

DRAFT DEVELOPMENT STANDARDS FOR
PLANNED DEVELOPMENT REZONING FILE NO. PDC08-017:
PROPOSED REVISIONS TO PLANNED DEVELOPMENT ZONING PDC98-104

EXHIBIT C: LAND USE PLAN AND DEVELOPMENT STANDARDS

1. LAND USE

A. Industrial Park Uses (Areas 1 through 4)

Permitted uses of the IP Industrial Park Zoning District of the City of San Jose Zoning Ordinance, including office, research and development or light manufacturing uses, are permitted in Areas 1 through 4. All activity connected with the uses allowed in the Industrial Park designated areas shall be conducted indoors within fully enclosed buildings. Conditional uses identified within the IP Zoning District, including those identified as requiring location within a Mixed-Use Overlay, may be permitted subject to a Planned Development Permit.

B. Commercial Uses (Areas 1 through 4)

Permitted uses of the CP Commercial Pedestrian Zoning District of the City of San Jose Zoning Ordinance, including full service hotels and restaurants, are permitted uses in Areas 1 through 4. The following additional commercial uses may be permitted:

- 1) **Car Rental Facilities** (Southern Portion of Areas 1 through 3; Area 4)
Specified uses are appropriate for Area 4 and the southern portion of Areas 1 through 3, located between the railroad tracks and the interior street away from Coleman Avenue as shown on the land use plan. Car rental facilities are permitted, including, but not limited to, surface or structured parking areas, customer facilities, administrative facilities and vehicle maintenance facilities.
- 2) **Commercial Parking** (Southern Portion of Areas 1 through 3; Area 4)
Commercial parking facilities, utilizing either surface parking or parking structures, are permitted in Area 4 and are also permitted south of the proposed east-west connector in areas 1 through 3.
- 3) **Car Sales** (Areas 3 through 4)
The sale of new vehicles, and incidental activities including the sale of used-vehicles, is a permitted use in Area 3 and Area 4, but may not occupy more than 25% of the entire area covered by the Zoning.
- 4) **Drive-through Restaurants (Area 4)**
Drive-through restaurants, including those with 24-hour operation by right, are permitted in Area 4.
- 45) **Conditional Uses** (Areas 1 through 4)
Conditional uses identified within the CP Commercial Pedestrian Zoning District may be permitted subject to a Planned Development Permit except that residential uses (including residential care/service and SRO facilities) are not permitted and that outdoor recreation shall be limited to the southern portion of Areas 1 through 4).

C. Development Intensity

- 1) The mix of uses and maximum intensity of development shall be limited to 3,000,000 square feet of building area for office/research and development uses. An undetermined amount of hotel, commercial, and retail uses is also allowed on the site, but in no case shall development be allowed that exceeds the traffic performance criteria described below.
- 2) As specific development is considered for approval for the site, a traffic analysis will be required with the issuance of each Planned Development Permit,

confirming that traffic volumes and distribution are within the parameters of the following traffic performance criteria:

- a) The intensity of development on the site shall not exceed the maximum project trip generation of 3,534 AM Peak Hour trips (2,957 inbound and 578 outbound) and the maximum of 3,441 PM Peak Hour trips (467 inbound and 2,973 outbound).
- b) The development of the site shall not exceed the traffic volumes and distribution through each of the 24 specific intersections studied in the traffic analysis and listed on the zoning application.
- c) The apportionment of trip capacity across the entire site shall be in accordance with the terms of the Memorandum of Allocation of Traffic Capacity, entered into by FMC Corporation and Arcadia Development on July 29, 2004, which is hereby incorporated by reference.

2. DEVELOPMENT STANDARDS

A. Architectural Treatment & Site Design Goals

The design of the project should establish an appropriate urban character, establish an important gateway to the City of San José, support activities of the San José International Airport and utilize site design and building architecture consistent with transit oriented development principles.

- 1) The project should include the placement of attractive buildings oriented toward Coleman Avenue and toward other adjacent public streets.
- 2) Parking areas should be placed behind buildings and landscape areas so that they are not visible from public streets and in particular Coleman Avenue.
- 3) Special architectural treatments and articulation at street level should be incorporated into the project's architecture.
- 4) The development of Office or Research and Development uses should incorporate supporting commercial uses in vertical mixed-use configurations as appropriate.
- 5) Car sales areas should make use of multi-level parking structures for the storage of sales inventory.
- 6) The project should include well-designed open spaces and internal pedestrian circulation elements that provide an amenity rich environment.
- 7) Within the development, the building design should create a sequence of lively and intimately scaled office entry plazas and pedestrian spaces.

B. Design Guidelines

Development of the site shall conform to the following development standards, as well as the City of San Jose Industrial (dated Aug. 25th, 1992) and Commercial (dated May, 1988) Design Guidelines. All development shall meet the standards in the adopted Design Guidelines to the satisfaction of the Director of Planning. Any deviation from the Design Guidelines will be subject to review and may be approved by the Director of Planning at the Planned Development Permit stage provided they meet the general intent of the Guidelines.

C. Street Setbacks

Minimum landscaped setback areas shall be provided as described below. No building or parking (surface parking or structured parking) shall be allowed within the setback area consistent with the application of setback areas within the City of San José Zoning Ordinance:

- 1) **Coleman Avenue** (Section D-D) – A 40-foot setback area shall be provided from the face of curb on Coleman Avenue. This 40-foot setback shall consist of a 10-foot landscaped 'park strip', a 10-foot sidewalk and a 20-foot landscaped 'front yard' area. The minimum setback may be reduced to a 25-foot setback from face of curb for the building located at the southwest corner of Aviation Avenue and Coleman Avenue so that it shall align with the adjacent buildings facing Coleman Avenue. This 25-foot setback shall consist of a 10-foot landscaped 'park strip', a 10-foot sidewalk, and a 5-foot landscaped 'front yard'.
- 2) **880 On-Ramp Area** – The minimum landscaped setback for the portion of "Area 4" fronting on to the 880 On-ramp shall be 20 10 feet from the property line. The ALUC Safety Zone for Runway 11-29 serves as the building setback line for the Coleman Avenue frontage.
- 3) **Newhall Street** (Section A-A) – A 30-foot setback area shall be provided from the face of curb on Newhall Street. This 30-foot setback shall consist of a 10-foot attached sidewalk with trees provided in tree wells at the back of curb and a 20-foot landscaped 'front yard' area. This setback may be reduced to 15 feet within 120 feet of the intersection of the new public street adjacent to Railroad (Newhall Drive Section C-C) and Newhall Street.
- 4) **New Public Street (Area 4 - Newhall Drive)** adjacent to Railroad (Section C-C) – A 3020-foot setback area shall be provided from the face of curb on this street. This 3020-foot setback shall consist of a 10-foot attached sidewalk with trees provided in tree wells at the back of curb and a 2010-foot landscaped 'front yard' area.
- 5) **New Private Street** at center of project (Section E-E) – This private street shall contain a large central median generally 100 feet in width. Vehicle circulation shall occur on either side of this median. A minimum 30-foot setback area shall be provided from the face of curb of these travel lanes. This 30-foot setback shall consist of a 16-foot zone of parking or landscaping, an 8-foot sidewalk and a 6-foot interior landscape area.
- 6) **New Public Streets** (Section B-B) – A 30-foot setback area shall be provided from the face of curb on this street. This 30-foot setback shall consist of a 10-foot attached sidewalk with trees provided in tree wells at the back of curb and a 20-foot landscaped 'front yard' area.

D. Land Reservation Setback

The area along the southwest edge of the property, adjacent to the railroad tracks, shall not be developed with permanent structures until the adjacent BART/mass-transit rail line right-of-way needs have been resolved. Surface parking, landscaping or other similar uses are appropriate in this area. This reservation is for site design purposes only, and not intended to reduce the overall intensity of development allowed on the site.

The attached exhibit, entitled "BART Right of Way" conceptually depicts the land reservation area. The exhibit shows a potential future right-of-way acquisition of property in San Jose of approximately 15.239 acres. Recognizing that the BART configuration in this vicinity is subject to change, the specific area affected shall be determined using the best information available at the time of review for Planned Development Permits.

E. Coleman Avenue Frontage Phasing Requirement

The project shall provide a strong street frontage along Coleman Avenue as development takes place. Consistent with the requirements of **Item F**, particular building height requirements must be met at each phase of development. Any Planned

Development Permit issued for structures facing on to Coleman Avenue shall incorporate the entire frontage for the "Area" (e.g. Area 1, Area 2, Area 3 or Area 4) in which the proposed structure is located and demonstrate how development of that Area will be consistent with the Coleman Avenue frontage requirement.

F. Height and Building Presence

- 1) **Maximum Height Limitation** The maximum height of buildings may not exceed the height as defined in the City of San Jose General Plan designation for this site. Development on the site should not negatively impact the airspace requirements of the San Jose International Airport as established by the Federal Aviation Administration.
- 2) **Minimum Height Fronting Coleman Avenue** As discussed above, development of the site shall orient towards Coleman Avenue by placement of buildings along the Coleman Avenue frontage. At least 75% of the aggregate building frontage along Coleman Avenue shall be at least three stories in height (as measured by a straight line drawn through the longest axis of the building parallel to Coleman Avenue).
- 3) **Building presence along Coleman Avenue (Area 4)** The above (Section F.2) notwithstanding, in order to facilitate a strong building presence along Coleman Avenue, there shall be a minimum of 500 linear feet of commercial building frontage located within 200 feet along the ALUC Safety Zone for Runway 11-29 No Build Line.
- 4) **Minimum Height Fronting Newhall Drive (Area 4, Section B-B)** Buildings located within 300 ft of the intersection of Newhall Drive and Coleman Avenue shall be a minimum of 24 feet in height.

G. Landscaping

- 1) Minimum landscaping required for each individual site is 10% of the site area, in addition to the designated Landscape / Open Areas.
- 2) Trees shall be provided within surface parking lot areas at a ratio of one tree per four parking spaces for parking required to meet 90% of the City of San Jose's minimum off-street parking requirements as set forth in the Zoning Ordinance.
- 3) Trees shall be provided within surface parking lot areas at a ratio of one tree per three parking spaces for parking provided in excess of 90% of the City of San Jose's minimum off-street parking requirements as set forth in the Zoning Ordinance.

H. Off-Street Parking and Loading Standards

- 1) A 25% reduction of the City of San Jose's minimum off-street parking requirements as set forth in the zoning ordinance will be permitted because of the project's transit orientation.
- 2) The maximum amount of parking shall not exceed 3.2 stalls per 1000 square feet of gross building area for Office/ R & D uses.
- 3) Retail, restaurants, commercial stores and shops are not required to provide parking spaces when intended to be secondary support commercial uses.
- 4) Trash and loading areas shall be screened from public view and shall comply with the City of San Jose's requirements for off-street loading.

I. Shuttle Bus Requirement

The project developer(s) shall begin operation of a shuttle bus connection to the nearest Caltrain Station concurrent with the occupancy of 1.5 million square feet (or other development equivalent to 50% of the allowable traffic trip generation for the entire 3 millions square feet of Office/R&D development) on the project site. Details including

scheduling and cost sharing provisions between all property owners/developers shall be resolved during the issuance of Planned Development Permits.

J. Minimum Lot Area & Sub-division

The minimum lot area for future sub-division shall be 10,000 square feet. Any sub-divided lots shall either be provided direct access from a public street or access by means of a shared ingress/egress easement. Required parking may be provided on a separate parcel through the issuance of a Planned Development Permit.

3. PERFORMANCE STANDARDS

All on-site development and activities shall conform to the Performance Standards of the IP Industrial Park Zoning District or CP Commercial Pedestrian Zoning District.

4. OFF-SITE IMPROVEMENTS

When a development phase will cause the total property to be developed with more than 25% of the allowable traffic trip generation for the entire 3 million square feet of Office/R&D development (or equivalent), the developer shall construct, i.e., secure approved plans and bond for, the following off-site improvements prior to issuance of any building permits for that development phase. The developer shall implement and complete the following off-site improvements to the satisfaction of the Director of Public Works prior to the issuance of Occupancy Permits for that development phase. The developer shall also implement these improvements for any development phase commenced (by issuance of Building Permits for new square footage) more than five years after the approval date of this Zoning regardless of the scale of the development.

A. City of San Jose Intersections

Prior to occupancy of new development on the site, developer shall implement the following improvements to the satisfaction of the Director of Public Works:

- 1) **Coleman Avenue/Taylor Street** – For the eastbound approach, remove the exclusive right-turn lane and add an additional eastbound left-turn lane, as shown on Figure 12. For the southbound approach, remove the exclusive right-turn lane and add an additional southbound left-turn lane. For the westbound approach, remove the exclusive right-turn lane and add a free right-turn lane. Signal modifications will also be implemented.
- 2) **Coleman Avenue/Hedding Street** – As shown on Figure 13, for the eastbound approach, remove the exclusive right-turn lane and add an additional eastbound left-turn lane. With the reconstruction of the 880/Coleman interchange, the southbound approach will be two left-turn lanes, two through lanes, and one right-turn lane. The mitigation for this approach is one left-turn lane, two through lanes and one through/right-turn lane. Coleman Avenue, south of the intersection will need to be widened for a short distance to receive traffic flows from this mitigation. Right-of-way for this improvement will be dedicated by the owner of the property located at the southwest corner of the intersection. Signal modifications will also be implemented.
- 3) **Coleman Avenue/Aviation Avenue** – As shown on Figure 14, for the eastbound approach, add one lane so that one left-turn, one left-turn/through lane and two right-turn lanes. Signal modifications will also be implemented.

B. City of San Jose CMP Intersection

- 1) **Central Expressway/De La Cruz Boulevard (CMP)** – For the eastbound approach, add one left turn lane. Signal modifications will also be implemented. The project design is currently underway by Santa Clara County Roads and Airports Department and implementation is funded by both the County and the City of San Jose.

5. ENVIRONMENTAL MITIGATION**A. Traffic Mitigation Measures**

- 1) Section 10.6 of the May 1998 CMP Guidelines requires implementation of the "Immediate Actions" identified in Appendix D of the guidelines. Implementation of selected items from the "Immediate Implementation Action List" (shown in Table 16 of the traffic report, Appendix B) shall be incorporated into the project. The selection of the final items from this list would be determined by the City of San José at the Planned Development Permit stage.
- 2) Developer shall designate approximately 2% of on-site parking spaces located near employee entrances for exclusive use by carpools or other high occupancy vehicles.
- 3) At the Planned Development Permit stage, Developer shall provide a Master Transportation Demand Management (TDM) program and will periodically inform the City of the status of the program that may include the following elements:
 - a) Designation of an on-site Transportation Demand Management (TDM) coordinator to implement and monitor utilization of public transportation measures to encourage HOV and other trip diversion programs.
 - b) Provision of physical improvements, such as sidewalks, landscaping, the installation of bus shelters, bicycle parking, and the operation of a shuttle to the nearby transit center that would act as incentives for pedestrian, bicycle and transit modes of travel.
 - c) Implement a vehicle-trip reduction program and provide employees with incentives to carpool and/or utilize transit. Transit subsidies through the ongoing VTA Ecopass program will be offered to all employees of the site.
 - d) Provision of emergency transportation for employees who use public transportation.

B. Biotic Resource Mitigation Measures

- 1) **Measures to Avoid Impacts to Individual Burrowing Owls**

In order to avoid disturbance of individual Burrowing Owls during nesting and breeding on the project site, and to preclude the destruction of individual birds, the following measures shall be implemented at the Planned Development Permit stage:

 - a) A preconstruction survey will be completed in conformance with appropriate protocols, by a qualified ornithologist, no more than 30 days prior to the start of construction in conformance with Federal and State regulations regarding the protection of raptors. If no Burrowing Owls are located during these surveys, then no additional action would be warranted.
 - b) If breeding or resident owls are located on or immediately adjacent to the site, the following mitigation measures will be implemented by a qualified ornithologist:

- No Burrowing Owls will be evicted from burrows during the nesting season (February 1 through August 31). Eviction outside the nesting season may be permitted pending evaluation of eviction plans and receipt of formal written approval from the CDFG.
- A 250-foot buffer, within which no new activity will be permissible, will be maintained between project activities and nesting Burrowing Owls. This protected area will remain in effect until August 31 or at the CDFG's discretion and based upon monitoring evidence, until the young owls are foraging independently.
- If accidental take (disturbance, injury, or death) of owls occurs, the CDFG will be notified immediately.

2) Preservation of Identified Mature Trees

The developer shall maintain the five large coast live oaks currently located on the site either at their existing locations, or if the trees cannot be preserved in their present location, they may be transplanted to other locations on the subject property.

D. Long-Term Impacts to Stormwater Quality

The project shall comply with Provision C.3 of the City's NPDES Permit requirements (No. CAS0299748) for stormwater and other nonpoint source discharges. The project would be considered a "Group 1 Project" under Section c. of Provision C.3; as such, the proposed project would be required to design and implement stormwater treatment BMPs to reduce stormwater pollution to the maximum extent practicable. Provision C.3, Section d., Numeric Sizing Criteria, shall be used to size the stormwater quality control facilities in accordance with the provisions of the City's NPDES Permit.

The project shall incorporate the use of grass/vegetated swales for stormwater filtration. Swale area shall be provided at a ratio of 1,200 square feet of swale area per acre of impermeable surface. Multiple swales are necessary to treat all runoff from the site, but can include parking lot medians and perimeters of impervious pavements. The swales shall not be used to treat sediment-laden runoff from the active construction site.

At the Planned Development Permit stage the developer shall provide a swale maintenance plan that includes mowing and removing clippings and litter, periodic removal of sediment, correction for any erosion, and replacement of plant materials as necessary. The application fertilizers and pesticides should be kept to a minimum, with Integrated Pest Management (IPM) techniques implemented where feasible.

E. Hazardous Materials

At the Planned Development Permit stage, an Integrated Environmental Safety and Health Plan (IESHP) shall be prepared for the construction phase of the project. The IESHP shall include: 1) a means for monitoring of hazardous substances in soils and in buildings that are to be demolished; 2) assessment and prioritization of the risks associated with each potential hazard; 3) measures to minimize risk to workers and the public by controlling airborne emissions; 4) provision for coordination with the DTSC, BAAQMD, and other agencies as needed; and 5) control emission measures for ordinary particulate matter or airborne dirt that would not be classified as "hazardous".

F. Cultural Resources

At the Planned Development Permit stage, developer shall implement an archaeological monitoring program as identified in the cultural resources assessment prepared by Basin Research (May 1997).

6. WATER POLLUTION CONTROL PLANT

Pursuant to Part 2.75 of Chapter 15.12 of the San José Municipal Code, no vested right to a building permit shall accrue as the result of the granting of any land development approvals and applications when and if the City Manager make a determination that the cumulative sewage treatment demand on the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said plant will cause the total sewage treatment demand to meet or exceed the capacity of the San José-Santa Clara Water Pollution Control to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantial conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.