



CITY COUNCIL STAFF REPORT

File Nos.	C24-058 & ER24-230
Applicant	Great Enlightenment Lotus Society of Northern California (dba BWNC)
Location	South side of Fox Lane, between Oakland Road and Ridder Park Drive (1330-1362 Ridder Park Drive; APN 237-03-059)
Existing Zoning	IP Industrial Park
Proposed Zoning	CIC Combined Industrial/Commercial
Council District	4
Historic Resource	No
Annexation Date	February 1, 1981 (Orchard No. 92)
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 an approximately 3.5-gross-acre site located on the south side of Fox Lane, between Oakland Road and Ridder Park Drive (1330-1362 Ridder Park Drive; APN 237-03-059) from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District.

RECOMMENDATION:

Staff recommends that the City Council:

1. 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, in accordance with CEQA.
2. Approve an ordinance rezoning the approximately 3.5-gross-acre site located on the south side of Fox Lane, between Oakland Road and Ridder Park Drive (1330-1362 Ridder Park Drive; APN 237-03-059) from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District.

PROJECT DATA

GENERAL PLAN CONSISTENCY			
General Plan Designation		Mixed-Use Neighborhood <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent	
Consistent Policies		Implementation Policies IP-1.7 and IP-8.2	
SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	PQP Public/Quasi-Public	Agriculture	School district office, elementary school & preschool
South	IP Industrial Park	IP Industrial Park	R&D office
East	RN Residential Neighborhood and CIC Combined Industrial/Commercial	A(PD), File No. PDC96-076 & HI Heavy Industrial	Single-Family Residences & Industrial/Commercial
West	IP Industrial Park	IP Industrial Park	Warehouse retail

RELATED APPROVALS	
Date	Action
N/A	No previous approvals.

PROJECT DESCRIPTION**Site Description and Surrounding Uses**

The subject site is located on the south side of Fox Lane, between Oakland Road and Ridder Park Drive (Exhibit A). The site currently has two commercial buildings and surface parking lots. The site is surrounded by a school district office, an elementary school, a preschool to the north across Fox Lane, a warehouse retail to the west across Ridder Park Drive, an R&D office building to the south, railroad tracks to the east, and single-family residences and industrial/commercial uses to the east across Oakland Road. There is currently no application on file for the site development.

Background

On August 22, 2024, the applicant, Albert Wang, on behalf of Great Enlightenment Lotus Society of Northern California (dba BWNC), filed an application to rezone this approximately 3.5-gross-acre site from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District. The rezoning to the CIC Combined Industrial/Commercial Zoning District would bring the site into conformance with the General Plan Land Use/ Transportation Diagram land use designation of CIC Combined Industrial/Commercial. The rezoning aims to allow future uses of the existing buildings to comply with the CIC Combined Industrial Zoning District.

ANALYSIS

The project was analyzed for conformance with the following: 1) the Envision San José 2040 General Plan, 2) the Zoning Ordinance, 3) Senate Bill 330 Compliance, and 4) the California Environmental Quality Act (CEQA).

Envision San José 2040 General Plan Conformance

The subject site is designated CIC Combined Industrial/Commercial on the Land Use/Transportation Diagram of the [Envision San José 2040 General Plan](#) (Exhibit B). The CIC designation allows a significant amount of flexibility for the development of a varied mixture of compatible commercial and industrial uses, including hospitals and private community gathering facilities. Properties with this designation are intended for commercial, office, or industrial developments or a compatible mix of these uses. This designation occurs in areas where the existing development pattern exhibits a mix of commercial and industrial land uses or in areas on the boundary between commercial and industrial uses.

Analysis: The existing building near the street corner is occupied by a commercial/industrial tenant selling home improvement materials. The other building has multiple tenants, including restaurants and offices. The continued uses of the existing buildings would be consistent with the Combined Industrial/Commercial land use designation as this land use designation supports commercial/industrial uses.

The rezoning is consistent with the following General Plan policies:

1. Implementation Policy IP-1.7 Land Use/Transportation Diagram: Ensure that proposals to rezone and pre-zone properties conform to the Land Use/Transportation Diagram, and advance *Envision General Plan* vision, goals and policies.

Analysis: The CIC Combined Industrial/Commercial Zoning District is a conforming district to the CIC Combined Industrial/Commercial land use designation, pursuant to [Section 20.120.110](#) of the San José Zoning Code.

2. 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: Any future use and development at the subject site would be required to conform with the development standards of the CIC Combined Industrial/Commercial Zoning District. The allowed uses and development standards of the CIC Combined Industrial/Commercial Zoning District generally correspond to the CIC Combined Industrial/Commercial land use designation and would implement the Envision General Plan Land Use/Transportation Diagram.

Zoning Ordinance Conformance

The rezoning to the CIC Combined Industrial/Commercial Zoning District (Exhibit C) conforms with Table 20-270 in [Section 20.120.110](#) of the San José Zoning Code, which identifies the CIC Combined Industrial/Commercial Zoning District as a conforming district to the General Plan Land Use/ Transportation Diagram land use designation of Combined Industrial/Commercial.

Use Regulations

The CIC Combined Industrial/Commercial Zoning District would allow the property to be used and developed in accordance with the allowable uses in Table 20-110 in [Section 20.50.100](#), which includes a range of industrial and commercial uses such as light manufacturing, research and development, education and training, offices, restaurants and retails. The current uses are permitted uses within the CIC Zoning District. In addition, this rezoning would facilitate the future redevelopment of the site to be consistent with the General Plan land use designation.

Development Standards

Table 20-120 in [Section 20.50.200](#) establishes the development standards for the CIC Zoning District. Any future development would be required to adhere to the development standards set forth in Table 20-120 and all other applicable Municipal Code regulations. Any future development may also need to be evaluated under CEQA.

Senate Bill 330 Compliance

The Housing Crisis Act of 2019 (SB 330, 2019) limits the manner in which local governments may reduce the capacity for residential units that can be built within the local agency's jurisdiction, including actions such as downzoning, changing general or specific plan land use designations to a less intensive use, reductions in height, density or floor area ratio, or other types of increased requirements that work to reduce the amount of housing capacity in the jurisdiction. An exception to this limitation is that a property may be allowed to reduce the intensity of residential uses if changes in land use designations or zoning elsewhere in the jurisdiction ensure there is no net loss in residential capacity within the jurisdiction.

Analysis: The current IP Zoning District does not allow residential uses. Therefore, the rezoning would not reduce the capacity for residential units within the City.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the 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 FEIR, 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 José 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, SIER and Addenda been identified.

PUBLIC HEARING NOTIFICATION

Staff followed Council Policy 6-30: Public Outreach Policy. 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/

CHRIS BURTON, Director
Planning, Building, and Code Enforcement

For questions, please contact John Tu, Division Manager, at (408) 535-6818.

Attachment:

Legal Description and Plat Map

Exhibit A: Aerial Map



Exhibit B: General Plan Land Use/Transportation Diagram

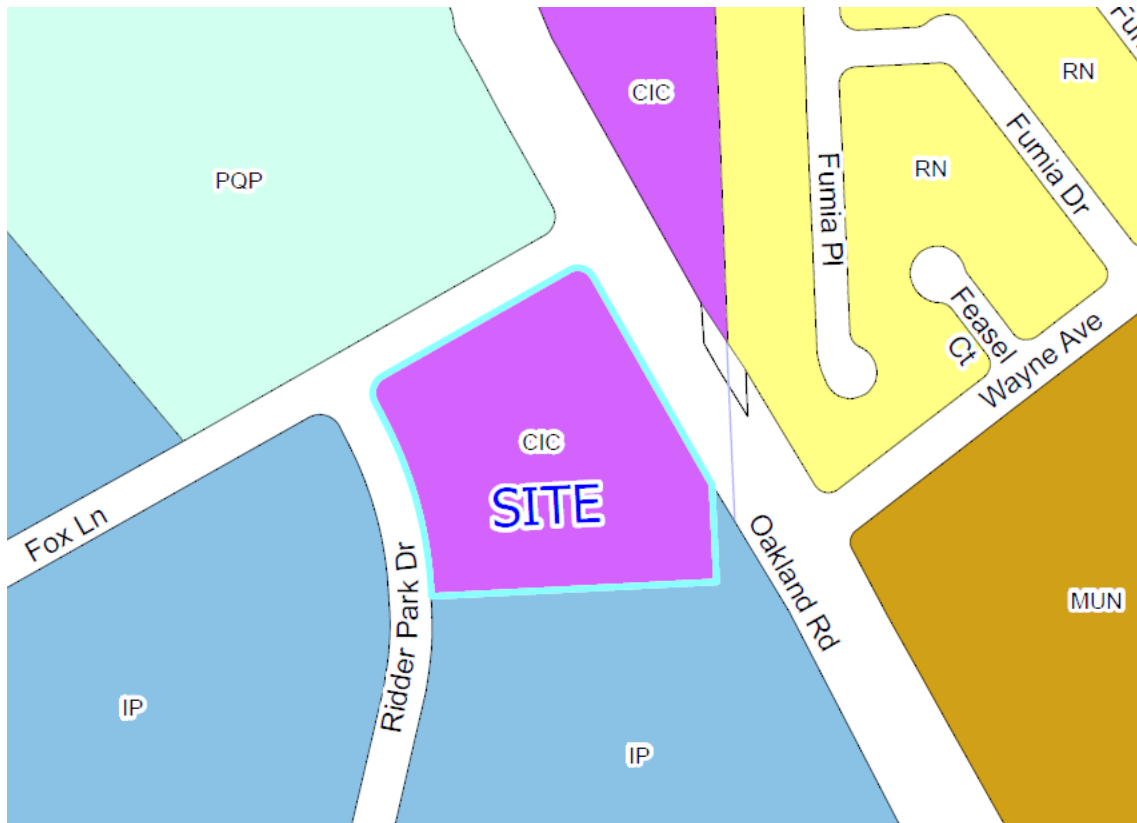


Exhibit C: Proposed Zoning Map



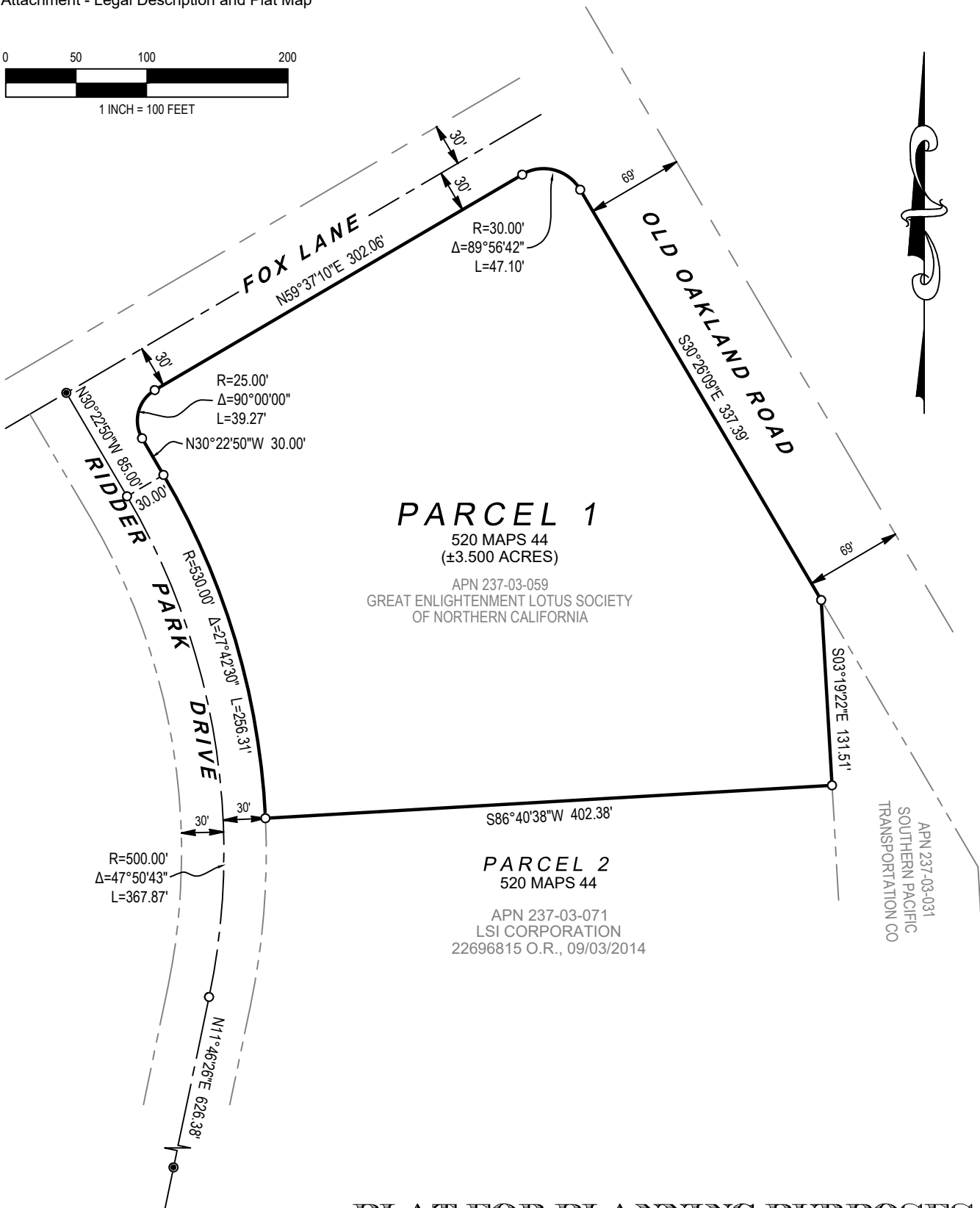
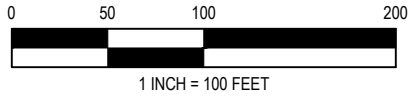
LEGAL DESCRIPTION

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

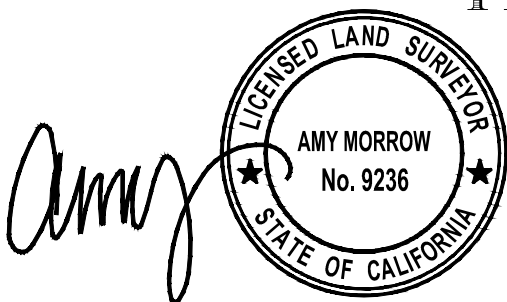
ALL OF PARCEL 1, AS SHOWN ON THAT CERTAIN MAP ENTITLED, PARCEL MAP BEING ALL OF PARCEL 2 [BOOK 497 OF MAPS AT PAGES 13 THROUGH 17](#), SANTA CLARA COUNTY RECORDS, WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON NOVEMBER 1, 1983 IN [BOOK 520 OF MAPS, AT PAGE 44](#).

APN: 237-03-059

ARB: 237-03-004.04



PLAT FOR PLANNING PURPOSES



PARCEL 1
520 OF MAPS AT PAGE 44
SAN JOSE, CALIFORNIA

Prepared by

UNDER THE SUN SERVICES
3086 SUSAN CT., WEST SACRAMENTO, CALIFORNIA

SCALE 1"=100' (916) 716-3565
AUGUST 2024