

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING, SUBJECT TO CONDITIONS, A 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), 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, LOCATED ON THE SOUTHEAST AND SOUTHWEST CORNERS OF WEST HEDDING STREET AND ELM STREET (960 WEST HEDDING STREET) (APNS: 261-11-005, 261-12-001, 261-12-074, & 261-12-087)

FILE NO. PD22-030

WHEREAS, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on December 2, 2022, an application (File No. PD22-001) was filed by the applicant Jeffrey Berg, on behalf of property owner Ron Miller of Bellarmine College Preparatory, with the City of San José for a 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, on that certain real property situated in the PQP(PD) Planned Development Zoning District (File No. PDC22-099) and located at the southeast and southwest corners of West Hedding Street and Elm Street (960 West Hedding Street,

APNS 261-11-005, 261-12-001, 261-12-074, and 261-12-087, San José, which real property is sometimes referred to herein as the “subject property”); and

WHEREAS, the subject property is all that real property more particularly described in Exhibit "A," entitled “Legal Description,” and Exhibit "B," entitled “Plat Map,” which is attached hereto and made a part hereof by this reference as if fully set forth herein; and

WHEREAS, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code, the Planning Commission conducted a Public Hearing on said application on September 13, 2023, notice of which was duly given; and

WHEREAS, at said hearing, the Planning Commission gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

WHEREAS, at said hearing, the Planning Commission made a recommendation to the City Council respecting said matter based on the evidence and testimony; and

WHEREAS, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code, this City Council conducted a hearing on said application, notice of which was duly given; and

WHEREAS, at said hearing, this City Council gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

WHEREAS, at said hearing, this City Council received and considered the reports and recommendation of the City’s Planning Commission and the City’s Director of Planning, Building and Code Enforcement; and

WHEREAS, at said hearing, this City Council received in evidence a plan for the subject property entitled, “Bellarmine College Preparatory New Academic Building” dated June 27, 2023, said plan is on file in the Department of Planning, Building and Code Enforcement and is available for inspection by anyone interested herein, and said plan is incorporated herein by this reference, the same as if it were fully set forth herein; and

WHEREAS, said public hearing before the City Council was conducted in all respects as required by the San José Municipal Code and the rules of this City Council; and

WHEREAS, this City Council has heard and considered the testimony presented to it at the public hearing, and has further considered written materials submitted on behalf of the project applicant, City staff, and other interested parties;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

After considering evidence presented at the public hearing, the City Council finds that the following are the relevant facts and findings regarding this proposed project:

- 1. Site Description and Surrounding Uses.** The subject 17.64-gross-acre campus 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. The site is currently developed with a secondary private school (Bellarmine College Preparatory).
- 2. Project Description.** 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 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 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 will demolish 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.

In addition to the construction of the new academic building and relocation of Berchmans Hall, 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.

- 3. General Plan Conformance.** The site is designated Public/Quasi-Public on the Land Use/Transportation Diagram of the Envision San José 2040 General Plan. 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.

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 to 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.

The project is consistent with the following General Plan Goals and Policies:

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.

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.

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.

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.

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).

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 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.

4. Municipal Code Conformance.

General Development Plan

The project is in the PQP(PD) Planned Development Zoning District per File No. PDC22-099. The Planned Development Zoning District allows for private secondary schools and associated buildings, as a permitted uses with the issuance of a Planned Development Permit.

Setbacks and Height

The table below highlights the project conformance with applicable Development Standards as outlined in the General Development Plan of the PQP(PD) Planned Development Zoning District (File No. PDC22-099). Note, there are no proposed changes to the development standards from the previously approved Planned Development Zoning District (File No. PDC19-001).

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	10 feet (north)	10 feet (north)
Maximum 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
Maximum Height (Remainder of site)	35 feet	N/A	30 feet, 10 inches

As shown on the Project Plans, the project conforms with all required height and setback standards pursuant to the General Development Plan of the Planned Development Zoning District.

Parking

Parking Type	Ratio	Minimum 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 in 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, dated December 6, 2022, was prepared by Illingworth and Rodkin, Inc. 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, no changes to the noise environment from project-related traffic would occur. 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 a.m. to 7:00 p.m. Monday through Friday. The Planned Development Permit includes a condition for the appointment of a Construction Disturbance Coordinator to address any construction related complaints.

5. Citywide Design Standards and Guidelines Consistency

The project is consistent with 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.
- Guidelines 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 of Elm Street, away from West Hedding Street (the primary street). The reconfigured vehicle parking lot is located to north the side of the new academic building away from the primary entrance. Similarly, the parking area serving the relocated Berchmans Hall is also relocated to the rear (south) of the building, away from the street.

- Section 2.3.1 – Building Placement

- Guideline 1 - On medium and large sites, ensure that buildings are placed parallel to the street-facing or open space-facing property lines to visually frame the street and the open space.

Analysis: Both the new academic building and the relocated Berchmans Hall are located within 5 feet of the required building setback lines and placed parallel to the street. 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 with the long side of the building parallel to the street. Berchmans Hall is placed at the southwest corner of West Hedding and Elm Street and is set back 20 feet from West Hedding Street in compliance with the minimum zoning requirement.

- 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 screened from adjacent properties using landscape buffer.

Analysis: The drive aisles and 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.
- 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).

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

- a. There is a physical constraint or unique situation that:
 - i. Is not created by the project applicant or property owner; and
 - ii. Is not caused by financial or economic considerations.
- b. 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.
- c. 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 is not caused by financial or economic considerations. Berchmans 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 campus in 1946 to preserve the building. 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 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 Berchmans 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:

- d. 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.

- e. 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.

- f. 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.

- g. 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.

6. City Council Policy 6-30: Public Outreach Policy for Pending Land Use Decisions.

Analysis: 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.

7. Environmental Review.

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/bellarmino-master-plan-update>.

8. Planned Development Permit Findings: Section 20.90.940 of the San José Municipal Code specifies the required findings for the approval of a Planned Development Permit.

- a. 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 José Historic Resources Inventory, will be rehabilitated consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties.

- b. 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, 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.

- c. 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 in order to inform the public of the project. An on-site sign was 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.

- d. 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 building (Berchmans Hall) and the demolition of Wade Hall and construction of a new, two-story academic building. Berchmans Hall will be relocated from the southeast corner of West Hedding Street and Elm Street to the southwest corner of the, with the primary entrance facing West Hedding Street. As Berchmans Hall is listed on the San José 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 remaining 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.

- e. 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 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, because the project is located within 500 feet of residences to the south, construction hours will be limited to between the hours of 7:00 a.m. to 7:00 p.m. 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.

9. Demolition Permit Findings. Chapter 20.80 of the San José Municipal Code establishes evaluation criteria for the issuance of a permit to allow demolition:

- a. The failure to approve the permit would result in the creation or continued existence of a nuisance, blight or dangerous condition;
- b. The failure to approve the permit would jeopardize public health, safety or welfare;
- c. The approval of the permit should facilitate a project that is compatible with the surrounding neighborhood;
- d. The approval of the permit should maintain the supply of existing housing stock in the City of San José;
- e. Both inventoried and non-inventoried buildings, sites and districts of historical significance should be preserved to the maximum extent feasible;
- f. Rehabilitation or reuse of the existing building would not be feasible; and
- g. 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 an 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 will 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 José 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 be approved until the issuance of a grading permit or building permit, whichever comes first.

10. Tree Removal Permit Findings. Section 13.32.100 of the San José Municipal Code specifies the required findings for live tree removals.

Table: Tree Replacement Ratios				
Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
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.

- a. 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.
- b. 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 August 30, 2022 HortScience & Bartlett Consulting arborist report (Exhibit G), 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.

In accordance with the findings set forth above, a Planned Development Permit to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **granted**. This City Council expressly declares that it would not have granted this Permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the Permittee fail to file a timely and valid appeal of this Planned Development Permit (“Permit”) within the applicable appeal period, such inaction by the Permittee shall be deemed to constitute all of the following on behalf of the Permittee:
 - a. Acceptance of the Permit by the Permittee; and
 - b. Agreement by the Permittee to be bound by, to comply with, and to do all things required of or by the Permittee pursuant to all of the terms, provisions, and conditions of this Permit or other approval and the provisions of Title 20 of the San José Municipal Code applicable to such Permit.
2. **Permit Expiration.** This Permit shall automatically expire four (4) years from and after the date of issuance hereof by the City Council, if within such time period, the proposed use of the site or the construction of buildings (if a Building Permit is required) has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the City Council. However, the Director of Planning, Building and Code Enforcement may approve a Permit Adjustment/ Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
3. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this Permit shall be deemed acceptance of all conditions specified in this Permit and the Permittee's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described in the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San José

Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.

4. **Sewage Treatment Demand.** Pursuant to Chapter 15.12 of Title 15 of the San José Municipal Code, acceptance of this Permit by Permittee shall constitute acknowledgement of receipt of notice by Permittee that (1) no vested right to a Building Permit shall accrue as the result of the granting of this Permit when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José - Santa Clara Regional Wastewater Facility- represented by approved land uses in the area served by said Facility will cause the total sewage treatment demand to meet or exceed the capacity of San José - Santa Clara Regional Wastewater Facility 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; (2) substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority; (3) issuance of a Building Permit to implement this Permit may be suspended, conditioned or denied where the City Manager makes a determination that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region.
5. **Use Authorization.** Subject to all conditions herein, this Permit allows 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.
6. **Conformance to Plans.** The development of the site and all associated development and improvements shall conform to the approved Planned Development Permit plans entitled, "Bellarmine College Preparatory New Academic Building" dated November 10, 2022, last revised on June 27, 2023 on file with the Department of Planning, Building and Code Enforcement, as may be amended and approved by the Director of Planning, Building and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 24). The plans are referred to herein as the "approved plans" or the "Approved Plan Set."
7. **Planned Development District Effectuated.** This Planned Development Permit effectuates the portion of the Planned Development Zoning as reflected in the Permit's Approved Plan Set and the corresponding legal description.
8. **Demolition Permit.** A demolition permit may be issued for the on-site relocation of the approximately 4,377-square foot historic Berchmans Hall and the demolition of the existing approximately 22,287-square foot Wade Academic Building.

9. **Required Vehicular and Bicycle Parking.** This project shall conform to the vehicular, and bicycle parking requirements of the Zoning Ordinance, as amended. Any changes to the required vehicular or bicycle parking requires the issuance of a Permit Adjustment or Amendment to the satisfaction of the Director of Planning, Building and Code Enforcement.
10. **Timing of Tree Removals.** Trees that are proposed for removal to accommodate new development shall not be removed until the related complete Public Works Grading Permit Application or Building Permit Application has been filed.
11. **Tree Protection Standards.** The Permittee shall maintain the trees and other vegetation shown to be retained in this project and as noted on the Approved Plan Set. Maintenance shall include pruning and watering as necessary and protection from construction damage. Prior to the removal of any tree on the site, all trees to be preserved shall be permanently identified by metal numbered tags. Prior to issuance of the Grading Permit or removal of any tree, all trees to be saved shall be protected by chain link fencing, or other fencing type approved by the Director of Planning, Building and Code Enforcement. Said fencing shall be installed at the dripline of the tree in all cases and shall remain during construction. No storage of construction materials, landscape materials, vehicles or construction activities shall occur within the fenced tree protection area. Any root pruning required for construction purposes shall receive prior review and approval and shall be supervised by the consulting licensed arborist. Fencing and signage shall be maintained by the Permittee to prevent disturbances during the full length of the construction period that could potentially disrupt the habitat or trees.
12. **Tree Removal In-Lieu Fee.** Prior to the removal of trees without on-site replacement trees, the permittee shall pay the invoice for tree replacement in-lieu payment per Municipal Code Section 13.32 for 58 number of trees. The fee shall be paid prior to Building permit issuance according to the current adopted fee schedule.
13. **Tree Replacement Enforcement.** Failure to plant trees in conformance with the approved plan set may be subject to in-lieu fees for trees not planted.
14. **Verification of Payment and/or Planting of Replacement Tree(s).** After payment of the in-lieu fee and/or the planting of replacement trees on-site, the permittee shall provide appropriate evidence such as, but not limited to, photographs and/or receipts to the Planning Project Manager to verify compliance with the mitigation requirements. Such evidence should be uploaded to www.sjpermits.org using these instructions: <https://www.sanjoseca.gov/home/showpublisheddocument/88853/63808860525543000> and e-mailed to the Planning Project Manager and labeled File No. PD22-030
15. **Landscaping.** Planting and irrigation are to be provided by the Permittee, as indicated, on the final Approved Plans.
16. **Irrigation Standards.** Irrigation shall be installed in accordance with Part 3 of Chapter 15.11 of Title 15 of the San José Municipal Code, Water Efficient Landscape

Standards for New and Rehabilitated Landscaping, the City of San José Landscape and Irrigation Guidelines and the Zonal Irrigation Plan in the Approved Plans. The design of the system shall be approved and stamped by a California Registered Landscape Architect.

17. **Certification.** Pursuant to San José Municipal Code, Section 15.11.1050 certificates of substantial completion for landscape and irrigation installation shall be completed by a licensed or certified professional and included on the Landscape Sheets in the plan set submitted to the Department of Planning, Building and Code Enforcement prior to approval of the final inspection of the project.
18. **Replacement Landscaping.** All landscaping removed with the construction of the project shall be replaced with similar landscaping in the immediate area. All landscaped replacement areas shall be automatically irrigated.
19. **Green Building Requirements.** This development is subject to the City's Green Building Ordinance for Private Sector New Construction as set for in Municipal Code Section 17.84. Prior to the issuance of any shell permits, or complete building permits, for the construction of buildings approved through the scope of this Permit, the Permittee shall pay a Green Building Refundable Deposit. In order to receive a refund of the deposit, the project must achieve the minimum requirements as set forth in Municipal Code Section 17.84. The request for the refund of the Green Building Deposit together with evidence demonstrating the achievement of the green building standards indicated in Municipal Code Section 17.84 shall be submitted within a year after the building permit expires or becomes final, unless a request for an extension is submitted to the Director of Planning, Building, and Code Enforcement in accordance with Section 17.84.305D of the Municipal Code.
20. **No Extended Construction Hours.** This Permit does not allow any construction activity on a site located within 500 feet of a residential unit before 7:00 a.m. or after 7:00 p.m., Monday through Friday, or at any time on weekends.
21. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
22. **Compliance with Local, State, and Federal Laws.** The subject use shall be conducted in full compliance with all local, state, and federal laws.
23. **Discretionary Review.** The City maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of the San José Municipal Code.
24. **Refuse.** All trash and refuse storage areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the trash or refuse container(s). Trash areas shall be maintained in a manner to discourage illegal dumping.

25. **Anti-Graffiti.** All graffiti shall be removed from buildings and wall surfaces, including job sites for projects under construction, within 48 hours of defacement.
26. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage.
27. **No Sign Approval.** Any signage shown on the Approved Plan Set are conceptual only. No signs are approved at this time. Any signs shall be subject to review and approval by the Director of Planning through a subsequent Permit Adjustment.
28. **Building and Property Maintenance.** The property shall be maintained in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting, and landscaping.
29. **Street Number Visibility.** Street numbers of the buildings shall be easily visible from the street at all times, day and night.
30. **Mechanical Equipment.** The location and type of mechanical equipment shall be as shown on the Approved Plans and shall be screened from view. Changes to the mechanical equipment requires the issuance of a Permit Adjustment or Amendment to the satisfaction of the Director of Planning.
31. **No Generators Approved.** This Permit does not include the approval of any stand-by/backup electrical power generation facility. Any future stand-by/backup generators would require the permittee to secure appropriate permits and conform to the regulations of Title 20 of the Municipal Code.
32. **Construction Disturbance Coordinator.** Rules and regulations pertaining to all construction activities and limitations identified in this Permit, along with the name and telephone number of a Permittee-appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site.
33. **Conformance to Mitigation Monitoring and Reporting Program.** This project shall conform to all applicable requirements of the Mitigation Monitoring and Reporting Program (“MMRP”) approved for this development by City Council Resolution No. .
34. **Standard Environmental Permit Conditions.**
 - a. **Construction Related Air Quality.** The following measures shall be implemented during all phases of construction to control dust emissions.
 - i. Water active construction areas at least twice daily or as often as needed to control dust emissions.
 - ii. Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.

- iii. Remove visible mud or dirt track-out onto adjacent public roads using wet-~~power vacuum street sweepers~~ at least once per day. The use of dry power sweeping is prohibited.
- iv. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- v. Pave new or improved roadways, driveways, and sidewalks as soon as possible.
- vi. Lay building pads as soon as possible after grading unless seeding or soil binders are used.
- vii. All vehicle speeds on unpaved roads shall be limited to 15 mph
- viii. Replant vegetation in disturbed areas as quickly as possible.
- ix. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- x. Minimize idling times either by shutting off equipment when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.
- xi. Maintain and properly tune construction equipment in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- xii. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

b. Biological Resources.

- i. **Santa Clara Valley Habitat Plan.** The project may be subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project Permittee shall submit the Santa Clara Valley Habitat Plan Coverage Screening Form (<https://www.scv-habitatagency.org/DocumentCenter/View/151/Coverage-Screening-Form?bidId=>) to the Director of Planning, Building and Code Enforcement or the Director's designee for approval and payment of all applicable fees prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at <https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan>.
- ii. **Tree Replacement.** The trees removed for the project shall be replaced at ratios required by the City, as stated in the table below, as amended:

Table: Tree Replacement Ratios

Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
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
<p>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</p>				

- (i) Ninety-one trees onsite will be removed. Twenty-one 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. The total number and size of replacement trees required to be planted on site is 202 (15-gallon) trees or 101 (24-inch box) trees. Based on the landscape plan provided, a total of 72 (24-inch box) trees are to be planted on site (equal to 144 15-gallon trees). Prior to the issuance of Grading or Building Permits, whichever comes first, the Permittee shall be required to pay the Off-Site Tree Replacement Fee to the City for 58 trees that could not be planted on-site because of insufficient area.
- (ii) Prior to the issuance of building permit(s), the permittee shall pay Off-Site Tree Replacement Fee(s) to the City for 58 off-site replacement trees in accordance with the City Council approved Fee Resolution in effect at the time of payment.
- (iii) If there is insufficient area on the project site to accommodate the required replacement trees, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee. Changes to an approved landscape plan requires the issuance of a Permit Adjustment or Permit Amendment
 - (a) The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site
 - (b) Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of building permit(s), in accordance with the City Council approved Fee Resolution in effect at the time of payment. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

c. Cultural Resources.

- i. **Subsurface Cultural Resources.** If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist in consultation with a Native American Tribal representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 shall examine the find. The archaeologist in consultation with the Tribal representative shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee, the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.
- ii. **Human Remains.** If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent remains. The project Permittee shall immediately notify the Director of Planning, Building and Code Enforcement or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:
 - (i) The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
 - (ii) The MLD identified fails to make a recommendation; or

- (iii) The landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.
- d. **Greenhouse Gas Emissions/Energy.**
 - i. **Proof of Enrollment in San José Clean Energy.** Prior to issuance of any Certificate of Occupancy for the project, the occupant shall provide to the Director of the Department of Planning, Building, and Code Enforcement or the Director's designee, proof of enrollment in the San José Clean Energy GreenSource program (approximately 60% renewable energy) or TotalGreen program (approximately 100% renewable energy) assumed in the approved environmental clearance for the project in accordance with CEQA. If it is determined the project's environmental clearance requires enrollment in the TotalGreen program, neither the occupant, nor any future occupant, may opt out of the TotalGreen program.
- e. **Geology and Soils.**
 - i. **Seismic Hazards.**
 - (i) All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.
 - (ii) Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
 - (iii) Ditches shall be installed to divert runoff around excavations and graded areas if necessary.
 - (iv) The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.
 - (v) If dewatering is needed, the design-level geotechnical investigations to be prepared for individual future development projects shall evaluate the underlying sediments and determine the potential for settlements to occur. If it is determined that unacceptable settlements may occur, then alternative groundwater control systems shall be required.
- f. **Paleontological Resources.** If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, Director of Planning, Building and Code Enforcement or the Director's designee shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed

in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project Permittee shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Director of PBCE or the Director's designee.

g. Hazards and Hazardous Materials.

i. Asbestos and Lead-Based Paint.

- (i) In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint (LBP).
- (ii) During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.
- (iii) All potentially friable ACMs shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.
- (iv) A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
- (v) Materials containing more than one-percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than one-percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

h. Hydrology and Water Quality.

i. Construction Related Water Quality.

- (i) Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- (ii) Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- (iii) All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.

- (iv) Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- (v) All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.
- (vi) All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- (vii) Vegetation in disturbed areas shall be replanted as quickly as possible.
- (viii) All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.
- (ix) The Permittee shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

i. Noise.

- i. **Construction Related Noise.** Noise minimization measures include, but are not limited to, the following:
 - (i) Pile Driving is prohibited.
 - (ii) Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific “construction noise mitigation plan” and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential use.
 - (iii) Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
 - (iv) Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
 - (v) Prohibit unnecessary idling of internal combustion engines.
 - (vi) Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.

- (vii) Utilize “quiet” air compressors and other stationary noise sources where technology exists.
- (viii) Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
- (ix) Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of “noisy” construction activities to the adjacent land uses and nearby residences.
- (x) If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- (xi) Designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

35. Building Division Clearance for Issuing Permits: Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:

- a. *Construction Plans.* This permit File No. PD22-030 shall be printed on all construction plans submitted to the Building Division.
- b. *Construction Plan Conformance.* A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance begins with the initial plan check submittal to the Building Division. Prior to any building permit issuance, building permit plans shall conform to the approved Planning development permits and applicable conditions.
- c. *San José’s Natural Gas Infrastructure Prohibition and Reach Code Ordinances.* The City’s Natural Gas Infrastructure Prohibition and Reach Code Ordinances apply to this project and all requirements shall be met. For more information, please visit www.sjenvironment.org/reachcode.
- d. *Americans with Disabilities Act.* The Permittee shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
- f. *Project Addressing Plan.* Prior to issuance of a Building Permit, the following requirements shall be met to the satisfaction of the Chief Building Official: The project Permittee shall submit an addressing plan for approval for the subject development (residential, mixed use, complex commercial or industrial). The addressing plan should include proposed street names for the streets (as

referenced on an approved tentative map) and the type of addressing (i.e., individual street addresses as compared to unit number off of a primary street

g. *Other.* Such other requirements as may be specified by the Chief Building Official.

36. Bureau of Fire Department Clearance for Issuing Permits: Prior to the issuance of any Building Permit, the project must comply with the California Fire Code as adopted or updated by the City.

37. Airport Conditions:

- a. **Avigation Easement.** Prior to the issuance of a Building Permit for vertical construction, the property owner shall grant an Avigation Easement to the City of San José. Contact the San José Airport Department (408-392-1193) to initiate the easement dedication process.
- b. **FAA Clearance Required.** Prior to issuance of any Building Permit for construction, the permittee shall obtain from the Federal Aviation Administration a “Determination of No Hazard to Air Navigation” for each building high point. The permittee shall abide by any and all conditions of the FAA determinations (if issued) such as height specifications, rooftop marking/lighting, construction notifications to the FAA through filing of Form 7460-2, and “No Hazard Determination” expiration date. The data on the FAA forms shall be prepared by a licensed civil engineer or surveyor, with location coordinates (latitude/longitude) in NAD83 datum out to hundredths of seconds, and elevations in NAVD88 datum rounded off to the next highest foot.
- c. **FAA Clearance Permit Adjustment.** Prior to issuance of any Building Permit for construction, the permittee shall apply for and obtain a Permit Adjustment to incorporate any and all FAA conditions identified in the Determinations of No Hazard (if issued), e.g., installation of roof-top obstruction lighting or construction-related notifications.
- d. **Subsequent Permit Adjustments/Amendments.** Any Permit Adjustment/Amendment application filed by the permittee that proposes to increase the maximum structure elevations or change the location of the structure’s highest point(s), will be referred by the Planning, Building, and Code Enforcement Department to the Airport Department for review prior to approval.
- e. **Solar Panels.** FAA guidance requires solar panels (and any other reflective materials) placed on the roof of any structure to be designed to minimize glare and to incorporate bird-safe design. A public-use solar glare hazard analysis tool is available at www.forgesolar.com. The Airport requests the Permittee provide a completed solar glare hazard analysis report for this project evaluating potential impacts to the Airport's existing and future Air Traffic Control Tower and to ensure there are no hazards to aviation. Contact the San José Airport Department at (408-392-1193), prior to preparing a solar glare hazard analysis report.

38. Public Works Clearance for Building Permit(s) or Map Approval: Prior to the approval of Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the Permittee will be required to have satisfied all of the following Public Works conditions. The Permittee is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits. Standard review timelines and submittal instructions for Public Works Permits may be found at: <http://www.sanjoseca.gov/devresources>.

- a. **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.
- b. **Transportation:** A Local Transportation Analysis (LTA) has been completed for the subject project and it has been determined that the project will result in less-than-significant VMT impacts based on the project description. See separate Traffic Memo dated 7/14/23 for additional information. The following conditions shall be implemented.
 - i. Replace and construct sidewalk along the project frontage on the south side of Hedding Street and on both sides of the private segment of Elm Street within the BCP campus.
 - ii. Install a crosswalk at the main parking lot driveway on the east side of Elm Street to facilitate pedestrians walking between the main BCP campus and the campus facilities north of Hedding Street.
 - iii. Implement a Student Drop-Off and Pick-Up Operations Plan in the AM and PM for Bellarmine College Preparatory campus that:
 - (i) Uses a “right-lane close ahead” (C20) sign on a type 2 barricade and traffic delineators to block right-turn movements from eastbound Hedding Street to southbound Elm Street; and
 - (ii) Utilizes traffic delineators to prevent vehicles from circulating through the parking aisle adjacent to Berchmans Hall and exiting from the Matthewson Hall parking lot driveway and to direct vehicles exiting the Matthewson Hall parking lot across Elm Street and into the Hedding Street parking lot during peak hours; and
 - (iii) Have staff direct traffic during the peak 20-minutes before and after school to encourage parents to utilize the full length of the loading zone within the main parking lot; and
 - (iv) Have staff direct outbound traffic going eastbound on Hedding Road to exit via right-turn at the northbound Elm Street driveway.

- iv. In coordination with VTA and the City of San José, construct or provide a fair-share contribution toward the planned Central Bikeway improvements along the project frontage on Hedding Street.

c. **Grading/Geology:**

- i. A grading permit is required prior to the issuance of a Public Works Clearance.
- ii. All on-site storm drainage conveyance facilities and earth retaining structures 4 feet in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the latest California Plumbing Code as adopted under the City of San José Municipal Code Section 24.04.100 or submit a stamped and signed engineered design alternative for Public Works discretionary approval and must be designed to convey a 10-year storm event.
- iii. If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
- iv. Because this project involves a land disturbance of one or more acres, the Permittee is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
- v. The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed, and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The report should also include, but not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.

- d. **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) which includes site design measures, source controls and numerically-sized Low Impact

Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges.

- i. On May 11, 2022 the Regional Water Quality Control Board approved an update to the Municipal Regional Permit (MRP 3.0) pertaining to the treatment of stormwater for Development projects. Effective July 1, 2023, the new MRP stormwater regulations will be implemented and the threshold for impervious surface created, modified and/or replaced will be reduced to 5,000 square feet (this includes any public right-of-way improvements as part of the project). Detached single-family homes creating, modifying and/or replacing over 10,000 square feet will also become regulated and require treatment. Current projects must receive their final Planning Permit approval (including appeal period) by June 30, 2023, or projects will be required to resubmit revised stormwater control plans and calculations to be reviewed under the new stormwater regulations.
- ii. The project's Stormwater Control Plan and numeric sizing calculations have been reviewed and this project shall be in conformance with City Policy 6-29.
- iii. Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
- iv. 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 that 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.
- e. **Stormwater Peak Flow Control Measures:** The project is located within a non-Hydromodification Management area and is not required to comply with the City's Post- Construction Hydromodification Management Policy (Council Policy 8-14).
- f. **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.
- g. **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 prior to issuance of Public Works clearance.
- h. **Undergrounding:**
 - i. The In-Lieu Undergrounding Fee shall be paid to the City for all frontage(s) adjacent to W. Hedding Street prior to issuance of a Public Works Clearance. 100 percent of the base fee in place at the time of payment will be due. Currently, the 2023 base fee is \$605 per linear foot of frontage and is subject

- to change every January 31st based on the Engineering News Record's City Average Cost Index for the previous year. The Permittee will be required to pay the current rate in effect at the time the Public Works Clearance is issued.
- ii. The Director of Public Works may, at his discretion, allow the developer to perform the actual undergrounding of all off-site utility facilities fronting the project adjacent to W. Hedding Street. Permittee shall submit copies of executed utility agreements to Public Works prior to the issuance of a Public Works Clearance.
- i. **Street Improvements:**
 - i. Reconstruct two (2) ADA curb ramps at south and east corners at the intersection of West Hedding Street and Elm Street.
 - ii. Reconstruct median island of the southeast leg, at the intersection of West Hedding Street and Elm Street.
 - iii. Close unused driveway curb cut at West Hedding Street, approximately 100 feet southwest of Elm Street.
 - iv. Provide monetary contribution for the Class IV protected bike lane along the Hedding Street project frontage per the CSJ Better Bike Plan 2025 (\$144 per linear foot).
 - v. Permittee shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
 - vi. Remove and replace broken, uplifted curb and gutter as well as broken, uplifted or non-ADA compliant sidewalk along project frontage.
 - vii. Permittee shall be responsible for adjusting existing utility boxes/vaults to grade, locating and protecting the existing communication conduits (fiber optic and copper) along the project frontage.
 - viii. Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
 - j. **BART Phase II:** The project will be required to submit structural and shoring plans to the Santa Clara Valley Transportation Authority (VTA) for coordination with the future BART tunnel to ensure no conflicts or impacts to the proposed BART project. Tiebacks may not be acceptable at certain locations and/or elevations depending on the project's design.
 - k. **Electrical:** 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.
 - l. **Street Trees:**

- i. The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. 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 walk. Obtain a DOT street tree planting permit for any proposed street tree plantings. Street trees shown on this permit are conceptual only.
- ii. Replace any missing street trees in empty tree wells or park strips along W. Hedding Street and match existing trees per City standards; refer to the current “Guidelines for Planning, Design, and Construction of City Streetscape Projects”. Obtain a DOT street tree planting permit for any proposed street tree plantings.
- iii. Show all existing trees by species and diameter that are to be retained or removed. Obtain a street tree removal permit for any street trees that are over 6 feet in height that are proposed to be removed.
- m. **Referrals:** This project should be referred to the Valley of Transportation Authority (VTA) since it is within 1,000 feet of the future BART tunnel. All plans should be sent to plan.review@vta.org.

39. Revocation, Suspension, Modification. This Planned Development Permit may be revoked, suspended or modified by the City Council, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San José Municipal Code it finds:

- a. A violation of any conditions of the Planned Development Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
- b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates a nuisance.

In accordance with the findings set forth above, a permit to use the subject property for said purpose specified above is hereby approved.

EFFECTIVE DATE

The effective date of this Planned Development Permit shall be the same as effective date of the Rezoning Ordinance for File No. PDC22-099 passed for publication on [REDACTED], 2023 (the “Zoning Ordinance”) and shall be no earlier than the effective date of said Rezoning Ordinance.

ADOPTED this _____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

NOTICE TO PARTIES

The time within which judicial review must be sought to review this decision is governed by the provisions of the California Code of Civil Procedure Section 1094.6.

September 7, 2007
 Job No. A06271
 Page 1 of 1

EXHIBIT "A"
LEGAL DESCRIPTION
Bellarmino College Preparatory
For Planning Purposes Only

All that certain real property lying within the City of San Jose, County of Santa Clara, State of California, being a portion of that certain land conveyed to Bellarmine College Preparatory by Deed recorded May 26, 1928 in Book 395, page 516, Official Records of Santa Clara County, and a portion of Elm Street as conveyed to Bellarmine College Preparatory by Deed recorded February 4, 1991 in Book L 608, page 1359, Official Records of Santa Clara County, described as follows:

Beginning at the easterly corner of College Square as laid down, designated and delineated upon that certain Map filed for record in Book A of Maps at page 80, Santa Clara County Records;

Thence South 48°55'00" West, 900.00 feet;
 Thence North 41°05'00" West, 500.00 feet;
 Thence South 48°55'00" West, 70.00 feet;
 Thence North 41°05'00" West, 357.48 feet;

Thence westerly along a tangent curve to the left with a radius of 20.00 feet, through a central angle of 87°55'33" for an arc length of 30.69 feet;

Thence North 48°55'00" East, 92.55 feet to the beginning of a non-tangent curve to the right, to which point a radial line bears South 82°09'59" West;

Thence northerly along said non-tangent curve to the right with a radius of 20.00 feet, through a central angle of 56°44'58" for an arc length of 19.81 feet;

Thence North 48°55'00" East, 696.56 feet;
 Thence South 57°55'00" East, 633.47 feet;
 Thence South 41°05'00" East, 280.18 feet to the Point of Beginning.

Said parcel contains 17.646 acres, more or less.

As shown on Exhibit "B" attached hereto and by this reference made a part hereof.

This description is for planning purposes only and does not create a "subdivision" as defined in the Subdivision Map Act.

Legal Description prepared by Kier & Wright, Civil Engineers & Surveyors, Inc.

9-7-07
 Date


 Ryan M. Amaya, L.S. 8134



I:\PROJECTS\A06271\DOC'S\LEGAL DESCRIPTIONS\LEGAL FOR PLANNING.doc

DD107-072

EXHIBIT "A" (File Nos: PDC22-099 & PD22-030)

Project: PLANNING PLAT AND LEGAL CLOSURE
9/7/2007

Boundary: PLANNING PRCL

POB: N: 4923.3700 E: 6306.6400

1. Line SW 48°55'00" 900.00' N: 4331.9296 E: 5628.2609

2. Line NW 41°05'00" 500.00' N: 4708.8069 E: 5299.6829

3. Line SW 48°55'00" 70.00' N: 4662.8060 E: 5246.9200

4. Line NW 41°05'00" 357.48' N: 4932.2581 E: 5011.9999

5. Curve Delta: -87°55'33" Radius: 20.00' Length: 30.69'
PC to RP: SW 48°55'00"
RP North: 4919.1150 RP East: 4996.9248
RP to PT: NW 39°00'33"
Chord: NW 85°02'46" 27.77'
N: 4934.6559 E: 4984.3359

6. Line NE 48°55'00" 92.55' N: 4995.4757 E: 5054.0959

7. Curve Delta: 56°44'58" Radius: 20.00' Length: 19.81'
PC to RP: NE 82°09'59"
RP North: 4998.2017 RP East: 5073.9093
RP to PT: NW 41°05'03"
Chord: NE 20°32'28" 19.01'
N: 5013.2766 E: 5060.7659

8. Line NE 48°55'00" 696.56' N: 5471.0251 E: 5585.8012

9. Line SE 57°55'00" 633.47' N: 5134.5562 E: 6122.5255

10. Line SE 41°05'00" 280.18' N: 4923.3692 E: 6306.6474

Perimeter: 3580.74' Area: 768675.48 sq-ft. 17.646 acres

Error Closure: 0.0075' Bearing: NW 84°11'05"
Error North: -0.00076' Error East: 0.00742'
Precision: 1: 479,935.84

EXHIBIT "A"
LEGAL DESCRIPTION
BELLARMINA COLLEGE PREPARATORY
FOR PLANNING PURPOSES ONLY

All that certain real property lying within the City of San Jose, County of Santa Clara, State of California, being all of that land conveyed to Bellarmine College Preparatory by Grant Deed recorded March 17, 1971 in Book 9256, of Official Records, Page 611, and June 19, 1962 in Book 5614, of Official Records, Page 699, and October 25, 1955 in Book 3314, of Official Records, Page 377, and May 1, 1998 as Document No. 14166331, of Official Records of Santa Clara County, described as follows:

Beginning at the intersection of the southwesterly line of Elm Street with the northwesterly line of University Avenue as laid down, designated and delineated upon that certain Map filed for record in Book A of Maps at Page 80, Santa Clara County Records;

Thence South 48°55'00" West, 100.00 feet;
Thence North 41°05'00" West, 200.00 feet;
Thence South 48°55'00" West, 200.00 feet;
Thence North 41°05'00" West, 187.95 feet;
Thence North 51°03'20" East, 280.94 feet;

Thence easterly along a tangent curve to the right with a radius of 20.00 feet, through a central angle of 87°51'40" for an arc length of 30.67 feet;

Thence South 41°05'00" East, 357.48 feet to the Point of Beginning.

Said parcel contains 1.713± acres.

As shown on Exhibit "B" attached hereto and by this reference made a part hereof.

This description is for planning purposes only and does not create a "subdivision" as defined in the Subdivision Map Act.

Legal Description prepared by Kier & Wright, Civil Engineers & Surveyors, Inc.

1-15-08
Date


Ryan M. Amaya, L.S. 8134



EXHIBIT "A" (File Nos: PDC22-099 & PD22-030)

Project: PLANNING PURPOSES
12/13/2007

Boundary: 261-12-087

POB: N: 5000.0000 E: 5000.0000

1. Line	SW 48°55'00"	100.00'	N: 4934.2844	E: 4924.6245
2. Line	NW 41°05'00"	200.00'	N: 5085.0353	E: 4793.1933
3. Line	SW 48°55'00"	200.00'	N: 4953.6041	E: 4642.4424
4. Line	NW 41°05'00"	187.95'	N: 5095.2723	E: 4518.9299
5. Line	NE 51°03'20"	280.94'	N: 5271.8618	E: 4737.4327
6. Curve	Delta: 87°51'40"	Radius: 20.00'	Length: 30.67'	
	PC to RP: SE 38°56'40"			
	RP North: 5256.3067	RP East: 4750.0040		
	RP to PT: NE 48°55'00"			
	Chord: SE 85°00'50"	27.75'		
			N: 5269.4498	E: 4765.0791
7. Line	SE 41°05'00"	357.48'	N: 4999.9976	E: 4999.9992

Perimeter: 1357.04' Area: 74624.87 sq.ft. 1.713 acres

Error Closure: 0.0025' Bearing: NE 17°56'55"
Error North: -0.00241' Error East: -0.00078'
Precision: 1: 535,531.93

EXHIBIT "A"
LEGAL DESCRIPTION
BELLARMINA COLLEGE PREPARATORY
FOR PLANNING PURPOSES ONLY

All that certain real property lying within the City of San Jose, County of Santa Clara, State of California, being all of that land conveyed to Bellarmine College Preparatory by Grant Deeds recorded March 21, 2007 as Document No. 19350704, and January 9, 2004 as Document No. 17566528, and September 22, 2005 as Document No. 18591121, November 28, 2007 as Document No. 19664175, all of Official Records of Santa Clara County, described as follows:

Beginning at a point that is North 41°05'00" W, 200.00 feet and North 48°55'00" East, 100.00 feet from the point of intersection of the northeasterly line of Elm Street with the northwesterly line of Hedding Street as laid down, designated and delineated upon that certain Map filed for record in Book A of Maps at Page 80, Santa Clara County Records;

Thence North 48°55'00" East, 200.00 feet;

Thence South 41°05'00" East, 186.50 feet;

Thence South 48°55'00" West, 161.89 feet;

Thence southwesterly along a tangent curve to the right with a radius of 100.00 feet, through a central angle of 22°24'07" for an arc length of 39.10 feet;

Thence North 41°05'00" West, 178.95 feet to the Point of Beginning.

Said parcel contains 0.854± acres.

As shown on Exhibit "B" attached hereto and by this reference made a part hereof.

This description is for planning purposes only and does not create a "subdivision" as defined in the Subdivision Map Act.

Legal Description prepared by Kier & Wright, Civil Engineers & Surveyors, Inc.

1-15-08
Date

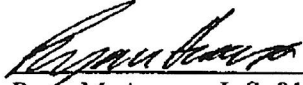

Ryan M. Amaya, L.S. 8134



EXHIBIT "A" (File Nos: PDC22-099 & PD22-030)

Project: PLANNING PURPOSES
12/21/2007

Boundary: 230-41-031

POB: N: 5000.0000 E: 5000.0000

1. Line NE 48°55'00" 200.00' N: 5131.4312 E: 5150.7509
2. Line SE 41°05'00" 186.50' N: 4990.8560 E: 5273.3105
3. Line SW 48°55'00" 161.89' N: 4884.4690 E: 5151.2852
4. Curve Delta: 22°24'07" Radius: 100.00' Length: 39.10'
PC to RP: NW 41°05'00"
RP North: 4959.8444 RP East: 5085.5696
RP to PT: SE 18°40'53"
Chord: SW 60°07'04" 38.85'
N: 4865.1130 E: 5117.6001
5. Line NW 41°05'00" 178.95' N: 4999.9974 E: 5000.0020

Perimeter: 766.44' Area: 37205.66 sq.ft. 0.854 acres

Error Closure: 0.0033' Bearing: NW 38°03'10"
Error North: -0.00261' Error East: 0.00204'
Precision: 1: 231,224.08

January 15, 2008
Job No. A06271-1
Page 1 of 1

EXHIBIT "A"
LEGAL DESCRIPTION
BELLARMINE COLLEGE PREPARATORY
FOR PLANNING PURPOSES ONLY

All that certain real property lying within the City of San Jose, County of Santa Clara, State of California, being that certain land conveyed to Bellarmine College Preparatory by Grant Deed recorded August 12, 1981 in Book G269 O.R. Page 656, and January 21, 1999 as Resolution No. 67511 recorded as Document No. 14610688 of Official Records of Santa Clara County, described as follows:

Beginning at a point that is North 41°05'00" W, 400.00 feet and North 48°55'00" East, 300.00 feet from the point of intersection of the northeasterly line of Elm Street with the northwesterly line of Hedding Street as laid down, designated and delineated upon that certain Map filed for record in Book A of Maps at Page 80, Santa Clara County Records;

Thence North 48°55'00" East, 264.00 feet;
Thence South 57°55'00" E, 443.50 feet;
Thence South 48°55'00" West, 392.44 feet;
Thence North 41°05'00" West, 424.50 feet to the Point of Beginning.

Said parcel contains 3.199 ± acres.

As shown on Exhibit "B" attached hereto and by this reference made a part hereof.

This description is for planning purposes only and does not create a "subdivision" as defined in the Subdivision Map Act.

Legal Description prepared by Kier & Wright, Civil Engineers & Surveyors, Inc.

1-15-08
Date


Ryan M. Amaya, L.S. 8134



EXHIBIT "A" (File Nos: PDC22-099 & PD22-030)

Project: PLANNING PURPOSES
12/13/2007

Boundary: 230-41-043

POB:			N: 5000.0000	E: 5000.0000
1. Line	NE 48°55'00"	264.00'	N: 5173.4892	E: 5198.9912
2. Line	SE 57°55'00"	443.50'	N: 4937.9232	E: 5574.7583
3. Line	SW 48°55'00"	392.44'	N: 4680.0289	E: 5278.9549
4. Line	NW 41°05'00"	424.50'	N: 4999.9977	E: 4999.9921

Perimeter: 1524.44' Area: 139329.83 sq.ft. 3.199 acres

Error Closure: 0.0082' Bearing: NE 73°52'14"
Error North: -0.00227' Error East: -0.00786'
Precision: 1: 186,415.37

**EXHIBIT "A"
LEGAL DESCRIPTION
FOR PLANNING PURPOSES**

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING ALL OF THE LAND DESCRIBED IN THAT CERTAIN GRANT DEED FILED FOR RECORD ON JULY 25, 2022 AS DOCUMENT NO. 25340113, OF OFFICIAL RECORDS OF SANTA CLARA COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LAND DESCRIBED IN SAID GRANT DEED,

THENCE ALONG THE EXTERIOIR OF SAID LAND THE FOLLOWING NINE (9) COURSES AND DISTANCES:

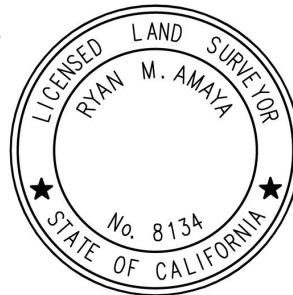
1. SOUTH 41° 06' 00" EAST, 220.14 FEET;
2. SOUTH 48° 53' 35" WEST, 119.72 FEET;
3. SOUTH 41° 06' 00" EAST, 50.06 FEET;
4. SOUTH 48° 53' 40" WEST, 167.59 FEET;
5. NORTH 41° 07' 24" WEST, 200.07 FEET;
6. SOUTH 48° 52' 00" WEST, 112.08 FEET;
7. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 44° 25' 27", FOR AN ARC DISTANCE OF 15.51 FEET;
8. NORTH 41° 08' 00" WEST, 75.72 FEET;
9. NORTH 48° 52' 00" EAST, 413.51 FEET, TO THE **POINT OF BEGINNING**.

CONTAINING 80,483 SQUARE FEET, OR 1.85 ACRES, MORE OR LESS.

KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.



RYAN M. AMAYA P.L.S. 8134



08/01/2022

EXHIBIT "A" (File Nos: PDC22-099 & PD22-030)

Parcel Name: BELLARMINE PARCELS - BNDRY : 4

Description: PARCEL FOR GARAGE PLANNING

North:-1,411.3634' East:11,241.2894'

Segment# 1: Line

Course: S41°06'00"E Length: 140.14'
North: -1,516.9677' East: 11,333.4140'

Segment# 2: Line

Course: S41°06'00"E Length: 10.00'
North: -1,524.5034' East: 11,339.9877'

Segment# 3: Line

Course: S48°53'35"W Length: 119.72'
North: -1,603.2153' East: 11,249.7807'

Segment# 4: Line

Course: S41°06'00"E Length: 50.06'
North: -1,640.9387' East: 11,282.6889'

Segment# 5: Line

Course: S48°53'40"W Length: 167.59'
North: -1,751.1204' East: 11,156.4099'

Segment# 6: Line

Course: N41°07'24"W Length: 200.08'
North: -1,600.4010' East: 11,024.8208'

Segment# 7: Line

Course: S48°52'00"W Length: 112.08'
North: -1,674.1288' East: 10,940.4043'

Segment# 8: Curve

Length: 15.51' Radius: 20.00'
Delta: 44°25'27" Tangent: 8.17"
Chord: 15.12' Course: S26°39'16"W
Course In: S41°08'00"E Course Out: N85°33'27"W

EXHIBIT "A" (File Nos: PDC22-099 & PD22-030)

RP North: -1,689.1924'
End North: -1,687.6432'

East: 10,953.5606'
East: 10,933.6207'

Segment# 9: Line

Course: N41°08'00"W
North: -1,630.6199'

Length: 75.71'
East: 10,883.8176'

Segment# 10: Line

Course: N48°52'00"E
North: -1,358.6074'

Length: 413.51'
East: 11,195.2654'

Segment# 11: Line

Course: S41°06'00"E
North: -1,411.3569'

Length: 70.00'
East: 11,241.2817'

Perimeter: 1,374.39'

Error Closure: 0.0101

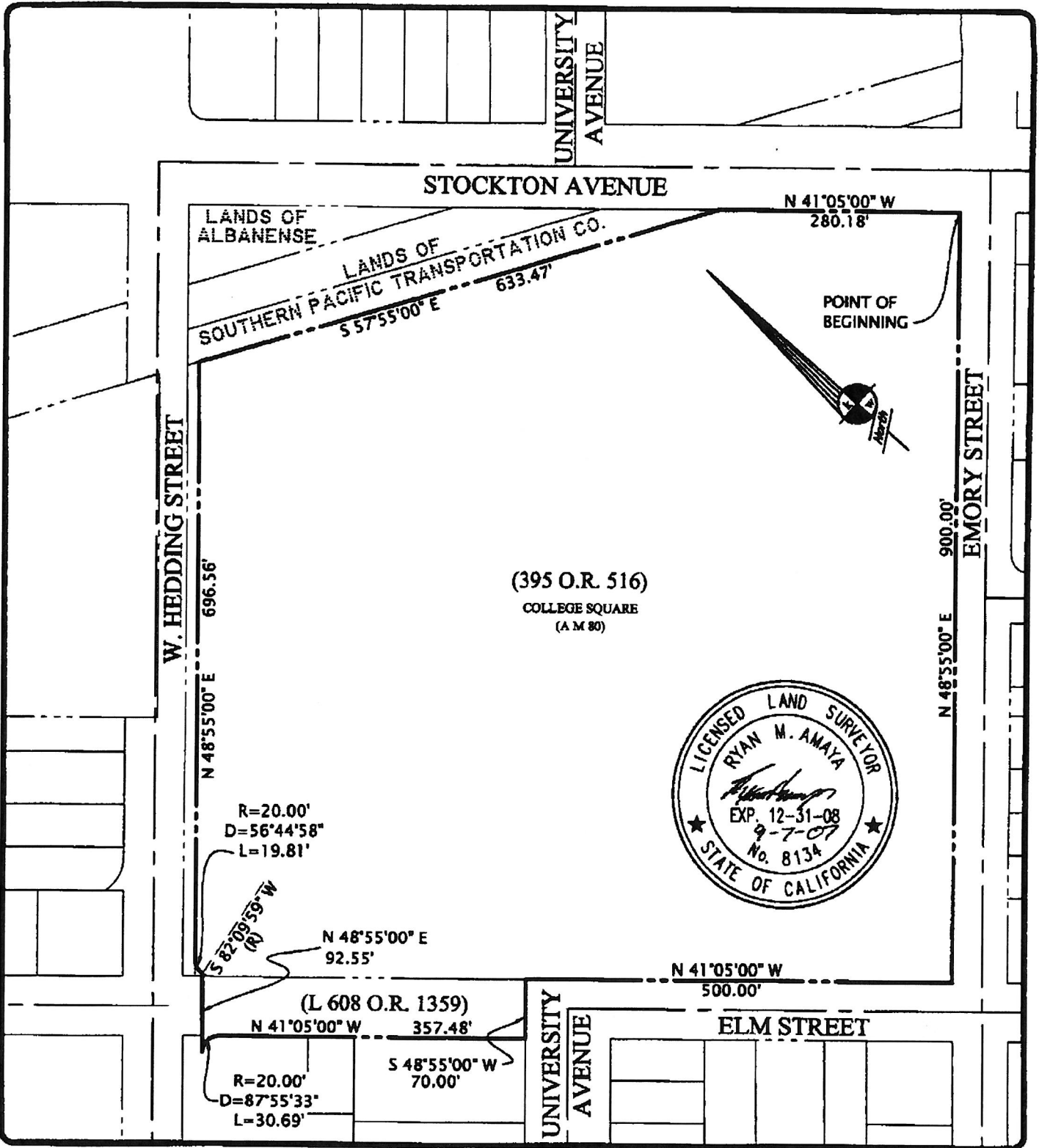
Error North : 0.00651

Area: 80,482.78Sq.Ft.

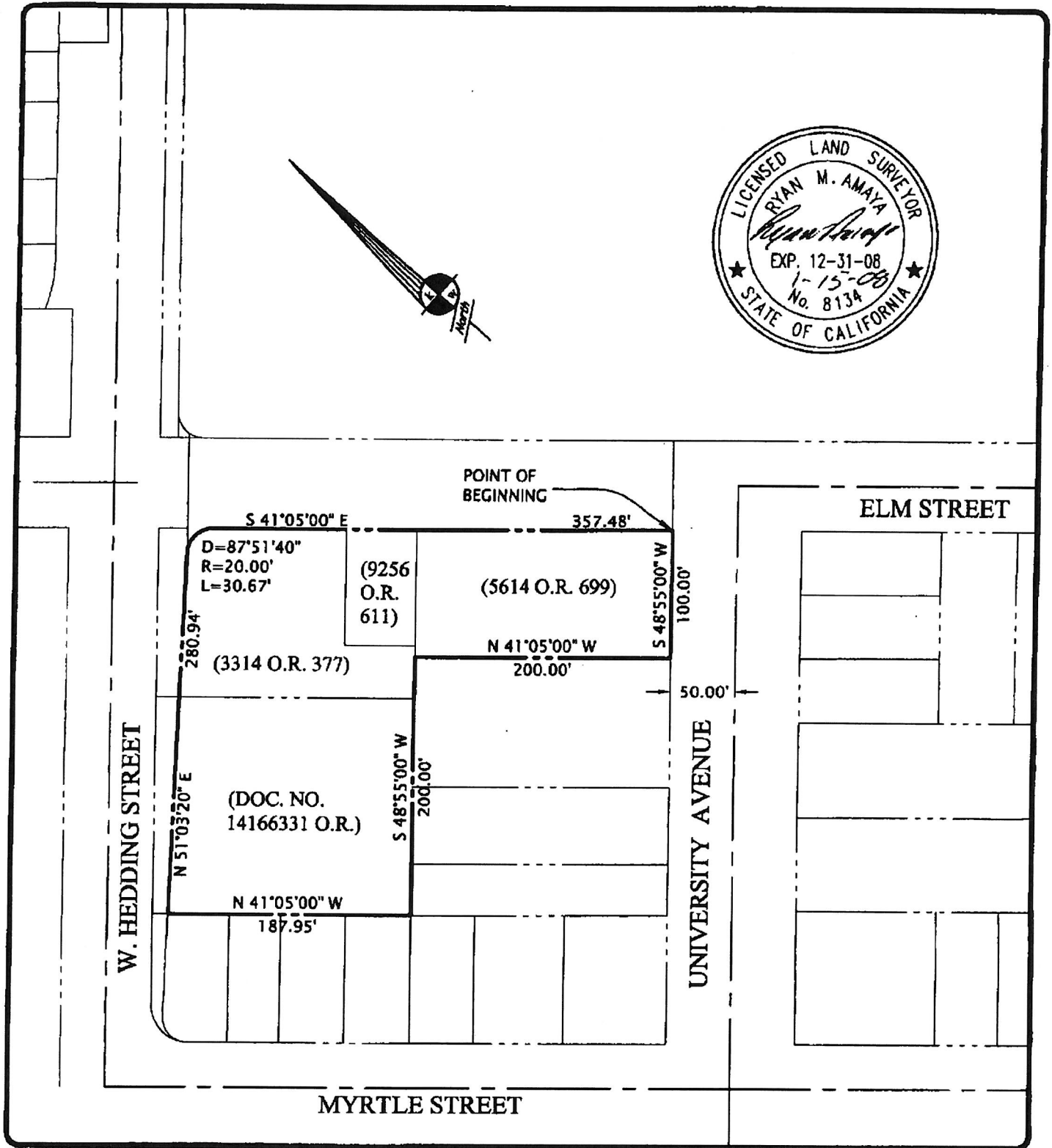
Course: N49°52'45"W

East: -0.00772

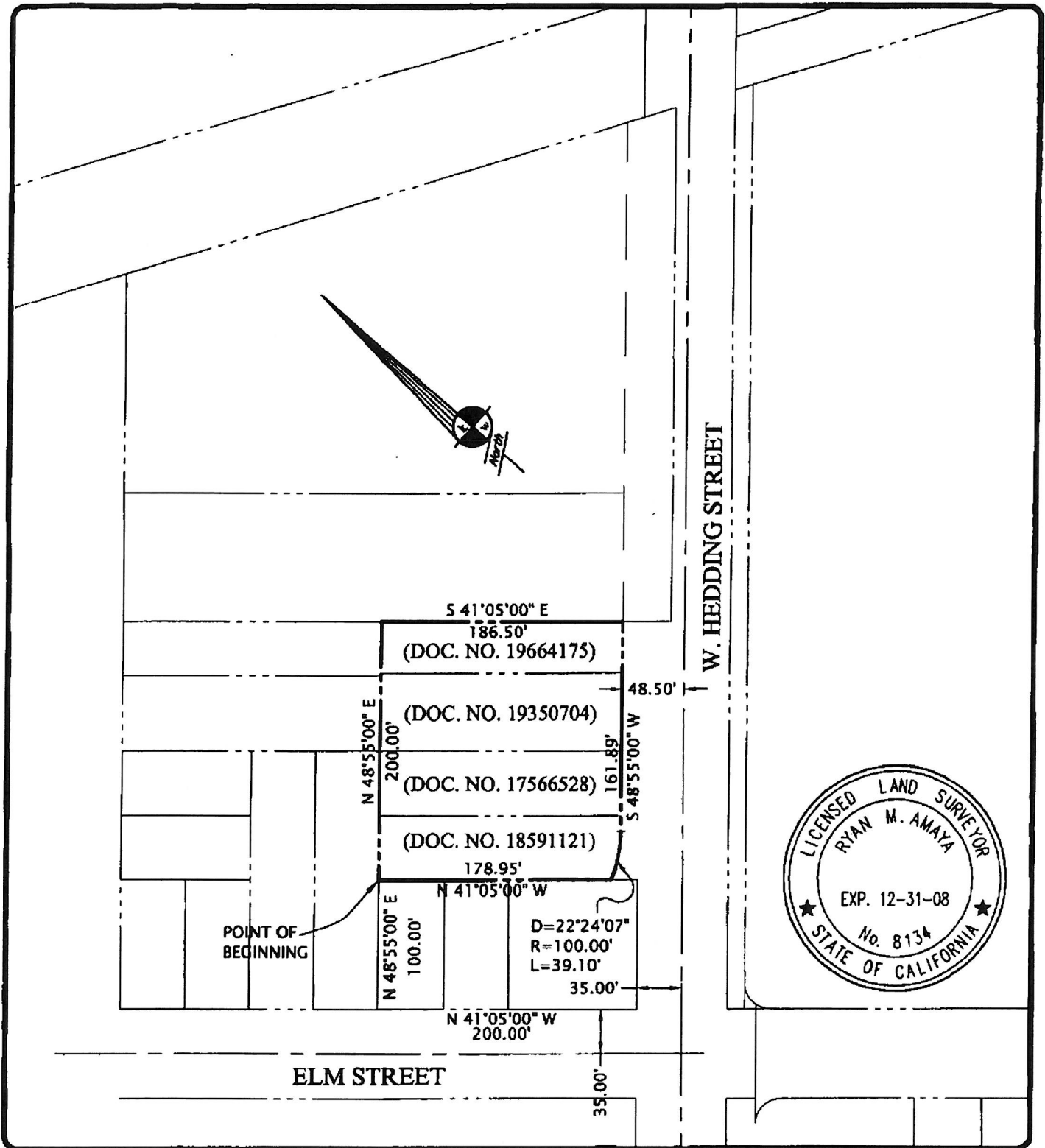
Precision 1: 136,079.21



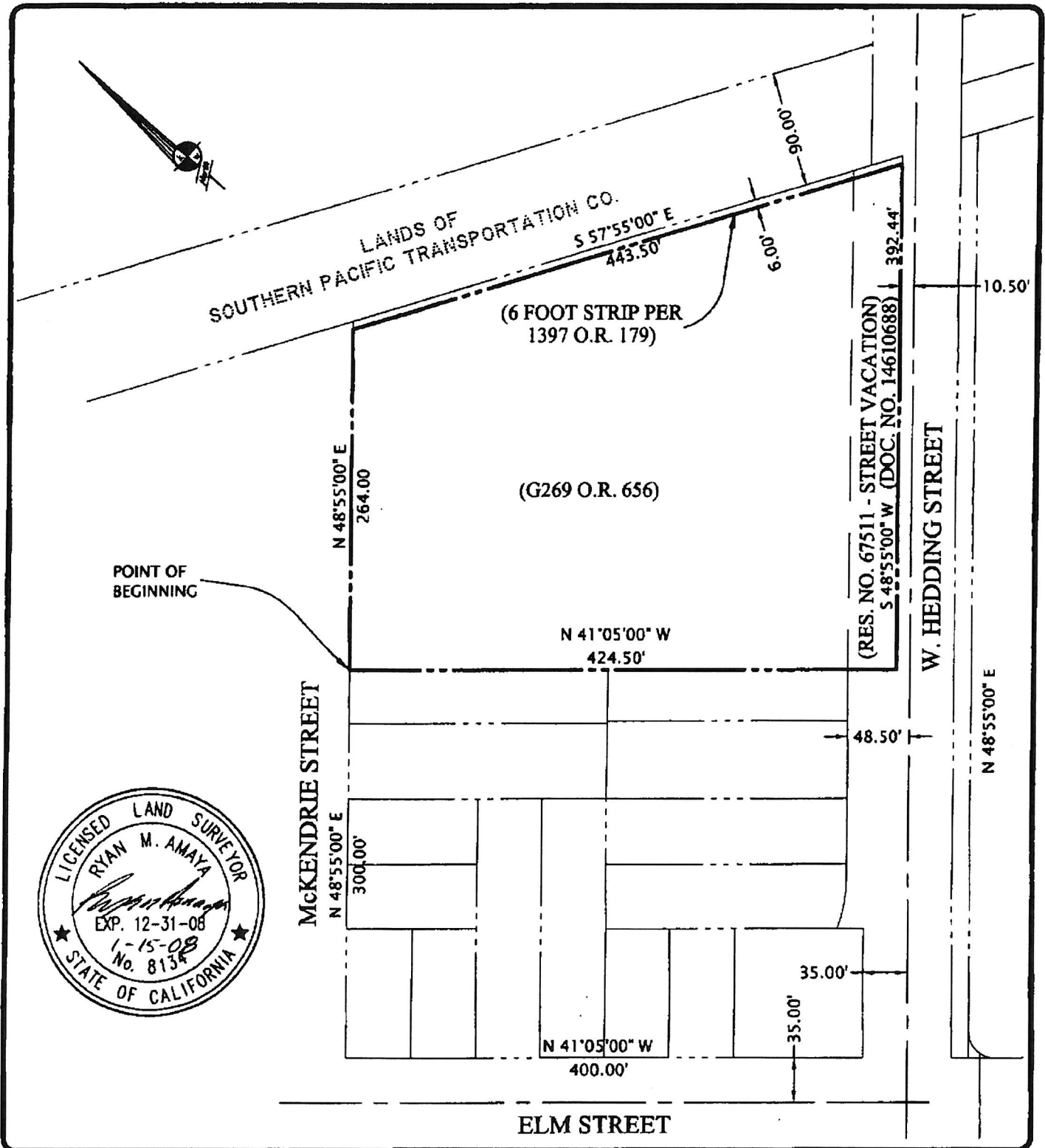
<p>PLAT TO ACCOMPANY LEGAL DESCRIPTION BELLARMINE COLLEGE PREPARATORY</p>		DATE	SEPT., 2007
		SCALE	1" = 150'
<p>SAN JOSE</p>		DR. BY	CSS
		JOB	A06271
<p>EXHIBIT "B" FOR PLANNING PURPOSES</p>		<p>KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC. 3350 Scott Boulevard, Building 22 Santa Clara, California 95054</p>	
		<p>SHEET NO. 1 OF 1</p>	



<p>PLAT TO ACCOMPANY LEGAL DESCRIPTION BELLARMINE COLLEGE PREPARATORY</p>		DATE	JAN., 2008
		SCALE	1" = 100'
<p>SAN JOSE</p>		DR. BY	JN
		JOB	A06271-1
<p>EXHIBIT "B" FOR PLANNING PURPOSES</p>		SHEET NO.	1 OF 1
		<p>KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC. 3350 Scott Boulevard, Building 22 San Jose, California 95054 (408) 727 6655 fax (408) 727 5641</p>	









<p>PLAT TO ACCOMPANY LEGAL DESCRIPTION BELLARMINE COLLEGE PREPARATORY</p>		DATE	JAN., 2008
		SCALE	1" = 100'
SAN JOSE		DR. BY	JN
CALIFORNIA		JOB	A06271-1
<p>EXHIBIT "B" FOR PLANNING PURPOSES</p>		SHEET NO.	1 OF 1
		<p>KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC. 3350 Scott Boulevard, Building 22 San Jose, California 95054 (408) 727 6665 fax (408) 727 5641</p>	



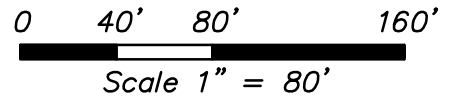
<p>PLAT TO ACCOMPANY LEGAL DESCRIPTION BELLARMINE COLLEGE PREPARATORY</p>		DATE	JAN., 2008
		SCALE	1" = 100'
<p>SAN JOSE</p>	<p>CALIFORNIA</p>	DR. BY	JN
		JOB	A06271-1
<p>EXHIBIT "B" FOR PLANNING PURPOSES</p>		SHEET NO.	1 OF 1
<p>USER: jpm7h L:\PROJECTS\A06271-1\DRG\PLANNING\PLATS\A06271-1-043\PLAT.dwg JANUARY 15, 2008 11:23 AM</p>		<p>KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC. 3350 Scott Boulevard, Building 22 (408) 727 6665 Santa Clara, California 95054 fax (408) 727 5641</p>	

EXHIBIT "B" (File Nos: PDC22-099 & PD22-030)

LEGEND

-  BOUNDARY OF SUBJECT PROPERTY
-  LINES TO BE REMOVED
-  CENTER LINES
-  ADJOINER LINES
-  EASEMENT LINES
-  DIMENSION / TIE LINES

DOC. NO. DOCUMENT NUMBER
POB POINT OF BEGINNING



STOCKTON AVENUE

(100' WIDTH)

POB

S41°06'00"E 220.14'

S48°53'35"W 119.72'

LANDS OF BELLARMINE
COLLEGE PREPARATORY

GRANT DEED
(DOC. NO. 25340113)

S41°06'00"E 50.06'

LANDS OF
WTA INVESTMENTS LLC
TJA INVESTMENTS LLC

LANDS OF BELLARMINE
COLLEGE PREPARATORY

FORMER EMORY STREET
QUITCLAIM (DOC. 22084011)

N48°52'00"E 413.51'

N48°53'40"E 167.59'

N41°07'24"W 200.07'

LANDS OF DONNELLY
2004 LIVING TRUST

S48°52'00"W 112.08'

R=20.00'
D=44°25'27"
L=15.51 R2

LANDS OF BELLARMINE
COLLEGE PREPARATORY

N41°08'00"W
75.72'

LAUREL STREET (60' WIDTH)



08/01/2022



KIER+WRIGHT

3350 Scott Boulevard, Building 22
Santa Clara, California 95054

Phone (408) 727-6665
www.kierwright.com

**EXHIBIT B PLAT
PLANNING PURPOSES**

LANDS OF BELLARMINE
COLLEGE PREPARATORY

SANTA CLARA COUNTY SAN JOSE, CALIFORNIA

DATE	AUG., 2022
SCALE	1" = 80'
BY	EAP
JOB NO.	A21080
SHEET	1 OF 1

Z:\2021\

DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.