

## Legislation Text

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**File #: 20-220, Version: 1**

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**PD18-040 - Administrative Hearing on the Appeals of the Planning Director's Consideration of the Harker Middle School Expansion Project Mitigated Negative Declaration in accordance with CEQA and approval of the Planned Development Permit No. PD18-040.**

(a) Conduct an Administrative Hearing to consider the Appeals of the Planning Director's (i) adoption of the Harker Middle School Expansion Project Mitigated Negative Declaration in accordance with CEQA and (ii) approval of the Planned Development Permit No. PD18-040 for the Harker Middle School Project, which permits the demolition of three existing academic building, and a portion of an auditorium/gym building totaling approximately 19,000 square feet and the construction of a 2-story classroom building, an addition to the existing auditorium/gym resulting in approximately 20,542 square foot building, and site improvements including the removal of fifteen ordinance size trees, circulation improvements including the installation of a traffic light on Union Avenue, landscaping and the addition of sports courts and a field for a private middle school with up to 600 students on an approximately 7.7-gross acres lot located at 4525 Union Avenue.

(b) Adopt a resolution denying the environmental appeal and upholding the Planning Director's adoption of the Harker Middle School Expansion Project Mitigated Negative Declaration, and finding that:

(1) The City Council has read and considered the Initial Study/Mitigated Negative Declaration (IS/MND) for the Harker Middle School Project and related administrative record in connection with Planned Development Permit No. PD 18-040;

(2) The Harker Middle School IS/MND was prepared in compliance with the California Environmental Quality Act (CEQA) of 1970, as amended, together with State and local implementation guidelines;

(3) Adoption of the Harker Middle School Project MND reflects the independent judgement and analysis of the City of San José; and

(4) Preparation of a new environmental document is not required because the IS/MND thoroughly and adequately analyzed the project and the environmental appeal does not raise any new significant impacts that have not already been analyzed in the IS/MND in accordance with Public Resources Code (PRC) Section 21166, or CEQA Guidelines Section 15162.

(c) Adopt a resolution denying the permit appeal and approving the Planned Development Permit No. PD18-040, for the Harker Middle School Project, to allow the demolition of three existing academic buildings and a portion of an auditorium/gym building totaling approximately 19,000 square feet and the construction of an approximately 39,000-square foot, 2-story classroom building, an addition to the existing auditorium/gym resulting in an approximately 20,542 square foot building, and site improvements including the removal of fifteen ordinance-size trees, circulation improvements including installation of a traffic light on Union Avenue, landscaping, and the addition of sports courts and a field for a private middle school with up to 600 students on an approximately 7.7-gross acre site, on the West side of Union Avenue, 100 feet southerly of Barrett Avenue, (4525 Union Avenue).

CEQA: Harker Middle School Expansion Project Mitigated Negative Declaration, File No. PD18-040. Council District 9. (Planning, Building and Code Enforcement)