

STATEMENT OF EXEMPTION

FILE NOs.	C19-026 & SP19-023
LOCATION OF PROPERTY	9.13-gross acre site located at Northeast corner of Trinidad Drive and Akio Way (6835 Trinidad Drive).
PROJECT DESCRIPTION	Conforming Rezoning from R-1-5 to Public/Quasi Public and a Special Use Permit to allow for the phased renovation (“Master Plan”) of an existing private elementary school (preschool-8th grade) on public land owned by the San Jose Unified School District. The Master Plan would allow for the demolition of 33,876 square feet in permanent and portable buildings, relocation of portable buildings and other structures, the addition of approximately 82,100 square feet of new buildings, renovation of existing buildings, general site improvements, the removal of eight (8) non-ordinance-size trees and four (4) ordinance-sized trees, and outdoor uses within 150 feet of residentially-zoned properties. The Master Plan would not include additional number of students and would not change school hours and operations. School hours would continue with the existing hours of operation, which are from 7:00am to 6:00pm on most school days and extending to 10:00pm for school/community events. Exceptions for events extending after 10:00pm but ending prior to 12:00am would continue to be infrequent with advanced notice to neighbors.
ASSESSOR'S PARCEL NUMBER	701-07-016

CERTIFICATION

Under the provisions of Section 15302 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project 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.

15302. Replacement or Reconstruction

Class 2 consists of replacement or reconstruction of existing structures and facilities 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.

ENVIRONMENTAL SETTING

The project site is located on the Northeast corner of Trinidad Drive and Akio Way (6835 Trinidad Drive). The project site is rectangular in shape and is located adjacent to residential single-family homes and Greystone Park (Figure 1)

The approximately 9.13-gross acre subject site is currently developed with an existing private elementary school which is comprised of several single-story buildings, including portable buildings, paved areas, landscaping, and paved parking lots. The Almaden Country Day School (ACDS) campus includes approximately 31,000 square feet of permanent buildings and 13,440 square feet of modular buildings. The site is owned by the San Jose Unified School District but has been leased by A Gifted Educated, Inc. for the ACDS campus since 1982 and serves students in daycare through 8th grade with a maximum historic enrollment of 425 students. The school site is currently accessed via two driveways on Trinidad Drive (west entrance/exit) and a midblock driveway on Akio Way (south entrance/exit).

The site is bounded by single-family residences to the east, with additional single-family residences located to the west and south on the other side of Akio Way and Trinidad Drive. Greystone Park is located immediately to the north of the project site.

The project site currently has landscaping consisting of shrubbery, trees and lawn scattered throughout the property. The site has 25 native and non-native trees located throughout the property, consisting of a variety of trees such as Monterey Pines, Australian Willows, White Mulberry, Hazelnut, Plum, Pistachio, Pear, and Lemon.

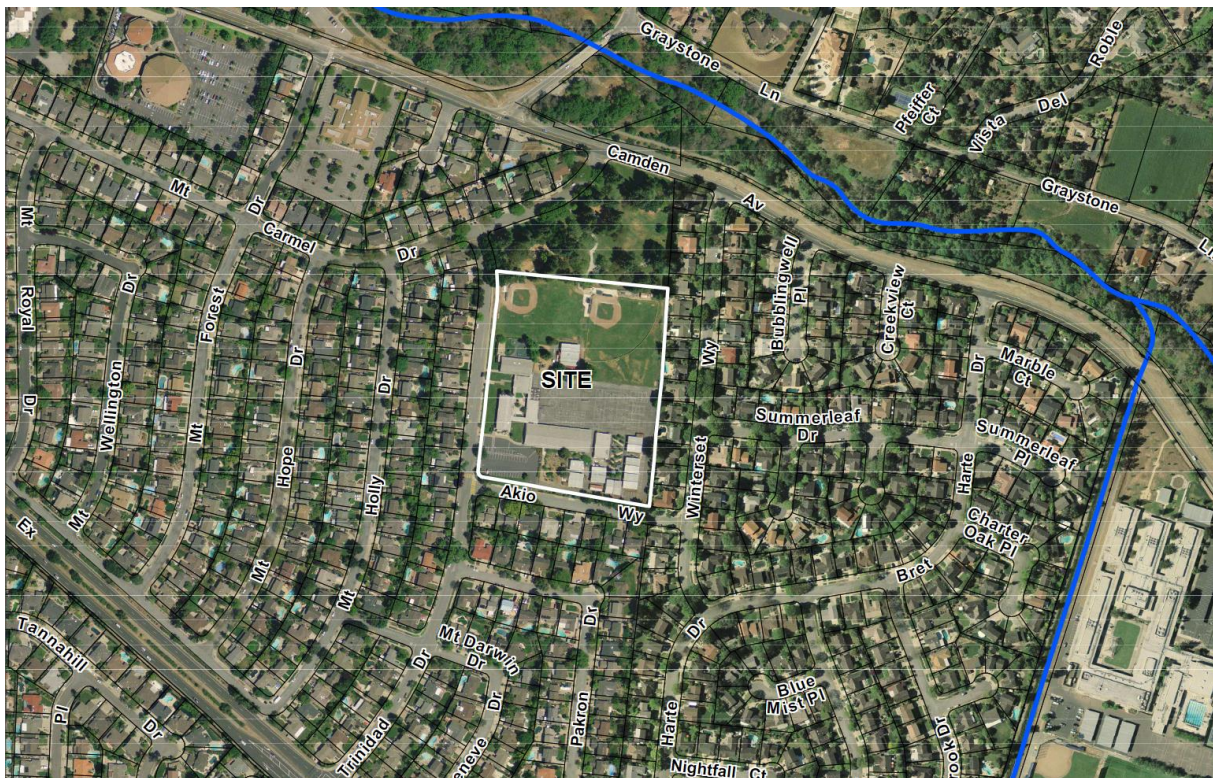


Figure 1. Project Site

Existing Operations

Based on operational information provided by the applicant, the typical existing school operational hours are from 8:00 A.M. to 3:00 P.M., with before care¹ from 7:00 A.M. to 8:00 A.M. and after care¹ from 3:00 P.M. to 6:00 P.M. Approximately 120 students participate in after-school activities (sports and clubs) from 3:15 P.M. to 6:00 P.M. Sports activities include flag football and girls volleyball in the fall, boys and girls basketball in

¹ For guardians who may need to pick up/drop off their kids/students early to or from school outside of formal school operation hours.

the winter and track and field in the spring. The front office is open from 8:00 A.M. to 4:00 P.M. The school typically puts on 13 plays (performances) per year. Other annual events include Food Truck Friday, Pumpkin Carving, and ASSETS (art show) event. Most events are held in the evenings from 6:30 P.M. to 8:30 P.M. with a 10:00 P.M. curfew. Certain indoor events would continue to be exceptions to the 10:00 P.M. curfew, extending later into the evening (Dinner Auction, Bingo Night), but not past 12:00 midnight. These hours are indicative of the existing school operations and are not proposed to change with the implementation of the Master Plan Project.

PROPOSED PROJECT

Renovations and New Buildings

The project is located in the Public/Quasi-Public General Plan Designation and proposes a conventional rezoning from R-1-5 (Single-Family Residence) to PQP (Public/Quasi Public) in order to conform to the General Plan designation.

The proposed project includes the renovation and remodeling of the existing Almaden Country Day School through a phased Master Plan. The campus renovations as part of the Master Plan are anticipated to occur in four phases with the timing and scope of each dependent on available funding. The current development application is for the construction of phase I. Phase I include the demolition of an existing 970 square foot building, the construction of a new approximately 15,000 square foot multi-purpose room, relocation of existing portable buildings to the eastern edge of the site, new driveway and vehicle circulation changes, and the temporary parking. Furthermore, of the 25 existing trees on site, 12 are proposed to be removed during Phase I to accommodate the new driveway access points, relocation of existing portable buildings, and construction of the new multipurpose room. The trees to be removed are one Monterey Pine, three Australian Willows, one Privet, one White Mulberry, one Hazelnut, one Plum, and four Pears. Four of the trees to be removed during Phase I are ordinance sized, and only one is native. All proposed replacement trees are 36-inch California Sycamores.

Additional phases proposed as part of the Master Plan the following:

- Phase 2: Construction of a new 23,255 middle school building and office, a parking lot and driveway along Trinidad drive and a southern pick-up/drop-off along Akio Way.
- Phase 3: Construction of a new approximately 21,640 square-foot elementary school building.
- Phase 4: Construction of an approximately 5,935 auditorium and enrichment program building.

As previously mentioned, the Phase I include the construction of a new approximately 15,000 square foot multi-purpose room.

Proposed Operations

Existing school operations would not change as a result of the planned Master Plan redevelopment of the campus. Enrollment records show the school's enrollment has varied from a high of 425 to a low of 335 over the past 12 years (2008-2020). There are 77 current faculty and staff. The proposed renovations and remodeling do not provide for any increase in enrollment over historic maximums. The proposed Master Plan and subsequent phases would allow for redevelopment of the existing project site and campus to better meet the needs of the school and students but would not increase enrollment numbers or intensify the use.

The new multipurpose building proposed as part of Phase I will allow the school to bring existing school sports and activities indoors, which would reduce outdoor black top use. Consistent with the existing school operational hours for community-organized events, for any activities taking place in the multipurpose building, including all school-sponsored and community-organized events, hours of use will fall typically between 7:00 A.M. - 10:00 P.M, Monday through Saturday and 8:00 A.M. to 8:00 P.M. Sunday. Certain all- school events such as the Dinner Auction and Bingo Night will take place in the new multipurpose building and would continue

to be exceptions to the 10:00 P.M. curfew, extending until as late as 12:00 a.m. ACDS will continue to announce these events in advance to neighbors whose homes border the campus, along with messaging any other unanticipated exceptions to the hours of use.

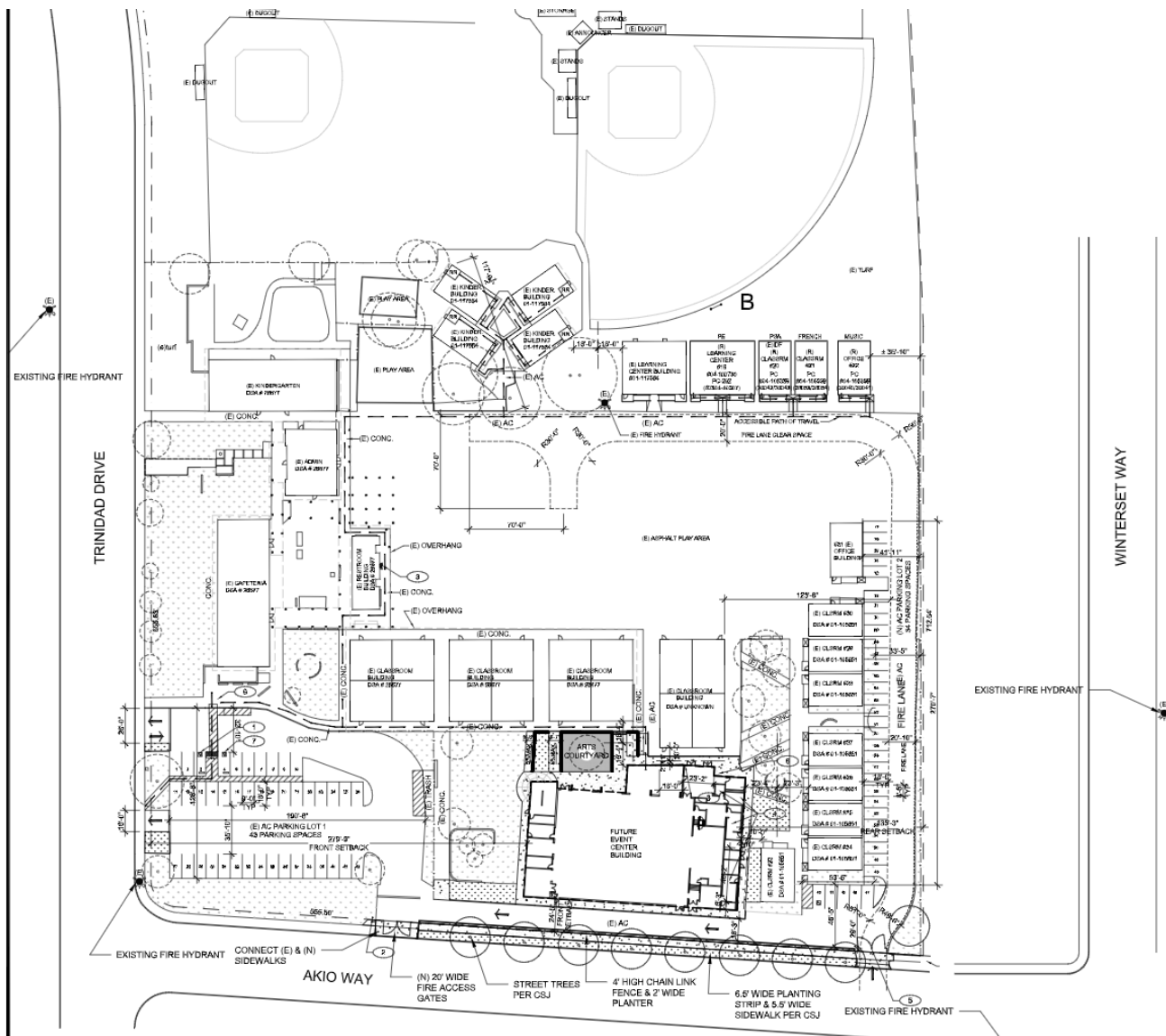


Figure 2: Master Plan

While the entitlement of the permit is for Phase I of the project, this exemption and associated reports analyze for the full Master Plan build-out.

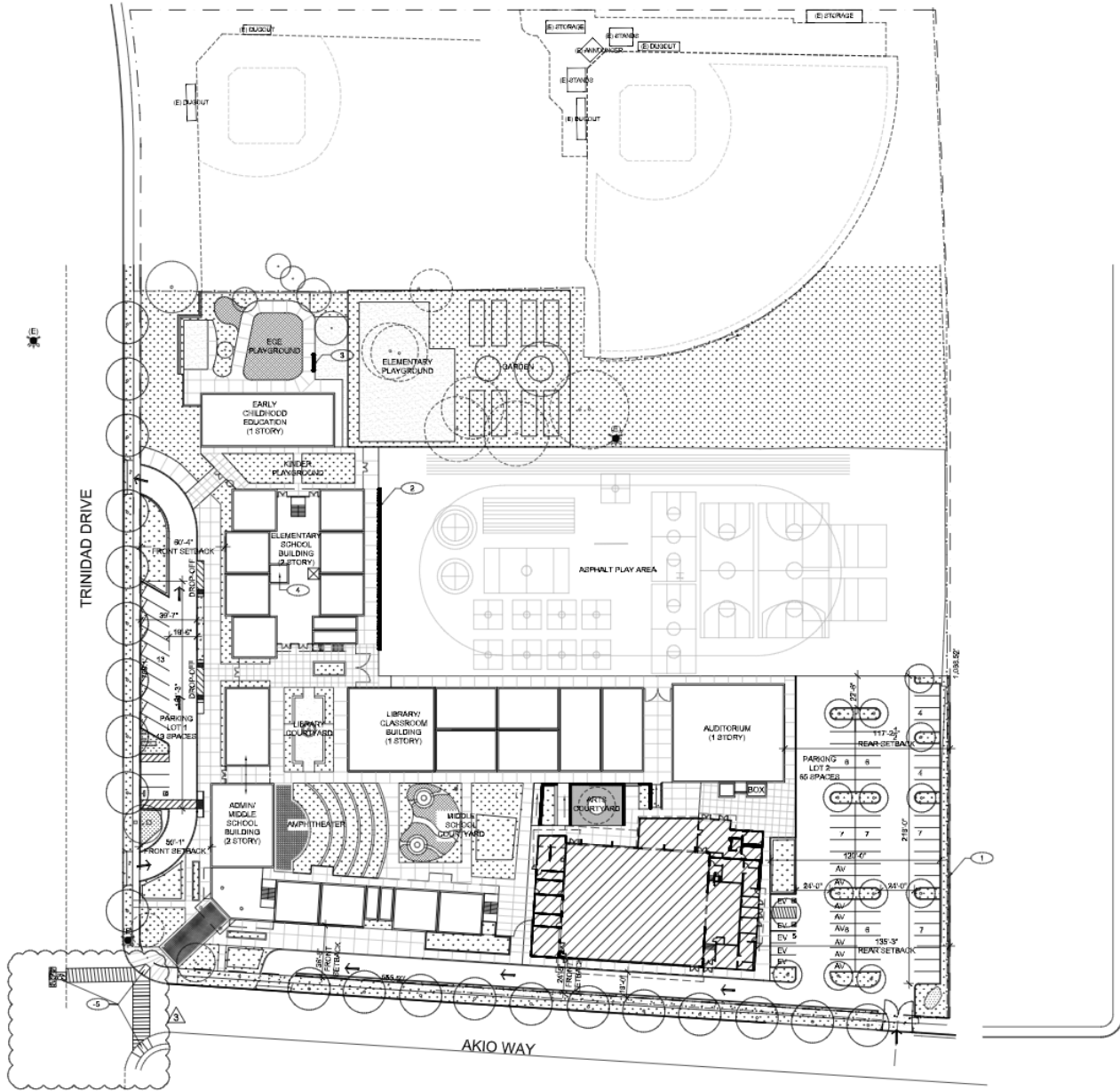


Figure 3. Phase I Site Plan

ANALYSIS

Project Construction

The site currently consists of single-story buildings used for the existing Almaden Country Day School, which also contains paved parking areas, asphalt play areas, temporary portable buildings, and associated landscaping. The construction for the entire Master Plan would take place over four different phases over the next approximately 15 years. Construction activities associated with Phase 1 are anticipated to last approximately 12 to 15 months. It is assumed construction activities associated with Phases 2 through 4 would also take approximately 12 to 15 months for their respective site improvements. Construction for Phase I

involves the demolition of an approximately 970-square foot building, relocation of portable buildings and other structures, the addition of new and modified buildings, including an approximately 15,000-square foot multi-purpose room, general site improvements, and the removal of 12 non-ordinance-size trees.

The City of San José does not have established maximum construction noise level limitations; however, General Plan Policy EC-1.7 requires construction projects within 500 feet of residential land uses to prepare a Construction Noise Logistics Plan if the project would involve substantial noise generating activities for 12 or more months. As indicated in the project description, ACDS will prepare a Construction Noise Logistics Plan prior to beginning construction activity for any Campus Master Plan phase, consistent with the requirements of General Plan Policy EC-1.7. At a minimum, the Construction Noise Logistics Plan for each construction Phase and entitlement will specify the hours of construction, noise and vibration minimization measures, posting or notification of construction schedule, and the designation of a noise disturbance coordinator who would respond to neighborhood complaints. Details of the Construction Logistics Noise Plan can be found in the Project Description as well as the Noise section of the Initial Study (Attachment A).

Construction of the entire Master Plan falls well below the BAAQMD screening threshold criteria of 277,000 square feet for construction related emissions for elementary/junior high school land use types. The project is still subject to the City's Standard Permit Conditions for construction air quality, and can be found in the Air Quality section of the Initial Study (Attachment A) and is part of the proposed permit. As stated in the project description, the applicant will include all these construction Standard Permit Conditions on all project-related bid, contract, engineering, and site plan documents (e.g., construction drawings). Each construction phase is required to comply with the Standard Permit Conditions for construction plans. In addition, current and future development permits associated with the Master Plan development will include these Standard Permit Conditions incorporated into the project as standard project conditions to ensure implementation.

The project is also subject to and will implement all construction-related Standard Permit Conditions from the City prior to each project phase, including but not limited to, erosion, water quality, asbestos and lead paint, hazards, Habitat Plan conformance, and geotechnical investigations. Each phase of the Master Plan will be required to individually show conformance with the discussed Standard Permit Conditions and Project Conditions discussed in the permit and initial study. Therefore, the Master Plan will have a less-than-significant construction impact.

Project Operation

Transportation

Council Policy 5-1 establishes Vehicle Miles Traveled (VMT) as the threshold for determining significant transportation impacts under CEQA. Under Policy 5-1, projects that have the potential to increase overall VMT or do not meet the screening criteria are required to complete a Transportation Analysis to analyze VMT impacts. While the project would result in new buildings, the project does not propose additional enrollment capacity or new staff and operation of the school, as described above, are to remain the same as the existing operation conditions. Therefore, a detailed Transportation Analysis for VMT is not required and the project is assumed to have a less-than-significant operational transportation impact.

While the Project was not required to conduct a Transportation Analysis for VMT, Council Policy 5-1 requires the preparation of a Local Transportation Analysis (LTA) in order to study and ensure adequate operations related to circulation, safety, bicycle and pedestrian facilities, and traffic conditions. The LTA prepared by Hexagon Traffic Consultant on December 9, 2019 is included as Attachment B. Based on the review of the transportation characteristics of the site and immediate area, the proposed project was concluded to not have adverse effects on operations as proposed (Attachment B). Additional conditions for site operations can be found in the Final Public Works memo.

Biological Resources

The project would result in removal of 12 trees on site. As mentioned previously, the trees to be removed are one Monterey Pine, three Australian Willows, one Privet, one White Mulberry, one Hazelnut, one Plum, and four Pears ranging from 8.5 to 98 inches in circumferences. One of the trees to be removed is native and the condition of all trees on site is assumed to be fair. Four of the trees to be removed during Phase I are ordinance sized. The trees proposed to be removed in order to accommodate the new driveway egress and ingress, relocation of existing portable buildings, and construction of the new multipurpose room and therefore, cannot be preserved.

The General Plan discloses and acknowledges the potential loss of the urban forestry with the full buildout of the General Plan and has disclosed that there are City policies to reduce or avoid adverse impacts to the urban forest (Section 3.5 of the General Plan EIR). As part evaluation of tree removal and replacement, the City apply the Tree Replacement Ratio standards (refer to Attachment A) as the appropriate tree replacement ratio and procedures for tree removals (updated 2017). The 2017 Tree Ordinance update included updates to requirements for alternative replacement off site and adopted an ordinance for City to collect fees for off-site improvements if replacement on site is not proposed or possible. Therefore, consistent with this approach, the project would be subject to the City's Tree Replacement ratios. Since 12 trees onsite would be removed, one tree would be replaced at a 5:1 ratio, three would be replaced at a 4:1 ratio, six would be replaced at a 2:1 ratio, and two would be replaced at a 1:1 ratio. As mentioned previously, there is one native tree on-site, that is proposed to be removed. The total number of replacement trees required to be planted on site would be 18 trees, or payment of in-lieu fees in the circumstance that the site does not have adequate room. The project applicant proposes on replacing the trees to be removed with 36-inch circumference California Sycamores.

Noise

A Noise Assessment for the project was prepared by MIG Consultants in March 2020 (Attachment C). The results of the Noise Assessment were evaluated against the Noise Element of the City of San José General Plan, which utilizes the Day-Night Level (DNL) 24-hour noise descriptor. Noise standards established in the General Plan serve as the City's noise thresholds for determining significant impacts under CEQA. Based on the Noise Assessment, the City's acceptable exterior noise level objective is 60 dBA DNL (General Plan EC-1.1 and EC-1.2).

To determine the existing ambient noise condition, two long-term and one short-term noise measurements were taken on site. The measurement and the results of the calculations indicated that the exterior noise exposure along the eastern property line shared with the neighboring residential was up to 55.9 dBA DNL. Based on this existing ambient noise condition, the project will not result in significant impact under CEQA if the project-generated noise does not exceed 60 dBA DNL, which is the "Normally Acceptable" threshold for a land use of this type under General Plan Policy EC-1.2.

Based on the results of the existing ambient noise condition, taken the highest exposure of 55.9 dBA DNL level near the eastern property line, the existing project site is currently categorized as "Normally Acceptable" (EC-1.1 of the General Plan).

Mechanical Noise

Roof-top mounted HVAC units are presumed to be a Carrier Model 48HC or equivalent rated at 3 tons and capable of producing a noise level of approximately 76 dBA at a distance of 3 feet. Rooftop HVAC units would generally be located in the center of the proposed buildings. HVAC equipment was presumed to operate for 15 minutes every hour of the day to account for refrigeration and building heating and cooling needs. This assumption is considered conservative (likely to overestimate noise) since this level of operation would likely not occur during the nighttime (i.e., maximum use involves afternoon cooling operations in the summer, and morning and early-afternoon heating operations during the winter).

Noise levels associated with operation of two HVAC units were assessed at a distance of 165 feet. This is the approximate distance between the center of the auditorium and multipurpose building, and the residential property line along the project site's eastern boundary. At this distance, the two HVAC units would produce an hourly noise level of approximately 49.2 dBA Leq, which is lower than the existing, hourly ambient noise level monitored along the project site's southeastern boundary. Under implementation of the Campus Master Plan these existing, middle school classrooms would be removed, and HVAC units would generally be located further away from residential receptors. Therefore, the mechanical equipment would not exceed noise thresholds as outlined under General Plan Policies EC-1.1 and -1.2.

Vehicular Noise

Under buildout of the Campus Master Plan, two new driveways would be constructed along the campus' western and southern borders. Based on existing, inbound and outbound trips to the ACDS Campus in the morning in afternoon, it is estimated approximately 151 and 70 vehicles would access the Trinidad Drive drop-off area during the AM and after school peak hours, respectively, and 74 and 35 vehicles could access the Akio Way drop-off area during the AM and after school peak hours, respectively (Hexagon 2020). This is in contrast to existing conditions on Trinidad Drive where there are approximately 171 and 91 inbound and outbound trips during the during the AM and after school peak hours, respectively. Similarly, for existing inbound and outbound trips on Akio Way, there were approximately 91 and 29 trips occurring during the AM and after school peak hours, respectively.

The proposed driveway reconfiguration would not result in a substantial noise level increase at nearby residential receptors. The ambient noise environment at and near the ACDS Campus during the morning and afternoon is predominantly influenced by traffic on Trinidad Drive and Akio Way. Although some of this traffic is attributable to students, parents, and staff at ACDS, the majority of it is attributable to other traffic, such as that from other schools in the area (e.g., Bret Harte Middle School, Leland High School, etc.) and adults traveling to work. Based on the traffic analysis, it is estimated the proposed reconfiguration would reduce morning, driveway trips along Trinidad by 20, and increase driveway trips along Akio by approximately 17. It would take a doubling of energy (or associated activity) to increase noise levels by 3 dBA. The Project does not propose such a change in drop-off or pick-up distribution and any, slight change to the noise environment would likely be imperceptible to the human ear given the other sources of noise in the area. Furthermore, a short-term measurement taken approximately 20 feet north of existing drop-off activities showed typical AM peak hour noise levels were approximately 56.0 to 57.4 dBA (see Table 3-1 of the Noise Report). The proposed reconfiguration would move pick-up and drop-off activities further into the campus. At a distance of approximately 80 feet (the distance from the drop-off lane on Trinidad Drive to the nearest residential property line), these noise level would be reduced to approximately 50.0 to 51.4 dBA.

The proposed project would not increase the ambient noise level as adjacent sensitive receptor locations by 3.0 dBA DNL.

Playgrounds Noise

The multipurpose room is intended to be used by ACDS for P.E. and athletic purposes, meaning that some of the existing daytime noise levels generated by students exercising outside on the blacktop could be reduced by bringing them inside. The school would not be increasing enrollment numbers above existing maximums, and the existing blacktop outdoor play area would not be relocated, so noise levels associated with outdoor play are assumed to have negligible increase over existing conditions. As such, overall perceived noise levels from the ACDS could be lower under operational activities proposed by the Master Plan, and implementation of the Master Plan would not increase noise levels by 3 dBA DNL or more ay any nearby sensitive receptor locations.

Other Resource Areas:

The project site is within an urbanized area with existing conditions to sewer, water, and electricity service. The project site is not within close proximity to any rivers or waterways. The renovation and remodeling of

the existing Almaden Country Day School will take place over a phased period of approximately 15 years for full build out. No increase in enrollment or staff capacity is proposed. The school would operate similar to the existing condition by using cleaning supplies, science course materials, and similar equipment and would dispose of such materials based on State protocols. Additionally, per Project Conditions of Approval and State Requirements, the project would be required to prepare a Phase II ESA and obtain the proper regulatory oversight for levels that may exceed regional thresholds, as is detailed in Attachment A. Therefore, the project would not result in new hazardous substances or those beyond of the everyday use of a typical institutional facility.

CONCLUSION

As discussed above, the project would result in physical changes to the existing site by construction of new buildings, reconfiguration of existing buildings, and landscape changes without changes to the existing operation and no increase to enrollment. The use of the site would continue to be the existing school without expansion of use and would be substantially the same as the existing site. As also discussed above, the project would not result in significant impact to applicable resources such as transportation, noise, and biological resources. As the project would partially replace the existing school structures with new buildings located on the same site with the same function and capacity, the project qualifies for Section 15302 of the CEQA Guidelines.

EXCEPTIONS

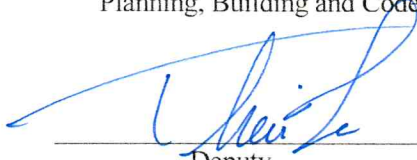
CEQA Guidelines Section 15300.2 provides exceptions to the use of Categorical Exemptions where the use of a Categorical Exemption is prohibited under certain circumstances. The City has considered the project's applicability to all of the exceptions under Section 15300.2. An analysis of each of these exceptions in reference to this specific project is provided below.

- (a) Location. Class 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. Section 15300.2(a) states that a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. The site is located in an urbanized area, fully developed with an existing school. The project would renovate the existing school and would not increase enrollment. For the reasons mentioned in the Analysis above, the project would not be considered to be a sensitive environmental site.
- (b) Cumulative Impact. Based on the above analysis, there is no evidence of a potential significant cumulative impact on the environment from the proposed project. The project proposes renovating the existing school site to create an updated campus. Based on the assessment, the project would result in temporary construction effects and a Noise Assessment was completed to evaluate noise effects of the full operations. Therefore, these modifications would not incrementally contribute to any other environmental resource such as traffic, noise, or biological resources.
- (c) Significant Effect. The site is developed with an existing school. The site and proposed structures are consistent with the surrounding neighborhood. Based on the analysis above, the construction and operation of the site would not result in significant effects under City policies. The project would not result in any significant effects on the environment due to unusual circumstances. The proposed project does not have any unusual circumstances that would negatively impact the environment.
- (d) Scenic Highways. The site is not visible or located near designated State scenic highways and would not result in damage to scenic resources.
- (e) Hazardous Waste Sites. The project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code.
- (f) Historical Resources. The proposed project is not a historical resource and is not located in a historical

conservation area. Therefore, the project would not adversely change the significance of a historical resource.

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

4/20/2020
Date



Deputy

Kara Hawkins
Environmental Project Manager

Attachments:

- A) Focused Initial Study
- B) Local Transportation Analysis
- C) Noise Report