



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Joseph Horwedel

**SUBJECT:** SEE BELOW

**DATE:** June 6, 2008

Approved

Date

6-6-08

**COUNCIL DISTRICT:** 3  
**SNI AREA:** N/A

## SUPPLEMENTAL MEMO

**SUBJECT: PDC08-017. Conforming Rezoning from A(PD) Planned Development to A(PD) Planned Development to modify the development standards of the existing zoning district (File No. PDC98-104) to allow 24-hour drive-through uses by right, minor modifications to building setback and height requirements on the southeasterly portion of an approximately 94.8 gross-acre site, minor technical or clarifying revisions, and other revisions to address traffic capacity for a project located at the northwest corner of Coleman Avenue and Newhall Street (former FMC site).**

## REASON FOR SUPPLEMENTAL

Please find attached copies of the revised Draft Development Standards, which includes a minor technical revision and clarification regarding the vehicular trip allocation to Area 4 of the site, and the project's Addendum to the 2003 FMC Final EIR that was not available at the time the staff report was distributed.

  
for JOSEPH HORWEDEL, DIRECTOR  
Planning, Building and Code Enforcement

For questions please contact Susan Walton at 408-535-7847.

### Attachments:

Revised Draft Development Standards for PDC08-017  
Addendum to the 2003 FMC Final EIR

**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.
- d) In addition to the trips described in Section 1-C.2(a) and the Memorandum of Allocation of Traffic Capacity, Area 4 shall have 68 PM Peak Hour trips (based on a trip generation of 880 Average Daily Trips for 23,500 square feet of commercial/retail and drive-through uses). This does not affect the AM Peak Hour trips described in Section 1-C.2(a).

## 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. 25<sup>th</sup>, 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 ~~30~~20-foot setback area shall be provided from the face of curb on this street. This ~~30~~20-foot setback shall consist of a 10-foot attached sidewalk with trees provided in tree wells at the back of curb and a ~~20~~10-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 2-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 PDC98-104 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. CAS0299718) 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.

**ADDENDUM TO AN EIR  
USE OF A FINAL EIR PREPARED FOR A PREVIOUS PROJECT**

Pursuant to Section 15164 of the CEQA Guidelines, the City of San Jose has prepared an Addendum to an Environmental Impact Report (EIR) because minor changes made to the project that are described below do not raise important new issues about the significant impacts on the environment.

**PROJECT DESCRIPTION AND LOCATION**

**PDC08-017.** Conforming Rezoning from A(PD) Planned Development to A(PD) planned Development to modify the development standards of the existing zoning district (file no. PDC98-104) to allow 24-hour drive-through uses by right, minor reductions to building setbacks and establish minimum height requirements on the southeasterly portion of an approximately 94.8 gross-acre site and other revisions to address traffic capacity for a project located at the northwest corner of Coleman Avenue and Newhall Street (former FMC site).

Council District: 3. County Assessor's Parcel Numbers 230-46-055, -060, -062, -063.

The environmental impacts of this project were addressed by a Final EIR entitled, "FMC/Coleman Avenue Planned Development Rezoning (PDC98-104)," and findings were adopted by City Council Resolution No. 71716 on August 19, 2003. Specifically, the following impacts were reviewed and found to be adequately considered by the EIR:

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Traffic and Circulation | <input checked="" type="checkbox"/> Soils and Geology      | <input checked="" type="checkbox"/> Noise                       |
| <input checked="" type="checkbox"/> Cultural Resources      | <input checked="" type="checkbox"/> Hazardous Materials    | <input checked="" type="checkbox"/> Land Use                    |
| <input checked="" type="checkbox"/> Urban Services          | <input checked="" type="checkbox"/> Biotics                | <input checked="" type="checkbox"/> Air Quality                 |
| <input checked="" type="checkbox"/> Aesthetics              | <input checked="" type="checkbox"/> Airport Considerations | <input type="checkbox"/> Microclimate                           |
| <input checked="" type="checkbox"/> Energy                  | <input type="checkbox"/> Relocation Issues                 | <input checked="" type="checkbox"/> Construction Period Impacts |
| <input checked="" type="checkbox"/> Transportation          | <input checked="" type="checkbox"/> Utilities              | <input checked="" type="checkbox"/> Facilities and Services     |
| <input checked="" type="checkbox"/> Water Quality           |  |   |

**ANALYSIS:**

**PURPOSE**

The purpose of this Addendum is to document any environmental impacts associated with the proposed Conforming Planned Development Rezoning to add 24-hour drive-through uses, minor modifications to building setbacks and height provisions, and other revisions to define how traffic capacity is allocated on the site.

**PROJECT LOCATION**

The project site is the former FMC property, comprised of the 75-acre City-owned (Airport West site) and adjacent 20-acre Arcadia Development-owned property (Coleman Landing). The

subject property has a long rectangular shape, approximately four times as long as it is wide. It is bordered along its western edge by Coleman Avenue, from which it is accessed. Beginning in 1948, the site was used by the FMC Corporation as a heavy industrial manufacturing facility. For many years FMC manufactured food-processing equipment in support of the local agricultural industry and subsequently transitioned use of the site to the manufacture of military equipment. The property has been largely unused in recent years, with the exception of a commercial parking establishment operated on the southernmost 25 acres and soil remediation activities.

#### **DESCRIPTION OF EXISTING ZONING (APPROVED PROJECT)**

The existing zoning on the site (Planned Development Zoning PDC98-104) allows for a maximum of 3,000,000 square feet of office and research and development uses as well as an undetermined mix of hotel and commercial retail uses as long as the total intensity of development on the site does not exceed the equivalent of 3,534 AM Peak Hour trips and 3,441 PM Peak Hour trips.

#### **PROPOSED CHANGES TO THE EXISTING ZONING**

The subject rezoning adds 24-hour drive-through uses on Coleman Landing, allows minor reductions to building setbacks and establishes a minimum building height on the southeasterly portion of the site, and other revisions to specify how traffic capacity is allocated on the site. The rezoning was initiated to facilitate Phase II of the home improvement warehouse commercial project at the southernmost portion (Coleman Landing) of the former FMC site, which would potentially include 24-hour drive-through uses at the corner of Coleman Avenue and Newhall Drive.

#### **ENVIRONMENTAL IMPACTS OF PROPOSED CHANGE TO THE APPROVED PROJECT**

When comparing the proposal to the previously approved project, the notable change is an increase in vehicle trips that would arrive and depart the site due to the additional commercial uses. The following discussion describes the anticipated additional traffic, air quality, and noise impacts that would result from the increased vehicle trips. The additional commercial uses, with an overall increase in building square footage of 23,500, and the minor reduction in building setbacks and establishment of a minimum building height, with no increase in maximum building height, are not anticipated to result in any change in the nature and severity of any other environmental impact previously disclosed in the 2003 FMC Final EIR in that the site would continue to be developed consistent with the assumptions of the 2003 project, save for additional vehicle trips associated with commercial drive-through uses.

##### *Traffic and Circulation*

The traffic analysis prepared for the original 2003 FMC EIR was based upon research and development and general office uses since it was anticipated that these uses would be the most likely major uses of the site. The 2003 FMC Final EIR analyzed the traffic impacts generated by 3 million square feet of office and research and development. The analysis concluded that there will be significant unavoidable traffic impacts and the City Council of the City of San Jose has adopted a Statement of Overriding Considerations along with mitigation measures to address the significant traffic impacts.

However, the zoning allowed for commercial uses including hotels, commercial parking facilities, rental car facilities and new vehicle sales. Essentially any commercial or industrial use allowed in the City's IP Industrial Park or CP Pedestrian Commercial districts, with the

exception of residential uses, would be allowed under the approved Zoning. Therefore the proposed rezoning is consistent with the uses allowed under the original 2003 PD Zoning for this site.

The commercial development allowed under PD07-049 (Phase 1) utilized 188 AM and 848 PM peak hour trips from the allowable 2003 PD zoning trip bank, leaving an unused balance of 695 AM and 12 PM peak hour trips. After the remaining trip bank is applied, an additional 68 PM peak hour trips are generated by the additional commercial uses proposed by the new rezoning which are not covered under the original 2003 EIR/PD Zoning. This analysis focuses on the 68 additional PM peak hour trips and an increase in average daily traffic (ADT) of approximately 880 trips.

Twelve (12) signalized intersections were analyzed for the AM and PM peak commute hours using TRAFFIX and conforming to the City of San Jose Level-of-Service (LOS) Policy impact criteria. The results indicate the level-of service is the same or better than what was reported in the original 2003 EIR and no additional traffic impacts were identified. Project traffic was added to four of the freeway segments to determine conformance with the previously approved project. The results indicate that freeway impacts to the 16 identified segments remained the same as identified in the 2003 EIR and no new freeway impacts occurred. Therefore the additional trips generated by this rezoning would not increase the severity of the previously-identified traffic impacts.

#### *Air Quality*

The 2003 FMC Final EIR concluded that development of 3 million square feet of office/research and development would generate approximately 25,300 net daily vehicle trips which would result in significant unavoidable regional air quality impacts in terms of reactive organic gases (275.6 lbs/day ROG), nitrogen oxides (408.6 lbs/day NOX), and fine particulate matter (182.6 lbs/day PM10). The Bay Area Air Quality Management District (BAAQMD) threshold of significance for each of these regional pollutants is 80 lbs/day. The City Council of the City of San Jose adopted a Statement of Overriding Considerations with regard to such significant, unavoidable impacts. The proposed project would result in an increase of approximately 880 new daily vehicle trips, which would generate the following additional daily emissions:

9.6 lbs/day ROG,  
14.3 lbs/day NOX,  
6.39 lbs/day PM10

In the case of each criteria pollutant, the 2003 project emissions exceeded the BAAQMD 80 lbs/day threshold, and in each case, the incremental emissions resulting from the new daily trips generated by the proposed project would not exceed the BAAQMD threshold, and therefore would not substantially increase the severity of the significant unavoidable regional air quality impact previously disclosed in the 2003 FMC Final EIR. Therefore, no subsequent or supplemental EIR is warranted or required.

#### *Noise*

The 2003 FMC Final EIR disclosed the increase in traffic volumes (25,300 ADT) and the corresponding changes to the noise levels on surrounding streets would not result in significant impacts. The EIR disclosed future noise level increases are expected to be less than the 3 dBA threshold of significance, which is the increase in noise level normally perceptible to humans. When compared to increases over projected background conditions these increases are expected to be less than 1 dBA. Traffic volumes must double to result in a 3 dBA increase, and therefore

the additional 880 average daily trips anticipated with the proposed project would not result in a doubling of roadway traffic volumes and would not result in a significant noise impact. Therefore, no subsequent or supplemental EIR is warranted or required.

*Building Setbacks and Height*

Setbacks are proposed to decrease from 20 feet to 10 feet along Coleman Avenue, the Interstate 880 on-ramp frontage and Newhall Drive, and from 30 feet to 15 feet at the corner of the intersection of Newhall Drive and Newhall Street. The reduced setbacks are intended to provide for an increased amount of retail parking on the site, and to improve truck access at the rear of the Lowe's building, although reducing these setbacks will not affect the width of the sidewalks. The original setbacks are not required for any environmental mitigation purposes.

The proposed rezoning would add a minimum building frontage requirement of 500 linear feet along the Coleman Avenue frontage and a minimum height requirement of 24 feet for buildings located at the corner of Coleman Avenue and Newhall Drive. These requirements are intended to help ensure the project maintains a strong building presence along the Coleman Avenue frontage. The minimum height requirement of 24 feet does not conflict with height limits established for airport safety. The maximum height allowed on the site is defined by Federal Aviation Administration (FAA) requirements and the existing height limits will remain unchanged.

**CONCLUSION**

Approval of the proposed Project will not have any significant environmental impacts not previously disclosed in the Final EIRs referenced above, nor would there be a substantial increase in the severity of previously-identified significant environmental impacts. Therefore, no subsequent or supplemental EIR is warranted or required.

Allen Tai  
Project Manager

Joseph Horwedel, Director  
Planning, Building and Code Enforcement

6/4/08  
Date

Alani Smidson  
Deputy