

**ADDENDUM TO THE ENVISION SAN JOSÉ 2040 GENERAL PLAN
FINAL ENVIRONMENTAL IMPACT REPORT AS SUPPLEMENTED**

For the

**FIVE WOUNDS URBAN VILLAGE
GENERAL PLAN TEXT AMENDMENT**

File No.: GPT20-001



In Consultation with



Consulting

November 2020

**FIVE WOUNDS URBAN VILLAGE
GENERAL PLAN TEXT AMENDMENT ADDENDUM TO THE ENVISION SAN JOSÉ 2040
GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT, SUPPLEMENTAL
ENVIRONMENTAL IMPACT REPORT, AND ADDENDA THERETO (SCH# 2009072096)**

Pursuant to Section 15164 of the CEQA Guidelines, the City of San José has prepared an Addendum to the Final Environmental Impact Report (General Plan FEIR) the Envision San José 2040 General Plan, as supplemented and addenda thereto; because minor changes made to the project, as described below, do not raise important new issues about the significant impacts on the environment.

GPT20-001 – Five Wounds Urban Village General Plan Text Amendment Project. General Plan Text Amendment application to amend the Five Wounds Urban Village Plan, in part, to: (1) modify Interim land Uses and Land Use Policies to allow transit-supportive development to move ahead of the full funding of the 28th Street/Little Portugal BART station; (2) revise the Urban Village land use designation to increase residential density from 95 to 250 dwelling units per acre (DU/AC) and (3) reduce the minimum commercial FAR requirement.

Location: Five Wounds Urban Village (FWUV), which is centered on the development of the planned 28th Street/Little Portugal BART Station located on the San José Steel site (generally bounded by East Saint James Street, North 28th Street, and North 30th Street). The FWUV is generally bounded by US-101 to the east, Santa Clara Street to the south, midblock between North 26th and North 27th Streets and west of Wooster Avenue to the west, and the terminus of Eggo Way to the north, in the City of San José.

Assessor's Parcel Number: various

Council District: 3.

The environmental impacts of this project were addressed by the following "Envision San José 2040 General Plan Final EIR," adopted by City Council Resolution No. 76041 on November 1, 2011; Supplemental Program EIR entitled, "Envision San José 2040 General Plan Supplemental EIR," adopted by City Council Resolution No. 77617 on December 15, 2015, and addenda thereto.

The proposed project is eligible for an addendum pursuant to CEQA Guidelines §15164, which states that "A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines §15162 calling for preparation of a subsequent EIR have occurred." Circumstances which would warrant a subsequent EIR include substantial changes in the project or new information of substantial importance which would require major revisions of the previous EIR due to the occurrence of new significant impacts and/or a substantial increase in the severity of previously identified significant effects.

The following impacts were reviewed and found to be adequately considered by the EIRs cited above:

<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Agriculture Resources	<input checked="" type="checkbox"/> Air Quality
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Geology and Soils
<input checked="" type="checkbox"/> Greenhouse Gas Emissions	<input checked="" type="checkbox"/> Hazardous Materials	<input checked="" type="checkbox"/> Hydrology & Water Quality
<input checked="" type="checkbox"/> Land Use	<input checked="" type="checkbox"/> Mineral Resources	<input checked="" type="checkbox"/> Noise
<input checked="" type="checkbox"/> Population and Housing	<input checked="" type="checkbox"/> Public Services	<input checked="" type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Transportation/Traffic	<input checked="" type="checkbox"/> Utilities & Service Systems	<input checked="" type="checkbox"/> Energy
<input checked="" type="checkbox"/> Growth Inducing	<input checked="" type="checkbox"/> Cumulative Impacts	<input checked="" type="checkbox"/> Mandatory Findings of Sig.

ANALYSIS

The General Plan FEIR, as supplemented identified the Five Wounds Urban Village (FWUV) as a growth area within the City of San José. As analyzed in the attached Initial Study, the General Plan Text Amendment project would not include any physical development; it would modify three of four Interim Land Use Policies of the FWUV Plan, and modify the Urban Village land use designation to allow a higher residential density and reduce the minimum commercial density requirement on certain parcels throughout the FWUV. The proposed project would not change any of the allowed land uses within the FWUV. All future development projects within the FWUV, require subsequent environmental review to provide project-level analysis of any proposed development(s) that would occur based on the proposed General Plan Text Amendment. Future development projects would be required to be consistent with all applicable General Plan and Municipal Code requirements, Standard Permit Conditions, and Conditions of Approval.

No new or more significant environmental impacts beyond those identified in the General Plan FEIR and General Plan SEIR have been identified, nor have any new mitigation measures or alternatives which are considerably different from those analyzed in the EIRs been identified. The project will not result in a substantial increase in the magnitude of any significant environmental impact previously identified in the EIRs. For these reasons, a supplemental or subsequent EIR is not required and an Addendum to the General Plan FEIR, General Plan SEIR, and addenda thereto has been prepared for the proposed project.

The attached Initial Study provides background on the project description and analysis. This addendum (including Initial Study) will not be circulated for public review, but will be attached to the General Plan FEIR, and General Plan SEIR as supplemented pursuant of CEQA Guidelines §15164(c).

Cassandra van der Zweep
Environmental Project Manager

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

11/23/2020

Date



Deputy

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE ADDENDUM

The California Environmental Quality Act (CEQA) recognizes that between the date an environmental document is completed and the date the project is fully implemented, one or more of the following changes may occur: 1) the project may change; 2) the environmental setting in which the project is located may change; 3) laws, regulations, or policies may change in ways that impact the environment; and/or 4) previously unknown information can arise. Before proceeding with a project, CEQA requires the Lead Agency to evaluate these changes to determine whether or not they affect the conclusions in the environmental document.

The City of San José, as the Lead Agency, has prepared this Addendum to the Envision San Jose 2040 General Plan Environmental Impact Report (General Plan FEIR) as supplemented, for the Five Wounds Urban Village General Plan Amendment project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.), and the regulations/policies of the City of San José, California.

The project proposes amendments to the Envision San José 2040 General Plan (General Plan) as it pertains to the Five Wounds Urban Village (FWUV) Plan to include changes to three of the four Interim Land Use Policies (1, 2, and 4) as well as a change in the Urban Village Land Use designation definition. This Addendum for the proposed General Plan Text Amendment evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 BACKGROUND

In 2011, the City of San José approved the Envision San José 2040 General Plan (General Plan), which is a long-range program for the future growth of the City. The General Plan FEIR, SEIR, and Addenda thereto is a broad range, program-level, analysis of the planned growth for the City and did not analyze specific development projects. The intent was for the General Plan FEIR to be a program level document from which subsequent development consistent with the General Plan could tier. The General Plan FEIR also identified mitigation measures and adopted a Statement of Overriding Consideration for all identified traffic and air quality impacts resulting from the maximum level of proposed development.

In December 2015, the City of San José approved the Envision San José 2040 Plan Supplemental FEIR (General Plan SFEIR) for the General Plan to include and update the greenhouse gas emissions analysis. On December 13, 2016, as part of the General Plan 4-Year Review, the City Council approved an Addendum to the General Plan FEIR, SEIR, and Addenda thereto, and SFEIR, to modify the job capacity to 751,650, reducing the number of jobs by 87,800. The number of residential units remained the same.

1.3 PREPARATION OF THIS ADDENDUM

The purpose of this Addendum is to analyze the impacts which may result from the proposed project which includes a General Plan Text Amendment pertaining to the Five Wounds Urban Village (see Section 2.0, *Description of the Proposed Changes to the Project*).

Criteria for Preparation of an Addendum to the Previous EIR and CEQA Determination California Environmental Quality Act (CEQA) Guidelines, Sections 15162 and 15164, provide that an addendum to a previously certified EIR can be prepared for a project and no subsequent EIR shall be prepared for that project unless the Lead Agency determined, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete of the Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines Section 15164 states that the Lead Agency or a Responsible Agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary,

but none of the conditions described in 15162 (see above) calling for preparation of a subsequent EIR have occurred.

This Addendum evaluates and documents the environmental impacts that might reasonably be anticipated to result from the proposed text amendment to the General Plan as described in Section 3.0 *Project Description*. On the basis of the analysis provided in the following sections, the City of San José has determined that none of the conditions described above calling for preparation of a subsequent EIR for the proposed General Plan Text Amendment have occurred and therefore, an Addendum to the General Plan FEIR is the appropriate environmental document.

SECTION 2.0 PROJECT INFORMATION

2.0 PROJECT TITLE

Five Wounds Urban Village General Plan Text Amendment, File Number: GPT20-001

2.1 LEAD AGENCY CONTACT

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City of San José Planning Department
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San José, CA 95112
Cassandra.vanderZweep@sanojoseca.gov
408-535-7659

2.2 PROJECT LOCATION

The project is a General Plan Text Amendment specific to the Five Wounds Urban Village (FWUV), which is centered on the development of the planned 28th Street/Little Portugal BART Station located on the San José Steel site (generally bounded by East Saint James Street, North 28th Street, and North 30th Street). The FWUV is generally bounded by US-101 to the east, Santa Clara Street to the south, midblock between North 26th and North 27th Streets and west of Wooster Avenue to the west, and the terminus of Eggo Way to the north.

Regional and vicinity maps of the FWUV are provided on Figures 1 and 2, respectively. An aerial photograph of the FWUV is provided on Figure 3.

2.3 ASSESSOR'S PARCEL NUMBERS

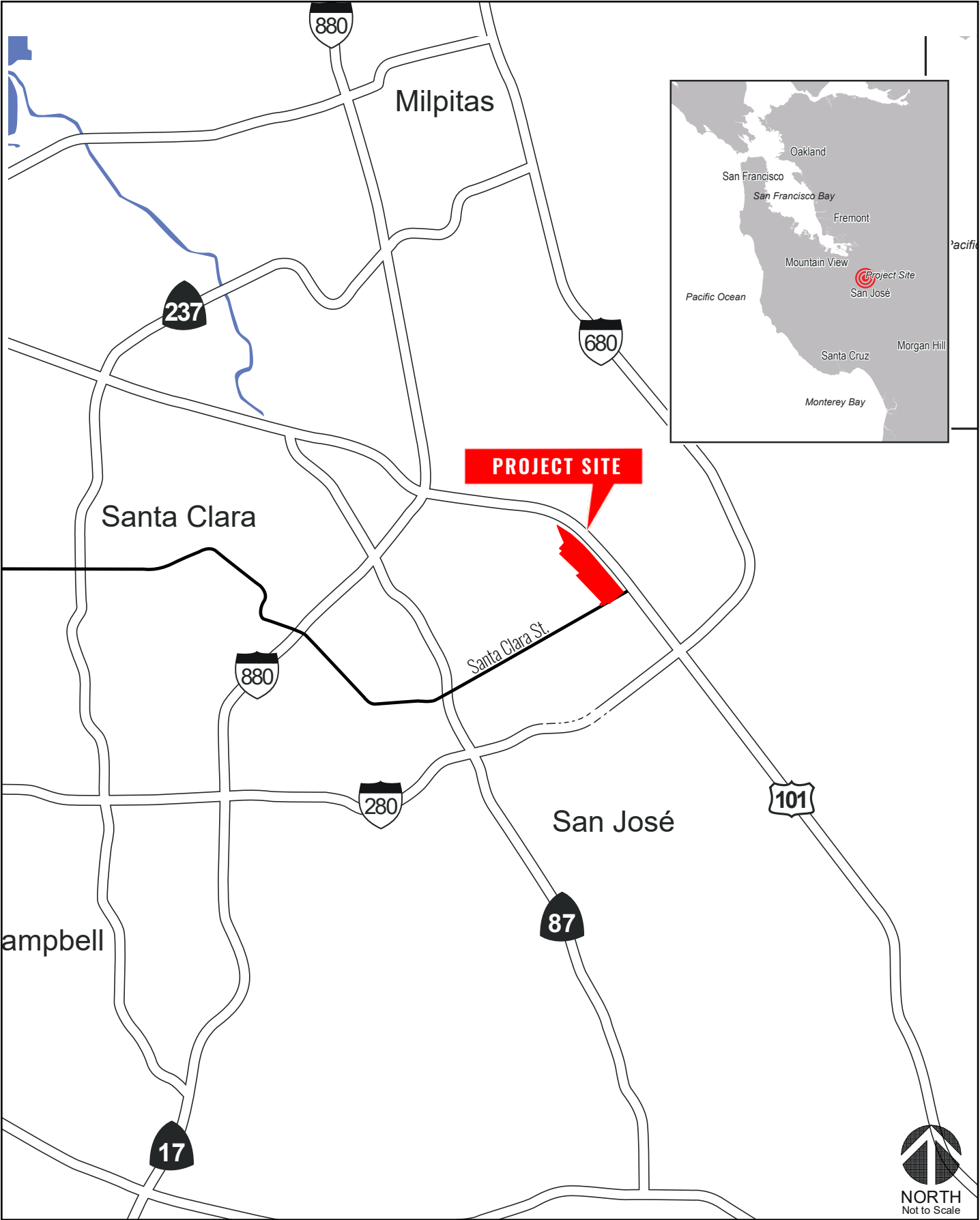
Various

2.4 PROJECT APPLICANT'S NAME AND ADDRESS

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General Partner
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63 Crescent Dr.
Palo Alto, CA 94301
vickymings@gmail.com
650-326-8999
Mobile: 650-380-3260

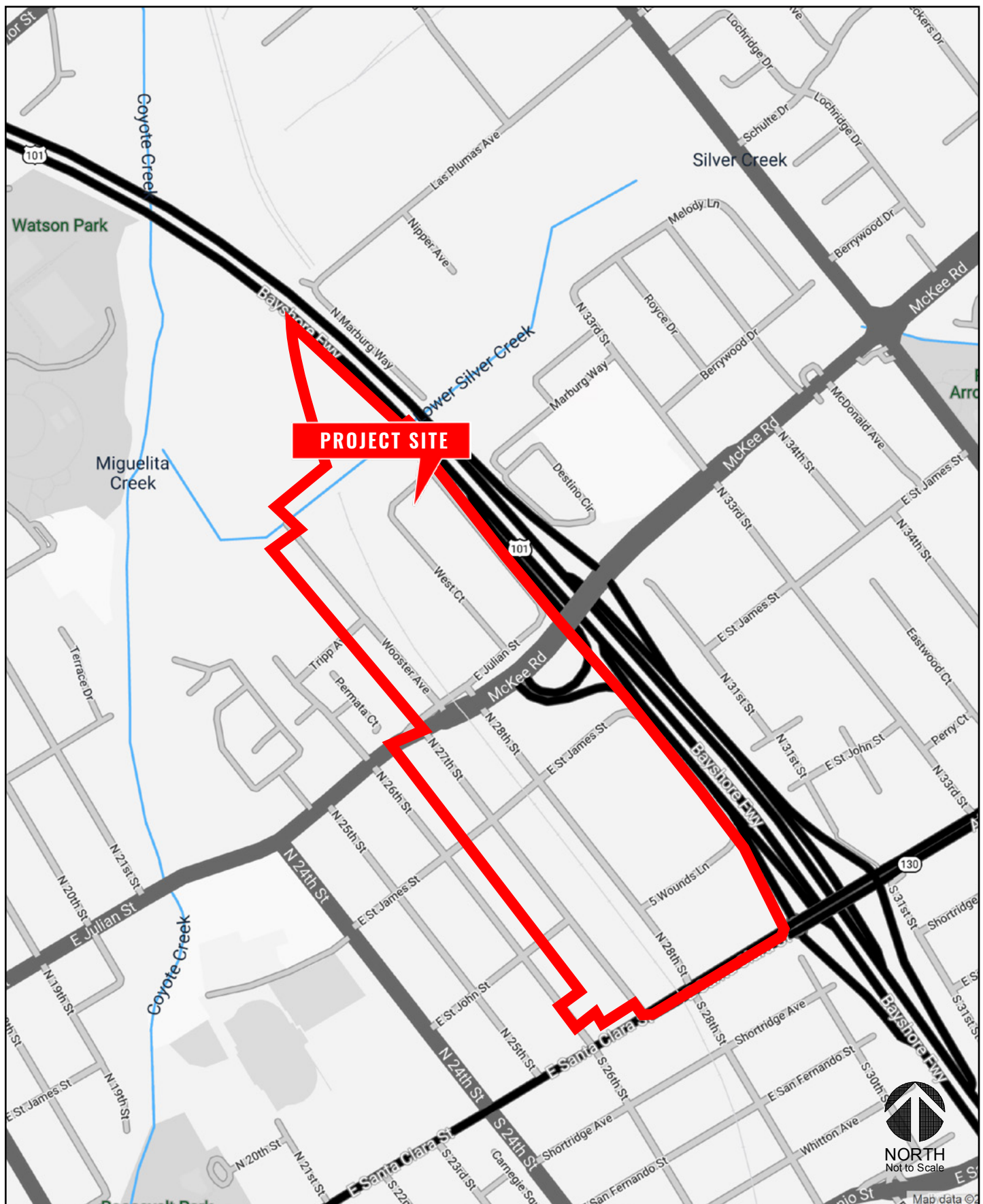
REGIONAL MAP

FIGURE 1



VICINITY MAP

FIGURE 2



AERIAL MAP

FIGURE 3



2.5 GENERAL PLAN LAND USE DESIGNATIONS AND ZONING DISTRICTS

General Plan Land Use Designations: *Urban Village, Public/Quasi-Public, Light Industrial, Mixed Use Neighborhood, Open Space, Parkland and Habitat, Residential Neighborhood, Neighborhood/Community Commercial, and Transportation and Utilities*

Zoning Districts: *Heavy Industrial, Light Industrial, Commercial General, Commercial Pedestrian, R-1-8, Single-Family Residential (8du/ac), Multiple Residence District, A(PD) Planned Development*

2.6 SURROUNDING LAND USES

North: *Heavy Industrial and US-101*

South: *Commercial and Residential*

East: *US-101*

West: *Light Industrial, Commercial, and Residential*

2.7 HABITAT PLAN DESIGNATION

Land Cover Designation: *Predominantly Urban – Suburban, with an area of Golf Courses/Urban Parks east of Eggo Way and west of US 101 in the northern corner of the FWUV*

Development Zone: *Area 4: Urban Development Equal to or Greater than Two Acres*

Fee Zone: *Urban Areas (No land cover fee), Fee Zone B: Agricultural and Valley Floor Lands*

Burrowing Owl Conservation Zone: *N/A*

SECTION 3.0 PROJECT DESCRIPTION

3.1 BACKGROUND

The Envision San José 2040 General Plan (General Plan) included a strategy whereby vibrant, mixed use and pedestrian-oriented districts would be formed that complement the multi-modal VTA Bus Rapid Transit, Light Rail, and the future BART extension to San José. Urban Villages are intended to be attractive to an innovative and economically diverse workforce, enhance established neighborhoods, and be consistent with the General Plan's environmental goals.

The goal of the Five Wounds Urban Village (FWUV Plan) is to support and complement the planned Bus Rapid Transit System (BRT) along East Santa Clara Street and the future 28th Street/Little Portugal BART Station planned to be located between US-101 and North 28th Street on the former San José Steel site (generally bounded by East Saint James Street, North 28th Street, and North 30th Street) within the Five Wounds Urban Village. The FWUV is located within the General Plan's Central Planning Area of the City. The FWUV Land Use Diagram from the approved Plan is shown on Figure 4.

The FWUV Plan includes a set of four Interim Land Use Policies to set phase development in coordination to the arrival of the 28th Street/Little Portugal BART Station. These policies limit residential or mixed-use development until the 28th Street/Little Portugal BART Station is fully funded. However, the full funding of the station is long awaited and remains uncertain, leaving development stagnant in the FWUV.

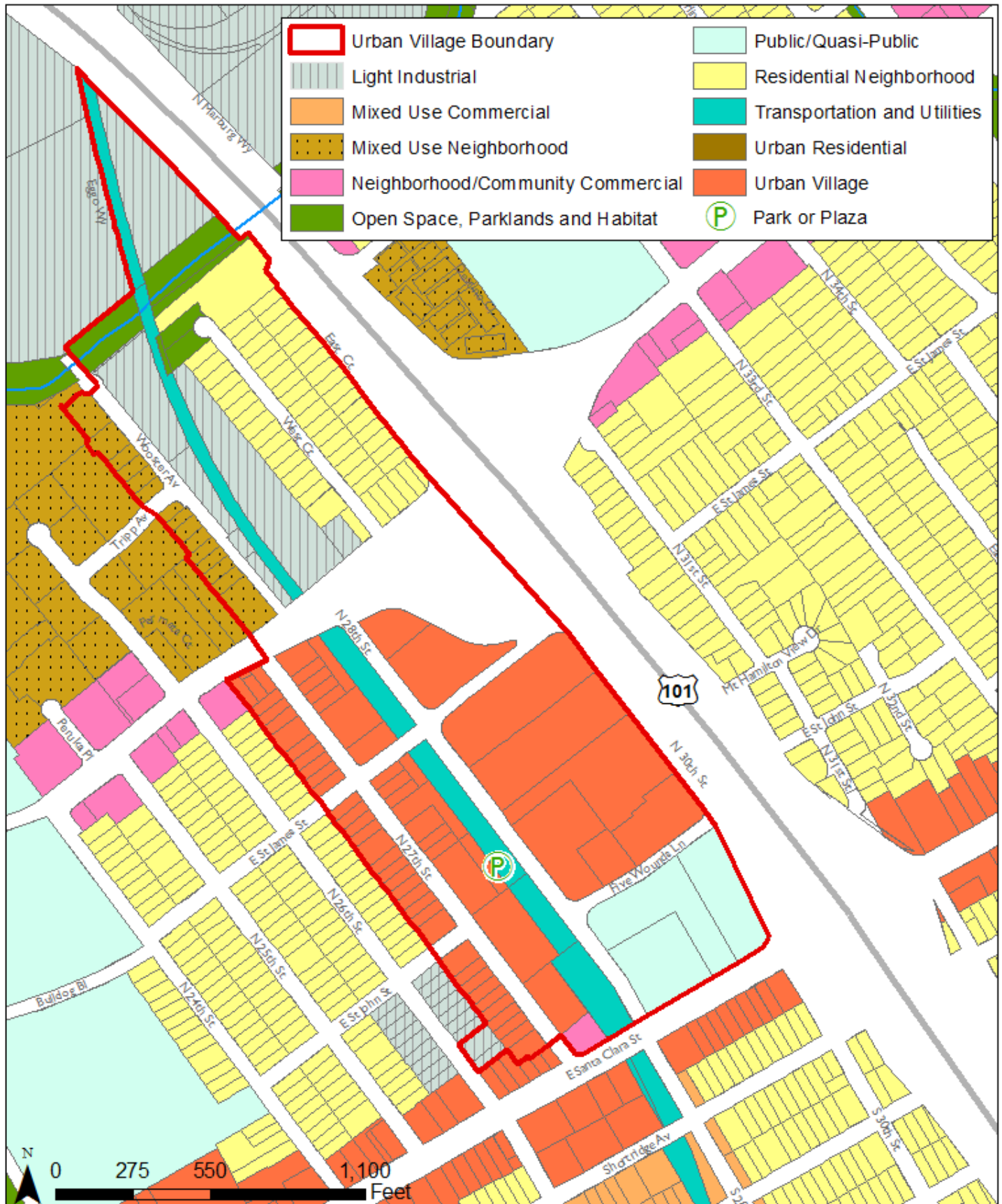
By creating a mix of neighborhood-serving uses, employment opportunities, and high-density housing around a town square, the FWUV is intended to provide residents with the opportunity to meet many of their daily needs by walking, bicycling or taking transit, thereby furthering the City's General Plan goals to support a healthy community, and reduce traffic congestion and resulting greenhouse gas emissions and energy consumption.

The General Plan generally requires preparation of comprehensive Urban Village Plans that support the full amounts of planned job and housing growth capacity before issuance of entitlements for residential development within any of the 61 proposed Urban Villages. Two exceptions to this are the Signature Project Policy (Policy IP-5.10) and the Affordable Housing in Urban Villages Policy (Policy IP-5.12). The City Council adopted the FWUV Plan on November 19, 2013 and it was amended on December 11, 2018 to include implementation priorities. The City has 12 other adopted Urban Village Plans, to date. Due to the uncertainty regarding the funding and timeframe of Bus Rapid Transit and the Silicon Valley BART extension, the FWUV was included in Horizon 2.

Residential development is limited to Urban Villages that are in the current planning horizon, or Horizon 1, and have a Council approved plan. However, there are several tools that allow residential development to occur within later Horizons: Signature Project Policy (Policy IP-5.10), Affordable Housing in Urban Villages Policy (Policy IP-5.12), and the Residential Pool Policy (Policy IP-2.11). Additionally, non-residential or employment development can occur at any time consistent with the goals and policies of the General Plan and this Urban Village Plan.

FIVE WOUNDS URBAN VILLAGE LAND USE DIAGRAM

FIGURE 4



Since the previous General Plan 4-Year Review cycle, which occurred in 2015-2016, Santa Clara County voters approved Measure B (2016). Measure B includes a 30-year, half-cent countywide sales tax to enhance transit, highways, expressways, and active transportation (bicycles, pedestrians, and complete streets) and allocates \$1.5 billion to the VTA's planned six-mile, four station BART Silicon Valley Phase II extension project to Diridon Station in Downtown San José and to the City of Santa Clara. In total, VTA has secured over \$5.5 billion in funding for the BART Silicon Valley Phase II project, including a recent Federal Transit Administration's Pilot Program for Expedited Project Delivery.¹

In December 2018, the San José City Council approved amendments to the FWUV related to interim land use policies and other minor updates. With approval of the updates and based on a memo from Mayor Liccardo and Councilmember Peralez dated November 30, 2018, the City Council provided further direction to staff to explore additional changes to the FWUV to allow certain key properties to develop as mixed-use projects in advance of construction of the 28th Street/Little Portugal BART Station.²

Furthermore, VTA has released three draft Playbooks for the future 28th Street, Downtown, and Santa Clara BART stations to help encourage the development of Transit-Oriented Communities (<https://www.vta.org/programs/transit-oriented-communities>). The Playbooks, which were developed in coordination with the City, put forth recommendations aimed at capitalizing on the multi-billion-dollar investment of the BART Silicon Valley Phase II extension.

One of the recommendations in the draft Playbook for the 28th Street/Little Portugal BART Station is to “move Five Wounds and 24th and William Urban Villages into Horizon 1 as part of the next 4-year review of the General Plan”. This will enable mid-scale incremental residential development to occur on the outer edges of the station area prior to BART funding and construction, to help meet housing needs in the short to medium term. It will also help build the market that will attract desired commercial development.

City Staff is recommending shifting the Five Wounds BART (and S. 24th St./William Ct.) Urban Village to Horizon 1 as part of the City's 2019 Envision San José General Plan 4-year Review process, which will be completed in early 2021.

3.2 PROJECT DESCRIPTION

The project proposes a text amendment to the FWUV Plan. Because all Urban Village Plans and Specific Plans are considered part of the General Plan, the proposed project is considered to be a General Plan Text Amendment. The proposed text amendment includes the following:

¹ <https://www.transit.dot.gov/funding/grants/pilot-program-expedited-project-delivery-3005b>, Accessed August 2020).

² <https://sanjose.legistar.com/LegislationDetail.aspx?ID=3758538&GUID=AFECFA13-1303-401B-A584-C3BAD2082F1E&Options=&Search=>

- Revise the interim land use policies to allow transit-supportive residential or mixed-use developments exceeding 75 DU/AC to proceed ahead of Valley Transportation Agency (VTA) securing a Full Funding Grant Agreement for the 28th Street/Little Portugal BART Station;
- Increase the allowed residential density of the Urban Village land use designation from up to 95 DU/AC to up to 250 DU/AC; and
- Reduce the minimum commercial density requirement of the Urban Village land use designation from 0.75 FAR to 0.10 FAR for projects on properties less than 1.5 acres or located west of the planned Five Wounds Trail.

The project would not increase the allowed residential capacity of 845 dwelling units or the jobs capacity of 4,050 jobs in the FWUV nor would it change the maximum permitted building heights, as depicted on Figure 3 of the FWUV Plan. The proposed text amendment to the FWUV Plan are shown below. Strikeouts are deletions and underlined text are the proposed additions to the existing General Plan text.

Interim Land Use Policy 1: Until such time the Valley Transportation Authority (VTA) has secured a Full Funding Grant Agreement for the planned 28th Street/Little Portugal BART Station, this Village Plan supports uses consistent with those allowed by the Combined Industrial/Commercial General Plan Land Use designation on those properties designated as Urban Village on the Existing/Interim Land Use Diagram (Figure 1). Proposed mixed-use developments exceeding 75 DU/AC on properties designated as Urban Village on the Future Land Use Diagram (Figure 2) may proceed ahead of VTA securing a Full Funding Grant Agreement for the planned 28th Street/Little Portugal BART Station.

Interim Land Use Policy 2: No residential development shall occur on properties designated Urban Village until the City Council allocates residential growth from Horizon II and the Valley Transportation Authority (VTA) secures a Full Funding Grant Agreement for the 28th Street BART station, with the exception of residential developments with a minimum density of 75 DU/AC.

Interim Land Use Policy 4: The General Plan “Signature Project” policy (General Plan Urban Village Planning Policy IP-5.10) and the General Plan “Pool Project” policy (General Plan General Plan Phasing/Planning Horizons/Major Review Policy IP-2.11) shall not be applicable on properties with an Urban Village Land Use designation until the Valley Transportation Authority (VTA) secures a Full Funding Grant Agreement for the 28th Street BART station, with the exception of residential developments with a minimum density of 75 DU/AC.

Urban Village

Density: Up to 250 ~~95~~ DU/AC; minimum FAR 0.75 (3 to 9 stories)

The largest portion of the Village area is designated with the Urban Village Land Use designation. The Urban Village designation supports a wide variety of commercial, residential, institutional uses including stand-alone schools or other land uses with an emphasis on establishing an attractive urban form in keeping with the Urban Village concept. The Urban Village Land Use designation is a commercial designation that also

allows residential uses in a mixed-use format. Residential and commercial mixed-use projects can be vertical mixed-use with residential above retail for example, or, where a larger site allows, they can be mixed horizontally, with commercial and residential uses built adjacent to each other, in one integrated development. Residential projects that “stand alone” and do not include a commercial component are not consistent with the Urban Village designation in this Village Plan.

The vision for the Five Wounds Urban Village is as an urban and pedestrian-oriented corridor with higher-intensity development than currently exists. This Village Plan establishes a long-term objective that properties redeveloped with fully commercial uses should have a minimum FAR of 0.75, and preferably higher. Fully commercial projects developed at less than an FAR of 0.75, while permitted, are intended to be interim uses to ultimately be replaced by high intensity commercial/employment uses in the future.

This Village Plan establishes a maximum FAR for mixed use residential/commercial development for properties designated Urban Village. To meet the employment lands and job development objectives for this Village, as described above in the Planned Growth Capacity and Objectives section, this Plan establishes a minimum FAR for the commercial/employment component of a mixed-use project to be 0.75, with the exception of projects less than 1.5 acres or west of the planned Five Wounds Trail, which require a minimum FAR of 0.10.

Overall, the proposed project is a General Plan Text Amendment and would not result in any physical development or changes to the physical environment. The ultimate intensity or density of future development within the FWUV would continue to be limited by the maximum height limits established in this Village Plan as shown on Five Wounds Village Height Diagram (Figure 3) and by the parking requirements established in the Zoning Ordinance, as may be amended in the future.

3.3 PROJECT-RELATED APPROVALS AND PERMITS

The proposed project is a General Plan Text Amendment for changes to the Five Wounds Urban Village Plan. General Plan Amendments are evaluated and approved by the City of San José City Council. No development is proposed, and no other permits or approvals are required.

SECTION 4.0 EVALUATION OF ENVIRONMENTAL IMPACTS

4.1 BASIS OF ANALYSIS

The project is a General Plan Text Amendment to revise the interim land use policies and the residential and commercial densities of the Urban Village land use designation in the FWUV. As a result, for several resource areas, impacts from the proposed project would be the same as the impacts identified in the General Plan FEIR, SEIR, or addenda thereto. The following resource areas would not experience measurable changes between the project's level of impacts from the impacts identified in the General Plan FEIR:

• Agricultural and Forestry Resources	• Hydrology and Water Quality
• Air Quality	• Mineral Resources
• Biological Resources	• Noise
• Cultural and Tribal Cultural Resources	• Population and Housing
• Energy	• Public Services
• Geology and Soils	• Recreation
• Greenhouse Gas Emissions	• Transportation
• Hazards and Hazardous Materials	• Utilities and Service Systems

The project would not include any physical development; it would modify three of four Interim Land Use Policies of the FWUV Plan, and modify the Urban Village land use designation to allow a higher residential density and reduce the minimum commercial density requirement on certain parcels throughout the FWUV. The proposed project would not change any of the allowed land uses within the FWUV. All future development projects within the FWUV, require subsequent environmental review to provide project-level analysis of any proposed development(s) that would occur based on the proposed General Plan Text Amendment. Future development projects would be required to be consistent with all applicable General Plan and Municipal Code requirements, Standard Permit Conditions, and Conditions of Approval.

Related to agriculture and forestry resources, the project site is not located in an area identified as prime farmland or forestry area, nor is the area being used for or zoned for agricultural or forestry uses. Therefore, the proposed project will not result in a significant impact on the City's or region's agricultural or forestry resources. The proposed project would not result in any new or substantially more severe agricultural or forestry impacts than previously identified in the General Plan FPEIR, SEIR, and Addenda thereto.

Related to air quality and greenhouse gas emissions resources, the project would not result in physical changes to the environment and would not conflict any applicable air quality plans, including the 2017 Clean Air Plan and the City's Greenhouse Gas Reduction Strategy. The project would not include any changes to General Plan land use designations and would not result in additional development beyond that analyzed in the General Plan FEIR.

Implementation of the project would not inhibit the Bay Area Air Quality Management District (BAAQMD) or partner agencies from continuing progress toward attaining state and federal air quality. Because the project would not result in development in excess of that anticipated in the General Plan and physical construction is not included in the project, construction-related air quality, greenhouse gas emissions, and noise impacts would also be the same as those identified in the General Plan FEIR.

General Plan Policy MS-11.2 requires projects which emit toxic air contaminants to prepare a health risk assessment in accordance with BAAQMD-recommended procedures and employ effective mitigation to reduce possible health risks. General Plan Policy MS-13.1 requires the incorporation of dust, particulate matter, and construction exhaust control measures as conditions of approval for development permits and General Plan Policy MS-13.3 requires projects with the potential to disturb asbestos from soil or building materials shall comply with all requirements of the California Air Resources Board's air toxic control measures. Future development under the proposed General Plan Text Plan Amendment would be required to comply with these policies and the City's Standard Permit Condition; thus, the project would not result in a new impact to air quality beyond what was previously analyzed in the General Plan FEIR, SEIR, and addenda thereto.

Related to biological resources, the project would not result in any physical changes to the environment and thus would not impact biological resources. Additionally, future development allowed under the proposed project would not change the areas of the City in which new development or redevelopment would occur or allow development closer to sensitive habitats or habitats occupied by special status plant or wildlife species. It would not change policies or the Municipal Code requirements designed to protect riparian habitats and maintain the health of the City's urban forest. All projects within San José would be required to comply with the provisions of the Santa Clara Valley Habitat Plan, including payment of applicable impact fees. Therefore, future development under the project would not result in new or more significant impacts that previously identified in the General Plan FEIR, SEIR, and Addenda thereto.

Related to mineral resources, the area of Communications Hill in central San José is the only area in the City designated as containing mineral deposits of regional significance by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975. The project site is not located on or near Communications Hill, and therefore, would result in no impacts to mineral resources, as previously identified in the Envision General Plan FEIR, SEIR, and Addenda thereto.

General Plan Policy ER-10.2 states, "Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced." General Plan Policy ER-10.3 states, "Ensure that City, State, and Federal historic preservation

laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.” Under these two policies, new development and development allowed under the proposed project would not change the areas of the City in which new development or redevelopment would occur or change policies or requirements for avoiding and/or reducing impacts to mandatory, presumed, or discretionary historic resources or archaeological resources. The proposed project, therefore, would not result in any new or substantially more severe cultural or tribal cultural resources impacts than previously identified in the Envision General Plan FPEIR, SEIR, and Addendum thereto.

Regarding energy, the proposed project, would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Future development of the FWUV would be required to be built to LEED Certification pursuant to Council Policy 6-32, comply with appropriate BAAWMD best management practices as discussed for air quality above, the California Building Code Standards Title 24, California Green Code requirements, and the Green Building Ordinance to comply with existing state and local energy standards and minimize wasteful energy use.

The FWUV boundary is in proximity to VTA bus routes 22, 23, Rapid 522, and Rapid 523 on East Santa Clara Street and Routes 64A and 64B on East Julian Street. It is also along the future Silicon Valley BART extension to Diridon Station with the 28th Street/Little Portugal BART Station included within the FWUV. As a result, future projects within the FWUV would not result in a substantial increase on transportation-related energy use assumed in the General Plan FEIR. Adherence to General Plan policies, existing regulations, and adopted plans and policies would reduce possible energy consumption and ensure that future development at the project site would not consume energy in a manner that is wasteful, inefficient, or unnecessary.

Related to geology and soil resources, all development projects within the City are required to comply with the most recent California Building Code and California Fire Code, which include provisions for geologic impacts including expansive soil, grading, stormwater controls. The City also requires all new development to conform to the City of San José’s Geologic Hazard Ordinance (General Plan Policy EC-4.4). Per General Plan Policy EC-4.5, an Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.

The proposed project would not change the areas of the City in which new development or redevelopment would occur or allow development on steeper slopes prone to landslides or other hazardous areas. It would not change policies or Municipal Code requirements designed to reduce substantial risks to people, structures, or infrastructure from geologic hazards. The proposed project, therefore, would not result in any new or substantially more severe geology and soils impacts than previously identified in the Envision General Plan FEIR, SEIR, and Addenda thereto.

For hazardous materials related impacts, future development projects would have to be analyzed for effects to public airports and private airstrips, potential wildlife hazards, and effects on regulated hazardous waste and substance sites. The Urban Village is not located in the vicinity of a private airstrip. The Norman Y. Mineta San José International Airport and Reid-Hillview County Airport are located approximately 2.4 miles west and 2.3 miles southeast of the FWUV, respectively. Based on the Airport Comprehensive Land Use Plan, the FWUV is not located within the Airport's Influence Area, noise contour area, nor safety zones.

Regarding regulated hazardous materials, Section 65962.5 of the Government Code requires California Environmental Protection Agency to develop and update a list of hazardous waste and substances sites, known as the Cortese List. As stated in GP Policies EC-7.1 and EC-7.2, future development within the FWUV would be required to be constructed, designed, and operated to not result in an exacerbation of any existing hazardous materials conditions in accordance with the appropriate oversight agencies including: Department of Toxic Substances Control (DTSC), State Water Resources Control Board (SWRCB), and the Department of Resources Recycling and Recovery (CalRecycle).

Future development allowed under the proposed project would not change the areas of the City in which new development or redevelopment would occur or allow development in hazardous areas not previously identified in the General Plan FEIR therefore, the project would not result in any new or substantially more severe hazardous materials impacts than previously identified in the Envision General Plan FEIR, SEIR, and Addenda thereto.

Future development allowed under the project would be required to comply with General Plan Policies IN-3.7, IN-3.9, MS-3.4, ER-8.1, ER-8.3, EC-4.1, EC-5.7, and EC5.16, to reduce, minimize, and/or avoid impacts to the existing hydrology and water quality of the FWUV Plan area. Additionally, as residential and commercial land use assumptions would remain the same, the proposed project would not result in an increase in groundwater demand for water supplies. The proposed General Plan Text Amendment project and any future development permitted under the text amendment would not result in any new or substantially more severe hydrology and water quality impacts than previously identified in the Envision General Plan FPEIR, SEIR, and Addenda thereto.

Related to noise, the proposed project would not include any changes to the physical environment, including noise from vehicular traffic, outdoor mechanical equipment, or construction. Once development is ultimately proposed within the FWUV, site specific noise analyses may be required and standard permit conditions could be required to reduce construction noise levels. Because the project does not include any land use changes that could increase noise levels identified in the Envision San Jose General Plan FPEIR, the project would have no impact on temporary or permanent ambient noise levels within or adjacent to the FWUV.

Regarding potential wildland fires, the FWUV boundary is located in a developed, urban area and surrounded by urban development and is not located within a Very-High Fire Hazard Severity Zone, as described in Section 4.5, below.

The project does not include any General Plan land use changes and would not result in an increase in the current growth capacity of 845 residential units and 4,050 jobs in the FWUV or allow taller buildings. Therefore, there would be no measurable change in population/housing, public services, recreation, or utilities relative to the proposed project.

The project would not result in additional development capacity; therefore, traffic volumes would be comparable to what was identified in the General Plan FEIR and site access and circulation for transit users, pedestrians, and bicyclists would remain the same. In adherence to Senate Bill (SB) 743, the City of San José adopted a new Transportation Policy in March 2018, Council Policy 5-1. The policy replaced its predecessor (Council Policy 5-3) and established the thresholds for transportation impacts under the CEQA based on VMT instead of LOS.

The proposed project is a General Plan Text Amendment that would not increase VMT within the City of San José as it does not include any physical development nor would the project result in changes to the uses permitted in the FWUV. Allowing residential development projects with minimum densities of 75 DU/AC to proceed prior to full BART funding would not change traffic generation above what was identified in the Envision San José 2040 FEIR. Therefore, traffic-related air quality and greenhouse gas emissions and noise impacts would be the same as those identified in the General Plan FEIR.

Because physical construction is not included in the project and the project would not result in additional development in excess of that anticipated in the General Plan, construction-related air quality, greenhouse gas emissions, and noise impacts would also be the same as those identified in the General Plan FEIR. Future proposed develop projects consistent with CEQA and the City's requirements, all long- and short-term impacts of such developments will be identified during the environmental review and permit process.

The resource areas in which there is a potential for new or greater impacts than those identified in the General Plan FEIR or where the project has the potential to be inconsistent with General Plan policies were identified as Aesthetics and Land Use. A discussion of potential wildfire impacts is also included below, as that topic was recently added to the CEQA checklist and was not required to be studied as part of the General Plan FPEIR analysis.

These resource areas are discussed in Sections 4.3-4.5, below. A discussion of Mandatory Findings of Significance is included in Section 4.6.

4.2 EXISTING SETTING

The FWUV is located east of Downtown San Jose and is generally bounded by US-101 to the east, Santa Clara Street to the south, midblock between North 26th and North 27th Streets and west of Wooster Avenue to the west, and the terminus of Eggo Way to the north. The FWUV is primarily developed with industrial, commercial, and residential uses. It is centered on the planned 28th Street/Little Portugal BART Station to be located on the San José Steel site (generally bounded by East Saint James Street, North 28th Street, and North 30th Street).

The Five Wounds Portuguese National Church, located on East Santa Clara Street in the southern portion of the FWUV, is a City of San José historic landmark. The channelized Lower Silver Creek is located in the northern portion of the FWUV, as shown on Figure 3 and in Photo 10. The previous Union Pacific Railroad tracks right-of-way along the west side of North 28th Street is now owned by the VTA and is planned for the future Five Wounds Trail.

Important Note to the Reader

The California Supreme Court in a December 2015 opinion in California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 369 (BIA v. BAAQMD) confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

The City of San José has policies that address existing conditions affecting a proposed project, which are also discussed in this EIR. This is consistent with one of the primary objectives of CEQA, which is to provide objective information to decision-makers and the public. The CEQA Guidelines and the courts are clear that a CEQA document can include information of interest even if such information is not an environmental impact as defined by CEQA.

Therefore, in addition to describing the impacts of the project on the environment, this Addendum will discuss operational issues as they relate to City of San José policies where applicable.

4.3 AESTHETICS

Environmental Setting

Currently, the approximately 74-acre FWUV contains a variety of land uses including large two- and three-story heavy and light industrial buildings, public/quasi-public uses such as Five Wounds Portuguese National Church, Rocketship Discovery Prep, and Cristo Rey School, a few one-story commercial buildings, and both single- and multi-family residential uses. Vacant, disturbed parcels are also located within the FWUV, including abandoned rail lines. US-101 is the eastern boundary and East Santa Clara Street serves as the southern boundary in a highly developed area of the City. Photos of the FWUV and surrounding area are provided in Photos 1-6 on the following pages.

The FWUV Plan includes a land use goal of creating a pedestrian- and transit-oriented, complete community in the FWUV by developing the area around a “Town Square” with a mix of uses including retail sales and services, public facilities, offices, and other commercial uses integrated with high-density housing to serve the surrounding neighborhoods. The Plan intends to create a neighborhood center and help to create a vibrant great place.

Regulatory Framework

State

The State Scenic Highways Program is designed to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The FWUV is not located near any scenic highways. The nearest California Scenic Highway is Interstate 280, which is located approximately 0.87 miles south of the southern boundary of the FWUV.

Local

Envision San José 2040 General Plan

The General Plan defines scenic vistas in the City of San José as views of and from the Santa Clara Valley, surrounding hillsides, and urban skyline. Scenic urban corridors, such as segments of major highways that provide gateways into the City, can also be defined as scenic resources by the City. The designation of a scenic route applies to routes affording especially aesthetically pleasing views. The FWUV is not located along any scenic corridors per the City’s Scenic Corridors Diagram.



Photo 1: Southern boundary of FWUV, looking east from North 27th Street. The Five Wounds Portuguese Church can be seen in the background.

Photo 2: Residential and industrial uses on the east side of North 27th Street, looking south towards East Santa Clara Street.





Photo 3: Industrial uses on North 28th Street, looking south. Five Wounds Portuguese National Church can be seen in the



Photo 4: West side of North 28th Street, looking north. Concrete barriers blocking access to the abandoned railroad line can be seen.



Photo 5: Monarch Trucking site on the east side of North 28th Street, looking northeast. This site is the future location of the 28th Street/Little Portugal BART Station.

Photo 6: North side of East Julian Street frontage street, looking north. Previous location of the railroad line.

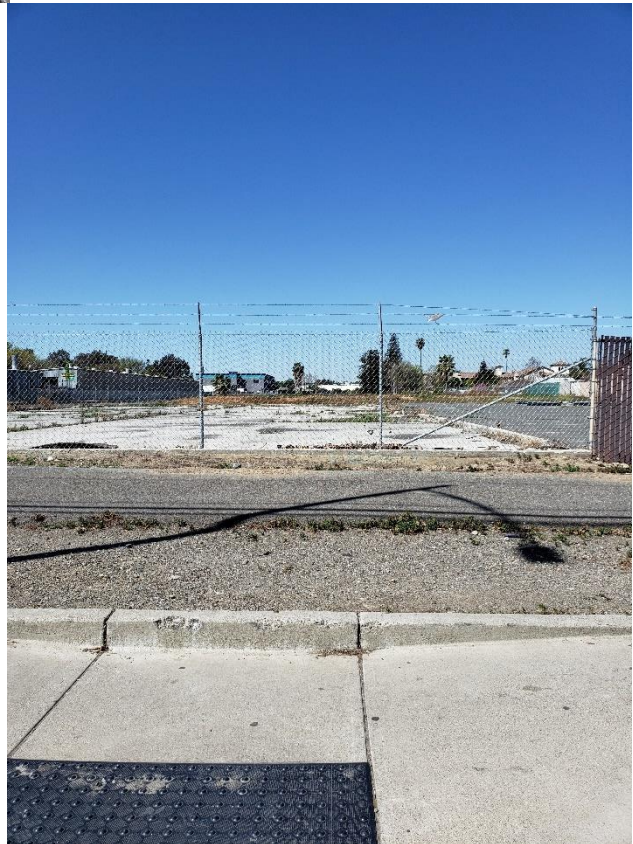




Photo 7: Residential uses on West Court, looking south.

Photo 8: End of West Court cul-de-sac, looking west. Hacienda Park and the multi-family residential located between East and West Courts can be seen in the background. The driveway that links the two can be seen in the foreground.





Photo 9: Eastern side of East Court, looking southeast. The soundwall for US-101 and parking can be seen.



Photo 10: Lower Silver Creek located in the northern portion of the FWUV, looking east. The Kellogg's Eggo Factory is located to the left (north) of the creek from this location.

Photo 11: End of Wooster Avenue, looking south from Silver Creek. The Kellogg's Eggo Factory is located behind where this photo was taken from. Multi-family residential is located to the right (west) and the Rocketship Discovery Prep is located to the left (east).



Policies in the General Plan have been adopted for the purpose of avoiding or mitigating aesthetic impacts from development projects. The following policies could be applicable to the proposed project.

- Policy CD- 1.1** Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
- Policy CD- 1.13** Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.
- Policy CD- 1.17** Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
- Policy CD- 1.23** Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
- Policy CD-1.24** Within new development projects include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.
- Policy CD- 4.9** For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

Policy CD- 8.1 Ensure new development is consistent with specific height limits established within the City’s Zoning Ordinance and applied through the zoning designation for properties throughout the City. Land use designations in the Land Use/Transportation Diagram provide an indication of the typical number of stories.

The FWUV also includes the following Urban Design Goals and Architecture Policies that apply to the proposed project:

Urban Design Goal: Create an attractive Urban Village that is a catalyst for the economic vitality of the Five Wounds area, creates a vibrant pedestrian environment, and contributes towards a strong and positive community identity through high-quality and thoughtful design of buildings and public spaces.

Architecture Policy 1: The design of new development in the Five Wounds Village should be of a high standard and should contribute to the positive image and vitality of the corridor.

Architecture Policy 2: New development within the Five Wounds Village is encouraged to be built in a Mediterranean or other similar architectural styles that reflect the ethnic heritage of the area.

Architecture Policy 3: To create a visually rich and interesting built environment, articulation of building façades (including incorporation of high-quality material) and variations in building planes and roof lines are encouraged in new development. New buildings should avoid a monolithic appearance.

City Council’s Private Outdoor Lighting Policy 4-3

The Private Outdoor Lighting Policy passed by the San José City Council in 1983 and supplemented in 2000 requires all new developments to implement low-pressure sodium illumination be used in all outdoor areas of new private developments. The policy is intended to promote energy efficient and cost-efficient lighting, and minimize light pollution into the night sky. The policy allows adequate light for nighttime activities while benefiting the continued enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow.

The City has adopted an Interim Lighting Policy to encourage the use of broad-spectrum lighting such as LED for private streets, parking areas, and pedestrian areas as an alternative to low pressure sodium. Projects that met specific standards outlined in the Interim Policy regarding outdoor lighting plans, illumination levels, backlight, uplight, glare, correlated color temperature, and dimming qualify for a permit adjustment and an exception to the required use of low-pressure sodium lighting on private development.

2020 Aesthetics Environmental Checklist

Would the project:	New Potentially Significant Impact	New Less than Significant Impact with Mitigation Incorporated	New Less than Significant Impact	No New Impact	Checklist Source(s)
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-4
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-4, 7
c. Substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-6
d. Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-4

Impacts Evaluation

- a. Would the project have a substantial adverse effect on a scenic vista?**
- b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**

Scenic resources and views in the City of San José include the broad sweep of the Santa Clara Valley, the hills and mountains which frame the Valley floor, the baylands and the urban skyline, particularly high-rise development. Other natural resources, such as trees, are also considered a scenic resource. An impact to a scenic resource or vista would occur if a project modifies a scenic feature, such as a hillside, woodland, or bayland areas, or scenic skyline or built environment.

Due to the FWUV's location on the valley floor and presence of surrounding development, views of the FWUV are limited to the immediate area. Views of the foothills and the Diablo range from the project area are already obstructed by existing surrounding development and trees. There are no rock outcroppings or historic resources on or near the site. The FWUV is not located along a Caltrans-designated scenic highway or City of San José scenic gateway or rural scenic corridor.

The project is a General Plan Text Amendment to revise the interim land use policies to include exceptions for transit-supportive residential or mixed-use developments with a minimum of 75 DU/AC to the timing restriction tied to the full funding of the 28th Street/Little Portugal BART Station. The project would also allow residential developments at a density of up to 250 DU/AC on sites within the FWUV Plan designated with an Urban Village land use designation. This change in maximum density for the Urban Village land use designation aligns with other City Urban Village plans (such as The Alameda Urban Village) and consistent with the General Plan. The project also proposes to reduce the minimum FAR for commercial development on parcels less than 1.5 acres in size or located west of the planned Five Wounds Trail.

The increase in the allowed residential density for sites in the FWUV Plan with an Urban Village land use designation could result in the future development of denser residential or mixed-use developments. While individual sites could be developed more densely (with more units on a future project site), the overall residential development capacity of 845 dwelling units within the FWUV Plan would remain the same. The reduction in the minimum commercial FAR would also not affect the commercial development capacity of 4,050 jobs within the FWUV. Additionally, the General Plan Text Amendment would not change the FWUV Plan's allowed heights nor any urban design requirements of the Urban Village Plan. Therefore, the proposed project would not result in changes to design policies which would impact the future aesthetic design of the site.

Additionally, at such time as specific development projects are proposed within the FWUV, they will be evaluated on a project-level for consistency with the General Plan, Urban Village Plan Municipal and Zoning Code, and design guidelines.

The General Plan FEIR identified significant aesthetic impacts related to the loss of scenic vistas as a result of the development and redevelopment of the City. Implementation of General Plan policies, Urban Village goals and policies, City design guidelines, and City Council lighting policies would reduce the overall impact. The proposed project would not result in additional physical changes to the environment and would not result in new or greater impacts to aesthetic resources, when compared to those identified in the General Plan FEIR. Further, any future development facilitated through the proposed project would require project-specific environmental review. Based on the above discussion, the project would not substantially damage scenic resources. **(No New Impact)**

c. Substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The proposed project is a General Plan Text Amendment to revise the interim land use policies and the residential and commercial densities of the Urban Village land use designation in the FWUV. It would not result in expanded capacity or different development uses within the FWUV plan area. The project would not result in site-specific physical changes to the

environment and therefore, would not affect public views or scenic quality of the site or its surroundings. At such time as specific development projects are proposed within the FWUV, they will be evaluated based on consistency with the General Plan, Urban Village Plan, Municipal and Zoning Code, and applicable design guidelines. Further, any future development facilitated through the proposed project would require project-specific environmental review. For these reasons, the proposed project would not substantially degrade the existing visual character or quality of public views of the site and surrounding area.

The project does not include any physical development and would be consistent with applicable General Plan aesthetics policies that relate to scenic quality. **(No New Impact)**

d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

The General Plan FEIR, as supplemented concluded that while new development and redevelopment under the General Plan could create additional sources of nighttime light and daytime glare, implementation of adopted plans, conformance with adopted policies and regulations and with General Plan policies would avoid substantial light and glare impacts.

The project does not include any new development not anticipated in the General Plan and would therefore, not be a substantial new source of light or glare. While some future project sites within the FWUV may have a residential density higher than previously identified in the FWUV Plan, these projects would continue to be subject to evaluated for conformance with the City's General Plan, applicable lighting policies, the Urban Village policies, Municipal and Zoning Code and applicable design guidelines. Further, any future development facilitated through the proposed project would require project-specific environmental review. **(No New Impact)**

Conclusion

The project would not result in new or greater significant aesthetic impacts when compared to those identified in the General Plan FEIR. **(No New Impact)**

4.4 LAND USE

Environmental Setting

The FWUV is located in an area of primarily heavy and light industrial, commercial, public/quasi-public, and residential uses in central San José, east of Downtown.

The project is a General Plan Text Amendment specific to the Five Wounds Urban Village (FWUV), which is centered on the development of the planned 28th Street/Little Portugal BART Station located on the San José Steel site (generally bounded by East Saint James Street, North 28th Street, and North 30th Street). The FWUV is generally bounded by US-101 to the east, Santa Clara Street to the south, midblock between North 26th and North 27th Streets and west of Wooster Avenue to the west, and the terminus of Eggo Way to the north.

Surrounding land uses generally include heavy Industrial and US-101 to the north, commercial and residential uses to the south, US-101 to the east, and light industrial, commercial, and residential to the west. The FWUV is located within the General Plan's Central Planning Area.

Regulatory Framework

Local

Envision San José 2040 General Plan

General Plan land use designations within the FWUV plan area include *Urban Village, Public/Quasi-Public, Light Industrial, Mixed Use Neighborhood, Open Space, Parkland and Habitat, Residential Neighborhood, Neighborhood/Community Commercial, and Transportation and Utilities*.

The General Plan includes policies, major strategies, and goals for the purpose of avoiding or mitigating land use impacts resulting from planned development projects with the City. The following strategies, goals, and policies are specific to land use and are applicable to the proposed project.

Major Strategy #1: Community Based Planning: This major strategy requires all plans to go through a robust community engagement effort to ensure that the resulting plan embodies the community values and goals articulated through an extensive and meaningful community based planning process. The current policies in the Plan reflect the vision of stakeholders in the community.

Goal H-1: Provide housing throughout our City in a range of residential densities, especially at higher densities, and product types, including rental and for-sale housing, to address the needs of an economically, demographically, and culturally diverse population.

- CD-1.1** Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
- CD-1.8** Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City.
- CD-1.12** Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
- CD-1.17** Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
- CD-1.23** Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
- CD-2.9** Encourage adaptable space that can be used for multiple employment or public/quasi-public purposes (e.g., satellite office space, community meeting, and religious assembly uses accommodated in a single space).
- CD-3.4** Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.

- CD-4.5** For new development in transition areas between identified Growth Areas and nongrowth areas, use a combination of building setbacks, building step-backs, materials, building orientation, landscaping, and other design techniques to provide a consistent streetscape that buffers lower-intensity areas from higher-intensity areas and that reduces potential shade, shadow, massing, view shed, or other land use compatibility concerns.
- CD-4.9** For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
- IP-1.6** Ensure that proposals to rezone and prezone properties conform to the Land Use/Transportation Diagram, and advance General Plan Vision, goals and policies.
- LU-6.1** Prohibit conversion of lands designated for light and heavy industrial uses to non-industrial uses. Prohibit lands designated for industrial uses and mixed industrial commercial uses to be converted to non-employment uses. Lands that have been acquired by the City for public parks, public trails, or public open space may be re-designated from industrial or mixed industrial lands to non-employment uses. Within the Five Wounds BART Station and 24th Street Neighborhood Urban Village areas, phased land use changes, tied to the completion of the planned BART station, may include the conversion of lands designated for Light Industrial, Heavy Industrial or other employment uses to non-employment use provided that the Urban Village areas maintain capacity for the overall total number of existing and planned jobs.
- LU-1.9** Preserve existing Public/Quasi-Public lands in order to maintain an inventory of sites suitable for Private Community Gathering Facilities, particularly within the Residential Neighborhoods, Urban Villages and commercial areas, and to reduce the potential conversion of employment lands to non-employment use.
- H-1.9:** Facilitate the development, preservation, and rehabilitation of housing to meet San Jose's fair share of the County's and region's housing needs.

Five Wounds Urban Village Plan

The following goals and policies within the FWUV Plan pertain to reducing or avoiding impacts related to land use.

Land Use Goal: Create a pedestrian- and transit-oriented, complete community in the Five Wounds Urban Village by developing the area around a Town Square with a mix of uses including retail sales and services, public facilities, offices, and other commercial uses integrated with high-density housing, to serve the surrounding neighborhoods, create a neighborhood center, and help create a vibrant great place.

Land Use Policy 1: Create a high-density, mixed-use Urban Village that is pedestrian focused and enhances the quality of life for residents in surrounding communities.

Land Use Policy 10: Drive-through uses shall not be permitted within the Five Wounds Urban Village.

Land Use Policy 11: Motor vehicle uses such as auto repair, automobile sale and rental lots, auto parts sales, and car washes are prohibited.

Land Use Policy 14: Ensure that new public and private development adjacent to the Lower Silver Creek riparian corridor is consistent with the provisions of the City's Riparian Corridor Policies while recognizing that this plan supports more intensive urban development adjacent to the riparian corridor.

Land Use Policy 15: Preserve the existing single-family detached residential neighborhood located between East and West Courts.

Land Use Policy 19: Encourage the development of high intensity office buildings adjacent to US Highway 101 to serve as a noise and pollution buffer between the highway and residential and commercial land uses.

City of San José Zoning Ordinance

The Zoning Ordinance is Title 20 of the Municipal Code. Zoning districts within the FWUV plan boundary include *Heavy Industrial*, *Light Industrial*, *Commercial General*, *Commercial Pedestrian*, *R-1-8 (Single-Family Residential 8du/ac)*, *Multiple Residence*, and *A(PD) Planned Development*. The proposed project does not include any rezonings of properties within the FWUV.

2020 Land Use Environmental Checklist

Would the project:	New Potentially Significant Impact	New Less than Significant Impact with Mitigation Incorporated	New Less than Significant Impact	No New Impact	Checklist Source(s)
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-7
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-7

Impacts Evaluation

a. Would the project physically divide an established community?

The FWUV is a highly developed area of the City of San José. The proposed project includes a General Plan Text Amendment and does not include any development that could physically divide the community (e.g., blocking of sidewalks, construction of roadways, etc.). For these reasons, the project would not physically divide an established community and new or greater impacts would not occur compared to those identified in the General Plan FEIR. **(No New Impact)**

b. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The project is a General Plan Text Amendment to revise the interim land use policies and the residential and commercial densities of the Urban Village land use designation in the FWUV.

As described in Sections 3.1 and 3.2, *Background*, of this Addendum, funding for the extension of BART and the construction of the 28th Street/Little Portugal BART Station is imminent. Based on direction from the City Council, planning staff is recommending that the FWUV be moved from Horizon 2 to Horizon 1 of the General Plan. In order for this to be possible, the requirement that BART funding be in place prior to development must be removed from the General Plan text. The goal of the FWUV Plan is to support and complement the planned Bus Rapid Transit System (BRT) along East Santa Clara Street and the future 28th Street/Little Portugal BART Station, planned to be located between US 101 and North 28th Street on the former San José Steel site (generally bounded by East Saint James Street, North 28th Street, and

North 30th Street) within the FWUV. The proposed project would not conflict with the Urban Village's goal.

Approval of the proposed General Plan Text Amendment would not change any land use designations or residential and commercial capacities within the FWUV. The proposed project would not conflict with any land use plan, policy, or regulation adopted to avoid or mitigate environmental impacts.

Additionally, the proposed project, would not result in the construction of any structure or physical changes that would result in shade, shadow, or visual intrusion impacts. All future development under the FWUV Plan would be required to comply with all applicable land use plans, policies, and regulations. For these reasons, the project would not conflict with policies, plans, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

(No New Impact)

Conclusion

The project would not result in new or greater impacts than those identified in the General Plan FEIR. **(No New Impact)**

4.5 WILDFIRE

Environmental Setting

The FWUV is not located within a Very-High Fire Hazard Severity Zone for wildland fires, as designated by the California Department of Forestry and Fire Protection.³

Regulatory Framework

Public Resources Code 4201 – 4204

Sections 4201 through 4204 of the California Public Resources Code direct Cal Fire to map Fire Hazard Severity Zones (FHSZ) within State Responsibility Areas (SRA), based on relevant factors such as fuels, terrain, and weather. Mitigation strategies and building code requirements to reduce wildland fire risks to buildings within SRAs are based on these zone designations.

Government Code 51175 – 51189

Sections 51175 through 51189 of the California Government Code directs Cal Fire to recommend FHSZs within Local Responsibility Areas (LRA). Local agencies are required to designate VHFHSZs in their jurisdiction within 120 days of receiving recommendations from Cal Fire, and may include additional areas not identified by Cal Fire as VHFHSZs.

California Fire Code

Chapter 49 of the 2016 California Fire Code establishes the requirements for development within wildland-urban interface areas, including regulations for wildfire protection building construction, hazardous vegetation and fuel management, and defensible space maintained around buildings and structures.

2020 Wildfire Environmental Checklist

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact	Checklist Source(s)
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-4, 7, 8

³ CALFIRE. "FHSZ Viewer." Accessed August 12, 2020. <https://egis.fire.ca.gov/FHSZ/>.

b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4, 7-9
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-4, 7-10
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-4, 7-10

Impacts Evaluation

The FWUV is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. Therefore, this section of the CEQA Guidelines do not apply. **(No Impact)**

4.6 MANDATORY FINDINGS OF SIGNIFICANCE

2020 Mandatory Findings of Significance Checklist

Does the project:	New Potentially Significant Impact	New Less than Significant Impact with Mitigation Incorporated	New Less than Significant Impact	No New Impact	Checklist Source(s)
a. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-10
b. Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-10
c. Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-10

Impacts Evaluation

- a. **Would the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

The project is a General Plan Text Amendment to revise the interim land use policies and the residential and commercial densities of the Urban Village land use designation in the FWUV. The FWUV Plan was prepared and approved consistent with the City's General Plan and the proposed project would not result in any additional development than that currently allowed in the General Plan. While the General Plan Text Amendment proposes changes to the residential

density and minimum commercial FAR; the overall residential and commercial development capacity for the FWUV would not be changed nor would development standard requirements be changed. The proposed project would also not change the Citywide jobs to employed resident ratio as the assumed General Plan capacities would remain the same with the proposed text amendment. Therefore, the project would not have the potential to substantially degrade the quality of the environment due to increased traffic, air quality, greenhouse gas emissions, noise, or hydrology and water quality.

The proposed project would not result in ground disturbance or changes to the physical environment. Therefore, the project would not have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

Future projects within the FWUV will be required to be consistent with applicable General Plan policies, FWUV Plan, the Municipal and Zoning Code, Standard Permit Conditions, and Conditions of Approval to reduce or avoid any potential impacts. Future development will also be required to undergo project-level environmental review consistent with CEQA and the City's requirements. Therefore, new or greater impacts would not occur as a result of the proposed project when compared to those identified in the General Plan FEIR. **(No New Impact)**

- b. Would the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects).**

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

Based on the analysis provided in this Addendum, the project would not contribute to cumulative impacts because the proposed project only consists of a General Plan Text Amendment and would not result in any physical changes to the environment. Approving the proposed project would not change any of the impacts previously identified in the Envision San José 2040 General Plan FPEIR, including traffic impacts as the FPEIR assumed that BART would be in place by 2040.

Funding of BART, which is now imminent, was not factored into the evaluation of traffic, air quality, noise, or greenhouse gas emissions in the FPEIR. The proposed project would not contribute towards additional future cumulatively considerable impacts beyond those identified in the General Plan FPEIR. Mitigation measures identified in the General Plan FEIR will be implemented for future projects as necessary to reduce any cumulative impacts.

Future development would be required to be consistent with applicable sections of the zoning ordinance, Municipal Code, Standard Permit Conditions and Conditions of Approval. Project-specific environmental analysis would be required at the time a specific physical development is proposed. Therefore, the proposed General Plan Text Amendment project evaluated in this Addendum would not contribute to cumulative impacts in the City or the area. **(No New Impact)**

c. Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals.

While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include community risks from air emissions, soil and seismic hazards, hazardous materials, and noise. Implementation of measures in accordance with the City's General Plan and Municipal Code, and other applicable plans, policies, regulations, and ordinances, however, would ensure that these impacts would be less than significant.

Based on the analysis provided in this Addendum, the proposed project would not result in environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly. **(No New Impact)**

Conclusion

The project would not result in any new or greater impacts related to the CEQA mandatory findings of significance than those previously identified in the General Plan FEIR. **(No New Impact)**

CHECKLIST SOURCES

1. Professional judgment and expertise of the environmental specialist preparing this assessment, based upon a review of the site and surrounding conditions.
2. City of San José. *Envision San José 2040 General Plan*. November 2011.
3. City of San José. *Envision San José 2040 General Plan Final Program EIR*. November 2011.
4. City of San José. *Envision San José 2040 Final Supplemental Program Environmental Impact Report*. September 2015.
5. City of San José. Municipal Code. On-line version updated November 2, 2020.
6. City of San José. Five Wounds Urban Village Plan.
7. California Environmental Quality Act Statutes and Guidelines. 2019.
8. CALFIRE. "FHSZ Viewer." Accessed August 12, 2020. <https://egis.fire.ca.gov/FHSZ/>.
9. Santa Clara County. Geohazards. www.sccgov.org/sites/gis/SCCMap/Pages/home.aspx. And www.sccgov.org/sites/dpd/PlansOrdinances/GeoHazards/Pages/GeoMaps.aspx. Map 20.
10. FEMA Flood Insurance Rate Map (FIRM). Map No. 06085C0251J. Map Revised February 19, 2014.

SECTION 5.0 REFERENCES

California Environmental Quality Act Statutes and Guidelines. 2019.

CALFIRE. "FHSZ Viewer." Accessed October 12, 2020. <https://egis.fire.ca.gov/FHSZ/>.

City of San Jose. *Envision San José 2040 General Plan*, adopted November 2012 and updated through 2017.

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City of San José. *Historic Resources Inventory*. September 23, 2014.

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City of San José. *Parkland Dedication Ordinance/Parkland Impact Ordinance*.

City of San José. *Post-Construction Urban Runoff Management (Policy 6-29)*. October 4, 2011.

<https://www.transit.dot.gov/funding/grants/pilot-program-expedited-project-delivery-3005b>,
Accessed August 2020).

<https://sanjose.legistar.com/LegislationDetail.aspx?ID=3758538&GUID=AFECFA13-1303-401B-A584-C3BAD2082F1E&Options=&Search=>

Santa Clara County. *Final Santa Clara Valley Habitat Plan*. August 2012.

SECTION 6.0 LEAD AGENCY AND CONSULTANTS

LEAD AGENCY

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