaster.manager@sanjoseca.gov; planningsupportstaff@sanjoseca.gov

Re: Proposed Housing Development Project at 380 North 1st St

Dear San José City Council,

The California Housing Defense Fund ("CalHDF") submits this letter to remind the City of its obligation to abide by all relevant state laws when evaluating the proposed 118-unit housing development project, including six very low-income units, located at 380 North 1st Street. These laws include the Housing Accountability Act ("HAA") and the Density Bonus Law ("DBL").

The HAA provides the project legal protections. It requires approval of zoning and general plan compliant housing development projects unless findings can be made regarding specific, objective, written health and safety hazards. (Gov. Code, § 65589.5, subd. (j).) The HAA also bars cities from imposing conditions on the approval of such projects that would reduce the project's density unless, again, such written findings are made. (Ibid.) As a development with at least two-thirds of its area devoted to residential uses, the project falls within the HAA's ambit, and it complies with local zoning code and the City's general plan. Of note, increased density, concessions, and waivers that a project is entitled to under the DBL do not render the project noncompliant with the zoning code or general plan, for purposes of the HAA. (Gov. Code, § 65589.5, subd. (j)(3).) The HAA's protections therefore apply, and the City must not reject the project, except based on health and safety standards, as outlined above.

CalHDF also writes to emphasize that the DBL offers the proposed development certain protections. The City must respect these protections. In addition to granting the increase in residential units allowed by the DBL, the City must not deny the project the proposed waivers and concessions with respect to private open space, stepback requirements, landscape buffer, and transformer screening, unless it makes written findings as required by Gov. Code, § 65915, subd. (e)(1) that the waivers would have a specific, adverse impact upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Of note, the DBL specifically allows for a reduction in required accessory parking in addition to the allowable waivers and concessions. (Gov. Code, § 65915, subd. (p).) In addition, the California Court of Appeal has ruled that when an applicant has requested one or more waivers and/or concessions pursuant to the DBL, the City "may not apply any development standard that would physically preclude construction of that project as designed, even if the building includes 'amenities' beyond the bare minimum of building components." (*Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 775.)

CalHDF notes that members of the Historic Landmarks Commission recommended that the developer "explore adaptive reuse of the existing building in the project, a reduction in the project density, or an increase in the height of the new building to preserve the existing building and maintain the project density." However, the HAA mandates that if the City were to require the project be developed at a lower density, it would need to make findings that the project would have a specific, adverse impact on public health and safety. (Gov. Code, § 65589.5, subd. (j)(1).) Furthermore, the HAA states that "'lower density' includes any conditions that have the same effect or impact on the ability of the project to provide housing." (*Id*. at subd. (h)(8).) If the City were to require adaptive reuse of the existing building, or it were to require that the applicant design a much taller building on a smaller footprint, these requirements would almost certainly impact the ability of the project to provide housing, as taller buildings can often require much more expensive construction techniques and adaptive reuse of commercial buildings can be impractical and costly. Therefore, if the City were to impose any of these conditions, it would need to make health and safety findings. (*Id*. at subd. (j)(1).) Obviously, an impact on historic resources does not qualify as an impact on public health and safety.

As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: it will provide badly-needed affordable housing; it will bring new customers to local businesses; and it will reduce displacement of existing residents by reducing competition for existing housing. While no one project will solve the statewide housing crisis, the proposed development is a step in the right direction. CalHDF urges the City to approve it, consistent with its obligations under state law.

CalHDF is a 501(c)(3) non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,

[redacted]

Dylan Casey
CalHDF Executive Director

[redacted]

James M. Lloyd
CalHDF Director of Planning and Investigations

Outlook

FW: MARCH 11th AGENDA: Item 10.1 (c) - 380 N. First Street - Transit Residential

From City Clerk <city.clerk@sanjoseca.gov>
Date Thu 3/6/2025 3:47 PM
To Agendadesk <Agendadesk@sanjoseca.gov>

1 attachment (4 MB)
380 N First - Final Elevation Renderings (1).pdf;

From: Erik Schoennauer [redacted]
Sent: Thursday, March 6, 2025 3:39 PM
To: Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; Campos, Pamela <Pamela.Campos@sanjoseca.gov>; Salas, Carl <Carl.Salas@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>; Mulcahy, Michael <Michael.Mulcahy@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>; Candelas, Domingo <Domingo.Candelas@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Casey, George <George.Casey@sanjoseca.gov>
Cc: Burton, Chris <Christopher.Burton@sanjoseca.gov>; Tu, John <john.tu@sanjoseca.gov>; McNaughton, Kora <Kora.McNaughton@sanjoseca.gov>; Mostafa Aghamiri [redacted]
Subject: MARCH 11th AGENDA: Item 10.1 (c) - 380 N. First Street - Transit Residential

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Dear Mayor and City Council:

The 380 N. First Street project will provide 118 units of new housing in Downtown and near Japantown. **The Planning Staff and unanimous Planning Commission recommend approval.**

Below are the key features of proposed project modifications:

1) **North First Street Housing Strategy:** In 2022 the Planning Staff, the Planning Commission, and the City Council all supported designating this specific site for ***Transit Residential*** housing development, as part of the North First Street Urban Village Planning Process. The project maximizes allowed density at 244 du/ac. (see General Plan map below)

2) **Existing Site is Underutilized and Blighted:** Currently, half the site is a surface parking lot. The other half is a small vacant office building that has become a blight on the neighborhood. (see images below) The office building has been totally vacant for over 9 months and has been over 60% vacant for more than 5 years. The homeless and vandals regularly break in and damage the property.

3) **Fits Into The Walkable, Urban Neighborhood**: This site is located within a walkable, urban neighborhood and is within 1/4 mile of multiple VTA bus lines and the Japantown/Ayer and St. James light rail stations. (see image below) The site is an easy walk to St. James Park, Ryland Park, and numerous neighborhood restaurants and businesses.

4) **<u>Extensive Use of Brick for Historic Compatibility</u>**: The site is within 80 feet of the City Landmark Borcher Brothers Building, which has a brick exterior. So, the new building is proposed to have a significant brick facade. Over 37% of the North First Street facade will be brick. (see image below)

5) **<u>Provides Affordable Housing:</u>** 5% of the units within the new building will be affordable to very low income households. In addition, the project will make a significant financial contribution to the City's affordable housing fund.

6) **<u>Extensive Community Engagement:</u>** In response to the City's EIR, adjacent Ryland Mews neighbor Amy Brown said, ***" I am a resident next to the proposed building and I'd like to say I support all new housing. Please know that at least 2 people at Ryland Mews are in favor of getting our city on its way to housing equity!"*** During the N. First Street Urban Village planning process, the Planning Department held 3 community workshops, 2 drop-in virtual office hours, 4 meetings with neighborhood leaders, and an online survey. And, the Planning Department held a community meeting and EIR scoping meeting specifically about this new building.

For all of the reasons above, we hope that you find the project worthy of your support.

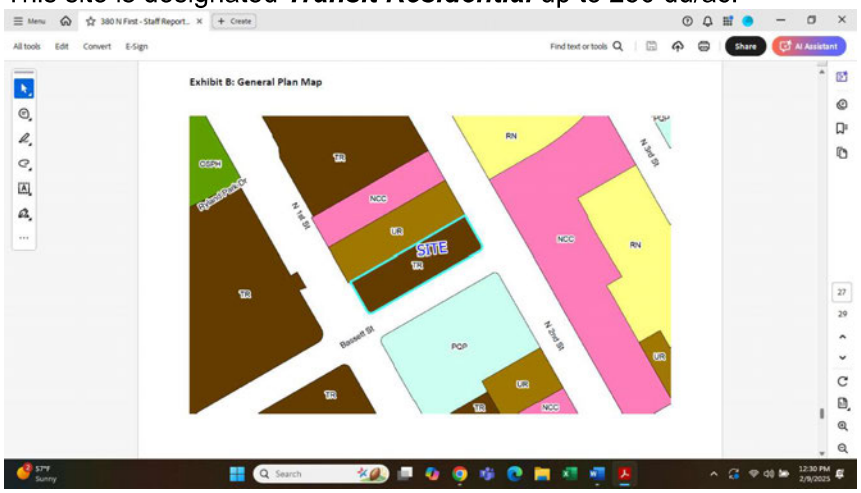
Thank you for your consideration. **<u>Please email or call if you have questions or would like to meet.</u>**

Best Regards,

ERIK

****

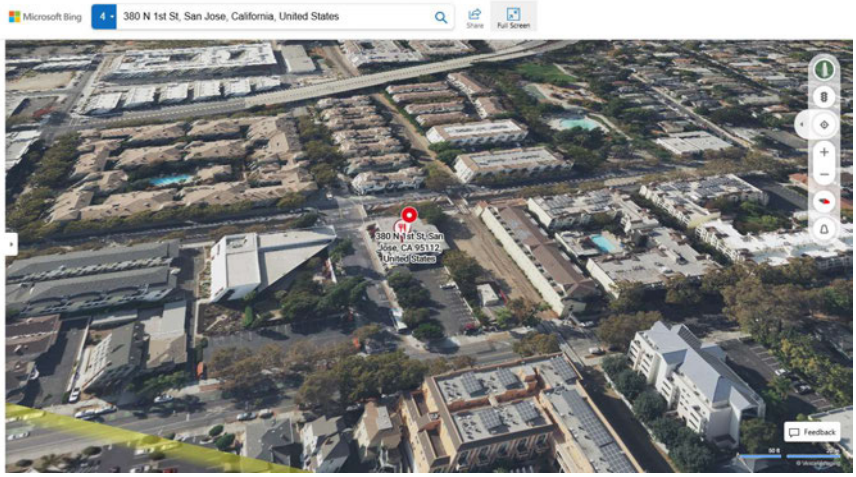
This site is designated ***Transit Residential*** up to 250 du/ac:



Half of the existing site is a surface parking lot:

Homeless and vandals regularly break in and damage the building:

Site is located in the middle of an urban neighborhood:



Extensive brick on the N. First Street Elevation:

--

Erik E. Schoennauer

THE SCHOENNAUER COMPANY

90 Hawthorne Way
San Jose, CA 95110
[redacted]

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380 N FIRST

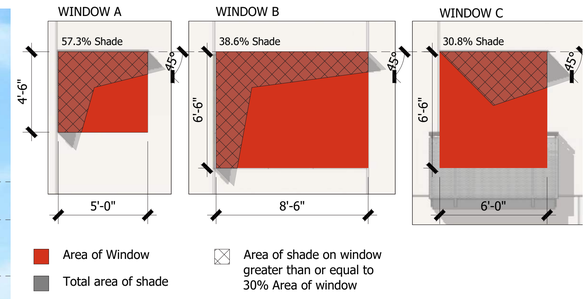
NORTH FIRST ST. ELEVATION 4

SCALE: 1/16" = 1' - 0" @ 22"x34"

BASSETT / N. FIRST ST. PERSPECTIVE 2

BASSETT ST. ELEVATION 3

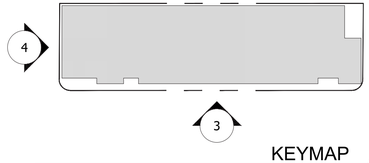
SCALE: 1/16" = 1' - 0" @ 22"x34"



SHADING DIAGRAM 1

MATERIALS

A1-1	Stucco - White	B1-1	Perforated Panel	B1-6	Storefront
A1-2	Stucco - Dark Grey	B1-2	Metal Railing	B1-7	Vinyl Windows
A1-3	Stucco - Blue Combination	B1-3	Glass Railing	B1-8	Juliet Balcony
A1-4	Brick Veneer	B1-4	Metal Sunshade	B1-9	Balcony
A1-5	Siding - Dark Grey	B1-5	Green Screen	B1-10	Metal Trellis
A1-6	Painted Mural (Up to 40'), Artwork TBD				



KEYMAP

STUDIO
T SQUARE
: Architecture
: Planning
: Urban Design

: 1970 Broadway, Suite 408
: Oakland, California 94612
: (510) 451 - 2850

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380 N 1ST STREET
San Jose, California

380 N 1ST STREET QOZB LLC
1484 Pollard Rd #3072
Los Gatos, California, 95032

Sheet Title:
BUILDING ELEVATIONS AND PERSPECTIVES

Job No. 22024
Date: 10/25/2024
Scale: 1/16"=1'-0"
File No.: H23-007

Sheet No:
7.0

NORTH SECOND ST. ELEVATION 3

SCALE: 1/16" = 1' - 0" @ 22"x34"

RAILROAD / N. SECOND ST. PERSPECTIVE 1

RAILROAD SIDE ELEVATION 2

SCALE: 1/16" = 1' - 0" @ 22"x34"

MATERIALS

A1-1	Stucco - White	B1-1	Perforated Panel	B1-6	Storefront
A1-2	Stucco - Dark Grey	B1-2	Metal Railing	B1-7	Vinyl Windows
A1-3	Stucco - Blue Combination	B1-3	Glass Railing	B1-8	Juliet Balcony
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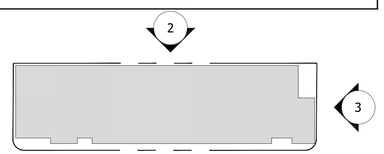
A1-6	Painted Mural (Up to 40'), Artwork TBD				



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San Jose, California

380 N 1ST STREET QOZB LLC
1484 Pollard Rd #3072
Los Gatos, California, 95032

Sheet Title:
BUILDING ELEVATIONS AND PERSPECTIVES

Job No. 22024
Date: 10/25/2024
Scale: 1/16"=1'-0"
File No.: H23-007

Sheet No:
7.1

Outlook

FW: Summary of Agenda Items.

From City Clerk <city.clerk@sanjoseca.gov>
Date Tue 3/11/2025 7:43 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: brian darby <[redacted]>
Sent: Tuesday, March 11, 2025 12:06 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Summary of Agenda Items.

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To: Honorable Mayor and City Council
From: Brian Darby
Date: March 10, 2025

Dear Mayor and Council Members,

I hope you are doing well.

I'm writing to share a consolidated summary of recent council documents, key takeaways and observations. Each document presents valuable insights into our city's development, operations, and financial health. I've also included a few recommendations to enhance clarity, encourage stronger community engagement, and promote sustainability in future projects.

Key Highlights and Observations

---

1. 380 North Development Proposal

- **What's Good:**
  - The project supports San José's Climate Smart Strategy by adding higher-density housing near transit.
  - Six units are set aside for very-low-income households, contributing to affordable housing goals.
  - Public outreach has been conducted, with some community support.
- **Areas to Consider:**
  - The demolition of a City Landmark raises preservation concerns.

- Residents voiced worries about limited parking, privacy, and loss of views.
- More emphasis on sustainable alternatives—like adaptive reuse of the existing building—could strengthen the proposal.

---

2. Apple Developer Program License Agreement

- **What's Good:**
  - The agreement ensures strong protection for developers' intellectual property.
  - Clear guidelines on app development and distribution processes.
- **Areas to Consider:**
  - The complexity of the legal language could be overwhelming for smaller or newer developers.
  - Offering a simplified summary or FAQs could help make the agreement more accessible.

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3. San José Investment Report (Q4 2024)

- **What's Good:**
  - Transparent reporting with a clear breakdown of portfolio composition and performance.
  - A conservative investment strategy helps safeguard public funds.
- **Areas to Consider:**
  - The report could offer more insight into potential market risks and future trends.
  - Including a forward-looking analysis could enhance financial planning.

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4. Olivia Bergin Memorandum (HMH Inc.)

- **What's Good:**
  - The project supports economic growth through the expansion of industrial facilities.
  - The rezoning aligns with city planning policies.
- **Areas to Consider:**
  - There's limited discussion about the environmental impact of construction and land use.
  - Greater community engagement—especially regarding traffic, noise, and environmental impact—could strengthen community trust.

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5. PSFSS Presentation (Q2 Financial Report)

- **What's Good:**
  - The presentation provides a solid overview of debt management and financial health.
  - Highlights strong debt issuance strategies and upcoming financial initiatives.
- **Areas to Consider:**
  - Some of the technical terminology may be difficult for non-experts to follow.
  - Using simpler language and visuals could make these complex financial details more accessible.

6. Public Safety Financial Reports

- **What's Good:**
  - Demonstrates solid financial management and a healthy return on investments.
  - Comprehensive coverage of risk management and revenue collection.
- **Areas to Consider:**
  - Opportunities exist to improve community engagement, particularly in how financial decisions are communicated.
  - Deeper exploration of emerging risks could further strengthen the city's financial strategies.

Overall Recommendations

1. **Simplify Complex Materials**
   - Use clearer, more accessible language in legal and financial documents.
   - Introduce visuals and summaries to make information easier to understand.
2. **Strengthen Community Engagement**
   - Expand outreach efforts, including interactive forums and feedback opportunities.
   - Provide clearer explanations on how community input shapes final decisions.
3. **Focus on Sustainability in Development Projects**
   - Encourage developers to consider sustainable alternatives, such as adaptive reuse and eco-friendly materials.
   - Clearly outline how new projects align with San José's environmental goals.

Final Thoughts

I was trying some new, more efficient ways to express my thoughts to the council, I hope you all have a nice day.

Respectfully

Brian Darby

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