



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Rosalynn Hughey

**SUBJECT:** FILE NO. SP19-023

**DATE:** May 11, 2020

Approved

Date

5/11/2020

**COUNCIL DISTRICT: 10**

## **REASON FOR SUPPLEMENTAL**

The purpose of this supplemental memorandum is to clarify and correct Conditions of Approval for the Special Use Permit Resolution (File No. SP19-023). These changes better reflect the project's building review process with the Division of State Architect, clarify the trash enclosure, sign and exterior lighting of the project, and correct the replacement trees' location and the placement of the concrete wall.

## **BACKGROUND**

### *Division of State Architect*

The project site is owned by San José Unified School District of Santa Clara County and is operated by the project applicant, A Gifted Education, Inc., which runs the private school, Almaden Day Country School. The Division of the State Architect (DSA) provides design and construction oversight for K–12 schools, community colleges, and various other state-owned and state-leased facilities to ensure that they comply with all structural, accessibility, and fire and life safety codes. The applicant and property owner have elected to obtain all construction permits under the DSA oversight. Therefore, the following Conditions of Approval in the Special Use Permit Resolution are revised to ensure the requirements are met through the building and construction review process under the DSA. Attached to the supplemental memorandum is a redlined document with revised conditions and added clarifying language. A summary of the changes is provided below:

- Condition Nos. 3, 35, 39, 50.d.1, and 51.b have been revised to reference the DSA review process in lieu of the City's Building Official's review.
- Condition No. 24 pertaining to demolition sequencing was removed. The DSA will have oversight on the timing and issuance of demolition and building permits. The Master Plan phasing will ensure demolition occurs in the appropriate sequence.
- Condition No. 38 related to Green Building requirements set forth in San José Municipal Code Section 17.84 is removed. Pursuant to Section 17.84.200 of the San José Municipal

Code, these requirements are only applicable to projects which apply for a building permit with the City. Although the Special Use Permit Conditions of Approval do not have specific Green Building requirements, DSA will ensure the project is consistent with the CALgreen Code (Title 24, Part 11 of the California Building Standards Code).

*Additional Project Clarifications*

The following Special Use Permit Conditions of Approval are revised to permit the maintenance of existing structures on the site and to accurately reflect the project and the project's tree replacement.

- Condition No. 13 is revised to include existing and proposed trash enclosures on campus; trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering the garbage container.
- Condition No. 15 is clarified to indicate no new signs are approved at this time. The existing on-site campus signs may remain on-site and future signs would require further City review.
- Condition No. 22 is corrected. The condition limited the hours of operation of the common outdoor space areas and "the residential community building"; there are no residential community buildings proposed on-site. Therefore, the reference to the residential community building is removed.
- Condition 25 is reworded to reflect the location of the mitigation trees. Two replacement trees will be planted on-site and seven will be planted in the public right-of-way along the project's frontage, consistent with the City's Tree Replacement requirements.
- Condition 31 is clarified to indicate all new exterior lighting shall be as shown on the approved plans. The existing exterior lighting will remain on the campus.

The revised Conditions of Approval do not change the project analysis. The permittee has been notified of these revisions and accepts the changes.

/s/  
ROSALYNN HUGHEY, Director  
Planning, Building and Code Enforcement

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

Attached: [Redline Changes to Special Use Permit Resolution Conditions of Approval](#)