



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: October 8, 2020

COUNCIL DISTRICT: 1

SUBJECT: C19-013, CP19-013, T20-015. A CONFORMING REZONING FROM THE IP INDUSTRIAL PARK ZONING DISTRICT TO THE CIC COMBINED INDUSTRIAL/COMMERCIAL ZONING DISTRICT; A CONDITIONAL USE PERMIT TO ALLOW THE DEMOLITION OF EXISTING BUILDINGS TOTALING 210,636 SQUARE FEET AND THE PHASED CONSTRUCTION AND OPERATION OF A PRIVATE SCHOOL (TODDLER THROUGH 12TH GRADE, AGES 2 TO 18), TOTALING APPROXIMATELY 485,155 SQUARE FEET ABOVE GRADE (INCLUSIVE OF THE ADAPTIVE REUSE OF TWO COMMERCIAL BUILDINGS AND ONE FOUR-LEVEL PARKING STRUCTURE) AND APPROXIMATELY 80,906 SQUARE FEET BELOW GRADE, FOR UP TO 2,744 STUDENTS AND 480 FACULTY AND STAFF AT FINAL BUILD-OUT, AND THE REMOVAL OF 122 ON-SITE TREES, NINE OF WHICH ARE ORDINANCE-SIZE TREES; AND A TENTATIVE MAP TO MERGE EIGHT PARCELS ON AN APPROXIMATELY 11.87-GROSS ACRE SITE ON THE NORTHWEST CORNER OF RACE STREET AND PARKMOOR AVENUE (550-570 MERIDIAN AVENUE, 1401 PARKMOOR AVENUE AND 691, 581, 529 RACE STREET).

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council take the following actions:

1. Adopt a Resolution certifying the Avenues: The World School Project Environmental Impact Report (SCH#201907027) and a related Mitigated Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act (CEQA);
2. Approve an Ordinance of the City of San José rezoning an approximately 11.87-gross acre site on that certain real property located on the northwest corner of Race Street and

Parkmoor Avenue intersection from the IP Industrial Park Zoning District to CIC Combined Industrial/Commercial Zoning District; and

3. Adopt a Resolution approving, subject to conditions, a Tentative Map to merge eight lots into one lot; and
4. Adopt a Resolution approving, subject to conditions a Conditional Use Permit to allow demolition of existing buildings totaling 210,636 square feet and the phased construction and operation of a private school (toddler through 12th grade, ages 2-18) totaling approximately 485,155 square feet above grade (inclusive of the adaptive reuse of two commercial buildings and one four-level parking structure) and approximately 80,906 square feet below grade, for up to 2,744 students and 480 faculty and staff at final build-out. The project would include the removal of 122 on-site trees, nine of which are ordinance-size trees, on an approximately 11.87-gross acre site.

OUTCOME

If the City Council approves all the actions recommended by the Planning Commission, the subject 11.87-gross acre site would be rezoned from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District in conformance with the General Plan Combined Industrial/Commercial land use designation. The applicant would be able to proceed with the building permit process for the demolition of the existing warehouse and commercial structures totaling 210,636 square feet, removal of nine ordinance size trees, and the phased construction and operation of an approximately 485,155-square foot private school for up to 2,744 students and 480 faculty and staff at final build out. The applicant would also be permitted to merge eight lots into one lot.

BACKGROUND

On September 23, 2020, the Planning Commission considered the World School Project Environmental Impact Report (SCH#201907027) together with the Conforming Rezoning, Conditional Use Permit, and Tentative Map. The item was placed on the Public Hearing agenda. Five members of the public spoke in favor of the project; no one spoke in opposition.

During the Planning Commission discussion, Commissioners Torrens and Lardinois and Chair Caballero asked the applicant questions relating to how the school would create equity (e.g. tuition assistance, scholarships, admission), for details on the Transportation Demand Management (TDM) Plan, and whether there were any other concerns raised during public outreach from the community. The applicant provided the following responses to the Commissioners' questions:

- The school's existing organization and global campuses provide extensive tuition support.
- The TDM plan anticipates the school's proximity to the light rail station as well as the TDM coordinator would result in student ridership. The school would contribute to off-

site bike lane improvements. Additionally, the school plans to provide shuttles for the students.

- The school conducted community engagement beyond the required City Community Meeting. The feedback was positive, and many local community and neighborhood groups support the project.

Vice Chair Bonilla made a motion to approve Staff's recommendation; Commissioner Oliverio seconded the motion. The motion passed unanimously (7-0-0).

ANALYSIS

Analysis of the issues regarding the Environmental Impact Report prepared for the proposed project, pursuant to CEQA, Conforming Rezoning, Conditional Use Permit, and Tentative Map Permit, including General Plan conformance, are contained in the attached Planning Commission Staff Report.

CONCLUSION

The Planning Commission recommended that the City Council certify the Environmental Impact Report and approve the Conforming Rezoning, Tentative Map, and Conditional Use Permit for the subject property.

EVALUATION AND FOLLOW-UP

If the City Council approves the Planning Commission recommendation, the applicant may apply for permits for the demolition of the existing buildings and phased construction and operation of a private school (toddler/day care to 12th grade), subject to the conditions of approval.

CLIMATE SMART SAN JOSE

The recommendation in this memorandum aligns with one or more Climate Smart San José's mobility goals. Specifically, the construction of the school campus would create local jobs in the City making it possible for residents to work close to where they live. The project is adjacent to a VTA light rail station, making it easier for students and staff to use public transit to travel to and from the site.

PUBLIC OUTREACH

Staff followed Council Policy 6-30: Public Outreach Policy to inform the public of the project. A notice of 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. This memorandum is also posted on the City's website. Staff has been available to respond to questions from the public.

COORDINATION

Preparation of this memorandum has been coordinated with the Department of Public Works and the City Attorney's Office.

CEQA

The City of San José, as the lead agency for the proposed project, prepared a Draft Environmental Impact Report (DEIR) in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. A Notice of Preparation for the project EIR was circulated from July 8, 2019 through August 8, 2019. A community and scoping meeting was held on July 18, 2019.

The Initial Study and the DEIR for the Avenues: The World Schools Project (State Clearinghouse No. 201907027) determined that potential project environmental impacts would include impacts to Air Quality, Biological Resources, Cultural Resources, Hazardous Materials, Noise, and Transportation. Mitigation measures were identified and incorporated to lessen the environmental impacts to less than significant levels. The DEIR determined that the project would not result in any significant unavoidable impacts with the incorporation of mitigation measures.

A First Amendment to the DEIR was prepared that provided responses to public comments submitted during the public circulation period and revisions to the text of the DEIR. The First Amendment together with the DEIR constitutes the Final Environmental Impact Report (FEIR) for the proposed project. The DEIR and First Amendment to the DEIR are available for review on the project page on the City's Active EIRs website at: www.sanjoseca.gov/ActiveEIRs.

The DEIR analyzed four project alternatives that could lessen the significant effects of the project and achieve the project objectives, in accordance with CEQA Guidelines Section 15126.6. The alternatives included:

- 1) **No Project/No Development Alternative** - This alternative considered what would reasonably be expected to occur in the foreseeable future if no project were approved and no new development would occur. Since the site is developed with three office buildings (two of which are vacant), it was anticipated the buildings would all be occupied increasing traffic generated from the currently single-occupied office building on-site.

This alternative would avoid most of the environmental impacts of the project including construction and operational impacts to neighboring residential uses; however, none of the project objectives would be satisfied.

- 2) **No Project/Existing General Plan/Zoning Development Alternative** - This alternative considered the re-development of the site consistent with the current IP Industrial Park Zoning District. The alternative considered the development of approximately 500,000 square feet of commercial and light industrial space with a building between three and five stories in height, consistent with the Zoning District and General Plan Land Use Designation. This alternative would have a similar building footprint to the proposed project and similar impacts would result from the alternative's construction. The majority of the project's goals pertaining to the establishment of a private school would not be satisfied.
- 3) **Reduced Intensity Alternative** - This alternative would develop a private school with a smaller enrollment, staff, and school size. The alternative analyzed 2,244 students, 390 staff members, and the reduction of approximately 20-25 classrooms (approximately 76,000 square feet). While the reduced alternative would reduce trips generated to the site, the private school could still generate vehicle miles travelled impacts (VMT) with students and staff traveling throughout the region to attend the school; therefore, the reduced alternative would continue to require mitigation to reduce VMT impacts. Additionally, construction of the reduced school size would result in lessened yet similar air quality impacts requiring mitigation. Operational and construction noise impacts would also continue to result from the reduced alternative. While this alternative would meet most of the project objectives, it could result in the loss of the Kindergarten/Day Care use of the school.
- 4) **Adjusted Design Alternative** - This alternative would reduce the building footprints and would require re-design of additional on-site buildings. While this alternative could meet most of the project alternatives and would avoid hazardous materials impacts, it could result in demolition of the parking structure and Building 1 which could increase energy and GHG impacts.

The DEIR identified that the environmentally superior alternative would be the No Project/No Development Alternative, which would avoid all project impacts. However, it would achieve none of the project objectives. Beyond the No Project/No Development Alternative, the Reduced Intensity Alternative would be the environmentally superior alternative.

The DEIR was circulated for public review and comment from March 27, 2020 to May 10, 2020. Six comments were received during public circulation including five from regional and local agencies and one from a member of the public. The comments included:

- Clarifications from the Norman Y. Mineta Airport to the Airports and Airport Hazards discussion in the DEIR.
- A request for traffic analysis of certain County intersections by the Santa Clara County Roads and Airports Department.
- Concerns from the Bay Area Air Quality Management District regarding the Health Risk Assessment analysis, construction phasing analysis, and requirements for potential for

asbestos demolition. The commenter also provided clarification on Air District permitting regulations.

- Santa Clara Valley Water District clarified the watershed, dam and sub basin terms, and discussion in the DEIR and noted no encroachment permit would be required for the project.
- Santa Clara Valley Transportation Authority acknowledged the inter-agency coordination between the City, VTA, Federal Railroad Administration, and California Public Utilities Commission to resolve any conflicts with the Race Street Light Rail Station and Route 64b along Meridian Avenue. The comment identified concerns with the pedestrian and bus stop improvements near the light rail station and requested clarification on the site access and circulation plans for the project. Clarifications regarding the bicycle share program were noted and the commenter requested additional information regarding the Quiet Zone for the Vasona Rail Corridor. A safety study for the school and additional information regarding the TDM plan were requested.
- A member of the public, Gavin Lohry, requested the contact information for the project developer.

DEIR Recirculation Unnecessary

The public circulation comments, and comments received leading up to the Planning Commission hearing, in addition to testimony during the hearing, do not identify inadequacies in the DEIR nor present new previously unidentified significant impacts that require recirculation. The recirculation of an EIR is required when significant new information is added to the EIR after public notice is given of the availability of the DEIR for public review but before certification. “Information” can include changes in the project or environmental setting as well as additional data or other information. New information added to a Draft EIR is not “significant” unless the DEIR is changed in a way that deprives the public of meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (CEQA Guidelines Section 15088.5). No new significant information has been added to the DEIR since publication of the DEIR; therefore, it does not need to be recirculated.

/s/

ROSALYNN HUGHEY, Secretary
Planning Commission

For questions, please contact Deputy Director, Robert Manford, at Robert.Manford@sanjoseca.gov or (408) 535-7900.

Attachments: [Planning Commission Staff Report and attachments](#)