# Addendum

to the Final Environmental Impact Report
for the Valley Fair Shopping Center Expansion Project
(SCH# 2006052162), the Final Program Environmental Impact Report
for the Envision San José 2040 General Plan (SCH# 2009072096), and the Final
Program Environmental Impact Report for the City of Santa Clara 2010-2035
General Plan (SCH# 2008092005)

# Westfield Valley Fair Expansion

City of San José File No. HA06-027-04
City of Santa Clara File No. PLN2015-10898

## Prepared by the

CITY OF
SAN JOSE
CAPITAL OF SILICON VALLEY

January 2016

# TABLE OF CONTENTS

**Page**


SECTION 1.0 INTRODUCTION AND PURPOSE ..... 3
1.1 PREVIOUS ENVIRONMENTAL REVIEW AND APPROVALS ..... 3
1.2 SUBSEQUENT ENVIRONMENTAL REVIEW ..... 4
SECTION 2.0 PROJECT INFORMATION ..... 6
2.1 PROJECT TITLE ..... 6
2.2 PROJECT LOCATION ..... 6
2.3 PROPERTY OWNER/PROPONENT ..... 6
2.4 LEAD AGENCY CONTACT ..... 6
2.5 ASSESSOR'S PARCEL NUMBERS ..... 6
2.6 GENERAL PLAN LAND USE DESIGNATION AND ZONING DESIGNATION ..... 7
2.7 HABITAT CONSERVATION PLAN (HCP) DESIGNATION AND INFORMATION ..... 7
SECTION 3.0 PROJECT DESCRIPTION ..... 11
3.1 OVERVIEW OF THE PROPOSED PROJECT ..... 11
3.2 PROJECT DESCRIPTION ..... 11
SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND DISCUSSION OF IMPACTS ..... 21
4.1 AESTHETICS ..... 23
4.2 AGRICULTURAL AND FOREST RESOURCES ..... 32
4.3 AIR QUALITY ..... 34
4.4 BIOLOGICAL RESOURCES ..... 42
4.5 CULTURAL RESOURCES ..... 51
4.6 GEOLOGY AND SOILS ..... 55
4.7 GREENHOUSE GAS EMISSIONS ..... 60
4.8 HAZARDS AND HAZARDOUS MATERIALS ..... 73
4.9 HYDROLOGY AND WATER QUALITY ..... 81
4.10 LAND USE ..... 90
4.11 MINERAL RESOURCES ..... 95
4.12 NOISE ..... 96
4.13 POPULATION AND HOUSING ..... 103
4.14 PUBLIC SERVICES ..... 105
4.15 RECREATION ..... 107
4.16 TRANSPORTATION ..... 108
4.17 UTILITIES AND SERVICE SYSTEMS ..... 117
SECTION 5.0 REFERENCES ..... 124
SECTION 6.0 LEAD AGENCY AND CONSULTANTS ..... 127

# TABLE OF CONTENTS

**Page**

## Figures


Figure 2.0-1 Regional Map ..... 8
Figure 2.0-2 Vicinity Map ..... 9
Figure 2.0-3 Aerial Photograph and Surrounding Land Uses ..... 10
Figure 3.0-1 Approved 2007 Development ..... 16
Figure 3.0-2 Proposed Site Plan – Level 1 ..... 17
Figure 3.0-3 Proposed Site Plan – Level 2 ..... 18
Figure 3.0-4 Proposed Site Plan – Level 3 ..... 19
Figure 3.0-5 Proposed Site Plan – Underground Parking ..... 20
Figure 4.1-1 Theater Building Elevations ..... 27
Figure 4.1-2 Retail Expansion Elevations 1 ..... 28
Figure 4.1-3 Retail Expansion Elevations 2 ..... 29


## Tables


Table 3.2-1 Proposed Demolition and Construction (HA06-027-04 and PLN2015-10898) ..... 13
Table 3.2-2 Proposed Parking (# of Stalls) ..... 14
Table 4.0-1 Letter Codes of Environmental Issues ..... 22
Table 4.3-1 Comparison of BAAQMD Thresholds of Significance for Criteria Air Pollutants and Precursors ..... 35
Table 4.3-1 Community Risk to Sensitive Receptors During Construction ..... 38
Table 4.4-1 On-Site Trees ..... 43
Table 4.7-1 Estimated Annual Greenhouse Gas Emissions (in Metric Tons $CO_2e$) ..... 66
Table 4.7-2 Shopping Center Greenhouse Gas Efficiency ..... 66
Table 4.7-3 Voluntary Greenhouse Gas Reduction Strategy Criteria ..... 70
Table 4.12-1 San José General Plan Land Use Compatibility Guidelines (GP Table EC-1) ..... 97
Table 4.16-1 Proposed vs. Approved Vehicle Trip Generation ..... 111


## Photos


Photo 1 Valley Fair Shopping Center Exterior Near Forest Avenue ..... 25


## Appendices


Appendix A TAC and GHG Emissions Assessment, *Illingworth & Rodkin, Inc.*, May 2015.
Appendix B Tree Evaluation Summary, *HMH Engineers*, April 2015.
Appendix C Phase I Environmental Site Assessment, *Cornerstone Earth Group*, January 2013.
Appendix D-1 Traffic Study Consistency Review, *Hexagon Transportation Consultants*, April 2015.
Appendix D-2 Traffic Operations Analysis, *Hexagon Transportation Consultants*, July 2015.

# SECTION 1.0 INTRODUCTION AND PURPOSE

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 conclusion completed in the environmental document.

The purpose of this Addendum is to evaluate the environmental impacts of multiple Site Development Permit Amendment applications (HA06-027-04; Santa Clara PLN2015-10898) submitted by *Westfield LLC* to demolish two retail stores and internal mall space to accommodate construction of approximately 685,000 square feet of net new retail space (including a 10-theater cinema), underground parking, and a new six-story parking structure.

## 1.1 PREVIOUS ENVIRONMENTAL REVIEW AND APPROVALS

In April 2007, the City of San José certified the Final Environmental Impact Report (EIR) for the Valley Fair Shopping Center Expansion Project (State Clearinghouse number, or SCH# 2006052162, "2007 Valley Fair FEIR") and approved the Site Development Permit (H06-027) that allowed for a 650,000 square foot expansion of the existing shopping center with two new anchor stores and small retail outlets on a 70-acre site. The Valley Fair Shopping Center straddles the cities of San José and Santa Clara, with 52 acres in the City of San José and 18 acres in the City of Santa Clara. This project was approved but has yet to be constructed.

Two amendments to the Site Development Permit (HA06-027-01 and HA06-027-02) were approved in the year 2013 to allow reconstruction of parking structures on the northeast corner of the site and construction of a 60-foot tall pole-mounted LED billboard sign. A subsequent amendment (HA06-027-03) was approved in 2015 to allow demolition of the two on-site banks, reconstruction of one bank within the City of San José, and associated removal of landscape trees. A 2015 EIR Addendum was processed for HA06-027-03. The environmental review for these permits was completed through separate addenda to the 2007 Valley Fair FEIR. These projects are now under construction. Details of these permits are available at www.sjpermits.org

An application was also submitted to the City of Santa Clara in 2015 to construct a new bank building and remove trees near the Macy's Men's entrance from Stevens Creek Boulevard (City of Santa Clara file no. PLN2015-11187). The application was approved by the Santa Clara Architectural Review Committee on June 24, 2015. Environmental review for construction of that bank was provided by the 2007 Valley Fair FEIR.

In November 2010, the City of Santa Clara certified the Final Program EIR (FPEIR) for the 2010-2035 Santa Clara General Plan (SCH# 2008092005). By the year 2035, the City's General Plan would allow for an additional 32,400 residents in 13,312 new housing units, and 25,040 new jobs in 24,253,600 square feet of new non-residential development.

In September 2011, the City of San José certified the FPEIR for the Envision San José 2040 General Plan (SCH# 2009072096), which provides capacity for the development of up to 470,000 new jobs and 120,000 new dwelling units through 2035. The growth capacity would allow a total of 839,450 jobs and 429,350 dwelling units in San José which, if fully developed, would result in a jobs-to-employed-resident ratio (J/ER) of 1.3 to 1.

## 1.2 SUBSEQUENT ENVIRONMENTAL REVIEW

CEQA Guidelines §15162 states that when an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, 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 or 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 §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 (above) calling for preparation of a subsequent EIR have occurred.

Given the proposed project description and knowledge of the project site, site-specific environmental review completed through this EIR Addendum, and previous environmental review prepared for San José and Santa Clara General Plan updates, the Cities of San José and Santa Clara have concluded

that the proposed project would not result in any new impacts not previously disclosed in the aforementioned EIRs; nor would it 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 EIR Addendum has been prepared for the proposed project.

## 1.3 AVAILABILITY OF THE ADDENDUM

This addendum will not be circulated for public review, but will be attached to the 2007 Valley Fair Shopping Center Expansion Project EIR, the Santa Clara 2010-2035 General Plan EIR, and the Envision San José 2040 General Plan EIR pursuant to CEQA Guidelines §15164(c). The addendum will also be available from the City of Santa Clara, a responsible agency for the project.

# SECTION 2.0 PROJECT INFORMATION

## 2.1 PROJECT TITLE

Westfield Valley Fair Expansion

## 2.2 PROJECT LOCATION

The approximately 70-acre project site is located in west San José and east Santa Clara. Approximately 18 acres of the western portion of the site are located in the City of Santa Clara, while the remaining 52 acres are within the City of San José (refer to Figures 3.0-1 and 3.0-2 to see the boundary between the two cities). The rectangular-shaped site is located on Stevens Creek Boulevard, bounded by Monroe Street and U.S. Interstate 880 to the east, Forest Avenue and single-family housing to the north, and North Winchester Boulevard and commercial development to the west. The Santana Row mixed-use development is south of the project site across Stevens Creek Boulevard.

Figures 2.0-1 and 2.0-2 contain regional and vicinity maps of the project site, respectively, and Figure 2.0-3 shows an aerial photograph with surrounding land uses.

## 2.3 PROPERTY OWNER/PROPONENT

Westfield LLC
Scot Vallee, Senior Vice President, Development
111 Sutter Street, Suite 800
San Francisco, CA 94104
(415) 391-9800

## 2.4 LEAD AGENCY CONTACT

City of San José
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street, tower - third floor
San José, CA 95113-1905

Environmental Review Project Manager
Sanhita Ghosal, Planner III
Email: sanhita.ghosal@sanjoseca.gov
Phone: (408) 535-7851

## 2.5 ASSESSOR'S PARCEL NUMBERS

274-43: -035, -037, -040, -043, -046, -048, -055, -059, -061, -062, -063, -065, -066, -068, -069, -070, -071, -072, -073, -075, -076, -077, -078, -079, -080, -081

## 2.6 GENERAL PLAN LAND USE DESIGNATION AND ZONING DESIGNATION

### 2.6.1 City of San José Designations (52 acres)

General Plan: *Regional Commercial*
Zoning: *CG - Commercial General*
Other: *Valley Fair/Santana Row Urban Village*

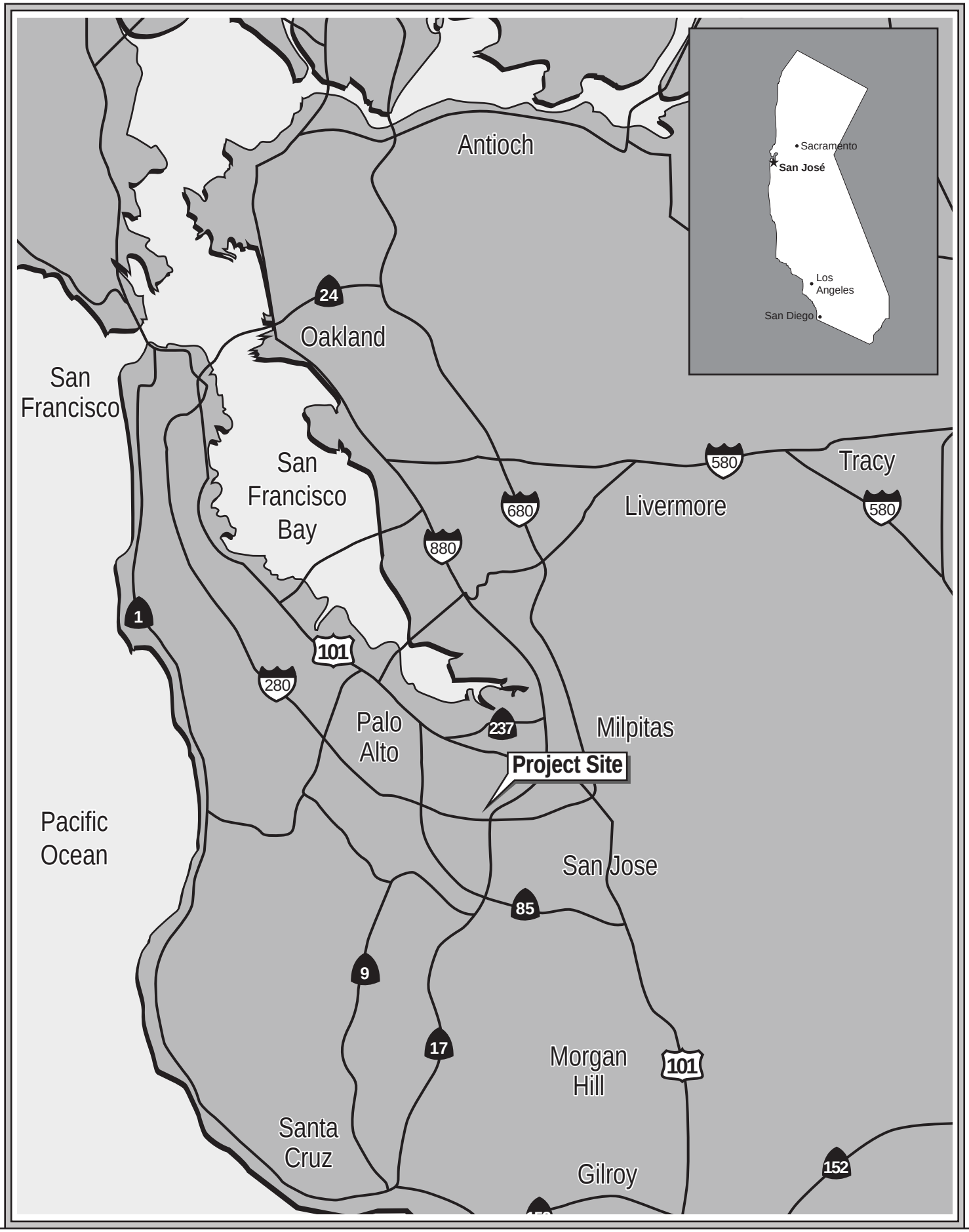
### 2.6.2 City of Santa Clara Designations (18 acres)

General Plan: *Regional Commercial*
Zoning: *CC – Community Commercial*

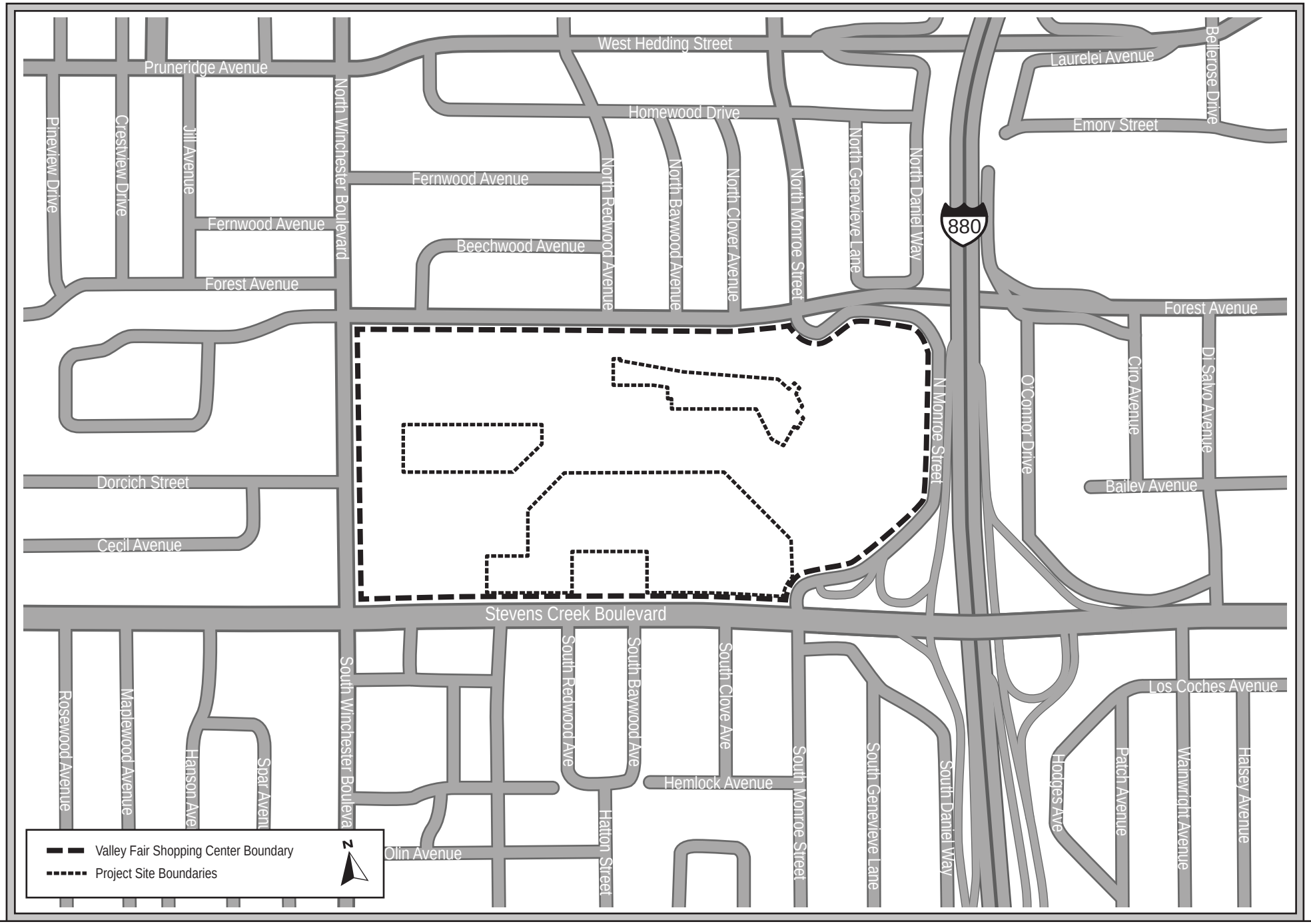
## 2.7 HABITAT CONSERVATION PLAN (HCP) DESIGNATION AND INFORMATION

***(52 acres in San José are in HCP, 18 acres in Santa Clara are not in HCP)***

Private Development Area: *Urban Development Equal to or Greater Than Two Acres Covered*
Land Cover: *Urban-Suburban*
Land Cover Fee Zone: *Urban Areas (No Land Cover Fee)*




REGIONAL MAP FIGURE 2.0-1




VICINTY MAP

FIGURE 2.0-2

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.0-3

# SECTION 3.0 PROJECT DESCRIPTION

## 3.1 OVERVIEW OF THE PROPOSED PROJECT

The subject of this project is the Westfield Valley Fair shopping center, a 2,035,000 square foot retail mall located on a 70-acre site in the Cities of San José (52 acres) and Santa Clara (18 acres), California. The project applicant, Valley Fair LLC, proposes to demolish approximately 63,600 square feet of existing retail uses on the site and construct approximately 685,000 square feet of net new retail gross building area, including one new anchor store and a 10-theater cinema.

The portion of the proposed project in San José requires approval of a Site Development Permit Amendment to modify a previously-approved expansion of the shopping center (City of San José File Number H06-027). The portion of the project in Santa Clara requires approval of a new Use Permit for the site.

## 3.2 PROJECT DESCRIPTION

### 3.2.1 Approved 2007 Project

The approved 2007 project was an approximately 650,000 square foot expansion of the existing Westfield Valley Fair shopping center gross building area (GBA) to include two new anchor stores, small shop retail uses, and two five-story parking structures. The approved 2007 project included a 552,500 square foot increase in the gross leasable area (GLA), or, the area within the GBA that can be leased for commercial uses.[1] To construct the approved 2007 project, three outbuildings and two parking garages would be demolished and relocated. Vehicle and pedestrian circulation, driveways, and landscaping on the site and on Stevens Creek Boulevard would be modified. The approved project also included installation of two 300-kilowatt standby emergency power generators. The approved 2007 site development plan is shown in Figure 3.0-1 below.

Prior to approving the 2007 Site Development Permit, the City of San José certified an environmental impact report (EIR) which disclosed that the 2007 expansion would have significant and unavoidable impacts associated with increased traffic on roads and freeways as well as air quality impacts resulting from the traffic. The project incorporated mitigation measures to reduce impacts to the extent feasible.

#### 3.2.1.1 *2013 San José Site Development Permit Amendment – Digital Billboard and Parking Deck E (HA06-027-01 & HA06-027-02)*

In 2013, the City of San José approved two permit amendments to H06-027 to allow demolition of a parking structure in the northeast corner of the site and construction of the new Parking Deck E, as well as a new pole-mounted LED sign. This project, which is currently under construction, resulted in removal of 104 trees from the site. The environmental impacts of the 2013 amendments were

[1] The proposed Gross Leasable Area is identified for the purposes of the traffic analysis, which bases its estimate of vehicle trip generation on the Gross Leasable Area rather than the Gross Building Area. All other environmental impact analyses are based on the proposed Gross Building Area.

evaluated in an Addendum to the 2007 EIR, which found that the 2013 amendments would not cause any new or more significant environmental impacts than those identified in the 2007 EIR.

#### 3.2.1.2 *2015 San José Site Development Permit Amendment – Bank of America (HA06-027-03)*

In 2015, the City of San José approved a permit amendment to H06-027 to allow for the removal of 266 trees, the demolition of the Chase Bank and Bank of America Buildings, and the construction of one 6,000-square foot commercial building to accommodate a bank (expected to be a Bank of America). The 2015 amendment was evaluated in an Addendum to the 2007 EIR for the expansion. The Addendum did not find any new or more significant environmental impacts than those identified in the 2007 EIR.

#### 3.2.1.3 *2015 Santa Clara Site Development Permit Application – Chase Bank (PLN2015-11187)*

In 2015 *Westfield LLC* submitted an application to the City of Santa Clara to remove 219 trees and construct a new bank building near the Macy's Men's entrance from Stevens Creek Boulevard. The anticipated end user of that building is Chase Bank, whose existing building in the City of San José was approved for demolition in HA06-027-03 (described above). The application to construct the new bank building in Santa Clara was approved by the Santa Clara Architectural Review Committee on June 24, 2015. Environmental review for relocation of this bank was provided by the 2007 Valley Fair FEIR.

### 3.2.2 <u>Proposed Project</u>

The majority of the proposed development would occur on portions of the site in the City of San José and would include a new 150,000 square foot three-level anchor store (anticipated to be a Bloomingdale's) at the southern end of the site along with a 475,000 square foot expansion of the existing interior mall. Other construction proposed for the San José portion of the site includes a new restaurant structure with an event deck, outdoor patio seating, and common space. The maximum height of the proposed structures would be 65 feet above ground.

On the 18 acres of the site located in the City of Santa Clara, *Westfield* proposes to construct a 98,000 square foot three-story building containing approximately 25,000 square feet of internal mall retail space, a lounge, and a 10-theater cinema on the upper levels.

To accommodate the proposed expansion, the project includes demolition of the Global Den and Sports Authority buildings in the northwest quadrant of the site within Santa Clara, both the Bank of America and Chase Bank buildings in San José (refer to *Section 3.2.1.2* above), and the three-level parking structure at the southern end of the site closest to Stevens Creek Boulevard, directly behind the two existing banks to be removed. Small-scale demolition of existing interior mall space is also proposed. Table 3.2-1 below details the size and types of buildings proposed for demolition and construction in this application (HA06-027-04 and PLN2015-10898). The proposed site plan is shown in Figures 3.0-2 through 3.0-5.

This Addendum evaluates a 685,156 square foot net increase in the GBA on the site for a total of 2,720,514 square feet. This is approximately 35,000 square feet greater than the GBA expansion approved for the site in 2007. The overall increase in GLA would be 549,000 square feet for a total GLA of 2,063,000 square feet on the site, which is approximately 3,500 square feet less than the GLA expansion approved in 2007.

**Table 3.2-1 Proposed Demolition and Construction (HA06-027-04 and PLN2015-10898)**

| Building | San José Gross Building Area (square feet) | Santa Clara Gross Building Area (square feet) |
|---|---|---|
| *Demolition* | | |
| Global Den | | - 20,974 |
| Sports Authority | | - 31,075 |
| Interior Mall Space | - 11,560 | |
| **Total Demolished Building Area** | **- 11,560** | **- 52,049** |
| | | |
| *Construction* | | |
| Anchor Store (Bloomingdale's) | 150,000 | |
| Theater Building (2nd & 3rd Floor) | | 61,700 |
| Lounge (3rd Floor) | | 12,020 |
| Internal Retail Mall Space | 475,443 | 24,510 |
| Restaurant/Event Building | 25,092 | |
| **Total Construction Building Area** | **650,535** | **98,230** |
| **Net Increase in Gross Building Area** | **638,975** | **46,181** |
| | | |
| *Summary* | | |
| Existing Gross Building Area | 2,035,358 | |
| Gross Building Area With Reconstructed Banks[1] | 2,020,313 | |
| Total Proposed Gross Building Area | 2,720,514 | |

[1] This total takes into account the demolition and reconstruction that has been approved in HA06-027-03 (City of San José) and PLN2015-11187 (City of Santa Clara)

### 3.2.2.1 *Parking*

The proposed project includes construction of a new six-story parking structure adjacent to the proposed anchor store in the southeast quadrant of the site. Rooftop parking would be constructed on top of the proposed anchor store, portions of the proposed mall expansion, and portions of the mall adjacent to the Parking Deck E under construction on the northeast corner of the site. Parking on top of the mall structures would connect to adjacent parking structures. One level of underground parking beneath the proposed expansion is also proposed. Surface parking would be reconstructed adjacent to the bank buildings, Stevens Creek Boulevard, and at the northwest portion of the site around the new theater building.

With construction of the proposed project, there would be approximately 8,374 parking stalls on the Westfield Valley Fair site in total. Table 3.2-2 describes the total proposed parking scheme, broken down by structures, surface parking, and underground parking.

| Table 3.2-2 Proposed Parking (# of Stalls) | |
|---|---|
| **Type** | **Total** |
| Surface Parking | 1,208 |
| Structured Parking | 6,486 |
| Underground Parking | 680 |
| **Total Proposed Parking** | 8,374 |

#### 3.2.2.2 *Access and Circulation*

The proposed project includes driveway, intersection, and site circulation improvements to accommodate the proposed expansion. With implementation of the proposed project, two entrances along Stevens Creek Boulevard would be reconfigured (one of which would become an entrance/exit to the underground parking garage as well as a surface entrance), and the open access along Monroe Street would be modified to three discrete driveways. Driveways on Winchester Boulevard would be reconstructed to align with the new surface parking design, and access from Forest Avenue would remain unchanged.

The project would shift one of the existing signalized mall driveway intersections with Stevens Creek Boulevard approximately 100 feet east to align with South Baywood Avenue. A new right-turn only driveway would be located between Monroe Street and Baywood Avenue and the existing right-turn only driveway at the Chase bank would be removed. These driveway modifications were included as part of prior permit applications (described above), but are described here because they interface with the overall access and circulation pattern of the project site. Internal circulation modifications such as reconstructing surface parking, landscaped medians, and a new driveway to the underground parking garage are also proposed.

#### 3.2.2.3 *Grading and Drainage*

The proposed project would include on-site bioretention systems to collect and treat stormwater runoff from impervious areas on the project site. The project site is relatively flat and minimal grading is proposed; however, excavation to depths of 20 feet would be required for the underground parking garage.

#### 3.2.2.4 *Utilities*

The project includes rerouting existing on-site storm drain, potable water, sanitary sewer, electrical, and telecommunications lines to accommodate the proposed expansion. Expansion of utilities is not anticipated for the project, as discussed in more detail in ***Section 4.17, Utilities and Service Systems***.

#### 3.2.2.5 *Landscaping and Trees*

There are currently 19 trees on the portions of the site that would be disturbed by construction, all of which are located in the City of Santa Clara and would be removed for project construction. The proposed project includes planting of five 36-inch box trees on the site (not including new street trees) as well as additional planting and landscaping per City of San José and City of Santa Clara

standards. The project includes off-site replacement planting in accordance with standard City of Santa Clara tree replacement requirements for any unfulfilled on-site mitigation tree planting requirements, as discussed in more detail in ***Section 4.4, Biological Resources***.

#### 3.2.2.6 *Lot Line Adjustment*

The project would be required to obtain a Lot Line Adjustment to reconfigure existing property lines within the 70-acre Valley Fair shopping center property so as to prevent structures from being constructed across lot lines.

#### 3.2.2.7 *Construction*

Construction of the project is expected to occur over a 21 month period during 2016 through 2017. The schedule of construction would follow a normal phasing pattern (i.e. demolition and site preparation, followed by grading, excavation, and ultimately building construction). No specific phasing plan has been proposed by the applicant, and the various project components (e.g. anchor store, theater, parking garages, etc.) could be constructed in any order chosen by the applicant.

Approximately 101,100 square feet of building area would be demolished and 188,000 square feet of pavement would be removed. An estimated 738,000 square feet of parking structures would also be demolished. During the grading phase, approximately 180,000 cubic yards of soil are expected to be hauled from the site. A total of 6,000 cement truck trips and 140 asphalt truck trips are estimated to be necessary for project construction. Construction equipment would be staged on-site and construction access would be provided Stevens Creek Boulevard and Winchester Boulevard, depending on which portion of the site is under construction. Truck routes would be established through a Haul Route permit with the City of San José Public Works Department at the grading permit stage.

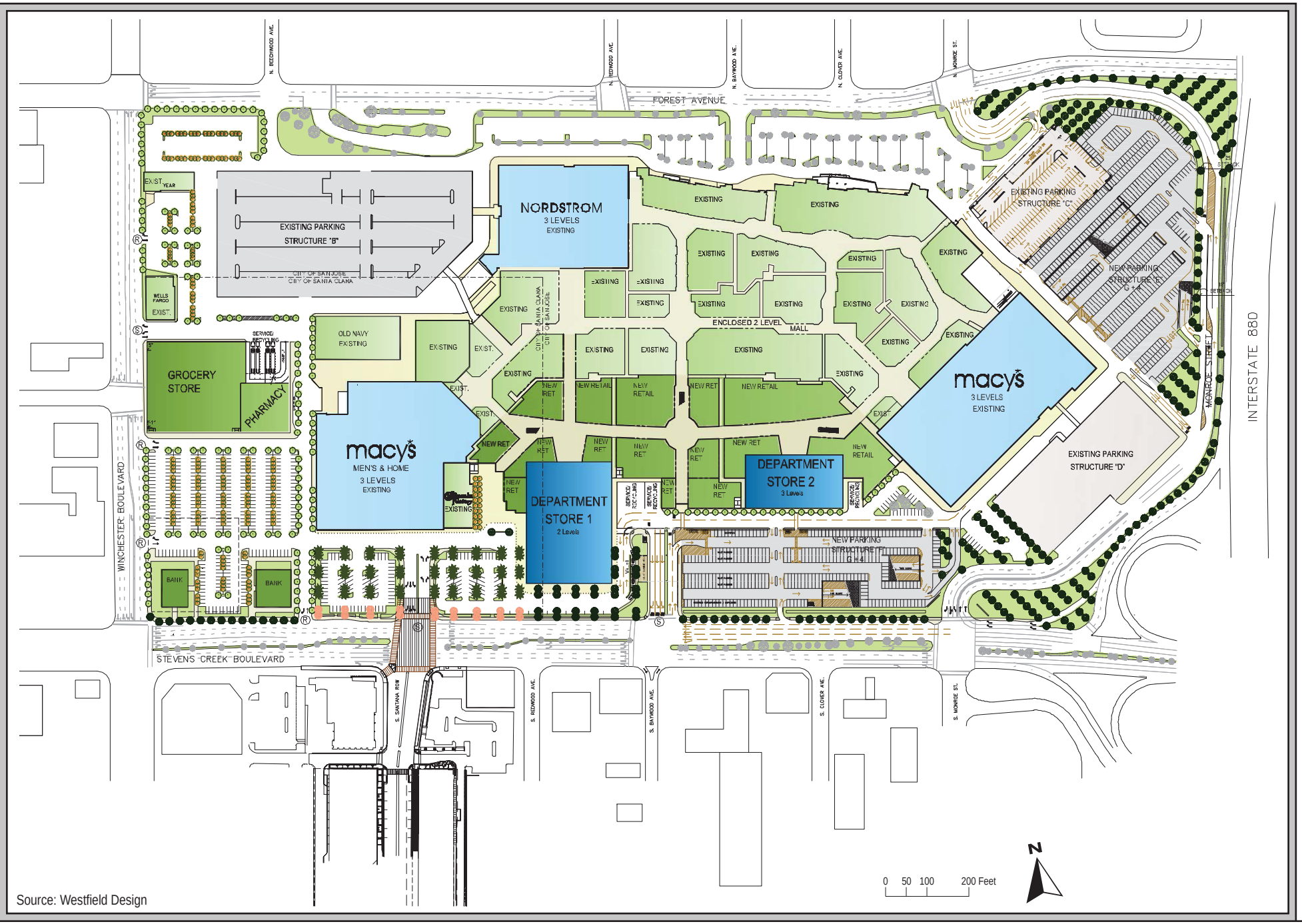
### 3.2.3 <u>Required Discretionary Permits and Approvals</u>

City of San José

- Site Development Permit Amendment
- Lot Line Adjustment
- Grading Permit

City of Santa Clara

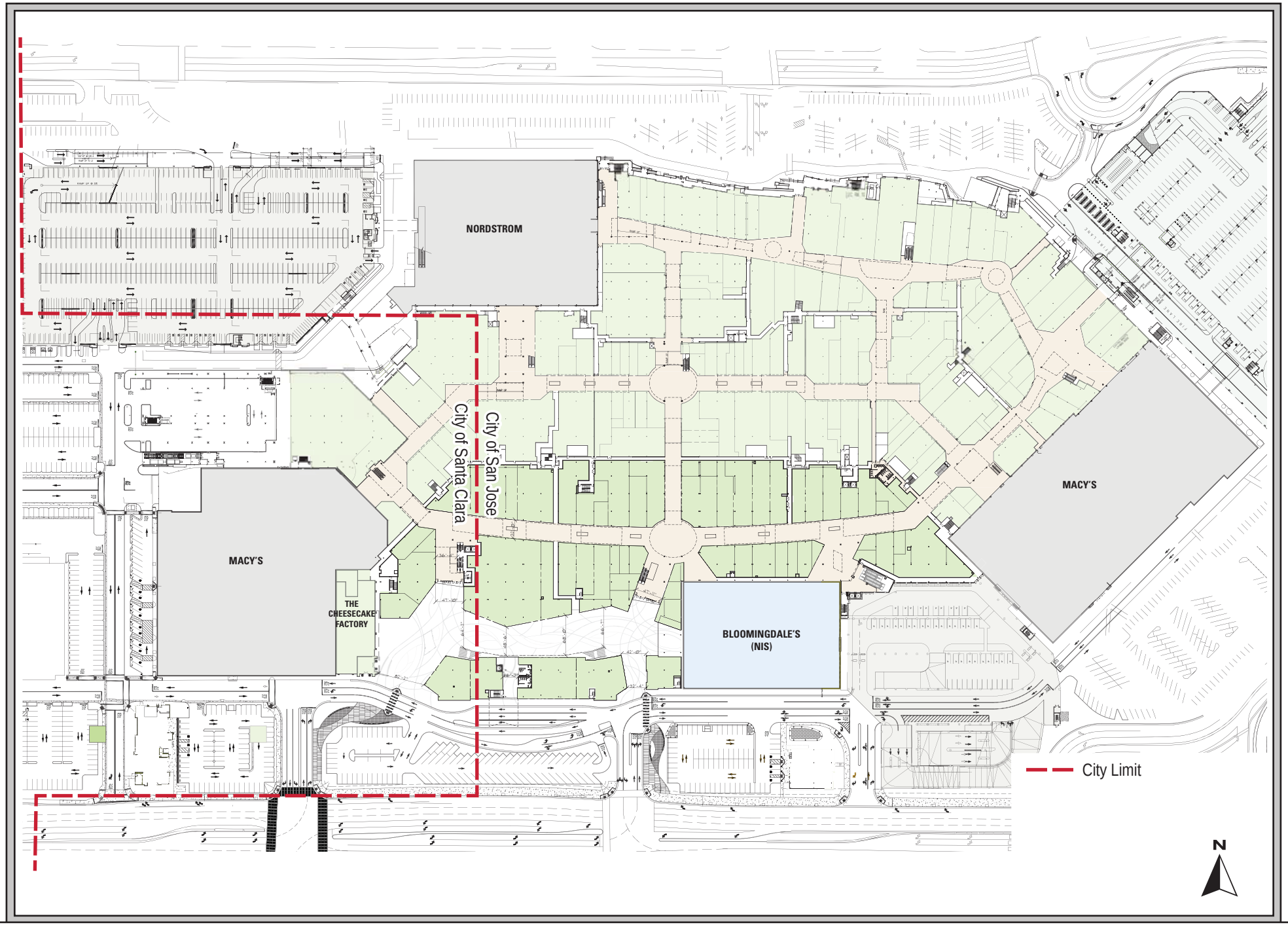
- Use Permit
- Variance (for height)
- Design Review
- Tentative Map




Source: Westfield Design

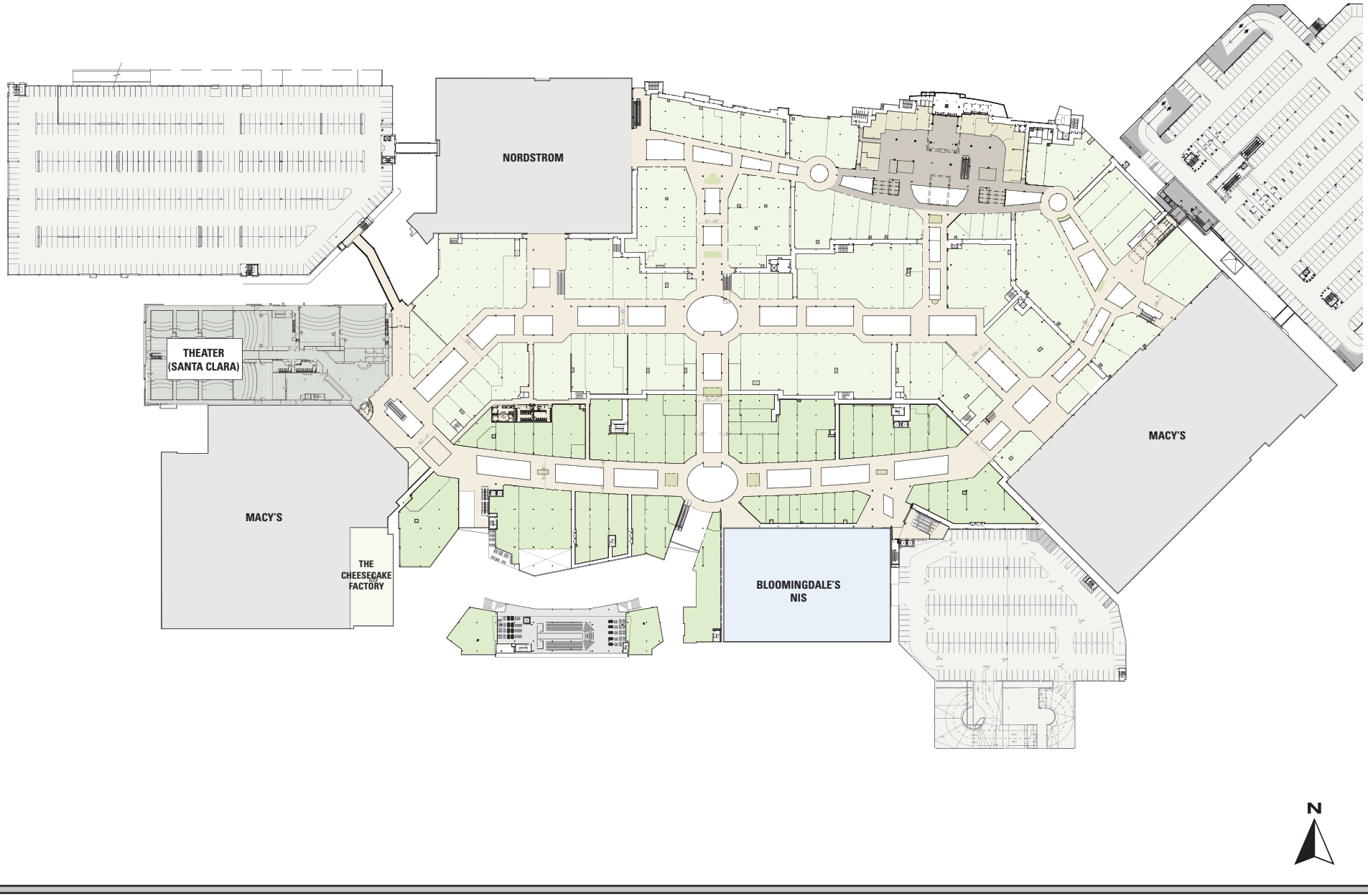
APPROVED 2007 DEVELOPMENT

FIGURE 3.0-1



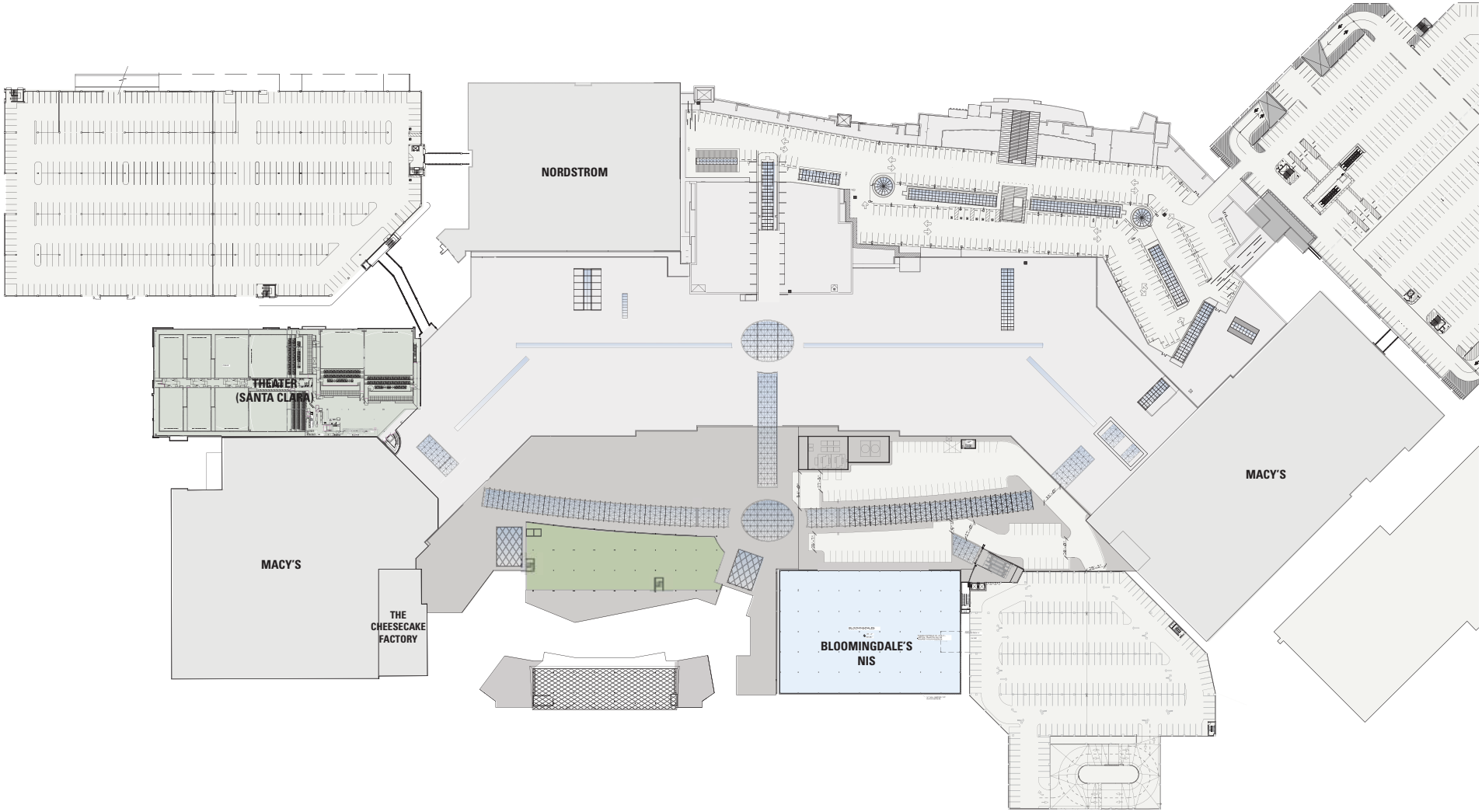

PROPOSED SITE PLAN – LEVEL 1

FIGURE 3.0-2



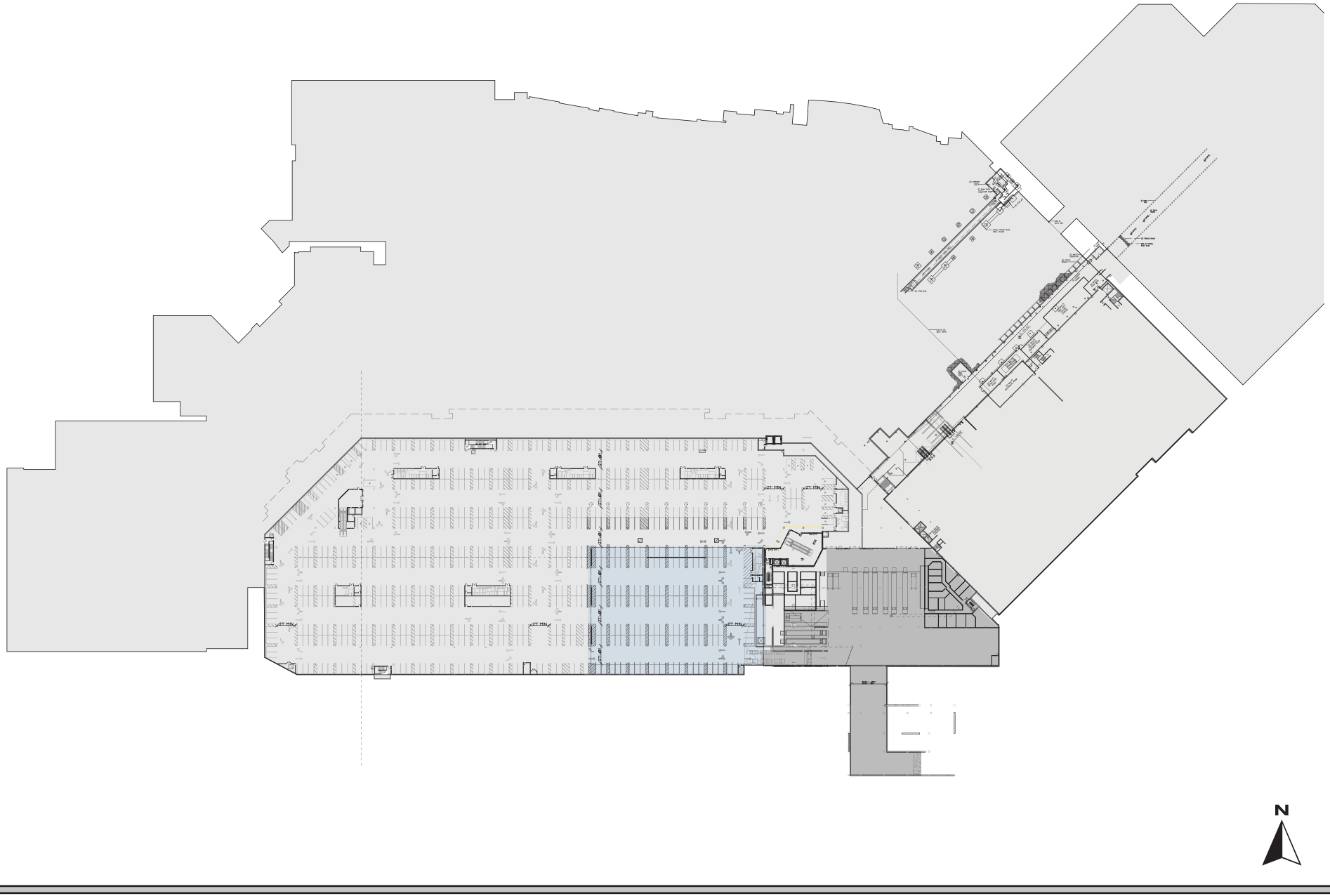

PROPOSED SITE PLAN – LEVEL 2

FIGURE 3.0-3




PROPOSED SITE PLAN – LEVEL 3

FIGURE 3.0-4




PROPOSED SITE PLAN – UNDERGROUND PARKING

FIGURE 3.0-5

# SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND DISCUSSION OF IMPACTS

In accordance with CEQA Section 21093(b) and CEQA Guidelines §15152, this Addendum tiers off the previously-certified Final Environmental Impact Report (EIR) for the Valley Fair Shopping Center Expansion Project (SCH# 2006052162, hereinafter 'Valley Fair FEIR') and the Envision San José 2040 General Plan Final Program EIR (SCH# 2009072096, hereinafter 'General Plan FPEIR'). Analysis from the 2010-2035 Santa Clara General Plan FPEIR (SCH# 2008092005) is also incorporated by reference for the portion of the project located in Santa Clara.

This section of the Addendum describes any changes that have occurred in environmental conditions on and near the project area since certification of the aforementioned EIRs, as well as environmental impacts associated with the proposed project or the changed conditions. The environmental checklist, as recommended in the CEQA Guidelines Appendix G, was used to compare the environmental impacts of the "Proposed Project" with those of the "Approved Project" (i.e., development evaluated in the 2007 Valley Fair FEIR) and to identify whether the proposed project would likely result in new significant environmental impacts. The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section.

Mitigation measures are identified for all potentially significant project impacts. "Mitigation Measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Measures that are required by law or are City standard conditions of approval are categorized as "Standard Project Conditions."

Each impact is numbered using an alpha-numerical system that identifies the environmental issue. For example, **Impact HAZ – 1**, would denote the first impact in the hazards and hazardous materials section. Mitigation measures and conclusions are also numbered to correspond to the impacts they address. For example, **MM NOI – 2.3** would refer to the third mitigation measure for the second impact in the noise section. The letter codes used to identify environmental issues are as follows:

**Table 4.0-1 Letter Codes of Environmental Issues**

| Letter Code | Environmental Issue |
|---|---|
| AES | Aesthetics |
| AG | Agricultural Resources |
| AIR | Air Quality |
| BIO | Biological Resources |
| CUL | Cultural Resources |
| GEO | Geology and Soils |
| GHG | Greenhouse Gas Emissions |
| HAZ | Hazards and Hazardous Materials |
| HYD | Hydrology and Water Quality |
| LU | Land Use |
| MIN | Mineral Resources |
| NOI | Noise |
| POP | Population and Housing |
| PS | Public Service |
| REC | Recreation |
| TRAN | Transportation |
| UTIL | Utilities and Service Systems |

# 4.1 AESTHETICS

## 4.1.1 Setting

### 4.1.1.1 *Project Site*

The 70-acre project site is located on Stevens Creek Boulevard in west San José and east Santa Clara (refer to Figure 2.0-3). The project site is a developed regional commercial mall located in flat, developed commercial and residential lands. As a result, the project site is only visible from the immediate area, including drivers on Interstate 880 roadways surrounding the site.

The visual character of the site is that of an urban, developed shopping center. The main buildings on the property are located at the center of the site and are surrounded by surface parking, multi-story parking structures, and a few outbuildings along Stevens Creek Boulevard and North Winchester Boulevard. Vegetation on the site consists of landscape vegetation, trees, and landscaping along major street frontages.

### 4.1.1.2 *Surrounding Area*

The site is bounded by Monroe Street and US Interstate 880 to the east, North Winchester Boulevard and commercial development to the west, and single-family residences across Forest Avenue to the north. The Santana Row mixed use development is located across Stevens Creek Boulevard south of the project site.

### 4.1.1.3 *Scenic Vistas*

The project site is located in the West Valley Planning Area identified in the San José General Plan FPEIR and the Stevens Creek Boulevard Focus Area in the Santa Clara General Plan FPEIR. Like the project site, these areas are characterized by urban commercial and residential development. Views of the Diablo Range Foothills from public viewpoints such as Monroe Street and Forest Avenue are obstructed by trees and development. The project site is not located within a scenic viewshed or along a scenic highway identified by the San José or Santa Clara General Plans. Interstate 880 is not a state-designated scenic highway; the nearest scenic highway is State Route 9, approximately 6.5 miles southwest of the project site.[2]

[2] California Department of Transportation. *Eligible (E) and Officially Designated (OD) Routes.* Last Updated December 19, 2013. Accessed July 16, 2015. Available at: http://www.dot.ca.gov/hq/LandArch/scenic/cahisys.htm

### 4.1.2 Environmental Checklist and Discussion of Impacts

| AESTHETICS | | | | | | |
|---|---|---|---|---|---|---|
| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Information Source(s) |
| Would the project: | | | | | | |
| 1) Have a substantial adverse effect on a scenic vista? | ☐ | ☐ | ☐ | ☒ | ☐ | 1, 2, 3 |
| 2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | ☐ | ☐ | ☐ | ☒ | ☐ | 1, 2, 3 |
| 3) Substantially degrade the existing visual character or quality of the site and its surroundings? | ☐ | ☐ | ☒ | ☐ | ☐ | 1, 2 |
| 4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | ☐ | ☐ | ☒ | ☐ | ☐ | 1, 2 |

The proposed project would result in New Less Than Significant Impacts, as described below.

#### 4.1.2.1 *Project Design*

In addition to demolishing the existing parking structure and portions of the internal mall space at the southern end of the site in San Jose, as previously-approved for the 2007 project, the proposed project would also demolish the existing Global Den and Sports Authority building at the northwest corner of the mall in Santa Clara. The proposed project would entail construction of a three-story building containing retail space, a 10-theater cinema, and lounge, as well as a new three-story anchor store and a 475,000 square foot expansion of the existing mall. A new six-story parking structure would be constructed in the southeast corner of the site along with rooftop parking above the proposed anchor store, portions of the proposed mall expansion, and the existing mall space adjacent to the parking structure in the northeast corner of the site. Driveway access points, on-site lighting, surface parking, and landscaping would all be redesigned to accommodate the proposed expansion. Refer to Figures 3.0-2 through 3.0-5 for the proposed site plans.

The overall design of the project components would be architecturally similar to the existing shopping center. As shown in Figure 4.1-1, varied rooflines and exterior wall treatments would be incorporated into the design of the new theater building. Proposed wall treatments include stucco, metal panels, fiber cement panels, and landscaped walls. Though the theater structure would be 65 feet at the highest point, other roof heights of that building would be 54 feet and 62 feet above grade (see Figure 4.1-1). This variation would reduce the building massing compared to a building with a uniform height of 65 feet. As shown in Photo 1 below, this architectural style is similar to the

shopping center's Forest Avenue frontage and would create a cohesive visual character between buildings along the north and northwest portions of the site.

**Photo 1 Valley Fair Shopping Center Exterior Near Forest Avenue**

As shown in Figure 4.1-2 and 4.1-3, the expansion proposed for the southern portion of the site (located in San José) would include a variety of building heights and façade treatments. The exterior would incorporate stucco, glazed windows, natural stone material, and metal paneling along the proposed event deck and terrace. With the exception of the top of the mall entry tower, which would be 72 feet, building heights would not exceed 65 feet above grade. The proposed anchor store, mall expansion, parking structure, and theater buildings would incorporate design elements of the surrounding mall such as varying rooflines and planting similar species of trees. The scale and massing of the proposed buildings would be consistent with the rest of the development on the site as well as with the overall urban, developed character of the project area.

The project would result in the removal of existing landscaping and the 19 trees located in the areas proposed for ground disturbance. All of the trees proposed for removal are located within the City of Santa Clara, and seven of them are protected by the Santa Clara tree policy. The project includes plans to plant five 36-inch box replacement trees adjacent to the theater building proposed on the Santa Clara portion of the site. Trees would be planted in areas redeveloped within the City of San José as well, though the final proposed tree count has yet to be determined. Street trees would also

be planted within the public right-of-way along the entire project street frontage per City of San José and Santa Clara standards, as appropriate.

Landscaping would be installed to replace existing trees within parking areas, around structures, and along the perimeter of the site. The project would be subject to conformance with the landscaping, design setbacks, height, and lighting requirements set forth in the City of San José Commercial Design Guidelines and the City of Santa Clara Shopping Center Guidelines.

Loss of trees from the project site would diminish the visual character of the site. However, since the site is a regional shopping center and is not inherently a scenic resource, the loss of trees would not constitute substantial damage to a scenic resource. With the inclusion of replacement trees, street trees, landscaping, and design consistent with the requirements of the Cities of San José and Santa Clara, the proposed project would have a less than significant impact on visual resources. **[Same Impact as Approved Project (Less Than Significant Impact)]**

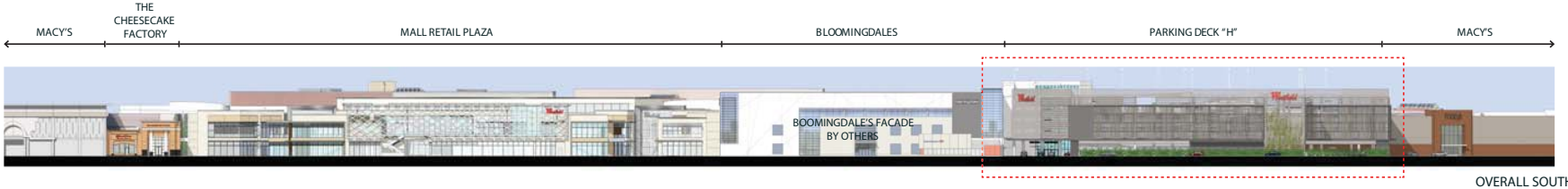
**Scenic Vistas**

Limited views of the Santa Cruz Mountains are available from Forest Avenue at its intersection with North Winchester Boulevard. Views of the mountains are not available at the residences along Forest Avenue due to existing obstructions from the parking structure on the northwest quadrant of the project site. Views from the land uses along North Winchester Boulevard and Forest Avenue are also obstructed by existing street trees lining the project site. There are no other potentially scenic views available from land uses along North Winchester Boulevard, Stevens Creek Boulevard, or Monroe Street.

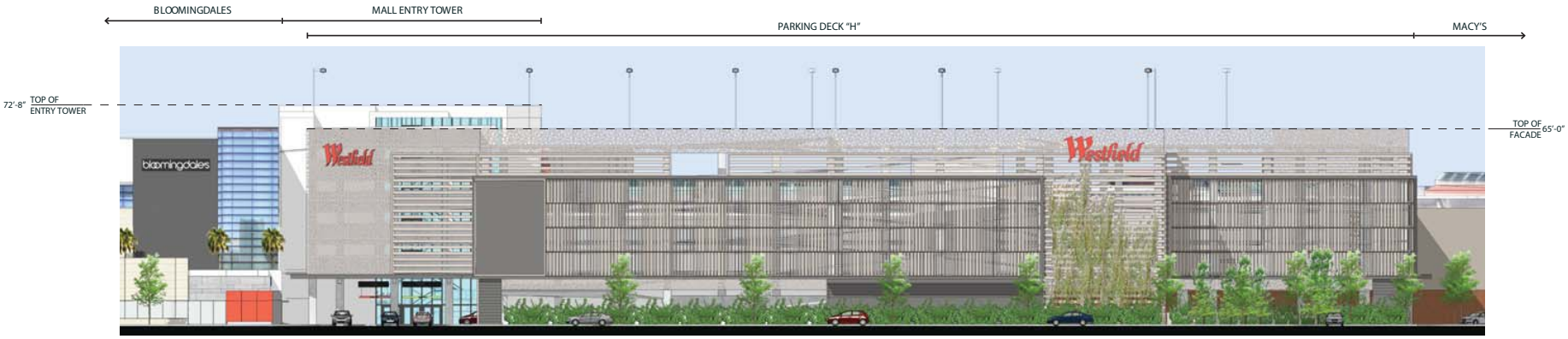
Development of the San José portion of the site at heights up to 65 feet was evaluated in the certified 2007 Valley Fair FEIR. The proposed project requires a Variance from the City of Santa Clara to accommodate the 65 foot maximum height of the proposed theater building. As described above, any potentially scenic views of the Santa Cruz Mountains from North Winchester Boulevard or Forest Avenue are already obstructed by street trees and the existing three story parking structure at the northwest quadrant of the site. The proposed theater building would be constructed between that parking structure and the existing mall, and would be over 500 feet from the nearest land uses. Although the increase in building height would incrementally increase the massing on the site, the project would not create a new obstruction to scenic vistas from surrounding land uses. Impacts to scenic vistas, therefore, would be less than significant. **(New Less than Significant Impact)**

THEATER BUILDING ELEVATIONS

FIGURE 4.1-1




OVERALL SOUTH ELEVATION
SCALE: NTS



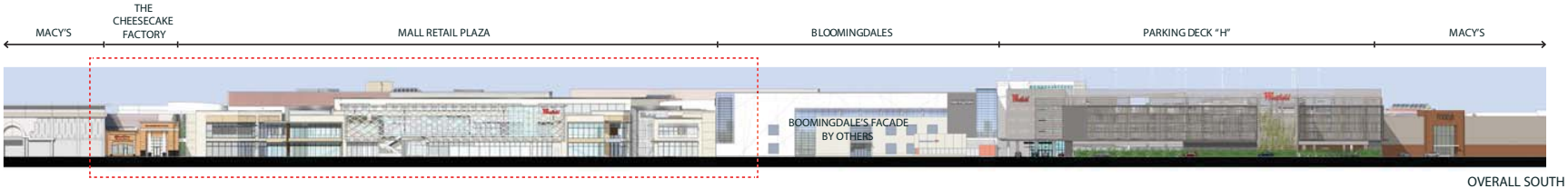

SOUTH ELEVATION A (DECK H)
SCALE: NTS

WEST ELEVATION C (DECK H)
SCALE: NTS

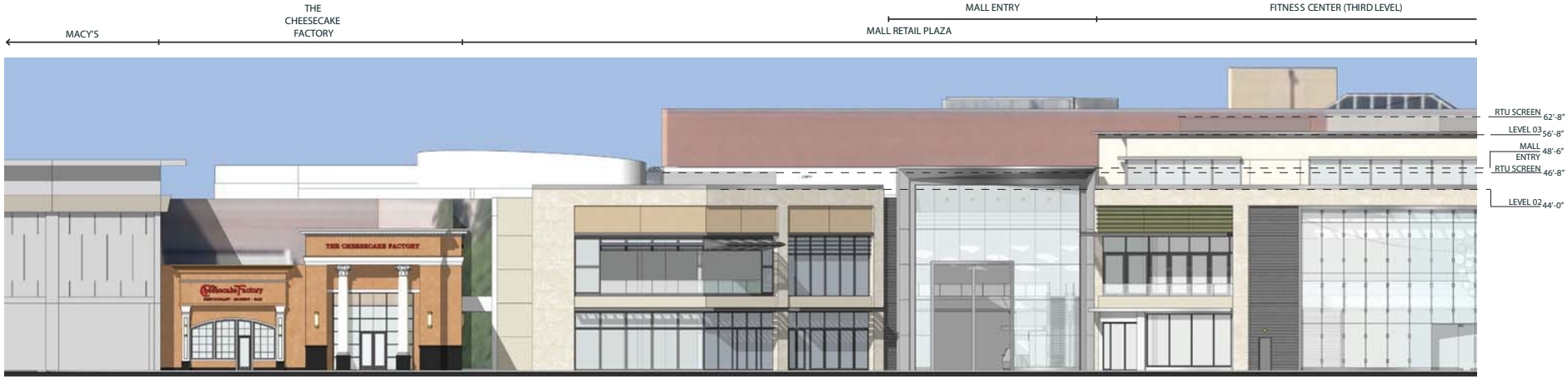
EAST ELEVATION B (DECK H)
SCALE: NTS

RETAIL EXPANSION ELEVATIONS 1

FIGURE 4.1-2




OVERALL SOUTH ELEVATION
SCALE: NTS




SOUTH ELEVATION (BACK PLAZA)
SCALE: NTS

SOUTH ELEVATION (CONTINUED) (BACK PLAZA)
SCALE: NTS

RETAIL EXPANSION ELEVATIONS 2

FIGURE 4.1-3

### Shade and Shadow

Shade and shadow impacts occur when a structure reduces the access of surrounding land uses to natural sunlight. In an urban environment, virtually all land uses are subject to shading from adjacent properties to some extent. The maximum height of the proposed theater building, anchor store, and parking structures would be 65 feet above grade. As discussed in the 2007 Valley Fair FEIR, adherence to design setbacks and height requirements would avoid shading impacts associated with development at this height on the site.

Implementation of the proposed project would shade areas on the Westfield Valley Fair site such as surface parking lots and internal mall space. Due to the distance of the proposed theater building and expanded mall space from any public spaces or surrounding land uses (approximately 450 and 350 feet, respectively), no substantial shade or shadow impacts are expected from the project. **(New Less Than Significant Impact)**

### Light and Glare

The proposed project would have new outdoor security lighting at night along walkways and entrance areas, as well as within the proposed parking structure. Existing building lights will be retrofit with light-emitting diodes (LEDs) where possible. Exterior LEDs will be motion-activated at night, which will reduce both light pollution and electricity use. The Santa Clara theater building and new anchor store would include exterior tenant signs and associated lighting. Other new or modified sources of light that would result from the proposed project include rooftop lighting for the proposed parking structure and rearranged surface parking lighting.

The 2007 Valley Fair FEIR found that exterior surfaces of the project would not be a significant new source of glare during daytime hours and would not visually impact adjacent land uses. As stated above, there are no scenic vistas available in the vicinity of the site and the project site is not considered a scenic resource.

The City of San José Outdoor Lighting Policy (Policy 4-3) promotes energy efficient lighting while minimizing light pollution and sky glow, and requires Low-Pressure Sodium lighting for outdoor unroofed areas. In April 2011, the policy was amended to allow projects that can demonstrate improved energy efficiency and consistency with the City's public streetlight policy to substitute LED lighting for Low-Pressure Sodium lighting.[3] In August 2011, the City of San José issued interim standards for lighting on private developments.

Lighting on the rooftop parking level of the proposed Parking Structure H as well as the parking proposed on top of the existing and proposed mall space would be similar to the lighting planned for Parking Structure E at the northeast corner of the site, which is currently under construction. That lighting would be provided by pole-mounted LED luminaires compliant with the International Dark Sky Association protocols, which require rooftop lights to minimize spill and include full-cutoffs that reduce light pollution at night. The Dark Sky Association protocols are followed because they

[3] City of San José. *Energy Efficient Exceptions to Council Policy #4-3 Outdoor Lighting on Private Development.* April 25, 2011. Memorandum. Available at: http://www.sanjoseca.gov/DocumentCenter/Home/View/361

provide a standard which, when met, can be relied upon to conclude that a project's lighting will not generate excess glare and visual impacts at night.

The proposed LED lights are consistent with the Dark Sky Association protocols and San José's standards for lighting on private developments. The project applicant would be required to provide an Outdoor Lighting Plan to the City in conformance with the San José Policy 4-3, as amended in 2011. This documentation is required in order for the applicant to receive a permit adjustment to use LED lighting, therefore this mechanism would ensure that the proposed lighting is compliant with San José outdoor lighting requirements.

Section 18.36.140 of the City of Santa Clara Zoning Ordinance states that lighting for *Community Commercial* uses shall reflect away from residential areas and public streets. The nearest Santa Clara public street to the project site is North Winchester Boulevard and the nearest residential use is the residential development under construction on the west side of North Winchester Boulevard. The proposed project design would be subject to design review by the City of Santa Clara, which would ensure that the lighting is designed to comply with Section 18.36.140 of City's Zoning Ordinance.

Since the proposed project would comply with the City of San José Outdoor Lighting Policy and the City of Santa Clara lighting standards for the project site's zoning district, the project would not have a significant light impact on the surrounding uses. **(New Less Than Significant Impact)**

### 4.1.3 Conclusion

The proposed project would construct structures up to 65 feet in height and would introduce new sources of light onto the project site. The developed shopping center and surrounding setting, however, are currently well lit and the project would result in a less than significant impacts to visual character, light and glare, and to available sunlight in the surrounding area. **(New Less than Significant Impact)**

Impacts to scenic vistas and resources would be the same as those previously identified in the 2007 Valley Fair FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

## 4.2 AGRICULTURAL AND FOREST RESOURCES

### 4.2.1 Setting

According to the Santa Clara County Important Farmland 2012 map, the project site is designated as *Urban and Built-Up Land*.[4] *Urban and Built-up Land* is occupied by structures with a building density of at least one unit per 1.5 acres, or six structures for every ten acres of land.

The project site is a developed shopping center and is not the subject of a Williamson Act contract.[5] The site is located within an urban area of San José and Santa Clara, and there is no agricultural or forest land adjacent to the project site.

### 4.2.2 Environmental Checklist and Discussion of Impacts

| AGRICULTURAL AND FOREST RESOURCES | | | | | | |
|---|---|---|---|---|---|---|
| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Information Source(s) |
| Would the project: | | | | | | |
| 1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | ☐ | ☐ | ☐ | ☒ | ☐ | 1, 3, 4, 5 |
| 2) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | ☐ | ☐ | ☐ | ☒ | ☐ | 1, 4, 6 |
| 3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | ☐ | ☐ | ☐ | ☒ | ☐ | 1, 4, 7 |
| 4) Result in a loss of forest land or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 |

[4] California Department of Conservation. *Santa Clara County Important Farmland 2012.* August 2014. Map.
[5] County of Santa Clara Planning Office. *ArcGIS – Williamson Act Properties.* Accessed April 6, 2015. http://www.sccgov.org/sites/planning/PlansPrograms/Williamson/Pages/WA.aspx

| AGRICULTURAL AND FOREST RESOURCES | | | | | | |
|---|---|---|---|---|---|---|
| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significa nt Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Information Source(s) |
| Would the project: | | | | | | |
| 5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 |

#### 4.2.2.1 *Impacts to Agricultural and Forest Resources*

The 2007 Valley Fair FEIR found that intensification of the Valley Fair shopping center would have no impact on agricultural resources. The currently proposed project would result in the same impact as the approved project, No Impact, as described below.

The project site is not designated farmland and is not used for agricultural or forestry purposes. The project would not result in the development of prime agricultural land. The project site has been a developed commercial site for over 30 years and is within a developed urban area. **[Same Impact as Approved Project (No Impact)]**

### 4.2.3 <u>Conclusion</u>

The proposed project would not result in any new or more significant impacts to forestry or agricultural resources than were described in the 2007 Valley Fair FEIR or the General Plan FPEIR. **[Same Impact as Approved Project (No Impact)]**

## 4.3 AIR QUALITY

This section is based in part on a project-specific TAC and GHG Emissions Assessment prepared by *Illingworth & Rodkin, Inc*. on June 4, 2015. This report is included as Appendix A of this Initial Study.

A full discussion of the regulations and authorities governing air quality can be found in *Section 3.4.1.6* of the Envision San José 2040 General Plan FPEIR. The ambient and regulatory requirements regarding air quality have remained relatively unchanged since the approval of the General Plan FPEIR. Relevant regulatory changes that have occurred since the certification of the Valley Fair FEIR are described in *Background Information*, below.

### 4.3.1 Setting

The concentration of a given pollutant in the atmosphere is determined by the amount of a pollutant released and the atmosphere's ability to transport and dilute it. The major factors affecting transport and dilution are wind, temperature, atmospheric stability, terrain and for certain pollutants, ultraviolet radiation (i.e. sunshine).

The project site is within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the regional government agency that monitors and regulates air pollution within the air basin.

Both the U.S. Environmental Protection Agency and the California Air Resources Board (CARB) have established ambient air quality standards for common pollutants. These ambient air quality standards are concentrations of contaminants below which adverse health effects associated with each pollutant are avoided. The ambient air quality standards cover what are called "criteria" pollutants because the health and other effects of each pollutant are described in criteria documents. The major criteria pollutants are reactive organic gases (ROGs) which lead to ground-level ozone ($O_3$), carbon monoxide, nitrogen oxides (NOx), and particulate matter.

Three pollutants are known at times to exceed the State and Federal standards in the project area: ozone, coarse particulate matter ($PM_{10}$), and fine particulate matter ($PM_{2.5}$). These are all considered regional pollutants because the concentrations are not determined by proximity to individual sources, rather, they show a relative uniformity throughout a region.

In addition to the criteria pollutants discussed above, toxic air contaminants (TACs) are another group of pollutants with varying degrees of toxicity. Sources of TACs include industrial processes such as petroleum refining and chrome plating operations, commercial operations such as gasoline stations and dry cleaners, and motor exhaust. Cars and trucks release at least 40 different toxic air contaminants. The most important, in terms of health risk, are diesel particulate, benzene, formaldehyde, 1,3-butadiene and acetaldehyde. Extensive construction, and the equipment associated with it, can also be a substantial source of TAC emissions.

**Sensitive Receptors**

The BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, school playgrounds, childcare centers, retirement homes, convalescent homes, hospitals and medical clinics. The sensitive receptors closest to the anticipated construction are the residences approximately 330 feet south of the project construction area, across Stevens Creek Boulevard. The Saint Martin of Tours School (K through 8th grade) is 900 feet east of the project site on the east side of Interstate 880.

### 4.3.1.1 *Background Information*

Since the certification of the Valley Fair FEIR in 2007, the BAAQMD issued new CEQA Air Quality Guidelines (updated May 2011). The new Guidelines lowered the thresholds of significance for criteria air pollutants and precursors, as detailed in Table 4.3-1 below.

**Table 4.3-1 Comparison of BAAQMD Thresholds of Significance for Criteria Air Pollutants and Precursors**

| | **Thresholds Used in 2007 Valley Fair FEIR** | | **Current Thresholds** | |
|---|---|---|---|---|
| **Pollutant** | *Daily Emissions (lbs/day)* | *Annual Emissions (tons/yr)* | *Daily Emissions (lbs/day)* | *Annual Emissions (tons/yr)* |
| ROGs | 80 | 15 | 54 | 10 |
| $NO_x$ | 80 | 15 | 54 | 10 |
| CO | 550 (stationary) | 100 (stationary) | - | - |
| $PM_{10}$ | 80 | 15 | 82 | 15 |
| $PM_{2.5}$ | - | - | 54 | 10 |

ROG = reactive organic gas, a precursor to ozone
$NO_x$ = nitrogen oxides, a precursor to ozone
CO = carbon monoxide
$PM_{10}$ = respiratory particulate matter, 10 microns or less in size
$PM_{2.5}$ = fine particulate matter, 2.5 microns or less in size

Revisions to the thresholds of significance for criteria pollutants lowered both the daily and annual emissions thresholds for ozone precursors. The thresholds for respiratory particulate matter essentially stayed the same, carbon monoxide thresholds were eliminated, and fine particulate matter thresholds were added.

### 4.3.2 Environmental Checklist and Discussion of Impacts

| AIR QUALITY | | | | | | |
|---|---|---|---|---|---|---|
| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Information Source(s) |
| Would the project: | | | | | | |
| 1) Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 4, 8 |
| 2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 4, 8 |
| 3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 4, 8 |
| 4) Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☐ | ☐ | ☒ | ☐ | 9 |
| 5) Create objectionable odors affecting a substantial number of people? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 |

The 2007 Valley Fair FEIR, which analyzed a 650,000 square foot mall expansion along with the addition of 2,570 parking spaces in two new parking structures, found Significant Unavoidable Impacts resulting from increases in regional pollutants (e.g., ROG, $NO_x$, and $PM_{10}$) in excess of BAAQMD thresholds. Construction-related air quality impacts were found to be Less Than Significant with Mitigation Measures included and no violations of the California 8-hour carbon monoxide standard were expected.

The proposed mall expansion would contribute to the Significant Unavoidable Impacts from regional pollutant increases, and the currently-proposed project would result in the same construction-related air quality impact as the approved project, Less Than Significant with Mitigation Incorporated, as described below.

#### 4.3.2.1 *Regional and Local Air Quality Impacts*

The operational criteria pollutant emissions modeled for the approved 2007 project exceeded all applicable BAAQMD thresholds, thresholds which have been lowered since the Valley Fair EIR was certified in 2007. These significant volumes of air pollution would be caused primarily by traffic generated by the approved expansion. The currently proposed project would increase the gross building area (GBA) on the site by approximately 35,000 square feet over what was approved,

however the leasable area in the buildings (i.e. gross leasable area, or GLA) would decrease by 3,500 square feet from what was approved. Based on the trip generation analysis in ***Section 4.16.2.2, Level of Service Impacts*** of this Initial Study, the number of daily vehicles associated with the proposed project would be 682 fewer than the trips that would result from the approved expansion. Therefore, the proposed project would not result in new or substantially greater operational air quality impacts than those identified in the 2007 Valley Fair FEIR. **[Same Impact As Approved Project (Significant and Unavoidable Impact)]**

#### 4.3.2.2 *Construction-Related Impacts*

Construction activities such as demolition, grading, construction vehicle traffic, and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that affect local air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water based paints, thinners, some insulating materials, and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application.

The proposed project would include the demolition of a three-story parking structure, four free-standing buildings (two along Stevens Creek Blvd, one along North Winchester Blvd, and the existing Global Den building), as well as interior mall space. Demolition of these buildings, excavation of the proposed underground parking facility, and construction of the proposed project would result in the generation of toxic air contaminants (TACs) including diesel particulate matter from trucks and off-road equipment exhaust emissions. Exposure to TACs can cause human health effects depending on the severity and length of exposure to TACs.

Construction activity on the project site will vary over time and location, and the emissions of diesel particulate TACs would also be temporary. For example, the theater building on the Santa Clara portion of the site would require substantially less earthwork than the underground parking proposed on the San José portion of the site. Thus, operation of diesel equipment and emission of dust and diesel particulates would vary throughout the site during the 21 month construction period. The nearest sensitive receptors are the homes across Stevens Creek Boulevard, approximately 330 feet south of the project site. Based on the proximity of sensitive receptors, the overall scale and length of construction, and the extent of excavation, the proposed project could result in significant effects to human health caused by TAC emissions during construction.

To estimate the health risks caused by construction, emissions and dispersion modeling were completed by *Illingworth & Rodkin, Inc.* for the proposed project. The model CalEEMod Version 2013.2.2 was used to estimate the volume of construction emissions, while the U.S. Environmental Protection Agency (EPA) ISCST3 dispersion model was used to calculate concentrations of TACs resulting from project-related emissions at nearby sensitive receptors (see Appendix A).

Construction of the project was estimated to occur over a 21 month period during 2016 through 2017, beginning in February 2016. The increased health risks for infants, children, and adults were modeled based on project-specific construction equipment data and BAAQMD-recommended risk assessment methods. The 2007 Approved Project was not modeled for construction activity

according to the current BAAQMD Guidelines at the time, but is anticipated to result in emissions and health risks similar to those of the current proposed project. The results of the assessment are summarized in Table 4.3-1 below:

**Table 4.3-1 Community Risk to Sensitive Receptors During Construction**

| | | **Cancer Risk** (cases per million) | **Chronic Hazard Index** (no units) | **$PM_{2.5}$ Concentration** ($\mu g/m^3$) |
|---|---|---|---|---|
| Project Impacts | Adult | 1.3 | 0.04 | 0.36 |
| | Child/Infant[a] | 25.8 | | |
| Thresholds of Significance | | *10* | *1.0* | *0.3* |
| Significant Impact? | Adult | No | No | **Yes** |
| | Child/Infant[a] | **Yes** | | |

[a] Infant and child exposures (3rd trimester through two years of age) were assumed to occur at residences during the entire construction period.
Source: Illingworth & Rodkin, Inc. *Westfield Valley Fair Mall Expansion Project, Draft TAC and GHG Emissions Assessment, San José, California*. June 4, 2015.

The maximum-modeled DPM and $PM_{2.5}$ concentrations occurred at the residences 330 feet south of the site across Stevens Creek Boulevard (see Appendix A for the precise location). The health risks detailed in the table above were calculated for receptors at the maximum exposure location. Since the $PM_{2.5}$ concentrations and the excess cancer risks resulting from construction TAC emissions are greater than the BAAQMD significance thresholds, the project (as currently proposed and as originally approved) could expose sensitive receptors to substantial pollutant concentrations.

**Impact AQ-1:** Construction activities would generate dust and other particulate matter that could impact workers on the Valley Fair shopping center site and sensitive receptors across Forest Avenue to the north. **(Significant Impact)**

The BAAQMD acknowledges that implementation of the current BAAQMD Construction Mitigation Measures (identified below) would reduce construction-related air quality pollutants to the maximum extent feasible. The measures listed below are from Tables 8-1 and 8-2 from the BAAQMD CEQA Air Quality Guidelines, which list measures recommended for all projects and for projects exceeding the construction emissions thresholds, respectively. These measures were included in the 2007 Valley Fair FEIR, though they were revised in 2011 when the BAAQMD Air Quality Guidelines were updated in 2011. The most current BAAQMD-recommended measures to minimize construction air quality impacts would be included along with additional, project-specific measures to reduce health risk from construction emissions:

**MM AQ-1.1:** BAAQMD Basic Construction Mitigation Measures Recommended for All Proposed Projects (Table 8-1)

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

- All vehicle speeds on unpaved roads shall be limited to 15 mph.

- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

- Replant vegetation in disturbed areas as quickly as possible.

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.

- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

**MM AQ-1.2:** BAAQMD Additional Construction Mitigation Measures Recommended for Projects with Construction Emissions Above the Threshold (Table 8-2)

- All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.

- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.

- Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.

- Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

- The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.

- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.
- Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.
- Minimizing the idling time of diesel powered construction equipment to two minutes.
- The project shall develop a plan demonstrating that off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent $NO_x$ reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.
- Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).
- Require that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM.
- Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy duty diesel engines.

**MM AQ-1.3:** The project will also implement the measures included in the 2007 Valley Fair FEIR that were not incorporated as part of the 2011 update to the BAAQMD-recommended construction mitigation measures.

- All paved access roads, parking areas, and staging areas at construction sites shall be swept daily.
- The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g. compressors).

**MM AQ-1.4:** Project-specific construction equipment emissions control measures (see Appendix A)

- All diesel-powered off-road equipment larger than 50 horsepower and operating at the site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent; and

- All portable diesel-powered equipment (i.e., concrete saws, forklifts, and generators) shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

The primary source of the health risk reductions would be the use of Tier 2 and Tier 4 equipment, as described in MM AQ-1.4. This equipment meets more stringent emissions standards and accounts for less diesel particulate emissions than normal equipment. Other measures, such as those minimizing idling time and incorporating dust control, will also contribute to overall reductions in emissions. With implementation of these mitigation measures, the computed maximum excess residential child cancer risk would be less than 6.1 cases per million and the $PM_{2.5}$ concentration would be 0.09 $\mu g/m^3$. These risks are both below the health risk significance thresholds set by BAAQMD, therefore construction air quality impacts would be less than significant. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

### 4.3.3 Conclusion

The proposed project would not result in any new or more significant operational air quality impacts than those addressed in the certified 2007 Valley Fair FEIR or the General Plan FPEIR and all feasible mitigation measures will be included in the project. [**Same Impact as Approved Project (Significant Unavoidable Impact)]**

The proposed project, with the implementation of all feasible mitigation measures, would not result in a new significant construction-related air quality impact. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

## 4.4 BIOLOGICAL RESOURCES

The following discussion is based in part on a Tree Evaluation Summary prepared by *HMH Engineers* in April 2015. This report is provided in Appendix B of this Addendum.

### 4.4.1 Setting

The project site is located within developed commercial and residential urban areas of the cities of San José and Santa Clara. The site contains commercial uses with landscaping and trees located around buildings, in parking islands, and around the perimeter of the project site.

#### 4.4.1.1 *City of San José and City of Santa Clara Tree Ordinances*

The City of San José Tree Ordinance (Municipal Code Section 13.28 and 13.32) defines an ordinance-sized tree as any woody perennial plant with a main stem or trunk measuring 56 inches in circumference (or approximately 18 inches in diameter) at a height of two feet above natural grade. A tree removal permit is required from the City of San José for the removal of ordinance-sized trees.

The City of Santa Clara 2010-2035 General Plan includes the following Policy *5.3.1-P10*:

- Provide opportunities for increased landscaping and trees in the community, including requirements for new development to provide street trees and a minimum 2:1 on- or off -site replacement for trees removed as part of the proposal.

City of Santa Clara policy is to protect all healthy cedars, redwoods, oaks, olives, bay laurel and pepper trees of any size and all other trees over 36 inches in circumference (approximately 12 inches in diameter) as measured 48 inches above the ground surface.

**Existing Trees**

There are 19 trees with the potential to be impacted by the proposed theater building within the City of Santa Clara. There are no other trees on the area of the project site proposed for development under the subject applications, though there are other trees elsewhere on the 70-acre Valley Fair site. Refer to *Section 4.4.2.1* below for a discussion of past tree removal and potential project impacts.

**Table 4.4-1 On-Site Trees**

| # | Species (common name) | Circumference (inches) | Protected? (circ > 36”) |
|---|---|---|---|
| 124 | Chinese Elm | 33 | |
| 125 | Chinese Elm | 43 | Yes |
| 126 | Chinese Elm | 42 | Yes |
| 127 | Chinese Elm | 28 | |
| 128 | Chinese Elm | 45 | Yes |
| 129 | Chinese Elm | 35 | |
| 130 | Chinese Elm | 40 | Yes |
| 131 | Chinese Elm | 38 | Yes |
| 132 | Crape Myrtle | 12 | |
| 133 | Crape Myrtle | 11 | |
| 134 | Crape Myrtle | 12 | |
| 135 | Camphor Tree | 49 | Yes |
| 136 | Camphor Tree | 35 | |
| 137 | Raywood Ash | 70 | Yes |
| 138 | Crape Myrtle | 19 | |
| 139 | Fern Pine | 17 | |
| 140 | Coast Redwood | 36 | |
| 629 | Crape Myrtle | 13 | |
| 630 | Crape Myrtle | 13 | |

Note: All trees on the project site are located within the City of Santa Clara. The ‘protected’ column pertains solely to Santa Clara tree protection policies.

#### 4.4.1.2 *Special Status Species*

The 2007 Valley Fair FEIR found that, with the exception of landscape trees for raptors, the Valley Fair Shopping Center site is highly urbanized and does not contain habitat or foraging areas suitable for special status plant and wildlife species.

#### 4.4.1.3 *Habitat Conservation Plan*

Adopted on October 14, 2013, the Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan (HCP) was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority (VTA), U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW). The HCP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County.

Since the City of Santa Clara is not a partner to the HCP, only the 52 acres of the project site located in the City of San José are subject to the rules and regulations of the Plan. Those 52 acres have a

land cover designation of *Urban - Suburban* in the HCP.[6] The 2007 Valley Fair FEIR (which predated the HCP) did not identify any impacts to the species now covered by the HCP.

**Nitrogen Deposition**

Nitrogen deposition is known to have deleterious effects on many of the serpentine plants in the Santa Clara Valley Habitat Plan area, as well as the host plants that support the federally-threatened Bay Checkerspot Butterfly. Nonpoint sources such as automobiles combust fuel and emit nitrogen compounds into the air, some of which is ultimately deposited into soils in the Santa Clara Valley. Because serpentine soils tend to be nutrient poor, nitrogen deposition acts as an artificial fertilizer for those soils. The elevated nitrogen levels facilitate the spread of invasive plant species which ultimately can out-compete serpentine species. The displacement of these species, and subsequent decline of the several federally-listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County (the last remaining population of butterflies). Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentines, so that fertilization impacts could persist for years and result in cumulative habitat degradation. The invasion of native grasslands by invasive and/or non-native species is now recognized as one of the major causes of the decline of the Bay Checkerspot Butterfly.

All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area. Therefore, even relatively small amounts of increased nitrogen deposition resulting from new development could contribute to a cumulatively significant impact by diminishing the population sizes of serpentine species and possibly the chances of survival of the threatened butterfly and the serpentine-specific plant species within Santa Clara County.

The mitigation program developed for the HCP includes feasible mitigation measures for the impacts of nitrogen deposition upon serpentine habitat and the Bay Checkerspot Butterfly that are incorporated as a Standard Project Condition in future projects within the HCP area. These requirements include payment of fees commensurate with the volume of new daily vehicle trips that a project is expected to generate. The fees are collected by the Santa Clara Valley Habitat Agency and used for serpentine habitat restoration and preservation.

Development in jurisdictions outside of the HCP area, such as within the City of Santa Clara, is not subject to these conditions because the City of Santa Clara is not a partner to the HCP. The implications of this distinction on the project's potential nitrogen deposition impacts are detailed in *Section 4.4.2.3* below.

[6] Santa Clara Valley Habitat Agency. *Habitat Agency Geobrowser Parcel Report*. Accessed April 6, 2015. Available at: http://www.hcpmaps.com/habitat/

### 4.4.2 Environmental Checklist and Discussion of Impacts

| BIOLOGICAL RESOURCES | | | | | | |
|---|---|---|---|---|---|---|
| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Information Source(s) |
| Would the project: | | | | | | |
| 1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☒ | ☐ | 1, 2 |
| 2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☒ | ☐ | 1, 2 |
| 3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 |
| 4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites? | ☐ | ☐ | ☐ | ☒ | ☐ | 1-4 |
| 5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ☐ | ☒ | ☐ | 7, 11 |
| 6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | ☐ | ☐ | ☐ | ☐ | ☒ | 12 |

The proposed project would result in the same impact as the approved 2007 project, Less than Significant with Mitigation Incorporated, as described below.

#### 4.4.2.1 *Impacts to Trees*

**Tree Removal**

There are 19 trees on the Santa Clara portion of the site, all of which would be removed by the proposed project. The expansion proposed on the San José portion of the site would not affect any trees.

In its 2013 and 2015 approvals of permit amendments HA06-027-01, HA06-027-02, and HA06-027-03 for construction of the digital billboard and Parking Deck E, as well as demolition of the banks along Stevens Creek Boulevard, the City of San José approved removal of 370 trees from the Valley Fair shopping center. Some of these trees have been removed already or are expected to be removed in the near-term.

Tree removal from the expansion was originally evaluated in the 2007 Valley Fair FEIR, which covered removal of up to 601 trees from the site. Two EIR addenda were processed by the City of San José to reflect changes in the trees to be removed as well as their sizes. In addition, the City of Santa Clara approved PLN2015-11187 to allow construction of a bank on the Santa Clara portion of the site. That permit, which did not require additional environmental review because it fell within the scope of the 2007 Valley Fair FEIR, allowed for removal of 219 trees from the City of Santa Clara portion of the site.

In summary, a total of 589 trees have been approved for removal or have been removed from the site since adoption of the 2007 Valley Fair FEIR. There are 19 trees currently proposed for removal from the City of Santa Clara portion of the site, seven of which are protected by the City of Santa Clara tree policy. This would bring total cumulative tree removal on the shopping center site to 608 trees, which is seven more than the approved project proposed to remove.

Policy 5.3.1-P10 of the City of Santa Clara General Plan requires new development to provide street trees and a minimum of 2:1 on- or off-site replacement for removed protected trees. Under this requirement, the proposed project would be required to provide a minimum of 14 on- or off-site replacement trees. The proposed tree planting plan includes five 36-inch box Green Vase trees in the City of Santa Clara, which is nine fewer than required by City of Santa Clara policy. Therefore in compliance with the City's tree replacement policy, the project would be required to plant the remaining nine trees off-site as a condition of project approval.

The specific planting location(s), tree size, and species will be determined by the City of Santa Clara Director of Planning and Inspection, in coordination with the Santa Clara City Arborist and the project's Principal Planner or Development Review officer. Santa Clara policy would ensure that the project offsets the loss of trees removed from the Santa Clara portion of the site, therefore impacts to trees in Santa Clara would be less than significant. **(New Less than Significant Impact)**

In addition to complying with Santa Clara policy, the project must also comply with the City of San José's standard project conditions for street tree planting, as detailed below.

**Standard Project Conditions**

- Install street trees within public right-of-way along the entire project street frontage per City of San José standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Project." Street trees shall be installed in cut-outs at the back of the curb. Obtain a San José DOT street tree planting permit for any proposed street tree planting within San José.

- Contact the San José City Arborist at (408) 794-1901 for the designated street tree, as applicable.

**Trees to Remain**

Construction of the proposed project could result in unanticipated impacts to off-site trees which are intended for preservation. This potential lies primarily with trees that would be planted adjacent to the project site as mitigation for tree removal associated with prior permits. Unanticipated impacts to trees would be potentially significant.

**Impact BIO-1:** Construction of the proposed project could impact off-site trees or trees recently planted under prior permit approvals. **(Significant Impact)**

The following measures were identified as part of the certified 2007 Valley Fair FEIR and are proposed by the project to reduce potentially significant construction impacts to off-site trees to a less than significant level.

**MM BIO-1.1:** The following measures are included in the project to reduce construction-related impacts to any trees intended for preservation during project construction:

- Damage to any tree during construction shall be reported to the City's Environmental Senior Planner, and the contractor or owner shall treat the tree for damage in the manner specified by the City Arborist;
- No construction equipment, vehicles or materials shall be stored, parked, or left standing within the tree dripline; and
- Drains shall be installed according to city specifications so as to avoid harm to trees due to excess watering; and
- Wires, signs and other similar items shall not be attached to trees; and
- Cutting and filling around the base of trees shall be done only after consultation with the City Arborist and then only to the extent authorized by the City Arborist; and
- No paint thinner, paint, plaster or other liquid or solid excess or waste construction materials or wastewater shall be dumped on the ground or

into any grate between the dripline and the base of the tree or uphill from any tree where certain substances might reach the roots through a leaching process; and

- Barricades shall be constructed around the trunks of trees as specified by a qualified arborist so as to prevent injury to trees making them susceptible to disease causing organisms; and
- Wherever cuts are made in the ground near the roots of trees, appropriate measures as determined by the project consulting arborist, shall be taken to prevent exposed soil from drying out and causing damage to tree roots. (SJMC 13.32.130)

Implementation of these measures would ensure the ongoing protection of any trees with the potential to be impacted by project construction. Therefore, potential impacts to trees would be less than significant. **[Same Impact as Approved Project (Less than Significant Impact With Mitigation)]**

#### 4.4.2.2 *Impacts to Special Status Species and Nesting Raptors*

The 2007 Valley Fair FEIR found less than significant impacts to nesting raptors with mitigation measures incorporated, but no other potential for impacts to special-status species was identified. The FEIR concluded that the on-site trees provide potential nesting habitat for tree-nesting raptors such as red-shouldered and Cooper's hawks. Construction on the site during the nesting season could result in the abandonment of active nests and/or direct mortality to individual raptors and birds. Such impacts could occur directly through tree removal or indirectly due to disturbances caused by construction.

**Impact BIO-2:** Removal of trees from the site or disturbance near trees to remain could impact tree-nesting raptors and birds. **(Significant Impact)**

The following measures, which were included in the 2007 Valley Fair FEIR, are included in the proposed project to avoid significant impacts to nesting raptors during the construction phase:

**MM BIO-2.1** A qualified ornithologist shall conduct protocol-level, pre-construction surveys for nesting raptors and birds on-site not more than 30 days prior to the onset of ground disturbance or tree removal, if disturbance is to occur during the breeding season (Feb. 1 to Aug. 31). All large trees within 250 feet of the limits of grading shall be inspected as construction occurs on the project site.

**MM BIO-2.2** If a nesting bird or raptor is detected, an appropriate construction buffer shall be established during the nesting season. Actual size of buffer will be determined by the ornithologist and will depend on species, topography, and type of construction activity that would occur in the vicinity of the nest but would be a minimum of 250 feet.

**MM BIO-2.3** A report summarizing results of the pre-construction survey and subsequent efforts to protect nesting raptors or birds (if found to be present) shall be submitted to both the City of San José Senior Environmental Planner and the City of Santa Clara Principal Planner or Development Review Officer for activities occurring in that City.

With implementation of these measures to avoid disturbance to tree-nesting raptors, the proposed project would avoid potentially significant impacts to nesting raptors and birds. The proposed project would not result in any new significant impacts that were not previously evaluated in the 2007 Valley Fair FEIR. [**Same Impact as Approved Project (Less than Significant with Mitigation Incorporated)]**

#### 4.4.2.3 *Santa Clara Valley Habitat Conservation Plan*

The HCP became effective on October 14, 2013. The large scale habitat conservation plan provides a comprehensive approach to addressing impacts to sensitive species and their habitats in the Santa Clara Valley. The HCP utilizes a variety of private and public development-based fees to fund mitigation that will offset losses of land, covered species habitat, and other biological values. The project site has a land cover designation of *Urban - Suburban* and is not subject to any land cover fees or wildlife survey requirements. Since there are no sensitive habitats on the site, the project would not result in direct impacts to species covered by the HCP.

**Nitrogen Deposition**

As detailed in Section 3.3.5 of the Santa Clara Valley Habitat Conservation Plan, nitrogen in air pollution, which results primarily from vehicles, increases the nutrient load in Santa Clara Valley serpentine grassland communities.[7] This nutrient loading can result in the loss of plants necessary to support the Bay Checkerspot butterfly, a species listed as threatened under the federal Endangered Species Act. The HCP requires payment of nitrogen deposition fees for all covered projects that generate new vehicle trips and are two acres in size or more. These fees are used to protect and restore serpentine grassland communities which support the Bay Checkerspot butterfly.

Since the City of San José is a local partner to the HCP, the proposed development within the City of San José is considered a covered project. As discussed in ***Section 4.16, Transportation***, the proposed expansion would generate approximately 18,192 daily vehicle trips associated with the retail/commercial expansion. Of those trips, 16,844 would be generated by the 451,225 square feet of Gross Leasable Area that would be added to portions of the site within areas covered by the HCP (i.e. within the City of San José). The remaining project trips (1,348 trips, or 6.5%) would result from development in Santa Clara, which is outside the HCP and therefore not subject to the HCP. The City of Santa Clara has previously determined in 2010, as part of the 2010-2035 General Plan Update[8], that the City's contribution from planned development in the General Plan Update to

[7] Santa Clara Valley Habitat Agency. *Santa Clara Valley Habitat Plan*. August 2012. Page 3-38. Available at: http://scv-habitatagency.org/178/Final-Habitat-Plan
[8] City of Santa Clara, 2010-2025 Draft General Plan, Draft Environmental Impact Report, July 2010, pages 266-267.

cumulative regional nitrogen deposition impacts is less than cumulatively considerable, and that finding would cover the subject mall expansion project's trips occurring in Santa Clara.

The HCP fee program was designed in such a way that fees paid by development within the jurisdictions of the six local partners would be sufficient to mitigate for the impacts evaluated in the HCP. The proposed project would be required to pay nitrogen deposition fees for the vehicle trips (16,844 trips, or 93.5%) generated by portions of the proposed development within the City of San José. Payment of these fees for the substantial majority of the proposed expansion's daily vehicle trips in San Jose would mitigate the project's contribution to significant cumulative nitrogen deposition impacts. Therefore, the proposed project would have a less than cumulatively considerable contribution to significant cumulative nitrogen deposition impacts. In addition, since the proposed project would generate fewer vehicle trips than the approved project (see ***Section 4.16, Transportation***) and would also pay fees to mitigate impacts of nitrogen deposition, the proposed project would result in less impact than the approved project would. **(Less Impact Than Approved Project)**

### 4.4.3 Conclusion

The proposed project would make fee payments in accordance with the Santa Clara Valley Habitat Plan for nitrogen deposition impacts resulting from vehicle emissions. **(New Less Than Significant Impact)**

With the implementation of the Standard Project Conditions and mitigation measures, the proposed project would not result in any new or more significant impacts to biological resources than those addressed in the 2007 Valley Fair FEIR. **[Same Impact as Approved Project (Less than Significant with Mitigation Incorporated)]**

## 4.5 CULTURAL RESOURCES

### 4.5.1 Setting

The project site is currently developed with over two million square feet of commercial buildings and the vast majority of the remaining surface area is paved parking lots. Based on historical aerial photographs of the site, the original shopping center structures located on the east and west portions of the site (now occupied by Macy's Men's and Women's, respectively) were constructed by the year 1965. The grocery store located along North Winchester Boulevard was also constructed at this time. Surrounding surface and structured parking was built to support these stores, and all other existing structures in the shopping center were constructed after 1965.

In prehistoric times, this area was an alluvial plain that was flooded on a regular basis. Native American occupation and use of the Santa Clara Valley extended over 5,000-8,000 years and possibly longer. The Native American people who originally inhabited the Santa Clara Valley belong to a group known as the "Costanoan" or Ohlone. Prehistoric sites recorded in the Santa Clara Valley include villages, temporary campsites, and non-habitation sites such as manufacturing areas and quarries.

The Cities of San José and Santa Clara have developed in the context of the major historical periods that have shaped this region of California: Spanish explorations and colonization beginning in the year 1769, subsequent Mexican rule after 1822, and later annexation to the United States and Statehood in 1850.

#### 4.5.1.1 *Cultural Resource Sensitivity*

Based on the map contained within the San José General Plan FPEIR, the project site is underlain by soils with a high paleontological sensitivity at depth.[9] The site is underlain by Holocene alluvial fan deposits (see ***Section 3.6 Geology and Soils*** for more information), which the Santa Clara General Plan FPEIR considers to be potentially sensitive for subsurface resources.[10]

The nearest historic resource is the Winchester House on South Winchester Boulevard, approximately one-third of one mile south of the project site. The structure is California State Historic Landmark Number 868. The proposed project would not affect this structure.

[9] City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report.* September 2011. Figure 3.11-1.
[10] City of Santa Clara. *2010-2035 General Plan Integrated Final Environmental Impact Report*. January 2011. Table 4.11-1.

### 4.5.2 Environmental Checklist and Discussion of Impacts

| CULTURAL RESOURCES | | | | | | |
|---|---|---|---|---|---|---|
| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Information Source(s) |
| Would the project: | | | | | | 1 - 3 |
| 1) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5? | ☐ | ☐ | ☐ | ☒ | ☐ | |
| 2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 3 |
| 3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 3 |
| 4) Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 3 |

The proposed project would result in the same impact as the approved 2007 Valley Fair expansion project, Less than Significant Impact with Mitigation Measures Incorporated, as described below.

#### 4.5.2.1 *Prehistoric Resources Impacts*

While no traces of aboriginal presence or historic materials have been observed on the site during past field inspections, there remains a small possibility that excavations would result in the discovery of buried prehistoric archaeological deposits.

This project includes excavation to depths of approximately 20 feet as part of the underground parking garage construction (see Figure 3.0-5 for the approximate size and layout of the parking garage). The Valley Fair FEIR did not evaluate a project that included underground parking, therefore the potential for the currently proposed project to impact archaeological resources is greater than the 2007 project. Nevertheless, feasible mitigation is available to reduce potential impacts to archaeological resources to less than significant levels.

Though it is more probable in areas with deeper excavation, there is potential to encounter archaeological and paleontological resources at any depth on the site. Therefore, the potential for impacts and the need for mitigation applies to both the San José and Santa Clara portions of the project site.

**Impact CUL-1** The proposed project could result in disturbance of unknown subsurface cultural resources. **(Significant Impact)**

The project would implement the following updated and expanded versions of the mitigation measures that were included in the 2007 Valley Fair FEIR:

**MM CUL-1.1:** In the event any significant cultural materials are encountered, all construction within a radius of 50 feet of the find shall be halted, the San José Director of Planning, Building and Code Enforcement and/or Santa Clara Director of Planning and Inspection shall be notified (depending on the location of the find), and a professional archaeologist shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation, and analysis of any significant cultural materials.

**MM CUL-1.2:** If human remains are discovered, the Santa Clara County Coroner will be notified. The Coroner would determine whether or not the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he would notify the Native American Heritage Commission, would attempt to identify "most likely" descendants of the deceased.

**MM CUL-1.3:** If the San José Director of Planning, Building and Code Enforcement and/or Santa Clara Director of Planning and Inspection find that the archaeological find is not a significant resource, work would resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted.

**MM CUL-1.4:** A final report will be prepared by the project archaeologist when a find is determined to be a significant archaeological resource, and/or when Native American remains are found on the site. The final report will include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, and testing, and other recovered information, and conclusions. The report shall be submitted to the San José Senior Environmental Planner and/or the Santa Clara Principal Planner or Development Review Officer, as appropriate.

Implementation of these measures, which are updated from the Valley Fair FEIR mitigation measures, would result in a less than significant impact to potential subsurface cultural resources. **[Same Impact As Approved Project (Less Than Significant Impact with Mitigation)]**

#### 4.5.2.2 *Historic Resources Impacts*

The only buildings on the site that are 50 years old or older are the two Macy's buildings and the grocery stores adjacent to Winchester Boulevard (currently a Safeway and CVS). The proposed project would not modify these buildings and no protective measures are necessary to ensure their continued structural integrity. Since none of the buildings proposed for demolition are over 50 years old, they would not be expected to qualify for the National or State Registers of Historic Places/Resources. Therefore, demolition as proposed would not impact any historic resources. **[Same Impact as Approved Project (No Impact)]**

### 4.5.3 Conclusion

The proposed project, with the implementation of the above listed mitigation measures, would not result in any new or more significant impacts to cultural resources than those addressed in the 2007 Valley Fair FEIR. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation Incorporated)]**

## 4.6 GEOLOGY AND SOILS

### 4.6.1 Setting

#### 4.6.1.1 *Geological Features*

The project site is located in the Santa Clara Valley, a relatively flat alluvial basin bounded by the Santa Cruz Mountains to the southwest and west, the Diablo Mountain Range to the east, and the San Francisco Bay to the north. The soil is made up of bedrock overlaid with marine and terrestrial sedimentary rocks of Tertiary and Quaternary age materials. The soils on the site consist of sedimentary alluvial deposits of silty clays and silty clay loams to gravelly loams.

#### 4.6.1.2 *On-Site Geologic Conditions*

**Soils and Groundwater**

The topography of the developed project site is relatively flat, with an elevation of approximately 120 feet above mean sea level (amsl). There are no creeks, natural drainages, or other notable natural or geologic features located on the site. According to the Geologic Map of the San Jose 30x60-Minute Quadrangle, California, the site is located in an area underlain by older Holocene age (more than 11,000 years old) alluvial fan deposits (Qhf2).[11] The soil underlying the existing development consists of Urban land soils with zero to two percent slopes.[12]

The potential for shrink and swell resulting from moisture change in the soil ranges across the site from low to moderate. Shrink-swell behavior can cause heaving and cracking of slabs-on-grade, pavements, and structures found on shallow foundations. There is little to no erosion hazard associated with these types of soils.

According to a Phase I Environmental Site Assessment prepared in 2013 for the 70-acre Westfield Valley Fair site (see Appendix C), groundwater depth in the area ranges from 45 to 65 feet below ground surface.

**Seismicity**

The San Francisco Bay Area is one of the most seismically-active regions in the United States. An earthquake of moderate to high magnitude generated within the San Francisco Bay region could cause considerable ground shaking at the project site. The degree of shaking is dependent on the magnitude of the event, the distance to its zone of rupture, and local geologic conditions.

The three major active fault lines in the region are the San Andreas Fault, Calaveras Fault, and Hayward Fault. The San Andreas Fault runs north/south and parallel to the Hayward Fault and the

[11] U.S. Geological Survey. *Preliminary Geologic Map of the San José 30 x 60-Minute Quadrangle, CA.* Map. 1999. Available at: http://pubs.usgs.gov/of/1998/of98-795/of98-795_7b.pdf

[12] U.S. Department of Agriculture, Natural Resources Conservation Service. *Custom Soil Resource Report for Santa Clara Area, California, Western Part.* April 6, 2015. Available at: http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm

Calaveras Fault line. The San Andreas Fault is approximately 10 miles southwest of the site; the Calaveras Fault is approximately 10 miles east of the site; and the southeast extension of the Hayward Fault is approximately seven miles east of the site. The less-active Monte Vista thrust fault is approximately five miles southwest of the site.

The project site is not located within a state of California Fault Rupture Hazard Zone, therefore fault rupture through the site is not anticipated.[13] The project site is within the State of California Seismic Hazard Zone for liquefaction, as discussed below.

### Liquefaction

Soil liquefaction is a condition where saturated granular soils near the ground surface undergo a substantial loss of strength during seismic events. Loose, water-saturated soils are transformed from a solid to a liquid state during ground shaking, which can result in significant ground deformations. Soils most susceptible to liquefaction are loose, uniformly graded, saturated, fine-grained sands that lie close to the ground surface. According to the Santa Clara County Geologic Hazard maps, the northern half of the project site is located in an area considered susceptible to earthquake-induced liquefaction.[14]

### Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as an open body of water, channel or excavation. The potential for lateral spreading on the site is low because the site is surrounded by flat urban land with no open faces or slopes.

[13] City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. September 2011. Figure 3.6-1.
[14] Santa Clara County. *Geologic Hazard Zones.* Map. October 26, 2012. Page 19.

### 4.6.2 Environmental Checklist and Discussion of Impacts

| GEOLOGY AND SOILS | | | | | | |
|---|---|---|---|---|---|---|
| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Information Source(s) |
| Would the project: | | | | | | |
| 1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | | | |
| a) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.) | ☐ | ☐ | ☐ | ☒ | ☐ | 1, 2, 13 |
| b) Strong seismic ground shaking? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 3 |
| c) Seismic-related ground failure, including liquefaction? | ☐ | ☐ | ☐ | ☒ | ☐ | 2, 13 |
| d) Landslides? | ☐ | ☐ | ☐ | ☒ | ☐ | 1, 2 |
| 2) Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☐ | ☒ | ☐ | 1, 2, 14 |
| 3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | ☐ | ☐ | ☐ | ☒ | ☐ | 1, 2, 13 |
| 4) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | ☐ | ☐ | ☐ | ☒ | ☐ | 14 |
| 5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 |

The currently proposed project will result in the same impact as the approved project, Less than Significant, as described below.

#### 4.6.2.1 *On-Site Soils*

As described above, the potential for soil-related hazards (i.e. expansion, landslides, and erosion) to occur on the site is low. The soils that are present on the project site do not pose significant or unusual constraints to the proposed development. Standard engineering requirements and practices set forth in the Uniform Building Code and enforced by the Cities of San José and Santa Clara will ensure that future development is properly designed to avoid significant structural hazards caused by on-site soil conditions. **[Same Impact as Approved Project (Less Than Significant Impact)]**

The project would also implement the following Standard Project Conditions for development in cities of San José and Santa Clara to ensure that site soils and geologic conditions result in less than significant geologic hazard impacts:

**Standard Project Conditions**

- A design-level geotechnical investigation report addressing the potential hazard of liquefaction and expansive soils must be submitted to, reviewed and approved by the City of San José Geologist (and equivalent position at City of Santa Clara) prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation, and should provide detailed geotechnical recommendations for the design and construction of the project.

- The geotechnical investigation shall be reviewed and approved by the City Geologist (and equivalent position at City of Santa Clara) prior to issuance of a grading permit or Public Works Clearance for the project.

- Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Geologist (and equivalent position at City of Santa Clara) prior to issuance of a grading permit.

- Implement standard grading and best management practices to prevent substantial erosion and siltation during development of the site.

#### 4.6.2.2 *Seismic Impacts*

The project site is located within the seismically-active San Francisco Bay Area and severe ground shaking is probable during the anticipated life of the project. Future employees and patrons of the adjacent commercial uses would be exposed to hazards associated with severe ground shaking during a major earthquake on one of the region's active faults. The hazard is not unique to the project site because it applies to all locations throughout the greater Bay Area.

The project site includes potentially-liquefiable soil materials. Design and construction of the proposed expansion in conformance with a project-specific geotechnical investigation utilizing standard features such as relatively rigid shallow foundations, a deep foundation system, and/or ground improvement, will ensure that potential hazards from liquefiable soils are less than significant. As identified in the Valley Fair FEIR, the project will be designed and constructed in accordance with the Uniform Building Code guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the project site. **[Same Impact as Approved Project (Less Than Significant Impact)]**

### 4.6.3 Conclusion

With the implementation of the above Standard Permit Conditions, the proposed project would not result in any new or more significant impacts from soil- or seismic-related hazards than those addressed in the Valley Fair FEIR. **[Same Impact as Approved Project (Less than Significant Impact)]**

## 4.7 GREENHOUSE GAS EMISSIONS

The 2007 Valley Fair FEIR did not contain a discussion of greenhouse gas (GHG) emissions from the then-proposed expansion because GHG analyses were not called for by the CEQA Guidelines at the time. In addition, the key state, regional, and local policies driving analysis of GHG emissions (discussed below) were not in place at the time environmental review commenced. Therefore, this analysis includes a more extensive regulatory discussion than those found in other sections of this EIR Addendum. The analysis also compares the estimated emissions associated with the existing shopping center, the approved shopping center expansion, and the currently proposed expansion. The quantitative emissions analysis upon which this section is based can be found in Appendix A of this Addendum.

### 4.7.1 Existing Setting

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of GHGs that contribute to global warming or global climate change have a broader, global impact. Global warming is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of the earth's atmosphere. The principal GHGs contributing to global warming are carbon dioxide ($CO_2$), methane ($CH_4$), nitrous oxide ($N_2O$), and fluorinated compounds. These gases allow visible and ultraviolet light from the sun to pass through the atmosphere and heat the earth's system, but they retain some heat radiating from the earth back into space. Each GHG has its own potency and effect upon the earth's energy balance. This is expressed in terms of a global warming potential (GWP), with $CO_2$ being assigned a value of one and sulfur hexafluoride being several orders of magnitude stronger with a GWP of 23,900. In GHG emission inventories, the weight of each gas is multiplied by its GWP and is measured in units of $CO_2$ equivalents (CO2e).

Among the potential implications of global warming are rising sea levels and adverse impacts to water supply, water quality, agriculture, forestry, and habitats. In addition, global warming may increase electricity demand, decrease the availability of hydroelectric power, and affect regional air quality and public health. Like most criteria and toxic air pollutant emissions, much of the GHG emissions associated with land development come from motor vehicles (mobile sources). Mobile-source GHG emissions can be reduced to some degree by improved coordination of land use and transportation planning on the city, county, and subregional level, and other measures to reduce automobile use. Energy conservation measures also contribute to reductions in GHG emissions.

#### 4.7.1.1 *Existing GHG Emissions from the Project Site*

The main sources of GHG emissions from Westfield Valley Fair Shopping Center are vehicles traveling to and from the site (approximately 85 percent), as well as electricity generation for lighting and heating, ventilation, and air conditioning. These sources are estimated to account for 47,774 metric tons (MT) CO2e per year, or 9.4 MT CO2e per service population (i.e. employee).

### 4.7.1.2 *Regulatory Setting*

**Federal**

In recognition of the adverse effects of degraded air quality, Congress and the California Legislature enacted the Federal and California Clean Air Acts, respectively. These acts are administered by the U.S. Environmental Protection Agency (EPA) at the federal level, the California Air Resources Board (CARB) at the state level, and the Bay Area Air Quality Management District (BAAQMD) at the regional level. There are currently no adopted federal standards for GHG emissions applicable to the proposed project.

**State of California**

AB 32, Scoping Plan, and CEQA

In September 2006, Governor Schwarzenegger signed the Global Warming Solutions Act (Assembly Bill (AB) 32), to address the GHG emissions in California. The Act requires that emissions in California be reduced to year 1990 levels by 2020. In June 2005, the Governor signed Executive Order S-3-05 which set a goal for the state to 80 percent below 1990 levels by 2050. Additional state law related to the reduction of greenhouse gas emissions includes SB 375, the Sustainable Communities and Climate Protection Act (see discussion below).

In December 2008, CARB approved the *Climate Change Scoping Plan*, which proposes a comprehensive set of actions designed to reduce California's dependence on oil, diversify energy sources, save energy, and enhance public health, among other goals. Per AB 32, the Scoping Plan must be updated every five years to evaluate the mix of AB 32 policies to ensure that California is on track to achieve the 2020 GHG reduction mandate. The Board approved the *First Update to the Climate Change Scoping Plan* on May 22, 2014.

The 2014 update defines CARB's climate change priorities for the next five years and lays the groundwork to start the transition to the post-2020 goals set forth in Executive Order S-3-05 and B-16-2012.[15] The 2014 update highlights California's progress toward meeting the near-term 2020 GHG emission reduction goals defined in the 2008 Scoping Plan and evaluate how to align the state's long-term GHG reduction strategies with other state policy priorities such as for water, waste, natural resources, agriculture, clean energy, transportation, and land use.

Under state law (Public Resources Code Section 21083.05), Lead Agencies such as the City of San José retain discretion to determine the significance of impacts from GHG emissions based upon individual circumstances. Neither CEQA nor the CEQA Guidelines provide a specific methodology for analysis of GHGs and under the amendments to the CEQA Guidelines, a Lead Agency may describe, calculate, or estimate GHG emissions resulting from a project. Since the adoption of the Valley Fair FEIR dates to 2007, GHG effects were not addressed. Therefore, this Addendum will

[15] Executive Order B-16-2012, issued by Governor Brown in March 2012, calls for expanded infrastructure to support zero emission vehicles and sets benchmarks for future state fleet vehicle purchases of zero emission vehicles. The executive order is available online at: http://gov.ca.gov/news.php?id=17472

rely upon a project-specific GHG analysis to evaluate whether the changes in the currently proposed project will result in increased GHG emissions compared to the approved 2007 development.

Executive Order B-30-15

On April 29, 2015, Governor Edmund G. Brown Jr. issued Executive Order B-30-15 to set a new interim statewide GHG emission reduction target. The purpose of establishing the interim target is to ensure that California meets its previously-established target of reducing GHG emissions to 80 percent below 1990 levels by 2050. Under Executive Order B-30-15, the interim target is to reduce GHG emissions to 40 percent below 1990 levels by the year 2030.

As a part of this effort, the CARB is required to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of carbon dioxide equivalent. CARB will initiate a public process in the summer of 2015 to update the State's Climate Change Scoping Plan. The updated Scoping Plan will provide a framework for achieving the 2030 target and will be completed and adopted by CARB in 2016.

Senate Bill 375

Senate Bill 375 (SB 375), also known as the Sustainable Communities and Climate Protection Act of 2008, requires regional transportation plans to include a Sustainable Communities Strategy (SCS) that links transportation and land use planning together into a more comprehensive, integrated process. The SCS is a mechanism for more effectively linking a land use pattern and a transportation system together to make travel more efficient and communities more livable. The result is reduced GHG emissions from passenger vehicles along with other benefits.

In 2010, CARB adopted GHG reduction targets for regions across California, as mandated by SB 375. The target for the Bay Area is a seven percent per capita reduction in GHG emissions attributable to automobiles and light trucks by 2020 and a 15 percent per capita reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission (BCDC) to prepare the region's SCS.[16] The SCS is referred to as *Plan Bay Area* and was adopted in July 2013. The strategies in the plan are intended to promote compact, mixed-use development close to public transit, jobs, schools, shopping, parks, recreation, and other amenities, particularly within Priority Development Areas identified by local jurisdictions.

[16] ABAG, BAAQMD, BCDC, and MTC. *One Bay Area Frequently Asked Questions.* Accessed July 23, 2013, Available at: http://onebayarea.org/about/faq.html#.UQceKR2_DAk

## Regional

Bay Area Air Quality Management District (BAAQMD)

BAAQMD is the regional, government agency that regulates sources of air pollution within the nine San Francisco Bay Area Counties. Several key activities of BAAQMD related to GHG emissions are described below.

*Regional Clean Air Plans*: BAAQMD and other agencies prepare clean air plans as required under the State and Federal Clean Air Acts. The Bay Area 2010 Clean Air Plan provides a comprehensive plan to improve Bay Area air quality and protect public health through implementation of a control strategy designed to reduce emissions and decrease ambient concentrations of harmful pollutants. The most recent Clean Air Plan also includes measures designed to reduce GHG emissions.

*BAAQMD CEQA Air Quality Guidelines*: The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The Guidelines include information on legal requirements, BAAQMD rules, plans and procedures, methods of analyzing air quality impacts, thresholds of significance, mitigation measures, and background air quality information. In June 2010, the Air District's Board of Directors adopted their CEQA thresholds of significance and an update of their CEQA Guidelines. The updated CEQA Guidelines review and describe assessment methodologies, and mitigation strategies for criteria pollutants, air toxics, odors, and GHG emissions.

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The Cities of San José and Santa Clara, among numerous other jurisdictions in the San Francisco Bay Area Air Basin, have recently used the thresholds and methodology for assessing GHG emissions put forth by BAAQMD based upon the scientific and other factual data prepared by BAAQMD in developing those thresholds.

In December 2010, the California Building Industry Association (BIA) filed a lawsuit in Alameda County Superior Court challenging toxic air contaminants and $PM_{2.5}$ thresholds developed by BAQQMD for its CEQA Air Quality Guidelines (*California Building Industry Association v. Bay Area Air Quality Management District*, Alameda County Superior Court Case No. RG10548693). One of the identified concerns is that the widespread use of the thresholds would inhibit infill and smart growth in the urbanized Bay Area. On January 19, 2012, the Superior Court found that adoption of thresholds by the BAAQMD in its CEQA Air Quality Guidelines is a CEQA project, though no further findings or rulings were made. On March 5, 2012, the Alameda County Superior Court issued a judgment that BAAQMD had failed to comply with CEQA when it adopted its Thresholds. The Court issued a writ of mandate ordering the District to set aside the Thresholds and cease disseminating them until the District fully complies with CEQA. The BAAQMD appealed this ruling, and the Appellate Court overturned that decision, finding that adopting the thresholds did not amount to a project under CEQA (*California Building Industry Association v. Bay Area Air Quality Management District* (2013) 218 Cak.App.4$^{th}$ 1171). The Court of Appeal also found that the challenged thresholds were supported by substantial evidence. The case is now in front of the state

Supreme Court on one issue unrelated to the substance of particular thresholds or the evidence on which they are based.

In April 2012, BAAQMD revised their website in conformance with the Superior Court order, no longer recommending use of the 2010 Thresholds in determining a project's significant air quality impacts. Based on the Appellate ruling, however, it is reasonable for agencies to conclude that the thresholds are based on substantial evidence and that they represent a reasonable method of determining significance. The Cities of San José and Santa Clara have carefully considered the thresholds prepared by BAAQMD and the court rulings, and consider the quantitative thresholds to be based on the best information available for the San Francisco Bay Area Air Basin. Evidence supporting these thresholds has been presented in the following documents:

- Bay Area Air Quality Management District (BAAQMD)
  *CEQA Air Quality Guidelines*. May 2011.
- California Air Resources Board. 2008. Climate Change Scoping Plan.
  (Statewide GHG Emission Targets)

**City of San José**

The City of San Jose has an adopted GHG Reduction Strategy that was approved by the City Council in November 2011, in conjunction with the *Envision San José 2040 General Plan*. The environmental impacts of the GHG Reduction Strategy were reanalyzed in the General Plan Supplemental Final Program Environmental Impact Report, which was adopted in December 15, 2015. The City's projected emissions and the GHG Reduction Strategy are consistent with measures necessary to meet statewide 2020 goals established by AB 32 and addressed in the Climate Change Scoping Plan.

The purposes of the GHG Reduction Strategy are to capture and consolidate GHG reduction efforts already underway in the City of San José, distill policy direction on GHG reduction from the *Envision San José 2040 General Plan*, quantify GHG reductions that should result from land use changes incorporated in the Envision General Plan Land Use diagram, create a framework for the ongoing monitoring and revision of the GHG Reduction Strategy, and achieve General Plan-level environmental clearance for future development activities (through 2020) occurring in San José.

Compliance with the mandatory measures and voluntary measures required by the City would ensure an individual project's consistency with the GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy would generally have a less than significant impact related to GHG emissions. In addition to evaluating the project's consistency with the San José GHG Reduction Strategy in order to determine the significance of project-related GHG emissions, this analysis quantifies the emissions of the proposed project using the CalEEMod model consistent with the BAAQMD CEQA Air Quality Guidelines.

**City of Santa Clara**

The City of Santa Clara has a comprehensive GHG emissions reduction strategy (Climate Action Plan or "CAP") to achieve its fair share of statewide emissions reductions for the 2020 timeframe

consistent with AB 32. Adopted on December 3, 2013, the CAP specifies the citywide strategies and measures to be taken to achieve the overall emission reduction target, and includes an adaptive management process that can incorporate new technology and respond when goals are not being met.

The environmental review for all development proposals subject to discretionary approvals in the City of Santa Clara is required to address the consistency of individual projects with GHG reduction measures in the Santa Clara CAP and General Plan. Compliance with appropriate measures in the CAP would ensure an individual project's consistency with an adopted GHG reduction plan. Projects that are consistent with the CAP would have a less than significant impact related to GHG emissions.

### 4.7.2 Environmental Checklist and Discussion of Impacts

| GREENHOUSE GAS EMISSIONS | | | | | | |
|---|---|---|---|---|---|---|
| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Information Source(s) |
| Would the project: | | | | | | |
| 1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | ☐ | ☐ | ☐ | ☐ | ☒ | 1, 3, 9 |
| 2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | ☐ | ☐ | ☐ | ☐ | ☒ | 1, 3, 9 |

Per CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. In addition to evaluating the project's consistency with the San José GHG Reduction Strategy in order to determine the significance of project-related GHG emissions, this analysis will evaluate the emissions of the proposed project following the BAAQMD *CEQA Air Quality Guidelines*.

#### 4.7.2.1 *Impacts From the Project*

**Operational Emissions**

At the time the 2007 FEIR was certified, there was not a quantitative threshold available to the City of San Jose to assess the significance of project GHG emissions, therefore project emissions were not quantified. Since GHG emissions have never been modeled for the existing shopping center or the 2007 approved expansion, emissions modeling for the currently proposed expansion also included quantification of existing and approved emissions. The primary sources of GHG emissions associated with the shopping center are mobile sources (i.e. vehicles of employees and patrons).

Approximately 84.6 percent of the GHG emissions associated with the existing Valley Fair Shopping Center are from mobile sources and 12.6 percent are from energy use.

Refer to Appendix A for details regarding the model inputs and assumptions. Estimated operational emissions from the existing shopping center, the approved 2007 expansion, and the proposed expansion are shown in Table 4.7-1 below.

**Table 4.7-1 Estimated Annual Greenhouse Gas Emissions (in Metric Tons $CO_2e$)**

| Source Category | Existing | Approved | Proposed |
|---|---|---|---|
| Area | <1 | <1 | <1 |
| Energy Consumption | 6,017 | 6,042 | 6,040 |
| Mobile | 40,394 | 50,371 | 48,711 |
| Solid Waste Generation | 972 | 1,282 | 1,292 |
| Water Usage | 390 | 472 | 475 |
| **Total** | **47,774** | **58,168** | **56,519** |

Source: Illingworth & Rodkin, Inc. *Westfield Valley Fair Mall Expansion Project Draft TAC and GHG Emissions Assessment*. June 4, 2015.

The proposed project would increase annual GHG emissions by 8,745 MT $CO_2e$ per year over the existing condition. Compared to the emissions of the approved 2007 expansion, however, the GHG emissions of the proposed project would be 1,649 MT $CO_2e$ lower. This reduction is attributed to a decrease in estimated mobile source emissions, which is expected because the currently proposed expansion would have less retail space than the approved expansion would, and would generate fewer overall vehicle trips to/from the site.

Using an estimated service population of 2.5 employees per 1,000 square feet of gross building area, the emissions of the existing, approved, and proposed shopping center can be calculated per employee (or, "service population") per year.

**Table 4.7-2 Shopping Center Greenhouse Gas Efficiency**

| | Gross Building Area (sq. ft) | Service Population (SP)[1] (# of employees) | Total Annual Emissions (Metric Tons/year) | GHG Efficiency (MT/SP/yr) |
|---|---|---|---|---|
| **Existing** | 2,035,358 | 5,088 | 47,774 | 9.4 |
| **Approved** | 2,685,358 | 6,713 | 58,168 | 8.7 |
| **Proposed** | 2,720,514 | 6,801 | 56,519 | 8.3 |

[1] Calculated using an industry-standard ratio of 2.5 employees per 1,000 square feet of Gross Building Area (GBA).

While the proposed expansion would result in a net increase in annual GHG emissions of 8,745 MT $CO_2e$ per year over the existing condition, the GHG efficiency of the shopping center would improve. In addition, the GHG emissions per service population and the total annual GHG emissions of the proposed expansion would be lower than those of the approved expansion.

Measures that have been incorporated into the project to reduce GHG emissions are discussed in detail in *Section 4.7.2.3* below. The proposed modifications to the approved 2007 expansion would not cause GHG emissions to increase beyond the emissions associated with the approved expansion. Therefore, the proposed project would not result in new GHG impacts or a substantial increase in the severity of the GHG impacts of the approved 2007 project. **(Less Impact Than Approved Project)**

**Construction Emissions**

GHG emissions would occur during demolition of the existing buildings and hardscape, excavation of the underground parking garage, grading, and construction of the proposed expansion. Though there are no established thresholds of significance for GHG emissions resulting from construction of a project, BAAQMD recommends that construction emissions be quantified. Construction GHG emissions were calculated based on project-specific construction equipment and schedule information provided by the applicant (see Appendix A).

GHG emissions associated with construction were computed to be 4,289 MT $CO_2e$ over two separate calendar years. Mitigation measures AQ-1.1 through 1.4, which were incorporated into the project to reduce construction-related particulate and diesel emissions, would also incrementally reduce construction GHG emissions. These emissions would be temporary and would not prevent the City of San José, City of Santa Clara, or state of California from meeting the statutory emissions reduction targets set forth in AB 32, S-3-05, or B-30-15. Construction-related GHG emissions would constitute a less than significant contribution to the cumulative global effects of GHG emissions. **(New Less Than Significant Impact)**

#### 4.7.2.2 *Impacts to the Project*

The project site is 120 feet above mean sea level and would not be vulnerable to sea level rise. Direct climate change-induced impacts to the project are not anticipated. **(No Impact)**

#### 4.7.2.3 *Consistency with Plans and Policies*

**San José**

The GHG Reduction Strategy in the Envision San José 2040 General Plan FPEIR identifies a series of GHG emissions reduction measures to be implemented by development projects that would allow the City to achieve its GHG reduction goals. The measures center around five strategies: energy, waste, water, transportation, and carbon sequestration. When the GHG Reduction Strategy was in effect, some measures were considered mandatory for all proposed development projects, while others were considered voluntary. Voluntary measures were incorporated as mitigation measures for proposed projects at the discretion of the City.

For the purposes of tracking the proposed project's consistency with the City's Strategy, the measures below are identified as mandatory or voluntary. However, none of these measures are required at this time because the GHG Reduction Strategy is not in effect.

Mandatory Criteria

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies IP-1, LU-10)

2. Implementation of Green Building Measures (GP Goals: MS-1, MS-2, MS-14)
   - Solar Site Orientation
   - Site Design
   - Architectural Design
   - Construction Techniques
   - Consistency with City Green Building Ordinance and Policies
   - Consistency with GHGRS Policies: MS-1.1, MS-1.2, MC-2.3, MS-2.11, and MS-14.4)

3. Pedestrian/Bicycle Site Design Measures
   - Consistency with Zoning Ordinance
   - Consistency with GHGRS Policies: CD-2.1, CD-3.2, CD-3.3, Cd-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.11, TR-2.18, TR-3.3, TR-6.7)

4. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (General Plan Policy LU-16.4), if applicable;

5. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g. data centers) (General Plan Policy MS-2.8), if applicable;

6. Preparation and implementation of the Transportation Demand Management (TDM) Program at large employers (General Plan Policy TR-7.1), if applicable; and

7. Limits on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g. drive-through windows, car washes, service stations) must not disrupt pedestrian flow. (General Plan Policy LU-3.6), if applicable.

The proposed project is consistent with the General Plan designations set for the site in the Land Use/Transportation Diagram. There are currently solar panels on one of the existing Macy's buildings; an additional 1,550 kilowatts of solar panels are planned for two of the three parking structures. New structures would be constructed to comply with the San José Green Building Ordinance (Policy 6-32) and the California Green Building Code (CALGreen). Based on information from the project proponent, existing building lights will be retrofit to more efficient LED (light-emitting diode) lights. Exterior LEDs will be motion-activated at night, which will reduce both light pollution and electricity use.

Bicycle racks and lockers would be provided adjacent to the doors of all three parking structures at the shopping center. Electric car charging stations and car sharing spaces would also be included. The project proponent has partnered with a car sharing service, ZimRide, to connect employees with car sharing options to access the shopping center. With these measures included in the proposed project, the project would be consistent with the mandatory criteria 1 – 3 described above.

Criteria 4, 5, and 7 are not applicable to the proposed project because the site does not contain historic structures, the project is not an energy-intensive use, and the project does not propose vehicle-serving uses. Criteria 6 is not applicable because although the employment population of the shopping center is large, there are many different employers within the shopping center and the positions are generally part-time. TDM programs are generally intended for office or industrial uses with a consistent employment population with regular hours and a single employer. The project does include elements of a normal TDM program, however, such as bicycle parking, car sharing services for employees, and electric car charging stations.

Voluntary Criteria

Table 4.7-3 provides a summary of the voluntary criteria and describes the proposed project's compliance with each criterion.

**Table 4.7-3 Voluntary Greenhouse Gas Reduction Strategy Criteria**

| Policies | Description of Project Measure | Project Conformance/ Applicability |
|---|---|---|
| **BUILT ENVIRONMENT AND RECYCLING** | | |
| Installation of solar panels or other clean energy power generation sources on development sites, especially over parking areas<br>MS-2.7, MS-15.3, MS-16.2 | There are currently solar panels on one of the existing Macy's buildings; an additional 1,550 kilowatts of solar panels are planned for two of the three parking structures. | ☒ Proposed<br>☐ Not Proposed<br>or<br>☐ Not Applicable |
| Use of Recycled Water<br>Use recycled water wherever feasible and cost-effective (including non-residential uses outside of the Urban Service Area)<br>MS-17.2, MS-19.4 | The closest recycled water line currently available is approximately one mile from the project site. The applicant is exploring opportunities to connect recycled water to the site, however it is not certain at this time whether recycled water will be used for the site. | ☐ Required/ Proposed<br>☒ Not Proposed<br>or<br>☐ Not Applicable |
| **TRANSPORTATION AND LAND USE** | | |
| Limit parking above code requirements<br>TR-8.4 | Parking would be provided slightly above the ratio of four stalls per 1,000 square feet of Gross Leasable Area. The 8,374 total proposed parking stalls would exceed code requirements by 122 stalls. | ☐ Project is Parked at or below Code Requirements<br>☒ Project is Parked above Code Requirements<br>or<br>☐ Not Applicable |
| Car share programs<br>Promote car share programs to minimize the need for parking spaces<br>TR-8.5 | The project proponent has partnered with a car sharing service to connect employees with car sharing services to and from the project site. Other car sharing spaces would also be provided in the parking structures. | ☒ Proposed<br>☐ Not Proposed<br>or<br>☐ Not Applicable |

| **Table 4.7-3 Voluntary Greenhouse Gas Reduction Strategy Criteria** | | |
|---|---|---|
| **Policies** | **Description of Project Measure** | **Project Conformance/ Applicability** |
| Consider opportunities for reducing parking spaces (including measures such as shared parking, TDM, and parking pricing to reduce demand)<br><br>TR-8.12 | The proposed project includes 1,502 fewer parking stalls than have been approved for the site. This reduction is proposed because the project proponent has demonstrated to the City that parking capacity is only full 2 – 3 days per year.<br><br>The proposed project would also include car sharing spaces, electric car charging stations, and bicycle parking. | ☒ Proposed<br>☐ Project Does Not Propose<br>or<br>☐ Not Applicable |

The proposed project is consistent with the mandatory criteria of the San José GHG Reduction Strategy as well as most of the voluntary criteria. Therefore, the proposed project is consistent with the San José GHG Reduction Strategy and GHG emissions impacts would be less than significant. **(New Less Than Significant Impact)**

**Santa Clara**

The City of Santa Clara CAP identifies a series of GHG emissions reduction measures to be implemented by development projects that would allow the City to achieve its GHG reduction goals. The measures center around seven focus areas: coal-free and large renewables, energy efficiency, water conservation, waste reduction, off-road equipment, transportation and land use, and urban heat island effect. The project's conformance with applicable reduction measures for new commercial developments is discussed below.

Energy Efficiency

*Measure 2.4 Customer Installed Solar Photovoltaic Systems* encourages the City to incentivize residents and business owners to install solar photovoltaic (PV) systems on homes, parking garages, warehouses, large retail buildings, and other nonresidential buildings. The project does not include any solar PV systems on the Santa Clara portions of the site.

Water Conservation

*Measure 3.1 Water Conservation* calls for reduction in per capita water use to meet Urban Water Management targets by 2020. Development standards for water conservation will be applied to increase efficient in indoor and outdoor water uses areas. The proposed expansion would comply with the latest California Building Code Title 24 Standards and would replace current landscaping with drought-tolerant planting. Therefore the project is consistent with this measure.

Waste Reduction

*Measure 4.1 Increase Recycling Opportunities* promotes the expansion of food waste and composting collection routes for restaurants. Compost services are not currently available for food vendors on the site. The applicant is working with its waste service provider to develop a comprehensive waste plan for the site, but it is not known at this time to what extent that plan would include food waste and composting services.

Urban Heat Island Effect

*Measure 7.1 Urban Forestry* requires planting of shade trees on new developments and encourages shade trees to be planted near south-facing windows. Though shopping center buildings typically do not have many windows, the project would include shade trees on-site and is consistent with this measure.

The proposed project would result in lower GHG emissions than the approved expansion would because the project would include efficient energy and water use features in compliance with local and state green building standards. Though the project does not include solar PV systems on the Santa Clara portion of the site and does not include composting at this time, those measures are not mandatory measures of the CAP. As a result, the project's lack of consistency with those measures does not make it inconsistent with the CAP as a whole. Since the proposed buildings would be constructed to the latest Title 24 standards and would also include the measures to reduce GHG emissions identified above, the project would be consistent with the Santa Clara CAP. **(New Less Than Significant Impact)**

### 4.7.3 Conclusion

The project is consistent with the Santa Clara Climate Action Plan, the San José GHG Reduction Strategy, and would result in lower GHG emissions than the previously-approved shopping center expansion. Therefore, GHG emissions would be less than significant. **(New Less Than Significant Impact)**

## 4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based on a Phase I Environmental Site Assessment (ESA) prepared for the anticipated disturbance area of the proposed project. Prepared in January 2013 by *Cornerstone Earth Group*, the Phase I ESA is provided in Appendix C. See Figure 2 in Appendix C for the a map of the study area.

### 4.8.1 Setting

Hazardous materials encompass a wide range of substances, some of which are naturally-occurring and some of which are man-made. Examples include pesticides, herbicides, petroleum products, metals (e.g., lead, mercury, arsenic), asbestos, and chemical compounds used in manufacturing. Determining if such substances are present on or near a project site is critical because human exposure to hazardous materials above regulatory thresholds can result in adverse health effects.

#### 4.8.1.1 *Site History*

The Phase I ESA, which evaluated the anticipated disturbance area of the proposed project, included a review of database records and aerial photographs to determine the project site history and the potential for previous on-site development to have used hazardous materials.

In 1939, the project site was developed with orchards and associated agricultural outbuildings. By 1948, the central portion of the site was developed with residences; the surrounding area remained in agricultural use. Construction of the existing Macy's men's building and the original Valley Fair shopping center (current Macy's women's building) was in progress by 1956 and was completed by 1965. Commercial development elsewhere on the site continued through 1998.

A site reconnaissance completed for the Phase I ESA revealed potentially hazardous site features such as aboveground storage tanks, emergency generators, sumps, transformers, elevators, and chemical storage areas on the site. No other sources of hazardous substances, drums or other chemical containers were observed during the January 11, 2013 site inspection.

#### 4.8.1.2 *On-Site Sources of Contamination*

Chlorinated pesticides such as dicholorodiphenyltrichloroethane (DDT) as well as lead arsenate, a metallic pesticide, were historically used for agricultural purposes in this area of the Santa Clara Valley. Due to the historic agricultural use on the site, pesticides were likely used during normal farming operations and it is possible that on-site soil contains residual pesticides.

A gasoline service station that was located at the south end of the 70-acre site during the 1960s and 1970s likely stored petroleum fuels in underground storage tanks, which have potential to leak into soil and groundwater. There are no records of closure or removal activities for a storage tank. That tank, if it remains under that portion of the site, would be located under the area of construction covered under the approved HA06-027-03.

The Phase I ESA found that based on the ages of the buildings, asbestos-containing building materials and lead-based paint may be present in the structures.

#### 4.8.1.3 *Off-Site Sources of Contamination*

Based on the Phase I ESA, no hazardous material incidents have been reported in the site vicinity that would be likely to impact the site. Information was not available for a historical dry cleaner that was located south and down-gradient of the site. The Phase I found that many facilities in the vicinity such as this dry cleaner were likely hazardous materials users in the past and, depending on the location of the property, magnitude of release, and effectiveness of cleanup efforts, potential leaks from these facilities have the possibility of affecting the project site.

#### 4.8.1.4 *Norman Y. Mineta-San Jose International Airport/Federal Aviation Administration*

The Norman Y. Mineta San José International Airport is located approximately two miles northeast of the project site. The proposed project is not located within the Airport Safety Zone, the Airport Influence Area, or the Aircraft Noise Contours.[17] Therefore the project is not subject to the Comprehensive Land Use Plan (CLUP) for the San José International Airport or the General Plan policies concerning development subject to the CLUP (e.g. Policy TR-14.3).

Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (referred to as FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground. This requirement and notification area are distinct from those set forth in the CLUP.

For the project site, any proposed structure of a height greater than approximately 50 feet above ground is required under FAR Part 77 to submit a *Notice of Proposed Construction or Alteration* (Form 7460-1) to the FAA.[18] This determination is based on a map developed by the City of San José consistent with the description above. Since the project proposes structures up to 65 feet in height above ground, notification to the FAA is required. In turn, City of San José General Plan Policy CD-5.8 requires development to comply with applicable FAA regulations identifying maximum heights for obstructions. Application of this General Plan policy ensures that new development does not create hazards to aircraft operation.

[17] Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan Santa Clara County: Norman Y. Mineta San Jose International Airport.* October 27, 2010.
[18] City of San José. *Notice Requirement Criteria for Filing FAA Form 7460-1*. N.d. Map.

### 4.8.2 Environmental Checklist and Discussion of Impacts

| HAZARDS AND HAZARDOUS MATERIALS | | | | | | |
|---|---|---|---|---|---|---|
| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Information Source(s) |
| Would the project: | | | | | | |
| 1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 3 |
| 2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 3, 15 |
| 3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | ☐ | ☐ | ☐ | ☒ | ☐ | 1, 2 |
| 4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | ☐ | ☐ | ☐ | ☒ | ☐ | 1, 2, 15 |
| 5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☒ | ☐ | ☐ | 1, 16 |
| 6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 |
| 7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 4 |

| HAZARDS AND HAZARDOUS MATERIALS | | | | | | |
|---|---|---|---|---|---|---|
| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Information Source(s) |
| Would the project: | | | | | | |
| 8) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 |

The proposed project would result in a New Less Than Significant Impact With Mitigation, as described below.

The site is not on a designated evacuation route or within an area subject to wildfires. The project site is not in the vicinity of a private airstrip. The nearest school to the project site is Benjamin Cory Elementary School, approximately 0.3 miles north of the site. The proposed project would have the same impacts as those disclosed in the 2007 Valley Fair FEIR related to emergency evacuation, wildfires, and hazards to schools and private airstrips. The proposed project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. [**Same Impact as Approved Project (Less Than Significant Impact)]**

### 4.8.2.1 *On-Site Sources of Contamination*

There are three conditions on the project site with the potential to cause hazards to human health and safety: historic application of pesticides for agriculture, hazardous building materials in old structures, and a former underground storage tank associated with a gasoline station that was previously located on the project site.

**Agricultural Use**

Since historical agricultural uses are associated with pesticide contamination, particularly organochlorine pesticides, it is possible that they are present in subsurface soils on all portions of the project site. Construction of the proposed project would include demolition, excavation to depths of 20 feet, and site grading, which could cause soil and other particulate matter to become airborne. As noted above, it is possible that on-site soil could contain residual pesticides from agricultural uses prior to the 1950s.

**Impact HAZ-1:** Residual pesticides may be present in subsurface soil, which could pose a health risk to nearby receptors or to construction workers during construction on all portions of the site. **(Significant Impact)**

Since the majority of on-site soils are currently capped by buildings, surface pavement, or landscaping, soil sampling is infeasible prior to building demolition. Furthermore, exposing soil potentially containing residual pesticides by sampling prior to demolition (i.e. during a time when the site is still used by customers shopping at the mall) would create an unnecessary human health risk. Therefore the project will implement the following mitigation program for development in both Santa Clara and San José after the existing structures have been cleared from the site.

**MM HAZ-1.1:** Soil investigation for vertical and lateral definition to assist in the characterization of soil shall be conducted by a qualified environmental professional to assess the potential presence and extent of agricultural pesticides in the site's shallow soils. The soil investigation shall conform to state and local guidelines and regulations.

**MM HAZ-1.2:** If elevated pesticide concentrations are identified, common and potentially applicable remedial measures may include: 1) excavation and off-site disposal of the impacted soil at a permitted facility; 2) the use of engineering and administrative controls, such as consolidation and capping of the soil on-site and land use covenants restricting certain activities/uses; and 3) a combination of the above. If pesticide concentrations warrant remedial measures, then the work shall be overseen by an appropriate regulatory agency, such as the Department of Toxic Substances Control or the Santa Clara County Department of Environmental Health.

Residual agricultural chemicals are not normally present beneath the first two to three feet of soil at sites where pesticide use was limited to application to crops. Groundwater beneath the site is anticipated to be encountered between approximately 45 and 65 feet below ground surface (bgs), based on previous investigations. Therefore, it does not appear that investigation of pesticides in groundwater is warranted.

The potential for on-site soils to contain residual pesticides was not discussed in the 2007 Valley Fair FEIR. However, the presence of residual pesticides in shallow soil is a fairly common condition encountered in the Santa Clara Valley due to the past agricultural operations on the valley floor and history of widespread pesticide use. Therefore, potentially elevated concentrations of residual pesticides are not a unique condition affecting the site. Pesticides have not been applied to the site since the 2007 Valley Fair FEIR was certified, nor has the project changed since it was approved in 2007 in a fundamental way that triggers this issue. Rather the sampling and potential soil management options identified above are a recognition of the need to address a common circumstance in the Santa Clara Valley. Therefore, none of the conditions requiring a supplemental EIR or Negative Declaration under CEQA Guidelines Section 15162 are present. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

**Asbestos-Containing Building Materials and Lead-Based Paint**

The 2007 Valley Fair FEIR found that existing buildings on the site that were constructed prior to 1978 have the potential to contain lead-based paint and asbestos-containing building materials. The proposed project would implement the mitigation that was included in the 2007 Valley Fair FEIR to mitigate potential hazards from exposure to lead and asbestos during demolition and construction.

**Impact HAZ-2:** Demolition of existing structures could expose construction workers and nearby receptors to potential health risks from asbestos and/or lead – based paint that may be present. **(Significant Impact)**

Implementation of the following measures from the 2007 Valley Fair FEIR would avoid or reduce impacts to adjacent land uses and construction workers to a less than significant level.

**MM HAZ-2.1** In conformance with state and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site buildings to determine the presence of asbestos-containing materials and/or lead-based paint.

**MM HAZ-2.2** During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code Regulations 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings would be disposed of at landfills that meet acceptance criteria for the waste being disposed.

**MM HAZ-2.3** All potentially friable asbestos-containing materials shall be removed in accordance with local, state, and federal guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards contained in Title 8 of the CCR, Section 1529, to protect workers from exposure to asbestos.

**MM HAZ-2.4** A registered asbestos abatement contractor shall be retained to remove and dispose of asbestos-containing materials identified in the asbestos survey performed for the site in accordance with the standards stated above.

**MM HAZ-2.5** Materials containing more than one (1) percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one (1) percent asbestos shall be completed in accordance with BAAQMD requirements.

Implementation of these measures would avoid any potentially significant impacts from asbestos-containing materials or lead-based paint. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

**Underground Storage Tank**

A gasoline service station was formerly located on the site of the existing Bank of America structure along Stevens Creek Boulevard. There was no detail regarding hazardous material use at the gasoline station available from the data sources consulted for the Phase I ESA. It is likely that petroleum fuels were stored in underground storage tanks at the station, though there are no records describing UST closure or removal activities. Therefore, there may be an unknown UST located beneath the existing Bank of America building. Given the potential age of the UST, it is possible that petroleum fuels have leaked into surrounding soils or groundwater.

**Impact HAZ-3:** There is potential for a former petroleum fuel UST to be located underneath the existing Bank of America building. Grading and excavation in this area could result in disturbance of soils or groundwater potentially contaminated with petroleum hydrocarbons from the UST. Disturbance of contaminated soils could result in exposure of construction workers or nearby sensitive receptors to hazardous materials. **(Significant Impact)**

The proposed project would implement the following mitigation measures recommended by the Phase I ESA. Since the location of potential contamination is currently developed, soil sampling would not be feasible until demolition is complete.

**MM HAZ-3.1:** Soil investigation for vertical and lateral definition to assist in the characterization of soil shall be conducted by a qualified environmental professional in the vicinity of the existing Bank of America structure (location of the former gasoline service station). Sampling shall occur after building demolition but prior to grading or excavation of the site.

**MM HAZ-3.2:** If elevated concentrations of petroleum hydrocarbons are identified, common and potentially applicable remedial measures may include: 1) excavation and off-site disposal of the impacted soil at a permitted facility; 2) the use of engineering and administrative controls, such as consolidation and capping of the soil on-site and land use covenants restricting certain activities/uses; and 3) a combination of the above. If on-site capping measures are warranted based on the sampling results, remedial work at the site would be overseen by an appropriate regulatory agency, such as the Department of Toxic Substances Control or the Santa Clara County Department of Environmental Health.

Implementation of these measures would avoid any hazards from unknown petroleum fuel USTs on the project site. This hazard was not identified in the 2007 Valley Fair FEIR, however it is not a result of changes in the project or in the environment since certification of the 2007 Valley Fair FEIR. With the inclusion of these measures, the proposed project would not result in a significant impact from hazardous contamination. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

#### 4.8.2.2 *Possible Off-Site Sources of Impact*

No hazardous material incidents have been reported in the site vicinity that would be likely to significantly impact the site. No information was available regarding the operation of the former dry cleaners, however, based on its location and distance from the site, it likely does not pose a substantial concern to the site.

The Phase I ESA found that many facilities in the vicinity such as this dry cleaner were likely hazardous materials users in the past. If leaks or spills occurred at these facilities but were not disclosed, they would have the possibility of affecting the project, depending on the location of the property, magnitude of release, and effectiveness of cleanup efforts. Implementation of the mitigation measures identified above would ensure that soils beneath the proposed expansion are evaluated for contamination prior to construction. [**Same Impact as Approved Project (Less Than Significant Impact)]**

#### 4.8.2.3 *Norman Y. Mineta-San Jose International Airport/Federal Aviation Administration*

The proposed project is not within the Airport Influence Area for the San José International Airport, and is therefore not subject to the CLUP. The project includes buildings up to 65 feet above ground (approximately 185 feet amsl), and Federal regulations require that plans for any buildings above 50 feet in height on this site be submitted to the FAA for airspace safety review. FAA issuance of Determination(s) of No Hazard and incorporation into the project of any conditions set forth in the determination would ensure a less than significant impact to airspace safety. **(New Less Than Significant Impact)**

### 4.8.3 <u>Conclusion</u>

With the implementation of the mitigation measures identified in this chapter, the proposed project would not result in any new or substantially greater hazardous material impacts than the previously-approved project would have. One such impact related to a possible petroleum fuel underground storage tank located on land adjacent to the south side of the project site was not previously-identified, and mitigation has been incorporated to ensure that the project would not result in a significant impact. **[Same Impact as Approved Project** (**Less than Significant with Mitigation)**

Implementation of the measures identified above would avoid potentially significant impacts from asbestos-containing materials or lead-based paint. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

FAA issuance of Determination of No Hazard, and incorporation of any conditions of the FAA determination into the project, would result in a less than significant impact to airspace safety. **(New Less Than Significant Impact)**

## 4.9 HYDROLOGY AND WATER QUALITY

### 4.9.1 Setting

The existing drainage and regulatory requirements regarding hydrology and water quality are generally unchanged since the certification of the San José and Santa Clara General Plan FPEIRs, therefore they are not described in detail here. The primary changes have been to the City of San José's update of its *Post-Construction Urban Runoff Management* (Policy 6-29) and the adoption of the *Post-Construction Hydromodification Management* (Policy 8-14), which are discussed below. There have not been any similar changes in the City of Santa Clara since certification of its General Plan FPEIR.

#### 4.9.1.1 *Flooding*

The project site is not located near a large body of water, near the ocean, or in a landslide hazard zone. Therefore it is not subject to inundation by seiche, tsunami, or mudflow.[19]

Based on the updated Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps, the project site is located within Flood Zones D and X.[20] Flood Zone D areas are areas for which flood hazards have not been determined, but are possible. Areas in Flood Zone D are not within a 100-year flood zone. Portions of the project site in the City of Santa Clara are mapped in Zone X, which indicates areas with a 0.2 percent annual chance of flooding. This is also known as the 500-year flood. Neither Zone X nor Zone D indicate areas within the 100-year floodplain.

The project is located within the Lenihan Dam[21] failure inundation area as mapped by the ABAG.[22] Lenihan Dam is located on Los Gatos Creek and has a total capacity of 19,044 acre-feet with a surface area of 412 acres. As of April 1, 2015, storage was 8,533 acre-feet (44.8% of capacity, or 66% of the dam's seasonal average to date).[23] The Santa Clara Valley Water District (SCVWD) recently completed the Lenihan Dam Outlet Modification project. This project replaced an aging outlet pipe under Lenihan Dam to improve dam safety.

#### 4.9.1.2 *Water Quality, Drainage, and Hydrology*

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from indiscrete sources, known as non-

---

[19] California Emergency Management Agency. *Tsunami Inundation Map for Emergency Planning*. Map. July 31, 2009. Available at: http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/SantaClara/Pages/SantaClara.aspx

[20] Federal Emergency Management Agency (FEMA). *Flood Insurance Rate Map, Community Panel Number 06085C0229H*. May 18, 2009. Accessed on April 6, 2015. Available at: http://msc.fema.gov

[21] Lenihan Dam, previously known as Lexington Dam, was renamed in 1996 for James J. Lenihan, the Santa Clara Valley Water District's longest-serving director with 37 years of service. http://www.valleywater.org/Services/LexingtonReservoirAndLenihanDam.aspx

[22] City of San José. *Envision San José 2040 General Plan FPEIR*. September 2011. Figure 3.7-5

[23] Santa Clara Valley Water District. *Rainfall and Reservoir Status Report*. Accessed April 6, 2015. Available at: http://www.valleywater.org/Services/MeasuresAndReadings.aspx

point source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Urban stormwater runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, animal feces, etc.), pesticides, litter, and heavy metals. In sufficient concentrations, these pollutants have been found to adversely affect the aquatic habitats to which they drain.

The proposed project drains into the Guadalupe River watershed which consists of a 170-square-mile area of multiple small-creek watersheds including the Guadalupe Creek and Los Gatos Creek watersheds. The nearest waterways are located over two miles from the site. Saratoga Creek is located approximately 2.2 miles to the west and Los Gatos Creek is approximately 2.5 miles to the east. With the exception of the landscaped surface parking medians, the project site mostly consists of impervious, paved areas and buildings. Depth to groundwater on the site ranges from 45 feet to 65 feet below ground surface (bgs) and likely flows northward.

The storm drain system north of the project site begins with a 10-inch line[24] at North Winchester Boulevard and Forest Avenue and increases in size, reaching 27-inches where it intersects with the 27-inch Monroe Street storm drain pipe. There is also a 15-18 inch line that runs along the south side of Stevens Creek Boulevard.

#### 4.9.1.3 *Regulatory Requirements*

**Municipal Regional Stormwater NPDES Permit (MRP)/C.3 Requirement**

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP). In an effort to standardize stormwater management requirements throughout the region, this permit replaces the formerly separate countywide municipal stormwater permits with a regional permit for 77 Bay Area municipalities, including the Cities of Santa Clara and San José. Under provisions of the NPDES Municipal Permit, redevelopment projects that disturb more than 10,000 square feet are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. Amendments to the MRP require all of the post-construction runoff to be treated by using Low Impact Development (LID) treatment controls, such as biotreatment facilities. The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) assists co-permittees, such as the Cities of Santa Clara and San José, with the implementation of the provisions of the Municipal NPDES Permit.

**City of San José Post-Construction Urban Runoff Management (Policy 6-29)**

The City of San José's Policy No. 6-29 requires all new and redevelopment projects to implement Post-Construction Best Management Practices (BMPs) and Treatment Control Measures (TCMs) to the maximum extent practicable. Post-Construction BMPs are methods, activities, maintenance procedures, or other management practices designed to reduce the amount of stormwater pollutant loading from a site. Examples include proper materials storage and housekeeping activities, public and employee education programs, and storm inlet maintenance and stenciling. Post-Construction

[24] All storm drain measurements in this chapter refer to the diameter of the pipe, unless otherwise noted.

TCMs are site design measures, landscape characteristics, or permanent stormwater pollution prevention devices installed and maintained to reduce stormwater pollution loading from the site. TCMs are installed as part of a new development or redevelopment projects and are maintained in place after construction has been completed. Examples include vegetative swales/biofilters, insert filters, oil/water separators, and detention/retention measures.

This Policy also establishes specific design standards for Post-Construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surfaces. The proposed project would be subject to Policy 6-29.

**City of San José Post-Construction Hydromodification Management (Policy 8-14)**

In 2005, the City of San José adopted the Post-Construction Hydromodification Management (Policy 8-14) to manage development related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollution generation, or other impacts to local rivers, streams, and creeks. Hydromodification occurs when the total area of impervious surfaces increases and causes more water to run off the surface at a faster rate. Storms that previously did not produce runoff from a property under pervious conditions can produce erosive flows in creeks. The increase in the volume of runoff and the length of time that erosive flows occur intensifies sediment transport, increasing creek scouring and erosion and causing changes in stream shape and conditions, which can, in turn, impair the beneficial uses of the stream channels.

Policy 8-14 requires stormwater discharges from new and redevelopment projects that create or replace one acre (43,560 square feet) or more of impervious surfaces to be designed and built to control project-related hydromodification, where such hydromodification is likely to cause increased erosion, silt pollutant generation, or other impacts to of local waterways. The Policy establishes specified performance criteria for Post-Construction Hydromodification control measures (HCMs) and identifies projects that are exempt from HCM requirements. For example, projects are exempt that do not increase the impervious area of a site, as are projects that drain to exempt channels, projects that drain to stream channels within tidally-influenced areas, or projects that drain to non-earthen stream channels that are hardened on three sides and extend continuously upstream from a tidally-influenced area.

The Santa Clara County Permittees' Hydromodification Applicability Map defines which areas of the City of San José are subject to Policy 8-14, as well as which areas in the City of Santa Clara are subject to hydromodification requirements. According to the updated July 2011 map, the project site is within a catchment or subwatershed in which the surfaces are more than 65 percent impervious.[25] Therefore, the project is exempt from the MRP's hydromodification requirements.

[25] City of San José. *Classification of Subwatersheds and Catchment areas for Determining Applicability of HMP Requirements.* July 2011. Available at: http://stormwater.sanjoseca.gov/planning/stormwater//SJ_HM_Applicability_Map.pdf

### 4.9.2 Environmental Checklist and Discussion of Impacts

| HYDROLOGY AND WATER QUALITY | | | | | | |
|---|---|---|---|---|---|---|
| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Information Source(s) |
| Would the project: | | | | | | |
| 1) Violate any water quality standards or waste discharge requirements? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 4 |
| 2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 |
| 3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site? | ☐ | ☐ | ☐ | ☒ | ☐ | 1, 14 |
| 4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site? | ☐ | ☐ | ☐ | ☒ | ☐ | 1, 2, 17 |
| 5) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 4 |
| 6) Otherwise substantially degrade water quality? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 4 |
| 7) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | ☐ | ☐ | ☐ | ☒ | ☐ | 1, 17 |

| HYDROLOGY AND WATER QUALITY | | | | | | |
|---|---|---|---|---|---|---|
| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Information Source(s) |
| Would the project: | | | | | | |
| 8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | ☐ | ☐ | ☐ | ☒ | ☐ | 1, 17 |
| 9) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 4 |
| 10) Be subject to inundation by seiche, tsunami, or mudflow? | ☐ | ☐ | ☐ | ☒ | ☐ | 1, 2 |

The currently proposed project will result in the same impact as the Approved Project, Less than Significant with Mitigation Incorporated, as described below.

#### 4.9.2.1 *Flooding Impacts*

The proposed project is not located on a site in a 100-year floodplain and would not place housing within a 100-year flood hazard zone. Flooding throughout the project area could occur if the Lenihan Dam failed, however, the potential for this to occur is highly unlikely. It is the responsibility of the California Department of Water Resources and local agencies (i.e. SCVWD) to minimize the risk of dam failure. Regulations for dams and reservoirs are included in the California Code of Regulations. The proposed project would not result in any new or more significant flooding impacts than were described in the 2007 Valley Fair FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### 4.9.2.2 *Drainage and Hydrology Impacts*

The 52-acre portion of the project in San Jose is subject to the City of San José's Policy 6-29, a policy which requires that new projects replacing or adding 10,000 square feet or more of impervious surfaces include BMPs and TCMs to mitigate stormwater runoff impacts. To accommodate the City's requirement, the proposed project has been designed to comply with the requirements of the Municipal Regional Stormwater NPDES Permit (MRP) issued by the California Regional Water Quality Control Board (RWQCB), commonly referred to as Provision C.3. Table 4.9-1 below shows the estimated change in impervious and pervious surfaces on the San José portion of the proposed disturbed area.[26]

[26] The City of Santa Clara does not require new projects to develop pervious/impervious surface calculations, therefore only the data for the San José portions of the site are provided.

**Table 4.9-1 Existing and Proposed Impervious/Pervious Surfaces (San José Only)**

| Surface Type | Existing Condition of Site Area Disturbed (square feet) | Proposed Condition of Site Area Disturbed (square feet) | |
|---|---|---|---|
| | | Replaced[1] | New[2] |
| *Impervious Surfaces* | | | |
| Roof Area(s) | 36,500 | 36,500 | 117,500 |
| Parking | 365,800 | 265,000 | 0 |
| Sidewalks, Patios, Paths, etc. | 40,000 | 40,000 | 19,400 |
| Streets (public) | 0 | 0 | 0 |
| Streets (private), Driveways | 104,400 | 92,100 | 0 |
| **Total Impervious Surfaces:** | **546,700** | **433,600** | **136,900** |
| *Pervious Surfaces* | | | |
| Landscaped Areas | 44,800 | 21,000 | 0 |
| Pervious Paving | 0 | 0 | 0 |
| Other Pervious Surfaces (green roof, etc.) | 0 | 0 | 0 |
| **Total Pervious Surfaces:** | **44,800** | **21,000** | **0** |
| **Total Proposed Replaced + New Impervious Surfaces:** | | | **570,500** |
| **Total Proposed Replaced + New Pervious Surfaces:** | | | **21,000** |

[1] Proposed Replaced Impervious Surface: All impervious surfaces added to any area of the site that was a previously existing impervious surface.

[2] Proposed New Impervious Surface: All impervious surfaces added to any area of the site that was a previously existing pervious surface.

The proposed project would increase impervious surfaces on the San José portion of the site by approximately 24,000 square feet. Impervious surfaces on the Santa Clara portion of the site are not expected to change substantially. To address the requirements of the MRP and applicable San José policies, the project includes biotreatment planters and bioretention cells to collect and treat stormwater before discharging to municipal stormwater collection systems. The top layers of the cells would consist of vegetation and cobble stone dissipaters. Beneath the top layers there would be a minimum 18-inch layer of sandy loam with percolation rates conformant with the Municipal Regional Permit-required 'Model Bioretention Soil Media Specification' or equivalent. The sandy loam would be underlain by layers of pea gravel and drain rock, which would surround a perforated PVC subdrain pipe that connects to the stormwater system.

These systems would be numerically-sized to meet City of San José and Santa Clara requirements, as well as to reduce the overall volume of runoff while also improving water quality of stormwater runoff compared to the existing runoff. Therefore, the existing stormwater system, which adequately serves the project site in the current condition, would be adequate for the proposed expansion. **[Same Impact as Approved Project (Less Than Significant Impact)]**

### 4.9.2.3 *Water Quality Impacts*

**Construction-Related Impacts**

Construction of the proposed project, which includes grading and excavation activities, may result in temporary impacts to surface water quality. Construction of the proposed project would also result in a disturbance to the underlying soils, thereby increasing the potential for sedimentation and erosion. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are discharged into the storm drain system and ultimately drain to the San Francisco Bay.

The proposed project would not result in any new or more significant construction-related water quality impacts than those described in the 2007 Valley Fair FEIR, which found that short-term construction-related water quality impacts would be less than significant with mitigation incorporated.

**Impact HYD-1:** Construction activities could temporarily increase pollutant loads in stormwater runoff in Santa Clara and San José. **(Significant Impact)**

Implementation of the project would result in the temporary disturbance on approximately half of the 70-acre Westfield Valley Fair site, including areas in both San José and Santa Clara. Since the project would disturb more than one acre of soil, it would be required to comply with the statewide Construction General Permit. The Permit requires preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) that includes sediment control measures and other stormwater pollution prevention practices specific to the project.

The project proposes to implement the following measures identified in the 2007 Valley Fair FEIR and the General Plan FPEIR:

**MM HYD-1:** The following project-specific measures, based on RWQCB Best Management Practices, have been included in the project to reduce construction-related water quality impacts. These measures are updated versions of the mitigation measures included in the 2007 Valley Fair FEIR. All mitigation would be implemented prior to and during earthmoving and demolition activities on-site and would continue until the construction is complete.

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.

- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.

- All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.

- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).

- Vegetation in disturbed areas shall be replanted as quickly as possible.

- All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.

- The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

- A Storm Water Permit will be administered by the State Water Resources Control Board (SWRCB). Prior to construction grading for the proposed land uses, the project proponent will file an NOI to comply with the General Permit and prepare a SWPPP which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Measures will include, but are not limited to, the aforementioned RWQCB Best Management Practices.

- The certified SWPPP will be posted at the project site and will be updated to reflect current site conditions.

- When construction is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the SWRCB. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the site.

With implementation of these measures, the project would have a less than significant construction-related water quality impact. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation)]**

**Post-Construction Impacts**

Stormwater runoff from urban uses contains metals, pesticides, herbicides, and other contaminants such as oil, grease, lead, and animal waste. Runoff from the proposed project may contain increased oil and grease from parked vehicles, as well as sediment and chemicals (i.e., fertilizers and pesticides) from landscaped areas. The existing and proposed areas of pervious and impervious surfaces are detailed in ***Section 4.9.2.2, Drainage and Hydrology***.

The proposed project would comply with City of San José Policy 6-29 and would implement measures to treat and reduce stormwater runoff in operation. The proposed project design includes BMPs such as bioretention areas and bioswales on both the San José and Santa Clara portions of the site to ensure compliance with MRP requirements to reduce post-construction water quality impacts. With implementation of these required measures, the proposed project would not result in any new or more significant long-term water quality impacts that were not already evaluated in the 2007 Valley Fair FEIR. **[Same Impact As Approved Project (Less Than Significant Impact)]**

### 4.9.3 Conclusion

The proposed project, with the implementation of the above measures and compliance with the policies of each City, would not result in any new or more significant water quality impacts than the approved project evaluated in the certified 2007 Valley Fair FEIR or General Plan FPEIR. **[Same Impact as Approved Project (Less than Significant with Mitigation Incorporated)]**

## 4.10 LAND USE

### 4.10.1 Setting

#### 4.10.1.1 *Existing Land Use*

The approximately 70-acre Westfield Valley Fair site is located in west San José and east Santa Clara. The project site is currently occupied by the Westfield Valley Fair Shopping Center, five outbuildings including two banks and a grocery store, surface parking, and parking structures.

Vegetation on the site consists of landscape vegetation and landscape trees along buildings and in surface parking medians throughout the site.

#### 4.10.1.2 *Surrounding Land Uses*

The rectangular-shaped site is located on Stevens Creek Boulevard, bounded by Monroe Street and U.S. Interstate 880 to the east, Forest Avenue and single-family housing to the north, and North Winchester Boulevard and commercial development to the west. The Santana Row mixed-use development is south of the project site across Stevens Creek Boulevard. Refer to Figure 2.0-3 for detail on the land uses surrounding Westfield Valley Fair.

#### 4.10.1.3 *Land Use Plans*

**General Plan Land Use and Zoning Designation**

General Plan Land Use Designation

The 2011 Envision San José 2040 General Plan designates the project site *Regional Commercial*. This designation allows for a floor-area ratio (FAR) up to 12.0 and buildings up to 25 stories in height. These commercial areas attract customers from a regional area and play an important fiscal and economic role for the city. The General Plan supports intensification and urbanization of *Regional Commercial* areas in order to promote increased commercial activity and more walkable, urban environments in *Regional Commercial* districts.

The site is also located in the Valley Fair/Santana Row Urban Village identified in the San José General Plan. One of the major strategies of the General Plan is to promote the development of Urban Villages: active, walkable, bicycle-friendly, transit-oriented, mixed-use urban settings for new housing and job growth attractive to an innovative workforce and consistent with the plan's environmental goals. Urban villages will enable location of commercial and public services in close proximity to residential and employee populations, allowing people to walk to services while also providing greater mobility for the expanding senior and youth segments of the population.

Urban Villages are planned to occur in phases, which are referred to as Horizons in the General Plan. The plan for the Valley Fair/Santana Row Urban Village has not been developed and is anticipated to occur after the City's action on the proposed project.

The 2010 City of Santa Clara 2010-2035 General Plan designates the project site *Regional Commercial*. This designation allows for a FAR up to 0.6.

General plan policies and restrictions for each city would be applied to the project areas contained within the respective jurisdictions. Thus the southwest corner of the project site, located in the City of Santa Clara, may not exceed the FAR cap of 0.6. The remainder of the project site is located in the City of San José and may not exceed the FAR cap of 12.0.

Zoning Designations

Title 20 of the San José Municipal Code constitutes the City of San José Zoning Ordinance, and Chapter 20.40 contains the standards set for commercial properties. The 52-acre portion of the project site in San Jose has a zoning designation of *CG–Commercial General* in the City of San José. The *CG-Commercial General* district is intended to serve the needs of the general population. This district allows for a full range of retail and commercial uses with a local or regional market. Development is expected to be auto-accommodating and includes larger commercial centers as well as regional malls.

The 18-acre portion of the project site in Santa Clara has a designation of *CC – Community Commercial* in the City of Santa Clara. Santa Clara defines the zoning district as a general shopping center zone district, which is intended to encourage organized concentration of a wide variety of retail goods and services for the community.

**Mineta San José International Airport**

The proposed project site is not located within the Airport Influence Area, the Airport Safety Zone, or Airport Noise Contours established for the Comprehensive Land Use Plan for the Norman Y. Mineta San José International Airport. The project must receive a Determination of No Hazard from the FAA and incorporate any requirements from the Determination into the project (see ***Chapter 4.8 Hazards and Hazardous Materials*** for more detail).

### 4.10.2 Environmental Checklist and Discussion of Impacts

| LAND USE | | | | | | |
|---|---|---|---|---|---|---|
| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Information Source(s) |
| Would the project: | | | | | | |
| 1) Physically divide an established community? | ☐ | ☐ | ☐ | ☒ | ☐ | 1, 2, 3 |
| 2) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | ☐ | ☐ | ☐ | ☒ | ☐ | 1, 3, 5 |
| 3) Conflict with any applicable habitat conservation plan or natural community conservation plan? | ☐ | ☐ | ☒ | ☐ | ☐ | 1, 9 |

The proposed project would not result in new or more significant land use impacts than disclosed for the approved project in the 2007 Valley Fair FEIR, which found Less Than Significant Impacts With Mitigation due to construction dust, construction noise, and construction water quality impacts. As discussed in the air quality, noise, and water quality chapters of this Addendum, measures have been included to mitigate these potentially significant impacts to less than significant levels.

#### 4.10.2.1 *Conformance with Land Use Plans*

**Envision San José 2040 General Plan and Zoning**

Fifty-two acres of the project site are located in the City of San José and are designated *Regional Commercial* in the Envision San Jose 2040 General Plan. The proposed expansion of the existing regional shopping center is consistent with the General Plan designation for the site and supports the General Plan goal to intensify regional commercial uses to promote more commercial activity in the City. With a maximum building height of 65 feet, the proposed project is consistent with the *CG – Commercial General* zoning designation for the site.

### Santa Clara 2010-2035 General Plan

The remaining approximately eighteen[27] acres of the site are located in the City of Santa Clara and are designated *Regional Commercial* in the City's General Plan. The existing floor area ratio of the mall development in Santa Clara is 0.76, which exceeds the 0.6 FAR limit set for *Regional Commercial*. The approved 2007 development would have an FAR of 0.85. The proposed project would increase the total gross building area on the Santa Clara portion of the site to just under 630,000 square feet, resulting in an FAR of 0.82. The density of the proposed project, along with that of the existing and approved Santa Clara development, would exceed the *Regional Commercial* density limit.

Although both the existing shopping center and the proposed expansion exceed the General Plan FAR maximum for the site, the project is consistent with the following General Plan commercial policies:

> *Policy 5.3.3-P1:*Provide a mix of retail and commercial uses to meet the needs of local customers and draw patrons from the greater region.
>
> *Policy 5.3.3-P2* Promote the consolidation of retail uses at key locations in order to increase the synergy with existing businesses and attract new complementary establishments.
>
> *Policy 5.3.3-P11* Encourage the addition of cultural and entertainment uses and mid-sized grocery stores to the City's retail mix, particularly in Neighborhood, Community and Regional Commercial and designations.

Given that the project is reduced in scale from the 2007 approval and is consistent with the commercial policies of the Santa Clara 2010-2035 General Plan, the proposed project is consistent with the General Plan as a whole. **[Same Impact as Approved Project (Less Than Significant Impact)]**

### City of Santa Clara Zoning Code

Since the *CC – Community Commercial* zoning district limits building heights to 50 feet, the proposed theater (which would be a maximum height of 65 feet) would exceed the height limit of the site's zoning designation. Therefore, the project would require a variance from the City of Santa Clara to accommodate greater building heights on the site.

As discussed in ***Section 4.1, Aesthetics***, there are no scenic vistas surrounding the project site. Since the proposed theater building would be set back approximately 400 feet from the nearest public roadway (North Winchester Boulevard), it would not cause any shade or shadow impacts to surrounding properties. The proposed increase in building height would not conflict with any plans

[27] The existing Wells Fargo is located on a 0.4 acre parcel which is not considered part of the Valley Fair Shopping Center. For purposes of calculating the floor area ratio of development on the Santa Clara portion of Valley Fair, a total site acreage of 17.6 acres is used.

or policies adopted for the purpose of avoiding environmental impacts.

**Santa Clara Valley Habitat Plan**

As described in ***Chapter 4.4, Biological Resources***, the proposed project would not conflict with the Santa Clara Valley Habitat Plan. Payment of nitrogen deposition fees for new vehicle trips in San Jose to and from the project site would avoid potentially significant contributions to cumulative nitrogen impacts in the Santa Clara Valley. Santa Clara is not an HCP Permittee, and has previously found as part of the 2010-2035 General Plan Update Draft EIR that the City's contribution to cumulative regional nitrogen deposition is less than cumulatively considerable, and this finding would cover the 6.5% of mall expansion project trips occurring in Santa Clara. **(New Less Than Significant Impact)**

#### 4.10.2.2 *Land Use Compatibility*

Land use conflicts can arise from two basic causes: 1) conditions on or near the project site may have impacts on the people or development introduced onto the site by the new project; or 2) a new development or land use may cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere. Both of these circumstances are aspects of land use compatibility. Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the project's design or scope.

**Interface with Existing Uses**

Westfield Valley Fair is adjacent to residential uses to the north, Interstate 880 to the east, and mixed commercial and residential development to the west, southwest, and south. All of the surrounding uses to the site are compatible uses. The proposed expansion would generally occur on the south and western portions of the site, which are closer to commercial land uses than the northern portions of the site, which interface with existing neighborhoods. The proposed driveway modifications along Stevens Creek Boulevard would improve the interface with the Santana Row mixed-use development by aligning the existing Valley Fair driveway with the South Baywood Avenue intersection. Therefore, the proposed project would be compatible with existing land uses and would not create any new or more significant land use conflicts than the previously-approved expansion. **[Same Impact as Approved Project (Less Than Significant Impact)]**

### 4.10.3 <u>Conclusion</u>

The proposed project, with the implementation of the Standard Project Conditions and mitigation measures described in this Addendum, would not result in any new or more significant land use impacts than those addressed in the certified 2007 Valley Fair FEIR. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

## 4.11 MINERAL RESOURCES

### 4.11.1 Setting

Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Santa Clara County has also supplied a significant portion of the nation's mercury over the past century. Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975, the State Mining and Geology Board has designated the Communications Hill Area (Sector EE), bounded generally by the Southern Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as an area containing mineral deposits that are of regional significance as a source of construction aggregate materials. Neither the State Geologist nor the State Mining and Geology Board have classified other areas in San José as areas containing mineral deposits of statewide significance. The project is within a developed urban area and does not contain any known or designated mineral resources.

### 4.11.2 Environmental Checklist and Discussion of Impacts

| MINERAL RESOURCES | | | | | | |
|---|---|---|---|---|---|---|
| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Information Source(s) |
| Would the project: | | | | | | |
| 1) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | ☐ | ☐ | ☐ | ☒ | ☐ | 2, 3 |
| 2) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | ☐ | ☐ | ☐ | ☒ | ☐ | 2, 3 |

#### 4.11.2.1 *Mineral Resource Impacts*

The 2007 Valley Fair FEIR did not discuss mineral resource impacts from the proposed mall expansion. The project site is an existing regional shopping center and is not located on any known mineral resource deposits. Expansion of the existing shopping center would not cause the loss of availability of a known mineral resource. **[Same Impact as Approved Project (No Impact)]**

### 4.11.3 Conclusion

The project would not result in any impacts to mineral resources. **[Same Impact as Approved Project (No Impact)]**

## 4.12 NOISE

The following discussion is based on two noise assessments completed for the 2011 Envision San José 2040 General Plan FPEIR and the 2010 City of Santa Clara 2010-2035 General Plan FPEIR by *Illingworth & Rodkin, Inc*.

### 4.12.1 Setting

The ambient noise conditions and regulatory requirements regarding noise, including the noise thresholds of significance, have not changed substantially since the certification of the San José General Plan FPEIR and Santa Clara General Plan FPEIR.

#### 4.12.1.1 *Noise Conditions*

The 70-acre project site is located west of Interstate 880 and bounded by Forest Avenue to the north, Stevens Creek Boulevard to the south, and North Winchester Boulevard to the west. The project site is currently developed with a shopping center, five free-standing buildings that include two banks and a supermarket, and associated surface and structured parking. Noise affecting the project site primarily comes from automobile traffic on Interstate 880 and Stevens Creek Boulevard. Airplanes landing at the Norman Y. Mineta International Airport also contribute to background noise levels.

Using noise information taken from the City of Santa Clara's *Santa Clara Gardens Development Project Draft EIR* (March 9, 2006, recirculated July 21, 2006), the approved Valley Fair FEIR found that existing noise levels along the streets surrounding the project site were approximately 66-70 dBA Ldn (Ldn and DNL both stand for Day-Night Level).[28]

The noise assessment prepared for the San José General Plan FPEIR determined that the noise levels in the project area range from 68 to 70 dBA DNL and reach 75 dBA DNL next to Stevens Creek Boulevard. In the noise assessment prepared for the Santa Clara General Plan FPEIR, noise levels in the project area were found to range from 60 to 70 dBA CNEL.[29]

The sensitive receptors closest to the anticipated construction area are the residential units across Stevens Creek Boulevard, approximately 400 feet south of the project site. Other receptors in the area include the residences west of Winchester Boulevard and the residences north of Forest Avenue.

#### 4.12.1.2 *Noise Standards*

Table 4.12-1 below shows the noise level land use compatibility guidelines set forth in the City of San José General Plan. For commercial uses, outdoor noise levels of up to 67.5 dB are considered compatible, and up to 77.5 dB are permitted for new development if the project is designed and insulated to reduce noise levels.

[28] The Day/Night Average Sound Level (DNL) is the average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 pm and 7:00 am.
[29] The Community Noise Equivalent Level (CNEL). A 24-hour equivalent continuous level in dBA where 5 dBA is added to evening noise levels from 7:00 p.m. to 10:00 p.m. and 10 dBA is added to nighttime noise levels from 10:00 p.m. to 7:00 a.m.

**Table 4.12-1 San José General Plan Land Use Compatibility Guidelines (GP Table EC-1)**

| Land Use Category | Exterior DNL Value in Decibels | | | | | |
|---|---|---|---|---|---|---|
| | 55 | 60 | 65 | 70 | 75 | 80 |
| 1. Residential, Hotels and Motels, Hospitals and Residential Care[1] | | | | | | |
| 2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds | | | | | | |
| 3. Schools, Libraries, Museums, Meeting Halls, and Churches | | | | | | |
| 4. Office Buildings, Business Commercial, and Professional Offices | | | | | | |
| 5. Sports Arena, Outdoor Spectator Sports | | | | | | |
| 6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters | | | | | | |

[1]Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.

**Normally Acceptable:**
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

**Conditionally Acceptable:**
Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.

**Unacceptable:**
New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.

Table 4.12-2 shows the Santa Clara General Plan noise standards for specific land uses. For commercial uses, outdoor noise levels of up to 67.5 dB are considered compatible and up to 87.5 dB are permitted for new development if the indoor noise level does not exceed 45 dB and the land use is entirely indoors.

**Table 4.12-2 Santa Clara General Plan Noise Standards (GP Table 5.10-2)**

| Noise and Land Use Compatibility (Ldn & CNEL) | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Land Use | 50 | 55 | 60 | 65 | 70 | 75 | 80 | 85 |
| Residential | | | | | | | | |
| Educational | | | | | | | | |
| Recreational | | | | | | | | |
| Commercial | | | | | | | | |
| Industrial | | | | | | | | |
| Open Space | | | | | | | | |

Compatible
Require Design and insulation to reduce noise levels
Incompatible. Avoid land use except when entirely indoors and an interior noise level of 45 Ldn can be maintained

### 4.12.2 Environmental Checklist and Discussion of Impacts

| NOISE | | | | | | |
|---|---|---|---|---|---|---|
| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Information Source(s) |
| Would the project result in: | | | | | | |
| 1) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 4 |
| 2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 4 |
| 3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 4 |
| 4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 4 |
| 5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☒ | ☐ | 16 |
| 6) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 |

The currently proposed project will result in the same impact as the approved project, Less than Significant, as described below.

#### 4.12.2.1 *Noise Impacts from the Project*

**Traffic-Generated Noise Impacts**

Per General Plan policy EC-1.2, the City of San José considers a significant noise impact to occur where existing noise sensitive land uses would be subject to permanent noise level increases of three (3) dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level, or five (5) dBA DNL or more where noise levels would remain "Normally Acceptable."

The 2007 Valley Fair FEIR found that in order for noise levels to increase permanently by more than three dBA Ldn (or, DNL), traffic trips would need to double on adjacent roadways. The Transportation Impact Analysis prepared for the 2007 Valley Fair FEIR found that the traffic volumes would not double due to the proposed expansion, therefore, the 2007 project had a less than significant noise impact due to an increase in traffic.

The proposed project would increase the gross building area (GBA) on the site by 30,000 square feet more than approved for the site in 2007. The overall increase in gross leasable area (GLA), however, would be approximately 3,500 square feet less than the GLA expansion approved in 2007. As discussed in ***Chapter 4.16, Transportation***, the proposed project would generate 684 fewer daily vehicle trips than the approved project would have. Therefore, the proposed project would not result in new or greater traffic-related noise impacts than those previously-evaluated for the project in the 2007 Valley Fair FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

**Operational Noise Impacts**

The 2007 Valley Fair FEIR found that operational noise from automobiles (e.g. car noise in parking garages) would exceed 55 dBA at the residential property lines, in excess of the levels allowed by the City of San José's Zoning Ordinance. The currently proposed project would generate fewer daily and peak-hour vehicle trips than the approved project, therefore operational noise impacts from automobiles would not be more significant than those of the approved project.

The FEIR also found that the approved project's operational noise impacts from mechanical equipment and other operational noise sources would not exceed the thresholds included in General Plan policy EC-1.2. The proposed expansion would not introduce any new permanent noise sources to the project site that were not previously evaluated for the project. Most of the development proposed would be indoor use (e.g. retail stores), and external noise sources such as vehicle-related noise from the proposed parking garage would be intermittent. Therefore, the proposed project would not result in any new or more significant operational noise impacts. **[Same Impact as Approved Project (Less Than Significant Impact)]**

**Short-Term Construction Impacts**

Construction noise impacts primarily occur when construction activities occur during noise-sensitive times of the day (early morning, evening, or nighttime hours), in areas immediately adjoining noise sensitive land uses, or when construction occurs over extended periods of time. Significant noise impacts do not normally occur when standard construction noise control measures are enforced at the

project site and when the duration of the noise generating construction period at a particular sensitive receptor is limited to one construction season (typically one year) or less. Reasonable regulation of the hours of construction, the arrival and operation of heavy equipment, and the delivery of construction materials, can all reduce construction-related noise impacts.

The 2007 Valley Fair FEIR found that because construction of the project would take less than 12 months, noise impacts to the residences north of Forest Avenue and to other surrounding land uses would be less than significant. The currently proposed project includes additional demolition as well as excavation for an underground parking structure, neither of which were previously-analyzed in the 2007 Valley Fair FEIR. The bulk of this additional demolition and excavation would occur along the south side of the project site in proximity to commercial land uses and Stevens Creek Boulevard.

The 2007 project also did not include demolition of the Global Den and construction of the theater buildings, thus the foreseeable construction noise could incrementally increase in that location beyond what was considered in 2007. Nevertheless, construction at that location would be over 400 feet from the nearest residences across Stevens Creek Boulevard south of the site and would not cause significant short-term noise or vibration impacts. **[Same Impact as Approved Project (Less Than Significant Impact)]**

The mitigation measures below were included as standard measures in the 2007 Valley Fair FEIR and were subsequently updated as part of the San José General Plan FPEIR. They are included here as mitigation for the purposes of tracking their implementation through the project Mitigation, Monitoring, and Reporting Program (MMRP).

**MM NOI-1.1:** Implementation of San José General Plan Policy EC-1.7 would require a noise logistics plan which would include, but not be limited to, the following measures to reduce construction noise levels as low as practical:

- Construction hours within 500 feet of residential uses will be limited to the hours of 7:00 a.m. and 7:00 p.m. weekdays, with no construction on weekends or holidays.
- Utilize ‘quiet’ models of air compressors and other stationary noise sources where technology exists.
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;
- Locate staging areas and construction material areas as far away as possible from adjacent land uses;

- Prohibit all unnecessary idling of internal combustion engines;

- If impact pile driving is proposed, multiple-pile drivers shall be considered to expedite construction. Although noise levels generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving activities would be reduced.

- If impact pile driving is proposed, temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected.

- If impact pile driving is proposed, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes is a standard construction noise control technique. Notify all adjacent land uses of the construction schedule in writing.

- The contractor will prepare a detailed construction plan identifying a schedule of major noise generating construction activities. This plan shall identify a noise control 'disturbance coordinator' and procedure for coordination with the adjacent noise sensitive facilities so that construction activities can be scheduled to minimize noise disturbance. This plan shall be made publicly available for interested community members.

- The disturbance coordinator will be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the case of the noise complaint (e.g. starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. The telephone number for the disturbance coordinator at the construction site will be posted and included in the notice sent to neighbors regarding the construction schedule.

#### 4.12.2.2 *Noise Impacts to the Project*

The proposed project is the expansion of an existing shopping center. The project does not propose any sensitive receptors or uses which might be sensitive to elevated noise levels. **[Same Impact as Approved Project (Less Than Significant Impact)]**

### 4.12.3 Conclusion

The proposed project would not result in any new or more significant noise impacts than those addressed in the General Plan FPEIR or the 2007 Valley Fair FEIR. The project would implement the above mitigation measures to minimize construction noise. **[(Same Impact as Approved Project (Less than Significant Impact)]**

## 4.13 POPULATION AND HOUSING

### 4.13.1 Setting

The current and future population and housing estimates have not changed substantially since the certification of the San José and Santa Clara FPEIRs. Currently there are no residential uses on-site and none are proposed.

### 4.13.2 Environmental Checklist and Discussion of Impacts

| POPULATION AND HOUSING | | | | | | |
|---|---|---|---|---|---|---|
| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Information Source(s) |
| Would the project: | | | | | | |
| 1) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 4 |
| 2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 |
| 3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 |

#### 4.13.2.1 *Population and Housing Impacts*

The 2007 Valley Fair FEIR did not discuss population and housing impacts, however, the population and housing impacts of commercial development on the project site were included in the scope of the San José General Plan FPEIR analysis. The City of San José General Plan provides capacity for the development of up to 470,000 new jobs through 2035. As a result the San José General Plan FPEIR found significant and unavoidable population and housing impacts from this employment growth. Similarly, the Santa Clara General Plan FPEIR found that development consistent with the City's General Plan would induce substantial population growth at other locations, ultimately resulting in significant and unavoidable air quality and traffic impacts.

The proposed expansion would incrementally contribute to the anticipated employment growth in the Cities of San José and Santa Clara, thereby contributing to the significant and unavoidable population and housing impacts discussed in the respective General Plan FPEIRs. Using an industry standard for retail shopping centers of 2.5 employees per 1,000 square feet, the proposed expansion is

anticipated to increase employment on the site by 1,713 people over the existing condition and 84 more than the approved expansion would have. An increase of 84 employees over the approved expansion would not cause new or more significant population and housing impacts than those previously-identified in the General Plan FPEIRs for San José and Santa Clara. **[Same Impact as Approved Project (Significant and Unavoidable Impact)]**

### 4.13.3 Conclusion

The proposed project would not result in any new or more significant population growth and/or housing impacts than were described in the certified San José General Plan FPEIR. **[Same Impact as Approved Project (Significant and Unavoidable Impact)]**

## 4.14 PUBLIC SERVICES

### 4.14.1 Setting

All public services provided in San José and Santa Clara are discussed in detail in the San José and Santa Clara General Plan FPEIRs. There has been no change in the availability of services since the certification of the FPEIRs. The nearest fire station is San José Fire Department Station 10, located approximately 0.4 miles south of the project site at 511 South Monroe Street. The nearest Santa Clara fire station, Fire Station Number 4, is located approximately one mile northwest of the site at 2323 Pruneridge Avenue.

Employees working at the shopping center may use parks during breaks or the lunch hour. The nearest park is Santana Park, adjacent to Fire Station 10 on South Monroe Street.

### 4.14.2 Environmental Checklist and Discussion of Impacts

| PUBLIC SERVICES | | | | | | |
|---|---|---|---|---|---|---|
| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Information Source(s) |
| Would the project:<br>1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | | | |
| Fire Protection? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 4 |
| Police Protection? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 4 |
| Schools? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 |
| Parks? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 |
| Other Public Facilities? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 |

The currently proposed project would result in the same impact as the approved project, Less than Significant, as described below.

#### 4.14.2.1 *Fire and Police Service*

The project would be constructed in conformance with current building codes, which include features and design standards that would reduce potential fire hazards. The project design would also be reviewed by the San José and Santa Clara Police Departments to ensure that it incorporates appropriate safety features to minimize criminal activity.

As discussed in the certified San José General Plan FPEIR, build out of the development anticipated by the General Plan would incrementally increase the need for fire and police protection services, which may create the need for additional staffing or resources, or a new fire station in the greater project area. The increase in demand for fire and police services is not necessarily an environmental impact. The environmental impact, if it does occur, would generally result from the impacts on the physical environment that result from the physical changes made in order to meet the demand. Future development of new fire facilities in the project area would require supplemental environmental review which could consist of an Addendum or Supplemental EIR to the certified General Plan FPEIR.

Given the infill location of the project site and the fact that the site is already served by the San José and Santa Clara Police and Fire Departments, the proposed expansion would not result in significant impacts to police and fire services. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### 4.14.2.2 *Schools, Parks and Libraries*

The project proposes to construct an expansion of existing commercial development and would not introduce new students, park users, or library users to the community. Therefore the proposed project would not impact school, park, or library facilities in San José or Santa Clara. **(No Impact)**

### 4.14.3 <u>Conclusion</u>

The proposed project would not result in any new or more significant impacts to public services or facilities than those addressed in the certified San José and Santa Clara General Plan FPEIRs. **[Same Impact as Approved Project (Less Than Significant Impact)]**

## 4.15 RECREATION

### 4.15.1 Setting

The existing park and recreational facilities in the project area have not changed substantially since the certification of the San José or Santa Clara General Plan FPEIRs. The nearest park to the project site is Santana Park, approximately 2,500 feet south of the project site.

### 4.15.2 Environmental Checklist and Discussion of Impacts

| RECREATION | | | | | | |
|---|---|---|---|---|---|---|
| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Information Source(s) |
| Would the project: | | | | | | |
| 1) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 4 |
| 2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 4 |

The currently proposed project would result in the same impact as the approved project, No Impact, as described below.

#### 4.15.2.1 *Recreation Impacts*

The proposed project is an expansion of existing commercial development and would not directly increase the residential population such that demands on park and recreation facilities would increase. Workers associated with the new development may use nearby parks for lunch or breaks, but this would not require the construction of new facilities or accelerate physical deterioration of existing facilities. **[Same Impact as Approved Project (No Impact)]**

### 4.15.3 Conclusion

The project would not result in any new or more significant impacts to parks and facilities than those addressed in the certified San José and Santa Clara General Plan FPEIRs. **[Same Impact as Approved Project (No Impact)]**

## 4.16 TRANSPORTATION

This analysis is based in part on a Traffic Study Consistency Review and an Operations Analysis prepared by *Hexagon Transportation Consultants* in May, 2015. These analyses are found in Appendices D-1 and D-2 of this Addendum.

### 4.16.1 Setting

Since the certification of the San José and Santa Clara General Plan FPEIRs as well as the Valley Fair FEIR, the circulation system surrounding the project site has remain generally unchanged with one exception. The I-880/Stevens Creek Boulevard interchange is currently undergoing a reconstruction to reconfigure the full cloverleaf design by widening and realigning ramps, widening the Stevens Creek Boulevard overcrossing, and constructing direct off ramps to Monroe Street from southbound I-880. The southbound I-880 off-ramp has been completed and traffic from I-880 south can access Monroe Street directly.

#### 4.16.1.1 *Site Access*

The project site is primarily accessible by automobile. Interstate 880 is a six-lane north-south freeway that supports high traffic volumes throughout the day. I-880 drivers can access the project site by exiting at Stevens Creek Boulevard. Interstate 280 is a six-lane freeway to the south of the project site. Drivers on I-280 can access the project site by exiting at the Winchester Boulevard interchange.

There are three driveways along North Winchester Boulevard, four along Stevens Creek Boulevard, multiple points of access along Monroe Street, and three on Forest Avenue. A fourth entrance for buses is also available along Forest Avenue.

#### 4.16.1.2 *Public Transit*

The Santa Clara Valley Transportation Authority (VTA) operates a bus and light rail transit (LRT) system in Santa Clara County. Service provided by VTA includes connections with bus and rail service operated by other public entities, including Caltrain commuter rail, Altamont Commuter Express (ACE) trains, Amtrak Capitol Corridor trains, and the Bay Area Rapid Transit (BART) system. There is currently no rail service proximate to the project site.

The Valley Fair Transit Center is located along Forest Avenue and provides direct access to the project site. The Transit Center is served by three bus lines (Lines 23, 60, and 323).

### 4.16.2 Environmental Checklist and Discussion of Impacts

| TRANSPORTATION/TRAFFIC | | | | | | |
|---|---|---|---|---|---|---|
| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Information Source(s) |
| Would the project: | | | | | | |
| 1) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 4, 18 |
| 2) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 4, 18 |
| 3) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | ☐ | ☐ | ☐ | ☒ | ☐ | 1, 16 |
| 4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)? | ☐ | ☐ | ☒ | ☐ | ☐ | 1 |
| 5) Result in inadequate emergency access? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 |
| 6) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 4 |

The proposed project would not result in new or more significant impacts than those described in the 2007 Valley Fair FEIR, which found Significant and Unavoidable traffic impacts from the approved 2007 expansion.

Several improvements were required as conditions of approval for the approved expansion (H06-027) and would continue to be required as conditions of approval for the proposed project. Therefore, this analysis assumes that the following roadway improvements would be implemented as part of the project:

- Widening of Stevens Creek Boulevard along its north side to accommodate right-turning traffic (into Valley Fair driveways).
- Lengthening of turn pockets along Stevens Creek Boulevard, from Winchester Boulevard to Monroe Street, by shifting of travel lanes and adjustment of medians.
- Pedestrian enhancements at the intersection of Santana Row/Stevens Creek Boulevard. The intersection will be modified to provide safer pedestrian crossing by realigning the intersection, removing exclusive right-turn lanes, and improving crosswalk treatments and pedestrian waiting areas.

#### 4.16.2.1 *Pedestrian, Bicycle, and Transit Impacts*

Impacts to public transit systems and pedestrian and bicycle facilities from the 650,000 square foot Westfield Valley Fair expansion were evaluated in the 2007 Valley Fair FEIR. The proposed modifications to the approved project would construct less Gross Leasable Area (GLA) of retail space than the approved expansion, but would construct a 10-theater cinema that was not included in the approved project. As described below, the proposed project would generate fewer vehicle trips than the approved 2007 expansion.

A right-turn only driveway would be added along Stevens Creek Boulevard to provide more direct access to the new parking structure. The design of new or modified driveways would be reviewed by City of San José and City of Santa Clara Public Works department staff to ensure consistency with driveway sight distance requirements. Therefore, modifications to site access would not increase hazards to pedestrians or bicyclists. The proposed project would not result in new or substantially greater significant impacts to transit, bicycle, or pedestrian facilities. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### 4.16.2.2 *Level of Service Impacts*

The 2007 Valley Fair FEIR found significant unavoidable impacts to four segments of I-280 and I-880 caused by increased traffic to and from the project site. It was determined that the project could not feasibly mitigate these impacts to a less than significant level, so the project contributed fair share payments to the planned improvement of the I-280/I-880/Stevens Creek Boulevard interchanges. That project is now being implemented by Caltrans and, as stated earlier, the direct off-ramp from southbound I-880 to Monroe Street has been completed.

Approximately 552,615 square feet of additional GLA was approved in the 2007 Valley Fair Expansion project. That space was never constructed, and the current project is proposing an

expansion of 487,300 square feet GLA and a 10-screen movie theater. As shown in Table 4.16-1 below and in Appendix D-1, the currently proposed expansion would result in 52, 35, and 33 fewer morning, evening, and Saturday peak-hour vehicle trips, respectively, than the approved project would have. The average daily vehicle trips are estimated to decrease by 684 trips compared to the approved project.

**Table 4.16-1 Proposed vs. Approved Vehicle Trip Generation**

| Land Use and Size | Daily | | AM Peak Hour | | PM Peak Hour | | Saturday Peak Hour | |
|---|---|---|---|---|---|---|---|---|
| | Rate[a] | Trips | Rate[a] | Trips | Rate[a] | Trips | Rate[a] | Trips |
| ***Approved Expansion*** | | | | | | | | |
| Retail/Commercial *552,615 square feet*[b] | 37.33 | 20,631 | 0.79 | 437 | 3.5 | 1,451[c] | 4.76 | 1,972[c] |
| ***Proposed Expansion*** | | | | | | | | |
| Retail Commercial *487,300 square feet*[b] | 37.33 | 18,192 | 0.79 | 385 | 3.5 | 1,279[c] | 4.76 | 1,739[c] |
| Movie Theater *10 screens* | 175.5[d] | 1,755 | n/a | n/a | 13.64 | 136 | 19.97 | 200 |
| **Total Proposed Trips** | | **19,947** | | **385** | | **1,416** | | **1,939** |
| | | | | | | | | |
| **Net Project Trips** | | **-684** | | **-52** | | **-35** | | **-33** |

[a] Vehicle trip rates are measured as number of vehicle trips per 1,000 square feet or number of vehicle trips per movie theater screen.
[b] The areas listed for the expansion represents the Gross Leasable Area, or the total area which could be occupied by vehicle trip-generating land uses.
[c] Includes a 25% pass-by reduction for patrons traveling to multiple establishments on the same site.
[d] The average daily trip generation rate for movie theaters was calculated based on the results of two studies, which found 292.5 average daily vehicle trips per screen on Fridays. A comparison of weekday PM and Friday PM peak hour rates indicate that 40% less traffic is generated during the PM peak hour on weekdays than during the PM peak hour on Fridays. Therefore, this ratio was applied to 292.5 and the result is an average daily trip generation rate of 175.5 trips per movie screen.
Sources:
- Hexagon Transportation Consultants. *Traffic Study Consistency Review for the Current Valley Fair Mall Expansion.* April 24, 2015.
- Institute for Transportation Engineers. *Trip Generation, 9th Edition.* 2012.
- Del Rio, Robert. Hexagon Transportation Consultants. Personal Communication. May 26, 2015.

At the time the project was approved in 2007, the trips associated with the mall expansion were placed in the City of San Jose's Approved Trips Inventory (ATI) and have therefore been assumed to be on the surrounding roadways and intersections as traffic impact analyses have been prepared for development projects in the area since 2007. Although peak-hour vehicles trips are expected to be slightly lower from the proposed project than from the approved expansion, the proposed project would not necessarily result in fewer impacts to traffic congestion in the surrounding area. The circulation system in the surrounding area and the number of cars using it have both changed since

certification of the 2007 Valley Fair FEIR, therefore an updated level of service (LOS) analysis was prepared for both the approved and the proposed the project. The following 18 intersections were studied for the proposed project:

1. Stevens Creek Boulevard and Winchester Boulevard
2. Stevens Creek Boulevard and Santana Row
3. Stevens Creek Boulevard and Redwood Avenue
4. Stevens Creek Boulevard and Monroe Street
5. Stevens Creek Boulevard and I-880 Southbound off-ramp*
6. Bascom Avenue and San Carlos Street
7. Hedding Street and Winchester Boulevard
8. Forest Street and Winchester Boulevard
9. Winchester Boulevard and Dorcich Street
10. Winchester Boulevard and Olin Avenue
11. Winchester Boulevard and Olsen Drive
12. Winchester Boulevard and I-280 westbound on-ramp
13. Winchester Boulevard and Moorpark Avenue
14. I-280 Eastbound off-ramp and Moorpark Avenue
15. Bascom Avenue and Naglee Avenue
16. Monroe Street and Forest Avenue
17. San Tomas Expressway and Stevens Creek Boulevard*
18. Saratoga Avenue and Stevens Creek Boulevard*

* - Denotes a Santa Clara County Congestion Management Program intersection

For the complete LOS analysis of the 18 intersections studied for the project, refer to Table 2 in Appendix D-1. The analysis in this Addendum will address only those intersections which were found to be significantly impacted by the approved and currently proposed expansion.

The 2007 Valley Fair FEIR concluded that the 2007 mall expansion would degrade the LOS at the intersection of Stevens Creek Boulevard and Winchester Boulevard from LOS D to LOS E during the Saturday peak-hour. Since 2007, congestion along Stevens Creek Boulevard has deteriorated and that intersection currently operates at LOS E during the Saturday peak-hour, even though the proposed expansion was never built. Other intersections in the area have experienced similar increases in delays over the past eight years, likely due to regional growth and increased demand at the adjacent Santana Row shopping district.

**Stevens Creek Boulevard/Winchester Boulevard**

The traffic report supporting the 2007 EIR concluded that the proposed mall expansion project would impact the Stevens Creek/Winchester intersection, which is a “protected” intersection and is not subject to the City’s level of service policy of maintaining a minimum LOS D. However, the addition of a second southbound left-turn lane was included in 2007 as a condition of approval for the project. With the completion of the southbound left-turn lane, the intersection will continue to operate at LOS E conditions, however the intersection is allowed to operate below the City’s LOS standard based on the Protected Intersection Policy. Projects that contribute trips through a protected intersection are

normally required to provide funding for 'off-setting improvements' such as bike lanes, sidewalks, transit stop improvements, etc. in lieu of providing capacity-enhancing improvements to the intersection. However, as noted above, the mall expansion was conditioned to add a second southbound left-turn lane, and therefore, no off-setting improvement fees are required for trips through this protected intersection.

An analysis of the vehicle trips that would be generated by the approved 2007 expansion in the current traffic conditions found that if it were built today, the approved expansion would degrade the LOS of the Stevens Creek Boulevard/Winchester Boulevard intersection to LOS E and to LOS F during the weekday afternoon and Saturday peak-hours, respectively. The currently-proposed expansion would also degrade the LOS during the weekday afternoon and Saturday peak hours. The increase in critical delay and volume to capacity ratio (V/C) would be less than that of the approved project (see Appendix D-1), however; therefore, the proposed project would have less impact to the intersection of Stevens Creek Boulevard/Winchester Boulevard intersection than the approved project. As noted above the approved expansion project's trips were added to the ATI in 2007, and have been assumed to be on the roadways including through this intersection in all traffic impact studies completed since that time.

**Stevens Creek Boulevard/Monroe Street**

The Stevens Creek Boulevard and Monroe Street intersection was not shown to have a significant impact in 2007 when the mall expansion was approved. Based on the current coding of the intersection lane configuration, traffic counts and approved project traffic, the LOS of Stevens Creek Boulevard/Monroe Street would degrade from LOS D to LOS F during the Saturday peak-hour. Despite no impact being identified in 2007, the 2007 approved mall expansion was required, as a condition of approval, to construct a new direct connector ramp from southbound I-880 to Monroe Street. Recently completed and currently operational, the new ramp diverts mall traffic away from the Stevens Creek Boulevard/Monroe Street intersection and reduces delays at the intersection. As discussed in Appendix D-1, this improvement is not reflected in the LOS calculation due to constraints in modeling the unique intersection geometry. Therefore, the LOS degradation at Stevens Creek Boulevard/Monroe Street is overstated and neither the approved or proposed projects would be expected to have significant LOS impacts to this intersection.

In 2015, the City added this intersection to the List of Protected Intersections, meaning it is not required to maintain minimum LOS D, and projects that contribute trips through a protected intersection are normally required to provide funding for 'off-setting improvements' such as bike lanes, sidewalks, transit stop improvements, etc. in lieu of providing capacity-enhancing improvements to the intersection. However, as noted above, the mall expansion was conditioned in 2007 to construct a new direct connector ramp from southbound I-880 to Monroe Street, and therefore, no off-setting improvement fees are required for trips through this protected intersection.

**San Tomas Expressway/Stevens Creek Boulevard**

The approved project would also contribute to significant delays at the San Tomas Expressway/Stevens Creek Boulevard intersection, which currently operates at LOS E during the afternoon peak-hour. However, the approved project's contribution would not result in a significant

increase in the V/C ratio of the intersection. The ratio of volume to capacity is the metric used to analyze the significance of a project's contribution to congestion at intersections that already operate deficiently (i.e. at LOS E or below). With an increase in the volume to capacity ratio of 0.009 (i.e. less than 1%), the approved project's contribution would be less than significant.

The currently proposed project would generate fewer trips than the approved project and, as a result, would cause slightly lower delays at the 18 study intersections. Though the proposed project would still result in significant impacts at the intersections described above, the increases in vehicle delay and critical V/C ratio would be less than those of the approved project. Therefore, the proposed project would not result in new or more significant traffic congestion impacts than the previously-approved project. **[Same Impact as Approved Project (Significant Unavoidable Impact)]**

#### 4.16.2.3 *Parking Impacts*

The proposed project includes construction of a new six-story parking structure adjacent to the proposed anchor store in the southeast quadrant of the site as well as one level of underground parking beneath the proposed expansion. Surface parking would be reconstructed adjacent to the bank buildings, Stevens Creek Boulevard, and at the northwest portion of the site around the new theater building. In addition, rooftop parking would be constructed on top of portions of the proposed mall expansion and portions of the existing mall space adjacent to the parking structure under construction on the northeast corner of the site. With implementation of the proposed project, the total number of parking stalls at Westfield Valley Fair would be approximately 8,374, of which 991 would be located within the City of Santa Clara.

Standard parking ratios for large commercial establishments in San José range from one stall per 200-225 square feet of gross building area (Municipal Code 20.90.060). A 2013 permit amendment approved for the San José-portion of the site (HA06-027-02) modified the proposed project's parking ratio to better fit the definition of an enclosed shopping center in Section 20.90.050 of the Municipal Code. The modifications defined 'floor area' as 85 percent of total gross floor area, so as to exclude areas not intended for occupation by retail tenants (e.g. walkways and common areas). Parking ratios were then set at one space per 225 square feet of leasable floor area.

The proposed parking in the San José portion of the site incorporates the 85 percent adjustment to floor area and equates to a parking ratio of one stall per 250 square feet of leasable space. At this ratio and with a proposed total GLA of 2,063,000 square feet, the proposed project would be required to provide 8,252 parking stalls at a ratio of one stall per 250 square feet of leasable space. The proposed project includes 8,374 stalls on the site, which would slightly exceed the minimum parking requirement for the portion of the site in San José.

City of Santa Clara parking requirements would normally require 2,519 spaces for the development on the Santa Clara portion of the site. This calculation of required spaces includes separate spaces for each land use, with required parking ratios ranging from one stall per 200 square feet to one stall per 300 square feet, depending on the use. The required ratio for theaters is one stall per four seats or one stall per 32 square feet; in this case, a ratio of one stall per four seats is used to calculate the normal parking requirement. On a site such as the Valley Fair shopping center, however, many of the land uses are complementary (e.g. restaurants in the food court complementing the commercial

retail space) and do not necessitate separate parking for each use. In addition, many of the land uses do not share the same peak usage times. The proposed theater would be most popular in evenings, while the retail shops and grocery store on the Santa Clara portion of the site are used more frequently during the day. Since the peak usage time for the theater does not coincide with the peak usage time of the other uses on the site, a shared parking arrangement is more appropriate for determining the number of spaces needed on the site.

Although the project only includes 991 spaces within Santa Clara, there would be over 7,300 additional parking stalls available on San José portions of the site, and when viewed as a whole, the project would satisfy the parking requirements of both jurisdictions. Indeed many patrons of the development anticipated on the Santa Clara portion of the site would utilize the existing parking structure at the northwest corner of the site or the surface parking along the west and southern sides. Much of this parking is provided in the City of San José, not in Santa Clara.

Overall, the project applicant is proposing a volume of parking that is projected to serve the demand generated by full build-out of the proposed project. In addition, the site is fully developed and there are no environmental impacts anticipated from the provision of parking on the project site.

#### 4.16.2.4 *Vehicular Site Access and Circulation Impacts*

The proposed project would reconstruct existing driveways along North Winchester Boulevard and Stevens Creek Boulevard. One such driveway along Stevens Creek Boulevard would be realigned to form a full signalized intersection with South Baywood Avenue. Primary access to the mall would continue to be provided via the signalized access point at Santana Row/Macy's Men's and the relocated Redwood/Baywood Avenue intersection. In addition, a new right-turn only driveway will be located between Monroe Street and Baywood Avenue.

Based on the Traffic Operations Analysis (Appendix D-2), the new circulation plan would result in imbalanced vehicle queues at multiple locations on Stevens Creek Boulevard. Inbound traffic at the Baywood Avenue entrance and the Santana Row/Macy's Men's entrance would be accommodated with double left-turn lanes at each intersection. However, each lane would have restricted access once vehicles are on-site, which could cause confusion and ultimately imbalance the vehicle queues on Stevens Creek Boulevard.

These vehicle queues are not anticipated to cause significant hazards to other drivers, pedestrians, or bicyclists. Nevertheless, the Traffic Operations Analysis contains several recommendations for modifications to the on-site circulation system, which will be considered by the San José Department of Public Works as part of the City's design review. With receipt of design approval from the City, and implementation of any measures or design modifications required prior to such approval, the proposed project would not increase hazards due to design features. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### 4.16.2.5 *Air Traffic and Emergency Access*

The project would require a No Hazard Determination from the Federal Aviation Administration (see ***Chapter 4.8, Hazards and Hazardous Materials*** for further information). With incorporation of any requirements set forth in the FAA determination, the project would not affect air traffic patterns. The project proposes demolition and construction at an infill location in the Cities of San José and Santa Clara, therefore it would not affect evacuation routes or result in inadequate emergency access to the site. **(New Less Than Significant Impact)**

### 4.16.3 Conclusion

The proposed project, which would be subject to City design requirements, would not result in more significant impacts to the transportation system than those addressed in the certified 2007 Valley Fair FEIR. **[Same Impact as Approved Project (Significant Unavoidable Impacts)]**

## 4.17 UTILITIES AND SERVICE SYSTEMS

### 4.17.1 Setting

#### 4.17.1.1 *Water Service*

The San José portion of the project site is located within the service area of the San José Water Company. In addition, the location of the proposed Chase Bank on the Santa Clara portion of the site is also served by the San José Water Company. The Santa Clara portion of the site, which includes the location of the proposed theater building, would be served by the Santa Clara Water Department. There are existing 12-inch diameter[30] water pipes in Forest Avenue and Monroe Street. Based on the 2007 Valley Fair FEIR, the existing shopping center is estimated to use approximately 150,200 gallons of potable water per day. The approximately 52,000 square feet of retail space to be demolished on the Santa Clara portion of the site uses an estimated 3,900 gallons of potable water per day.

#### 4.17.1.2 *Sanitary Sewer/Wastewater Treatment*

Wastewater from the Cities of San José and Santa Clara is treated at the San José/Santa Clara Water Pollution Control Plan (WPCP), located near Alviso. The WPCP provides primary, secondary and tertiary treatment of wastewater and has the capacity to treat 167 million gallons of wastewater per day (mgd). There is a 42-inch sanitary sewer main in Forest Avenue north of the site and a 15-inch sewer line in North Winchester Boulevard to the west. Sewer service is provided to the site via a 10-inch sewer line that extends from the main in Forest Avenue as well as multiple 6-8 inch laterals extending from Forest Avenue, North Winchester Avenue, and Stevens Creek Boulevard. On-site restrooms are the main source of wastewater from the project site. Standard industry practice is to estimate wastewater generation as 85 percent of fresh water consumption, under the assumption that while some water is consumed or diverted, most is ultimately discharged to the sanitary sewer system. Therefore the existing shopping center generates approximately 127,670 gallons of wastewater per day.

#### 4.17.1.3 *Storm Drainage System*

Storm drainage lines in the area are owned and maintained by the City of San José and the City of Santa Clara. The storm drain system north of the project site begins with a 10-inch line at the intersection of North Winchester Boulevard and Forest Avenue and increases in size, reaching 27-inches where it intersects with the 27-inch Monroe Street storm drain pipe.

#### 4.17.1.4 *Solid Waste*

According to the Source Reduction and Recycling Element prepared for the City of San José and the County-wide Integrated Waste Management Plan, there is sufficient landfill capacity for Santa Clara County needs for at least 25 more years. Recycling services are available to most businesses.

[30] Unless otherwise noted, all infrastructure measurements refer to the width of the pipe.

### 4.17.2 Environmental Checklist and Discussion of Impacts

| UTILITIES AND SERVICE SYSTEMS | | | | | | |
|---|---|---|---|---|---|---|
| | New Potentially Significant Impact | New Less Than Significant With Mitigation Incorporated | New Less Than Significant Impact | Same Impact as "Approved Project" | Less Impact than "Approved Project" | Information Source(s) |
| Would the project: | | | | | | |
| 1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 4 |
| 2) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 4 |
| 3) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 4 |
| 4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 4 |
| 5) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 |
| 6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 4 |
| 7) Comply with federal, state, and local statutes and regulations related to solid waste? | ☐ | ☐ | ☐ | ☒ | ☐ | 1 - 4 |

The currently proposed project will result in the same impact as the approved 2007 Valley Fair FEIR, Less Than Significant, as described below.

#### 4.17.2.1 *Water Service Impacts*

The proposed shopping center expansion would increase the water used on the project site over the existing condition due to increased irrigation, use of restrooms, and consumption by patrons and employees of the shopping center. Increased water demand caused by the expansion was previously-evaluated in the Valley Fair FEIR, which estimated that the additional 650,000 square feet of gross building area would require an additional 48,815 gallons of water per day. Using the water consumption factor from the Valley Fair FEIR of 0.0751 gallons per day per square foot (of gross building area, or GBA), the proposed project would increase daily water demand by 51,455 gallons over the existing condition, approximately 2,640 gallons per day more than the previously-approved project.

In accordance with state law (Senate Bill 610), a water supply assessment was completed by the San José Water Company for the 2007 Valley Fair FEIR. The assessment concluded that the San José Water Company over the 20 year period evaluated in the assessment would be able to adequately supply the San José portion of the proposed development without any additional sources of supply or system operation changes. The 2007 Valley Fair FEIR also concluded that the City of Santa Clara Water and Sewer Utilities would have adequate capacity to serve an approximately 45,000 square foot expansion on the Santa Clara portion of the site.

The proposed project would result in an approximately 638,000 square foot (GBA) expansion on the San José portion of the site, which is slightly smaller than the scale of the expansion evaluated in 2007. Therefore the proposed project would not be expected to require more water from the San José Water Company than the 2007 expansion project.

Conversely, the project would result in an approximately 46,000 square foot net increase in the GBA on the Santa Clara portion of the site, which is 1,000 square feet more than evaluated in the 2007 Valley Fair FEIR. This increase corresponds to approximately 75 gallons per day more potable water demand than previously-anticipated for the shopping center expansion in Santa Clara. The Santa Clara General Plan FPEIR found that the City's Water Utility has sufficient water supplies to provide service under normal and single critical dry year scenarios. If the San Francisco Public Utilities Commission supply were lost in a multiple dry year scenario, the City plans to meet future demand growth by pumping additional groundwater, increasing reliance on recycled water, and increased conservation. The proposed expansion would be consistent with the General Plan and would not substantially increase water demand beyond what was evaluated for the site in the Santa Clara General Plan FPEIR or the 2007 Valley Fair FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### 4.17.2.2 *Sanitary Sewer/Wastewater Treatment Impacts*

The proposed expansion would result in an increase in wastewater flow due to the construction of new restrooms and other drainages that would connect to the sanitary sewer system (e.g. drains from the parking structure would be plumbed to connect to sanitary sewer lines). As detailed above, the shopping center expansion as currently proposed is estimated to increase daily water use by 2,640 gallons compared to the previously-approved expansion. Estimating that wastewater generation is 85

percent of potable water demand, wastewater generation would increase by approximately 2,244 gallons per day over the previously-approved project.

The 2007 Valley Fair FEIR found that the San José Water Pollution Control Plant (now referred to as the San José-Santa Clara Regional Wastewater Facility) would have adequate capacity to treat the estimated 41,500 gallons per day increase in wastewater generation from the 650,000 square foot expansion. This includes wastewater generated from both San José and Santa Clara portions of the site.

The San José General Plan FPEIR concluded that development consistent with the General Plan would increase wastewater generation in the City by 30.8 million gallons per day (mgd) through the year 2040, which was within the 38.8 mgd of treatment capacity available to the City. The City of Santa Clara's average dry weather flow in 2009 was 13.3 mgd, while the City's allocation of treatment capacity is approximately 23 mgd.[31] There is over two mgd of excess treatment capacity for growth in Santa Clara consistent with the General Plan through the year 2035.

Therefore, the proposed project's incremental increase of 2,244 gallons per day over the previously-evaluated estimate would not necessitate the construction of new wastewater treatment facilities or cause existing facilities to exceed the treatment limits set by the Regional Water Quality Control Board. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### 4.17.2.3 *Storm Drainage System Impacts*

As stated in ***Chapter 4.9, Hydrology and Water Quality***, the proposed project would increase impervious surfaces on the site by approximately 24,000 square feet. The proposed project includes numerically-sized on-site stormwater treatment facilities to filter and moderate the rate of runoff. These treatment facilities would avoid substantial increases in the volume of surface runoff. Since existing storm drainage pipes adequately serve the project site, the proposed expansion would not require any new or expanded public storm drainage facilities. **[Same Impact as Approved Project (Less Than Significant Impact)]**

#### 4.17.2.4 *Solid Waste Impacts*

The 2007 Valley Fair FEIR found that the existing shopping center generates approximately 50,000 pounds per day of solid waste, and that a 650,000 square foot expansion would generate an additional 16,250 pounds per day. Solid waste impacts were found to be less than significant because there was adequate capacity at Santa Clara County landfills for waste generated by both the Santa Clara and San José portions of the site.

The proposed project would increase the GBA on the site by approximately 35,000 square feet over the previously-approved expansion. Using the solid waste generation factor from the 2007 Valley Fair FEIR of 0.357 pounds per 100 square feet per day, the project would increase solid waste generated by the site by approximately 125 pounds per day over the approved 2007 project.

[31] City of Santa Clara. *2010-2035 General Plan Integrated Final Program Environmental Impact Report.* January 2011. Table 4.7-5.

The San José General Plan FPEIR found that estimated increases in solid waste generation resulting from development under the General Plan would not exceed the existing and planned capacities of landfills serving the City of San José. Since waste from the site is collected and dumped to one destination, rather than divided by City boundaries, it is assumed that solid waste from the Santa Clara portion of the site is also dumped along with the greater volume of waste generated by the San José portion of the site. Therefore, development on the project site consistent would not be expected to result in new or more significant solid waste impacts. **[Same Impact as Approved Project (Less Than Significant Impact)]**

### 4.17.3 Conclusion

The proposed project would not result in any new or more significant utilities impacts than were previously identified in the 2007 Valley Fair FEIR and Santa Clara General Plan FPEIR. **[Same Impact as Approved Project (Significant and Unavoidable 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, as well as a review of the project plans.

2. City of San José. *Valley Fair Shopping Center Expansion Project First Amendment to the Draft Environmental Impact Report*. April 2007.

3. City of San José. *Envision San José 2040 General Plan.* November 2011.

   --. *Final Program Environmental Impact Report for Envision San Jose 2040 General Plan*. September 2011.

4. City of Santa Clara. *2010-2035 General Plan*. January 2011.

   --. *Final Program Environmental Impact Report for the City of Santa Clara Draft 2010-2035 General Plan.* January 2011.

5. California Department of Conservation. *Santa Clara County Important Farmland 2012*. August 2014. Map.

6. County of Santa Clara Planning Office. *ArcGIS – Williamson Act Properties.* Accessed April 6, 2015.

7. Cities of San José and Santa Clara. *Municipal Code of Ordinances*.

8. Bay Area Air Quality Management District (BAAQMD). *CEQA Air Quality Guidelines*. Updated May 2011.

9. Illingworth & Rodkin, Inc. TAC and GHG Emissions Assessment. June 2015.

10. BAAQMD. *Bay Area 2010 Clean Air Plan*. Adopted September 15, 2010.

11. HMH Engineers. *Tree Evaluation Summary.* April 2015.

12. Santa Clara Valley Habitat Agency. *Final Santa Clara Valley Habitat Plan*. August 2012.

13. Santa Clara County. *Geologic Hazard Zones*. Maps. October 26, 2012.

14. U.S. Department of Agriculture, Natural Resources Conservation Service. *Custom Soil Resource Report for Santa Clara Area, California, Western Part.* April 6, 2015.
15. Cornerstone Earth Group. *Phase I Environmental Site Assessment, Westfield Valley Fair Expansion, Stevens Creek Boulevard, Santa Clara and San José, California*. January 21, 2013.

16. Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan, Santa Clara County: Norman Y. Mineta San José International Airport*. October 27, 2010.

17. FEMA. *Flood Insurance Rate Map, Community Panel Number 06085C0229H*. May 18, 2009.

18. Hexagon Transportation Consultants. *Traffic Study Consistency Review*. May 2015. And, *Traffic Operations Analysis*. July 2015.

# SECTION 5.0 REFERENCES


ABAG, BAAQMD, BCDC, and MTC. *One Bay Area Frequently Asked Questions.* Accessed July 23, 2013. Available at: http://onebayarea.org/about/faq.html#.UQceKR2_DAk

Bay Area Air Quality Management District (BAAQMD). *Bay Area 2010 Clean Air Plan*. Adopted September 15, 2010.

--. *CEQA Air Quality Guidelines*. Updated May 2011.

California Air Resources Board. *AB 32 Scoping Plan.* Accessed April 23, 2015. Available at: http://www.arb.ca.gov/cc/scopingplan/scopingplan.htm

California Department of Conservation. *Santa Clara County Important Farmland 2012*. Map. August 2014.

California Department of Transportation. *Eligible (E) and Officially Designated (OD) Routes.* Last Updated December 19, 2013. Available at: http://www.dot.ca.gov/hq/LandArch/scenic/cahisys.htm

California Emergency Management Agency. *Tsunami Inundation Map for Emergency Planning. Map.* July 31, 2009. Available at: http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/SantaClara/Pages/SantaClara.aspx

City of San José. *Classification of Subwatersheds and Catchment areas for Determining Applicability of HMP Requirements*. July 2011. Available at: http://stormwater.sanjoseca.gov/planning/stormwater//SJ_HM_Applicability_Map.pdf

--. *Energy Efficient Exceptions to Council Policy #4-3 Outdoor Lighting on Private Development.* April 25, 2011. Memorandum. Available at: http://www.sanjoseca.gov/DocumentCenter/Home/View/361

--. *Envision San José 2040 General Plan.* November 2011.

--. *Final Program Environmental Impact Report for Envision San Jose 2040 General Plan*. September 2011.

--. *Guidelines for Inventorying, Evaluating, and Mitigating Impacts to Landscaping Trees in the City of San José.* January 4, 2008.

--. *Municipal Code of Ordinances.*

--. *Notice Requirement Criteria for Filing FAA Form 7460-1*. N.d. Map.

--. *Valley Fair Shopping Center Expansion Project Draft Environmental Impact Report*. December 2006.

--. *Valley Fair Shopping Center Expansion Project First Amendment to the Draft Environmental Impact Report*. April 2007.

City of Santa Clara. *2010-2035 General Plan*. January 2011.

--. *Santa Clara Climate Action Plan.* December 3, 2013. Available at: http://santaclaraca.gov/modules/showdocument.aspx?documentid=10170

--. *Integrated Final Program Environmental Impact Report for the City of Santa Clara Draft 2010-2035 General Plan.* January 2011.

--. *Municipal Code of Ordinances.*

Cornerstone Earth Group. *Phase I Environmental Site Assessment, Westfield Valley Fair Expansion, Stevens Creek Boulevard, Santa Clara and San José, California.* January 21, 2013.

County of Santa Clara Planning Office. *ArcGIS – Williamson Act Properties.* Accessed April 6, 2015. Available at: http://www.sccgov.org/sites/planning/PlansPrograms/Williamson/Pages/WA.aspx

Federal Emergency Management Agency (FEMA). *Flood Insurance Rate Map, Community Panel Number 06085C0229H*. May 18, 2009. Available at: http://msc.fema.gov

Hexagon Transportation Consultants. *Stevens Creek Boulevard Access Operations Analysis for the Proposed Valley Fair Mall Expansion.* July 9, 2015.

--. *Traffic Study Consistency Review*. May 2015.

Illingworth & Rodkin, Inc. *Westfield Valley Fair Mall Expansion Project, Draft TAC and GHG Emissions Assessment.* June 4, 2015.

Institute for Transportation Engineers. *Trip Generation, 9th Edition.* 2012.

National Oceanic and Atmospheric Administration. *Sea Level Rise and Coastal Flooding Impacts.* Accessed April 21, 2015. Available at: http://coast.noaa.gov/slr/

San José Mercury News. Bauer, I. *San José Again Delays Vote on Newby Island Landfill Expansion.* February 19, 2015. Available at: http://www.mercurynews.com/milpitas/ci_27560959/san-jose-again-delays-review-newby-island-landfill?source=infinite

Santa Clara County. *Geologic Hazard Zones.* Map. October 26, 2012.

Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan Santa Clara County: Norman Y. Mineta San Jose International Airport.* October 27, 2010.

Santa Clara Valley Habitat Agency. *Habitat Agency Geobrowser Parcel Report*. Accessed April 6, 2015. Available at: http://www.hcpmaps.com/habitat/

Santa Clara Valley Water District. *Lexington Reservoir and Lenihan Dam.* 2015. Accessed April 23, 2015. Available at: http://www.valleywater.org/Services/LexingtonReservoirAndLenihanDam.aspx

--. *Rainfall and Reservoir Status Report*. Accessed April 6, 2015. Available at: http://www.valleywater.org/Services/MeasuresAndReadings.aspx

U.S. Department of Agriculture, Natural Resources Conservation Service. *Custom Soil Resource Report for Santa Clara Area, California, Western Part.* April 6, 2015. Available at: http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm

U.S. Geological Survey. *Preliminary Geologic Map of the San José 30 x 60-Minute Quadrangle, CA. Map.* 1999. Available at: http://pubs.usgs.gov/of/1998/of98-795/of98-795_7b.pdf

**Persons Contacted**

Del Rio, R. Vice President, Hexagon Transportation Consultants. May 26, 2015.

Ross, R. Planner II, City of San José. December 19, 2013.

# SECTION 6.0 LEAD AGENCY AND CONSULTANTS

**Lead Agency:**

**City of San José**
***Department of Planning, Building, and Code Enforcement***
Harry Freitas, Director
Meenaxi Panakkal, Supervising Environmental Planner
Sanhita Ghosal, Planner III, Project Manager

**Consultants:**

**David J. Powers and Associates, Inc.**
***Environmental Consultants and Planners***
Akoni Danielsen, Principal Project Manager
Matthew Gilliland, Project Manager
Zachary Dill, Graphic Artist

**Cornerstone Earth Group**
***Geotechnical Engineering and Environmental Services***
Ron Helm, Senior Principal Geologist
Stason Foster, Senior Project Engineer

**Hexagon Transportation Consultants**
***Transportation and Traffic Engineers***
Robert Del Rio, Vice President

**HMH Engineers**
***Arborist***
Lisa Harris, Project Landscape Architect

**Illingworth & Rodkin, Inc.**
***Air Quality and Emissions Modeling***
Joshua Carman, Staff Consultant