



**CITY COUNCIL STAFF REPORT**

<b>File No.</b>	<b>C19-026 and SP19-023</b>
<b>Applicant:</b>	<b>Olaf Jorgenson, A Gifted Education, Inc.</b>
<b>Location</b>	<b>6835 Trinidad Drive (northeast corner of the Trinidad Drive and Akio Way intersection)</b>
<b>Existing Zoning</b>	<b>R-1-5</b>
<b>Council District</b>	<b>10</b>
<b>Historic Resource</b>	<b>N/A</b>
<b>Annexation Date:</b>	<b>December 22, 1965 (Ryder No. 7; 1107)</b>
<b>CEQA:</b>	<b>Exempt per CEQA Guidelines Section 15302 for Replacement or Reconstruction</b>

**APPLICATION SUMMARY:**

A Conforming Rezoning from R-1-5 Single-Family Residence District to Public/Quasi-Public Zoning District; and a Special Use Permit to allow the continued use and phased renovation of a private elementary school (preschool through 8th grade), not increasing the student population (maximum enrollment of 425 students), on a 9.13-gross acre site.

**RECOMMENDATION:**

1. Adopt an Ordinance rezoning an approximately 9.13-gross acre site, located on the northeast corner of the Trinidad Drive and Akio Way intersection from the R-1-5 Single-Family Residence Zoning District to Public/Quasi-Public Zoning District.
2. Adopt a resolution approving, subject to conditions, a Special Use Permit to allow the continued use and phased renovation of a private elementary school (preschool through 8<sup>th</sup> grade) including: demolition of 30,100 square feet of buildings, relocation of portable buildings and other structures, the addition of new and modified buildings totaling 82,040 square feet, including a 15,000-square foot event center, general site improvements, and outdoor school uses within 150 feet of residentially-zoned properties, and the removal of four ordinance size trees and eight non-ordinance size trees on an approximately 9.13-gross acre site located on the northeast corner of Trinidad Drive and Akio Way (6835 Trinidad Drive).

**PROJECT DATA**

<b>GENERAL PLAN CONSISTENCY</b>	
<b>General Plan Designation</b>	<b>Public/Quasi-Public</b> <input checked="" type="checkbox"/> <b>Consistent</b> <input type="checkbox"/> <b>Inconsistent</b>
<b>Consistent Policies</b>	<b>VN-1.1, ES-1, ES-1.7, VN-5.1, EC-1.2,</b>
<b>Inconsistent Policies</b>	<b>N/A</b>

<b>SURROUNDING USES</b>			
	<b>General Plan Land Use</b>	<b>Zoning</b>	<b>Existing Use</b>
<b>North</b>	OSPH Open Space Parklands & Habitat	R-1-5 Single-Family Residence	Park
<b>South</b>	Residential Neighborhood	R-1-5 Single-Family Residence	Single-Family Residential
<b>East</b>	Residential Neighborhood	R-1-5 Single-Family Residence	Single-Family Residential
<b>West</b>	Residential Neighborhood	R-1-5 Single-Family Residence	Single-Family Residential

## **PROJECT DESCRIPTION**

### **Site Description and Surrounding Uses**

The Almaden Country Day School (ACDS) is a private elementary school located in a residential area in Almaden Valley. As shown on the Vicinity Map (Figure 1, below), the project site is located on the northeast corner of Trinidad Drive and Akio Way and abuts Greystone Park on the north. The San José Unified School District owns the approximately 9.13-gross acre site. However, it has been leased to A Gifted Educated, Inc. for the ACDS campus since 1982 and serves students in preschool through 8<sup>th</sup> grade with a maximum enrollment of 425 students and a maximum staff of 77. Historically, the project site has been used as a school. Prior to use as ACDS's campus, the site was Henderson Elementary School which was part of the San José Unified School District.

The school site is developed and consists of several single-story buildings, including portable buildings totaling 65,886 square feet. Paved areas and walkways, landscaping, and paved parking lots make up the rest of the campus. The school operates Monday through Friday, from 7 a.m. to 6 p.m., with before school care starting at 7 a.m. and after school care offered from 3 p.m. to 6 p.m. After-school sports and clubs start at 3:15 p.m. and end at 6 p.m.

On Akio Way (south side of site), the school fronts one- and two-story homes. Approximately 75% of this frontage is fenced with a four-foot galvanized chain link fence; single-story portable buildings are visible through sparse vegetation along the fencing. At the intersection of Akio Way and Trinidad Drive, sidewalks, lawns and a parking lot buffer the school buildings from the street. The school site can be accessed via two driveways on Trinidad Drive (west entrance/exit) and a midblock driveway, approximately 150 feet from the Trinidad Drive intersection, on Akio Way (south entrance/exit).

Except for the adjacent 4.7-gross acre park (Greystone Park) to the north of the site, single-family residences surround the project site. Camden Avenue further to the north and Almaden Expressway further to the south provide regional access to the site.



*Figure 1 – Aerial*

## **Background**

On June 26, 2019, the applicant, A Gifted Education, Inc., applied for a Conforming Rezoning and a Special Use Permit for the project site. The Rezoning would change the Zoning District from the R-1-5 Single-Family Residence District to Public/Quasi-Public Zoning District to conform with its Public/Quasi-Public General Plan land use designation. The Special Use Permit would allow the continued use of a private elementary school (grades pre-K-8) with a maximum enrollment of up to 425 students, and the phased renovation (4 phases) adding approximately 16,155 square feet. The proposal will modernize the campus with new buildings, including a multi-purpose building/event center and auditorium. Project plans are included in Exhibit E.

## **Phase I**

Construction of Phase 1 would occur over a period of 12-15 months and would include the demolition of a 970-square foot campus building, relocation of portable buildings (learning center and classrooms) to the north side of the campus, as well as construction of a 15,000-square foot single-story event center along the Akio Way frontage, and a new driveway entrance along Akio Way, on the southeast corner of the site. The new driveway entrance would change the existing on-site vehicle access and vehicle and pedestrian circulation pattern.

As shown in Figure 2, inbound school motor vehicle traffic would enter the site from the new southeast driveway entrance and exit onto Trinidad Drive during Phase 1 of the Master Plan. The Akio Way frontage will also include a 5.5-foot sidewalk, 6.5-foot park strip with new trees, and preserve the existing 4-foot-tall chain link fence.

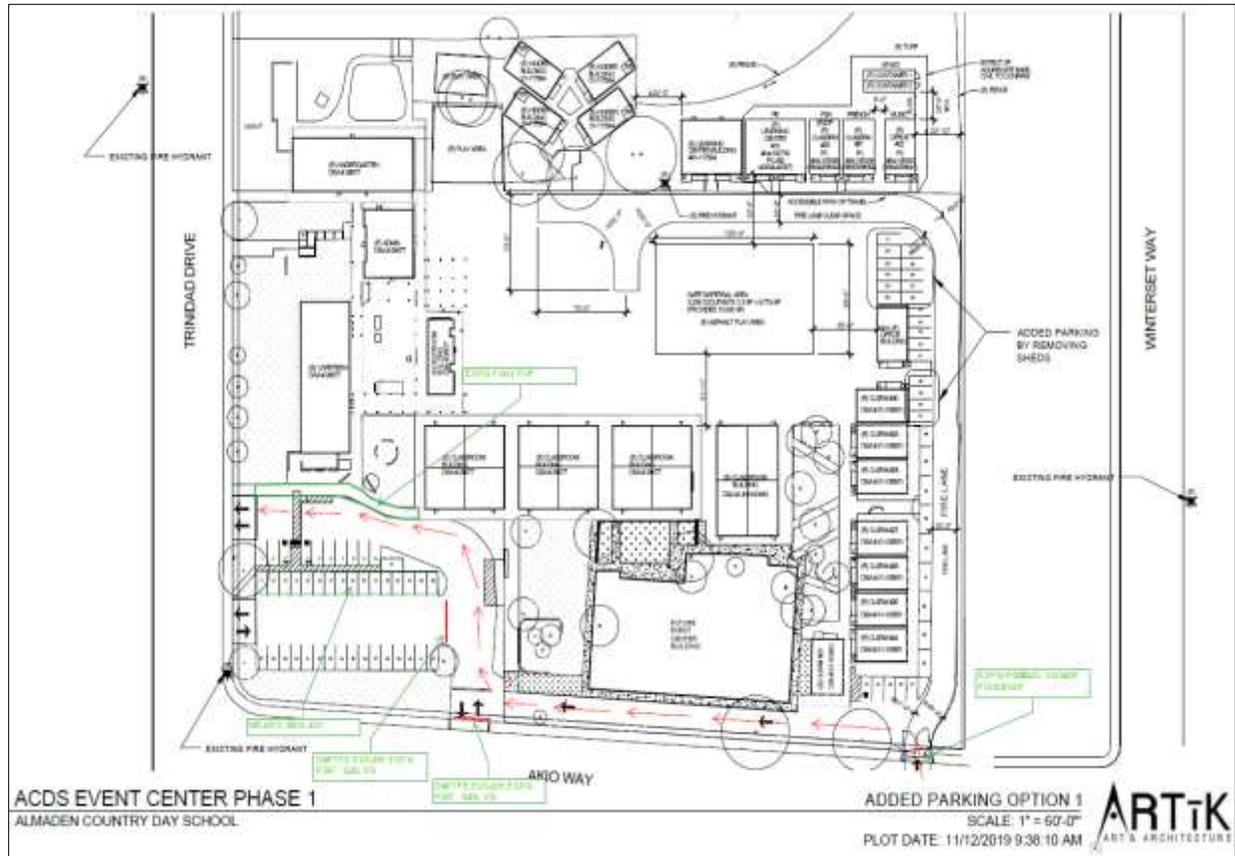


Figure 2 - Phase I Site Plan

The multi-purpose building/event center would be up to 31 feet and 4 inches in height at its tallest point (north elevation). The main entrance activity, including the lobby entrance and the entrance to the multi-use building, would occur on the north side of the building, the farthest away from the residential uses. The multi-purpose building’s façade on Akio Way consists of a back-of-the-building aesthetic with exit doors, horizontal metal panel banding along the midsection, and upper windows segmented into four symmetrical sets of three with a motorized shade system to control potential glare. On its north face (front), the building is articulated through large windows and openings, stone texture base, “pops” of metal paneling detail, and gradual transitions in building height. Colors and materials would complement the existing warm color story: tan, beige and white trim used for school buildings. Roof mechanical equipment is concealed behind a parapet wall.

**Master Plan (subsequent phases)**

The subsequent three project phases are outlined in the Master Plan, as shown in Figure 3. These three phases would include:

- Phase 2: Demolition of approximately 12,000 square feet of buildings and the construction of a two-story, approximately 23,500 square foot, middle school and administration building on the southwest of the project site.
- Phase 3: Demolition of approximately 13,500 square feet of buildings and the construction of a two-story, approximately 21,000 square foot elementary school building

at the northwest of the project site and the addition of an outdoor amphitheater and courtyard in the center of the campus.

- Phase 4: Demolition of approximately 4,000 square feet of buildings and the construction of an approximately 6,000-square foot auditorium, located north of the event center near the eastern property boundary and additional paved parking for a total of 86 on-site spaces on the southeast end of the campus.

All phases of the development include pervious and impervious site improvements.

The full buildout of the Master Plan would take five to 15 years, depending on school funding. The project applicant shall be required to apply for Planning Permit Amendments pursuant to the Zoning Code for each subsequent phase of this Special Use Permit consistent with the Master Plan. Should the development change, the project applicant would require a Special Use Permit Amendment or new Special Use Permit as required by the Zoning Code.

Since the school's founding in 1982, no major construction or renovation of the facilities have taken place. The subject Special Use Permit (SP19-023) would formalize the use of the school, permit Phase I of the Master Plan development, and establish a Master Plan for the school site.

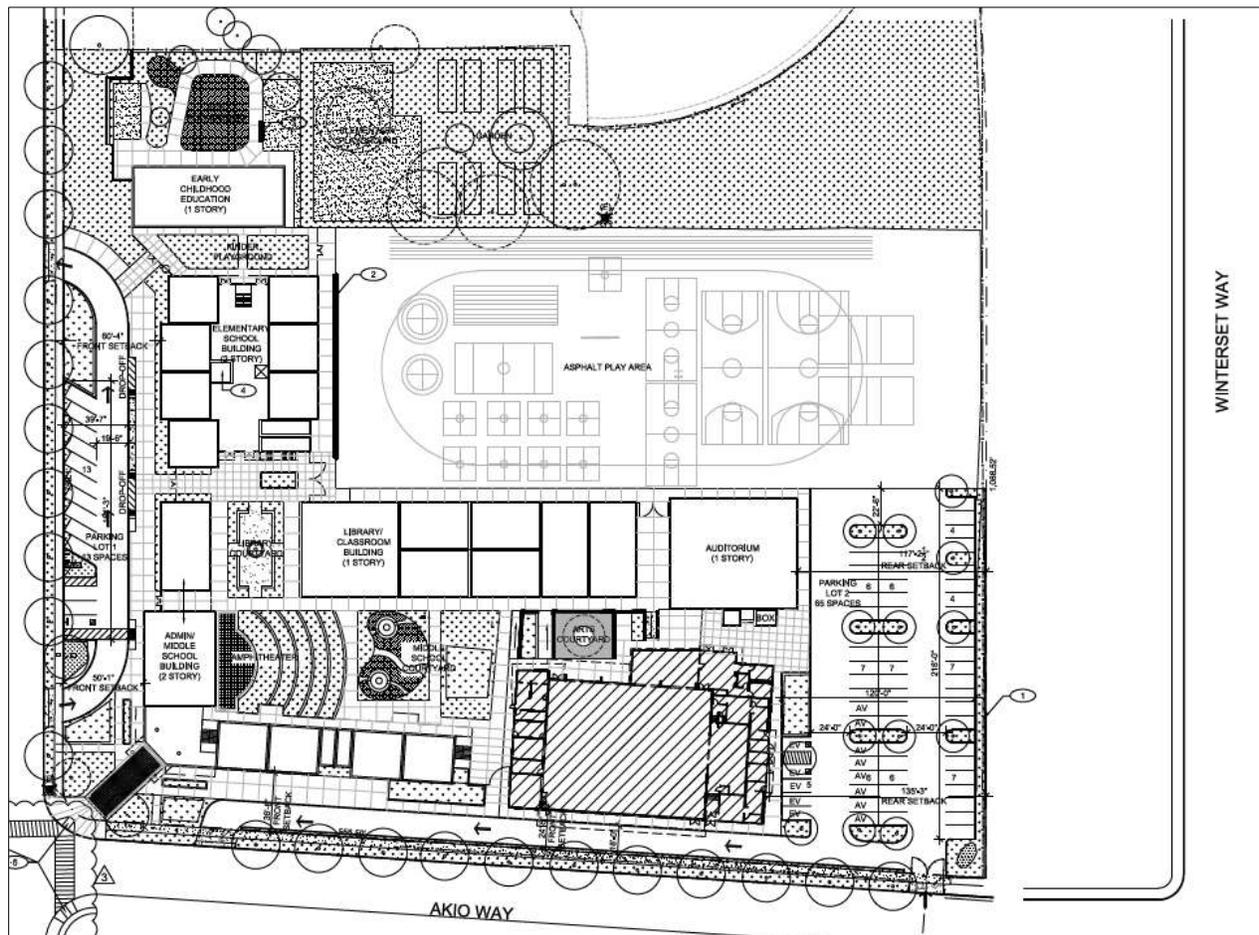


Figure 3 - Master Plan Site Plan

## **Operations**

The current school and administrative hours of operation are Monday through Friday, from 7 a.m. to 6 p.m., with certain events such as evening drama performances and weekend Little League games and tournaments taking place outside normal business hours (Monday-Saturday events may end at 10 p.m. and Sunday events may end at 8 p.m.). Specific special after-hour events such as Bingo Night and a Dinner Auction may go beyond 10 p.m., but not past midnight. According to the Operations Plan (Exhibit F), the school currently notifies and would continue to notify surrounding residences of after-hour special events and activities.

Implementation of Phase 1, which includes the multi-purpose room, is not expected to generate substantial traffic; scheduled events and activities will continue to occur as part of the regular school programming. The single-story, 15,000-square foot multi-purpose building would replace a 25-year-old portable building used as an indoor gymnasium and would further serve as an event center for the school's performing arts and athletics programs.

The multi-purpose facility will include:

- A gymnasium with regulation-size basketball and volleyball courts
- An elevated stage and backstage space
- Locker rooms that double as dressing rooms for the stage
- Storage and office space
- A serving location for concessions and serving school lunches

The event center would replace existing facilities serving the same purpose and would be available for additional events, including use by other groups/members of the community at the school's discretion; however, any event would be limited to the hours specified in the Municipal Code (no use past midnight) and would be further restricted by permit conditions (numbers 45-47) that specify the number of special events per calendar year. Typical school year events and anticipated event center events are listed in Exhibit G.

## **Parking**

There are 77 existing parking spaces on-site. An existing 43-space parent/staff/visitor parking lot is located on the Trinidad Drive parking lot (west) with ingress and egress driveways on Trinidad Drive. Thirty-four (34) staff and visitor parking spaces are available on the eastern parking lot.

After the completion of Phase 1, the maximum vehicle queue from the drop-off area would be able to be stored within the school site. With the completion of the development anticipated in the Master Plan, vehicular access to the school site during the school's peak hours would be split between two parking lots/drop-off areas: the Trinidad Drive/west parking lot/drop-off area and the Akio Way/east parking lot/drop-off area. New parking areas will also meet the parking design guidelines and provide a break between car parking spaces with a park strip.

Existing student drop-off and pick-up occurs on-site via the right-turn in only at the Akio Way driveway with outbound traffic exiting on Trinidad Drive.

The construction of the new driveway on Akio Way during Phase 1 is projected in the site's traffic analysis (see Exhibit D) to improve operating conditions along Akio Way by providing additional queue space capacity onsite. No additional parking spaces would be constructed for Phase I.

With the completion of the development anticipated in the Master Plan, vehicular access to the school site during the school's peak hours would be split between two parking lots/drop-off areas; the Trinidad Drive/west parking lot/drop-off area, and the Akio Way/east parking lot/drop-off area.

### Outdoor Uses

The outdoor school uses would continue similarly to the existing school operations. Outdoor school uses including recess, physical education classes, after-school sports practices, and activity generated by the multi-purpose building are sited away from residential uses. Buildings with potential to generate the most noise and activity have main entrances located internally towards the school.

## **ANALYSIS**

The proposed Special Use Permit is analyzed with respect to conformance with: 1) the *Envision San José 2040 General Plan*, 2) the Zoning Ordinance, and 3) the California Environmental Quality Act (CEQA).

### **Envision San José 2040 General Plan Conformance**

#### *Land Use Designation*

As shown on the General Plan Map, see Figure 4 below, the site has a Land Use/Transportation Diagram designation of Public/Quasi-Public. This designation supports public land uses including schools, libraries, corporation yards, colleges, water treatment facilities, convention centers, governmental offices, and homeless shelters. The Almaden Country Day School, an educational use, is consistent with the Public/Quasi-Public land use designation and complements the surrounding Residential Neighborhood designation. With the adoption of the Public/Quasi-Public rezoning, the project site will be in conformance with its Public/Quasi-Public designation.



Figure 4 - General Plan Map

### General Plan Policies

The project conforms to the following key General Plan goal and policies:

**Vibrant Neighborhoods Policy VN-1.1:** Include services and facilities within each neighborhood to meet the daily needs of neighborhood residents with the goal that all San José residents be provided with the opportunity to live within a half-mile walking distance of schools, parks, and retail services.

*Analysis:* The project is located on a site that is within walking distance from many single-family residences. The private elementary school (preschool and kindergarten through 8<sup>th</sup> grades) complements the nearby Bret Harte Middle School and Leland High School for a continuity in educational learning. The Master Plan improvements, such as an auditorium and event center, provide an opportunity for the school to be host to other activities and events that benefit the community.

**Education Goal ES-1:** Promote the operation of high-quality education 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 project would modernize the school's facilities and provide educational spaces for high-quality learning and play. Because the school buildings have not been upgraded since the opening of the school in 1982 and portable buildings are currently being used to substitute as classrooms, the project improvements would promote and raise the energy efficiency of the site.

*The school currently coordinates with children's sports leagues for sport games and the site would continue to be a community-building location and opportunity for the neighborhood.*

Educational 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.

*Analysis: The project would build upon an existing school campus to continue providing an educational use in the City. Physical changes proposed under the Master Plan would be carried out in four phases and would not expand the capacity or enrollment of the school.*

Private Community Gathering Facilities Policy VN-5.1: Promote private community gathering facilities within Urban Villages and other areas near residents to serve neighborhoods and to contribute toward the development of vibrant, walkable places.

*Analysis: The project will have widened sidewalks and incorporate a plant strip to enhance the walking experience along Akio Way. The school desires to open its doors to promote private community gatherings to serve the surrounding neighborhood.*

Noise and Vibration Policy EC-1.2: Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of sound attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:

1. Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or
2. Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

*Analysis: According to the Noise Study prepared by MIG in January 2020 with a final memo date of April 2020, the project's operational noise levels do not result in noise levels that would increase the ambient noise environment by more than 3.0 DNL at any nearby/sensitive receptor. Exhibit D includes information on the environmental analysis.*

*Consistent with this policy, the sound attenuation measures are planned as part of the school's future phased development. As part of the Master Plan, an eight-foot concrete/masonry wall will be installed along the along the eastern property line to reduce potential noise resulting from the operation of the future parking lot.*

## **Zoning Ordinance Conformance**

### *Conforming Rezoning*

The entire site is in the R-1-5 Single-Family Residence Zoning District. A Conforming Rezoning is included as part of the project application to change the existing zoning to the PQP Public/Quasi Public Zoning District. The proposed rezoning conforms with Table 20-270, Section 20.120.110 of the San José Municipal Code, which identifies the PQP Public/Quasi Public Zoning District as a conforming district to the PQP Public/Quasi Public Land Use/Transportation Diagram land use designation. The PQP Public/Quasi-Public District is intended to provide for publicly serving uses such as schools, colleges, research institutions,

corporation yards, homeless shelters, libraries, fire stations, water treatment facilities etc. This district may also accommodate private schools, daycare centers, and hospitals.

*Land Use*

Pursuant to Zoning Ordinance [Section 20.120.110](#), the PQP-Public/Quasi-Public Zoning District allows publicly serving uses such as schools.

*Development Regulations*

The site would continue its school use and renovate the campus in four phases as part of a Master Plan. [Section 20.40.200](#) of the San José Municipal Code sets forth the development standards for the Public/Quasi-Public Zoning Districts in Table 20-100. The project site is considered to have two frontages because it has street frontages exceeding 120 feet on Akio Way and Trinidad Drive. The project conforms to the PQP Public/Quasi-Public Zoning District Development Standards enumerated in [Section 20.40.200](#) and as demonstrated in the table below. The new buildings under the Master Plan are set back from the front (Akio Way and Trinidad Drive) more than 24 feet (PQP has a 10-foot minimum front setback), and approximately 35 feet from the rear setback (PQP has a 10-foot minimum rear setback). The tallest building (event center) is 31 feet and 4 inches (PQP allows a maximum of 65 feet). The project would continue to remain consistent with the development standards of the R-1-5 Zoning District to remain complementary to the surrounding residential uses.

<b>Development Standards</b>			
	<b>Front Setback (two frontages, Akio and Trinidad)</b>	<b>Rear Setbacks</b>	<b>Maximum Height</b>
<b>PQP Standards</b>	10 feet; less than 10 feet if established in approved development permit	10 feet; less than 10 feet if established in approved development permit	65 feet
<b>Provided by Project</b>	24.5 feet	Approximately 35 feet for relocated portable buildings; 135 feet for event center on east	31 feet and 4 inches

*Parking*

Pursuant to [Section 20.90.060](#) of the Zoning Ordinance, the required vehicle parking for a school is one parking space per teacher, plus one parking space per employee. The school has 28 teachers and up to 49 employees for which 77 parking spaces are required. There are 77 existing parking spaces on site. After Phase I, the existing number of parking spaces would be maintained. With the completion of the improvements under the Master Plan, the school would provide 86 parking spaces which meets the minimum required 77 spaces. The phased improvements would not trigger the need for more parking spaces since the enrollment and staffing would remain the same.

Additionally, an elementary school (Kindergarten through 8<sup>th</sup> grade) is required to have bicycle parking at the ratio of 1 bicycle parking space per 10 full-time employees and 6 bicycle spaces per classroom. With the implementation of the Master Plan, the ACDS campus would consist of 37 classrooms compared to the existing 34 classrooms which would require 230 bicycle spaces. Student enrollment and total number of staff will not increase. Bicycle parking shall be provided

pursuant to Condition Number 49 and accommodated onsite. Approved plans show bicycle parking sited on the northwestern quadrant of the campus and enclosed bicycle parking located within the elementary school building.

### *Noise*

Pursuant to [Section 20.30.700](#) of the Zoning Ordinance, the decibel level for any residential or non-residential use on a property shall not exceed 55 dBA at the property line unless approved through a Special Use Permit. The Zoning Ordinance's noise limitation is a measurement of a single noise level at any given moment, which is different than the General Plan's noise policy which measures a project's average noise level.

Although the project site is surrounded by residential uses (sensitive noise receptors), the site's eastern boundary specifically is the most sensitive because it shares a property line with single-family residences (along Winterset Way).

A noise study was prepared by a noise consultant, MIG, (see Exhibit D) to analyze the existing ambient noise levels of the site and anticipated noise levels that would be generated by the project's operation.

### *Operational Parking Noise*

Noise generated from parking lot activities includes ingress and egress of vehicles, car doors closing, engines starting, and cars backing out. The noise study found the project's reconfiguration of the drop-off and pick-up areas would not exceed 55 dBA. Under the Master Plan, a new parking lot comprised of 65 parking spaces would be located on the southeastern portion of the project site. Currently, the southeastern quadrant of the campus abutting the residential properties is paved and has a fire lane, approximately ten tandem parking spaces, and five standard parking spaces. The new parking lot includes 21 parking spaces along the shared property line. The Master Plan includes an eight-foot concrete/masonry wall and landscaping strip. The noise study projected this wall would reduce noise generated by the parking activities and the noise level would not exceed 55 dBA along the eastern property line. The masonry wall is included as a project condition of approval.

### *Operational Noise*

The primary sources of operational noise are from outdoor activities such as physical education classes, recess, and after-school activities. Additionally, noise is also generated by HVAC units and landscape and maintenance activities. All these uses are existing and would not substantially change as the use and student enrollment would remain the same on the project campus. Further, under the Master Plan, the multi-purpose room/event center would serve as a gymnasium – moving some of the existing noise-generating outdoor activities indoors. Similarly, portable buildings on the southeast (along the southeast tandem parking) would be relocated farther into the school away from adjacent property lines. Noise generated by HVAC equipment associated with the portable buildings was found to be the primary noise source by the Noise Study at the southeastern boundary and the average noise level was approximately 55.1 dBA Leq. With the removal of the portable buildings and event center set back 135 feet from the residential property line, HVAC equipment noise is expected to be reduced to approximately 49.2 dBA Leq. consistent with noise standards.

Overall, the project will not generate noise exceeding the acceptable noise standard in residential zoning districts.

### **Permit Findings**

In order to make the Special Use Permit findings and recommend approval to the City Council, staff must determine that:

1. The Special Use Permit, as approved, is consistent with and will further the policies of the General Plan, applicable specific plans, and area development policies; and

*Analysis: The project is consistent with the General Plan land use designation and policies in that the project is a private elementary school (preschool through 8th grade) that would provide additional educational options for the local community. The project would improve upon an existing school site and bring the school use into further compliance with the addition of expanded sidewalks, sound attenuation measures, minimum vehicle and bicycle parking, and energy-efficient buildings.*

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; and

*Analysis: The project conforms with the general development standards for PQP Public/Quasi-Public Zoning District in terms of height, setbacks, parking, and noise standards.*

3. The Special Use Permit, as approved, is consistent with applicable City Council policies, or counterbalancing considerations justify the inconsistency; and

*Analysis: A 500-foot mailing radius was used to notice a community meeting (October 16, 2020) and the City Council hearing (May 12, 2020). Therefore, noticing practices are consistent with Council Policy 6-30: Public Outreach Policy. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.*

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 Almaden Country Day School (ACDS) is currently located on the project site and has been in operation since 1982. Prior to ACDS, Henderson Elementary School was located on the project site and the site is owned by the San José Unified School District. Historically the project area has had an educational use and will continue as a school. The project conforms with the Public/Quasi-Public designation and includes improvements to the project site to modernize the campus and extend its longevity.*

*When the school becomes operational, the project applicant shall prepare a Transportation Analysis, included as a condition of approval, to address any potential traffic-related issues from the surrounding neighborhood. The Special Use Permit caps the maximum student enrollment at 425 students and is not expected to generate additional traffic pursuant to the circulation and operations analysis conducted by Hexagon Transportation Consultants. The noise study (MIG, Inc. conducted in January*

*2020, dated April, 2020) did not find any noise impacts. The noise study found the project would not increase the ambient noise levels at adjacent residential receptors by more than 3 dBA DNL or more, and therefore would not exceed applicable noise thresholds as stated in General Plan Policy EC 1.2. The report did find a negligible increase in expected ambient noise conditions for the new project because the project's multi-purpose building would allow existing outdoor noise generating activities to be moved indoors. The project would not increase student enrollment, so traffic conditions and student activities were found to be similar to existing conditions.*

*The multi-purpose building/event center and the auditorium were specific uses within the school that were taken into consideration in both studies for their potential to exceed ambient noise levels and/or generate traffic. Neither study supported the conclusion that these uses would intensify either noise or traffic. Pursuant to the Operations Plan, the event center would be available for use by other groups/members of the community; however, any event would be limited to the hours specified in the Municipal Code (no use past midnight) and would be further restricted by permit conditions that specifies the number of events per calendar year. Additionally, ACDS will continue to notify nearby residences of any events extending into the evening hours and designate a contact person to address complaints. Typical operation hours are Monday through Friday, from 7 a.m. to 6 p.m., with certain events such as evening drama performances and weekend Little League games and tournaments taking place outside normal business hours (Monday-Friday events from 8 a.m. to 8 p.m.), with weekend hours extended to midnight with notification of special events and activities to adjacent residence.; Saturday events from 8 a.m. to 10 p.m.*

*For these reasons, the project is not anticipated to adversely affect the community, impair the value of the adjoining properties, or be detrimental to public health, safety, or welfare.*

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 said use with the uses in the surrounding area; and

*Analysis: The existing site provides adequate bicycle and vehicle parking. The Master Plan development would also provide adequate bicycle and vehicle parking. The existing landscaping areas would be enhanced under the Master Plan; the frontage along Akio Way will be improved upon by the addition of 11 street trees. Other landscaping throughout the school would serve for beautification and stormwater management purposes. New parking areas will also meet the parking design guidelines and provide a break between vehicle parking spaces with a park strip approximately every four spaces. The existing four-foot fence on Akio Way will be preserved and a new eight-foot concrete/masonry wall will be erected along the eastern property boundary. The 9.13-gross acre site is of adequate size and shape to accommodate the required yards, walls, fences, parking, and landscaping features for the project.*

6. The proposed site is adequately served:
  - a. By highways or streets of sufficient width and improved as 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 school site can be accessed via two driveways on Trinidad Drive (west entrance/exit) and a midblock driveway, approximately 150 feet from the Trinidad Drive intersection on Akio Way (south entrance/exit). Camden Avenue to the north and Almaden Expressway to the south provide regional access to the site. The new driveway entrance would change the on-site vehicle access and vehicle and pedestrian circulation pattern. In a traffic circulation and operations analysis dated December 9, 2019, Hexagon Transportation Consultants examined potential traffic operations issues. The study determined that because student enrollment is not expected to increase, no additional traffic is projected to be generated with the implementation of the new driveway entrance on Akio Way. Furthermore, the potential traffic generated by events in the new multi-purpose room and auditorium are not expected to exceed current conditions because the events will likely take place after peak hours. Nonetheless, a Local Transportation Analysis (LTA) is a condition of approval to ensure that it complies with all applicable transportation policies and regulations. The LTA could not be performed prior to approval of the project because current traffic patterns do not reflect actual conditions due to the County of Santa Clara Department of Public Health shelter-in-place order issued on March 16, 2020, updated March 31, 2020; and State of California Executive Order N-33-20 issued on March 19, 2020. Traffic patterns are anticipated to return to normal volumes this fall when schools are back in session – only then, can the LTA capture accurate volume and speed studies for future traffic calming measures. The project site is an existing school and is adequately served by utilities and public service facilities.*

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: The project is situated in an urbanized area that is adequately serviced by all required utilities and public services. The project has a stormwater control plan to ensure property drainage of the site and school uses are not anticipated to produce negative odors.*

*Additionally, the project meets the criteria for a categorical exemption. Pursuant to the CEQA Guidelines, Section 15302 Replacement or Reconstruction covers this project because it includes the replacement or reconstruction of an existing school where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. The relocation and construction of buildings and vehicle and pedestrian circulation patterns under the Master Plan were accounted for in technical studies required for the project (circulation and operations analysis and noise study). Both studies supported the conclusion that these uses would not intensify either noise or traffic. To reduce potential noise generated by vehicle activity on the southeast part of campus, the project is providing an eight-foot concrete/masonry wall on the east property line and would be required to provide a noise study for each construction phase of the Master Plan.*

*Therefore, the environmental impacts of the project will not have an unacceptable negative affect on adjacent properties.*

#### *Tree Removal Findings*

*Chapter 13.32 of the San José Municipal Code establishes required findings for Tree Removals which findings are made for the Project based on the above-stated findings related to General Plan, Zoning and CEQA conformance and for the reasons stated below, and subject to the conditions set forth in this Permit. In order to make the Tree Removal findings pursuant to Section 13.32.100 of the San José Municipal Code, the City Council must determine that:*

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

*Analysis: The project would remove four ordinance size trees and eight non-ordinance size trees under Phase I to facilitate the event center development and new driveway. The trees range in size from 8.5 inches to 98 inches in circumference. All the trees proposed to be removed are located within the development's footprint. More than 50% of the on-site tree stock will be preserved.*

*A total of nine 36-inch box Sycamore trees and one 24-inch Red rosebud tree would be provided on-site which is equivalent to 29 replacement trees. The project would require 30 replacement trees and therefore the remaining tree would be replaced through the in-lieu replacement fee. Trees not mitigated through on-site plantings may be replaced with an in-lieu fee to the Department of Transportation for future planting elsewhere in the City.*

#### *Evaluation Criteria for Demolition*

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

- 1. The failure to approve the permit would result in the creation or continued existence of a nuisance, blight or dangerous condition;*
- 2. The failure to approve the permit would jeopardize public health, safety or welfare;*
- 3. The approval of the permit should facilitate a project which is compatible with the surrounding neighborhood;*
- 4. The approval of the permit should maintain the supply of existing housing stock in the City of San José;*
- 5. Both inventoried and non-inventoried buildings, sites and districts of historical significance should be preserved to the maximum extent feasible;*
- 6. Rehabilitation or reuse of the existing building would not be feasible; and*

7. *The demolition, removal or relocation of the building without an approved replacement building should not have an adverse impact on the surrounding neighborhood.*

*Analysis: The demolition of the on-site structures would facilitate upgraded conditions of the site. Criteria 1 and 2 are not applicable because the school does not present a blight or dangerous condition and the approval of the permit would not exacerbate an existing nuisance. No residential units would be eliminated with the project. There are no historic structures on-site and rehabilitation of the existing structures would be impractical as the goal is to update the school site. Criteria 7 is not applicable because there is an application for a replacement building on file.*

### **Public Comment**

During the project review and after the October 16, 2020 Community Meeting, staff did receive calls or emails regarding the project. There were generally four major topics of concern: land use and zoning, project phasing, event center hours of operation and design, traffic and noise. In response to common questions and concerns that were raised by the community, staff worked with the Council District 10 office to develop a collective Frequently Asked Questions (FAQ) list to post on the City and Council District 10 websites; see Exhibit H. Staff has since worked with the applicant to address community concerns regarding events, noise, and traffic through on-site design measures and conditions of approval.

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

Under the provisions of Section 15302 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), the Special Use Permit is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. CEQA Guidelines Section 15302 Replacement or Reconstruction, Class 2, covers the replacement or reconstruction of an existing school where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. The subject project includes renovations and improvements that will replace school structures with other school structures on the same site as the structure being replaced and will have substantially the same purpose and capacity as the structure replaced. The school is not proposing to increase the student population.

## **PUBLIC HEARING NOTIFICATION**

Staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 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.

/s/

Rosalynn Hughey, Director  
Planning, Building and Code Enforcement

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

**Attachments:**

**Exhibit A: Rezoning Ordinance**

**Exhibit B: Rezoning Plat Map and Legal Description**

**Exhibit C: Special Use Permit Resolution**

**Exhibit D: Environmental Exemption and Initial Study**

**Exhibit E: Special Use Permit Plan Set**

**Exhibit F: Operation Plan**

**Exhibit G: School Events Calendar**

**Exhibit H: Staff response to Frequently Asked Questions**