

## Piozet, Jennifer

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**From:** Piozet, Jennifer  
**Sent:** Wednesday, February 23, 2022 8:30 AM  
**To:** Tim  
**Subject:** RE: N 1st Street Transit Village

Hi Tim – My responses are below.

1. Why is the planned growth (units and business sq. feet) not adjusted down as the parameters of the project have changed?  
Staff believes the same number of units and jobs can be accommodated in the smaller footprint given the heights of the central village.
2. Why was the police parking lot removed and not included in the density distribution if it's only being utilized for *temporary* homeless housing?  
This sit belongs to the City and the City does not anticipate accommodating any private uses that would use the jobs or housing numbers assigned to the Village. If that changes, then it may be explored to add the property back into the Village. If not, it will remain outside as this plan guides growth of private development. If the City (or County) develop according to their mission, state law does not require them to be held to any rules we adopt.
3. What guidelines are in place to avoid over saturation of affordable housing projects?  
This is illegal to implement. We cannot restrict housing based upon affordability levels. Instead, the Housing Department has the [Inclusionary Housing Ordinance](#) to require affordable housing be built (or a project pay an in-lieu fee) as part of market rate projects. They also now have the [commercial linkage fee](#) which applies to commercial projects that are required to pay a fee for affordable units. In an effort to address the concern of "saturation," the Housing Department has the [Affordable Housing Siting policy](#), which was adopted and in use since 1988. This policy attempts to disperse where City funding for affordable projects is spent so it is more evenly distributed throughout the city. It does not affect privately or other non-City funded affordable projects.
4. It appears that a lot of the village on the west side of First Street has been removed from the plan. What is the zoning for these areas?  
This was done to remove many existing historic or culturally significant properties, as well as existing single-family homes.
5. Will the zoning mirror the listed building heights (i.e. will the 50 foot guideline be 50 foot zoning)?  
[Municipal Code \(Zoning\) Section 20.55.100 – Development Standards](#) references the urban village plan as the point of truth for heights in this area.

Regulations		Zoning Districts				
		UVC	UV	MUC	UR	TR
Min. Lot Area		8,000 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	6,000 sq. ft.
100% Commercial FAR		Max. 8.0	Max. 10.0	0.25 - 4.5	1.0 - 4.0	2.0 - 12.0
Mixed use	FAR	N/A	Max. 10.0	0.5 - 4.5	Max. 4.0	Max. 12.0
	du/ac	N/A	Min. 55	Max. 50	Min. 30	Min. 50
100% Residential du/ac		N/A	55 - 250	N/A	30 - 95	50 - 250
Max. Building Height		Refer to Approved Urban Village Plan		85 ft.	135 ft.	270 ft.
		For additional regulations for building heights refer to <a href="#">Chapter 20.85</a> Specific Height Restrictions. For development located in areas with approved Urban Village Plans refer to the Urban Village Plan for height regulations.				

6. What parking guidelines will be in place? Will there be any additional parking provided that could be phased out in conjunction with the success of the plan?

Parking will be per the Municipal Code, as urban village plans do not regulate parking. View current regulations at [SJMC Section 20.90 – Parking and Loading](#).

7. Can there be any designation of fees or taxes to specifically enhance the existing/impacted neighborhood parks and the Guadalupe River Park?

No. We do not have a legal nexus as part of this Village plan to require fees to be paid for improvements. Any fee collected by the City has to have a nexus study conducted or some sort of trade of value done between the City and developer. The former is how the Housing Department collects fees from market rate developers for affordable housing or the Parks Department collects fees for building more parks, as they have a nexus study demonstrating a clear connection between the increase of people living in actual projects in an area, and the need for more affordable housing/parks. This is not possible with a Village plan as no projects are proposed at this time. For the latter, typically when City's "trade" something for a community benefit, it's usually an increase in density or height. The way the City's rules are structured, we already have very tall heights (120 feet) in all urban villages, and either our zoning or general plan allow lots of density. Furthermore, State laws like Assembly Bill (AB) 3194 remove the City's ability to force a housing project to rezone if their land is not zoned consistently with the General Plan designation, and as such, we cannot use that legislative action to capture the "increase of value" on the land the developer gets to fund community benefits. Staff did try this approach under the "Urban Village Implementation and Amenities Framework" ("Framework") and it was invalidated by State law. I encourage you to [read the memo about AB3194](#) and how the "Framework" was invalidated.

8. Any planned lighting improvements (historical lighting)?

Not at this time. The plan doesn't have a nexus to require this, but the Plan does have an action item in the Circulation and Streetscape Chapter and in the Implementation Chapter identifying that this is of interest to the community: Action CS-3: Upon receipt of funding, conduct a luminosity or similar study to establish potential locations for pedestrian-scaled lighting.

9. Will there be specific set-back guidelines (in conjunction with the planned street trees) especially regarding SB35 waivers?

I don't understand what you are asking. Please clarify. If the questions is can we require a developer that is using SB35 to plant street trees to provide a barrier between their project and the neighborhoods, that is on a case-by-case basis. The Department of Transportation regulates the placement of street trees which has to be done in context with new curb cuts, transit stops, and other site considerations.

10. What changes will be involved to facilitate a protected bicycle lane (especially on small residential streets)?

This is under the control of the Department of Transportation and they have their [Bike Plan 2025](#) which outlines all the plans for bike lane improvements.

- [Click here or on the image to access and review the Better Bike Plan](#)
- View the [interactive Better Bike Plan bikeways map](#)

11. How will increased traffic be mitigated in residential area (particularly the short-cuts through the Vendome from Coleman to First Street crossovers (i.e. Hawthorne/Empire; Jackson)?

This will be assessed if a development project is submitted through the traditional transportation analysis. If the analysis reveals a project impact that can be required by law that the developer address, then it is added to the project conditions. This plan includes action items in the Circulation and Streetscape Chapter and in the Implementation Chapter identifying that:

- Action CS-6: Explore conducting traffic studies to reduce cut through traffic in with the North 1st Street boundary.
- Action CS-7: Explore adding medians and traffic calming measures within and immediately surrounding the North 1st Street boundary to create safer pedestrian paths of travel.
- Implementation Chapter Action Item 11: Explore restricting through traffic from the I-880 off-ramp to Burton Avenue by making Burton Avenue a right in, right out configuration. The I-880 off-ramp would then be two dedicated left lanes and one dedicated right lane.
- Implementation Chapter Action Item 12: Explore restricting through traffic from North 1 st Street to East Younger Avenue by making East Younger Avenue a right in, right out configuration.
- Implementation Chapter Action Item 14: Explore increasing pedestrian crossings in the west/east direction across North 1st Street.

12. How and when will continued community outreach be communicated? And what will be the process for a new building approval?

Any new projects will follow the standard outreach procedures (if Planning permits are required) outlined in [City Council Policy 6-30 – Public Outreach Policy for Pending Land Use and Development Proposals](#).

Thanks,

**Jennifer Piozet**

Supervising Planner & Integrated Permitting System Subject Matter Expert

Planning, Building & Code Enforcement

[jennifer.piozet@sanjoseca.gov](mailto:jennifer.piozet@sanjoseca.gov) | 408.535.7894

City of San José | 200 E. Santa Clara St. | Third Floor Tower | San José, CA 95113

For more information: [www.sanjoseca.gov/planning](http://www.sanjoseca.gov/planning) or [www.sjpermits.org](http://www.sjpermits.org)

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**From:** Tim [REDACTED]  
**Sent:** Tuesday, February 22, 2022 10:04 AM  
**To:** Piozet, Jennifer <[Jennifer.Piozet@sanjoseca.gov](mailto:Jennifer.Piozet@sanjoseca.gov)>  
**Subject:** N 1st Street Transit Village

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Hi Jennifer,

I wanted to thank you for attempting to answer questions of concern that residents in the Vendome have regarding the finally planning report that was approved to move to council.

Many were not happy with the chair of the commission cutting you off after addressing one question and moving to a vote. After many meetings, both in person and virtual, many people were upset with the lack of engagement allowed in the meeting.

If you could address the questions I've attached it would be greatly appreciated so I can disseminate the information back to our community.

Most all feel that the Transit Village, if done right, will be good for the Vendome. Major concerns are the building sites taken out and potential that super high rises up to 120 ft could end up in the place of structures that are not preserved as historic. Please help define how that process would work to help calm the minds of those who fear after the plan is approved by council certain locations can then be sold and developed outside the scope of the transit guidelines.

I hope this makes sense.

Looking forward to a response.

Thanks,

Tim Clauson  
VNA President

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