



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: April 3, 2023

COUNCIL DISTRICT: 6

**SUBJECT: GP22-007, C22-022, SP22-014 & ER22-139 - GENERAL PLAN
AMENDMENT, REZONING, AND A SPECIAL USE PERMIT FOR
CERTAIN REAL PROPERTY LOCATED AT 2667 PLUMMER AVENUE**

PLANNING COMMISSION RECOMMENDATION

On March 22, 2023, the Planning Commission voted 8-0-1 (Casey absent) to recommend that the City Council take all of the following actions:

1. Adopt a resolution approving the Addendum to the Presentation High School Master Plan Mitigated Negative Declaration and addenda thereto, in accordance with CEQA.
2. Adopt a resolution approving the General Plan Amendment to amend the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Residential Neighborhood to Public/Quasi-Public.
3. Approve an ordinance rezoning the Project Site from the R-1-8 Single-Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District.
4. Adopt a resolution approving, subject to conditions, a Special Use Permit to allow the conversion of an existing single-family residence and detached garage for administrative office use and workshop use by a private secondary school.

SUMMARY AND OUTCOME

If the City Council approves all of the actions as recommended by the Planning Commission, then the applicant, a private secondary school, will be permitted to use an existing single-family home and detached garage for administrative offices and school club activities on an approximately 0.39-gross-acre site.

BACKGROUND

On March 11, 2022, an application for a General Plan Amendment, File No. GP22-007, and a Conforming Rezoning, File No. C22-022, were filed by Presentation High School, owner of the subject site, to change the General Plan Land Use/Transportation Diagram Designation of the approximately 0.39-gross-acre site from Residential Neighborhood to Public/Quasi-Public and to change the zoning from R-1-8 Single-Family Residence to Public/Quasi-Public. On May 26, 2022, the applicant filed for a Special Use Permit, File No. SP22-014, to allow the conversion of the structures previously described for administrative office and workshop at a private secondary school. A Special Use Permit is required for said use in the Public/Quasi-Public Zoning District.

The project does not include any demolition or construction. The applicant proposes to use the existing house for administrative offices and meeting rooms, while the existing detached garage will serve as a workshop for the school's robotics club. The main activity in the workshop will be the light assembly of robotics projects using machine tools and hand tools, while robotics practice and demonstration will take place on the existing driveway, which will not be used for vehicle parking or circulation. Robotics practice will not take place on sidewalks, roads, streets, or parking areas. The hours of use for the administrative offices and meeting rooms are 7:00 a.m. to 11:00 p.m. daily. The hours for the workshop will be 3:00 p.m. to 9:00 p.m. Monday through Friday and 9:00 a.m. to 8:00 p.m. on weekends.

The proposal does not entail a change in the maximum student enrollment (850 students) or the number of school staff (110) limited by Special Use Permit File No. SP18-008 granted to Presentation High School in 2020 to allow the demolition of almost 60,000 square feet of school buildings for the construction of approximately 106,000 square feet of school buildings to be built in four phases, on the adjacent campus located at 2281 Plummer Avenue.

ANALYSIS

The analysis of the General Plan Amendment, Rezoning, and Special Use Permit, including conformance with the Envision San José 2040 General Plan, Municipal Code, Senate Bill 330, applicable City Council Policies, and a summary of the CEQA determination are contained in the attached staff report to the Planning Commission.

EVALUATION AND FOLLOW-UP

Should the City Council adopt the resolution certifying the Environmental Impact Report and approve the General Plan Amendment, Rezoning and Special Use Permit, the applicant would be allowed to use the subject site for the purposes described in the Background section above.

COORDINATION

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

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the April 11, 2023, City Council meeting. Staff followed Council Policy 6-30: Public Outreach Policy to inform the public of the proposed project. An on-site sign has been posted on the project frontage since July 15, 2022. A formally noticed Community Meeting was held on Monday, September 12, 2022, to introduce the proposed 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, published in the San Jose Post-Record on March 27, 2023, and posted on the City website. The staff report is also posted on the City's website. Staff has also been available to respond to questions from the public.

COMMISSION RECOMMENDATION AND INPUT

On March 22, 2023, the Planning Commission held a public hearing to consider the resolution to certify the Addendum to the Mitigated Negative Declaration and approve the General Plan Amendment, Rezoning, and Special Use Permit.

Staff Presentation

This item was on the consent calendar, therefore there was no presentation by staff.

Public Hearing

No members of the public spoke on the proposed project.

Planning Commission Discussion

Commissioner Lardinois made a motion to approve staff recommendation as part of the consent calendar and Commissioner Cantrell seconded the motion. The motion passed 8-0-1 (Casey absent).

The Planning Commission recommended that the City Council consider the Addendum to the Mitigated Negative Declaration in accordance with CEQA, and approve the proposed General Plan Amendment, Rezoning, and Special Use Permit.

CEQA

The City of San José, as the lead agency for this project, prepared an Addendum to the Initial Study/Mitigated Negative Declaration (IS/MND) for the Presentation High School Master Plan

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Project (File No. SP18-008 and State Clearinghouse No. 2020050509). The Addendum analyzes the project modifications, which consist of a General Plan Amendment, Rezoning, and conversion of the property from single-family use to school use under a Special Use Permit, and finds that the modified project would not result in new or substantially more severe significant impacts than disclosed in the IS/MND. Therefore, no subsequent EIR or Negative Declaration is required pursuant to CEQA Guidelines Section 15162, and an Addendum to the IS/MND pursuant to CEQA Guidelines Section 15164 has appropriately been prepared.

PUBLIC SUBSIDY REPORTING

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

/s/

Christopher Burton

Secretary, Planning Commission

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

The principal author of this memorandum is Kora McNaughton, Planning Project Manager. For questions, please contact kora.mcnaughton@sanjoseca.gov or (408) 535-7804.

ATTACHMENT

Planning Commission Staff Report dated March 22, 2023



Memorandum

TO: PLANNING COMMISSION
SUBJECT: GP22-007, C22-022, SP22-014 & ER22-139

FROM: Christopher Burton
DATE: March 22, 2023

COUNCIL DISTRICT: 6

Type of Permit	General Plan Amendment (GP22-007) Conforming Rezoning (C22-022) Special Use Permit (SP22-014) Environmental Review (ER22-139)
Demolition	N/A
Proposed Land Uses	Administrative offices and workshop for private high school
New Residential Units	N/A
New Non-Residential Square Footage	5,181 square feet (converted from residential)
Additional Policy Review Items	N/A
Tree Removals	N/A
Project Planner	Laura Maurer, Kora McNaughton
CEQA Clearance	Addendum to the Mitigated Negative Declaration, State Clearinghouse No. 2020050509 for the Presentation High School Master Plan
CEQA Planner	Bethelhem Telahun

RECOMMENDATION

Staff recommends that the Planning Commission recommend the City Council to take all of the following actions regarding the project site located on the westerly side of Plummer Avenue approximately 360 feet southeast of Curtner Avenue (2267 Plummer Avenue) ("Project Site"):

1. Adopt a Resolution approving the Addendum to the Presentation High School Master Plan Mitigated Negative Declaration and addenda thereto, in accordance with CEQA.
2. Adopt a Resolution approving the General Plan Amendment to amend the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Residential Neighborhood to Public/Quasi-Public.
3. Approve an Ordinance rezoning the Project Site from the R-1-8 Single-Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District.
4. Adopt a Resolution approving, subject to conditions, a Special Use Permit to allow the conversion of an existing single-family residence and detached garage for administrative office use and workshop use by a private secondary school.

PROPERTY INFORMATION

Location	West side of Plummer Avenue approximately 360 feet southeast of Curtner Avenue (2267 Plummer Avenue)
Assessor Parcel Number	446-38-005
General Plan – Existing	Residential Neighborhood
General Plan – Proposed	Public/Quasi-Public
Growth Area	No
Zoning – Existing	R-1-8 Single-Family Residence
Zoning – Proposed	PQP Public/Quasi-Public
Historic Resource	No
Annexation Date	January 20, 1953 (South Willow Glen No. 11)
Council District	6
Acreage	0.39-gross acre
Existing FAR (Floor Area Ratio)	0.23
Proposed FAR	0.30

PROJECT BACKGROUND

As shown on the Aerial View of the Project Vicinity below (Figure 1), the Project Site is located on the west side of Plummer Avenue approximately 360 feet southeast of Curtner Avenue (2267 Plummer Avenue), adjacent to the Presentation High School campus.

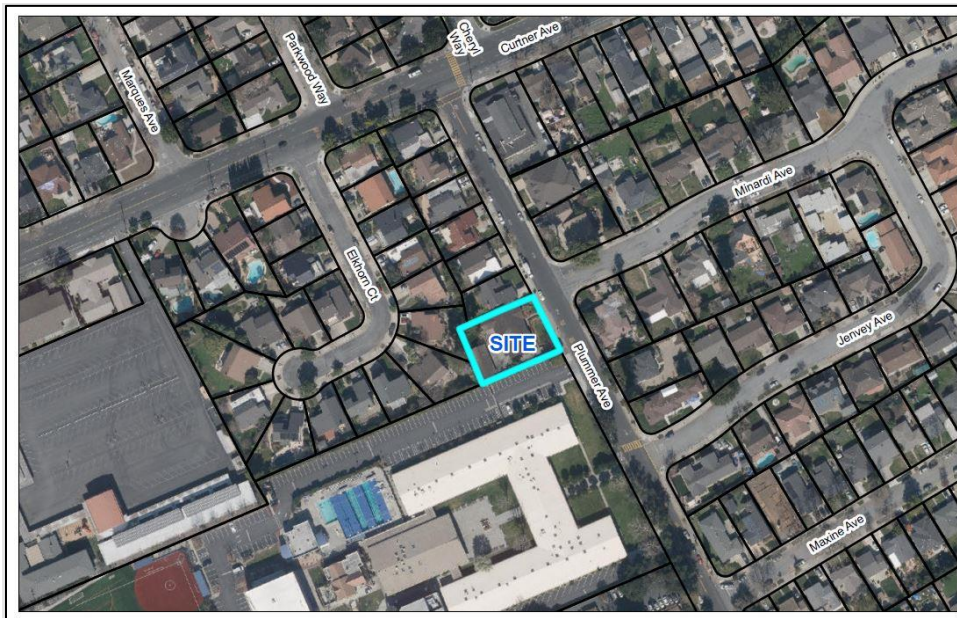


Figure 1 Aerial View of Project Vicinity

The approximately 0.39-gross acre site is currently developed with a ranch-style house (approximately 3,850 square feet) and detached garage (approximately 1,331 square feet), both built in 1961. All surrounding uses are single-family residential except for the school campus to the south.

SURROUNDING USES			
	General Plan	Zoning District	Existing Use
North	Residential Neighborhood	R-1-8 Single-Family Residence	Single-family residential
South	Public/Quasi-Public	PQP Public/Quasi-Public	Private secondary school
East	Residential Neighborhood	R-1-8 Single-Family Residence	Single-family residential
West	Residential Neighborhood	R-1-8 Single-Family Residence	Single-family residential

On March 11, 2022, an application for a General Plan Amendment, File No. GP22-007, and a Conforming Rezoning, File No. C22-022, were filed by Presentation High School, owner of the subject site, to change the General Plan Land Use/Transportation Diagram Designation of the approximately 0.39-gross-acre site from Residential Neighborhood to Public/Quasi-Public and to change the zoning from R-1-8 Single-Family Residence to Public/Quasi-Public. On May 26, 2022, the applicant filed for a Special Use Permit, File No. SP22-014 to allow the conversion of the structures previously described to secondary school use. A Special Use Permit is required for said use in the Public/Quasi-Public Zoning District.

The project does not include any demolition or construction. The applicant proposes to use the existing house for administrative offices and meeting rooms, while the existing detached garage will serve as a workshop for the school's robotics club. The main activity in the workshop will be light assembly of robotics projects using machine tools and hand tools, while robotics practice and demonstration will take place on the existing driveway, which will not be used for vehicle parking or circulation. Robotics practice will not take place on sidewalks, roads, streets, or parking areas. The proposed hours of use for the administrative offices and meeting rooms are 7:00 a.m. to 11:00 p.m. daily. The hours for the workshop will be 3:00 p.m. to 9:00 p.m. Monday through Friday and 9:00 a.m. to 8:00 p.m. on weekends.

The request does not entail a change in the maximum student enrollment (850 students) or number of school staff (110) limited by Special Use Permit File No. SP18-008 granted to Presentation High School in 2020 to allow the demolition of almost 60,000 square feet of school buildings for the construction of approximately 106,000 square feet of school buildings to be built in four phases, on the adjacent campus located at 2281 Plummer Avenue.

ANALYSIS

The proposed **General Plan Amendment, Rezoning, and Special Use Permit request** have been analyzed with respect to consistency with:

1. Envision San José 2040 General Plan
2. City of San José Municipal Code Title 20 (Zoning Ordinance)
3. Senate Bill 330
4. Permit Findings
5. City Council Policies
6. California Environmental Quality Act (CEQA)

Envision San José 2040 General Plan Land Use Conformance

Existing Land Use Designation



Figure 2 Existing General Plan land use Designation

As shown in the Existing General Plan Designation above (Figure 2), the subject site has an Envision San José 2040 General Plan Land Use/Transportation diagram designation of Residential Neighborhood, which allows a typical density of 8 Dwelling units/Acre (DU/AC), and Floor Area Ratio (FAR) up to 0.7.

This designation is intended to apply to established, single-family residential neighborhoods, including both the suburban and traditional residential neighborhood areas which comprise the majority of the City's developed land. The intent of this designation is to preserve the existing character of these neighborhoods and to strictly limit new development to infill projects which closely conform to the prevailing existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern.

Proposed Land Use Designation



Figure 3: Proposed General Plan Designation

As shown in the map of the Proposed General Plan Designation above (Figure 3), the proposed Envision San José 2040 General Plan land use/Transportation diagram designation for the subject site is **Public/Quasi-Public**, which does not have minimum or maximum density or FAR.

This category is used to designate public land uses, including schools, colleges, corporation yards, homeless shelters, permanent supportive housing, libraries, fire stations, water treatment facilities, convention centers and auditoriums, museums, governmental offices, and airports. This category is also used to designate lands used by some private entities, including private schools, daycare centers, hospitals, public utilities, and the facilities of any organization involved in the provision of public services such as gas, water, electricity, and telecommunications facilities that are consistent in character with established public land uses. Private community gathering facilities, including those used for religious assembly or other comparable assembly activities, are also appropriate on lands with this designation. The appropriate intensity of development can vary considerably depending on potential impacts on surrounding uses and the particular Public/Quasi-Public use developed on the site.

General Plan Conformance

The proposed General Plan Amendment and Conforming Rezoning are **consistent** with the following Envision San José 2040 General Plan policy:

1. **Fiscal Sustainability Policy FS-3.4:** Promote land use policy and implementation actions that improve our City's fiscal sustainability. Maintain or enhance the City's projected total net revenue through amendments made to this General Plan in each Review process. Discourage proposed rezonings or other discretionary land use actions that could significantly diminish revenue to the City or significantly increase its service costs to the City without offsetting increases in revenue.

Analysis: The proposed General Plan Amendment conforms to Policy FS-3.4 in that it could enhance the City's revenue. The Public/Quasi-Public land use designation will allow for the future expansion of the school's facilities, which will provide increased number of jobs and increased revenue for the City.

The proposed Special Use Permit is **consistent** with the following Envision San José 2040 General Plan policy:

2. Education Goal ES-1: 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.

Analysis: The Special Use Permit for the project site enables Presentation High School to expand administrative and office and meeting space and provide a workshop for robotics club activities, including assembly and practice. Robotics is an activity offered by schools to provide students with hands-on activities that enhance their science, technology, engineering and mathematics (STEM) curricula. This will also facilitate future development of the site to be upgraded as part of the school Master Plan.

3. Implementation Policy IP-1.6: Ensure that proposals to rezone and pre-zone properties conform to the Land Use/Transportation Diagram, and advance the Envision General Plan Vision, goals, and policies.
4. Implementation Policy IP-8.2: Use the City's conventional zoning districts, contained in its Zoning Ordinance, to implement the Envision General Plan Land Use/Transportation Diagram. These districts include a range of allowed land uses, development intensities, and standards within major land use categories (residential, commercial and industrial) together with zoning districts for other land uses such as mixed-use and open space. The various ranges of allowed use and development intensity correspond generally to the respective Envision General Plan land use designations, while providing greater detail as to the appropriate land uses and form of development.
5. Implementation Policy IP-8.3 – Zoning: For the review of privately or publicly initiated rezoning applications, consider the appropriateness of the proposed zoning district in terms of how it will further the Envision General Plan goals and policies as follows:
 - Align with the Envision General Plan Land Use/Transportation Diagram.
 - Retain or expand existing employment capacity.
 - Preserve existing retail activity.
 - Avoid adverse land use incompatibilities.
 - Implement the Envision General Plan goals and policies including those for Urban Design.
 - Support higher density land uses consistent with the City's transition to a more urban environment.
 - Facilitate the intensification of Villages and other growth areas consistent with the goal of creating walkable, mixed-use communities
 - Address height limits, setbacks, land use interfaces and other design standards so as to provide for the intensification of land uses adjacent to already developed areas.

Analysis: The subject site is currently zoned R-1-8 Single Family Residence Zoning District. This project includes a conforming rezoning to change the property's zoning from the R-1-8 Residential Zoning District to PQP-Public/Quasi-Public Zoning District, which would be consistent with the General Plan land use designation if the proposed General Plan Amendment is approved.

Zoning Ordinance Consistency



Figure 4: Existing Zoning District

The subject site is currently located within the R-1-8 Single-Family Residential District (as shown in the Figure 4 above, Existing Zoning District).



Figure 5: Proposed Zoning District

However, the project is proposing to rezone to PQP Public/Quasi-Public (Exhibit E, Proposed Zoning District), for which consistency is analyzed below.

Land Use

Pursuant to San José Municipal Code (SJMC) Section 20.40.100, the PQP Public/Quasi-Public Zoning District is a conforming zoning district to the Public/Quasi-Public General Plan Designation. The PQP Public/Quasi-Public District is intended to provide for publicly serving uses including schools, colleges, research institutions, libraries, fire stations, water treatment facilities and other similar institutional land uses.

Analysis: Private secondary school uses are permitted in the Public/Quasi-Public Zoning District with a Special Use Permit, pursuant to SJMC Section 20.40.100.

Development Regulations

The project is required to comply with the following development standards of the PQP Public/Quasi-Public Zoning District pursuant to SJMC Sections 20.40.200 and 20.90.060:

Development Standard	Requirement	Existing
Minimum Lot Area	6,000 sf	16,988 sf
Front Setback (min.)	10 ft	54 ft
Side Setback (min.)	10 ft	3 ft
Rear setback (min.)	10 ft	4 ft
Height (max.)	65 ft	16 ft

Analysis: The project does not include new construction or exterior modification of the existing house and detached garage. Pursuant to Table 20-100, setbacks may be less than 10 feet in the PQP Public/Quasi-Public Zoning District if established in an approved development permit. Therefore, the setbacks and height are consistent with the development regulations for the zoning district.

Parking

The Presentation High School Master Plan approved under File No. SP18-008 requires a minimum of 280 vehicle parking spaces and 381 bicycle parking spaces.

Analysis: The school provides 283 vehicle parking spaces distributed among the main campus and adjacent properties owned by the school as well as off-site at St. Christopher Parish and School on Booksin Avenue, with whom the applicant has a 15-year parking and field use agreement. The bicycle parking spaces are provided on the Presentation High School campus. The project will not increase student enrollment or staffing and therefore no additional vehicle or bicycle parking is required. Moreover, the project would be subject to a condition prohibiting vehicle circulation and parking in the existing driveway on the subject site.

Noise

Pursuant to Section 20.40.600 of the Municipal Code, the sound pressure level generated by any use or combination of uses on a property shall not exceed 55 decibels at the property line adjacent to a property used or zoned for residential purposes or 60 decibels at the property line adjacent to a property used or zoned for a non-residential use.

Analysis: There will be minor interior improvements of the existing structures (painting, electrical work) but no demolition, construction, or exterior improvements that would generate noise exceeding permitted levels. As conditioned in the Special Use Permit Resolution (Exhibit C), use of the property for administrative functions would be permitted between the hours of 7:00 a.m. to 11:00 p.m. daily, will occur entirely indoors, and will not involve activities that generate exterior noise. The same condition limits use of the detached garage structure and outdoors by the robotics club to the hours of 3:00 p.m. to 9:00 p.m. on weekdays and 9:00 a.m. to 8:00 p.m. on weekends and will include machining and assembly. These activities will be intermittent. Some noise will be generated by robotics practice outdoors in the existing

driveway area, but pursuant to the conditions of this Special Use Permit, those activities will be limited to certain hours and amplified sound systems will be prohibited at all times.

Senate Bill 330 Conformance

The Housing Crisis Act of 2019 (SB 330) limits the way local governments may reduce the capacity for residential units that can be built on properties that allow housing, including actions such as down-zoning; changing general or specific plan land use designations to a less intensive use; reductions in height, density, or floor area ratio; and other kinds of increased requirements. An exception to this is that the intensity of residential uses on a property may be reduced if changes in land use designations or zoning elsewhere ensure “no net loss” in residential capacity within the jurisdiction.

There are two parts to the SB 330 calculation: General Plan residential capacity and Zoning District residential capacity. An increase in residential capacity at the General Plan level may be used to offset a General Plan amendment that decreases residential capacity if they are concurrently approved. Any increase in residential capacity in the Zoning District may be used to offset rezonings that decrease residential capacity if they are concurrently approved. Also, zoning residential calculations are based on theoretical and average residential densities in the City for zoning districts where no residential density limit is specified, while General Plan residential calculations are based on allowable densities in the General Plan.

Approval of the General Plan Amendment File No. GP22-007 would change the General Plan land use designation of the subject site from Residential Neighborhood (8 DU/AC, or 3 units for the subject site) to Public/Quasi-Public (0 DU/AC, or 0 units for the subject site) and result in a decreased of residential capacity in the City by 3 units. The decrease in residential capacity would be offset by an increase of residential capacity of 96 units resulting from General Plan Amendment File No. GP22-008 if approved concurrently, for a total increase of residential capacity of 93 units. Therefore, if General Plan Amendment File No. GP22-008 is also approved by the City Council, there will be no net loss of residential capacity associated with General Plan Amendment File No. GP22-007.

Approval of the conforming rezoning (File No. C22-022) would change the subject site from R-1-8 Single Family Residence Zoning District (8 DU/AC, or 3 units for the subject site) to PQP Public/Quasi-Public Zoning District (100 DU/AC, or 39 units for the subject site) and result in an increase in residential capacity by 36 units. This increase in residential capacity would offset the decrease of residential capacity of 29 units from the Conforming Rezoning File No. C22-014, if approved concurrently, for a total increase of residential capacity by 7 units. With the increase of residential capacity of 120 units from the Conforming Rezoning File No. C22-023, if approved concurrently, the overall total residential capacity would increase be 127 units.

SB330 states that a site's allowed intensity and uses are to be considered based on the regulations in effect on January 1, 2018. Although the general plan and the zoning ordinance currently allow permanent supportive housing in the Public/Quasi-public general plan and zoning designations, this use was added to the Envision 2040 General Plan in December 2019. However, the PQP-Public Quasi Public zoning district allowed residential care facilities prior to January 1, 2018, and were built at an average density of 100 DU/AC. Therefore, the density for the Public/Quasi-Public uses is considered as 0 DU/AC for General Plan amendments calculations but 100 DU/AC for zoning calculations.

The table below shows the gain and loss of residential units for six relevant land use actions, that are being heard concurrently during the same hearing. As shown below, there will be no net loss of residential capacity associated with the subject General Plan Amendment or the Rezoning requests.

City File No.	Area (Acre)	Current General Plan Designation	Proposed General Plan Designation	Gain or Loss Due to General Plan Amendment	Current Zoning Designation	Proposed Zoning Designation	Gain or Loss Due to Rezoning
GP22-001/C22-014 Pecten Ct	3.69	Public/Quasi-Public	Heavy Industrial	0 units	R-1-8 Single Family Residence	HI-Heavy Industrial	-29 units
GP22-007 /C22-022 Presentation High	0.39	Residential Neighborhood	Public/Quasi-Public	- 3 Units	R-1-8 Single Family Residence	Public/Quasi-Public	+36 units
GP22-008/C22-023 Julian St	0.48	Mixed Use Commercial	Transit Residential	+96 Units	LI -Light Industrial	TR- Transit Residential	+120 Units
			Net	+93 Units		Net	+127 units

PERMIT FINDINGS

Special Use Permit Findings

To make the Special Use Permit findings pursuant to San José Municipal Code Section 20.100.820 and recommend approval to the Planning Commission, staff must determine that:

1. The special use permit, as approved, is consistent with and will further the policies of the general plan and applicable specific plans and area development policies.

Analysis: Applications for a General Plan Amendment to change the Envision San José 2040 General Plan Land Use/Transportation Diagram designation of the site to Public/Quasi-Public and a Rezoning from the R-1-8 Single-Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District were filed prior to and will be considered concurrently with the Special Use Permit application.

Approval of those applications will ensure that the zoning and land use designation of the subject site matches that of the adjacent school campus. Presentation High School has operated on the adjacent site for several decades, serving families in the surrounding neighborhood and throughout San José. Allowing the school to expand operations to the subject site would further General Plan Goal ES-1 by creating new space for the school's administrative functions and the student robotics club, which requires both indoor and outdoor space for its activities. The complete analysis of consistency with the General Plan is contained in the General Plan section above.

2. The special use permit, as approved, conforms with the zoning code and all other provisions of the San José Municipal Code applicable to the project.

Analysis: As explained more fully in the Zoning section above, the existing structures on the subject site will not undergo any changes to the floor area or the exteriors and are consistent with the development standards of the PQP Public/Quasi-Public Zoning District. A total of 283 vehicle parking spaces and 381 bicycle parking spaces are provided on the adjacent Presentation High School campus and adjoining properties owned by the school, as well as at St. Christopher's Parish and School on Booksin Avenue adjacent to the playing fields. Because the project does not entail any increase in student enrollment or staff, no additional parking is required. Finally, with regard to noise, the proposed uses on site will be subject to a condition limiting indoor use to the hours of 7:00 a.m. to 11:00 p.m. daily and robotics club activities, both indoors and outdoors, to the hours of 9:00 a.m. to 3:00 p.m. on weekdays and 9:00 a.m. to 8:00 p.m. on weekends. Furthermore, the permit conditions prohibit the use of amplified sound outdoors at all times. Therefore, the project is consistent with and conforms to the Zoning Ordinance and all other provisions of the San José Municipal Code, including development standards, parking standards, and performance standards

3. The special use permit, as approved, is consistent with applicable City Council policies, or counterbalancing considerations justify the inconsistency; and

Analysis: The project is subject to City Council Policy 6-3, Public Outreach Policy for Pending Land Use Development Proposals. Under City Council Policy 6-30, the project is a standard development. Standard development projects are required to provide Early Notification by website and email to property owners and tenants within a 1,000-foot radius, and by on-site signage. The applicant posted an on-site sign on the frontage of the subject site on July 15, 2022. On September 12, 2022, the City hosted a virtual community meeting on the General Plan Amendment, Rezoning, and Special Use Permit. The hearing and community meeting notices were sent to all owners and tenants within 1,000 feet of the project site. Staff contact information was published on the posted Notice of Development sign located on the project frontage and on the mailing notices. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

The project is also subject to City Council Policy 6-11, Conversion of Residential Structures to Non-Residential Uses, which establishes use and design criteria for such conversions. The policy states the following requirements:

Use Compatibility

- a. Non-residential uses permitted in residential neighborhoods must conform to the zoning code and must conform to the General Plan. Such uses will have to conform to the same use and design standards as are applied to commercial uses in commercial neighborhoods, and also should have the following characteristics:
- b. The new use should be compatible with the residential structure. Generally, light office uses and small neighborhood services are compatible with converted houses.
- c. The new use should be compatible with the adjoining neighborhood and should not pose nuisance problems with nearby residential and/or office uses. Business hours should be limited to normal day time business hours.

Circulation Parking

- a. Vehicular circulation shall take place on site; backing into the street is not allowed.
- b. When possible, parking should be placed in the rear of the structure. When parking must be placed in the front of the structure, parking areas must be kept out of the front 15 feet of the property and should not exceed 50% of the front setback area.

Occupancy

- a. New occupancies in converted houses should be limited to one business enterprise (with one business entrance) for structures under 2,000 square feet of gross leasable area. This will help eliminate overcrowding, proliferation of signs, elimination of landscaping, excessive on-site parking and overflow onto the street.

Landscaping

- a. Landscaping shall be installed in areas not designated for parking and circulation.
- b. Parking areas must have edge landscaping and be screened from public view.

Architecture

- a. The conversion's remodeling should be architecturally compatible with the neighborhood and shall upgrade or at least be consistent with the basic architecture of the structure.

- b. Signs should be consistent with the form and materials of the building. Illuminated signs are not permitted when adjacent to existing residential uses. Signs shall be limited to one per business, shall not exceed 4 square feet in size and must be attached to the structure. Window signs are not allowed.
- c. Mechanical equipment shall be screened from public view and sited so as not to cause noise impacts on adjacent properties.
- d. Garbage enclosures shall be provided in rear yard areas

The existing buildings will be maintained and converted to school office and robotics club use, with only robotics practice taking place outdoors exclusively on the existing driveway. The project's conformance with the General Plan and the Zoning Code is described in findings 1 and 2 above. There will be no vehicular parking or circulation on site, as all parking for the school is provided at the adjacent campus and other off-site locations specified in the Special Use Permit for the Master Plan. Presentation High School will be the only occupant of the project site. All areas except for the driveway are landscaped and that landscaping will remain in place. The existing structures will not undergo any exterior changes, there will be no signs installed, any additional mechanical equipment will be screened from view, and trash containers will be provided at the rear of the property.

4. The proposed use at the location requested will not:

- a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
- b. Impair the utility or value of property of other persons located in the vicinity of the site; or
- c. Be detrimental to public health, safety, or general welfare; and

Analysis: The project does not entail any new construction, nor will there be any increase in student enrollment or the number of staff on-site, so there will be no new traffic impacts. Ongoing operations will consist of administrative functions in the existing house, while the garage will be converted to a workshop for light assembly of robotics projects using machine tools and hand tools. As stated in the applicant's operations plan, the only outdoor activity planned is robotics practice, which will take place on the driveway abutting the school campus to the south. Robotics club activities (indoors and outdoors) will be subject to a condition in the Special Use Permit resolution limiting their occurrence to the hours of 3:00 p.m. to 9:00 p.m. on weekdays and 9:00 a.m. to 8:00 p.m. on weekends. Therefore, they are not expected to generate nuisance impacts.

5. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate the use with existing and planned uses in the surrounding area; and

Analysis: The project does not include new construction and the only improvements will be to the interior of the existing structures. There will be no change to the existing yards, fences, and landscaping. The existing driveway will be maintained although the project is subject to a condition prohibiting vehicle parking, circulation, and loading/unloading in the driveway.

6. The proposed site is adequately served:

- a. By highways or streets of sufficient width and improve necessary to carry the kind and quantity of traffic such use would generate; or by other forms of transit adequate to carry the kind and quantity of individuals such use would generate; and

- b. By other public or private service facilities as are required.

Analysis: The project will not change the existing traffic patterns in the neighborhood associated with Presentation High School, since there will be no increase in student enrollment or the number of staff on-site. Furthermore, the project is subject to a condition prohibiting vehicle parking, circulation, and loading/unloading in the driveway on the subject site and therefore no vehicles will circulate between the high school campus and the subject site. Students and staff will use the existing sidewalk on Plummer Avenue to circulate on foot between the subject site and the campus.

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

Analysis: Because the project does not entail any construction or changes to existing landscaping, nor will it involve an increase in student enrollment or staff numbers, it is not anticipated to have any significant impacts regarding noise, vibration, dust, drainage, erosion, stormwater runoff, or odors. Furthermore, an Addendum to the Initial Study/Mitigated Negative Declaration (IS/MND) for the Presentation High School Master Plan Project (File No. SP18-008 and State Clearinghouse No. 2020050509) was prepared to include the project. According to the Addendum to the IS/MND, the modified project would not result in new or significant impacts other than those previously disclosed.

City Council Policy Consistency

City Council Policy 6-30: Public Outreach Policy for Pending Land Use Development Proposals

Under City Council Policy 6-30, the project is considered a standard development. Standard development projects are required to provide Early Notification by website and email to property owners and tenants within a 1,000-foot radius, and by on-site signage. Following City Council Policy 6-30, the required on-site sign has been posted at the site since July 15, 2022, to inform the neighborhood of the project. A community meeting was held to discuss the project on September 12, 2022, via Zoom webinar. Approximately two members of the public were in attendance for the meeting, but no public testimony was provided. Public Notices of the community meeting and public hearing were distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

The project is also subject to City Council Policy 6-11, which establishes use and design criteria for conversions of structures from residential use to non-residential use. The policy states that light office and small, neighborhood uses are compatible with converted houses, which matches the proposed uses for the subject site. The proposed administrative/office use and student club activities will not generate nuisances that would affect surrounding single-family homes. Although the proposed hours are beyond typical business hours, they will be conducted indoors for the majority of the time and outdoor uses will be intermittent. All existing structures and landscaping on the site will remain, also consistent with the policy.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City of San José, as the lead agency for this project, prepared an Addendum to the Initial Study/Mitigated Negative Declaration (IS/MND) for the Presentation High School Master Plan Project (File No. SP18-008 and State Clearinghouse No. 2020050509). The Addendum analyzes the project modifications, which consist of a General Plan Amendment, Rezoning, and conversion of the property from single-family use to school use under a Special Use Permit and finds that the modified project would

not result in new or substantially more severe significant impacts than disclosed in the IS/MND. Therefore, no subsequent EIR or Negative Declaration is required pursuant to CEQA Guidelines Section 15162 and an Addendum to the IS/MND pursuant to CEQA Guidelines Section 15164 has appropriately been prepared.

PUBLIC OUTREACH

As described in the City Council Policy Consistency section above, public outreach for the project has been conducted in a manner consistent with Council Policy 6-30. Staff received an email from a neighbor of Presentation High School expressing concerns about the school administrators' awareness of and compliance with the conditions established by the existing Special Use Permit, including noise levels generated by students and faculty during outdoor activities in recreational areas.

Analysis: The Special Use Permit for the Presentation High School Master Plan (File No. SP18-008) does not prohibit third-party use of the premises. According to the school's operations plan submitted for that permit, under an agreement with Presentation High School, St. Christopher Parish and School, located at 2278 Booksin Avenue, uses the fields for recess and physical education activities. However, outdoor activities on the project site will be subject to a condition in the Special Use Permit resolution limiting the hours to 9:00 a.m. to 3:00 p.m. on weekdays and 9:00 a.m. to 8:00 p.m. on weekends. Moreover, pursuant to Section 20.40.600 of the Zoning Code, the school is required to maintain noise levels below 55 decibels at any shared property line with a property used or zoned for residential purposes.

Project Managers: Laura Maurer and Kora McNaughton

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

ATTACHMENTS:	
Exhibit A:	Draft General Plan Amendment Resolution
Exhibit B:	Draft Rezoning Ordinance
Exhibit C:	Draft Special Use Permit Resolution
Exhibit D:	Draft Environmental Addendum Resolution
Exhibit E:	Plan Set
Exhibit F:	Operations Plan
Exhibit G:	Public Correspondence

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GP22-007, C22-022 & SP22-014

Links to Attachment A - G

Click on the title to view document

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