



## CITY COUNCIL STAFF REPORT

<b>File No.</b>	C19-037
<b>Applicant:</b>	Moore Law Firm and Louis Abronson
<b>Location</b>	Eastside of North Second Street approximately 330 feet north of West Julian Street (332 and 334 North Second Street)
<b>APNs</b>	249-44-029 and 249-44-030
<b>Existing Zoning District</b>	LI Light Industrial
<b>Proposed Zoning District</b>	CN Commercial Neighborhood
<b>General Plan Land Use Designation</b>	Neighborhood/Community Commercial
<b>Council District</b>	3
<b>Historic Resource</b>	Hensley Historic Landmark District
<b>Annexation Date:</b>	March 27, 1850 (Original City)
<b>CEQA:</b>	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 LI Light Industrial Zoning District to the CN Commercial Neighborhood Zoning District for two contiguous properties, each approximately 0.21-gross acres in size.

### RECOMMENDATION:

Approve an ordinance rezoning two contiguous properties, each approximately 0.21-gross acres, located on the east side of North Second Street, approximately 330 feet north of West Julian Street, at 332 and 334 North Second Street, from the LI Light Industrial Zoning District to the CN Commercial Neighborhood Zoning District.

### PROJECT DATA

GENERAL PLAN CONSISTENCY	
<b>General Plan Designation</b>	<b>Neighborhood/Community Commercial</b> <input checked="" type="checkbox"/> <b>Consistent</b> <input type="checkbox"/> <b>Inconsistent</b>
<b>Consistent Policies</b>	<b>Implementation Policies IP-1.1, IP-1.6, and IP-8.2</b>

<b>SURROUNDING USES</b>			
	<b>General Plan Land Use</b>	<b>Zoning District</b>	<b>Existing Use</b>
<b>North</b>	Neighborhood/ Community Commercial	LI Light Industrial	Office, commercial
<b>South</b>	Neighborhood/ Community Commercial	CN Commercial Neighborhood	Medical office, commercial
<b>East</b>	Residential Neighborhood	R-M Multiple Family Residence	Single-family residences
<b>West</b>	Neighborhood/ Community Commercial	LI Light Industrial	Parking lot, Santa Clara County Law Library

<b>RELATED APPROVALS</b>	
<b>Date</b>	<b>Action</b>
<b>3/27/1850</b>	Original City

### **PROJECT DESCRIPTION**

On October 7, 2019, the applicant, Tanya Moore on behalf of Moore Law Firm, filed an application to rezone two properties, approximately 0.21-gross acre each, from the LI Light Industrial Zoning District to the CN Commercial Neighborhood Zoning District.

#### **Site Location:**

The subject sites are located on the eastside of North Second Street approximately 330 feet north of West Julian Street, at 332 and 334 North Second Street (see Figure 1). The rectangular shaped lots contain historic buildings with office uses and surface parking lots. The buildings built circa 1910 and 1888, respectively, are listed on the City’s Historic Resources Inventory as Contributing Structures.

The properties are primarily surrounded with office and commercial uses. A historic building used as an office is located to the north, single-family residences are located to the east, a surface parking lot and a medical office building are located to the south and the Santa Clara County Law Library building with a surface parking lot is located to the west, across North Second Street.

There are no other active planning development permit applications currently on file for the subject sites.

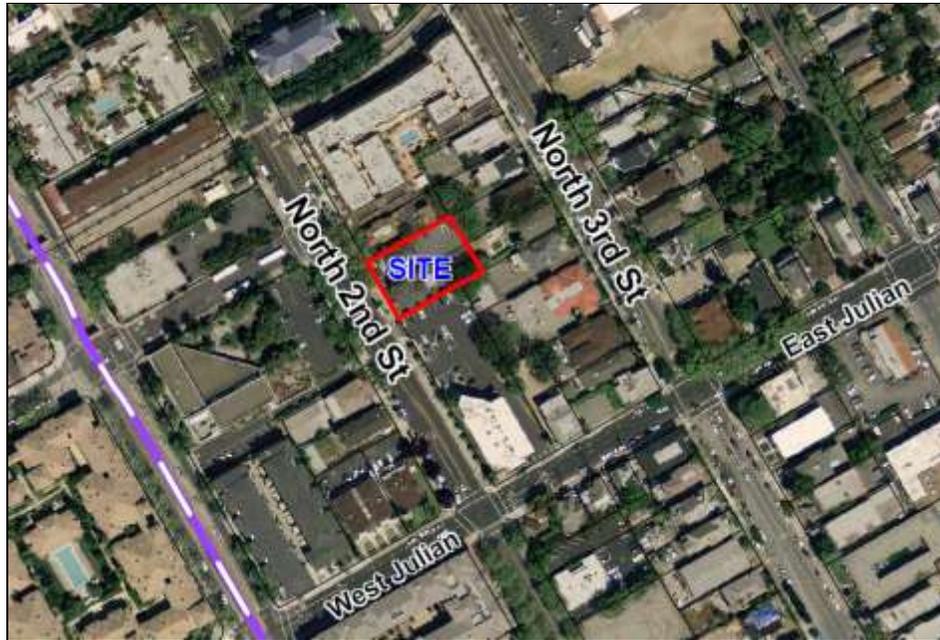


Figure 1: Aerial Map of the subject site

## 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 *Neighborhood/Community Commercial* (see Figure 2).

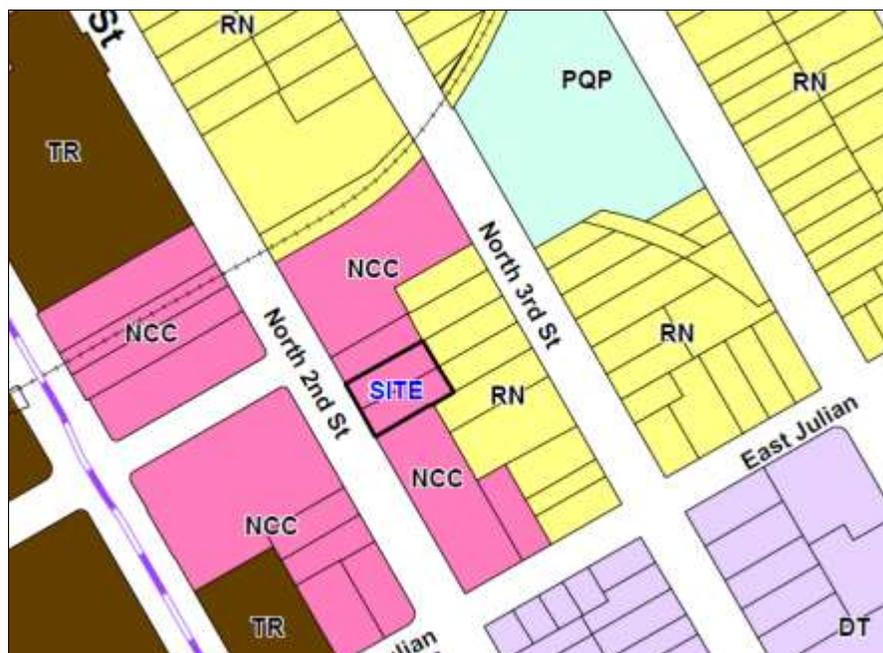


Figure 2: General Plan Map

Neighborhood/Community Commercial uses typically have a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection. The proposed conforming rezoning to the CN Commercial Neighborhood Zoning District is consistent with the following General Plan policies:

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: The subject 0.21-gross acre sites are currently in the LI Light Industrial Zoning District, which does not allow office uses, unless incidental to a primary industrial use. The current uses are, therefore, considered Legal Non-Conforming (LNC) uses. Pursuant to Table 20-270 of the Zoning Ordinance, the CN Commercial Neighborhood Zoning District is listed as a conforming district for the General Plan Land Use Designation of Neighborhood/Community Commercial. The proposed rezoning from the LI Light Industrial Zoning District to the CN Commercial Neighborhood Zoning District would bring the zoning into conformance with the General Plan and allow existing office uses to be consistent with the zoning district.*

### **Zoning Ordinance Conformance**

The subject 0.21-gross acre sites are currently in the LI Light Industrial Zoning District (see Figure 3). The proposed rezoning of the sites to CN Commercial Neighborhood Zoning District (see Figure 4) will allow continuation of the offices as permitted uses.

The proposed rezoning conforms with Table 20-270, Section 20.120.110 of the San José Municipal Code, which identifies the CN Commercial Neighborhood Zoning District as a conforming district to the Neighborhood/Community Commercial General Plan Land

Use/Transportation Diagram land use designation. This zoning district is compatible with the zoning districts to the south and west of subject sites.

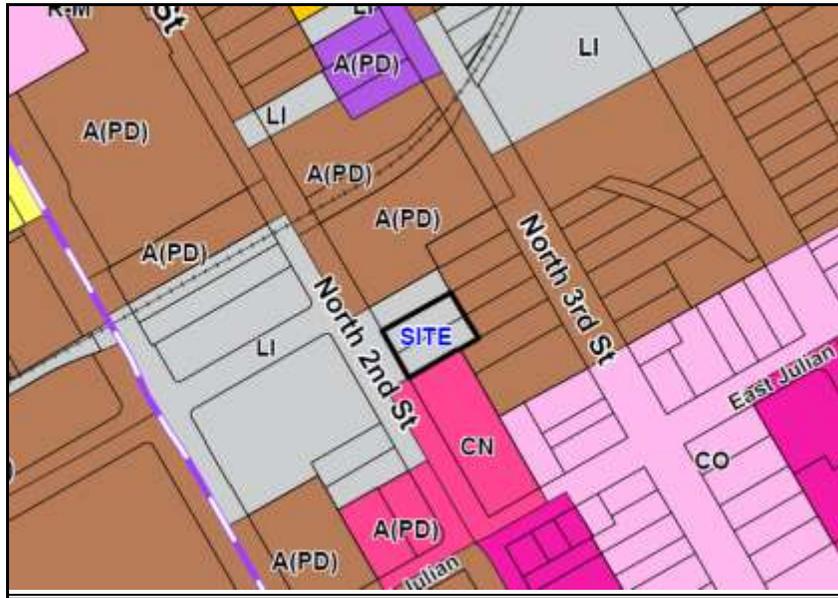


Figure 3: Zoning Map

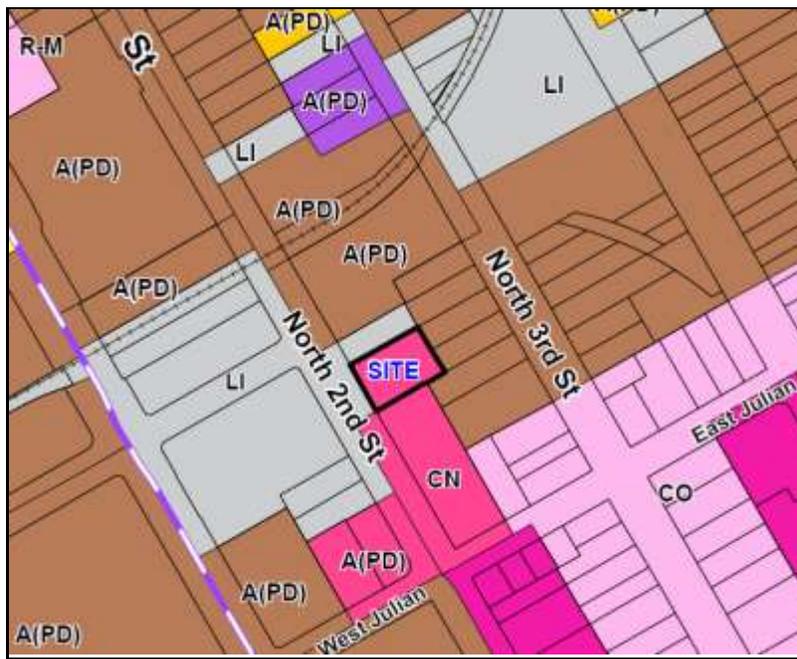


Figure 4: Proposed Zoning Map

Table 20-120 in Section 20.50.200 of the San José Municipal Code establishes the following development standards for CN Commercial Neighborhood Zoning District (see Table 1):

<b>Development Standards</b>	<b>CN Commercial Neighborhood Zoning District</b>
Lot Size (Minimum)	6,000 square feet (0.13-acre)
Front Building Setback (Minimum)	10 feet minimum
Side Setback (Minimum)	Zero from property line
Rear Setback (Minimum)	Zero from property line
Height (Maximum)	50 feet

**Table 1: Setbacks and Height**

The 0.21-acre lot size for each parcel conforms to the minimum 0.13-acre lot size requirement in the CN Commercial Neighborhood Zoning District. The existing front building setbacks are approximately 11 feet (332 N. Second Street) and 18 feet (334 N. Second Street) where 10-feet is the minimum building setback requirement from the front property line (see Table 1).

**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.

There were 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.

## **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 frontage. 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: Legal Descriptions and Plat Maps

## EXHIBIT A

### REZONING FOR LANDS OF LOUIS ABRONSON

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

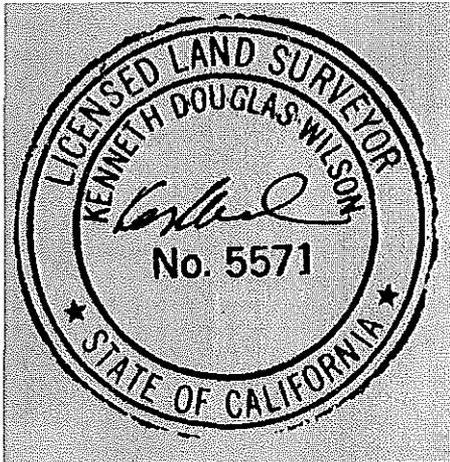
COMMENCING AT A POINT ON THE EASTERLY LINE OF SECOND STREET DISTANT 275 FEET NORTHERLY FROM THE POINT OF INTERSECTION OF SAID EASTERLY LINE OF SECOND STREET WITH THE NORTHERLY LINE OF JULIAN STREET, RUNNING THENCE NORTHERLY ALONG SAID LINE OF SECOND STREET 45 FEET 10 INCHES; THENCE AT RIGHT ANGLES EASTERLY 137 1/2 FEET; THENCE AT RIGHT ANGLES SOUTHERLY 45 FEET 10 INCHES AND THENCE AT RIGHT ANGLES WESTERLY 137 ½ FEET TO THE POINT OF COMMENCEMENT.

TOTAL ACREAGE IS 0.15 AC.

I DID NOT CREATE OR WRITE THIS LEGAL DESCRIPTION. IT WAS COPIED VERBATIM FROM THE EXISTING CURRENT VESTING DEED.

KENNETH D. WILSON

SIGNED ELECTRONICALLY FEB. 13 2020



# EXHIBIT B

SHEET 2 OF 2

## PLAT MAP

332. SAN JOSE, CA 95112  
AS REQUESTED BY:  
LOUIS ABRONSON

LOT 32 & PORTION  
OF LOT 25  
APN: 249-44-030  
MOORE LAW FIRM  
DOC. # 21909571

LOT AREA:  
6874 SF  
0.16 AC

LOT 24  
S30°39'32"E 45.83'

LOT 31  
APN: 249-44-029  
LOUIS ABRONSON  
DOCUMENT #24358972  
LOT AREA:  
6327 SF  
0.15 AC

S59°21'00"W 137.50'

N59°21'00"E 137.50'

STEPS



LOT 1  
APN: 249-44-086  
FAMILY HEALTH  
FOUNDATION ALVISO INC  
DOC. # 12999192

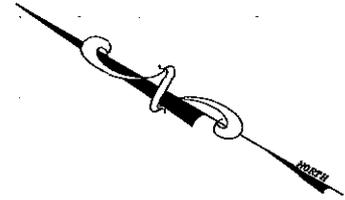
N30°39'32"W 45.83'

POB

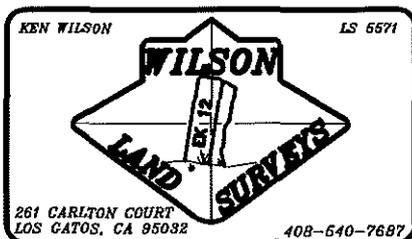
2ND STREET

40'

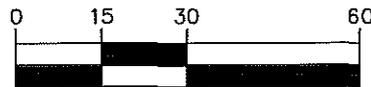
40'



Email: [kenw@wilsonlandsurveys.com](mailto:kenw@wilsonlandsurveys.com)  
[www.wilsonlandsurveys.com](http://www.wilsonlandsurveys.com)



GRAPHIC SCALE



( IN FEET )  
1 inch = 30 ft.



**EXHIBIT A**

**REZONING FOR LANDS OF MOORE LAW FIRM**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

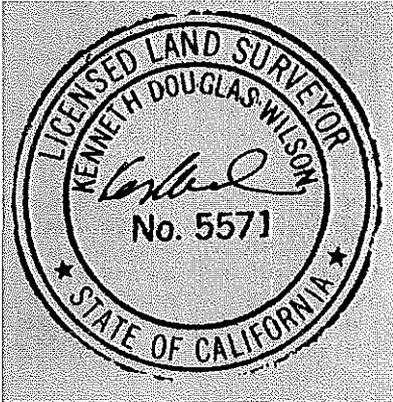
BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF SECOND STREET, DISTANT THEREON 320 10/12 FEET NORTHWESTERLY FROM THE POINT OF INTERSECTION OF THE NORTHEASTERLY LINE OF SECOND STREET WITH THE NORTHWESTERLY LINE OF JULIAN STREET; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SECOND STREET 45.84 FEET; THENCE AT RIGHT ANGLES AND PARALLEL WITH THE NORTHWESTERLY LINE OF JULIAN STREET NORTHEASTERLY 150 FEET; THENCE AT RIGHT ANGLES AND PARALLEL WITH THE NORTHEASTERLY LINE OF SECOND STREET SOUTHEASTERLY 45.84 FEET; THENCE AT RIGHT ANGLES AND PARALLEL WITH THE NORTHWESTERLY LINE OF JULIAN STREET SOUTHWESTERLY 150 FEET TO THE POINT OF BEGINNING AND BEING ALL OF LOT 32 AND A PORTION OF LOT 25 OF THE HOUGHTON SURVEY.

TOTAL ACREAGE IS 0.16 ACRES.

I DID NOT CREATE OR WRITE THIS LEGAL DESCRIPTION. IT WAS COPIED VERBATIM FROM THE EXISTING CURRENT VESTING DEED.

KENNETH D. WILSON

SIGNED ELECTRONICALLY FEB. 13 2020

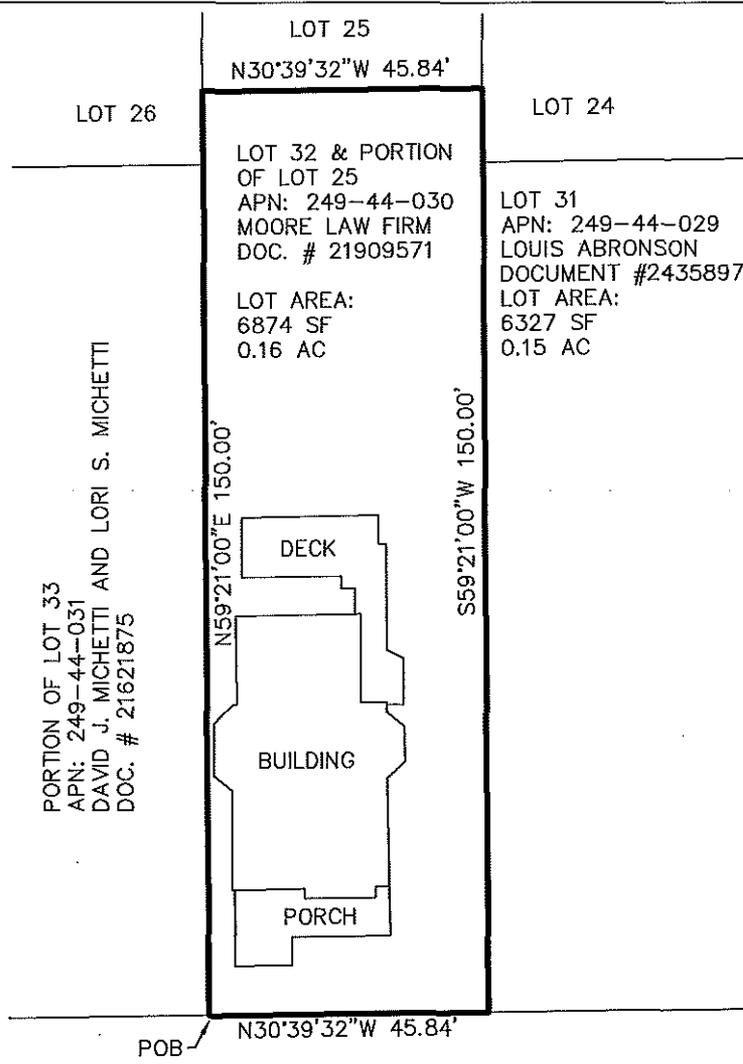
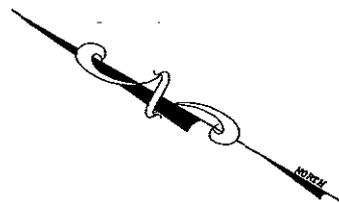


# EXHIBIT B

SHEET 2 OF 2

## PLAT MAP

334 N. 2ND STREET  
SAN JOSE, CA 95112  
AS REQUESTED BY:  
TANYA MOORE; MOORE LAW FIRM



PORTION OF LOT 33  
APN: 249-44-031  
DAVID J. MICHEITI AND LORI S. MICHEITI  
DOC. # 21621875

LOT 25  
N30°39'32"W 45.84'

LOT 24

LOT 32 & PORTION  
OF LOT 25  
APN: 249-44-030  
MOORE LAW FIRM  
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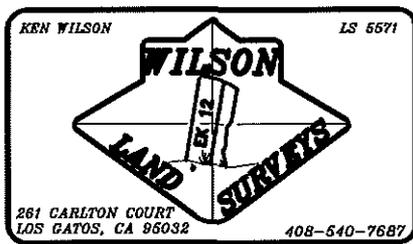
POB

2ND STREET

40'

40'

Email: [kenw@wilsonlandsurveys.com](mailto:kenw@wilsonlandsurveys.com)  
[www.wilsonlandsurveys.com](http://www.wilsonlandsurveys.com)



GRAPHIC SCALE



( IN FEET )  
1 inch = 30 ft.

