

December 8, 2023

VIA EMAIL ONLY

Scott Connelly
Valley Oaks Partners, LLC
734 The Alameda
San Jose, CA 95126

LOCATION AND ADDRESS: North side of River Oaks Parkway between Iron Point Drive and Cisco Way (211-281 River Oaks Parkway)

RE. File Nos. H23-041 & T23-028, Site Development Permit to allow the demolition of three existing buildings totaling 164,606 square feet and the removal of 220 trees (142 ordinance-size, 78 non ordinance-size) for the construction a 737-unit multi-phased residential development including a seven-story, 505-unit market rate apartment building, a five-story, 132-unit 100% affordable apartment building, and 100 townhouse units configured in 14 three-story buildings on an approximately 9.82-gross acre site. The project also includes an application for a Vesting Tentative Map to allow the subdivision of two lots into 31 lots (16 residential, f10 open space lots, and five private streets) and to allow up to 100 residential condominium units on an approximately 9.82-gross acre site.

Dear Mr. Connelly,

Your application, referenced above, has undergone review for completeness and consistency with City policies and regulations. The purpose of this letter is to provide you with comments and revisions necessary for the project to meet City policies and ordinances. Additional comments may be made later when we receive revised plans and additional information.

Project Issues and Concerns

Based on our initial review of your project, the items listed below are the substantial issues that affect the proposed project, and are explained in more detail in this letter:

1. See the Zoning Consistency, Subdivision Consistency, Citywide Design Standards and Guidelines, and Plan Clarifications sections below for additional requested information and updates.
2. Upon resubmittal, provide a list of 12 to 15 potential street names for the proposed private streets. The street names must be reviewed by the necessary internal departments and external agencies. Please also refer to [City Council Policy 6-5: Street Naming and Renaming Policy](#) for guidelines on street naming. See the Subdivision Consistency section below for more information.
3. See staff comments on the Density Bonus Application in the State Density Bonus Law section below.
4. An on-site sign must be posted on the proposed project frontage. See the attached sign and

instructions for posting below.

Permit Streamlining Act

Pursuant to the Permit Streamlining Act (Government Code Chapter 4.5 of Title 7), your application has been determined to be **complete**. Please note, determining an application to be complete means the minimum required submittal documents have been provided for review and consideration. Additional information and revisions may be required to prepare your proposed project for hearing.

Project Review

1. Project Description

We understand your project to consist of the following applications:

- Site Development Permit (File No. H23-041) to allow the following:
 - Demolition of three existing buildings totaling approximately 164,303 square feet and the removal of 220 trees (142 ordinance-size, 78 non-ordinance-size).
 - Construction of a seven story, 505-unit market rate apartment building. The ground floor consists of structured parking, a leasing office, lobby space, mail room, and utilities. The second floor consists of structured parking, residential units, amenity space and additional utility rooms. The third floor consists of residential units, amenity space, and three outdoor courtyards, including a pool area. Floors 4 through 7 consist of residential units and a roof lounge. Vehicle access is provided from River Oaks Parkway and Cisco Way. A total of 593 vehicle parking spaces, 15 motorcycle spaces, and 117 bicycle parking spaces are provided.
 - Construction of a five-story, 132-unit, 100% affordable apartment building. The ground floor consists of structured parking, lobby, property management office, mail room, and utilities. The second floor consists of residential units, amenity space, and two outdoor courtyards. Floors 3-5 consist of residential units and additional amenity space. Vehicular access is provided from Iron Point Drive. A total of 103 vehicle parking spaces, 3 motorcycle, and 48 bicycle parking spaces are provided.
 - Construction of 100 multifamily residential units (townhouses) configured in 14 three-story buildings. The townhouse buildings consist of a mix of 4-plex, 6-plex, and 8-plex buildings. The project includes the construction of a single-story clubhouse at the western end of the townhouse development, adjacent to the proposed pool area. A landscaped common outdoor area is also provided in the center of the townhouse development. Two vehicle parking stalls per unit are provided in private garages (200 spaces total). An additional 13 surface parking spaces are provided for a total of 213 vehicle parking spaces. Additionally, 4 motorcycle parking spaces and 120 bicycle parking spaces are provided. The townhouses are served by an internal private street network accessible from both

File No. H23-041 & T23-028

Page 3

Iron Point Drive and Cisco Way.

- Vesting Tentative Map (File No. T23-028) to subdivide two lots into 31 lots (16 residential lots, five lots for private streets, and 10 open space lots) and to allow up to 100 residential condominium units on an approximately 9.82-gross acre site.

- The project includes a Density Bonus Application pursuant to the State Density Bonus Law ([Government Code Section 65915](#)). Based on the application provided, the proposed affordable housing building will be 100% deed restricted with 30% of the units reserved for very low-income households and 70% of the units reserved for low-income households. The applicant is not seeking any additional density bonus units. No incentives/concessions are requested. The project is requesting waivers to design standards for landscape coverage, driveway separation, and height transition requirements.

Upon resubmittal, please confirm if or how the project will be phased. For example, will the project consist of three independent phases? If so, is the applicant proposing to also phase the construction of any required public improvements? Staff will work with the applicant and Department of Public Works to determine the phasing process.

Please confirm that the description above includes all aspects of the proposed project and advise us immediately if any information is incorrect or omitted.

See staff comments in *red italics* below.

2. General Plan Consistency

The subject site is designated **Industrial Park** with a **Transit Employment Residential Overlay** on the land use transportation diagram of the [Envision San José 2040 General Plan](#).

Density: 75 to 250 DU/AC (minimum average)

This overlay identifies sites within the North San José Employment Center that may be appropriate for residential development, but only in accordance with other policies contained in the North San José Area Development Policy. This overlay supports residential development as an alternate use at a minimum average density of 55 units per acre. Sites with this overlay may also be developed with uses consistent with the underlying designation. This designation permits development with commercial uses on the first two floors and residential use on upper floors, as well as wholly residential projects. Development within this category is intended to make efficient use of land to provide residential units in support of nearby industrial employment centers. Site specific land use issues and compatibility with adjacent uses should be addressed through the development permit process. Land within this overlay area may also be converted for the development of new schools and parks as needed to support residential development.

Staff Comments: The subject site has a Transit Employment Residential Overlay, which allows for the development of multifamily housing with a density range between 75 to 250 dwelling units per acre. Based on the plans provided, the project would allow a residential density of approximately 76.2 DU/AC, above the minimum requirement of 75 DU/AC.

File No. H23-041 & T23-028

Page 4

The project may be consistent with the following General Plan policies:

Land Use Policy-10.2: Distribute higher residential densities throughout our city in identified growth areas and facilitate the development of residences in mixed-use development within these growth areas.

Land Use Policy-10.5: Facilitate the development of housing close to jobs to provide residents with the opportunity to live and work in the same community.

Transportation Policy-1.5: Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.

Transportation Policy-1.7: Require that private streets be designed, constructed, and maintained to provide safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.

Housing Policy H-1.2: Facilitate the provision of housing sites and structures across location, type, price, and status as rental or ownership that respond to the needs of all economic and demographic segments of the community including seniors, families, the homeless and individuals with special needs.

3. Title 20 - Zoning Consistency

Land Use

The subject site is located within the **IP Industrial Park** Zoning District. As the project consists of a housing project within the allowable density of the Transit Employment Residential Overlay, it would be reviewed for consistency with the **TERO** Zoning District ([Chapter 20.65](#)). Multifamily residential development is permitted in the TERO Zoning District. Therefore, the project requires the issuance of a Site Development Permit.

Development Standards – [Section 20.65.040](#)

Development Standard	Requirement	Apartment Building (Affordable)	Apartment Building (Market Rate)	Townhouses
Minimum Lot Area	6,000 square feet	57,367 square feet	181,507 square feet	3,783 square feet (residential)
100% Residential Density Allowed	75 to 250 DU/AC	76.2 DU/AC		
Maximum Building Height	270 feet	52 feet, 8 inches	73 feet	30 feet
Front Setback	Maximum 10 feet	TBD (River Oaks Parkway), 10 feet Iron Point Drive	TBD (River Oaks Parkway, 10 feet (Cisco Way)	11 feet (Cisco Way)

File No. H23-041 & T23-028

Page 5

Side Setback	Maximum 10 feet	N/A	N/A	N/A
Rear Setback	Minimum 10 feet	N/A	N/A	TBD (Anza Road)

Common and Private Open Space Regulations for 100% Residential Project	Refer to Section 20.55.102 (See below)
Lighting	Refer to Section 20.55.103 (See below)
Parking	Refer to Chapter 20.90 (See below)

Staff Comments:

• *Minimum Lot Area*

- *Apartments – Based on the Vesting Tentative Map provided, the proposed lots for the two apartment buildings conform with the minimum required lot sizes for the TERO Zoning District.*
- *Townhouses – The residential lots for townhouses range in square footage from 3,783 square feet (Lot 9) to 7,720 square feet (Lot 3). As currently proposed, Lots 4, 5, 7, 9, and 10 do not meet the minimum lot size requirements of the TERO Zoning District. To allow for reduced lot sizes, the applicant may utilize waivers under State Density Bonus Law. Alternatively, the applicant has the option to instead apply for a Planned Development Zoning and Planned Development Permit. Also see the Subdivision Consistency section below for more information.*

• *Setbacks*

- *Front Setback – The property lines along Iron Point Drive, River Oaks Parkway, Cisco Drive, and Levee Road (identified as Cabrillo Road – private street) all have frontages greater than 120 feet. Therefore all four frontages are considered front setbacks per [Section 20.200.670](#) of the Zoning Code.*

- *Apartments – Staff understands that there is a landscape easement along River Oaks Parkway that will remain. Therefore, the buildings must be placed no further than 10 feet from the easement line. Upon resubmittal, please provide the setback measurement from both the Market Rate Apartments and Affordable Apartments along River Oaks Parkway. Both buildings comply with the maximum front setback lines along Iron Point Drive and Cisco Way.*

File No. H23-041 & T23-028

Page 6

- *Townhouses – As currently proposed, it appears that the townhouses do not comply with the required maximum front setbacks along Iron Point Drive, Cisco Way, and Levee Road. The buildings will need to be brought to within 10 feet of the property line on each of those three frontages.*
- *Side Setback – There are no side setbacks.*
- *Rear Setback – Anza Road is a driveway, therefore it is considered the rear lot line. Based on the plans provided, the project meets the minimum 10-foot setback requirement. However, upon resubmittal, please provide the actual*

Vehicle Parking Requirements – Section 20.90

The proposed project is subject to the Transportation Demand Management (TDM) requirements of [Section 20.90.900](#) of the San José Municipal Code.

Except for projects exempted in Section 20.90.900.B of the San José Municipal Code, all projects shall submit a TDM Checklist (defined in 20.90.050.S) at time of initial application for a development permit or ministerial permit. The development permit or ministerial permit shall not be deemed complete until the TDM Plan is submitted. No development permit or ministerial permit shall be issued that does not meet the requirements of this part.

Table 20-250 of the San José Municipal Code identifies Project Level Thresholds; Table 20-255 identifies project TDM requirements. The point value of the TDM Strategies selected for the TDM Plan must add up to or exceed the Project's required Point Target. Table 20-255 shows the Point Target range by Project Level and TDM use category. The TDM Program Guidelines describe the Point Target calculation and a menu of qualified TDM Strategies with corresponding point values. The points target calculation is determined as part of the development permit approval along with a TDM plan.

Table 20-250: Project Level Thresholds	
Use Category	Level 2 If a project meets ANY of the criteria below, it is classified in Level 2
Home End Uses (HEU)	300+ Dwelling Units

Table 20-255: Project Requirements			
Project Level	Point Target for HEU Uses	TDM Plan and Annual TDM Plan Compliance Documentation	TDM Monitoring Report
Level 2 Project	25 Points	Required	Required

Staff Comments: The project consists of the construction of 737 residential units. Therefore, for the purposes of Section 20.90.900, the project is classified as a Level 2 Home End Use. Per Table 20-255, the project must prepare a Transportation Demand Management Plan that achieves a point target of 25 points.

The applicant has submitted a completed TDM Checklist and TDM Plan to the Department of Transportation for review. DOT will provide additional comments if necessary. If you have any questions, please contact Florin Lapustea in the Department of Transportation at Florin.Lapustea@sanjoseca.gov.

Vehicle Parking Design Requirements – Table 20-220

Parking Space Type (90- degree angle)	Minimum Width	Minimum Length
Full Size	9	18
Small	8	16
Uniform	8.5	17

Staff Comments: Upon resubmittal, provide dimensions of typical parking spaces. All vehicle parking spaces may be any combination of sizes as set forth in [Section 20.90.100](#), with the exception that no more than 40% of the spaces may be designated as small car spaces.

The minimum width of a two-way drive aisle is 24 feet. However, pursuant to [Section 20.190.100.C](#), the City may allow reduction of the minimum width of certain 24-foot aisles on a site to not less than twenty feet, provided such reduction will not impair the safe and convenient accessibility of the parking spaces affected thereby, and the safety of the site, as otherwise provided in this section.

Bicycle Parking – [Table 20-210](#)

Ratio	Number of Units	Required
1 per 4 living units	737	185 spaces
	Total Provided	345 spaces

Analysis: As proposed, the project exceeds the required number of bicycle parking spaces. However, the project must demonstrate that all bicycle parking meets the applicable design standards of [Section 20.90.190](#) of the Zoning Code. Upon resubmittal, demonstrate that the short-term bicycle parking spaces provided outside of the building footprints conform with the following requirements:

- The facilities shall be located at least three feet away from any wall, fence, or other structure.*
- When multiple short-term bicycle parking facilities are installed together in sequence, they shall be installed at least three feet apart and located in a configuration that provides space for parked bicycles to be aligned parallel to each other.*

File No. H23-041 & T23-028
Page 8

- The facilities shall be installed in a clear space at least two feet in width by six feet in length to allow sufficient space between parked bicycles.*
- Permanently anchored bicycle racks shall be installed to allow the frame and one or both wheels of the bicycle to be securely locked to the rack.*
- The facilities shall meet the minimum dimensions for bicycle parking spaces listed in [Table 20-190](#). The standard required bicycle space is two feet wide, six feet long and four feet tall.*
- There must be at least five feet clear space to access all bicycle parking spaces and allow room for bicycle maneuvering. Where short-term bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.*

Two-Wheeled Vehicle (Motorcycle) Parking – [Section 20.90.350](#)

Two-wheeled motorized vehicle parking shall be provided at a rate of 2.5% of standard vehicle parking provided, except for multi-family residential uses when the multi-family uses are located within buildings that have individual enclosed garages assigned to each multi-family dwelling unit. Any fractional amount is rounded up. No two-wheeled motorized vehicle parking spaces are required if ten or less vehicle parking spaces are provided.

Staff Comments: No motorcycle parking spaces are required for the townhouse portion of the project, as each unit includes an individual enclosed garage. Therefore, two apartment buildings are required to provide a total of 18 motorcycle parking spaces. For the market rate building the project data shows that 15 motorcycle spaces are provided, however the floor plans (Sheet 9.0) only show six spaces. Upon resubmittal, please provide an additional nine spaces.

It is noted that an additional four motorcycle spaces are provided as surface parking spaces in the townhouse development.

Upon resubmittal provide measurements and details demonstrating conformance with the design requirements for the motorcycle spaces provided in the market rate apartments, affordable apartments and townhouses per [Section 20.90.370](#) of the Zoning Code.

- Two-wheeled motorized vehicle parking spaces shall be a minimum of three feet in width and six feet in length.*
- Two-wheeled motorized vehicle parking facilities within auto parking areas shall be separated by a physical barrier to protect two-wheeled motorized vehicles from damage by automobiles and other moving vehicles. Barriers include curbs, wheel stops or other similar features.*

Common Open Space – [Section 20.55.102.B](#)

Common open space is the outdoor space provided for recreation of all residents of a project. Each residential or mixed-use development shall comply with the following common open space requirements:

- 100% Residential projects shall provide common open space at a minimum of 100

File No. H23-041 & T23-028

Page 9

square feet per residential unit;

- Indoor recreation space counts toward a maximum of fifty percent of the common open space requirement if the entire area of the indoor space is designed exclusively for recreational use that is available for use by residents of the development without additional use fees (including but not limited to swimming pools, exercise facilities, or multi-use recreation rooms).

Staff Comments: The project is located within ¼ mile walking distance of an existing public open space. The site is directly across the street from River Oaks Park. Therefore, no common open space is required to be provided. See the exceptions for common and private open space below. Note, the project does provide approximately 103,778 square feet of common open space throughout the development.

Private Open Space – [Section 20.55.102.C](#)

Private open space is the outdoor space attached to a living unit and provided for the use of the residents of the living unit. Private open space can occur in the form of a patio, balcony, deck, or rear yard. The private open space requirement is calculated based on the total

number of units and each development shall meet the following private open space requirements:

- 100% Residential projects shall provide private open space in the following manner:
 - Studios and one-bedroom units shall provide a minimum of 40 square feet per residential unit;
 - Units with two or more bedrooms shall provide a minimum of 60 square feet per residential unit;
- At least 50% of all dwelling units shall have direct access to private open space in the form of a balcony, patio, or roof terrace;
- Refer to the Citywide Design Standards and Guidelines for additional standards and regulations for dwelling units which face public streets and public open spaces.

Market Rate Apartments

Unit Type	Ratio	Number of Units	Required
Studios/1 bedroom	40 sf per unit	379 units	15,160 sf
2 bedroom or more	60 sf per unit	126 units	7,560 sf
Total Required			22,270 sf

Affordable Apartments

Unit Type	Ratio	Number of Units	Required
Studios/1 bedroom	40 sf per unit	60 units	2,400 sf

File No. H23-041 & T23-028

Page 10

2 bedroom or more	60 sf per unit	72 units	4,320 sf
Total Required			6,720 sf

Townhouses

Unit Type	Ratio	Number of Units	Required
2 bedroom or more	60 sf per unit	100 units	6,000 sf
Total Required			6,000 sf

Staff Comments: Based on the plans provided, the project requires approximately 34,990 square feet of private open space.

- *Apartments – The apartments portion of the project provides a total of 28,415 square feet of private open space in the form of decks/balconies.*
- *Townhouses – The townhouse portion of the project provides a total of 18,359 square feet of private open space in the form of patios/decks.*

See the requirements below for exceptions to common and private open space.

Exceptions to Common and Private Open Space Requirements – [Section 20.55.102.D](#)

- Projects located within a quarter mile walking distance, by way of a pedestrian accessible public right-of-way or easement, of existing public open spaces or POPOS shall be exempted from common open space requirements. Projects located between a quarter mile and a half mile walking distance of existing public open spaces or POPOS shall have the common open space requirement reduced by 50%.

Staff Comments: The project is located directly across the street from River Oaks Park. Therefore, the project is exempt from common open space requirements. Nevertheless, the project provides a total of 103,778 square feet of common open space.

- Development projects may reduce their private open space requirement by up to 50% under the following conditions:
 - Up to 50% of the total private open space requirement may be fulfilled through the development of an equivalent amount of common open space in addition to the common open space requirement detailed in [Section 20.55.102\(B\)](#).
 - For development projects which are exempted from common open space requirements because of their proximity to public open space or POPOS, up to 50% of the total private open space requirement may be fulfilled through the development of an equivalent amount of common open space.
 - Development projects shall not provide private open space for less than 50% of the total number of units.

File No. H23-041 & T23-028
Page 11

Staff Comments: As discussed above, the total project is required to provide approximately 34,990 square feet of private open space. As the project provides at least 34,990 square feet of common open space, the project is eligible for an up to 50% private open space reduction.

Upon resubmittal, please confirm that at least 50% of all residential units have private open space (i.e., decks/balconies/patios).

4. Title 19 - Subdivision Consistency

The project includes an application for a Vesting Tentative Map (File No. T23-028) to subdivide two lots into 31 lots (16 residential lots, 5 lots for private streets, and 10 open space lots) and to allow up to 100 residential condominium units on an approximately 9.82-gross acre site. The proposed subdivision is subject to the following design requirements pursuant to [Chapter 19.36](#) of the Subdivision Code.

Lot Area and Width – [Section 19.36.170](#)

Except as lot areas or widths are set forth in other provisions of [Title 19](#) or 20 of this Code, each lot shall contain a minimum area of not less than six thousand square feet each with an average width of not less than 55 feet.

Staff Comments: Based on the Vesting Tentative Map provided, there are five lots that do not meet the minimum lot size requirements of the TERO Zoning District. As currently proposed, Lots 4, 5, 7, 9, and 10 do not meet the minimum lot sizes. To allow for reduced lot sizes, the applicant may utilize waivers under State Density Bonus Law. Alternatively, the applicant has the option to instead apply for a Planned Development Zoning and Planned Development Permit.

Lot Size Exception – [Section 19.36.180](#) - The director may permit the reduction of the six thousand square foot minimum lot area prescribed in [Section 19.36.170](#) of all or some of the lots in a proposed subdivision if the director shall, in the exercise of reasonable judgment, deem such reduction advisable in view of the character of the neighborhood in which the subdivision is to be located, the quality or kinds of development to which the area is best adapted, the size, use or physical or other conditions of the property proposed to be subdivided, neighborhood and general planning, or safety and general welfare of the public and of the lot owners in the proposed subdivision, provided that in no event shall any lot contain a minimum area of less than five thousand square feet. The provisions of this section shall not be used to decrease the minimum lot areas designated in [Title 20](#) of this Code or in any sections of this [Title 19](#) other than [Section 19.36.170](#).

Staff Comments: The TERO Zoning District requires a minimum lot size of 6,000 square feet. Therefore, upon resubmittal, please revise the proposed subdivision to ensure that no residential lot is less than 6,000 square feet. To allow for reduced lot sizes, the applicant may utilize waivers under State Density Bonus Law. Alternatively, the applicant has the option to instead apply for a Planned Development Zoning and Planned Development Permit.

Lot Access Requirements – [Section 19.36.190](#)

File No. H23-041 & T23-028
Page 12

Except as otherwise provided in this [Title 19](#), all lots shall have direct access to a public street. The director may waive this requirement with respect to certain lots in a proposed subdivision if he finds that, because of the design of and/or improvements in such subdivision, proposed private ways of access from said lots to a public street for both vehicular and pedestrian traffic, are adequate for such lots.

Staff Comments: Project complies, all proposed lots have access to either a public or private street.

Maximum Lot Depth – [Section 19.36.230](#)

No lot shall have a greater depth than two and one-half times its average width, except when the director, in the exercise of reasonable judgment, shall determine that a greater depth is advisable in view of the size, shape, use or physical or other condition of the property proposed to be subdivided.

Staff Comments: Based on the Vesting Tentative Map provided, it appears that some of the lots exceed the lot depth requirement. However, based on the design of the proposed subdivision, this requirement may be waived as each of the lots have direct access to private streets and common open space on either side of each lot. The findings to waive a design standard are listed in [Section 19.04.05](#).

Street Names

Upon resubmittal, provide staff with a list of twelve potential street names for the proposed private streets. Please refer to [City Council Policy 6-5: Street Naming and Renaming Policy](#) for guidelines on street naming.

Staff Comments: Based on the Tentative Map and plans provided, the project would construct five new private streets. Upon resubmittal, provide a list of twelve (12) potential street names. Staff will forward the names on to the relevant internal and external agencies for review. Upon approval of all street names, please add the names to the Tentative Map. Note, if any street names are proposed to be changed between approval of the Tentative Map and approval of a Final Map, the new street names will need to be reviewed by all necessary agencies prior to map recordation.

5. Title 13 - Tree Removals

The proposed project is subject to the following tree mitigation table below:

Circumference of Tree to be Removed (measured at 4.5 feet above ground)	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native Non-Native Orchard			
	5:1	4:1	3:1	
	3:1	2:1	none	
38 inches or greater 19 up to 38 inches				15-gallon
				15-gallon

File No. H23-041 & T23-028
Page 13

1:1	1:1	none
-----	-----	------

less than 19 inches 15-gallon x:x = tree replacement to tree loss ratio

Note: Trees greater than 38-inch circumference shall not be removed unless a Tree Removal Permit or equivalent, has been approved for the removal of such tree.

For Multi-Family Residential, Commercial, and Industrial properties, a permit is required for removal of trees of any size.

A 38-inch in circumference equals 12.1 inches in diameter.

A 24-inch box tree can be used in lieu of two 15-gallon trees.

Staff Comments: Based on the arborist report provided, the project includes the removal of 220 trees. Of the trees to be removed, 142 are ordinance size and 78 are non-ordinance-size trees. A total of 28 trees would be preserved. Upon resubmittal, provide a sheet in the plan set showing the location of all trees to be removed. Include the table above in the plans and provide calculations showing how the project meets the tree removal mitigation requirements.

It appears that many of the trees along River Oaks Parkway are considered street trees and are maintained by the Department of Transportation (DOT). Note, if any street trees are proposed to be removed, their removal must be permitted separately through DOT. Removal of street trees cannot be considered in the calculation for removal and mitigation of on-site trees for planning approval. Upon resubmittal, please provide an updated arborist report and plan set. See the [Street Tree GIS Layer](#) for reference.

Please note that if not all required replacement trees are planted on site, then the applicant will be required to pay off-site replacement fee. The off-site tree replacement fee is \$775 per tree per the [2022 Planning Fee Schedule](#). Note the project is subject to the 2022 fee schedule, which was in effect when the applicant's SB330 Preliminary Application (File No. PRE23-111) was submitted on June 29, 2023.

6. Design Standards and Guidelines Consistency

Please note, the North San Jose Design Guidelines are guidelines, not standards. While the applicant is encouraged to comply with the [North San Jose Design Guidelines](#), staff has not conducted a review for consistency with these guidelines as they are not objective/quantifiable.

The project is subject to the design standards and guidelines of the [Citywide Design Standards and Guidelines](#).

Standards are objective requirements that are quantifiable and verifiable. Development projects must comply with Standards identified within design standards and guidelines (unless other adopted plans or policies prevail). Standards that are specific to residential, commercial, or industrial land uses (as defined in the General Plan) are listed under "Additional Standards for General Plan Residential, Commercial, or Industrial Land Use Designations."

Guidelines describe best practices and serve as overarching design guidance. Proposed

File No. H23-041 & T23-028

Page 14

commercial and industrial projects subject to the Design Standards and Guidelines must be in substantial conformance with the guidelines contained in the document. Guidelines provide a framework of design principles that supplement the mandatory design rules. Guidelines that are specific to residential, commercial, or industrial land uses as defined in General Plan are listed under "Additional Guidelines for General Plan Residential, Commercial, or Industrial Land Use Designations."

Exceptions: Please note that the Design Guidelines include an exception process. A project applicant may request an exception to the design standards contained in the design guidelines. The request must be made in writing as part of the Planning application for the proposed project. The application for an exception must contain detailed information on the design standard that is requested to be waived; how the physical constraints and unique situations of the project site make it infeasible to comply with the design standard; how the proposed project meets the design standard to the extent feasible; and how the request meets each exception requirements. The decision-maker would need to consider the request and information provided and make certain findings to either approve or deny the request.

The decision-maker (Planning Director, Planning Commission, or City Council, as applicable) shall only grant an exception if all the following findings are made:

- There is a physical constraint or unique situation that:
 - Is not created by the project applicant or property owner; and
 - Is not caused by financial or economic considerations.
- Approving the exception will not create a safety hazard or impair the integrity and character of the neighborhood in which the subject property is located.
- The proposed project meets the intent of the design standard to the extent feasible.

If any of above findings cannot be made, the decision-maker may still grant the exception if all the following findings are made:

- The project advances the Major Strategies Chapter 1 of the General Plan;
- The project is consistent with the Values and Guiding Principles of Section 1.2.1 of the Design Guidelines;
- The project achieves the stated Rationale of the section of the Design Guidelines as set forth for each applicable Standard; and
- There are counterbalancing considerations that justify the inconsistency.

Staff Comments: If the applicant proposes any exceptions to the design standards, please provide a narrative outlining the design standard exception request. Include how the project meets each of the above findings in the narrative. The applicant has not submitted a request for an exception as part of the initial submittal application.

The project is subject to the following design standards:

- Section 2.2.2 – Driveways and Vehicle Drop-offs

File No. H23-041 & T23-028

Page 15

- Standard 1 – Locate curb cuts at least 20 feet away from publicly accessible open spaces and 50 feet away from pedestrian and bicycle entrances, except within porte-cochères and for sites with less than 60 feet of street frontage.

Staff Comments: Upon resubmittal, provide a measurement of the distance between the parking entry along River Oaks Parkway and the lobby entrance at the southwest corner of the market rate building.

- Standard 3 - For corner parcels or properties with two intersecting streets, provide the vehicular and driveway access on the secondary street or the street with lesser pedestrian, bicycle, and vehicular circulation.

Staff Comments: For the Market Rate Apartment Building, consider removing the driveway entrance along River Oaks Parkway. The primary vehicular entrance should be accessible from Cisco Way.

- Section 2.2.3 – Services and Utilities Access and Location

- Standard 3 - Screen all services and utilities located outside the building envelope that are within 30 feet of a public right-of-way.

Staff Comments: Provide details for screening of any utilities and enclosures located outside of the building envelope. For example, the trash enclosure along Cisco Way (nearest the townhouses) must be screened from view of the street. Provide an updated detail on Sheet 12.7.

Similarly, for any utility boxes located outside the envelope, ensure they are screened with either low walls or landscaping. Provide details for typical screening of any utilities.

- Section 2.3.1 – Building Placement

- Standard 1 - To create a continuous streetwall, place at least 75 percent of the ground floor primary street-, paseo-, or public open space- facing (except riparian corridor) façades of buildings with the primary commercial or residential use within five feet of the setback or easement line (whichever is more restrictive) (see Fig. 2.15 and 2.16). When there are multiple buildings on the site, 75 percent of the sum of all primary street-, paseo-, and public open space-facing ground floor building façades must be considered in the calculation above. This standard does not apply when the width of sidewalk is equal to or less than 10 feet.
- Standard 2 - To create a continuous streetwall, place building façades with the primary commercial or residential use within five feet of the setback or easement line (whichever is more restrictive) for at least 60 percent of the site frontage along secondary streets (see Fig. 2.15 and 2.16). When there are multiple buildings on the site, 60 percent of the sum of all secondary street-facing ground floor building façades must be considered in the calculation above. This standard does not apply when the width of sidewalk is equal to or less than 10 feet.

conformance with this standard is required. If any of the proposed sidewalks are required to be greater than 10 feet in width, then the above standards would apply to the project. If so, demonstrate conformance with these standards upon resubmittal.

• Section 2.3.6 – Vehicle Parking Placement and Surface Parking Design

- Standard 1 - For medium and large sites, place the first parking stall at least 30 feet away from the driveway when accessing a parking lot from a primary street to allow cars to stack on site rather than in the street.
- Standard 2 - Place the first parking stall at least 20 feet away from the driveway when accessing a parking lot from a secondary street, alley, or private street.

Staff Comments:

Market Rate Apartment – Provide a measurement from the first vehicle parking spaces (EV spaces) nearest the vehicular entrance to the parking garage along River Oaks Parkway. The first vehicle parking space may be no closer than 30 feet from back of sidewalk. Also provide a measurement from the first motorcycle parking space nearest the vehicular entrance along Cisco Way. The first space may be no closer than 20 feet measured from the back of sidewalk.

Affordable Apartment – Provide a measurement from the first vehicle parking spaces (EV spaces) nearest the vehicular entrance along Iron Point Drive. The first space maybe no closer than 20 feet measured from the back of sidewalk.

Townhouses – Provide a measurement from the first surface vehicle parking spaces in the northwest corner of the townhouse development to the back of sidewalk along Iron Point Drive. Ensure the first vehicle parking spaces are a minimum 20 feet measured from the back of sidewalk.

• Section 2.3.8 – Landscaping and Stormwater Management

- Standard 1 - Select trees which at maturity create a tree canopy cover that shades a minimum of 50 percent of each on-site surface parking area, common open space at the ground floor, and Privately-owned (and maintained) Public Open Space.

Staff Comments: The applicant has requested a waiver from this design standard pursuant to State Density Bonus Law. See the Density Bonus section below for more information.

- Standard 2 - Tree wells must be at least four feet larger than the tree trunk diameter at maturity.

Staff Comments: Upon resubmittal, confirm if any tree wells are proposed. If so, demonstrate conformance with Standard 2 on the landscape plan. The Citywide Design Standards checklist notes this information is provided on Sheet 10.0, but it is unclear if this information is provided.

- Standard 3 - Designate 700 cubic feet of noncompacted soil for small trees, 1400 cubic feet of non-compacted soil for medium trees, and 2100 cubic feet of

noncompacted soil for large trees to allow trees to reach their maturity. Structural soil systems, soil cells, or continuous trenches are example of ways to reach to the above soil volumes.

Staff Comments: Upon resubmittal, provide details demonstrating compliance with Standard 3.

- Standard 5 - Provide the following minimum distances from the center of trees to the edges of buildings for all trees to reach maturity and to prevent unnecessary tree removal:
 - Five feet for small trees
 - 12 feet for medium trees
 - 20 feet for large trees

Staff Comments: Upon resubmittal provide the measurements demonstrating compliance with Standard 5.

- Standard 6 - Provide a maximum distance of 20 feet on center for small trees, 25 feet for medium trees, and 35 feet for large trees, or 75 percent of the mature canopy size distance for each tree type measured from the center. Locate new street trees and new on-site trees in relation to existing street trees and on-site trees to be retained to meet these maximum spacing dimensions.

Staff Comments: Upon resubmittal, provide the measurements demonstration compliance with Standard 6.

- Standard 7 - Provide minimum vertical clearance for tree canopies at maturity as follows:
 - 14 feet in and around service and loading areas and driveways,
 - 12 feet for parking lots, and
 - Eight feet for tree canopies immediately adjacent to sidewalks and patios.

Staff Comments: Upon resubmittal, provide measurements demonstrating compliance with Standard 7.

- Standard 8 - Utilize at least 50 percent of the total landscaped area on a development site for LID site design measures, source controls, and green stormwater infrastructure, including but not limited to bioretention, rain gardens, LID planters, and permeable pavers.

Staff Comments: Upon resubmittal, provide a calculation demonstrating compliance with Standard 8.

• Section 3.1.2 – Form, Proportion, and Scale

- Standard 1 - Buildings at street intersections with traffic signals, terminus points, and open spaces must include at least two of the following architectural features for a minimum of 20 percent of each building frontage along the street.

File No. H23-041 & T23-028
Page 18

- Corner plaza.
 - Articulated corner with vertical or horizontal projections.
- Taller massing or exaggerated roof elements.
 - Building entrances with a minimum recess of three feet.

- Different façade treatments such as variations in materials and color.

Staff Comments: The portion of the building at the intersection of River Oaks Parkway and Cisco Way is subject to this requirement. Upon resubmittal, provide a calculation showing how the project meets two of the above requirements for a minimum of 20% of each frontage.

- Standard 3 – For streetwalls more than 200 feet in length, provide at least one recess or projection in the façade that is at least:

- 15 feet wide and 10 feet deep for residential, commercial, and mixed-use developments

Staff Comments: If a streetwall is required (only applies if sidewalk is greater than 10 feet in width), then the project must comply with this requirement. Upon resubmittal, provide updated plans demonstrating conformance.

- Section 3.2.1 – Pedestrian and Bicycle Entrances Design

- Standard 3 - Recess all building entrances that open towards a sidewalk by a minimum of three feet to protect pedestrians from bumping into doors opening outwards. If the doors open inwards, no recess is required, but provide a projecting or arching cover at least three feet deep for protection from weather and opportunity for addresses and additional signage.

Staff Comments: Upon resubmittal, provide measurements demonstrating conformance with this requirement for all building entrances along the public right of-way.

- Section 3.2.2 Vehicular Entrances and Driveways

- Standard 3 - When multiple driveways are provided on a street frontage, they must be at least 50 feet apart measured between the internal edges of the driveways.

Staff Comments: The applicant has requested a Density Bonus Waiver for this standard. See the State Density Bonus Law section below.

- Standard 6 - Individual residence garages must be set back from the building façade by at least four feet when placed along secondary streets and at least two feet when placed along alleys or internal circulation.

Staff Comments: Upon resubmittal, demonstrate compliance with Standard 6 for all individual residence garages in the townhouse portion of the development.

- Section 3.3.1- Façade Design and Articulation

File No. H23-041 & T23-028
Page 19

- Standard 1 - Articulate all building façades facing a street or public open space for at least 80 percent of each façade length. Articulate all other building façades for at least 60 percent of each façade length. Façade articulation can be achieved by providing material and plane changes or by providing a rhythmic pattern of bays, columns, balconies, and other architectural elements to break up the building mass.
- Standard 2 - Building elements such as bays, windows, and balconies that project from façades must have at least two feet of plane change.

Staff Comments: Upon resubmittal, provide updated elevations demonstrating the required percentages of façade articulation on all building facades, including the

apartment buildings and townhouse buildings.

- Section 3.3.3 Decks and Balconies

- Standard 2 - Occupied decks and balconies must be at least six feet wide and four feet deep to encourage outdoor seating.
- Standard 3 - Façade elements and unoccupied spaces such as Juliet balconies must be a minimum of three feet wide and 12 inches deep to provide relief or articulation in the façade.

Staff Comments: Upon resubmittal, provide dimensions for typical units for any private balconies/decks for the both the apartment units and townhouse units.

- Section 4.1.2 - Residential Frontages

- Standard 1 - Include a minimum three-foot-deep frontage zone at building entrances for residential and mixed-use developments.

Staff Comments: Upon resubmittal, provide dimensions for the frontage zones in front of the townhouse units.

7. State Density Bonus Law

On November 8, 2023, the applicant submitted a concurrent application pursuant to the State Density Bonus Law ([Government Code Section 65915](#)). See staff comments below.

Proposed Incentives/Concessions and Waivers

The project includes the following requests for waivers pursuant to State Density Bonus Law. The applicant is not requesting any incentives/concessions at this time.

- Waiver 1 – Citywide Design Standards and Guidelines Section 2.3.8 - Landscaping and Stormwater Management, Standard 1 – Select trees at maturity which create a tree canopy cover that shades a minimum of 50 percent of each on-site surface. parking area, common open space at the ground floor, and Privately-owned (and maintained) Public Open Space.

Staff Comments: Upon resubmittal, provide additional information outlining how

File No. H23-041 & T23-028
Page 20

complying with the standard will physically preclude the construction of the project at the density allowed. For instance, how many units would be lost if the project were to comply with the standard. Alternatively, provide a Design Standard Exception Request as discussed in Section 6 above.

- Waiver 2 – Citywide Design Standards and Guidelines Section 3.2.2 – Vehicular Entrances and Driveways, Standard 3 – When multiple driveways are provided on a street frontage, they must be at least 50 feet apart measured between the internal edges of the driveways. Based on the plans provided, there are two driveways on Iron Point Drive that are approximately 28 feet apart. Per the Density Bonus application provided, complying with the standard will substantially reduce the number of units and render the project physically infeasible.

Staff Comments: Upon resubmittal, provide additional information outlining how complying with the standard will physically preclude the construction of the project at the density allowed. For instance, how many units would be lost if the project were to comply with the standard. Alternatively, provide a Design Standard Exception Request as discussed in Section 6 above.

- Waiver 3 – North San Jose Design Guidelines – Transitions (pg. 58) – The North San Jose Design Guidelines suggest that new multi-story residential development adjacent to existing planned non-residential development should have a minimum setback of thirty (30) feet from the shared property line.

Staff Comments: The applicant does not need to request a waiver for this guideline. This is a guideline not a standard. Please refer to the Citywide Design Standards and Guidelines for applicable design standards. Upon resubmittal, please provide an updated density bonus application.

Regulatory Agreement Required - [Section 20.190.100](#)

- A. General. Applicants for a Density Bonus, Incentive, waiver, or modification of Development Standards shall enter into a Regulatory Agreement with the City. The terms of the draft Regulatory Agreement shall be reviewed and revised as appropriate by the Director and the City Attorney. The final Regulatory Agreement, as approved by the City Attorney, shall be executed by the Applicant and forwarded to the Approval Authority for final approval.
- B. Timing of Agreement Approval. Approval of the Regulatory Agreement by the Approval Authority shall take place either concurrently with the Discretionary Approval or Ministerial Approval that is being processed with the Density Bonus application; or under an application for a compliance plan submitted between the Discretionary Approval and Ministerial Approval, and Building Approval or Grading Approval, whichever comes first.
- C. Agreement Terms and Conditions. See [Section 20.190.100.C](#) for the Regulatory Terms and Conditions.

Staff Comments: Please note, for projects that include low-income units and very low-income units, the rents shall be as follows per Government Code Section 65915(c)(1)(B)(i):

File No. H23-041 & T23-028
Page 21

- *Rents for low-income units may not exceed 30% times 60% of the area median income.*

Rents for very low-income units may not exceed 30% times 50% of area median income.

The recordation of a Regulatory Agreement between the City and applicant will be included as a condition of approval in the Development Permit. The applicant would be required to submit a Planning Permit Adjustment to process the draft regulatory agreement after entitlement but before grading or building approval, whichever comes first.

- 8. Title 21 - Environmental Clearance - California Environmental Quality Act (CEQA)** See the attached memo outlining requirements for compliance with the California Environmental Quality Act (CEQA). Please have your contracted Environmental Consultant reach out to Environmental Project Manager, Kara Hawkins at kara.hawkins@sanjoseca.gov to discuss the CEQA path for this project.

9. Plan Clarifications and Required Additional Information

Upon resubmittal, please update the project plans with the following information:

Site Development Permit Plans

a. All Sheets

- i. Add File No. H23-041 to all sheets.

- ii. Update Revision Date

b. Sheet 1.1

i. Project Information

1. Provide existing use (office/industrial park)
2. Provide square footage of existing buildings

c. Sheet 2.0 – Site Plan

- i. If needed you can provide the detailed site plan on multiple sheets.
- ii. Provide a fully dimensioned site plan. Include the following:
 1. Setback measurements from buildings (see development standards in the Zoning consistency section above)
 - a. Apartments: Include the actual measurements from the landscape easement line along River Oaks Parkway.
 - b. Townhouses: Include actual measurements from property lines along Iron Point Drive, Anza Road, Levee Road, and Cisco Way.
 2. Vehicle Parking space dimensions
 3. Motorcycle Parking space dimensions

d. Sheet 2.2 – Private Open Space Diagram

File No. H23-041 & T23-028
Page 22

- i. Upon resubmittal, please confirm that at least 50% of the units include private open space. Confirm the total number of units that have private open space. See the Zoning Consistency section above for requirements.
- ii. Update the calculations in the table. It appears that the project is only required to provide 34,990 square feet of private open space.

e. Sheet 3.1 – Existing Conditions & Demolition Plan

- i. Provide square footage of each building/structure to be demolished.

f. Sheets 7.0-7.3 – Market Rate Apartment Elevations

- i. Provide height measurements to top of rooftop elements
- ii. Provide calculation demonstrating required façade articulation percentages per Section 3.3.1 of the Citywide Design Standards and Guidelines.

g. Sheets 7.5-7.6 – Affordable Apartment Elevations

- i. Provide height measurements to top of rooftop elements
- ii. Provide calculation demonstrating required façade articulation percentages per Section 3.3.1 of the Citywide Design Standards and Guidelines.

h. Sheets 7.8-7.10 – Townhouse Elevations

- i. Provide measurement to top of rooftop elements above roof level
- ii. Provide calculation demonstrating required façade articulation percentages per Section 3.3.1 of the Citywide Design Standards and Guidelines.

i. Sheet 7.11 – Clubhouse Plan

- i. Provide approximate square footage of clubhouse and pool equipment enclosure

j. Sheet 9.0 – Market Rate Floor Plan – Level 1

- i. Provide typical dimension of vehicle parking space per [Table 20-220](#) of the Zoning

Code.

- ii. Confirm the number of motorcycle spaces provided. The project data shows 15, however the floor plan only shows 6. Additionally ensure that columns are not prohibiting motorcyclists from accessing the parking spaces.
- iii. Provide dimensions and details for motorcycle parking space per [Section 20.90.370](#) of the Zoning Code.
- iv. Demonstrate conformance with Citywide Design Standards and Guidelines Section 2.3.6

- 1. Provide a measurement of the distance between the back of sidewalk and the first vehicle parking space along River Oaks Parkway. The first parking space may be no closer than 30 feet (primary street).

- 2. Provide a measurement of the distance between the back of sidewalk and

File No. H23-041 & T23-028

Page 23

- the first motorcycle parking space along Cisco Way. The first parking space may be no closer than 20 feet (secondary street).

k. Sheets 9.1-9.6

- i. Provide dimensions of typical balcony for 1BR, 2BR, and 3BR units. Alternatively, provide a separate sheet showing how the project meets private open space requirements. See Citywide Design Standards and Guidelines Section 3.3.3 and Appendix A2 above.

l. Sheet 9.8 – Affordable Floor Plan – Level 1

- i. Provide typical dimension of vehicle parking space per [Table 20-220](#) of the Zoning Code.
- ii. Confirm the number of motorcycle spaces provided. It appears 3 are provided.
- iii. Demonstrate conformance with Citywide Design Standards and Guidelines Section 2.3.6
 - 1. Provide a measurement of the distance between the back of sidewalk and the first motorcycle parking space along Iron Point Drive. The first parking space may be no closer than 20 feet (secondary street).
- iv. Confirm if the room at the southwest corner of the building is bicycle parking. If so, label it as such and provide the total number of spaces.

m. Sheet 10.0–10.7 Landscape Plan

- i. Provide updated landscape plans demonstrating conformance with Citywide Design Standard Section 2.3.8. s
- ii. Provide details demonstrating compliance with bicycle parking design standards pursuant to [Section 20.90.190](#) of the Zoning Code.

n. Add Sheet – Tree Mitigation Plan

- i. Provide a sheet showing the location and species of all trees to be removed on site.
- ii. Include the tree removal mitigation table on the project plans. See Tree Removal section above for more information.

Vesting Tentative Map

- a. Add File No. T23-028 to all sheets.

b. Update revision date.

c. Under Notes:

a. Notes 1 and 21 are duplicates. Please remove one.

d. Confirm if any easements are to be dedicated to the City through a Covenant of Easement.

e. Provide twelve potential street names for the proposed private street. Upon approval of street names by relevant agencies, please add street names to the map.

File No. H23-041 & T23-028

Page 24

Additional Information

a. Project Phasing: Upon resubmittal, please confirm if or how the project will be phased. For example, will the project consist of three independent phases? If so, is the applicant proposing to also phase the construction of any required public improvements? Staff will work with the applicant and Department of Public Works to determine the phasing process.

10. Comments from Other Departments/Divisions and Agencies

Attached is a memorandum from other departments/divisions and outside agencies as indicated below. Please carefully review the memos, as they contain essential information needed to successfully and efficiently move your project through the Planning entitlement process. As required, comments contained in the attached memos must be incorporated into the revised plan sets. Concerns about any of these issues should be brought to my attention so that I can coordinate with appropriate City staff on your behalf.

a. Airport – No comments.

b. Building – To be forwarded upon receipt.

c. Environmental Review (CEQA) – See attached.

d. ESD Integrated Waste Management – To be forwarded upon receipt.

e. Fire – To be forwarded upon receipt.

f. Forestry Division - See attached.

g. Housing Department – See attached.

h. Parks, Recreation, and Neighborhood Services (PRNS) – To be forwarded upon receipt.

i. Public Works – To be forwarded upon receipt.

11. Community Outreach

Based on the scale and scope of the project, a community meeting will be required prior to any public hearings for this project. The City will provide public notice of this meeting to property owners and tenants within 1,000 feet of the proposed site and will coordinate with you and the City Council District Office on an appropriate date, time, and location for the meeting. Please note, Mondays and Thursdays are preferred days for Community Meetings to be held. Meetings should start no earlier than 6:00 pm and are held via Zoom.

12. On-Site Sign Posting

Per the City's Public Outreach Policy, a sign describing the proposed project is required to be placed on each project site street frontage so it is legible from the street. Attached is a PDF of the on-site poster. Once the sign is posted, I would appreciate it if you could please take pictures of

review.

- On-Site Noticing/Posting Requirements:
<https://www.sanjoseca.gov/home/showpublisheddocument?id=15573>
- Public Outreach: <https://www.sanjoseca.gov/home/showpublisheddocument?id=12813>

13. Next Steps

Please be advised that this summary does not constitute a final review. Additional comments may be provided upon review of any additional information and plan revisions submitted in response to this letter. In order to facilitate the development review process, please include a detailed response letter with your resubmittal that addresses all items contained in this letter and attached memos. When ready, please submit all updated plans and documents to ProjectDox using the [Planning File Naming Conventions](#). See additional information below regarding the naming conventions. Please anticipate at least three weeks for departmental staff to review your responses and revisions.

Description	Naming Example
Is it just a revision to an existing sheet?	First submittal sheet named 002-TS, Revised Sheet also name it 002-TS (do not put versions, updated etc)
Adding a sheet associated with existing sheet type (e.g. additional civil exhibits)	First submittal sheet named 007-C, additional sheet related to that sheet should be 007A-C

- Do not rename the sheet or document, even if you don't make changes, just submit under the previous sheet name.
- If you have sheets or documents with repeat number 002-A, 002-TS, 002-C, you are doing it wrong, each should be a unique sequence number or a sequence number with a suffix if multiple pages added to the plan set e.g. 002A-A, 002B-A

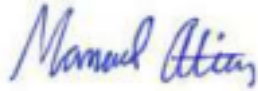
Additional fees may be applicable for community meetings, additional public noticing, and for other processes/reviews as a result of revisions to the project description or plans, based on the adopted fee schedule. We will inform you should additional fees be required. The project will not be scheduled for hearing until all fees have been paid in full.

If an Environmental Impact Report (EIR) that identifies any significant impacts is required pursuant to CEQA, then the project would be heard at a **Planning Commission** and **City Council** hearing. If an IS/MND or Exemption is required pursuant to CEQA, the project would be heard at a **Planning Director's Hearing**. Director's Hearings are held Wednesday at 9:00 am via Zoom.

Should you have any questions, you may contact me at alec.atienza@sanjoseca.gov or (408) 535-7688. You may also contact the Supervising Planner overseeing this project, Laura Meiners, at laura.meiners@sanjoseca.gov.

We look forward to continuing to work with you and your team on your project in San José.

Sincerely,



Alec Atienza
Project Manager
City of San José
(408) 535-7688

Attachments:

Environmental Review (CEQA) Memo

Forestry Memo

Housing Memo

On-site Sign



Memorandum

TO: Alec Atienza **FROM:** Planning – Environmental Team Kara Hawkins

SUBJECT: H23-041 & T23-028 **DATE:** December 6, 2023

These comments are based on an initial environmental review of the project plans and application submitted for 211-281 River Oaks Parkway.

Project Understanding

Site Development Permit to allow the demolition of three existing buildings totaling 164,606 square feet and the removal of 220 trees (142 ordinance-size, 78 non-ordinance-size) for the construction a 737-unit multi-phased residential development including a seven-story, 505-unit market rate apartment building, a five-story, 132-unit 100% affordable apartment building, and 100 townhouse units configured in 14 three-story buildings on an approximately 9.82-gross acre site. The project also includes an application for a Vesting Tentative Map to allow the subdivision of two lots into 31 lots (16 residential, 5 private streets, and 10 open space lots) and to allow up to 100 residential condominium units on an approximately 9.82-gross acre site.

Environmental Analysis

Based on the project description and project location, the proposed project would require the applicant to retain a qualified environmental consultant to prepare an Initial Study to determine the appropriate environmental process and clearance. Please find below an outline of the contents/resource areas typically included in an Initial Study.

I. Air Quality

Construction and operations of the site could result in temporary or permanent air

quality impacts on sensitive receptors in the area. An Air Quality Assessment with a health risk assessment is required.

II. Biological Resources

If any trees are located on site and will be removed or impacted by the proposed project, a tree survey shall be prepared. The tree survey should document species, size, and health conditions.

III. Greenhouse Gas Emissions

The project must show compliance with the City's 2030 Greenhouse Gas Reduction Strategy through completion of the Development Compliance Checklist. The Compliance checklist can be found on the following webpage:

(<https://www.sanjoseca.gov/yourgovernment/departments/offices/planning-building-code-enforcement/planning-division/environmentalreview/greenhouse-gas-reduction-strategy>)

December 6, 2023

Subject: H23-041

Page 2

IV. Hazards and Hazardous Materials

A Phase I Environmental Site Assessment may be required for this project. Based on the Phase I ESA, a Phase II may be needed.

V. Noise and Vibration

Noise measurements of the existing environment would be required to determine if exterior and interior noise levels for the project would meet the City's General Plan and Municipal Code standards. A noise and vibration study is required to ensure that construction and operation noise levels will not exceed the levels set out in the General Plan and impact adjacent developments.

VI. Transportation/Traffic

Based on the project description and location, the project may be required to complete a full Traffic Analysis. The project shall be subject to conformance to the new Transportation Analysis Policy, Council Policy 5-1 (<https://www.sanjoseca.gov/your-government/departments/public-works/development-services/transportation-analysis-reports>). Please refer to the Public Works Memo for more information on transportation scoping.

Environmental Determination

The environmental determination will be based on the conclusion of a requested Initial Study and technical reports.

Next Steps

Effective January 1, 2023, applicants who have projects on private property that require review under the California Environmental Quality Act (CEQA) must directly contract with an environmental consultant from our qualified list. The City's list of Qualified Consultants can be found here:

(<https://www.sanjoseca.gov/your-government/departments-offices/planning-building-codeenforcement/planning-division/environmental-review/city-list-of-approved-environmental-consultants>).

Staff will need to review a full scope of work from the environmental consultant firm at your earliest convenience. Consultants must work with City staff in preparing a scope of work early in the development review process if it has been determined that project will clearly have a significant effect on the environment. Final scope of work must be provided to the City and affirmatively approved prior to submittal of any draft environmental documents. Scope of work should be submitted directly to Kara Hawkins (kara.hawkins@sanjoseca.gov).

Sincerely,

Kara Hawkins
Environmental Planner III
408-535-7852
kara.hawkins@sanjoseca.gov



Memorandum

Elizabeth Koki
Digitally signed by Elizabeth Koki
ity of San Jose,
ou,

email=elizabeth.koki@sanjoseca.gov,
c=US
Date: 2023.12.19 14:00:54 -08'00'



Memorandum

To: Alec Atienza From: Kathy Tee Fire Department

Subject: INITIAL RESPONSE TO Date: 12/13/23 DEVELOPMENT
APPLICATION

Re: Plan Review Comments

PLANNING #: H23-041

DESCRIPTION: Site Development Permit to allow the demolition of three existing buildings totaling approximately 164,606 square feet and the removal of 220 trees (142 ordinance-size, 78 non-ordinance-size) on an approximately 9.82-gross acre site for the construction of a 737-unit multifamily residential development consisting of: - A 7-story, 505-unit apartment building - A 5-story, 132-unit, 100% deed restricted affordable apartment building - 100 multifamily residential units (townhouses) configured in 14 three-story buildings - The project includes an application under the State Density Bonus Law and includes waivers for landscape coverage, driveway separation, and height transition requirements. LOCATION: <Description not found>

ADDRESS: 211 RIVER OAKS PY

FOLDER #: 23 123952 DEV

The Fire Department's review was limited to verifying compliance per Chapter 5 of the 2022 California Fire Code (CFC) with City of San Jose Amendments (SJFC), related to site requirements:

- Fire Apparatus Access Roads (CFC Appendix D)
- Fire-Flow Requirements for Buildings (CFC Appendix B)
- Fire Hydrant Locations & Distribution (CFC Appendix C)

Note: The actual applicable California Fire Code (CFC) edition will be based on the building plan check submittal in- take date.

These comments are based on the following information from drawings dated 11/1/2023 by Studio T Square.

	Townhomes	Affordable Apartments	Market-rate Apartments
Area (sf)	157,349	125,549	544,807
No. of	3	5	7

level(s)			
----------	--	--	--

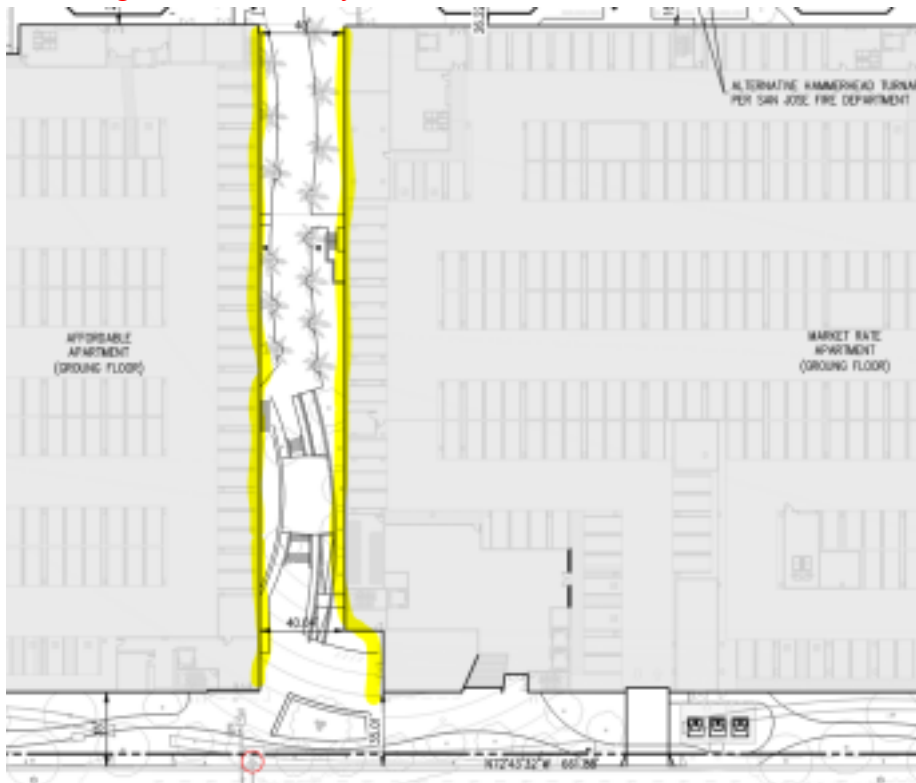
Height of bldg	30' (roof sheathing)	42'-6" (level 5 floor)	62'-10" (level 7 floor)
Constr type	V-B	4 stories of type V-A over 1 story of type I-A (no basement)	5 stories of type III-A over 2 story of type I-A (no basement)
Occ group	R-2	R-2, B, A-3, S-2	R-2, B, A-3, S-2

These comments should be used as a checklist during design and development of the project. Projects change somewhat as the detailed design commences. Site requirements may be impacted by these changes and must be revisited with the Fire Department.

Section 1 - Actions / Revisions Required:

- 1. Current submitted plans and documents do not meet CBC/CFC, SJ Municipal code, and/or local policies, unless otherwise noted below. When and if these plans are conditionally approved all comments are assumed still to be unresolved and are to be addressed at the next phase of planning review / building review.**
- 2. Please be advised that the Fire process may be closed in the effort of minimizing the possibility of delay on your Planning application. Closing the Fire Memo process shall not be deemed as the Fire approval on these items.**
3. With plan resubmittal, provide written responses to the comments noted in Section 1. All comments shall include plan set page number. These comments shall be substantially complete prior to planning approval, but some comments may be deferred to Building Permit Phase, on a case by case basis.
- 4. Fire Department Development Review Fees.** When the initial Fire Review Fee is depleted, an additional fee will be required. Meeting requests and/or any additional time spent for review are charged extra at hourly project review rate.
- 5. Building Features.** Confirm/provide building area, number of levels, height, construction type, and occupancy group information. **Please verify of the occupancy group of townhomes. Are each unit of the townhome has its own APN?**
- 6. Fire Apparatus Access Road.** The Fire Apparatus Access Road shall meet the requirements of CFC Appendix D with City of San Jose Amendments. Refer to:
<https://www.sanjoseca.gov/home/showpublisheddocument/87696/637927252245200000>
 - approved all weather surface;
 - minimum 20 feet wide; where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (exclusive of shoulders)
 - minimum 13 feet 6 inch vertical clearance;
 - designed and maintained to support a load of at least 75,000 pounds;
 - minimum inside turning radius of 30 feet and an outside turning radius of 50 feet; • approved turnaround provided if dead ends exceed 150 feet;
 - maximum grade of 10%;

- A second point of access is required when a fire apparatus road exceeds 1,000 feet; •
- Curbs are required to be painted red and marked as “Fire Lane - No Parking” under the following conditions: (show exact locations on plan)
 - Roads, streets, avenues, and the like that are 20 to less than 26 feet wide measured from face-of-curb to face-of-curb shall have curbs on both sides of the road painted and marked
 - Roads, streets, avenues, and the like that are 26 to less than 32 feet wide measured from face-of-curb to face-of-curb shall have one curb painted and marked
- Show on the plans that all exterior walls of the first story of the building(s) are within 150 feet from the access road as measured along the path of travel (CFC Section 503.1.1). Path of travel requires a minimum six (6) feet wide clear and unobstructed walkable surface. Path of travel is measure from building overhang to property line. **All the buildings (townhomes, affordable and market rate apartments comply with the minimum 6ft path of travel requirement. However, only the townhomes comply with the 150 ft hose reach requirement, see below snip for the areas of the affordable and market rate apartment that do not comply with the 150 ft hose reach requirement. You have the option to mitigate the deficiency thru fire variance.**



- Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders.
- 7. Aerial Apparatus Access Road (CFC Appendix D, Section D105).** Show location of aerial access road. This applies to buildings that exceed 30 feet in height (measured from the grade plane to eave of the pitched roof, the intersection of the roof to the exterior wall or the top of parapet walls, whichever is greater). Aerial access roads shall have a minimum unobstructed width of 26 feet, be positioned parallel to one entire side of the building and be located within a minimum of 15 feet and a maximum of 30 feet from the building. **It appears that both affordable and market rate apartment do not comply with the aerial access requirement, you have the option to apply for fire variance application during planning or building permit phase.**
 - 8. Multiple-Family Residential Developments (CFC Section D106).**
 - For projects having more than 100 dwelling units – Two means of fire apparatus access are required for each structure. Exception: Projects having up to 200 dwelling units are permitted to have single access road when all buildings are sprinklered.

- For projects having more than 200 dwelling units – Two separate and approved fire apparatus access roads are required.
- Where two fire apparatus access roads are required, they shall be placed not less than one half the length of the maximum overall diagonal dimension of the lot or area served, measured in straight line between accesses.

9. Fire Hydrant Locations & Distribution. Fire Hydrant Locations & Distribution shall meet the requirements of CFC Appendix C with City of San Jose Amendments.

- Determine the required number and spacing of fire hydrants per CFC Appendix C, Table C102.1; (or Refer to San Jose Fire Flow and Hydrant Policy [637599691933100000 \(sanjoseca.gov\)](http://sanjoseca.gov))
- Show the spacing of the fire hydrants along the fire apparatus access roads on the plans. • Demonstrate on plans that all exterior walls of the building(s) are within 400 feet from a fire hydrant. The distance should be measured from a fire hydrant on a fire apparatus access road, along the path of travel around the exterior of the building (and not by drawing a 400 feet radius around the fire hydrant). Path of travel requires a minimum six (6) feet wide clear walkable path from building overhang to property line. **For comment #9 and #10, provide fire hydrant location/distribution and fire flow calculation on fire access site plan, refer to San Jose Fire Flow and Hydrant policy. To get a stamped approved fire flow plan to send to water company, propose hydrant location, fire flow calc and building data information (area and type of construction of the building) shall be presented on fire access site plan. Please note that flow test results from water company is required to be submitted with Fire variance application.**

10. Fire Flow and Fire Hydrant Calculation and Layout:

- Provide Fire Flow/Hydrant Calculations, including hydrant layout as part of the official drawing set, preferably on the Civil Utility Drawings.
 - Refer to the San Jose Fire Flow and Hydrant Policy: [637599691933100000 \(sanjoseca.gov\)](http://sanjoseca.gov)
 - For calculating the Fire Flow for buildings with mixed construction type, refer to: [637608338845370000 \(sanjoseca.gov\)](http://sanjoseca.gov)
- When SJFD receives the Fire Flow/Hydrant Calculations and layout drawings we will review and stamp.
- SJFD reviewed and stamped Fire Flow/Hydrant Calculations and layout drawings will be sent back for your use to coordinate with the Water Company in your area.
- When we receive the Water Company's Fire Flow Simulation/Confirmation and requirements are met then we will conclude with this comment.

11. Easements. If any fire department related easements are required or if any easements already exist, provide a copy to SJFD and include a note about the Easement on the plans **Provide if applicable.**

12. Fire Department Connections. The Fire Department Connection (FDC) should be located a minimum of 40 feet away from the building (where possible) and within 100 feet of a fire hydrant. The fire hydrant should be located so that hoses can be laid directly to the fire department connection without crossing a road or driveway. Buildings or multiple attached buildings exceeding 900 feet perimeter distance shall have multiple FDC's. **Show the location of fire department connect (FDC) on plan in next planning submittal.**

13. Fire Pump Room. Location and access to the Fire Pump Room shall be pre-planned with SJFD. Approved access shall be provided and maintained for all fire protection equipment to

permit immediate safe operation and maintenance of such equipment. Hence, fire pump rooms shall be directly accessible from the exterior of the building. A fire rated corridor may be acceptable for access depending on the location and configuration.

14. Rescue Doors/Windows: Every sleeping room below the fourth story shall have at least one operable window or door approved for emergency escape or rescue that shall open directly into a public street, public alley, yard, or exit court. Such windows or doors shall be in accordance with the adopted Building Code, and accessible for Fire Dept. laddering operation. The angle for laddering is 70deg. from horizontal. Show all pertaining details including landscaping and pavers in relation to rescue window operation. Rescue windows.

2022 CFC 1030.2 Exception 1 Not required in Groups R-1 and R-2 occupancies constructed of Type I, Type IIA, Type IIIA or Type IV construction equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1.

Rescue windows are required for the Affordable Apartment, and it will be reviewed during building plan check phase.

With the exception applied, rescue windows are not required for Market-rate Apartment.

Section 2 – For Information Only: The following comments are provided for general information. These requirements shall be satisfied prior to the issuance of Fire and Building permits. This is not an all-inclusive list.

1. Fire Sprinkler System. Building(s) shall be provided with an automatic fire extinguishing system in accordance with CFC 903.2 and SJFC 17.12.620. Fire sprinkler systems shall be supervised by an approved central station to the satisfaction of the Fire Chief.

Please be advised that a higher density design sprinkler system is required in a speculative building or portions of a building that is built for lease (office areas and retail area) with floor to ceilings height greater than 14 feet. See Item 3.2 and 3.3 of the link [Fire Sprinkler Policy \(sanjoseca.gov\)](https://www.sanjoseca.gov/fire-sprinkler-policy)

2. Fire Alarm System. Building(s) shall be provided with a fire alarm system as required by CFC 907.2.

3. Standpipes Available During Construction. All buildings under construction, three or more stories in height, shall have at least one standpipe for use during construction. Such standpipe shall be provided with fire department hose connections. Location(s) and numbers of standpipe(s) shall be reviewed and approved by the Fire Department.

4. Mechanical Parking. If provided, discuss the design and requirements with SJFD. It can have an impact on the fire sprinkler system design, smoke control and other building features.

5. Elevator to Accommodate Ambulance Stretcher. Where elevators are provided in buildings four or more stories above grade plane, or four or more stories below grade plane, at least one elevator shall be provided to accommodate an ambulance stretcher (24 inches by 85 inches). Refer 2022 CBC Section 3002.4 for requirements.

6. Street Number Visibility. Street numbers of the buildings shall be easily visible from the street at all times, day and night. [637662056235400000 \(sanjoseca.gov\)](https://www.sanjoseca.gov/637662056235400000)

7. Lock Boxes. The project development shall provide lock boxes to the satisfaction of the Chief Building Official and Fire Chief. Refer to the following documents.

8. **HAZMAT.** A Hazardous Materials Plan Review may be required to determine if the type and quantity of hazardous material is acceptable per code.

For projects requiring hazmat plan review see the following link:

[637807990990970000 \(sanjoseca.gov\)](https://www.sanjoseca.gov/637807990990970000)

When submitting construction documents, please include the list of all hazardous materials on the BOCIF form. The form can be found at the following link:

[Building Occupancy Classification Inventory Form \(unidocs.org\)](https://www.unidocs.org/BuildingOccupancyClassificationInventoryForm)



Memorandum

TO: ALEC ATIENZA FROM: Bianca Álvarez Alec.Atenza@sanjoseca.gov Housing Department

SUBJECT: Housing Department's **Initial** Response **DATE:** November 13, 2023 to Planning Application – H23-041

PLANNING NO.:	H23-041, T23-028 <i>Previous: PRE23-111</i>
PROJECT DESCRIPTION:	Site Development Permit to allow the demolition of an existing building for the construction of a 737-unit multifamily residential development including a 7-story, 505-unit apartment building, a 5-story 132-unit affordable apartment building, and 100 townhouses configured in 14 three-story buildings on an approximately 9.82-gross acre site.
LOCATION(S):	211 River Oaks Parkway 251 River Oaks Parkway 281 River Oaks Parkway

The Housing Department received the subject project recently, and submits the comments and requirements below:

PART A: Actions and Conditions Required Prior to Planning Approvals; Replacement Units

1. Prior to First Approval (including Tentative Map or Parcel Map Approval)

- a) Inclusionary Housing Ordinance Requirements: If the subject project(s) and any continuous property under common ownership and control contains the capacity for at least 10 new dwelling units or allows the creation of more dwelling units, it may be subject to the City's Inclusionary Housing Ordinance. This includes the alteration of structures and conversion of use or tenure if a Planning Permit is required. If the subject project contains 3 or more dwelling units, the Applicant shall, as part of its the application for First Approval, submit to the Housing Department for approval: (a) an Affordable Housing Compliance Plan Application (Compliance Plan), (b) all relevant

attachments to the Compliance Plan and (c) the required application processing fee. The Compliance Plan is available at: www.sjhousing.org/IHO. The Inclusionary Housing Ordinance provides a process that allows developers to make a claim that a project may be exempt from affordable housing obligations under the Ordinance. However, the Applicant who believes their project is exempt must submit a Compliance Plan and provide information regarding eligibility for a claimed exemption. Applicants seeking approval under Senate Bill 35 (SB 35), or Assembly Bill 2162 (AB 2162) will need to submit a compliance plan, but will not be required to record an Affordable Housing Agreement they record an agreement implementing SB 35 or AB2162 (typically combined with a density bonus agreement) and the Planning Department has made a formal determination of the project's eligibility.

2. State Law Requirements Implemented by the Housing Department

Generally speaking state law requires that new housing developments have no net loss (have as many units as were on the land at the high point in the last 5-10 years and that the new housing developments replace any Protected Units that are demolished with affordable units having the same number of bedrooms, provide relocation benefits to tenants, and meet other requirements. It is anticipated that the Planner will address the base requirements for any protected units and occupied Protected Units in the conditions and that only the Replacement Unit Determination (number of units, bedrooms, and affordability) will be completed by Housing.

- a) The Housing Department will process a request for a *Replacement Unit Determination* in connection with such projects and provide the Replacement Unit Determination to the Planner. This determination may take several weeks if the buildings are occupied.
- b) *SB 330 streamlined* approval requires that any Protected Units (as defined in Government Code Section 66300 (d)(2)(E)(ii) be replaced. Accordingly, the developer/applicant with any existing structures that have or had dwelling units or residential occupancy within the past 10 years must complete an Information Form for Existing Residential Units and provide all of the requested submittals as well as the review fee per unit. Upon review of the Information form and submittals, there may be requests for supporting documentation.
- c) Additionally, if the subject project is seeking a Density Bonus the applicant will need to indicate that on the Information Form for Existing Residential Units, complete the applicable Density Bonus attachment and provide the required submittals.
- d) Currently, projects may not proceed under *SB 35 ministerial* approval if units are demolished. If the applicant's project is potentially eligible for a different ministerial approval under state law, replacement of dwelling units (including Mobile homes) or residential occupancy may be a precondition to such approval. The applicant will need to indicate the particular ministerial approval on the Information Form for Existing Residential Units, complete the applicable attachment and provide the required submittals
- e) The Ellis Act Ordinance should be a part of the conditions imposed at first approval (if applicable).

3. Conditions for projects with Non-Residential and Commercial Uses

- a) All Non-Residential development adding or constructing 5,000 square feet or more of new or additional floor area must comply with the Commercial Linkage Fee Ordinance. An applicant is required to submit to the Housing Department, as part of its the application for First Approval the following: (a) Satisfaction Plan, (b) all attachments to

the Satisfaction Plan and (c) the required application processing fee (if applicable).

4. Actions Required for Housing Department's Clearance for Demolition Permit(s), Building Permit(s) or Map Approval

- a) Conditions for projects subjected to the Inclusionary Housing Ordinance (IHO) Prior to the first to occur of the following: (a) approval of any final map, (b) approval of any parcel map, or (c) issuance of any building permit for a rental residential development, if the subject project has been determined to be subject to the Ordinance, the Inclusionary Housing Agreement must be recorded (senior to all deeds of trust) on the land including all parcels needed to implement the project's residential uses and affordable housing obligation including contiguous property under common ownership and control.
- b) No demolition Permit Approval for any units will be issued until all requirements are met under the Tenant Protection Ordinance, and the Ellis Act Ordinance (if applicable).

5. Actions required for Housing Department's Clearance of Final Inspection and Issuance of Certificate of Occupancy.

- a) No Final Inspection Approval, Temporary Certificate of Occupancy, Certificate of Occupancy, or Notice of Completion for any units will be issued until all requirements of the Inclusionary Housing Agreement, Inclusionary Housing Ordinance and Guidelines are met.

Status of Review

Please be advised that this response does not signify the Housing Department's final review of this project or the Project's Compliance Plan or Satisfaction Plan (as applicable). Staff will continue to work with you and Planning throughout the entitlement process and, if necessary, may provide additional comments at a later time. Please continually update the Housing Department on the progression or any changes to your proposed development.

Please contact me at Bianca.Alvarez@sanjoseca.gov if you have any questions about the information contained in this letter.

Bianca Álvarez,
Housing Department

Please contact the Housing Department as soon as possible to initiate Affordable Housing Compliance Plan completion. The Compliance Plan must be submitted and approved by the Housing Department prior to Planning scheduling the project for hearing.

TO: Alec Atienza – Project Planner, Laura Meiners –
Supervising Planner

dated 11/1/2023 for Site Development Permit File No.:

CC: Jason Yan – Project Engineer, Elizabeth Koki – Senior
Engineer

H23-041

FOR: Valley Oak Partners, LLC; ATTN: Scott Connelly

12/11/2023

(scott@valleyoakpartners.com) Response to Plan Set

The Department of Parks, Recreation, and Neighborhood Services (PRNS) develops and manages a diverse system of high-quality, vibrant, and unique parks, trails, and community centers. The principles of Stewardship, Nature, Equity and Access, Identity, and Public Life guide our work. We seek to work collaboratively and efficiently as we strive to imbed these principles within each project.

Project Summary

- **Project Name:** 211, 251 and 281 River Oaks Parkway
- **Location:** Northwest corner of River Oaks Parkway and Cisco Way (211 River Oaks Parkway) • **Council District:** 4; **Park District:** 8; **MLS:** 7B; **Growth Area:** North San Jose; **APN(s):** 097-33-033; 034 • **Project Description Summary:** Demolish three existing commercial buildings and construct a seven-story, 505-unit apartment building, a five-story, 132-unit, 100% affordable apartment building (with two manager's units), and 100 townhouses configured in 14 three-story buildings on an approximately 9.82 gross acre site. ○ **Total number of proposed residential units:** 737; **Affordable Units:** 130; **Existing Units:** 0

Park Impact Ordinance (PIO)/Parkland Dedication Ordinance (PDO) Obligation

Residential development is subject to the requirements of the City's Park Impact Ordinance ([PIO - Municipal Code Chapter 14.25](#)) or the Parkland Dedication Ordinance ([PDO - Municipal Code Chapter 19.38](#)) for the dedication of land. The obligation is the equivalent of providing three acres of parkland for every 1,000 new residents added by the project.

The required parkland obligation¹ for the proposed project is to dedicate: **5.181 acres for a public park** If the obligation is converted into an in-lieu fee, the gross fee is: **\$30,703,200**

Project Comments

- The preferred method of this project meeting the parkland obligation is through the payment of park impact in lieu fees.

Towards the Parkland Obligation

Projects may apply for credits toward the gross parkland obligation. Some of the typical types of available credits are listed below. For more information about the credit options, please contact PRNS staff (contact information below).

Existing Residential Units

- Any existing residential units that will be demolished or retained as part of the project qualify for a credit toward the parkland obligation. Please provide evidence of any existing residential unit to apply for this credit.

Affordable Housing Units

- If the project includes *deed-restricted* affordable units for low-income households and/or if moderate income housing units are provided to meet the Inclusionary Housing Ordinance (IHO), and the policies of [Resolution No. 75540](#), these units could qualify for a 50% per unit credit toward the payment of park impact in lieu fees. The Housing Department must confirm the qualifying number of units before credits can be applied.
 - Please indicate: 1) the number of low-income units, and 2) the number of moderate-income units that are being provided to meet the IHO or provide a copy of the Affordable Housing Compliance Plan. Note that manager units do not qualify for the Affordable Housing Unit credit unless they are deed restricted as affordable.**

Private Recreation Credit

- Private Recreation Credits, which allow a credit of up to 50% towards the project's parkland obligation, could be available for on-site privately owned and maintained recreational amenities that meet the Eligibility requirements listed in "Section 3. Schedule of Credits" included in [Resolution No. 73587 \(pages 8-10\)](#).
 - Applicants typically apply for Private Recreation Credits after development permits are approved. However, applicants can contact PRNS staff to begin the process at any time.**

In-lieu Fee Exploration

- This fee exploration is intended to provide an estimated fee* adjustment with all potential credits applied to the gross fee. The following formula is used to calculate the estimate: $A - B - C - D - E = F$. Please note, estimates that generate a negative in-lieu fee would not provide any additional benefit to the applicant.

A. Gross Parkland Impact In-lieu Fee (737 units)	\$30,703,200
<i>B. Existing Housing Credit (# of existing units; N/A)</i>	-\$0
<i>C. Affordable Housing Credit (if the project were to provide 130 deed restricted affordable housing units. Note: manager units, unless deed restricted affordable, will not qualify for this credit. The fee will be adjusted when more information is received.)</i>	-\$2,704,000
<i>D. Land Dedication Credit (½-acre minimum dedication; N/A)</i>	-\$0
<i>E. Private Recreation Credit (if the project were to provide the 30% average or approximately 68,000 square feet of private recreation amenities. The fee will be adjusted when more information is received.)</i>	-\$8,436,027
F. Net Parkland Impact In-lieu Fee	\$19,563,173

**This is a preliminary draft estimate and can change. The final parkland obligation and credits will be determined with approval of the project.*

Conclusion

Payment of any fees and/or an executed Parkland Agreement that outlines how a project will comply with the PIO/PDO is required prior to the issuance of a Parcel Map or a Final Map [subdivision]. **Full payment of park impact in-lieu fees is required prior to the issuance of a Building Permit.** Applicants are encouraged to schedule a meeting with PRNS Planning staff at their earliest convenience to start the Parkland Agreement process. **If you have any questions and/or would like to schedule a meeting, please contact Leo Tapia, Planner II, by email at leonel.tapia@sanjoseca.gov.**

TO: Alec Atienza **FROM:** Monika Rivera PBCE ESD

SUBJECT: RESPONSE TO DATE: December 13, 2023 **DEVELOPMENT APPLICATION**

Approved Date

PLANNING NO.: H23-041

DESCRIPTION: Site Development Permit to allow the demolition of an existing building for the construction of a 737-unit multifamily residential development including a 7-story, 505-unit apartment building, a 5-story 132-unit affordable apartment building, and 100 townhouses configured in 14 three-story buildings on an approximately 9.82-gross acre site.

LOCATION: 211 River Oaks PY

The Integrated Waste Management Division of the Environmental Services Department received the subject project on 11/15/2023 and submits the following comments and requirements.

1. Plan does not indicate how solid waste or recycling will be collected from each area.
 - **Please specify the proposed waste pick-up location(s).** Ensure waste service location is unobstructed (by customer vehicles or other obstructions) at the time of waste collection. Ensure that the pick-up location is not located on bike lanes or fire lanes.
 - **Show hauler routes (path of travel) for entering and exiting the site.** Collection vehicles must have a minimum turning radius of 34 feet for the inside wheel, 50 feet for the outside wheel, and a 22-foot-wide driveway.

2. Push/ Pull Services

- Private Street

- In the case where single-family dwellings are located on a private street that does not permit access for the solid waste collection vehicles, the owner of the single family dwelling, or their property manager, homeowner association, or conservator, shall subscribe to and pay for on-premise collection service, or push carts to nearest through street.

- Public Streets

Environmental Services Department

November 29, 2023

Subject: H23-040

Page 2 of 3

- Property owners will need to push solid waste collection bins outside to nearest available open street during collection days or pay haulers the premium rate for push/pull collection service. Push/pulled bins must be 4 cubic yards or less.

3. Multi Family Developments

- New multifamily developments which require four (4) or more waste service bins or

- custom weld service bins (for towing) must contact GreenTeam of San José ninety (90) days prior to the requested service start date to guarantee bin availability and a service schedule. To contact GreenTeam of San José, call (408) 282-4400.
- Coordinate with GreenWaste Recovery ((408) 283-4800) to ensure there is enough room for yard trimmings collection. Loose-in-the-street collection is provided at no additional cost or may be collected in City-provided carts for a fee. To learn more about this service please visit <https://www.sjenvironment.org/yardtrimmings>. Alternatively, property management may contract with a third-party collector (i.e., landscaping/gardening services) to remove yard trimmings.
4. If the project has a substantial alteration/demolition component, the City may charge a refundable CDD deposit based on the square footage of the project. A total projected tonnage is established when the deposit is paid. To receive the refund, hire a City-Authorized Hauler (or self-haul) to haul the mixed C&D or source-separated material to a City-Certified facility. Ensure the facility weight tags list the permit number/project address. Tags labeled MSW (trash) do not count towards the total diversion. The applicant must show 50% of the City projected waste is recycled/diverted from the landfill and must submit their application no more than 365 days from the Final Project Date (i.e., the date of the final building inspection). Besides the facility weight tags, other forms of recovery such as reuse and donation are acceptable with proper documentation (photos, estimated quantities, receipts from the donation centers stating materials and quantities). Visit www.sjenvironment.org for more information. A map of City-Certified Facilities can be found here: <https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=840fdc12566844ecb9f2ac7da25a6798>
5. If the project is new construction, the project will likely be subject to the Construction, Waste Reduction, Disposal and Recycling requirements of the State of California CalGreen Code. To ensure final building sign off and compliance, hire a City-Certified Authorized (or self haul) to haul the mixed C&D or source-separated material to a City-Certified facility only. Ensure the facility weight tags have the permit number/project address listed. The permit holder must show 75% diversion of the total projected weight. Tags labelled MSW (trash) do not count towards the total diversion. Other forms of recovery such as reuse and donation are acceptable with proper documentation (photos, estimated quantities, receipts from the donation centers stating materials and quantities). Visit www.sjenvironment.org/cdd for more information.

Environmental Services Department

November 29, 2023

Subject: H23-040

Page 3 of 3

For questions, contact Monika Rivera in the Integrated Waste Management Division at solidwasteplanreview@sanjoseca.gov

Memo Compiled by:

Monika Rivera

Environmental Services Specialist

Integrated Waste Management Division

To: Alec Atienza From: Sara Davis Forestry Division, DOT

Subject: INITIAL RESPONSE TO Date: 11/29/23 DEVELOPMENT APPLICATION

Re: Plan Review Comments

Planning File No.: H23-041

Project Description: Demolition and redevelopment

Site Address: 211 River Oaks Parkway

The Forestry Division's review is limited to verifying compliance per Chapter 13.32 of the San Jose Municipal Code regarding the removal of trees and the Citywide Design Guidelines, Section 2.3.8 for Landscaping and Stormwater Management. These comments are based on the information from drawings dated 11/1/23 by Studio T Square Inc.

Tree Removal Policy

A request for a tree removal permit may be included as part of an application for a development permit per Section 13.32.080 of the Municipal Code. Landscape Plans were included with the plan set, but no information is provided on the trees proposed to be removed or to remain. Please provide an additional sheet to the Landscape Plans and label the following:

- Species of trees retained and proposed to be removed (label as native, non-native, or orchard)

If the project site does not have sufficient area to accommodate the required tree mitigation, the Applicant may choose one of the following options:

- Plant replacement trees off-site at a location deemed appropriate by the Director of Planning within the City of San Jose, per section 13.32.110.C of the Municipal Code.
- Pay Off-Site Tree Replacement Fee to the City, prior to the issuance of Public Works grading permit(s), in accordance with the approved City Council Fee Schedule. The City will use the off site tree replacement fee to plant trees at alternative sites. The current 2022 – 2023 Fee Schedule lists the in-lieu fee at \$775 per tree.

Citywide Design Guidelines – Section 2.3.8

Standard S1. Select trees which at maturity create a tree canopy cover that shades a minimum of 50 percent of each on-site surface parking area, common open space at the ground floor, and Privately owned (and maintained) Public Open Space.

Analysis: The proposed landscape plan does not meet this Standard. Provide calculations to achieve this Standard.

Standard S3. Designate 700 cubic feet of noncompacted soil for small trees, 1400 cubic feet of non compacted soil for medium trees, and 2100 cubic feet of noncompacted soil for large trees to allow

trees to reach their maturity. Structural soil systems, soil cells, or continuous trenches are example of ways to reach to the above soil volumes.

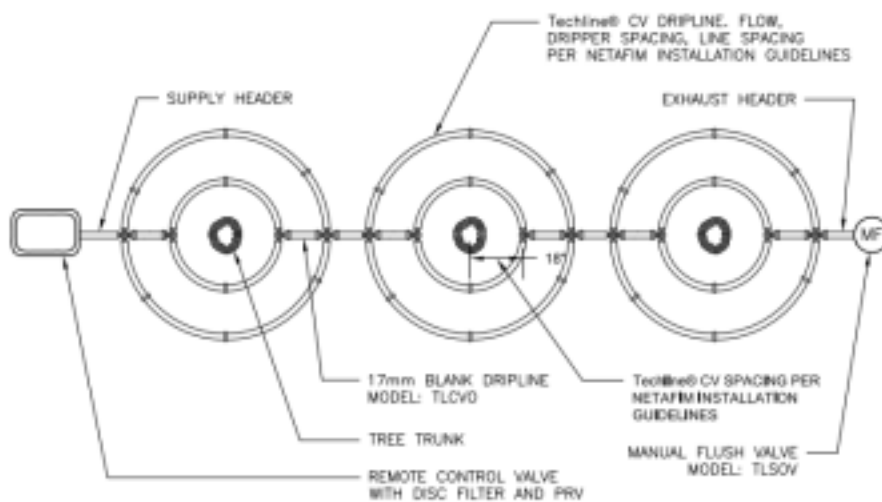
Analysis: Provide drawings illustrating that this Standard is being met.

Standard S5. When planting trees on green roofs or above underground parking, provide a minimum soil depth of 36 inches and soil volume for each tree as identified in S3.

Analysis: Provide drawings illustrating that this Standard is being met.

Landscape Plan

1. Include details from jamesurban.net/specifications for Tree with berm (unmodified soil) and 2 Lodge poles.
2. Tree grates are not permitted.
3. Palms may not be used toward tree planting requirements or shading requirements 4. Page 7 bullet 3 of the Arborist Report is not correct. Mitigation fees are to be paid to the City of San Jose.
5. *Acer rubrum* is a high-water user and not suitable for the public right of way. Find a substitution.
6. Prinston Sentry Ginkgo is columnar in shape and not suitable for the public right of way. Find a substitution.
7. *Lagerstroemia* and *Pistacia* are no longer permitted in the public right of way. Find a substitution.
8. No more than three of any one genus may be planted in a row in the public right of way.
9. Irrigation for trees shall be tubing with in line emitters in two concentric circles around the root ball.



Next Steps

Please address the above issues and resubmit to Planning with a response to above comments.

Sara Davis (she/her)
City Forester
Department of Transportation
City of San José
sara.davis@sanjoseca.gov
ISA Certified Arborist RM-7105A



TO: Alec Atienza FROM: Ricardo Rubio-Benitez Planning Department Municipal Water System

SUBJECT: Muni Water Comments DATE: December 12, 2023 on City File
No. H23-041
(211 River Oaks Py)

San José Municipal Water System has reviewed a copy of the planning submittal SB330 for a proposed multi-family residential development at 211, 251, and 281 River Oaks Parkway in San Jose, California.

Please include the following comments on behalf of ESD/San José Municipal Water

- System:
1. San José Municipal Water System is the water purveyor for the proposed development.
 2. This development will be subjected to fees in accordance with Chapter 15.08 of the San José Municipal Code.
 3. All plans showing proposed public water facilities shall be reviewed and subject to approval by San José Muni Water System.
 4. Any existing water services to the development site that will not be used shall be abandoned.
 5. Muni Water has no objection to the proposed point of connection.
 6. All water services will require an RP backflow preventer. In addition, fire services will require a detector check meter assembly.
 7. All onsite fire hydrants will be private and the responsibility of the owner/developer.
 8. The cost to install these new water facilities will be the responsibility of the project owner/developer.
 9. This project is conditioned to use recycled water for irrigation in accordance with San José Municipal Code requirements. Recycled water could be used for other purposes as desired, including water features, cooling, and/or dual plumbing. The recycled water main shall be extended to the project's point of connection.

Thank you for the opportunity to comment.

Ricardo Rubio-Benitez Associate Engineer
ESD/Municipal Water System