COUNCIL AGENDA: 12-02-08
ITEM: 11.1(a)

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: November 10, 2008

COUNCIL DISTRICT: 6
SNI AREA: N/A

SUBJECT: PDC07-083. PLANNED DEVELOPMENT REZONING FROM CP COMMERCIAL PEDESTRIAN ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW UP TO 64 MULTI-FAMILY RESIDENTIAL UNITS FOR SENIOR AFFORDABLE HOUSING, OVER A 7,500 SQUARE-FOOT DENTAL OFFICE AND SURFACE PARKING ON A 0.97 GROSS ACRE SITE.

RECOMMENDATION

The Planning Commission voted 6-0-0 to recommend that the City Council approve a Planned Development Rezoning from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District to allow up to 64 multi-family residential units for senior affordable housing, over a 7,500 square-foot dental office and surface parking on a 0.97 gross acre site.

OUTCOME

Should the City Council approve the Planned Development Rezoning, up to 64 multi-family residential units for senior affordable housing, over a 7,500 square-foot dental office and surface parking could be constructed on a 0.97 gross acre site, consistent with the development standards for the subject rezoning. This future development would be subject to a Planned Development Permit.

BACKGROUND

On October 10, 2007, the applicant, First Community Housing, filed an application for a Planned Development Rezoning from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District to allow up to 64 multi-family residential units for senior affordable housing, over a 7,500 square-foot dental office and surface parking on a 0.97 gross acre site. A Planned Development Rezoning is required because the applicant has proposed to develop the property in a configuration that is not supported in any of the City's conventional zoning districts.

On November 5th, 2008, the subject rezoning was heard before the Planning Commission at a public hearing. The applicant, Jeff Oberdorfer of First Community Housing, made a brief

presentation. Mr. Oberdorfer explained that "chronically ill" seniors is not a term preferred by the medical community, but that it refers to persons who require various levels of in-home assistance for daily activities. He stated that typically, assistance is provided to these residents up to 20 hours a week. He also stated that the proposed structure would be a "green building," and would include a living green roof. He also explained that the first floor offices would be occupied by a dentist and would pay full property taxes, where the residential units above would be owned by First Community Housing.

The Planning Commission closed the public hearing. Commissioner Jensen made a motion to recommend that the City Council approve the subject rezoning. She stated that she used to live near the project site, and thinks it is an excellent location for senior housing, particularly because of it's proximity to the light rail station. She thanked the applicant for proposing a green building, particularly for the green roof. Chair Zito stated that the proposal looked like a great project. The motion passed 6-0-0.

ANALYSIS

The project conforms to the San Jose 2020 General Plan Housing Major Strategy, which seeks to provide a variety of housing opportunities, and the Growth Management Major Strategy, which encourages infill development within urbanized areas to achieve the most efficient use of urban facilities and services.

Further, this project would provide housing opportunities for low- and very low-income seniors, which conforms to Housing Goal #3, which is to "provide housing sites and structures by location, type, price and tenure that respond to the needs of all economic segments of the community." The project is of exceptional design, and uses green building techniques, which furthers Housing Goal #5, to "incorporate good design, foster aesthetics, and promote usable open space, and encourage use of alternative energy sources and energy conservation techniques in residential development."

The project is situated less than 2,000 feet from a light rail station, which conforms to the Residential Land Use Policy #7, which states, "Housing developments designed for senior citizens should be located in neighborhoods that are within reasonable walking distance of health and community facilities and services or accessible by public transportation."

For further analysis please see attached Planning Commission Staff Report.

EVALUATION AND FOLLOW-UP

Not Applicable. The applicant will be required to secure a Planned Development Permit from the Planning Director in order to implement the subject rezoning.

POLICY ALTERNATIVES

Not Applicable

PUBLIC OUTREACH/INTEREST

- ☐ **Criteria 1**: Requires Council action on the use of public funds equal to $1 million or greater.
  (Required: Website Posting)
- ☐ **Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- ☐ **Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30; Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

Two community meetings where held for the project, one on April 8, 2008 and one on September 24, 2008. Approximately nine members of the public attended the first meeting and approximately 12 members of the public attended the second meeting. At the first meeting traffic, open space, loss of commercial land, and parking were discussed. At the meeting concerns regarding discrepancies in the noticing for the meeting and lack of coordination with the Sherman Oaks Neighborhood Associate were raised, therefore a second meeting was held. At the second meeting concerns were raised about soil contamination from the former gas station use, amount and usability of open space for the residents, and concerns with increased traffic and lack of vehicular access to the site.

In response to the concerns regarding contamination, the applicant explained that the gas station has been demolished at the site, and all structures and underground tanks have been removed. Extensive analysis of the site has been conducted that concluded that soil contamination is not present. These reports have been reviewed and verified by the City's Environmental Compliance Officer. Further, the majority of the site would be covered by impervious surface, which would eliminate access to contaminated soils if they were present. As discussed above, open space for the project would be provided above the requirements of Guidelines, and the balconies facing Leigh Avenue and Southwest Expressway would have clear acoustically engineered railings to protect these spaces from noise.

With regards to traffic, gas stations generate significantly more traffic than housing, particularly senior housing, therefore there is expected to be a net reduction in traffic as a result of the project and the removal of the gas station. Further, vehicular access to the site is proposed only on Leigh Avenue because any driveway from the site onto Southwest Expressway would be too close to the intersection. This would create a safety hazard for vehicles making a right turn from Leigh Avenue onto Southwest. Further, minimizing driveways and maximizing pedestrian oriented building elements along the sidewalk is a fundamental aspect of transit oriented development.

COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department and the City Attorney.

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan policies and City Council approved design guidelines as further discussed in attached staff report.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

CEQA: MND (Mitigated Negative Declaration).

Darryl Boyd

for JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Darryl Boyd at 408-535-7800.

P.C. Agenda: 11/5/08
Item No. 8.e.

STAFF REPORT
PLANNING COMMISSION

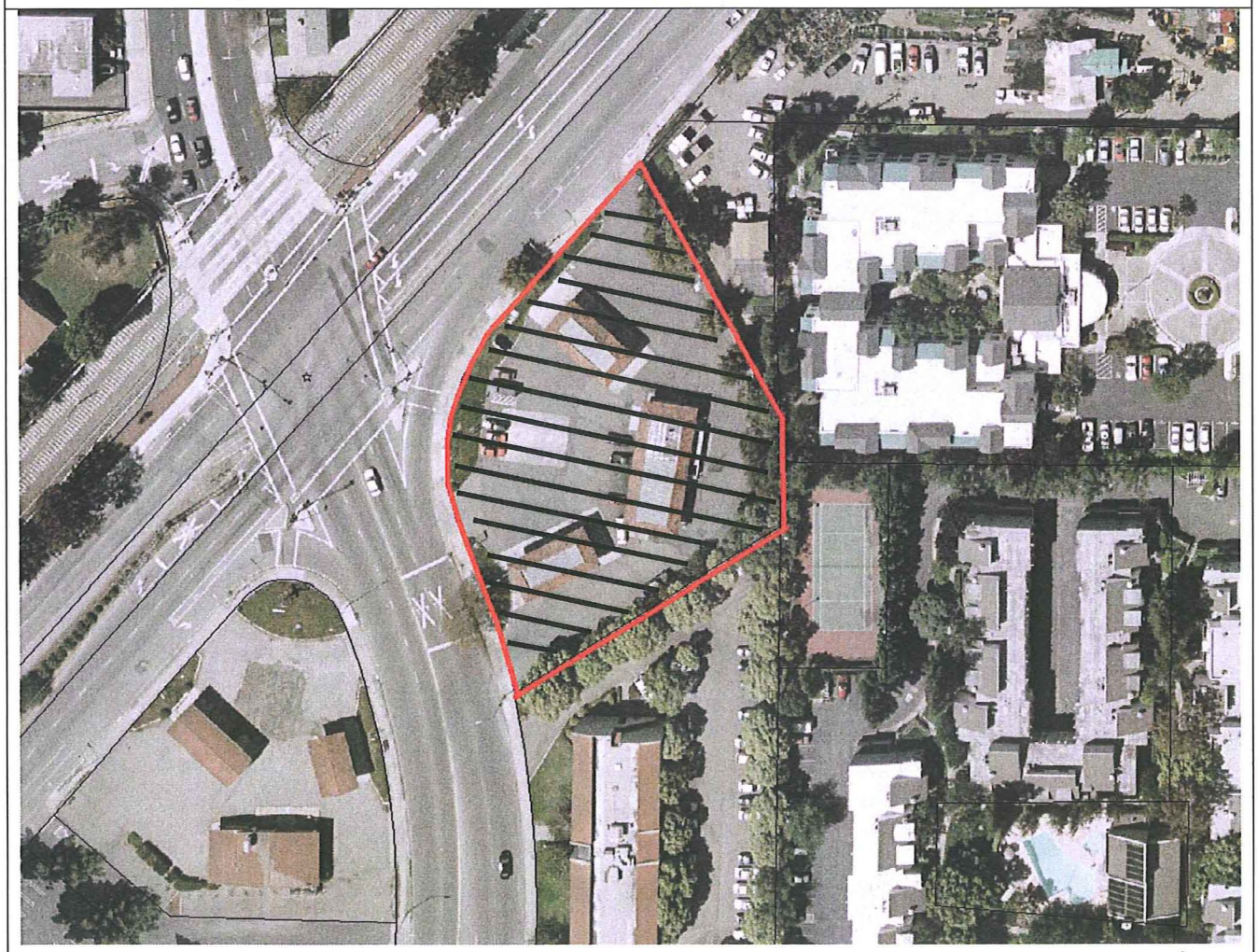
FILE NO.: PDC07-083 **Submitted: 10/10/07**

PROJECT DESCRIPTION: Planned Development Rezoning from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District to allow up to 64 multi-family residential units for senior affordable housing, over a 7,500 square-foot dental office and surface parking on a 0.97 gross acre site.

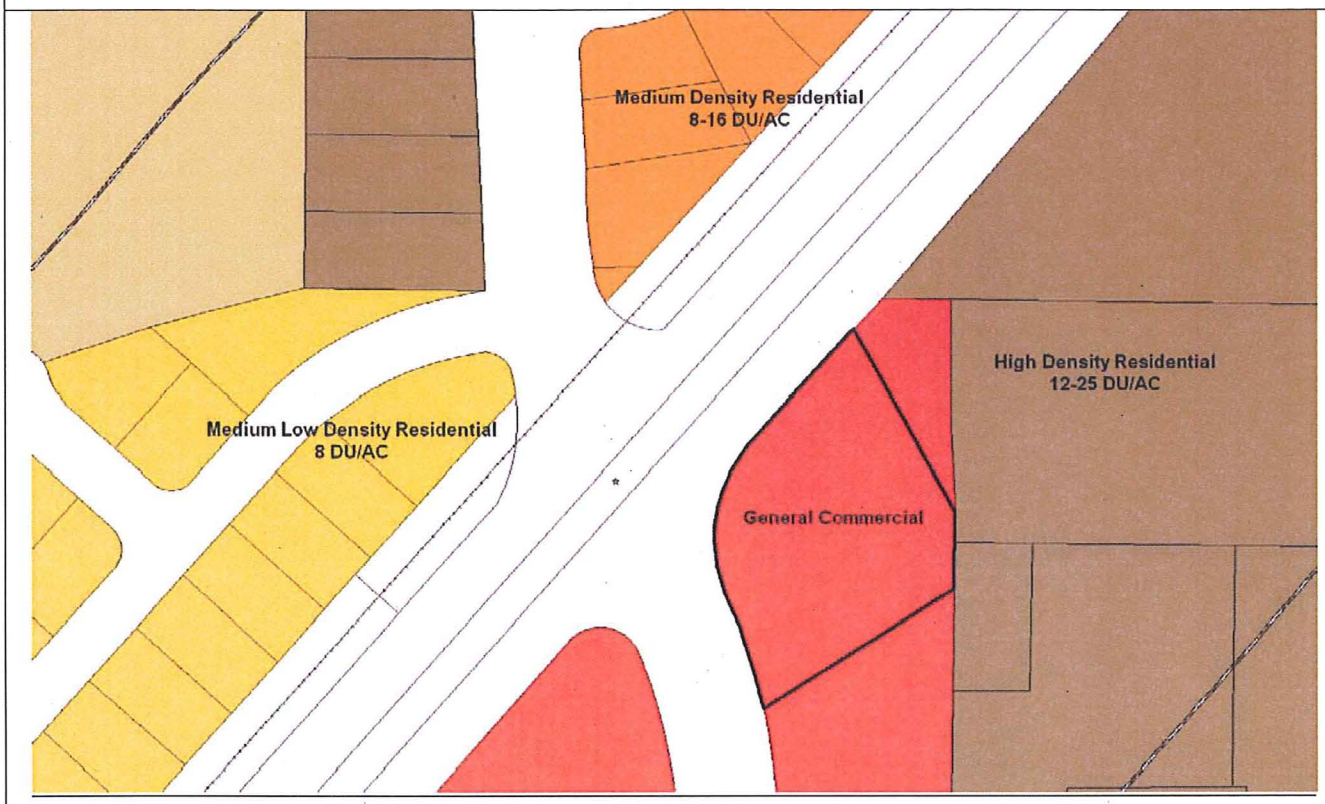
LOCATION: Southeast corner of Southwest Expressway and Leigh Avenue.

Existing Zoning	CP Commercial Pedestrian
Proposed Zoning	A(PD) Planned Development
General Plan	General Commercial
Council District	6
Annexation Date	7/6/1977
SNI	None
Historic Resource	No
Redevelopment Area	No
Specific Plan	No

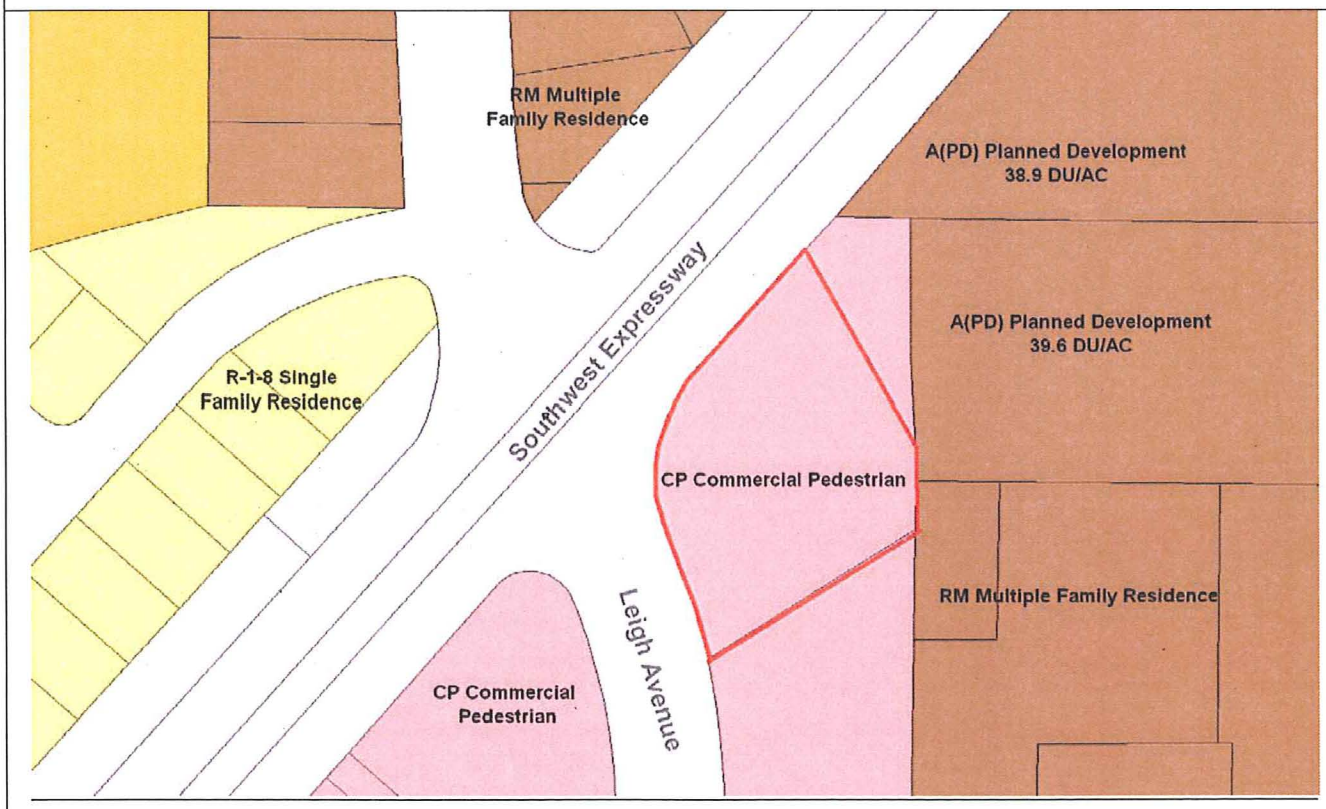
Aerial Map N ↑



GENERAL PLAN



ZONING



RECOMMENDATION

Planning staff recommends approval of the proposed Planned Development Rezoning for the following reasons:

1. The proposed project is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of General Commercial with the application of the Discretionary Alternate Use Policy Two-Acre Rule.

2. The proposed project furthers the objectives of the San Jose 2020 General Plan housing and growth management Goals and Policies.

3. The proposed project is compatible with the surrounding land uses.

4. The proposed project conforms to applicable policies of the City's Residential Design Guidelines.

5. The proposed project conforms to the requirements of CEQA.

BACKGROUND & DESCRIPTION

The applicant, First Community Housing, has filed a Planned Development Rezoning from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District to allow up to 64 multi-family residential units for senior affordable housing, over a 7,500 square-foot dental office and surface parking on a 0.97 gross acre site. The site is vacant but was formerly occupied by a gas station, which was demolished in 2007. All structures, underground storage tanks, and contaminated soil was removed from the site. A Planned Development Rezoning is required because the developer proposes to develop the property in a configuration that is not supported in a conventional zoning district.

The proposed building would be a total of four stories in height, with office space and parking on the first floor and three stories of residential uses above. The residential units are oriented around a central courtyard on the second floor and protected from road noise by the building. The residential portion of the project consists of 63 one-bedroom units for senior residents of low-, very low-, and extremely low-income. 35% of the units would be designated for "chronically ill" seniors, and one two- bedroom manager's unit is proposed. "Chronically ill" seniors are residents who have various medical conditions who would be unable to remain safely in their home without in-home supportive services. Nursing assistance for this program is provided through the County of Santa Clara.

The project also includes many "green building" features, most notably a photovoltaic system and a green roof. That applicant has indicated that they intend to pursue a Greenpoint Rating for the project through the Build It Green program.

ANALYSIS

The primary analytical considerations are conversion of employment land, conformance to the San Jose 2020 General Plan, Environmental Review, and project design.

Framework for Preservation of Employment Lands

The existing San Jose 2020 General Plan Land Use/Transportation Diagram designation of the site is General Commercial. The proposed use is a conversion to a mixed use project. The City Council adopted

the Framework for Preservation of Employment Lands (Framework) on October 23, 2007 to preserve remaining industrial and commercial lands in the City of San José. The policy, together with the Joint Mayor-Council Memo, provide the criteria to maintain no net loss of employment capacity on lands designated in the San José 2020 General Plan for commercial or industrial uses. The Joint Mayor-Council Memo provides several exceptions for projects that are not considered conversions of employment lands under the Framework, including the following:

> "Small, isolated remnant commercial parcels that are degrading neighborhoods and are no longer suitable for commercial uses may be considered for conversion for affordable housing projects which include Extremely Low Income units [to be] secured by a Development Agreement or similar mechanism."

In addition to the adoption of the Framework, the City Council adopted an amendment to the Two Acre Rule Discretionary Alternate Use Policy in the San Jose 2020 General Plan text to strengthen the criteria in which land uses with employment designations could be converted to other uses. This amendment reflects the exception for "remnant commercial parcels" by setting forth specific criteria where properties with commercial designations can be converted without requiring no net loss of job capacity in the City and/or an extraordinary economic development.

This project meets the criteria of the Two Acre Rule, described in more detail in the "General Plan Conformance" section of this report. Therefore this project is not considered a conversion of employment land. Because this is a Planned Development Zoning, the provision of Extremely Low Income units would be secured through this legislative action instead of a Development Agreement. The provision of Extremely Low Income units is a condition of the Planned Development Zoning to be effectuated with the Planned Development Permit.

General Plan Conformance

Major Strategies, Goals and Policies

The project conforms to the San Jose 2020 General Plan Housing Major Strategy, which seeks to provide a variety of housing opportunities, and the Growth Management Major Strategy, which encourages infill development within urbanized areas to achieve the most efficient use of urban facilities and services.

Further, this project would provide housing opportunities for low- and very low-income seniors, which conforms to Housing Goal #3, which is to "provide housing sites and structures by location, type, price and tenure that respond to the needs of all economic segments of the community." The project is of exceptional design as discussed below, and uses green building techniques, which furthers Housing Goal #5, to "incorporate good design, foster aesthetics, and promote usable open space, and encourage use of alternative energy sources and energy conservation techniques in residential development."

The project is situated less than 2,000 feet from a light rail station, which conforms to the Residential Land Use Policy #7, which states, "Housing developments designed for senior citizens should be located in neighborhoods that are within reasonable walking distance of health and community facilities and services or accessible by public transportation."

Two Acre Rule

The subject property has a land use designation of General Commercial on the San José 2020 General Plan Land Use/Transportation Diagram. The proposed Planned Development Rezoning would allow a

mixed use project of 7,800 square feet of office and 64 residential units which is not consistent with this designation. However, the Discretionary Alternate Use Policy entitled Two-Acre Rule allows parcels with a non-residential land use designation to be developed under any residential or non-residential category. The following criteria are provided in General Plan for evaluation of projects attempting to use this Policy:

To the maximum extent feasible, development should provide no net loss in the City of employment capacity. This project would provide approximately 7,500 square feet of office space, intended to be dental office. Because the site is oddly configured, it would be infeasible to retain a 0.35 floor area ratio of commercial uses as called for in the Framework and maintain adequate parking, landscaping, and circulation.

Parcels with a commercial land use designation that are adjacent on at least two sides or by at least 50% to land with a residential land use designation and that are either within 2000 feet of an existing or planned Light Rail Transit Station may be developed with residential uses with a majority of the units affordable, and a significant portion of the affordable units eligible to Extremely Low-Income households. The project is bounded on two sides, across Southwest Expressway and directly to the east, by lands designated for residential uses. The project site is located within 1,300 feet of a light rail stop on Southwest Expressway, and 100% of the units would be dedicated for low-, very low- and extremely low-income residents, in conformance with this policy. As currently proposed 23 units would be designated for extremely low-income residents, 31 units would be for very-low income residents, and 9 units for low-income residents.

Development with a mix of commercial and residential uses with a preference for retention of employment capacity to the maximum extent feasible is strongly encouraged. The alternate land use allowed by this policy should be compatible with existing and planned uses on adjacent and neighboring properties. As discussed above, the project provides 7,500 square feet of office use. Adjacent and nearby uses to the property include a plant nursery, office buildings, and medium and high density residential uses, which are compatible with the proposed office and high density residential uses.

Projects should exceed the minimum standards of the adopted design guidelines. As discussed further in the "project design" section of this report, this project meets or exceeds the standards of the Residential Design Guidelines.

Environmental Review

An Initial Study was prepared for the project and a Mitigated Negative Declaration was circulated for public review by the Director of Planning on October 15, 2008. The Director of Planning, Building and Code Enforcement intends to adopt said Negative Declaration on November 5, 2008. The primary issues addressed in the environmental review were noise related impacts due to construction noise and existing noise levels from the adjacent roadways and light rail tracks. Mitigation for these impacts identified in the Mitigated Negative Declaration are included in the project to reduce them to a less than significant level. Also discussed in the environmental review was traffic and the potential of soil contamination from the previous use of the site as a gas station.

The traffic report prepared for the project showed that gas stations generate significantly more traffic than housing, particularly senior housing. Therefore the removal of the gas station and the project is expected to cause a net reduction in traffic. The gas station has been demolished at the site, and all structures and underground tanks have been removed. Extensive environmental contamination analysis

of the site has been conducted that concluded that soil contamination is not present. These reports have been reviewed and verified by the City's Environmental Compliance Officer.

Project Design

The primary project design issues are conformance to the Residential Design Guidelines and provision of open space.

Components of Transit Oriented Development (TOD)

The primary issue evaluated for this section is conformance to the Transit Oriented Development chapter of the Residential Design Guidelines (Guidelines). The Guidelines articulate the following components of transit oriented development, stating that "every site within a TOD area, regardless of size, should contribute to the following:" Project design details will be effectuated through the Planned Development Permit process.

Neighborhood compatibility with surrounding uses and neighborhoods through building massing and orientation. This site presents a unique situation in that the surrounding properties on the transit corridor are developed with older, auto oriented commercial uses. A component of neighborhood compatibility is to mirror adjacent buildings in height and setbacks, however that is not practical in this case, as property across Leigh Avenue is a gas station and the adjacent property fronting Southwest Expressway is a plant nursery. The nursery site has a General Plan Designation of High Density Residential, therefore redevelopment of the site is expected to be a transit oriented residential or mixed use development similar to the subject project. The Guidelines recommend that projects create interesting and varied building facades that reinforce street activity, visual interest, and "eyes on the street" to foster neighborhood compatibility. The project provides varied setbacks and interesting architecture throughout, with residential balconies at the street above the ground floor to provide the "eyes on the street" called for by the Guidelines, and ample windows and multiple building entries on the ground floor.

Mixed-use, high density residential buildings with minimal or no front setback. This project provides office space on the ground floor with residential units above at a density of 66 units to the acre. Front setbacks are minimized, ranging from two to nine feet from the property line.

Ground Floor Retail or commercial office space adjacent to transit and located along principal pedestrian paths, highly visible to all transit modes. The project proposes commercial uses on the ground floor, highly visible to pedestrians. The main entrances of the proposed offices are oriented toward the street, not inward to the parking area, which fosters a pedestrian oriented environment.

Improved pedestrian access using smaller blocks, pedestrian paseos, multiple building entrances, and dedicated pedestrian and bike paths. This site is under an acre, therefore the provision of pedestrian paseos and breaking up the block into smaller blocks would not be practical; however, the building is highly articulated and multiple building entrances are provided along the project street frontage for both residential and office uses.

Improved streetscapes, including widened sidewalks and pedestrian scale street lighting, signage, and landscaping. The project would provide sidewalks in line with City standards for major arterials (12 foot right of way with tree wells and seven feet kept clear for travel), which provides ample space for pedestrian activity. Landscaping would be provided on the project site adjacent to the sidewalk, with details to be determined at the Planned Development Permit.

Parking located behind buildings, including alternative parking solutions such as shared parking, and lower parking to occupancy ratios, and increase bicycle parking. All parking for the project is located behind the building. Parking for the office would be provided per the standards of the Zoning Ordinance, which is 1 space per 250 net square feet of floor area. The project also receives a 10% reduction in required parking based its on proximity to a transit stop. This equates to a total of 24 parking spaces required for the office component of the project, which would be marked for such use.

Traditional one-bedroom units require 1.5 parking spaces per unit per the Residential Design Guidelines. The Guidelines do not include provisions for reduced parking ratios for alternate uses, such as senior housing. However, it is customary for senior housing developments to provide reduced parking, as they generate less parking demand than conventional housing. Further, the "chronically ill" seniors are expected to generate even lower demand for parking given their special condition. The project is within walking distance of a light rail station and all residents would annually be provided with an Ecopass for free unlimited trips on all VTA transit systems, which further reduces the need for automobiles. The reduction in parking is supported by a parking survey (see attached).

The proposed parking for the senior housing units is 0.64 stalls for traditional one bedroom units, 0.55 spaces per stall for the "chronically ill" seniors units, and 1.6 spaces dedicated to the two bedroom manager's unit. The reduced parking ratios would equate to a requirement of 40 parking spaces for the proposed mix of residential uses. Additionally, there is an opportunity for a shared parking arrangement whereby guests or residents could utilize the parking designated for the office in the evening or on weekends when the office is closed. Overall, 64 parking space are required for the development (including both commercial and residential components), where 67 are provided.

Open Space

The Residential Design Guidelines recommend 60 square feet of private open space per unit. Each unit has a balcony of at least 60 square feet, with the exception of the managers unit, which does not have private open space due to design constraints. However, 180 square feet of common open space per unit is provided, well in excess of the 100 square foot per unit recommendation contained in the Guidelines.

PUBLIC OUTREACH/INTEREST

Public outreach for this project was conducted in conformance with the City Council Policy 6-30. Two community meetings where held for the project, one on April 8, 2008 and one on September 24, 2008. Approximately nine members of the public attended the first meeting and approximately 12 members of the public attended the second meeting. At the first meeting traffic, open space, loss of commercial land, and parking were discussed. At the meeting concerns regarding discrepancies in the noticing for the meeting and lack of coordination with the Sherman Oaks Neighborhood Associate were raised, therefore a second meeting was held. At the second meeting concerns were raised about soil contamination from the former gas station use, amount and usability of open space for the residents, and concerns with increased traffic and lack of vehicular access to the site.

In response to the concerns regarding contamination, the applicant explained that the gas station has been demolished at the site, and all structures and underground tanks have been removed. Extensive analysis of the site has been conducted that concluded that soil contamination is not present. These reports have been reviewed and verified by the City's Environmental Compliance Officer. Further, the majority of the site would be covered by impervious surface, which would eliminate access to contaminated soils if they were present. As discussed above, open space for the project would be provided above the requirements

of Guidelines, and the balconies facing Leigh Avenue and Southwest Expressway would have clear acoustically engineered railings to protect these spaces from noise.

With regards to traffic, gas stations generate significantly more traffic than housing, particularly senior housing, therefore there is expected to be a net reduction in traffic as a result of the project and the removal of the gas station. Further, vehicular access to the site is proposed only on Leigh Avenue because any driveway from the site onto Southwest Expressway would be too close to the intersection. This would create a safety hazard for vehicles making a right turn from Leigh Avenue onto Southwest. Further, minimizing driveways and maximizing pedestrian oriented building elements along the sidewalk is a fundamental aspect of transit oriented development.

A sign was posted on-site to notify neighbors of the proposed development. The rezoning was also published in a local newspaper, the Post Record. A notice of this Planning Commission public hearing and subsequent City Council hearing was mailed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. This staff report is also posted on the City's Website. Staff has been available to respond to questions from the public.

Project Manager: Martina Davis **Approved by:** Daniel Boyd **Date:** 10/29/08

Owner:	Applicant:	Attachments:
Barry Mirkin 542 Lakeside Drive San Jose, CA 94036	First Community Housing Attn: Jeff Oberdorfer 2 N. Second Street Ste. 1250 San Jose, CA 95113	Development Standards Final Public Works Memo Parking Study

PDC 07-083
General Development Plan

USES ALLOWED

Permitted Uses

Commercial/Office: All Permitted and Administrative uses as allowed in the CO Commercial Office Zoning District per Title 20 of the San Jose Municipal Code, as amended.

Residential Uses: Up to 63 senior living units for Low-, Very Low-, and Extremely Low-Income residents. A minimum of 35% of units must be dedicated for extremely low income senior residents. One manager's unit is permitted.

Conditional and Special Uses

All Conditional and Special uses as allowed in the CO Commercial Office Zoning District per Title 20 of the San Jose Municipal Code, as amended. Such uses require approval through the issuance of a Planned Development Permit at the discretion of the Director of Planning,

DEVELOPMENT STANDARDS

HEIGHT

Maximum Height: 50 feet / 4 Stories. Non-habitable architectural projections may extend to a maximum of 60 feet.

SETBACKS

Front (Leigh Avenue and Southwest Expressway): No minimum, 10' maximum to building. Minimum 25' setback to open or at grade parking areas.
Interior Sides: 4' to parking, 10' to building.
Rear: 4' to parking, 8' to building.

PARKING

Senior 1 Bedroom Units: 0.64 space /unit
Senior 1 Bedroom "Chronically Ill*" Units: 0.55 space/unit
Manager's Unit: 1.6 space/unit
Commercial Office: Parking shall be required per Table 20-190, of Title 20 of the San Jose Municipal Code, as amended. A 10% reduction for proximity to transit is permitted

**"Chronically ill" is defined as residents who receive in-home supportive care.*

PDC 07-083
General Development Plan

***Note*:** Where these development standards conflict with other information included on the land use diagram, these standards shall take precedence.

Infrastructure Requirements

All private infrastructure shall meet public infrastructure standards.

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 Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of the San Jose-Santa Clara Water Pollution Control to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality 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.

Environmental Mitigations

The following Environmental Mitigation shall be included in the project at the Planned Development Permit stage. Alternative mitigation that achieves an equivalent reduction in the potentially significant impact may be approved by the Director of Planning through a Planned Development Permit.

NOISE

Prior to issuance of building permits, the developer shall retain a qualified acoustical consultant to review the building plans for all units to ensure that interior noise levels can be sufficiently attenuated to 45 DNL to the satisfaction of the Director of Planning, Building and Code Enforcement.

a. Maintain closed for noise control all windows and glass doors of living spaces within 108 feet of the centerline of Leigh Avenue and with a direct or side view of the road, or within 165 feet of the centerline of Southwest Expressway and with a direct or side view of the road. Install windows and glass doors rated minimum Sound Transmission Class (STC) 30 at these windows and doors. (Note: The windows that are specified to be closed can be operable, as this requirement does not imply a "fixed" condition.) All other windows of the project and all bathroom windows may have any type of glazing and may be kept opened as desired unless the bathroom is an integral part of a living space without a closeable door.

b. Windows and doors shall be installed in an acoustically effective manner, in which the sliding window panels form an air-tight seal in the closed position and the window frames are caulked to prevent sound infiltration. Exterior doors must have an air-tight seal around the full perimeter when closed. The acoustical test report of all sound rated windows and doors should be reviewed by a qualified acoustician to ensure that the chosen windows and doors will adequately reduce traffic and rail noise to acceptable levels.

c. Equip all units with forced air ventilation systems to allow the occupants the option of closing the windows to control noise and maintain an interior noise level of 45 DNL.

d. Install 42" high acoustically effective balcony railings, which will reduce the noise exposures in the balconies to no more than 65 dB DNL.

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: Martina Davis
Planning and Building

FROM: Michael Liw
Public Works

SUBJECT: **FINAL RESPONSE TO DEVELOPMENT APPLICATION**

DATE: 10/27/08

PLANNING NO.:	PDC07-083
DESCRIPTION:	Planned Development Rezoning from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District to allow up to 64 multi-family residential units for senior affordable housing, over a 7,500 square-foot dental office and a podium garage on a 0.97 gross acre site
LOCATION:	southeast corner of Southwest Expressway and Leigh Avenue
P.W. NUMBER:	3-01480

Public Works received additional information for the subject project on 10/03/08 and submits the following comments and requirements.

Project Conditions:

Public Works Clearance for Building Permit(s) or Map Approval: Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, 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 distribution has been performed for this project based on 32 PM peak hour trips. 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. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.

b) A soils report must be submitted to and accepted by the City prior to the 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.
   a) Refer to the PD Permit memo for Stormwater comments.
   b) Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
   c) A post construction Final Report is required by the Director of Public Works from a Civil Engineer retained by the owner to observe the installation of the BMPs and stating the all post construction storm water pollution control BMPs have been installed as indicated in the approved plans and all significant changes have been reviewed and approved in advance by the Department of Public Works.

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. **Reimbursement**: The developer will be required to reimburse the City for costs advanced for the construction of street improvements along Southwest Expressway in accordance with City Ordinance #19663.

9. **Street Improvements**:
   a) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
   b) Remove and replace curb, gutter, and sidewalk along project frontage.
   c) Close unused driveway cut(s).
   d) Proposed driveway width to be 26'.
   e) Reconstruct handicap ramp at corner of Southwest Expressway and Leigh Avenue to City Standard with detectable warnings.
   f) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any

necessary pavement restoration will be included as part of the final street improvement plans.

10. **Complexity Surcharge**: Based on established criteria, the public improvements associated with this project have been rated high complexity. An additional surcharge of 50% will be added to the Engineering & Inspection (E&I) fee collected at the street improvement stage.

11. **Electrical**: Installation, relocation or upgrading of electroliers on project frontage may be required. Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans

12. **Street Trees**:
    a) The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
    b) Contact the City Arborist at (408) 277-2756 for the designated street tree.
    c) Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in cut-outs at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings.

13. **Private Streets**:
    a) Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.
    b) In the future, if this apartment project converts to condominiums, it will be required that private streets and infrastructure comply with current Common Interest Development Standards, which may result in the reconstruction or modification of all private infrastructure. The developer has the option to construct the project in accordance with CID standards at present time if conversion is anticipated in the future.

Please contact the Project Engineer, Vivian Tom, at (408) 535-6819 if you have any questions.

Michael Liw
Senior Civil Engineer
Transportation and Development Services Division

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HEXAGON TRANSPORTATION CONSULTANTS, INC.

MEMORANDUM

TO: Jeff Oberdorfer & Michael Santero, First Community Housing

FROM: Robert Del Rio

DATE: March 21, 2008

SUBJECT: Results of Parking Demand Surveys for FCH Affordable Studio and Senior Housing Developments in San Jose, with Existing ECO-pass Programs for Tenants

Hexagon Transportation Consultants has completed this study to determine the parking demand for First Community Housing (FCH) affordable studio and senior housing developments in San Jose, California. FCH has had a free, annual, ECO-pass program in place for over seven years and is the largest residential purchaser of Eco-passes, which provide for free bus and light rail within Santa Clara County. Our findings are summarized below.

Parking Surveys

Four affordable housing developments providing studio and senior apartment units in San Jose were surveyed for parking demand. Each affordable housing development was surveyed on a weekday evening (Thursday night February 26, 2008) and a weekend evening (Saturday night March 1, 2008) between the hours of 12:00 AM and 2:00 AM, which represents the peak hours of demand for resident parking. Unlike retail parking demand, residential parking demand does not experience significant seasonal fluctuations. The Urban Land Institute (ULI) publication *Shared Parking, Second Edition*, shows no changes in peak monthly parking demand for residential uses.

It should be noted that the surveyed parking areas were gated and generally consisted of resident and property management parking only. Field observations revealed that the surveyed sites generated little or no on street parking demand. This is further evidenced by the fact that in most cases, the onsite parking supply at each site exceeded the demand during the time the surveys were conducted. The list of housing developments surveyed and the results of the surveys are shown in Table 1 below.

Studio Apartments

Three of the sites surveyed provide studio apartments only ranging in size from 25 to 179 units. Each site had less than four vacant units at the time of the surveys. The maximum parking demand of 57 vehicles was observed at the Curtner Studios site. The maximum and average calculated parking ratios for studio apartments are 0.43 and 0.38 spaces per unit, respectively.

Senior Housing

One 90 unit senior housing site that provides one-bedroom units also was surveyed. The site had no vacant units at the time of the surveys. A maximum parking demand of 52 vehicles was observed at the site. The maximum calculated parking ratio for senior housing units is 0.58 spaces per unit.

7888 Wren Avenue, Suite B-121 • Gilroy, California 95020
phone 408.846.7410 • fax 408.846.7418 • www.hextrans.com

City of San Jose Parking Requirements

The City of San Jose required parking rates for residential developments are based on the number of bedrooms in each residential unit and are as follows:

SRO (near transit)	1.0
Studio	1.5
1 Bedroom	1.5
2 Bedroom	1.8
3 Bedroom	2.0
Each Additional	0.15

Recommended Parking Ratio

The surveys indicate an overall average of 0.43 spaces per unit for the affordable housing sites surveyed. In the publication *Parking* by Weant and Levinson, it is suggested that an appropriate design ratio for parking is the 85th percentile peak demand plus a 10% safety factor. Applying the 10% safety factor to the average calculated survey rates for potential guest parking, the suggested parking ratio for affordable housing development, with Eco-Pass Program in San Jose is approximately 0.47 spaces per unit.

Studio Apartment	0.42 spaces per unit
Senior Apartment	0.64 spaces per unit

The City of San Jose parking ratios are nearly double the peak surveyed parking ratios at nine of the ten sites surveyed even after adjusting for vacancies and accounting for guest parking.

MONTEREY COUNTY

Department of Social and Employment Services
Elliott Robinson, Director

1000 South Main Street
Salinas, California 93901
(831) 755-4448
Fax (831) 755-8477
(831) 755-4720

Mary Goblirsch, Director
Office For Aging & Adult Services

January 23, 2008

To Whom It May Concern:

I am writing in support of First Community Housing's application for the development of a new housing resource to serve low income chronically ill seniors and persons with disabilities. As Director of the Aging and Adults Services programs in Monterey County, I can attest to the very high need for the specialized housing complexes in all communities. First Community Housing and the Office for Aging and Adult Services share common objectives to support the self-sufficiency efforts of low-income and disabled individuals living in the community.

Most communities provide an array of health and social service programs, such as In-Home Supportive Services, Multipurpose Senior Services Programs, Linkages programs to ensure the health and safety of individuals. These programs serve low income individuals with chronic medication conditions. It estimated that no more than 50-55% of the chronically ill seniors and persons with disabilities we serve in these programs and who would be residents of the housing complex under development by First Community Housing continue to own and operate automobiles. This estimate also includes the number of persons who provide in home care for several hours each day. The desired outcome of the programs is the maintenance of clients in the least restrictive environment to meet their needs. First Community Housing is lauded for their commitment to provide accessible, attractive and supportive housing for low income chronically ill seniors and persons with disabilities.

We urge you to support the pending application for this very important project that will greatly benefit the community and the residents thereof.

Sincerely,

Mary Goblirsch, Director

"Working Toward a Better Future"

The Effects of Free Eco Passes on a Non-profit Housing Developer and its Communities: Experiences at First Community Housing

Survey Introductions

First Community Housing (FCH) is a non-profit affordable housing developer with an emphasis on sustainable practices, such as extensive usage of green, non-toxic materials and cleaners whenever possible. FCH also provides a free annual Eco Pass to each of its residents. The Valley Transportation Authority Eco Pass allows a user unlimited rides on bus and light rail in Santa Clara County. FCH engaged PMZ^3 Research, an independent survey company, to study the effectiveness of Eco Pass usage at their properties and whether or not the Eco Passes had any effect on car ownership and parking demand.

Methodology

During February and March 2005, PMZ^3 Research attempted to contact the entire FCH resident population via telephone. The surveys were conducted in the household's primary language and respondents were contacted twice, with initial and follow-up questions. Out of 771 households, 154 participated in the survey (20.0%). The participants are representative of all 11 of First Community Housing's properties and include Single Room Occupancy, Senior, and Family projects.

Results

The survey found some interesting results:

- **Eco Pass Reduced the Number of Cars Owned.** 22.0% of survey respondents indicated that Eco Pass usage has helped them reduce the number of cars owned in their household. The survey also received anecdotal comments showing that households tended to keep one car but get rid of their second car once it broke down.
- **Eco Pass Reduced Parking Demand at FCH buildings.** Eco Passes substantially reduces on site parking and automotive trips (see above), with16.3% of residents using Eco Pass as their primary source of transportation.
- **Eco Pass Increased Usage of Public Transportation:** 81.0% of respondents indicated they use their Eco Pass three or more times a week. 54.0% of respondents use their Eco Pass every day.
- **The Most Common Destination was Schools.** 37.3% of tenants use the pass to get to school; 17.9% use it to get to work; 11.9% use it to get to the doctor/hospital.

Discussion

The free Eco Pass program at FCH had the following affects on FCH, its residents, and Valley Transportation Authority:

There is potential cost savings by building less parking spaces at future FCH developments. FCH currently receives a 5% parking reduction by providing free Eco

Passes to our tenants. This is on top of the 10% parking reduction FCH received for locating its buildings near transit lines. Based on a 22% reduction in car ownership, cities could reduce their parking requirements by 20% on affordable developments located near transit lines without any increase in on-street parking demand.

Eco Passes allow tenants to save by not maintaining a second car while giving freedom of movement to all dependents. All residents receive a $700 benefit (the cost of an annual bus pass) for free. Although 17.9% of respondents report using their Eco Pass for commuting to work, the primary destination is school. Since full-time students are barred in most cases from living in tax credit developments as head of household, it is safe to assume that primary users of the Ecopass are the non-head of household dependents. This is in-line with many of the comments we received related to discarding a second car once it breaks down. Free Eco Passes allow low income dependents to save money by not maintaining a second car while still allowing freedom of movement.

Eco Passes have increased ridership for the Valley Transportation Authority. Although exact figures are beyond the scope of this survey, it is clear that free Eco Passes have stimulated usage of public transportation.

First Community Housing initially commissioned this survey to find out whether the Eco Pass program was worth the $31,110 annual cost. Although only a 10-20% usage was anticipated, 81% usage three or more times a week was deemed a rousing success. First Community Housing plans to continue providing free annual Eco Passes to all of its tenants.