



CITY COUNCIL STAFF REPORT

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| File No. | C19-034 |
| Applicant: | Immanuel Evangelical Lutheran Church |
| Location | Southeast corner of Moorpark Avenue and Leigh Avenue |
| Existing Zoning | A(PD) Planned Development Zoning |
| General Plan Land Use Designation | PQP Public/Quasi-Public |
| Council District | 6 |
| Historic Resource | No |
| Annexation Date: | March 26, 1954 (Maypark, No. 2) |
| CEQA: | Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto |

APPLICATION SUMMARY:

Conforming Rezoning from the A(PD) Planned Development Zoning District to the Public/Quasi-Public Zoning District on an approximately 1.10-gross acre site.

RECOMMENDATION:

- (a) Consider the Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto.
- (b) Approve an ordinance rezoning an approximately 1.10-gross acre site, located at the southeast corner of Moorpark Avenue and Leigh Avenue intersection, from A(PD) Planned Development Zoning District to the PQP Public/Quasi-Public Zoning District.

PROJECT DATA

| GENERAL PLAN CONSISTENCY | |
|---------------------------------|--|
| General Plan Designation | Public/Quasi-Public <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent |
| Consistent Policies | Implementation Policies IP-1.6, IP-1.7, and IP-8.2 |

| SURROUNDING USES | | | |
|------------------|--|----------------------------------|---|
| | General Plan Land Use | Zoning | Existing Use |
| North | RN Residential Neighborhood | R-1-8 Single-Family Residence | Highway 280 immediately adjacent to the site; Single-family residences on the other side of highway |
| South | PQP Public/Quasi-Public | A(PD) Planned Development Zoning | Senior Housing |
| East | PQP Public/Quasi-Public and UR Urban Residential | R-1-8 Single-Family Residence | Church, daycare, and apartments |
| West | PQP Public/Quasi-Public | R-1-8 Single-Family Residence | Educational institution (San José City College) |

PROJECT DESCRIPTION

On September 23, 2019, the applicant, Immanuel Evangelical Lutheran Church of San Jose, filed an application to rezone an approximately 1.10-gross acre site from the A(PD) Planned Development Zoning District to the PQP Public/Quasi-Public Zoning District.

Site Location:

The subject site is located on the southeast corner of Moorpark Avenue and Leigh Avenue (see Figure 1). The subject site consists of one lot with a church and accessory building (church offices), surface parking lot, and landscaping. A church and daycare center is located to the east of the subject site and a senior affordable housing development is located to the south of the site.



Figure 1: Aerial image of the subject site

San Jose City College is located to the west of the site. Highway 280 is located to the north; there are single-family residences north of the highway. There are no other active planning development permit applications on file for the subject site at this time.

The subject property is currently located in the A(PD) Planned Development Zoning District (File No. PDC00-063). This zoning covers the subject site and the adjacent lot (APN: 282-44-028). The zoning was approved in 2000 to allow the development of a 63-unit senior housing project, along with the already-existing church and church offices. The applicant has requested a conforming rezoning to rezone only the site with the church and church uses to the PQP Public/Quasi-Public Zoning District, which would bring the site into conformance with the PQP Public/Quasi-Public General Plan Land Use/Transportation Diagram land use designation.

ANALYSIS

The proposed project was analyzed for conformance with the following: 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

The subject site has an *Envision San José 2040 General Plan Land Use/Transportation Diagram* land use designation of PQP Public/Quasi-Public (see Figure 2).

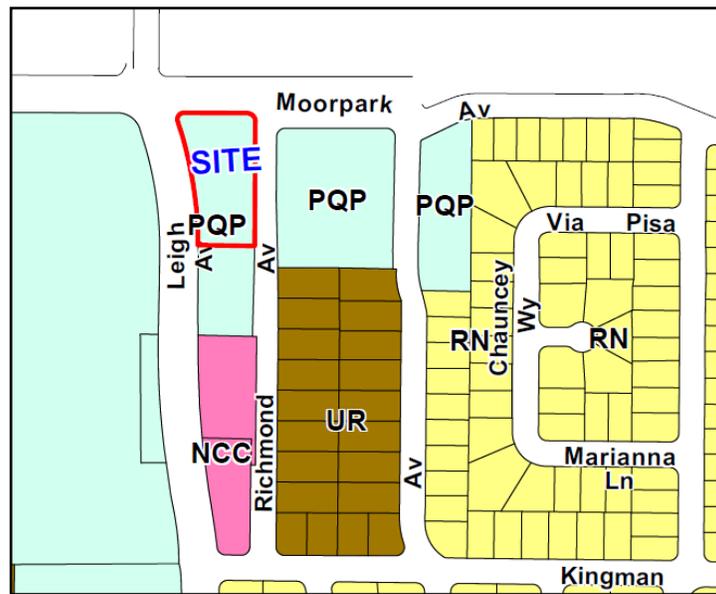


Figure 2: General Plan Land Use/Transportation Diagram

The Public/Quasi-Public designation is intended for public land uses such as schools, colleges, and fire stations. Private community gathering facilities, including those used for religious assembly or other comparable assembly activity, are also appropriate on lands with this designation.

The proposed rezoning is consistent with the following General Plan policies:

1. Implementation Policy IP-1.1 Land Use/Transportation Diagram: Use the *Envision General Plan* Land Use/Transportation Diagram designations to indicate the general intended land use, providing flexibility to allow for a mix of land uses, intensities and development forms compatible with a wide variety of neighborhood contexts and to designate the intended roadway network to be developed over the timeframe of the *Envision General Plan*. Use the Zoning designation to indicate the appropriate type, form and height of development for particular properties.
2. Implementation Policy IP-1.6 Land Use/Transportation Diagram: Ensure that proposals to rezone and prezone properties conform to the Land Use/Transportation Diagram, and advance *Envision General Plan* Vision, goals and policies.
3. Implementation Policy IP-8.2- Zoning: 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.

Analysis: Pursuant to Table 20-270 of the Zoning Ordinance, the PQP Public/Quasi-Public Zoning District is listed as a conforming district for the General Plan Land Use Designation of Public/Quasi-Public. The proposed rezoning would bring the site into conformance with the General Plan and allow future development consistent with the zoning district.

Zoning Ordinance Conformance

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 Public/Quasi-Public General Plan Land Use/Transportation Diagram land use designation.

The PQP Zoning District would allow the property to be used and developed in accordance with the allowable uses in Table 20-90, which includes a range of public/quasi-public uses. The PQP Zoning District is intended to support publicly serving uses and private community gathering facilities, among other uses. This rezoning would facilitate the future redevelopment of the site to be consistent with the General Plan land use designation.

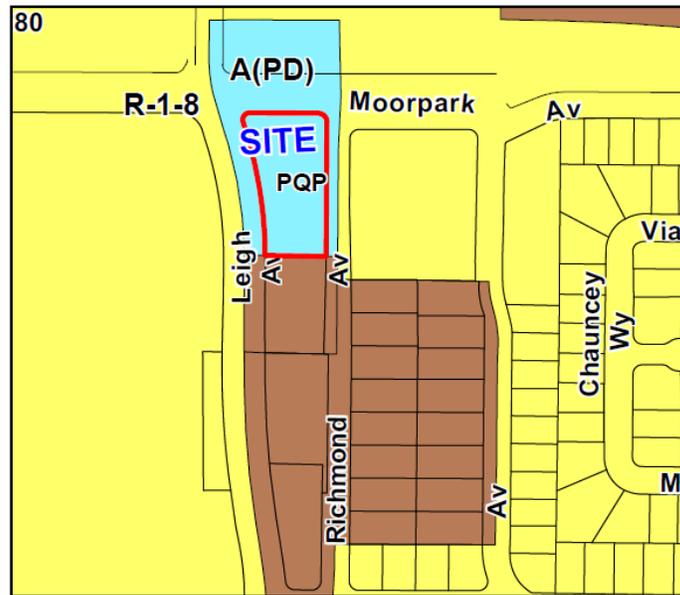


Figure 3: Zoning Map

Setbacks and Heights

Table 20-100 in Section 20.40.100 of the San José Municipal Code establishes the following development standards for a PQP Public/Quasi-Public Zoning District:

| Standard | PQP Zoning District |
|----------------|---|
| Front Setback | 10 feet minimum; less than 10 if established in approved development permit |
| Side Setback | none |
| Rear Setback | 10 feet minimum; less than 10 if established in approved development permit |
| Maximum Height | 65 feet maximum |

The existing buildings meet the setbacks requirements of the PQP Zoning District. The subject site has three frontages, Moorpark Avenue, Richmond Avenue and Leigh Avenue. The minimum front setback of the existing buildings along Leigh Avenue and Moorpark are approximately 27 feet, and along Richmond Avenue approximately 15 feet. The existing side setback, adjacent to the Senior Housing development, is approximately 7 feet.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the proposed project is pursuant to, in furtherance of, and within the scope of the Envision San José 2040 General Plan program, the impacts of which were analyzed and disclosed in the Final Environmental Impact Report for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011, and Supplemental EIR adopted by City Council Resolution No. 77617 on December 15, 2015, and addenda thereto. The FPEIR, SEIR and Addenda were prepared for the comprehensive update and revision of all elements of the City of San José General Plan, including an extension of the planning timeframe to the year 2040.

No new or more significant environmental impacts beyond those identified in the Envision San Jose 2040 General Plan Final Program Environmental Impact Report (FPEIR), Supplemental EIR (SEIR), and Addenda have been identified, nor have any new mitigation measures or alternatives which are considerably different from those analyzed in the FPEIR, SEIR and Addenda been identified.

CONCLUSION

The proposed rezoning from A(PD) Planned Development Zoning to PQP Public/Quasi-Public is consistent with General Plan policies IP-1.6, IP-1.7, and IP-8.2. The rezoning also conforms to the General Plan Land Use designation of PQP Public/Quasi-Public, pursuant to Table 20-270 of the Zoning Code.

CLIMATE SMART SAN JOSE

The recommendation in this memorandum has no effect on Climate Smart San José energy, water, or mobility goals

PUBLIC HEARING NOTIFICATION

To inform the public of the proposed project, staff followed Council Policy 6-30: Public Outreach Policy. Notices of the proposed rezoning application were posted on the site's three frontages. 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 Michael Brilliot, Deputy Director, at (408) 535-7831.

Attachment: Legal Description and Plat Map

EXHIBIT "A"
Legal Description

PARCEL PROPERTY
1710 Moorpark Avenue, San Jose, CA
(For Rezoning)

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

Being Adjusted Parcel A, as described in that certain Lot Line Adjustment Permit, File No. AT02-118, recorded June 12, 2003 as Document No. 17104784, Official Records of Santa Clara County, more particularly described as follows:

BEGINNING at the southeasterly corner of said Adjusted Parcel A, said corner being also a point on the westerly line of Richmond Avenue;

Thence leaving said corner and said westerly line of Richmond Avenue, along the southerly line of said Adjusted Parcel A, South $89^{\circ}44'30''$ West, 136.16 feet to a point on the easterly line of Leigh Avenue, said point being also the beginning of a non-tangent curve, concave to the west, having a Radius of 926.99 feet, with a radial line that bears North $88^{\circ}59'12''$ East;

Thence northwesterly along said curve and along said easterly line of Leigh Avenue, through a central Angle of $17^{\circ}47'45''$, with an arc Length of 287.92 feet to the beginning of a reverse curve, concave to the southeast, having a Radius of 20.00 feet;

Thence along said curve, through a central Angle of $108^{\circ}04'43''$, with an arc Length of 37.73 feet to the southerly line of Moorpark Avenue;

Thence along said southerly line of Moorpark Avenue, North $89^{\circ}16'10''$ East, 145.29 feet to the beginning of a tangent curve to the right, having a Radius of 20.00 feet;

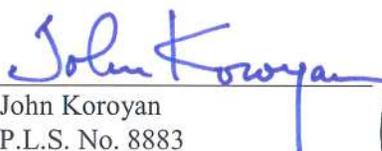
Southeasterly along said curve, through a central Angle of $90^{\circ}28'20''$, with an arc Length of 31.58 feet to a point on said westerly line of Richmond Avenue;

Thence along said westerly line of Richmond Avenue, South $00^{\circ}15'30''$ East, 290.26 feet to the point of **BEGINNING**.

Containing an area of 1.101 acres, more or less.

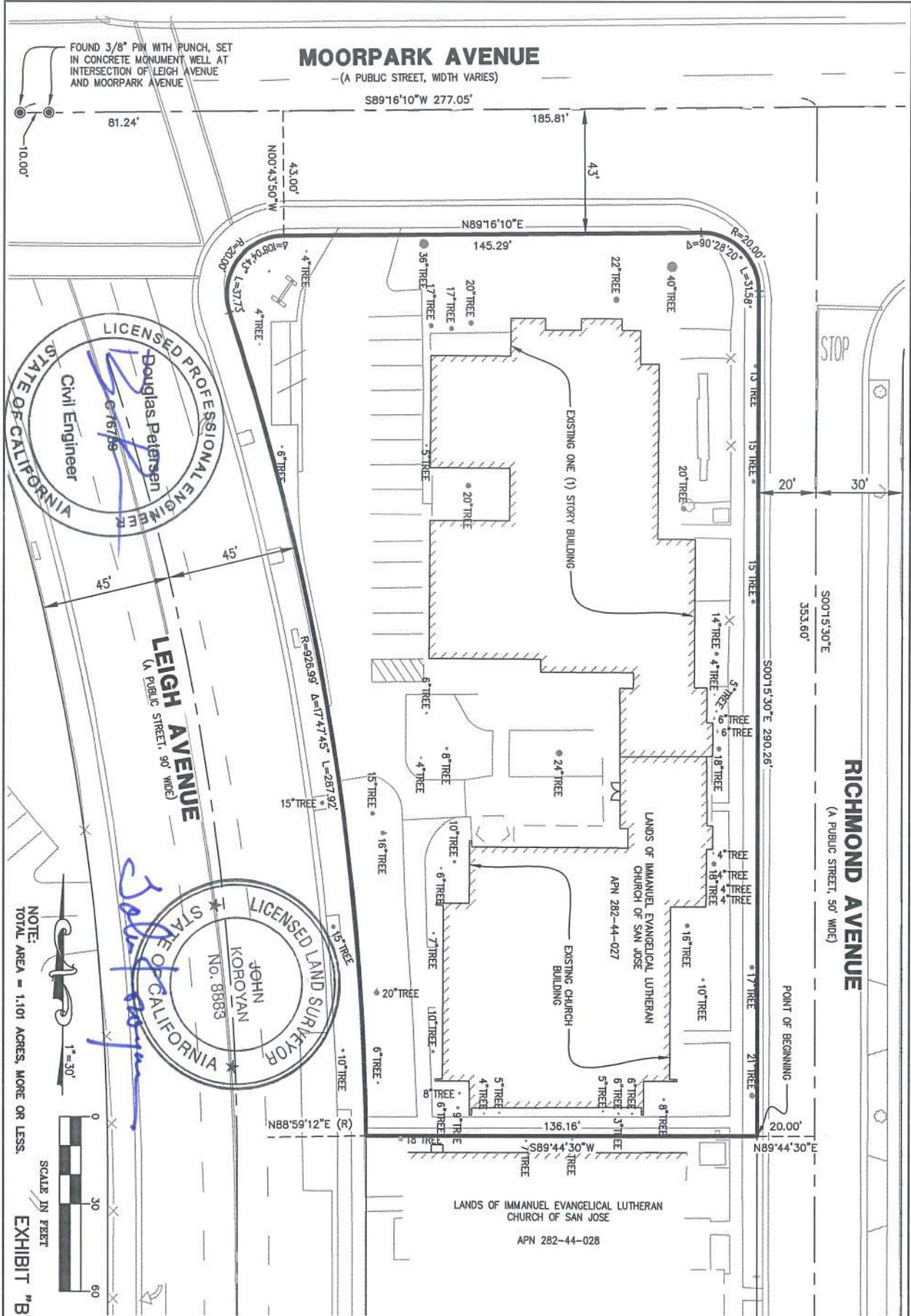
As shown on EXHIBIT "B" attached hereto and made a part hereof.

This legal description was prepared by me, or under my direct supervision, in conformance with the requirements of the Professional Land Surveyors' Act.

By: 
John Koroyan
P.L.S. No. 8883



Date: OCT. 9, 2019



FOUND 3/8" PIN WITH PUNCH, SET IN CONCRETE MONUMENT WELL AT INTERSECTION OF LEIGH AVENUE AND MOORPARK AVENUE

LICENSED PROFESSIONAL ENGINEER
 STATE OF CALIFORNIA
 Douglas Peitersen
 Civil Engineer
 No. 67678

LICENSED LAND SURVEYOR
 STATE OF CALIFORNIA
 JOHN KOROYAN
 No. 8883

NOTE:
 TOTAL AREA = 1.101 ACRES, MORE OR LESS.

SCALE IN FEET
 1" = 30'

EXHIBIT "B"

| Order No. | Date | Revisions |
|-----------|------|-----------|
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EXHIBIT "B" PLAT TO ACCOMPANY LEGAL DESCRIPTION
 1710 MOORPARK AVENUE, SAN JOSE, CA
 SAN JOSE SANTA CLARA COUNTY CALIFORNIA

BKF 100 YEARS
 ENGINEERS. SURVEYORS. PLANNERS

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