



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: November 14, 2006

TRANSMITTAL MEMO

COUNCIL DISTRICT: 6

SNI AREAS: None

SUBJECT: PDC05-091. LOCATED ON THE SOUTHWEST CORNER OF MERIDIAN AVENUE AND CURCI DRIVE.

The Planning Commission will hear this project on November 15, 2006. The memorandum with Planning Commission recommendations will be submitted under different cover. We hope the submittal of this staff report is of assistance in your review of this project.


JOSEPH HORWEDEL, ACTING DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Susan Walton at (408) 535-7800.

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, California 95113

Hearing Date/Agenda Number
PC 11-15-06 ³⁹
CC 12-5-06

File Number
PDC05-091

Application Type
Planned Development Zoning

Council District
6

Planning Area
Willow Glen

Assessor's Parcel Number(s)
284-03-020; 031

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Erin Morris

Location: southwest corner of Meridian Avenue and Curci Drive

Gross Acreage: 1.21

Net Acreage: 1.1 Net Density: 89 DU/AC

Existing Zoning: CO Commercial Office

Existing Use: Vacant

Proposed Zoning: A(PD) Planned Development

Proposed Use: Residential Care Facility

GENERAL PLAN

Land Use/Transportation Diagram Designation
Office

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

North: Restaurant (fast food) and apartments

A(PD) Planned Development

East: Multiple-family residential

R-M Multiple Residence District

South: Multiple-family residential, Los Gatos
Creek

A(PD) Planned Development and R-1-8 Single-Family
Residence District

West: Single-family attached residential

A(PD) Planned Development

ENVIRONMENTAL STATUS

Environmental Impact Report found complete
 Negative Declaration circulated on
 Addendum to Negative Declaration adopted on 11-8-06

Exempt
 Environmental Review Incomplete

FILE HISTORY

Annexation Title: Hamilton No. 49

Date: April 17, 1981

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: 11-8-06

Approved by: *Susan Walton*
 Action
 Recommendation

APPLICANT/OWNER

James Rivard
Merrill Gardens at Willow Glen LLC
104 S Division
Spokane, WA 99202

CONTACT

Erik Schoennauer
Schoennauer Company
2066 Clarmar Way
San Jose, CA 95126

Department of Public Works

See attached memorandum

Other Departments and Agencies

None received.

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, James Rivard on behalf of Merrill Gardens at Willow Glen LLC, is requesting a Planned Development Rezoning to allow a 98-unit residential care facility for senior residents on a 1.1 net acre site resulting in an overall density of approximately 89 units per acre.

Site Conditions and Context

The project site includes two legal parcels that form a rectangular shaped site with frontage on both Curci Drive and Meridian Avenue. The subject site is undeveloped. The properties to the north of the project site are developed with multi-family residential uses (three-residential stories over parking) and a fast-food restaurant. Multi-family uses are located to the east of the site, across Meridian Avenue, also in three-story residential buildings over parking. Two-story townhouses and the Los Gatos Creek and Creek Trail are located to the south, and a new single-family attached residential project (three-story townhouses under construction) and unimproved park land are located to the west. The new townhouse project provides a landscaped paseo immediately adjacent to the western boundary of the subject site.

Currently, VTA bus service operates on Meridian Avenue adjacent to the project site. The Fruitdale Light Rail Station is located near the intersection of Southwest Expressway and Fruitdale Avenue, approximately 2000 feet from the project site.

Project Description

The proposed project includes a four-story residential building and a landscaped courtyard. The first floor of the residential building includes 13 "Alzheimer's studios", eight additional residential units, a wellness center, beauty salon, activity room, and common dining area. The second, third, and fourth floors of the building include a mixture of studios, one-bedroom, and two-bedroom units, for a total of 98 residential units. Private open space is provided for all of the units in the form of private balconies, with the exception of the Alzheimer's studios which share a secure, common courtyard area with a landscaped loop walking path. Common open space is provided in the form of a landscaped courtyard area behind and wrapped by the building. The conceptual building elevations indicate a Mediterranean-style of architecture with stucco finishes.

A fully below-grade parking garage provides 69 parking spaces to serve the residential care facility. The garage is accessed via a ramp entrance from Curci Drive. Emergency vehicle access only is provided from Meridian Avenue.

The proposed residential care facility, which targets seniors 60 years of age or older, would be licensed by the State of California as a residential care facility and is proposed to offer a variety of services to its residents, including laundry and housekeeping, landscaping and building maintenance, transportation to shopping and appointments, three meals daily, on-site transportation and security, and limited health care facilities. These services are anticipated to be provided by 26 on-site employees.

Previous Approvals and Zoning History

In February 2004, the City Council approved a Planned Development Rezoning (PDC03-084) to allow up to 130 residential care facility units and a public park on a larger 3.3 gross acre site which included the subject site and the adjacent site to the west. In 2005, the western portion of the original site was rezoned to A(PD) Planned Development (PDC05-046) to allow 46 three-story townhouse units and a public park. The subject site was rezoned to CO Commercial Office (C05-102) to avoid leaving a remnant portion of the 2004 Planned Development Rezoning. The current Planned Development Rezoning request (PDC05-091) was originally designed as a 57-unit multi-family attached residential project and had been tentatively scheduled for public hearing in mid-2006 after a community meeting and thorough City review. On July 21, 2006, the applicant submitted revised plans and environmental documents for the current proposal for a residential care facility.

ENVIRONMENTAL REVIEW

An Addendum to the Mitigated Negative Declaration prepared for a previous project (City File Number PDC03-084) was prepared and approved on November 8, 2006. The Addendum concludes that the current project will not result in a significant impact on the environment.

PUBLIC OUTREACH

A community meeting was held on June 21, 2006 to discuss the proposed project with area residents. Those in attendance were generally supportive of the proposed project. Notices of the community meeting and the public hearings were mailed to all property owners and tenants within 500 feet of the subject site and a notice of the public hearings was also published in the newspaper. Staff has been available to answer questions from members of the public.

GENERAL PLAN CONFORMANCE

Land Use Transportation Diagram/Discretionary Alternate Use Policies

The subject site is designated *Office* on the General Plan Land Use/Transportation Diagram. The proposed project is deemed to be consistent with the *Office* designation based on two General Plan Discretionary Alternate Use Policies: *Residential Uses on Commercially Designated Parcels* and *Population Dwelling Unit Equivalency*. The first Policy allows residential

development on commercially designated property on a Minor Arterial, such as Meridian Avenue, to be developed with residential densities of up to 40 units per acre if the project is designed to facilitate transit ridership, is compatible with the surrounding neighborhood and is well-designed. Staff believes that the project is consistent with this Policy. Located on a bus line and within approximately 2000 feet of the Fruitdale Light Rail Station, the project has been designed to include convenient pedestrian access to surrounding streets and van transportation that will assist residents in accessing the light rail facility. The project incorporates a double row of street trees along both frontages, contributing toward a pedestrian-friendly environment. The large open space area provides an opportunity for outdoor recreation for future residents and visitors. Based on the project analysis below, staff concludes that the facility is well-designed and compatible with its surrounding neighborhood.

The second Discretionary Alternate Use Policy, *Population Dwelling Unit Equivalency*, recognizes that senior housing generates fewer trips and results in less impact overall than conventional housing. The Policy provides a mechanism for increasing the number of allowed senior units, by multiplying the allowed density by the City's average household size. Based on the current average household size of 3.2 persons, the equivalent of 40 conventional units per acre would be 128 senior units per acre ($3.2 \times 40 = 128$). The proposed density of 89 units per acre is below the maximum density allowed for this site based on the applicable Discretionary Alternate Use Policies.

The General Plan citywide height limit is 50 feet, unless a site is within a convenient walking distance of an existing or planned passenger rail station and is designed to promote use of the public transportation system. While the project site is slightly more than 2000 feet from the Fruitdale Light Rail Station, the applicant has indicated that a shuttle service to the light rail station and other destinations will be provided. Staff has included a 55-foot height limit in the Draft Development Standards (attached) and believes that the slightly increased height limit is appropriate given the pedestrian-oriented design of the project and the provision of the shuttle service, and to allow flexibility in roofline elevations, and architectural enhancements.

ANALYSIS

The primary issues associated with this proposal are conformance with the Residential Design Guidelines and elements of exceptional design.

Conformance with the Residential Design Guidelines

The Residential Design Guidelines provide guidance for this project in regard to setbacks and building massing, parking, open space and building design.

Setbacks and Building Massing

The Residential Design Guidelines (RDG) provide recommended setbacks from adjacent uses and public streets which are intended to ensure that new development is compatible with adjacent uses and relates appropriately to the surrounding streets.

A key issue for the design of the proposed project is compatibility with the two-story townhouse project located immediately south of the project site. The Draft Development Standards (see attached) propose a minimum 23-foot setback between the new four-story building and the

townhouse property line, in conformance with the recommendation of the RDG that the project match the existing townhouse setback. In addition, the location of the courtyard results in a setback from the property line for most of the proposed four-story building of over 55 feet. The Draft Development Standards include a 15-foot minimum setback from the adjacent townhouse project west of the subject site, matching the future building setback in conformance with the RDG.

The RDG recommend that residential buildings of three stories or greater be set back a minimum of 35 feet from the street. Alternatively, in the case of a minor residential street, the setback may match that of the residential buildings on the opposite side of the street. In the case of a major public street in a more urban area, the RDG allow the setback to be reduced consistent with planned development patterns. The proposed 15-foot setback from Curci Drive, a minor residential street, matches the existing setback of the condominium project located on the north side of the street. The building entry projects into this setback area by five feet; staff believes that this is an appropriate design feature that contributes positively to the pedestrian environment. The proposed 15-foot setback from Meridian Avenue is slightly less than that of existing development along Meridian; however, the reduced setback reflects the more urban development pattern needed to support transit ridership and facilitate pedestrian movements in this area. This project's proposed urban character, and building height, massing and setbacks from Curci Drive and Meridian Avenue, are similar to and generally consistent with those previously approved through the series of prior zonings on this property.

Parking

The Draft Development Standards include a parking requirement reflective of typical parking requirements for residential care facilities per the Zoning Ordinance based on the number of client beds and number of employees. Based on the conceptual floor plans and draft operation plan, the total parking requirement for the facility is 55 parking stalls. The below-grade garage provides 69 stalls, in excess of the minimum requirement. There is also street parking available on Curci Drive.

Open Space

The RDG specify that podium cluster projects should provide 60 square feet of private open space and 100 square feet of common open space per unit. Due to the fact that the proposed project includes varying levels of assisted living, staff has not included a requirement for private open space in the Draft Development Standards; however, most of the units are designed to have a private balcony. The Draft Standards do include a requirement for 100 square feet of common open space per unit in conformance with the RDG. Based on the conceptual site plan, the proposed project exceeds the required common open space and has been carefully designed to meet the needs of the senior population it is intended to serve. Staff will work with the applicant at the Planned Development Permit stage to provide detailed plans for the open space areas and appropriate fencing so that they do not appear walled-off from the surrounding neighborhood.

Building Design

The RDG specify that buildings that exceed 150 feet in length are generally discouraged, but indicate that extremely long buildings may be acceptable provided they are richly articulated and detailed to avoid a "blocky" or linear appearance. The proposed building, over 250 feet in length,

is broken into two major sections by provision of a recessed building entrance approximately 50 feet west of the intersection of Meridian Avenue and Curci Drive. However, the longest block of the building is approximately 200 feet in length and is fairly repetitive and institutional looking. Staff recognizes the difficulty in achieving exceptional design with an assisted living facility, in that special attention is required to ensure safety and security of frail residents, but believes that the building design requires further improvement at the Planned Development Permit stage. The Meridian Avenue elevation does not address the street and needs significant improvement.

Street Trees

The project incorporates a double row of trees along both frontages which will enhance the pedestrian environment and provides an amenity for the community.

Conclusion

Based on the above analysis, staff concludes that the proposed project will provide an needed service and type of housing in the community, and is in substantial conformance with the Residential Design Guidelines.

RECOMMENDATION

Planning staff recommends the Planning Commission forward a recommendation of approval to the City Council for the following reasons:

1. The proposed project is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designations of Office, Medium High Density Residential (12-25 DU/AC) and High Density Residential (25-50 DU/AC) with the application of Discretionary Alternate Use Policies for *Residential Uses on Commercially Designated Parcels*, and *Population Dwelling Unit Equivalency*.
2. The project furthers the goals and objectives of the City's infill housing strategies.
3. The proposed rezoning is compatible with existing and proposed uses on the adjacent and neighboring properties.

Attachments

DRAFT 11-8-06
GENERAL DEVELOPMENT PLAN NOTES
PDC05-091

Development Standards

Permitted Uses:	Residential Care Facility for the Elderly
Maximum No.of Residential Units:	98
Minimum Lot Size:	1.1
Minimum Setbacks:	
From Northern Property Line	15 feet*
From South Property Lines	
Adjacent to Townhouses	23 feet
Adjacent to Creek/Parking Lot	20 feet
From East Property Lines	
Adjacent to Meridian Ave.	15 feet*
From West Property Lines	10 feet

Maximum Building Height: 55 feet**

Vehicle Parking Required: Per Table 20-90 of the San Jose Municipal Code, as Amended (Residential Care Facility requirements)

Common Open Space: Minimum 100 SF/ resident/unit

Note: Minor architectural projections, such as chimneys and bay windows, may project into any setback or building separation by no more than 2'-0" for a horizontal distance not to exceed 10'-0" in length, no more than 20% of the building elevation length.

* Entry features and significant architectural features, such as tower elements, may project into the setback by up to 5 feet, to the satisfaction of the Directors of Planning and Public Works.

** All elements of the building whether occupied space or building features shall comply with this height limit. If the project exceeds 50 feet in height at the Planned Development Permit stage, the applicant shall agree to implement measures to assist residents access the public transportation system (Light Rail and bus transportation) such as a free shuttle service.

Fencing: The western boundary of the site, adjacent to townhouses currently under construction, shall be designed to provide a common paseo between the two projects. The exact design of the paseo will be determined at the Planned Development Permit stage.

Trees: The final project design shall contain a double row of trees along both frontages.

DRAFT 11-8-06
GENERAL DEVELOPMENT PLAN NOTES
PDC05-091

General Notes

Water Pollution Control Plant Notice

Pursuant to part 2.75 of chapter 15.12 of the San Jose Municipal Code, no vested right to a building permit shall accrue as the result of the granting of any land development approvals and applications when and if the City Manager makes a determination that the cumulative sewage treatment demand on the San Jose – Santa Clara water plant will cause the total sewage treatment demand to meet or exceed the capacity of the San Jose – Santa Clara water pollution control plant to treat such sewage adequately and within the discharge standards imposed on the city by the state of California regional water control board for the San Francisco Bay region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.

Post-Construction Storm Water Treatment Controls

The city's national pollutant discharge system (NPDES) permit compliance requires this project to incorporate post-construction mitigation measures to control the discharge of pollutants into the storm drainage system to the maximum extent practical. Planned development permit plans for this project shall include design details of all post construction storm water treatment controls proposed for the project to the satisfaction of the Director of Planning.

Tree Mitigation

Trees to be removed shall be mitigated at the following ratios:

- Each tree less than 12” in diameter will be replaced by a one 15-gallon tree
- Each tree 12”- 17” in diameter will be replaced by two 15-gallon trees
- Trees greater than 18” in diameter shall not be removed without a tree removal permit and shall be replaced with four 15-gallon trees.

Noise Mitigation

- At living spaces within 120 feet of the centerline of Meridian Avenue, windows and balcony doors with a sound transmission class (STC) of 30 shall be installed. Patio doors shall be rated a minimum STC 26. Mechanical ventilation shall be provided for all noise impacted living spaces.
- Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

DRAFT 11-8-06
GENERAL DEVELOPMENT PLAN NOTES
PDC05-091

Park Impact Ordinance. Development of the site shall conform to the Park Impact Ordinance.

Merrill Gardens at Willow Glen, LLC

104 South Division
Spokane, WA 99202
509-455-5477
509-838-0933 Fax

Operations Program - Merrill Gardens at Willow Glen

993 Meridian Ave.
San Jose, CA 95126

Facility Overview

Merrill Gardens at Willow Glen borders Meridian Avenue to the east and Curci Drive to the north. The 98 unit assisted living community will be constructed as a four and two story building with residents apartments that include 13 Alzheimer's studios (311 sf), 22 studios (413 sf), 53 one-bedrooms (614 sf) and 10 two-bedrooms (952 sf). The community will also consist of common areas including a common dining room, bistro, library, wellness center, activity room, and landscaped courtyard.

Types of Residents Admitted to This Facility

Merrill Gardens at Willow Glen, located in San Jose, California will be an Assisted Living facility licensed by the State of California. The facility will tailor to the needs of seniors age 60+ who desire some type of assistance with their activities of daily living. The classifications for assisted living would include elderly and frail elderly. The facility will provide assistance with bathing, dressing, grooming, incontinence management, special diets, medication management, assistance with eating, assistance with ambulating, cueing, safety and security checks, appointment scheduling, and activity programming along with other resident specific (non-skilled) needs for the assisted living residents. We seek the capacity to serve assisted living residents in any of the apartments.

Short-term residents: The facility will also provide housing and activities for residents receiving hospice care, or respite care in addition to its typical residents. The number of each will be dependent on the availability of a suitable apartment and ability to staff to provide for each resident's needs. The number will not be a significant percentage of the resident population and their service needs will be similar to the facility's typical resident.

Activities Provided

The facility will have an Activities Director who will develop and oversee the activities program for the residents, and Activities Assistant who will lead activities an additional two days to provide 7 day coverage. (See attached example of Activity Calendar)

Transportation

Residents will have the freedom to have their own personal transportation as per California State Department of Transportation laws and regulations. All residents will have access to the facility bus. The bus will provide scheduled transportation to VTA light rail stations, doctor appointments, shopping trips, banks, post office, and other recreational outings.

Staffing

At any time throughout the day there will be no more than 26 staff onsite. The following is an initial estimate of the staffing positions needed for the facility:

Administrator

There will be one administrator (General Manager) for the facility. (On salary)

Bookkeeper/Receptionist

There will be one bookkeeper/receptionist for the facility. (40 hours per week)

There will also be evening and weekend receptionist coverage. (37 hours per week)

Activity Director

There will be one activity director for the facility (40 hours per week) and an Activity Assistant (16 hours) to provide activities leadership 7 days per week.

Food Service Manager

There will be one food service manager for the facility. (40 hours per week/salaried) The food service manager will prepare meals, supervise food service staff, and manage food supplies.

Food Service

When full, there will be at least 2 cooks in addition to the food service manager. (80 hours per week when at full occupancy) The cooks prepare the meals for the residents.

There will be 7 wait staff (196 hours per week). The wait staff will take meal orders, assist the cooks with salad bar set up, serve beverages, deliver the prepared food, assist the resident with set up, and clean up.

There will be 2 dishwashers. (77 hours per week).

Licensed Nurse

There will be one, full time, licensed nurse (Assisted Living Supervisor) for the facility. (salaried plus on call) The licensed nurse will oversee the care of the residents, evaluate and respond to changes in condition, communicate with physicians and other health care professionals, and supervise the caregiving staff.

Alzheimer's supervisor

There will be one, full time licensed nurse to oversee the Alzheimer's unit (Garden House).

Universal Caregiver for Alzheimer's Unit

There will be 2 caregivers for Garden House to meet a 1 to 7 preferred California State staffing ratio.

Caregivers

There will be at least 1 trained caregiver on duty in the community around the clock during initial opening of the community. There will also be another staff member in the building at all times, trained to provide back up for emergencies. Caregivers are responsible for the direct day to day care of the residents. Caregiving hours will be increased according to the number of assisted living residents and the amount of service they require.

Night Monitor

There will be one night monitor per 24-hour period during the night shift. Night monitors are responsible for monitoring the facility during the night, providing for security, cleaning of common areas, maintenance and back-up for caregiver in case of emergency.

Housekeeper

There will be 3 housekeeping positions for the facility when fully occupied. (120 hours per week)

Maintenance

There will be one maintenance supervisor position for the facility. (40 hours per week).

Community Relations Director

There will be at least 1 marketing person for the facility. (40 hours per week)

Other Components

Each resident is given an initial assessment prior to admission to the facility by a qualified assessor. Assisted living residents have a full assessment completed within fourteen days of residency; and ongoing thereafter at least every six months. All residents are reassessed with change of condition. The assessment is used to develop the service plan for the resident, providing three levels of care options. The service plan indicates the day-to-day care and services that the resident needs or wants. The caregivers use this information to guide them in caring for the residents on a daily basis. The service plan is completed within the first 30 days of residency, and is reviewed monthly for accuracy. The resident meets with the appropriate staff member to develop and revise the service plan. Additional people such as family members and health care providers may be involved in these meetings as needed or desired.

Additional services for residents include Registered Nurse assessment or supervision of an LPN's assessments, and development of the nursing component of the service plan for residents receiving intermittent nursing services.

All staff members will be trained and in serviced in numerous routine and specific care areas. Basic and specialty care training will be provided to staff as required by DSS regulations. Training will be provided by appropriate staff and outside instructors.

The facility will have a specific Fire Safety and Evacuation procedure that will be included in the training of each staff member.

ADDENDUM TO A NEGATIVE DECLARATION

Pursuant to Section 15164 of the CEQA Guidelines, the City of San Jose has prepared an Addendum to a Negative Declaration (ND) adopted for a previous project. Because minor changes made to the project described below do not raise important new issues about the effects on the environment, this project is adequately covered by this Addendum to the Negative Declaration from the previous project.

PROJECT DESCRIPTION AND LOCATION

Harbor Crest Estates at Willow Glen. Planned Development Zoning for a project located at the Southwest corner of Meridian Avenue and Curci Drive on a 1.17-gross-acre site in the (A)PD Zoning District for a 98-unit Residential Care and Service Facility (Senior Assisted Living), above an underground parking facility. File No. PDC05-091.

Council District 6.

County Assessor's Parcel Number 284-07-020, 031

CERTIFICATION

The environmental impacts of this project were addressed by an Initial Study and documented by a Negative Declaration for a Planned Development Zoning, File No. PDC03-084, and certified as final on January 1, 2004. Specifically, the following impacts were reviewed and found to be adequately considered by the ND:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Traffic and Circulation | <input checked="" type="checkbox"/> Soils and Geology | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Hazardous Materials | <input checked="" type="checkbox"/> Land Use |
| <input type="checkbox"/> Urban Services | <input checked="" type="checkbox"/> Biotics | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Airport Considerations | <input type="checkbox"/> Microclimate |
| <input checked="" type="checkbox"/> Energy | <input type="checkbox"/> Relocation Issues | <input type="checkbox"/> Construction Period Impacts |
| <input checked="" type="checkbox"/> Transportation | <input checked="" type="checkbox"/> Utilities | <input type="checkbox"/> Facilities and Services |
| <input checked="" type="checkbox"/> Water Quality | <input checked="" type="checkbox"/> Flooding | <input type="checkbox"/> |

ANALYSIS:

CHANGES TO THE ORIGINAL PROJECT

The previously approved project (City File No. PDC03-084) was for a Residential Care Facility for the Elderly (RCFE), consisting of 131 units in a three- to four-story building with underground parking. Single story cottages and associated parking for these units were also included. The proposed project consists of 98 units in one two- to four-story building. No cottages or surface parking areas are included in the proposed project. The proposed project is located on a smaller 1.17-acre site within the original project boundaries.

The Director of Planning, Building and Code Enforcement has determined that current project will not result in a significant effect on the environment. Mitigation measure contained in the Mitigated Negative Declaration for File No. PDC03-084 shall apply to the current project, as appropriate.

Rebekah Ross
Project Manager

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

11/8/06
Date


Deputy

Memorandum

TO: Rebekah Ross
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: 10/13/06

PLANNING NO.: PDC05-091
DESCRIPTION: Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 98 Residential Care and Service Facility (Senior Assisted Living), above an underground parking facility.
LOCATION: southwest corner of Meridian Avenue and Curci Drive
P.W. NUMBER: 3-18119

Public Works received the subject project on 09/26/06 and submits the following comments and requirements.

Project Conditions:

Public Works Clearance for Building Permit(s): Prior to the issuance of Building permits, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

1. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
2. **Transportation:** An in-house traffic analysis was performed. We conclude that the subject project will be in conformance with the City of San Jose Transportation Level of Service Policy (Council Policy 5-3) and a determination for a negative declaration can be made with respect to traffic impacts.
3. **Grading/Geology:**
 - a) A grading permit is required prior to the issuance of a Public Works Clearance.
 - b) If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.

- c) Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.

4. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Post-construction treatment control measures, shown on the project's Stormwater Control Plan, shall meet the numeric sizing design criteria specified in City Policy 6-29 -or- the project shall provide an Alternative Measure, where installation of post-construction treatment control measures are impracticable, subject to the approval of the Director of Planning, Building & Code Enforcement.
 - a) The project's Stormwater Control Plan and numeric sizing calculations have been reviewed and this project will be in conformance with City Policy 6-29.
 - b) Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.

5. **Flood: Zone D:** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for zone D.

6. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.

7. **Parks:** In accordance with the Parkland Dedication and Park Impact Ordinances (SJMC 19.38/14.25), the park impact fee will be due for any additional living units that are built.

8. **Street Improvements:**
 - a) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
 - b) Construct half street improvements including curb, gutter, and sidewalk and pavement section along Curci Drive frontage.
 - c) Construction of half street improvements including curb, gutter, and sidewalk and pavement section along Meridian Avenue frontage may be required.
 - d) Close unused driveway cuts.
 - e) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
 - f) Construct 10' sidewalk with 4'x 5' tree wells at the back of curb along project frontage.

9. **Complexity Surcharge (In-Fill):** This project has been identified as an in-fill project, and as such is subject to the following:
 - a) Based on established criteria, the public improvements associated with this project have been rated medium complexity. An additional surcharge of 25% will be added to the Engineering & Inspection (E&I) fee collected at the street improvement stage.

10. **Storm Drainage:**
 - a) Construct a storm main along Curci Drive, from the end of the new main being constructed by the project immediately to the west of this project to Meridian Avenue.
 - b) A storm drain inlet is required on the southwest corner of Meridian Avenue and Curci Drive.
 - c) Sizing of storm and sanitary mains and laterals will be determined at the street improvement plan stage.

11. **Electrical:** Installation, relocation and upgrading of electroliers along project frontage may be required.

12. **Street Trees:**
 - a) Install street trees within the public right-of-way along the entire street frontage per City standards.
 - b) The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
 - c) Contact the City Arborist at (408) 277-2756 for the designated street tree.

Please contact the Project Engineer, Winnie Pagan, at (408) 535-6824 if you have any questions.

Ebrahim Sohrabi
Senior Civil Engineer
Transportation and Development Services Division