

City of San Jose Director's Hearing for 940 Willow Street 7-Story building proposal *Transcription 12/3/2025*

SPEAKER A – Alec Atienza, City Planner at City of San José

That in lieu of having minimum parking requirements, the city now mandates that qualifying projects must implement a transportation demand management plan. In this, this applicant did elect to do that. So they, they are providing a transportation demand management plan. And what that is, is it's basically a package of a combination of public improvements and programmatic measures that are aimed at, at reducing people's reliance on vehicles. And I can have Renzel from public works here as well if he wants to dive in a little bit deeper. But I can just read off what those measures are if you're interested. So it's basically a point total. So they are providing at least 20% of the units for affordable at affordable levels. They're providing transit network improvements, which is a whole host of the public improvements that they're constructing along the street frontage in the vicinity of the area. They're also providing pedestrian network improvements. So think adding wider sidewalks. They're also creating a new VTA bus shelter right in front of the project site. Basically trying to get people out of the car. That's the idea. And then they also receive points for having right size parking totals. So we do have ideal parking ratios that are within our, our TDM handbook. And so this project is meeting that. And then they're also unbundling parking costs from the property costs. So in doing so they meet that, that point total. One of the other things I wanted to bring up, I know, I know you didn't bring this up, but was affordability levels. So I mentioned in my presentation that there are requirements for affordability levels for builders remedy, but there are also city requirements. Right. So we have the inclusionary housing ordinance. One of the speakers asked about what those levels would be and sort of how that's actually maintained. So As I said, 15% of the units would be for very low income households, which for Santa Clara county that's 30 to 50% of area median income and then 15% for moderate income. And that's 81 to 120% of area median income. And the way that that is actually enforced is that the applicant or the property owner will actually have to enter into an agreement with the city that binds them for 55 years to provide that those number of units at that affordability level. And then maybe one other point, I know that this, this came up a lot is just, you know, the building is, is tall. It's, it does not meet the CN height limit. However, this is a builder's remedy project. So we can't, we can't really use the height limit as a as a standard for this project. And then maybe I can kick it over to the CEQA team if they want to kind of go through AB130.

SPEAKER B – Ruth Cueto, Principal Planner at City of San José

Yes, thank you.

SPEAKER C - Charlotte Yuen, Planner at City of San José, Environmental Project Manager

Hello hearing officer. This is Charlotte Yuen, the environmental project manager for this Rose project. So I just wanted to briefly summarize the CEQA review for this project. Again. As Alec mentioned in his staff report, this project is statutorily exempt under AB130. As Alec mentioned, this was a new development in the summer of this year where projects that meet certain housing criteria of which this project meets would be statutorily exempt from CEQA review. What this means is that the usual categories that would be analyzed under CEQA were not done so because it's statutorily exempt. With that being said, any concerns about public utilities or or parking that was analyzed separately with Public Works and if they would like to speak to that, they can do so.

SPEAKER B - Ruth Cueto

Thank you.

SPEAKER D - Reyjun Sadorra City of San José, Public Works Department

Hi, good morning everyone. Good morning. Rey Sadorra, public works project engineer for this project, so to speak. On the utilities I was brought up so initial stage of this project we did do a capacity analysis for both sanitary sewer and storm drain utilities. And at the time of analysis our current modeling shows that. There will be no capacity issues stemming from the project. And they did analyze two scenarios, A sanitary sewer discharging onto a sewer main on Wall street and also a scenario where the sewer discharges will be sent at Kotenberg. And so according to public works analysis, those scenarios did not bring concern of any capacity issues. And so as how this relates to the senators or issues as brought up during the public comments. So those would be issues not arising from the project itself, but sound more of a current maintenance issues. And so we deem that the project would have passed or we would have capacity for sewer and storm discharges for this project.

SPEAKER B

Thank you, Ray. The applicant has an additional five minutes if you wish to speak and respond to the issues and questions raised.

SPEAKER E - Chris Freise, Managing Partner & Co-Founder at **Redco** Development.

Yeah, hi, this is Chris Freise from Redco, the applicant and I just wanted to speak briefly to everyone and thank you for joining us this morning. I think what we would like to do is we are not. Someone who doesn't care about San Jose or its fabric. Currently I'm the chair of the Downtown San Jose BID which is a non-profit board focused on clean, safe and placemaking. And that's a voluntary role that I do. We care very much about your city. We had a lot of conversations around massing height, parking and impacts of the neighborhood. There's another project that was approved without nearly the amount of attention over on 1050St. Elizabeth street in Willow Glen for seven stories almost two years ago. And frankly it's, it's because it's not near. As much of an impact to high end homes and the proximity to Lincoln. But that's why housing should go here. We are providing for 127 self-parked stalls. The neighborhood does have a lot of parking spots on the street and is impacted. And so one of the considerations of trade-offs are height versus parking. So if you want a shorter building with no parking, it's very much possible. But from our standpoint, the trade off from a market project that's great for the city was that we wanted to provide a lot of parking for the project. And you also notice that those are self-park stalls. There's the ability to. Do scissor lifts and other sort of tandem stalls and ways to kind of bring more density into that garage, which we probably will do as it relates to parking stalls not required by the city, not required by the project. But we want to park all of our residents on our on site. We don't want stalls parked on the street as many of the current residents of the neighborhood do. As it relates to the massing, we, we, you can see the project sets back on all sides to the adjacent neighborhood. And you know, a builder's remedy project allows you to go up and build a box without any setbacks and more density. And you know, whether it's the roof and the mansard style roof or the massing which we set back, or the style, the architecture which really tried to. Kind of break up the massing, you know, it costs more to build, but it's in a way that we think is fitting of Willow Glen. It's a project that should be proud of. I, I actually was encouraged to hear positive app public comment and then I also, you know, generally speaking public comment, those that are in favor of projects don't speak up, but we get a voicemail or an email or something from people all the time, at least once a week asking when they can move in and that they're excited about the project. And a lot of those folks are people that are a key part of the neighborhood which are, you know, teachers, firefighters that work downtown, folks that all cities need and we need more housing to allow those folks to be part of it. You know, the, the new CEO for the downtown association that we just hired is moving out from Tulsa, has a family and is going to move to Willow Glen and he's trying to figure out a great place that he could live in and work in San Jose for his family. And it's interesting. He will be an applicant that will qualify for one of the affordable units in the project. And so that's a great case study of somebody who's going to directly benefit from our project. So with that, I'd like to turn

it over to Jenna, who's our Land Use Council, to just speak briefly about some of the comments related to CEQA. But thank you for everybody, for your time this morning. Jenna, are you. Are you there?

SPEAKER F – Genna Yarkin, Counsel for Redco

Great. Thank you. So, as we heard earlier this morning, some members of the public are concerned about the project's perceived traffic and utility impacts. Among other things, these are frequent community concerns with dense development. However, they're not in themselves indicative of significant impacts. A wide variety of projects can be exempt from CEQA. City has carefully and appropriately considered the legal standard that applies when considering use of the AB130 exemption, and no member of the public has disputed that. I see I have six seconds left. I'm wondering if I can just have another 30 seconds.

SPEAKER B - Ruth Cueto, Principal Planner at City of San José

I'm sorry, there's only five minutes for the applicant team. Thank you. So I'm going to close the public comment period for this item. I want to thank the people who joined us today from the public, the applicant, the applicant's representatives. I also want to thank staff for the thorough presentation. You know, these kinds of projects are not the standard. And in this case, the applicant chose to take advantage of a state law to move forward with a project that under normal circumstances would, unless it was 100% affordable, would likely not be permitted on this site. However, state law is clear that Builders Remedies projects are exempt from local zoning and land use development regulations. The Housing Accountability act limits local control and it limits the legal authority of cities to deny a project. There are very narrow findings for project denial, such as evidence that the denial is required by state or federal law, or if a project has a significant adverse impact on public health and safety based on objective written standards, this project either meets objective zoning or development design standards, or where it doesn't, there are categories under state density bonus law or the Housing Accountability act that it falls under. And therefore, I must approve this project because there aren't any federal or state laws where this project can be denied and the project has not shown that it would have any significant adverse impacts on public health and safety based on objective standards. I will consider the statutory exemption pursuant to Public resources Code Section 2108 0.66 Assembly Bill 130 in accordance with CEQA and approve the site development permit H23 030. Thank you.