



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Christopher Burton

SUBJECT: PDC22-099, PD22-030 & ER22-166

DATE: October 16, 2023

Approved

Date

10/16/23

COUNCIL DISTRICT: 6

SUPPLEMENTAL

REASON FOR SUPPLEMENTAL MEMORANDUM

The purpose of this supplemental memorandum is to clarify the revised requirements in the General Development Plan of the proposed Planned Development Zoning (File No. PDC22-099) of the Bellarmine College Preparatory Campus. The added conditions relate to requirements for the Zoning District as recommended by the Santa Clara County Airport Land Use Commission (ALUC) letter (Attachment A).

BACKGROUND

On September 27, 2023, ALUC considered the referral of the proposed Planned Development Zoning of the Bellarmine College Preparatory Campus. The rezoning was reviewed by ALUC for consistency within the [San José International Airport \(SJC\) Comprehensive Land Use Plan \(CLUP\)](#). ALUC issued a letter (Attachment A) on October 2, 2023, and determined the rezoning to be inconsistent with the SJC CLUP unless the following language is added to the rezoning:

1. The following uses are prohibited within the SJC CLUP Turning Safety Zone:
 - a. Schools, hospitals, nursing homes, and other uses in which the majority of occupants are children, elderly, and/or disabled (SJC CLUP policy S-2).
 - b. Amphitheaters, sports stadiums, and other very high concentrations of people (SJC CLUP policy S-3).
 - c. Above-ground storage of fuel or other hazardous materials (SJC CLUP policy S-4).
2. All proposed developments within the SJC CLUP Turning Safety Zone or the Traffic Pattern Zone shall comply with the applicable open space requirements of the SJC CLUP (SJC CLUP policy S-5 and Table 4-2).

3. Any new development will require a detailed analysis of noise reduction requirements and any necessary noise reduction features must be incorporated into the design. Outdoor activities are likely to be adversely affected by noise. (SJC CLUP Table 4-1)
4. Where legally allowed, the dedication of an avigation easement to the City of San José shall be required to be offered as a condition of approval on all projects located within an Airport Influence Area, other than reconstruction projects as defined in paragraph 4.3.7. All such easements shall be similar to that shown in Exhibit 1 in Appendix A (SJC CLUP policy G-5.)

ANALYSIS

As shown on the project location map (Attachment B), of the approximately 17.64-gross acre site, only an approximately 35-square-foot portion of the Zoning District is located within the identified SJC CLUP Turning Safety Zone. This represents approximately 0.0045 percent of the entire site. The portion of the Zoning District within the SJC CLUP Turning Safety Zone is currently developed with a portion of a driveway and landscaped area along Stockton Avenue. The subject area serves as a driveway to a parking garage for the school. No portion of the parking garage structure is within the SJC CLUP Turning Safety Zone. All school uses within the existing and proposed Zoning District, including academic buildings, sports fields, walking paths, and parking areas, are located outside of the SJC CLUP Turning Safety Zone. Therefore, item 1, as listed above, may be added to the General Development Plan of the Planned Development Zoning District without impacting the proposed rezoning of the site or the proposed partial redevelopment of the site.

The soccer field, football, field, and central landscaped area on campus meet the minimum open space dimension requirements (75 feet wide by 300 feet long) pursuant to SJC CLUP Policy S-5. Therefore, item 2, as listed above, may be added to the General Development Plan of the Planned Development Zoning District without impacting the proposed rezoning of the site or the proposed partial redevelopment of the site.

In accordance with the California Environmental Quality Act, the Bellarmine Campus Master Plan Update Project Initial Study/Mitigated Negative Declaration (IS/MND) was prepared. The IS/MND analyzed potential noise impacts to the proposed project, including noise requirements for educational land uses as identified in Table 4-1 of the SJC CLUP. The project site lies just outside of the 60 dBA (adjusted decibels) Community Noise Equivalent contour line. Therefore, the IS/MND determined that the aircraft noise level would not be excessive and was identified as a less-than-significant impact. Therefore, item 3, as listed above, may be added to the General Development Plan of the Planned Development Zoning District without impacting the proposed rezoning of the site or the proposed partial redevelopment of the site.

The associated Planned Development Permit (File No. PD22-030) already includes a condition (Condition #37a) for the granting of an avigation easement prior to the issuance of building permits for any vertical construction on-site. Any future proposed development or redevelopment

of the site will also be required to adhere to this condition. Therefore, item 4, as listed above, may be added to the General Development Plan of the Planned Development Zoning District without impacting the proposed rezoning of the site or the proposed partial redevelopment of the site.

Given that the portion of the site within the SJC CLUP Turning Safety Zone represents an insignificant percentage of the existing campus, and is not developed with an active or functional school use, the project is consistent with the SJC CLUP open space and noise requirements, and the project already includes a condition for granting of an avigation easement, staff recommends accepting the ALUC recommendations and including the following language in the General Development Plan of the proposed Planned Development Zoning District:

1. The following uses are prohibited within the SJC CLUP Turning Safety Zone:
 - a. Schools, hospitals, nursing homes, and other uses in which the majority of occupants are children, elderly, and/or disabled (SJC CLUP policy S-2).
 - b. Amphitheaters, sports stadiums, and other very high concentrations of people (SJC CLUP policy S-3).
 - c. Above-ground storage of fuel or other hazardous materials (SJC CLUP policy S-4).
2. All proposed developments within the SJC CLUP Turning Safety Zone or the Traffic Pattern Zone shall comply with the applicable open space requirements of the SJC CLUP (SJC CLUP policy S-5 and Table 4-2).
3. Any new development will require a detailed analysis of noise reduction requirements and any necessary noise reduction features must be incorporated into the design. Outdoor activities are likely to be adversely affected by noise. (SJC CLUP Table 4-1)
4. Where legally allowed dedication of an avigation easement to the City of San José shall be required to be offered as a condition of approval on all projects located within an Airport Influence Area, other than reconstruction projects as defined in paragraph 4.3.7. All such easements shall be similar to that shown in Exhibit 1 in Appendix A (SJC CLUP policy G-5.)

These changes to the draft General Development Plan (Attachment C) of the Planned Development Zoning District (File No. PDC22-099) are clerical changes and do not result in physical changes to the proposed project or changes to the conclusions of the Initial Study/Mitigated Negative Declaration for the Bellarmine College Preparatory Master Plan Update Project. The changes were coordinated with the City Attorney's Office.

/s/

Christopher Burton, Director
Planning, Building and Code Enforcement

HONORABLE MAYOR AND CITY COUNCIL

October 16, 2023

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

Page 4

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

Attachment

Attachment A - Letter from Airport Land Use Commission dated October 2, 2023

Attachment B - Location Map

Attachment C – Updated General Development Plan



Airport Land Use Commission

County Government Center, 70 West Hedding Street, East Wing, 7th Floor,
San Jose, CA 95110
(408) 299-5781 FAX (408) 288-9198

October 2, 2023

Manuel Atienza
Planner
City of San José
Planning Division
200 East Santa Clara Street, 3rd Floor
San José, CA 95113

RE: Referral from the City of San José of Proposed Planned Development Rezoning Bellarmine College Preparatory.

Dear Mr. Atienza:

On September 27, 2023, the ALUC considered the above referral for consistency with the policies of safety, height and noise contained within the San José International Airport (SJC) Comprehensive Land Use Plan (CLUP).

The above referenced project is sponsored by the City of San José and related to a Zoning Code Amendment update from the currently designated Public Quasi-Public Planned Development to a like-named Public Quasi-Public Planned Development. This change is associated with the construction of two (2) structures and the relocation of one (1) historic structure at 960 West Hedding Street. This project will be heard by the City of San José Planning Commission and City of San José City Council on an unspecified date in the future.

Specifically, the project site is wholly within the Bellarmine College Preparatory campus which consists of the following Assessor Parcel Numbers: 261-10-096/107, 261-11-005, 261-12-001/002/074/087, 230-41-029/030/031/032/043. The area is generally bounded by West Hedding Street, Elm Street, Emory Street and the Union Pacific railroad tracks and is predominantly surrounded by residential properties.

The Airport Land Use Commission finds the Zoning Code Amendment update of the Public Quasi-Public Planned Development as proposed by the City of San José as related to 960 West Hedding to be inconsistent with the policies contained within the SJC CLUP unless the following language is added to the Zoning Code Amendment:

- The following uses are prohibited within the SJC CLUP Turning Safety Zone:
 - Schools, hospitals, nursing homes, and other uses in which the majority of occupants are children, elderly, and/or disabled (SJC CLUP policy S-2).
 - Amphitheatres, sports stadiums, and other very high concentrations of people (SJC CLUP policy S-3).
 - Above ground storage of fuel or other hazardous materials (SJC CLUP policy S-4).
- All proposed development within the SJC CLUP Turning Safety Zone or the Traffic Pattern Zone shall comply with the applicable open space requirements of the SJC CLUP (SJC CLUP policy S-5 and Table 4-2).

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- Any new development will require a detailed analysis of noise reduction requirements and any necessary noise reduction features must be incorporated into the design. Outdoor activities are likely to be adversely affected by noise. (SJC CLUP Table 4-1)
- Where legally allowed, dedication of an avigation easement to the City of San José shall be required to be offered as a condition of approval on all projects located within an Airport Influence Area, other than reconstruction projects as defined in paragraph 4.3.7. All such easements shall be similar to that shown as Exhibit 1 in Appendix A (SJC CLUP policy G-5.)

Please note that pursuant to the Public Resources Code 21670, the City of San José has the option of overruling the ALUC's determination. Overrules require a 2/3 vote of the entire body of the City of San José City Council. The notification process to the ALUC and Caltrans Division of Aeronautics shall also be complied with.

If you have any questions, please feel free to contact ALUC staff, Carl Hilbrants, at 408-299-5781, or via e-mail at carl.hilbrants@pln.sccgov.org.

Sincerely,



Carl Hilbrants
Senior Planner / ALUC Coordinator



West Hedding Street

SITE

Elm Street

Emory Street

Turning Safety Zone

Turning Safety Zone Area (see pg. 2)

Stockton Avenue

**PQP(PD)
PDC19-001**

**Traffic
Pattern
Zone**

21 ft

20 ft

3.5 ft

**Turning
Safety Zone**

LI



BELLARMINE COLLEGE PREPARATORY
 NEW ACADEMIC BUILDING
 960 W. Hedding St. San Jose, CA



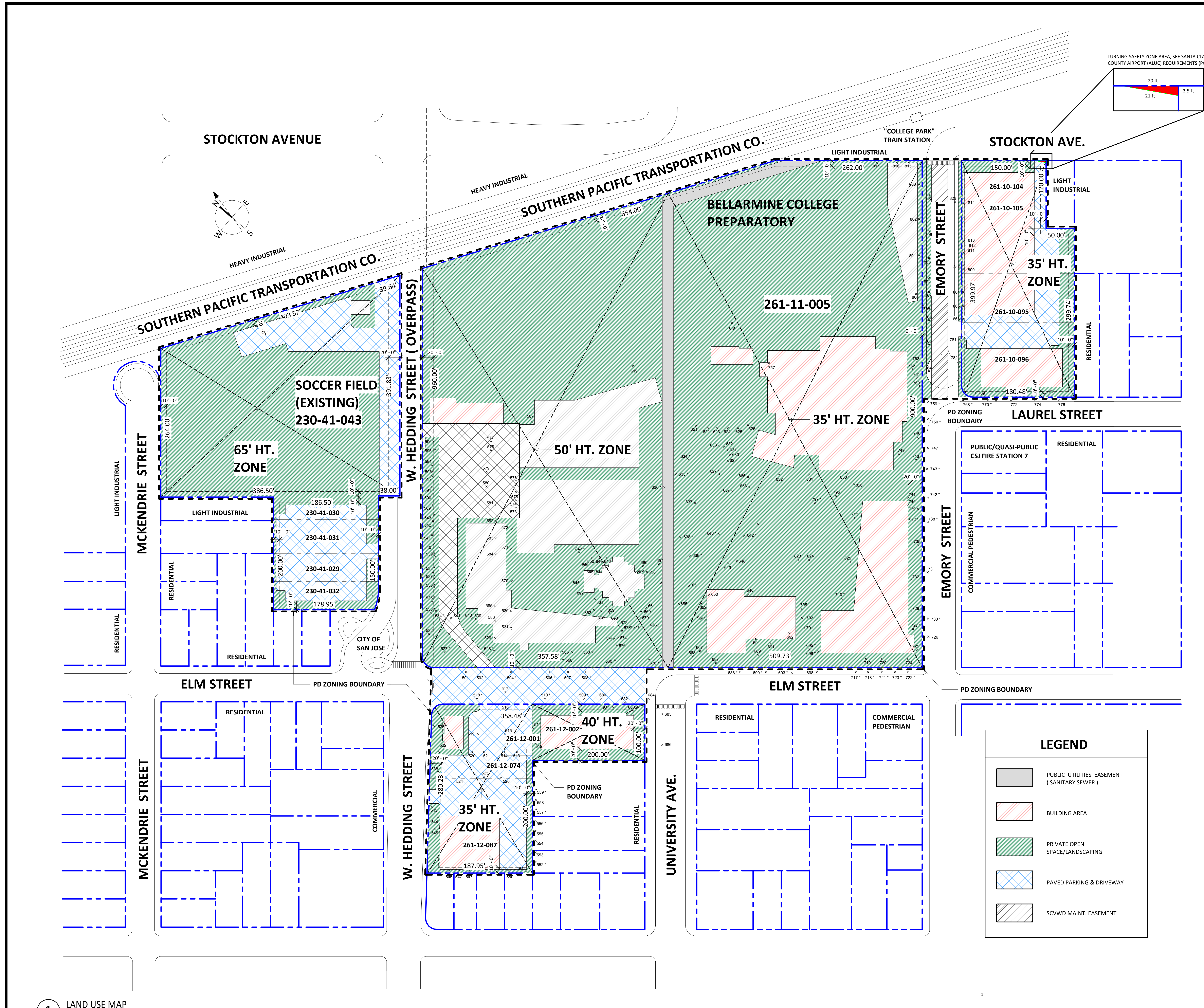
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 1871 The Alameda, Suite 200
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 (408)454-3425

PDC22-099



1 LAND USE MAP
 1/64" = 1'-0"

THIS DRAWING EMBODIES IDEAS, DESIGNS, ARRANGEMENTS, PLANS AND SPECIFICATIONS WHICH ARE PROPRIETARY TO DEVCON CONSTRUCTION INC. AND WHICH WERE DESIGNED, CREATED, EVOLVED AND DEVELOPED FOR USE SOLELY IN CONNECTION WITH THE SPECIFIED PROJECT. NO TRANSFER OF ANY RIGHTS THEREOF IS INTENDED OR EFFECTED BY DELIVERY HEREOF, AND EXCEPT UPON THE WRITTEN PERMISSION OF DEVCON CONSTRUCTION INC., THE DRAWING IS NOT TO BE DISCLOSED TO OTHERS, REPRODUCED OR COPIED IN WHOLE OR IN PART, OR USED IN THE FABRICATION OR CONSTRUCTION OF BUILDINGS, STRUCTURES, FOUNDATIONS, OR ANY PORTIONS THEREOF, FOR OTHER THAN THE SPECIFIED PROJECT.

REVISIONS			
NO.	DATE	DESCRIPTION	BY
8/4/22		PD ZONING SUBMITTAL	AA
10/11/22		PD ZONING RESUBMITTAL #1	AA
01/05/23		PD ZONING RESUBMITTAL #2	AA

LAND USE MAP - GENERAL DEVELOPMENT PLAN

JOB NO. 21-092	SHEET NO.
DATE: 08/04/22	2
DRAWN: AA	
CHECKED: JB	
ISSUE: PERMIT SUBMITTAL	2 OF 30 SHEETS

**GENERAL DEVELOPMENT PLAN
(PD) PLANNED DEVELOPMENT ZONING DISTRICT
FILE NO. T.B.D.
BELLARMINE COLLEGE PREPARATORY
2022**

*on any cases where the graphic plans and text may differ, this text takes precedence. *

ALLOWED USES

- Private secondary school (Grades 9-12) and supporting uses (athletic facilities, parking)
- Public/Quasi-Public uses may be allowed pursuant to Title 20 of the San Jose Municipal Code, as may be amended. All permitted, conditional, and special uses shall require the approval of a Planned Development Permit or amendment.

DEVELOPMENT SERVICES

DEVELOPMENT CAPACITY FOR A SCHOOL USE

- Maximum number of students: Up to 1,750
- Maximum building square footage: 485,000 gross square feet

SETBACKS*:

At a minimum, from site perimeter lot lines:

	Minimum Perimeter Setbacks (Feet)
Buildings	20 feet
Parking	10 feet
(E) Bldgs	Existing

Projections into these setback areas and height exceptions may be allowed pursuant to Title 20, as may be amended.

*All setbacks shall be measured from the perimeter property line, unless otherwise noted.

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
Area north of University Avenue, west of Elm Street and south of West Hedding Street	40 feet
Remainder of site	35 feet
Field Lights	65 feet

PARKING REQUIREMENTS:

- Pursuant to Title 20 of the San Jose Municipal Code, as may be amended.
- Note: A structured parking garage may replace surface parking subject to a Planned Development Permit/Amendment
- Bicycle Parking Ratio for Site: 1 Space : 17 students

Total Required Parking Spaces	530 Spaces
Total Parking Spaces Provided	674 Spaces
Total Bicycle Parking Spaces Provided	105 Spaces

*Reduced Bicycle Parking requirements are based on PD 21-014

Traffic:

- Drop-off and pick up subject to permit conditions.

Field Lights:

- The use of the field lights shall be limited to the following hours:
 - Monday to Friday: 6:30am to 9:00pm
 - Saturday: 9:00am to 7:00pm
- Changes to the analyzed lighting type (TLC-LED-1150) and amount of lighting on the athletic fields that could result in intensification of the illumination in the area shall be subject to a discretionary review to determine conformance to the City of San Jose Lighting Policy 4-3, including, but not limited to, promoting energy-efficient lighting and continuing the operation of the Lick Observatory by reducing light pollution and sky glow, as may be amended.

Environmental:

- Implement the mitigation measures identified in the Initial Study (IS) and Mitigated Negative Declaration (MND) for the Bellarmine College Preparatory and related Mitigation Monitoring and Reporting Program, as may be amended.

Tree Replacements:

- Pursuant to Title 13 of the San Jose Municipal Code, as may be amended.

* This Planned Development Zoning District is subject to the Citywide Design Standards and Guidelines, as amended.

SANTA CLARA COUNTY AIRPORT LAND USE COMMISSION REQUIREMENTS:

- THE FOLLOWING USES ARE PROHIBITED WITHIN THE SIC CLUP TURNING SAFETY ZONE:
- SCHOOLS, HOSPITALS, NURSING HOMES, AND OTHER USES IN WHICH THE MAJORITY OF OCCUPANTS ARE CHILDREN, ELDERLY, AND/OR DISABLED (SIC CLUP POLICY 5-2).
- AMPHITHEATERS, SPORTS STADIUMS, AND OTHER VERY HIGH CONCENTRATIONS OF PEOPLE (SIC CLUP POLICY 5-3).
- ABOVE GROUND STORAGE OF FUEL OR OTHER HAZARDOUS MATERIALS (SIC CLUP POLICY 5-4).
- ALL PROPOSED DEVELOPMENT WITHIN THE SIC CLUP TURNING SAFETY ZONE OR THE TRAFFIC PATTERN ZONE SHALL COMPLY WITH THE APPLICABLE OPEN SPACE REQUIREMENTS OF THE SIC CLUP (SIC CLUP POLICY 5-5 AND TABLE 4-2).
- ANY NEW DEVELOPMENT WILL REQUIRE A DETAILED ANALYSIS OF NOISE REDUCTION REQUIREMENTS AND ANY NECESSARY NOISE REDUCTION FEATURES MUST BE INCORPORATED INTO THE DESIGN. OUTDOOR ACTIVITIES ARE LIKELY TO BE ADVERSELY AFFECTED BY NOISE. (SIC CLUP TABLE 4-1)
- WHERE LEGALLY ALLOWED, DEDICATION OF AN AVIGATION EASEMENT TO THE CITY OF SAN JOSE SHALL BE REQUIRED TO BE OFFERED AS A CONDITION OF APPROVAL ON ALL PROJECTS LOCATED WITHIN AN AIRPORT INFLUENCE AREA, OTHER THAN RECONSTRUCTION PROJECTS AS DEFINED IN PARAGRAPH 4.3.7. ALL SUCH EASEMENTS SHALL BE SIMILAR TO THAT SHOWN AS EXHIBIT 1 IN APPENDIX A (SIC CLUP POLICY 5-5)



**BELLARMINE COLLEGE
PREPARATORY
NEW ACADEMIC BUILDING**
960 W. Hedding St. San Jose, CA



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**DEVELOPMENT
STANDARDS**

JOB NO. 21-092

SHEET NO.

DATE: 08/04/22

3

DRAWN: AA

CHECKED: JB

ISSUE: PERMIT SUBMITTAL

3 OF 30 SHEETS

PDC22-099