



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** September 25, 2023

---

**COUNCIL DISTRICT:** 6

**SUBJECT: FILE NOS. PDC22-099, PD22-030 & ER22-166. REZONING FROM A PQP(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO A PQP(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO INCREASE THE MAXIMUM BUILDING SQUARE FOOTAGE FROM 347,561 SQUARE FEET TO 485,000 SQUARE FEET, AND A PLANNED DEVELOPMENT PERMIT TO ALLOW THE ON-SITE RELOCATION OF AN APPROXIMATELY 4,377-SQUARE-FOOT HISTORIC BUILDING (BERCHMAN'S HALL), THE DEMOLITION OF AN APPROXIMATELY 22,287-SQUARE-FOOT ACADEMIC BUILDING (WADE HALL) AND THE REMOVAL OF 91 TREES (21 ORDINANCE-SIZE AND 70 NON-ORDINANCE-SIZE, WITH 72 REPLACEMENT TREES) FOR THE CONSTRUCTION OF AN APPROXIMATELY 44,698-SQUARE-FOOT TWO-STORY ACADEMIC BUILDING AND THE RECONFIGURATION OF AN EXISTING PARKING AREA ON AN APPROXIMATELY 17.64-GROSS-ACRE SITE ON THE EAST SIDE OF ELM STREET BETWEEN WEST HEDDING STREET AND EMORY STREET, SOUTHWEST CORNER OF WEST HEDDING STREET AND ELM STREET, SOUTHWEST CORNER OF EMORY STREET AND STOCKTON AVENUE, AND NORTH SIDE OF WEST HEDDING STREET, APPROXIMATELY 300 FEET EASTERLY OF ELM STREET (960 WEST HEDDING STREET).**

## **RECOMMENDATION**

The Planning Commission voted 9-0-2 (Rosario and Casey abstain) to recommend that the City Council take the following action:

1. Adopt a resolution adopting the Bellarmine College Preparatory Master Plan Update Project Initial Study/Mitigated Negative Declaration and adopting the related mitigation monitoring and reporting plan, in accordance with the California Environmental Quality Act (CEQA), as amended; and
2. Approve an ordinance rezoning an approximately 17.64-gross-acre site from a PQP(PD)

Planned Development Zoning District to a new PQP(PD) Planned Development Zoning District.

3. Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the on-site relocation of an existing approximately 4,377-square-foot historic building (Berchman's Hall), the demolition of an approximately 22,287-square-foot academic building (Wade Hall) and the removal of 91 trees (21 ordinance-size and 70 non-ordinance-size, with 72 replacement trees) for the construction of a new approximately 44,698-square-foot two-story academic building and the reconfiguration of an existing parking area on an approximately 17.64-gross acre site.

### **SUMMARY AND OUTCOME**

If the City Council approves the actions listed above as recommended by the Planning Commission, the applicant would be able to relocate an existing approximately 4,377-square-foot historic building (Berchman's Hall), demolish an approximately 22,287-square-foot academic building (Wade Hall), remove 91 trees (21 ordinance-size and 70 non-ordinance-size with 72 replacement trees), construct an approximately 44,698-square-foot two-story academic building, and reconfigure an existing parking area on an approximately 17.64-gross acre site.

### **BACKGROUND**

On September 13, 2023, the Planning Commission held a Public Hearing to consider the CEQA determination, Rezoning, and Planned Development Permit. This item remained on the Planning Commission's consent calendar. No members of the public requested to speak on this item and there was no discussion by the Commissioners. Commissioners Rosario and Casey recused themselves. Commissioner Oliverio made a motion to approve the recommendation. Commissioner Tordillos seconded the motion. The motion passed unanimously 9-0-2 (Rosario and Casey abstain). The Planning Commission recommended that the City Council approve the adoption of the CEQA resolution, Rezoning, and Planned Development Permit.

### **ANALYSIS**

Analysis of project impacts pursuant to CEQA, rezoning, and Planned Development Permit, including conformance with the General Plan, Municipal Code, and City Council policies are contained in the attached staff report.

The recommendation in this memorandum aligns with one or more Climate Smart San José energy, water, or mobility goals. The project would facilitate job creation within the City limits by providing construction jobs for the relocated building, newly constructed building, and reconfigured parking area.

## **EVALUATION AND FOLLOW-UP**

The City Council is the final decision-making body for this project. Following a decision by the City Council, no additional evaluation would be conducted. The City Council has the option to approve, deny, or defer the project to a later City Council meeting. If denied, the project would not be able to proceed. If approved, the subject site would be rezoned to a PQP(PD) Planned Development Zoning District to facilitate the construction of the project. The rezoning would become effective 30 days after a second reading of the rezoning at a subsequent City Council meeting. The date that the rezoning becomes effective is the date that the associated Planned Development Permit Resolution also becomes effective. The applicant would be able to proceed with applications for grading and building permits to construct the project.

## **COORDINATION**

The preparation of this memorandum has been coordinated with the City Attorney's Office.

## **PUBLIC OUTREACH**

This memorandum is posted on the City's Council Agenda website for the October 17, 2023 City Council meeting. Staff followed City Council Policy 6:30 Public Outreach Policy. An on-site sign has been posted on the project frontage since September 26, 2022. A formally noticed Community Meeting was held on March 6, 2023, to introduce the project to the community. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. Additionally, a notice of the public hearing was posted in a newspaper of record (San José Post Record) on August 18, 2023. Staff has also been available to respond to questions from the public.

## **COMMISSION RECOMMENDATION AND INPUT**

As discussed in the Background section above, the Planning Commission unanimously approved the project (9-0-2, Rosario and Casey abstain) as a consent calendar item at the September 13, 2023 meeting, with no project discussion by the Commission or members of the public.

## **CEQA**

The City of San José, as the lead agency for the project, prepared an Initial Study/Mitigated Negative Declaration (IS/MND) in compliance with CEQA. The Bellarmine College Preparatory Master Plan Update Project IS/MND was circulated for public review and comment from June 29, 2023 to July 24, 2023. Comments were received from the Pacific Gas and Electric Company and the Santa Clara Valley Water District. Pacific Gas and Electric Company concluded that the project does not appear to interfere with their ability to provide service or any easements. Santa

HONORABLE MAYOR AND CITY COUNCIL

September 25, 2023

**Subject: File Nos. PDC22-099, PD22-030 & ER22-166**

Page 4

Clara Valley Water District commented that the project site is adjacent to one of their easements and provided recommendations for identifying wells and addressing flood zone measures. Comments did not identify any new or greater impacts than what was previously identified in the IS/MND.

The IS/MND concluded that the project would not result in any significant and unavoidable environmental impacts with the implementation of identified mitigation measures. The IS/MND identified impacts related to Air Quality, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, and Noise and Vibration, and includes a Mitigation Monitoring and Reporting Program to reduce the identified impacts to a less than significant level. Therefore, an EIR is not required, and an IS/MND is the appropriate level of CEQA clearance for the project.

The entire IS/MND, and other related environmental documents, are available on the Planning website at: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-review/environmental-review-documents/bellarmino-master-plan-update>.

### **PUBLIC SUBSIDY REPORTING**

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/

CHRISTOPHER BURTON, Secretary  
Planning Commission

For questions, please contact Deputy Director for Planning, Robert Manford, at (408) 535-7900.

Attachment: Planning Commission Staff Report



# Memorandum

**TO:** PLANNING COMMISSION  
**SUBJECT:** File Nos. PDC22-099, PD22-030 &  
 ER22-166

**FROM:** Christopher Burton  
**DATE:** September 13, 2023

**COUNCIL DISTRICT: 6**

<b>Type of Permit</b>	Planned Development Rezoning (File No. PDC22-099) Planned Development Permit (File No. PD22-030)
<b>Proposed/Existing Land Use</b>	Secondary School (Private)
<b>New Residential Units</b>	N/A
<b>New Non-Residential Square Footage</b>	Approximately 137,439 square feet
<b>Additional Policy Review Items</b>	None
<b>Demolition</b>	Approximately 22,287 square feet
<b>Tree Removals</b>	91 trees (21 ordinance-size, 70 non-ordinance-size)
<b>Project Planner</b>	Alec Atienza
<b>CEQA Clearance</b>	Bellarmino College Preparatory Master Plan Update Project Initial Study/Mitigated Negative Declaration
<b>CEQA Planner</b>	Kara Hawkins

## RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council take all of the following actions:

1. Adopt a Resolution adopting the Bellarmine College Preparatory Master Plan Update Project Initial Study/Mitigated Negative Declaration and adopting the related mitigation monitoring and reporting plan, in accordance with the California Environmental Quality Act (CEQA), as amended; and
2. Approve an Ordinance rezoning an approximately 17.64-gross-acre site from a PQP(PD) Planned Development Zoning District to a new PQP(PD) Planned Development Zoning District.
3. Adopt a Resolution approving, subject to conditions, a Planned Development Permit to allow the on-site relocation of an existing approximately 4,377-square-foot historic building (Berchman's Hall), the demolition of an approximately 22,287-square foot academic building (Wade Hall) and the removal of 91 trees (21 ordinance-size, 70 non-ordinance-size) for the construction of a new approximately 44,698-square foot two-story academic building and the reconfiguration of an existing parking area on an approximately 17.64-gross acre site.

**PROPERTY INFORMATION**

<b>Location</b>	East side of Elm Street between West Hedding Street and Emory Street, southwest corner of West Hedding Street and Elm Street, southwest corner of Emory Street and Stockton Avenue, and north side of West Hedding Street, approximately 300 feet easterly Elm Street (960 West Hedding Street)
<b>Assessor Parcel No. (APN)</b>	261-10-095, -096, -104, -105, -106; 261-11-005, 261-12-001, -002, -074, -087; 230-41-029, -030, -031, -032, and -043
<b>Existing General Plan</b>	Public/Quasi-Public
<b>Growth Area</b>	Not Applicable
<b>Existing Zoning</b>	PQP(PD) Planned Development (File No. PDC19-001)
<b>Proposed Zoning</b>	PQP(PD) Planned Development (File No. PDC22-099)
<b>Historic Resource</b>	Yes
<b>Annexation Date</b>	College Park/Burbank Sunol (December 8, 1925)
<b>Council District</b>	6
<b>Acreage</b>	17.64 gross acres
<b>Proposed Density</b>	Not Applicable

**PROJECT SETTING AND BACKGROUND**

As shown on Figure 1 below, the project site is located on West Hedding Street between the Caltrain railroad tracks and Myrtle Street in San José. The site is surrounded by commercial and residential uses to the north, residences to the south and west, and Caltrain railroad tracks and industrial uses to the east. The project site is approximately 0.5 mile southwest of Norman Y. Mineta San José International Airport.





**Figure 1 - Aerial Map**

<b>SURROUNDING USES</b>			
	<b>General Plan</b>	<b>Zoning District</b>	<b>Existing Use</b>
<b>North</b>	Neighborhood/Community Commercial	CO Commercial Office	Commercial Offices
<b>South</b>	Residential Neighborhood	R-2 Two Family Residence	Single-Family Houses
<b>East</b>	Public/Quasi-Public	Public/Quasi-Public	Academic Buildings
<b>West</b>	Residential Neighborhood	R-2 Two-Family Residence	Single-Family Houses

On December 2, 2022, the applicant Jeffrey Berg, on behalf of owner Ron Miller of Bellarmine College Preparatory, submitted the following applications to be reviewed concurrently:

- Planned Development Rezoning to rezone an approximately 17.64-gross-acre site from the PQP(PD) Planned Development Zoning District to a new PQP(PD) Planned Development Zoning District.
- Planned Development Permit to allow the on-site relocation of an existing approximately 4,377-square foot historic building (Berchmans Hall), the demolition of an approximately 22,287-square foot academic building (Wade Hall) and the removal of 91 trees (21 ordinance-size, 70 non-ordinance-size) for the construction of a new approximately 44,698-square foot two-story academic building and the reconfiguration of an existing parking area on an approximately 17.64-gross acre site.

## **PROJECT DESCRIPTION**

The project consists of a rezoning of the site as part of an update to the Bellarmine College Preparatory Master Plan. The rezoning would allow an increase in the maximum allowable building square footage in the Zoning District from 347,561 square feet to up to 485,000 square feet.

The Planned Development Permit, which is the first phase of the Bellarmine College Preparatory Master Plan update, consists of the on-site relocation of an existing approximately 4,377-square-foot historic building (Berchmans Hall), the demolition of an approximately 22,287-square foot academic building (Wade Hall) and the removal of 91 trees (21 ordinance-size, 70 non-ordinance-size) for the construction of a new approximately 44,698-square foot two-story academic building and the reconfiguration of an existing parking area on an approximately 17.64-gross acre site.

Berchmans Hall is an approximately 4,377-square-foot building located at the southeast corner of Elm Street and West Hedding Street. The building is currently listed in the San José Historic Resources Inventory and is eligible for listing in both the National Register of Historic Places and the California Register of Historic Resources. Based on the Historic Resources Report (Exhibit L), prepared by SWCA Environmental Consultants, dated December 2022 Berchmans Hall was originally constructed in 1916. The building was located near the intersection of Taylor Street and Stockton Avenue, south of the campus site. Bellarmine purchased the building and relocated it to its current site on campus in 1946. As part of this Planned Development Permit, the building would be relocated to the southwest corner of the same intersection at Elm Street and West Hedding Street. Following the relocation of the building, it would be repurposed for a school welcome center and alumni space. The building would be rehabilitated consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties.

In addition to the relocation of Berchmans Hall, the project proposes the demolition of the existing approximately 22,287-square-foot Wade Hall, located south of the existing Berchmans Hall site on the north side of Elm Street. The existing Wade Hall includes 16 residential units for Jesuit staff, who would be relocated to an off-site residence currently under construction at 931 University Avenue. Wade Hall would be replaced with a two-story academic building with 22 classrooms, faculty offices, Dean's office, Admission's Department, and Information Technology Department.

The project will also reconfigure the main campus entrance on Elm Street. The project includes the construction of a new east-west entry driveway on Elm Street parallel to West Hedding Street. The new driveway will connect to the existing private road on the north side of West Hedding Street, and will accommodate vehicles heading westbound along West Hedding Street. The reconfiguration of the parking lot will also accommodate space for a turn-around for vehicles dropping off and picking up students.



In addition to the improvements proposed in the subject Planned Development Permit, the Planned Development Zoning also contemplates the demolition of O'Donnell Hall and the construction of a new 23,000-square foot administrative/academic building, the renovation of the Liccardo Center Building, and the renovation of Matthewson Hall. These improvements would be permitted through subsequent Planned Development Permits. The site plan below illustrates the proposed improvements.

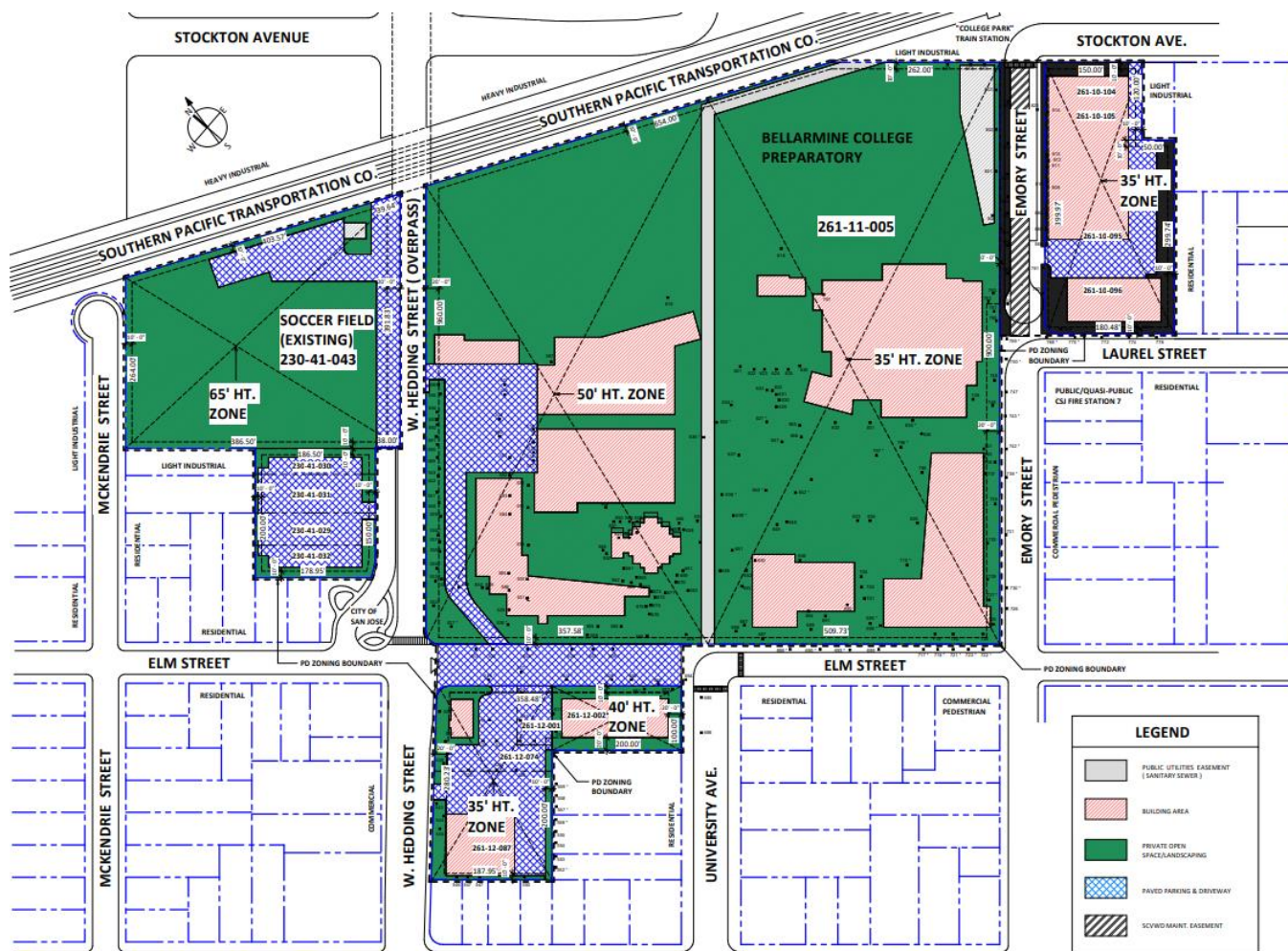


Figure 2 - Site Plan

## ANALYSIS

The proposed Planned Development Rezoning and Planned Development Permit are analyzed with respect to conformance with:

1. Envision San José 2040 General Plan
2. San José Municipal Code
3. Citywide Design Standards and Guidelines
4. California Environmental Quality Act (CEQA)

### Envision San José 2040 General Plan Land Use Conformance

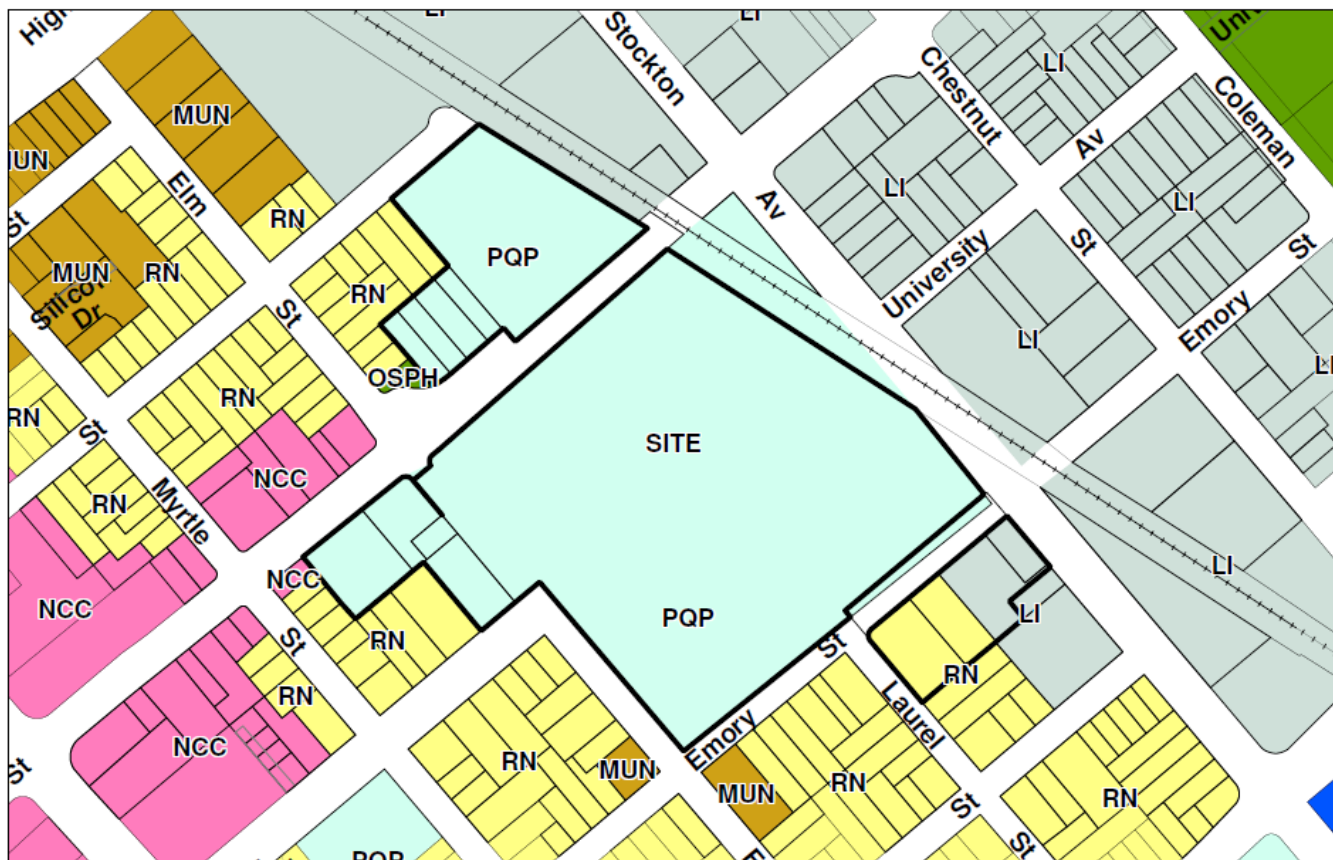


Figure 3 - General Plan Land Use Map

#### General Plan Land Use Designation

As shown in Figure 3 above, the project site, which is comprised of 15 parcels, has an [Envision San José 2040 General Plan](#) Land Use/Transportation Diagram designation of:

#### **Public/Quasi-Public**

Density: FAR Up to 12.0 (4 to 25 stories)

This category is used to designate public land uses, including schools, colleges, corporation yards, homeless shelters, libraries, fire stations, water treatment facilities, convention centers and auditoriums, museums, governmental offices, and airports. A portion of the site also includes properties on the southeast side of Emory Street with land use designations of Residential Neighborhood and Light Industrial.

*Analysis: The land use is a private secondary school, consistent with the allowable land uses of the Public/Quasi-Public land use designation. The maximum allowed Floor Area Ratio (FAR) for land designated Public/Quasi-Public is 12.0. The project has a FAR of approximately 0.61, in conformance with this requirement.*

#### General Plan Conformance

The proposed Planned Development Zoning to a new PQP(PD) and the associated Planned Development Permit are **consistent** with the following Envision San José 2040 General Plan policies:

1. Implementation Policy IP-8.5: Use the Planned Development zoning process to tailor such regulations as allowed uses, site intensities and development standards to a particular site for which, because of unique circumstances, a Planned Development zoning process will better conform to Envision General Plan goals and policies than may be practical through implementation of a conventional Zoning District. These development standards and other site design issues implement the design standards set forth in the Envision General Plan and design guidelines adopted by the City Council.
2. Goal ES-1 – Education: Promote the operation of high-quality educational facilities throughout San José as a vital element to advance the City’s Vision and goals for community building, economic development, social equity, and environmental leadership.
3. Education and Services Policy ES-1.7: Support efficient use of land through consideration of smaller school sites and alternative school configurations (e.g., multi-story buildings, underground parking, placement of recreation space over parking areas or on rooftops) to support the needs of each community.
4. Vibrant, Attractive, and Complete Neighborhoods Policy VN-1.2: Maintain existing and develop new community services and gathering spaces that allow for increased social interaction of neighbors, (i.e., parks, community centers and gardens, libraries, schools, commercial areas, churches, and other gathering spaces).
5. Land Use Policy LU-1.9: Preserve existing Public/Quasi-Public lands in order to maintain an inventory of sites suitable for Private Community Gathering Facilities, particularly within the Residential Neighborhoods, Urban Villages and commercial areas, and to reduce the potential conversion of employment lands to non-employment use.
6. Land Use Policy LU-13.6: Ensure modifications to candidate or designated landmark buildings or structures conform to the Secretary of the Interior’s Standards for Treatment of Historic Properties and/or appropriate State of California requirements regarding historic buildings and/or structures, including the California Historical Building Code.

*Analysis: The subject site is currently occupied by Bellarmine College Preparatory, a private secondary school. The rezoning includes the entire site consisting of the Main Campus as well as the adjacent portions of the site to accommodate a proposed update to the Bellarmine College Preparatory Master plan. As listed in the General Development Plan, the Planned Development Rezoning is tailored to accommodate the existing school use, and includes specific development standards for maximum number of students, parking requirements, setbacks, and heights. The rezoning and development would promote the preservation of the lands to be used as a school and would be consistent with the education and services, and land use policies of the General Plan. The site would continue to operate as a high-quality educational facility serving the greater San Jose community. In addition to new construction, the project proposes reconfiguration of the existing parking area to accommodate a more efficient pick-up/drop-off operation on-site. The project also includes the on-site relocation and rehabilitation of Berchmans Hall, which is listed on the San Jose Historic Resources Inventory. The building will be rehabilitated consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties.*





Development Standard	Required	New Academic Building	Berchmans Hall
Minimum Perimeter Setback (Buildings)	20 feet	21 feet (west), 61 feet (north)	20 feet (north)
Minimum Perimeter Setback (Parking)	10 feet minimum	10 feet (north)	10 feet (north)
Height (Area north of University Avenue, east of Elm Street, south of West Hedding Street, and west of the railroad right-of-way)	50 feet	36 feet	N/A
Height (Remainder of site)	35 feet	N/A	30 feet, 10 inches

As shown on the Planned Development Permit plan set (Exhibit D), the project conforms with all required height and setback standards pursuant to the General Development Plan of the proposed Planned Development Zoning District.

#### Parking

Parking Type	Ratio	Required	Provided
Vehicle Parking	1 space per 5 students plus 1 space per full time employee (1,750 students, 180 staff)	530 spaces	674 spaces
Bicycle Parking	1 space per 17 students	103 spaces	105 spaces

Pursuant to the General Development Plan of the Planned Development Zoning District, as shown above, the project is required to provide 530 vehicle parking spaces. A total of 674 parking spaces are provided on site. The project is also required to provide 103 bicycle parking spaces and a total of 105 are provided on site.

#### Noise

Pursuant to [Section 20.40.600](#) of the Zoning Code, the maximum noise level at the property line for a commercial or PQP use adjacent to a property zoned or used for residential purposes is 55 decibels. The maximum noise level for a commercial or PQP use adjacent to a property used or zoned for commercial or other non-residential purposes is 60 decibels. A Noise Report (Exhibit K) was prepared by Illingworth and Rodkin, Inc., dated December 6, 2022. Noise measurements were taken at multiple sites surrounding the campus including the residential areas to the east and south and commercial uses to the north. The noise study found that operation of the new academic buildings would not generate noise levels above 55 decibels at the nearby property lines. The new academic building is located interior to the campus and is not adjacent to any residences. There would be no increase in the number of students or staff with the new



building; therefore there are no changes to the noise environment from the project operation or related traffic operations. The Planned Development Permit includes standard environmental permit conditions to reduce construction noise. Additionally, the project is within 500 feet of a residence; therefore construction hours are limited to 7:00 am to 7:00 pm Monday through Friday. The Planned Development Permit includes a condition for the appointment of a Construction Disturbance Coordinator to address any construction related complaints.

### **Citywide Design Standards Guidelines Consistency**

The project is subject to the following provisions of the [Citywide Design Standards and Guidelines](#):

#### **Section 2.2.2 - Driveways and Vehicle Drop-Offs**

- 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.
- Guideline 2 – When vehicle drop-off spaces are provided, locate them to the side or rear of buildings.
- Guideline 3 – Locate driveways to the side or rear of a development site unless no other alternative is available.

*Analysis: The existing and proposed driveway serving the Wade Academic Building is located off Elm Street, away from West Hedding Street (the primary street). The reconfigured vehicle parking lot is located to the north side of the new academic building away from the primary entrance. Similarly, the parking area serving the relocated Berchmans Hall have also been relocated to the rear (south) of the building, away from the street.*

#### **Section 2.3.1 – Building Placement**

- 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. 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.

*Analysis: Both the new academic building and the relocated Berchman's Hall were located within five feet of the required building setback lines. The required perimeter setback for the Planned Development Zoning District is 20 feet. The new academic building is set back 21 feet from Elm Street. Berchman's Hall is set back 20 feet from West Hedding Street.*

#### **Section 2.3.2 – Active Frontages**

- Standard 1 – Active frontages with uses such as offices, activity rooms, and gyms located towards the street.

*Analysis: The new academic building is located at the setback line (20 feet) from Elm Street and includes a primary pedestrian entry to the lobby area from the sidewalk. Secondary entrances are also located at the middle of block along Elm Street and from the interior courtyard.*

### Section 2.3.6 – Vehicular Parking Placement and Surface Parking Design

- Standard 3 – Surface parking and drop-off shall be screened from adjacent properties using a landscape buffer.

*Analysis: The drive aisles, surface parking areas serving the new academic building, and the relocated Berchmans Hall are fully screened from view with existing and proposed landscaping.*

### Section 2.3.7 – Site Lighting

- Standard 1 – Orient all site lighting directly downwards to prevent light pollution and excess glare in the public realm.
- Standard 6 - All site lighting fixtures must be fully shielded (full cut-off) to prevent light from aiming skyward and light spillage and glare that can be seen from above.
- Standard 8 – When adjacent to a residential development, lighting fixtures for commercial, industrial, or quasi-public developments must be less than 40-feet tall, irrespective of the distance from the common property line.

*Analysis: As shown on the project lighting plan (Sheet L8.0-L8.1), all proposed lighting fixtures are downward facing and fully shielded. No proposed pole mounted or building mounted lighting fixtures are taller than 20 feet.*

### 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.
- 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.
- 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.

*Analysis: As shown on the project landscape plan (Sheets L10.0-L10.1), the north parking lot will have approximately 60% coverage, the south parking lot will have approximately 85% coverage, and the courtyard will have approximately 73% coverage for all new parking and courtyard areas. As shown on the project landscape plan (Sheets L4.0-L5.1), all trees meet the minimum distance requirements from buildings to ensure that the newly planted trees will not be unnecessarily removed in the future. The project also complies with all spacing requirements for small, medium, and large trees.*

### Exception Request

The project includes an exception request for the Section 3.1.3 Historic Adjacency – Standard 3 - Use historic materials that match nearby historic buildings on at least 25 percent of a street, paseo, or public open space facing façade and on 10 percent of other facades that are visible from the public realm. Historic materials include masonry, brick, limestone, terra cotta, cast stone, mosaic, concrete, and wood (trim, finishes, and ornament only).

*Analysis: As previously discussed, the project includes the on-site relocation of Berchmans Hall, listed on the San Jose Historic Resources Inventory, from to the southwest corner of the same intersection at Elm Street and West Hedding Street. The new Wade Academic building would be within 200 feet of Berchman's Hall, therefore it is subject to Standard 3 of Section 3.1.3 for Historic Adjacency.*

The decision-maker shall only grant an exception if all of the following findings are made:

1. There is a physical constraint or unique situation that:
  - a. Is not created by the project applicant or property owner; and
  - b. Is not caused by financial or economic considerations.
2. 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.
3. The proposed project meets the intent of the design standard to the extent feasible.

*Analysis: The project applicant has not created a physical constraint to using the site. The lack of inclusion of historic materials in not caused by financial or economic considerations. Berhmans Hall was originally built for the Polhemus family in 1916 near the corner of Stockton and Taylor Street, to the south of its present day location. Bellarmine College Preparatory relocated the building was relocated to the present day site on campus in 1946. The exemption will not create a safety hazard or impair the integrity of character of the neighborhood. The building will be constructed in accordance with the California Building Code and California Fire Code. The construction of the new building, without the historic materials will not impair the integrity and character of the surrounding area. Incorporating wood siding, wood windows, and other historic materials into the new Wade Academic Building will be inconsistent with the character of the campus, which is developed with buildings that are comparable in size, massing, and architectural style to the proposed building. By not incorporating the historic materials, which is exclusively wood, it will help to display Berchman's Hall as a standalone resource within a new altered setting. By relocating Berchmans Hall to a prominent location at the entrance to the campus along West Hedding and Elm Streets, the project meets the intent of the design standards for historic adjacency by respecting and enhancing the prominence of a historic building on an otherwise contemporary school campus.*

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

4. The project advances the Major Strategies of Chapter 1 of the General Plan;

*Analysis: The project is consistent with applicable General Plan Major Strategies including:*

*Community-Based Planning - To ensure the community's involvement with the design of the project and the future of the campus, Bellarmine has actively hosted a series of community meetings to outline both short- and long-term projects at the campus. Most recently, Bellarmine hosted a community meeting on March 6, 2023, during which the school outlined the phases of current project as part of the Campus Master Plan*

*Form Based Plan - The project design team has been working closely with Bellarmine and the City to develop a project that is consistent with Plan Goals and Policies. Specifically, the project actively preserves the previously relocated Berchmans Hall by moving it to a nearby receiver site, which will allow for the construction of new facilities to enhance the educational quality at Bellarmine; make safety,*

*sustainability, and accessibility improvements to campus; and to develop a design that is consistent with the established character of the campus, while also preserving and rehabilitating Berchmans Hall for the school and community at large.*

*Innovation/Regional Employment Center - The project involves the improvement of educational facilities on the Bellarmine College Preparatory campus. New facilities will not only attract students, but teachers and other school staff to the campus, furthering the goals to retain San Jose's standing as an employment center. Additionally, the campus is directly adjacent to public transit via the Caltrain "College Park Station," which meets one of the strategy's goals of utilizing regional transit systems.*

*Streetscapes for People - The project is more localized in its approach than this strategy is presented in the General Plan but adheres to the same principles. A major component of the project is the reorganization of the site and circulation patterns, particularly along Hedding Street to create a new entrance and gateway to campus, while also separating vehicle and pedestrian circulation by fully relandscaping Elm Street and making a section of it permanently pedestrian only. The overall landscape plan will also create a cohesive and inviting atmosphere through a combination of landscaped outdoor "rooms" and the use of a consistent material palette that will attractively integrate the new construction into the site and surrounding campus.*

*Measurable Sustainability/Environmental Stewardship – The project has been designed in accordance with LEED performance standards and is seeking a LEED Silver rating.*

*Design for a Healthy Community. To ensure the community's involvement with the design of the project and the future of the campus, Bellarmine has actively hosted a series of community meetings to outline both short- and long-term projects at the campus. Most recently, Bellarmine hosted a meeting on March 6, 2023, during which the school outlined the phases of current project as part of the Campus Master Plan.*

5. The project is consistent with the Values and Guiding Principles of Section 1.2.2 of the Design Guidelines;

*Analysis: The project is consistent with the Citywide Design Standards and Guidelines Values and Guiding Principles, including providing a healthy and active Design, creating a well-designed Development, and emphasizing identity and culture. The project is being designed with sustainability and overall performance as a primary focus. The project is targeting a LEED Silver Rating. The improvements to the site will create a new landscape that separates automobile and pedestrian circulation, providing a safer environment and improving connectivity throughout campus, and the broader neighborhood. The project utilizes high quality design that emphasizes a state of the art educational facility. The design is compatible with the established character of the campus as well as the surrounding neighborhood. The heights, massing, and architectural style are similar to the existing buildings on-site. While Berchmans Hall was relocated to the campus in 1946, and no longer retains its integrity of location, the placement of the building at the new receiver site will preserve the architectural significance of the Dutch Colonial Revival style building and create a gateway to campus by creating a transitional buffer between the established institutional character of the campus with more residential qualities of the surrounding neighborhood.*

6. The project achieves the stated Rationale of the section of the Design Guidelines as set forth for each applicable Standard; and

*The rationale for Section 3.1.1 – Historic Adjacency of the Citywide Design Guidelines is as follows:*

*The design of the new developments should respect and enhance the prominence of historic buildings through site planning, landscape design, massing, building placement, orientation, and façade patterns.*

*Similar façade patterns and proportions in new buildings assist in reinforcing the context of historic buildings in the vicinity, even across different architectural styles.*

*As a relocated resource, Berchmans Hall is not part of the original fabric of campus, which has continued to evolve since the 1940s and is currently a more contemporary institutional environment. The relocation of Berchmans Hall will not impact its historical integrity or its ability to convey significance as an example of Dutch Colonial Revival architecture. Furthermore, the location on the new site directly across Elm Street will be better integrated with the surrounding College Park neighborhood, which generally retains a residential character, albeit from varied periods of construction. Berchmans Hall will serve as a transitional form and gateway between the neighborhood and the established institutional character of the campus.*

*Berchmans Hall is exclusively composed of wood with siding, detailing, and wood sash windows throughout. The use of wood in the new buildings is not appropriate for the architectural style and overall cohesiveness of campus, which is the central issue with the request for exemption under Historic Adjacency Standard 3. While the use of wood in the proposed buildings is not an appropriate treatment for the new designs, the landscape elements does use various wood elements, including wood slatted benches, wood trellis structures, and wood screening systems. While not featured at the proposed buildings, the use of wood in the landscape features would create a continuity of materiality extending from Berchmans Hall and extending into campus.*

7. There are counterbalancing considerations to justify the inconsistency.

*Analysis: Due to the siting of the project, the only historical resource directly facing the new construction will be Berchmans Hall itself, which is an integral component of the project through its relocation to a new receiver site west of the existing location, and its future rehabilitation. As a previously relocated resource, Berchmans Hall has a compromised historical integrity of location and partially compromised integrity of setting but retains the essential aspects of integrity required to convey its significance as an example of Dutch Colonial Revival architecture—design, materials, workmanship, feeling, and association. The previous relocation of Berchmans Hall creates a unique situation, one that has been in place since the late 1940s. Also, its significance which is exclusively related to its architecture and design, can exhibit its significance as a standalone resource within a new and altered setting.*

### **Permit Findings**

For this application to be approved, the City Council must be able to make all required findings for a Planned Development Permit, Demolition Permit, and Tree Removal Permit, as follows.

#### Planned Development Permit Findings

To make the Planned Development Permit findings pursuant to San José Municipal Code [Section 20.100.940](#), and recommend approval to the City Council, the Planning Commission must determine that:



1. The Planned Development Permit, as issued, is consistent with and furthers the policies of the General Plan; and

*Analysis: The project is consistent with the General Plan Land Use Designation of Public/Quasi-Public. The project will continue to be used as a private secondary school. The maximum allowed FAR for land designated Public/Quasi-Public is 12.0. The project has a FAR of approximately 0.61, in conformance with this requirement. The partial redevelopment of the campus allows for the redevelopment of an aging academic building as well as site upgrades including reconfiguration of existing parking areas and new landscaping and lighting. Additionally, the project is consistent with land use policies for treatment of historic buildings. Berchmans Hall, which is listed on the San Jose Historic Resources Inventory, will be rehabilitated consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties.*

2. The Planned Development Permit, as issued, conforms in all respects to the Planned Development Zoning of the property; and

*Analysis: The project conforms with the Development Standards of the General Development Plan for the Planned Development Zoning District (File No. PDC22-099). There are no changes to the development standards that were approved with the previously approved Planned Development Zoning District (File No. PDC19-001, City Council Ordinance No. 30309 approved on September 10, 2019). The project conforms with all required setbacks, heights, and parking requirements of the Planned Development Zoning District. Additionally, as discussed above, the project is consistent with all applicable tree removal replacement requirements.*

3. The Planned Development Permit, as approved, is consistent with applicable City Council Policies, or counterbalancing considerations justify the inconsistency; and

*Analysis: Council Policy 6-30: Public Outreach Policy was implemented to inform the public of the project. An on-site sign has been posted on the project frontage since September 26, 2022. A formally noticed Community Meeting was held on March 6, 2023, to introduce the project to the community. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. Additionally, a notice of the public hearing was posted in a newspaper of record (San José Post Record) on August 18, 2023. Staff has also been available to respond to questions from the public.*

4. The interrelationship between the orientation, location, mass and scale of building volumes, and elevations of proposed buildings, structures, and other uses on-site are appropriate, compatible, and aesthetically harmonious; and

*Analysis: The project consists of the on-site relocation of an existing historic building (Berchman's Hall) and the demolition of Wade Hall and construction of a new two-story academic building. Berchman's Hall will be relocated from the southeast corner of West Hedding Street and Elm Street to the southwest corner of the same intersection, with the primary entrance facing West Hedding Street. As Berchmans Hall is listed on the San Jose Historic Resources Inventory, it will be rehabilitated consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties. The most recent buildings and structures on campus were constructed in a Contemporary-Modern style, reflecting the massing, materials, and style of the post-war buildings on campus.*

*The new two-story academic building will be located along Elm Street, with the primary entrance facing Elm Street, and secondary entrances along both Elm Street and the interior courtyard. The exterior materials of the new academic building consist of cement plaster assembly, blue and white sheet metal wall panels, decorative metal railings, sunshades, and glass storefront and windows. The new building is consistent with the overall design of the existing buildings on campus. The resulting campus core will appear unified and harmonious with contemporary and modern buildings in an institutional setting.*

5. The environmental impacts of the project, including, but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties.

*Analysis: Environmental impacts related to noise, vibration, dust, drainage, erosion, storm water runoff, and odor will be temporary and may only occur during construction. The project is required to conform with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls and numerically sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharge. The project also includes standard environmental permit conditions to reduce and mitigate impacts regarding air quality, dust and emissions control, water quality, and noise.*

*Additionally, the project is located within 500 feet of residences to the south. Therefore, construction hours will be limited to between the hours of 7:00 am to 7:00 pm Monday through Friday. The Planned Development Permit includes a condition of approval for the appointment of a Construction Disturbance Coordinator to address any constructed related complaints or concerns. Therefore, the project will not have an unacceptable impact on adjacent properties.*

### Demolition Permit Findings

[Chapter 20.80](#) of the Municipal Code establishes evaluation criteria for the issuance of a permit to allow for demolition. These criteria are made for the project based on the above stated findings related to General Plan, Zoning and CEQA conformance and for the reasons stated below, and subject to the conditions set forth in the Resolution:

1. The failure to approve the permit would result in the creation or continued existence of a nuisance, blight or dangerous condition;
2. The failure to approve the permit would jeopardize public health, safety or welfare;
3. The approval of the permit should facilitate a project that is compatible with the surrounding neighborhood;
4. The approval of the permit should maintain the supply of existing housing stock in the City of San José;
5. Both inventoried and non-inventoried buildings, sites and districts of historical significance should be preserved to the maximum extent feasible;
6. Rehabilitation or reuse of the existing building would not be feasible; and
7. The demolition, removal or relocation of the building without an approved replacement building should not have an adverse impact on the surrounding neighborhood.

*Analysis: The project includes the demolition of the existing approximately 22,287-square foot Wade Academic Building. The approval of the demolition permit will not result in the creation or continued existence of a nuisance, blight or dangerous condition nor would it jeopardize public health, safety or welfare, as it will allow for the redevelopment of the site with a new academic use that is consistent with the allowable uses and development standards of the PQP General Plan land use designation and Planned Development Zoning District. The demolition permit will facilitate a partial redevelopment project that is compatible with the existing school campus. As previously discussed, the project is consistent with all applicable General Plan goals and policies, Planned Development Zoning requirements, applicable city council policies, and Citywide Design Standards and Guidelines.*

*The project will not demolish any existing housing. The project does include the on-site relocation and rehabilitation of the existing Berchmans Hall, which is listed on the San Jose Historic Resources Inventory. As previously discussed, Berchmans Hall will be rehabilitated consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties. The demolition of any existing buildings on-site will not occur until the issuance of a grading permit or building permit, whichever comes first.*

**Tree Removal Permit Findings**

The project is subject to the following tree replacement ratios as shown in the table below.

<b>Table: Tree Replacement Ratios</b>				
<b>Circumference of Tree to be Removed</b>	<b>Type of Tree to be Removed</b>			<b>Minimum Size of Each Replacement Tree</b>
	<b>Native</b>	<b>Non-Native</b>	<b>Orchard</b>	
38 inches or more	5:1	4:1	3:1	15-gallon
19 to 38 inches	3:1	2:1	None	15-gallon
Less than 19 inches	1:1	1:1	None	15-gallon

x:x = tree replacement to tree loss ratio  
 Note: Trees greater than or equal to 38-inch circumference measured at 54 inches above natural grade shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family Residential, Commercial, and Industrial properties, a permit is required for removal of trees of any size.  
 A 38-inch tree equals 12.1 inches in diameter.  
 A 24-inch box replacement tree = two 15-gallon replacement trees.

In order to make the Tree Removal findings pursuant to [Section 13.32.100](#) of the San José Municipal Code and recommend approval to the City Council, Planning Commission must determine that:

1. That the condition of the tree with respect to disease, danger of falling, proximity to an existing or proposed structure, and/or interference with utility services, is such that preservation of the public health or safety requires its removal.
2. That the location of the tree with respect to a proposed improvement unreasonably restricts the economic development of the parcel in question; or

*Analysis: The project includes the removal of 91 trees. Of the trees to be removed, 21 are ordinance-size and 70 are non-ordinance-size. Based on the arborist report (Exhibit J) prepared by HortScience &*

*Bartlett Consulting, dated August 30, 2022, the trees to be removed are located within the project buildings footprint or the proposed drive aisles serving the site. None of the trees are native species. 95 trees in the project area will be preserved. 21 trees require replacement at 4:1 ratio, 47 trees require replacement at a 2:1 ratio, and 23 trees require replacement at a 1:1 ratio. Based on the requirements listed in the table above, the removal of the 91 trees on-site requires the replacement of either 202 15-gallon trees or 101 24-inch box trees on site. The total number of replacement trees to be planted on site is 72 24-inch box trees (equal to 144 15-gallon trees), a deficit of 58 replacement trees. Therefore, the applicant is required to pay in in-lieu fee (currently \$775 per tree) for the replacement trees. Based on the current [Planning Fee Schedule](#), the estimated cost for the in-lieu fee for the remaining replacement trees is \$44,950. The applicant is required to pay the fees in the amount required at the time of payment prior to issuance of Grading or Building Permits, whichever comes first.*

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The City of San José, as the lead agency for the project prepared an Initial Study/Mitigated Negative Declaration (IS/MND) in compliance with CEQA. The Bellarmine College Preparatory Master Plan Update Project IS/MND was circulated for public review and comment from June 29, 2023 to July 24, 2023. Comments were received from the Pacific Gas and Electric Company (PG&E) and the Santa Clara Valley Water District (Valley Water). PG&E concluded that the project does not appear to interfere with their ability to provide service or any easements. Valley Water commented that the project site is adjacent to one of their easements and provided recommendations for identifying wells and addressing flood zone measures. Comments did not identify any new or greater impacts than what was previously identified in the IS/MND.

The IS/MND concluded that the project would not result in any significant and unavoidable environmental impacts with implementation of identified mitigation measures. The IS/MND identified impacts related to Air Quality, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, and Noise and Vibration, and includes a Mitigation Monitoring and Reporting Program to reduce the identified impacts to a less than significant level. Therefore, an EIR is not required, and an IS/MND is the appropriate level of CEQA clearance for the project.

The entire IS/MND, and other related environmental documents, are available on the Planning web site at: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-review/environmental-review-documents/bellarmine-master-plan-update>.

### **PUBLIC OUTREACH**

Council Policy 6-30: Public Outreach Policy was implemented in order to inform the public of the project. An on-site sign has been posted on the project frontage since September 26, 2022. A formally noticed Community Meeting was held on March 6, 2023 to introduce the project to the community. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. Additionally, a notice of the public hearing was posted in a newspaper of record (San José Post Record) on August 18, 2023. Staff has also been available to respond to questions from the public.

**Project Manager:** Alec Atienza

**Approved by:** /s/ Michael Brilliot, Deputy Director for Christopher Burton, Planning Director

<b>ATTACHMENTS:</b>	
Exhibit A:	Aerial Map
Exhibit B:	General Plan Map
Exhibit C:	Zoning Map
Exhibit D:	Draft CEQA Resolution and MMRP
Exhibit E:	Draft Planned Development Zoning Ordinance
Exhibit F:	Draft Planned Development Permit Resolution
Exhibit G:	Planned Development Zoning Plans
Exhibit H:	Planned Development Permit Plans
Exhibit I:	Legal Description and Plat Map
Exhibit J:	Arborist Report
Exhibit K:	Noise Assessment
Exhibit L	Historic Resources Report

<b>Owner:</b>	<b>Applicant:</b>
Ron Miller, CFO Bellarmine College Preparatory 960 West Hedding Street San Jose, CA 95126	Jeffrey Berg 960 Gibraltar Drive Milpitas, CA 95035



Exhibit A: Aerial Map



Exhibit B: General Plan Map

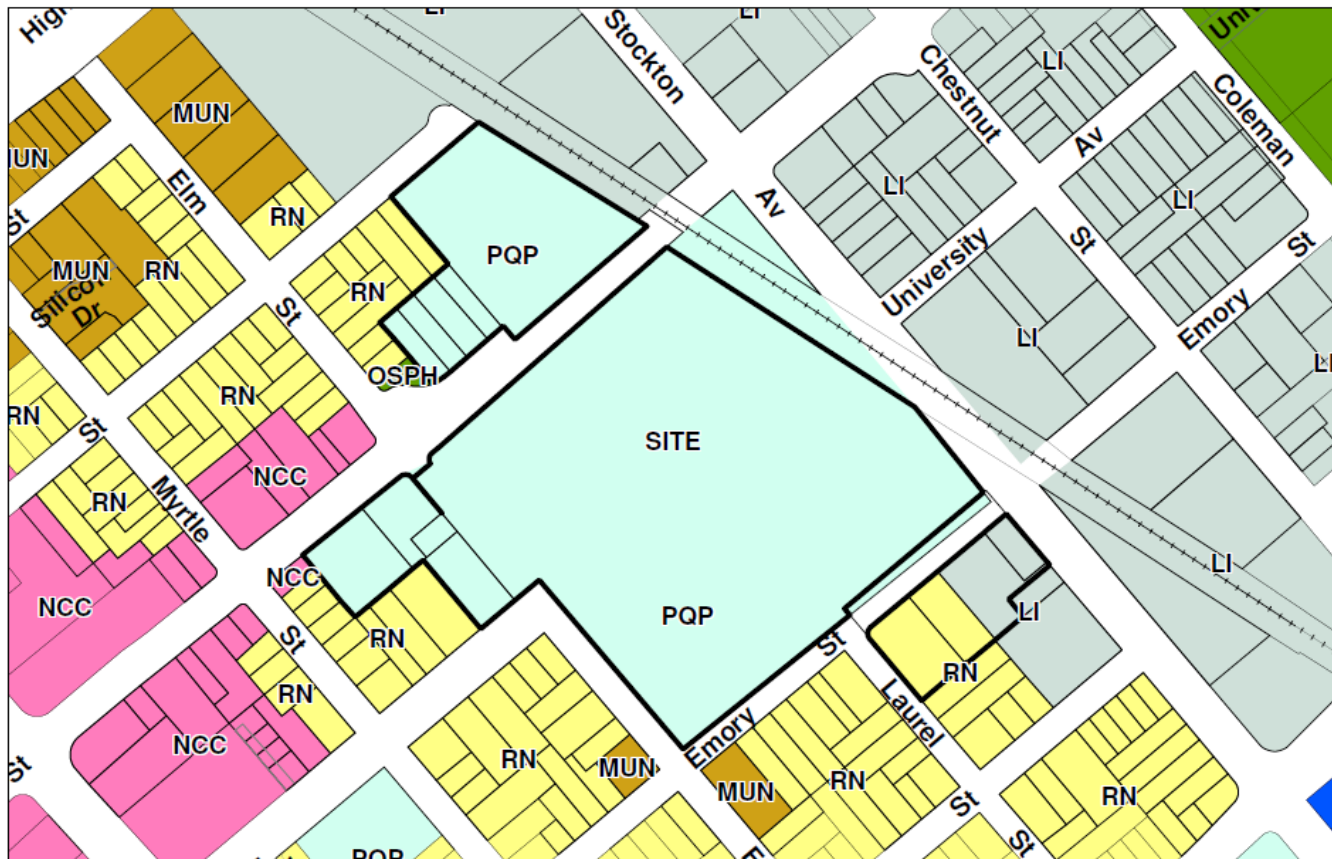
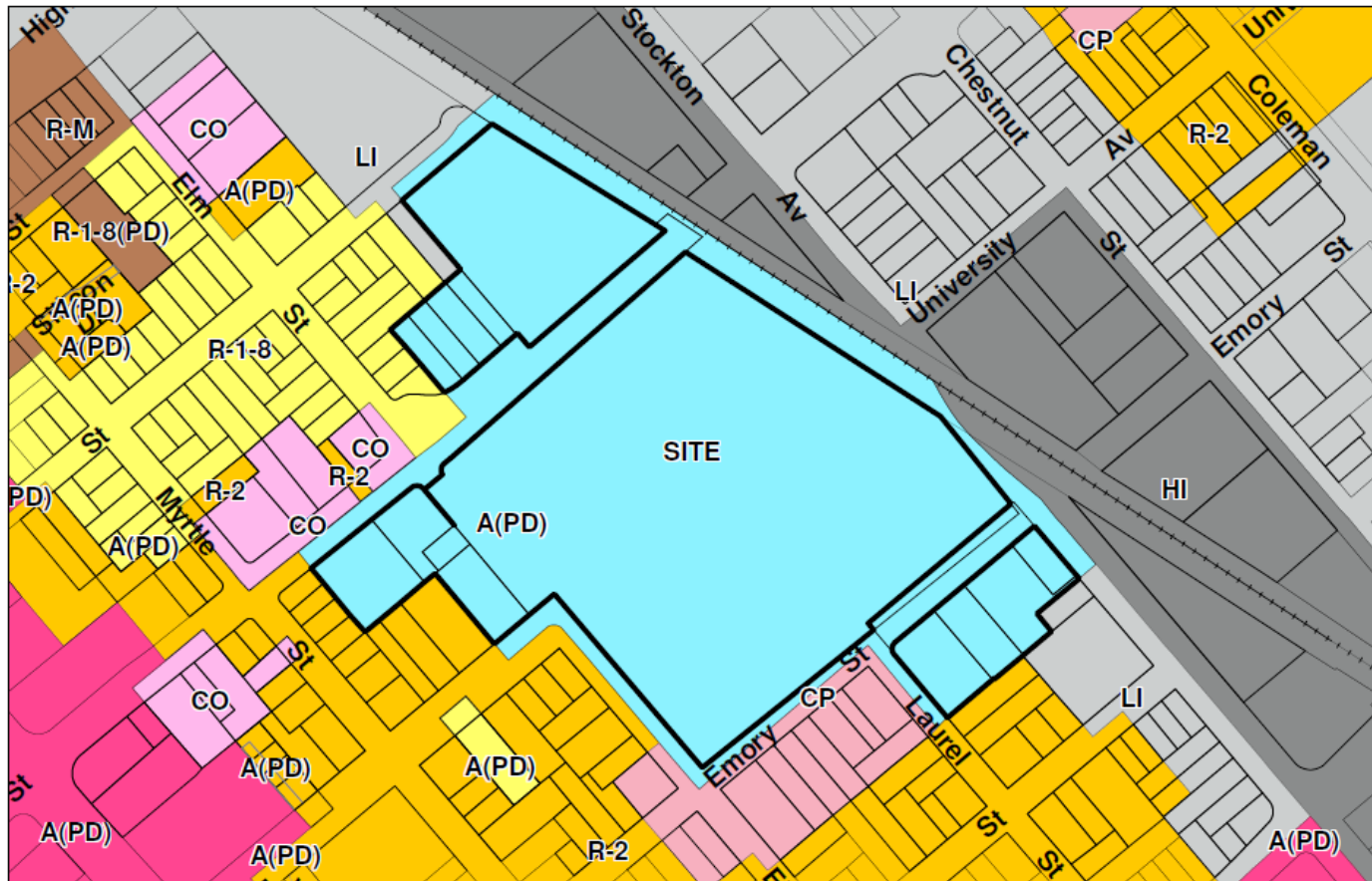




Exhibit C: Zoning Map



# PDC22-099, PD22-030 & ER22-166

## Links to Attachment D - L

Click on the title to view document.

[Exhibit D: Draft CEQA Resolution and MMRP](#)

[Exhibit E: Draft Planned Development Zoning Ordinance](#)

[Exhibit F: Draft Planned Development Permit Resolution](#)

[Exhibit G: Planned Development Zoning Plans](#)

[Exhibit H: Planned Development Permit Plans](#)

[Exhibit I: Legal Description and Plat Map](#)

[Exhibit J: Arborist Report](#)

[Exhibit K: Noise Assessment](#)

[Exhibit L: Historic Resources Report](#)