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## **ATTACHMENT A: CEQA Checklist**

## 1.0 PURPOSE OF AN ADDENDUM

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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 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. CEQA allows Lead Agencies to prepare an Addendum to a previously adopted Negative Declaration when it can be demonstrated that changes to a project, and the environmental impacts from such changes, are minor when compared to the original scope of the project and the original environmental impacts. As stated in Section 15164 of the CEQA Guidelines:

*“(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.*

*(c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.*

*(d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.”*

The purpose of this addendum is to document the environmental impacts associated with a proposed change in the previously approved Valley Fair Shopping Center Expansion Project H06-027/GP06-T-04, (SCH No. 2006052162), in accordance with the CEQA Guidelines and the Cities of San José and Santa Clara’s requirements for the preparation of environmental documents. The City of San José publicly circulated an Environmental Impact Report (EIR) in December 2006, which evaluated the potential impacts of allowing an approximately 650,00 square foot expansion of the existing Valley Fair Shopping Center site on Stevens Creek Boulevard, which located in both the City of San José and Santa Clara. The project also included demolition and reconstruction of three existing outbuildings and two parking structures on the shopping center site. Modifications to existing vehicle circulation, driveways, and landscaping on the site were also proposed.

The Cities of San José and Santa Clara certified the EIR and approved the project on \_\_\_\_\_, respectively. This addendum to the EIR is being prepared because minor changes to the previously approved project for the Valley Fair Shopping Center Expansion project are now proposed.

This addendum includes the CEQA checklist in Attachment A, and compares the environmental impacts of the project described in the previously certified EIR with minor changes to that project consisting of revising the existing Site Development Permit (H06-027) to allow the following in San José: 1) the relocation and construction of parking structure “F” to include one below grade level; and 2) reconfiguration of the proposed small shop retail and two anchor stores on the southern portion of the mall structure. The project also includes the construction of an additional parking structure (“H”) in the southwest portion of the site, between Stevens Creek Boulevard and the Macys Mens/Housewares Store in Santa Clara. These changes are the only elements of the previously approved project that are different from what was analyzed in the EIR. The new proposal would not change the square footage of retail area or the number of parking spaces proposed by the previous project.

## **2.0 PROJECT LOCATION**

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The approximately 70-acre project site is located within both the Cities of Santa Clara and San José, generally to the northwest of the intersection of Interstates 880 and 280 in central Santa Clara County, as shown on Figures 1 and 2. The project site is located between Stevens Creek Boulevard on the south and Forest Avenue on the north, and between Monroe Street on the east and Winchester Boulevard on the west. The area of the site located in Santa Clara is generally the southwestern portion, as shown on Figure 2. Figure 3 is an aerial photograph of the area.

## **3.0 DESCRIPTION OF THE PREVIOUSLY APPROVED PROJECT**

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The previously approved project is a City of San José Site Development Permit (File No. H06-027) to allow an approximately 650,000 square foot expansion of the existing Westfield Valley Fair Shopping Center. The proposed shopping center expansion would enlarge the shopping center structure to include two new anchor stores and new small shop retail uses in two levels on the south side of the center, as shown on Figure 4. The project also includes demolishing and relocating three outbuildings and two parking structures, and modifications to existing vehicle circulation, driveways, and landscaping on the site. The proposed project included a General Plan text amendment to increase building heights on the site from 50 to 65 feet. Two emergency back-up generators would be installed on the east side of the proposed new Parking Structure “F”.

## **4.0 PROPOSED CHANGES TO THE PROJECT DESCRIPTION**

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The currently proposed shopping center expansion project continues to include two anchor stores (one with two levels and one with three levels) and additional small shop retail uses in two levels on the south side of the structure. It is only the configuration of these retail uses that would change with the currently proposed project. The two new anchor stores would be located on either side of the new Parking Structure “F” which would replace the previous Parking Structure “F”, as shown on Figures 4 and 5. An additional three-level Parking Structure “H” would be constructed in the southwestern portion of the site between Stevens Creek Boulevard and the Macys Mens/Houswares building in Santa Clara. The construction of these replaced/new parking structures would require modifications to vehicular circulation, primarily in the southern portion of the site. The new Parking Structure “F” would include one level of below ground parking, requiring excavation and exportation of approximately 103,000 cubic yards of soil from the site. All other components of the project will be maintained with the proposed project, including square footage of retail space, number of parking spaces and emergency generators, landscaping, and storm drainage system.

## **5.0 COMPARISON OF IMPACTS**

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The changes to the project would not result in new or greater environmental impacts when compared to the previously approved project. The excavation and exportation of soils for the construction of a below grade level of the new three-level Parking Structure “F” in the southern portion of the site would require additional soil excavation resulting in construction-related short term air quality impacts similar to those described in the certified EIR. The 103,000 cubic yards of soil to be excavated from the site for the construction of a below grade parking level would require approximately 14,700 additional truck trips. This assumes approximately 14 cubic yards per truck and two truck trips per load (one in and one out). These trips would be temporary in nature and

would be scheduled to avoid peak hour traffic. The trucks will be able to easily access two major freeways and a construction traffic route to minimize nuisance impacts to the residential neighborhoods in the project area will be developed in consultation with City of San José and City of Santa Clara Public Works staffs. For these reasons, the additional truck trips would not be a significantly greater or substantially new impact of the proposed project.

## 6.0 CONCLUSION

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Based on the above analysis and discussion, no substantive revisions are needed to the December 2006 Environmental Impact Report. Only minor technical changes are necessary and none of the conditions calling for the preparation of a subsequent IS as detailed in CEQA Guidelines §15162 have occurred. Pursuant to CEQA Guidelines §15164(c), an addendum to the certified EIR has been prepared. The proposed project would be responsible for implementing the mitigation measures already identified in the EIR to reduce or avoid significant environmental impacts. No additional mitigation measures are required. This addendum will not be circulated for public review, but will be included in the public record file for the Valley Fair Shopping Center Expansion project H06-027/GP06-T-04 (SCH No. 2006052162).

BY:

Joseph Horwedel, Director  
Department of Planning, Building and Code Enforcement  
City of San José

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Signature

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Date

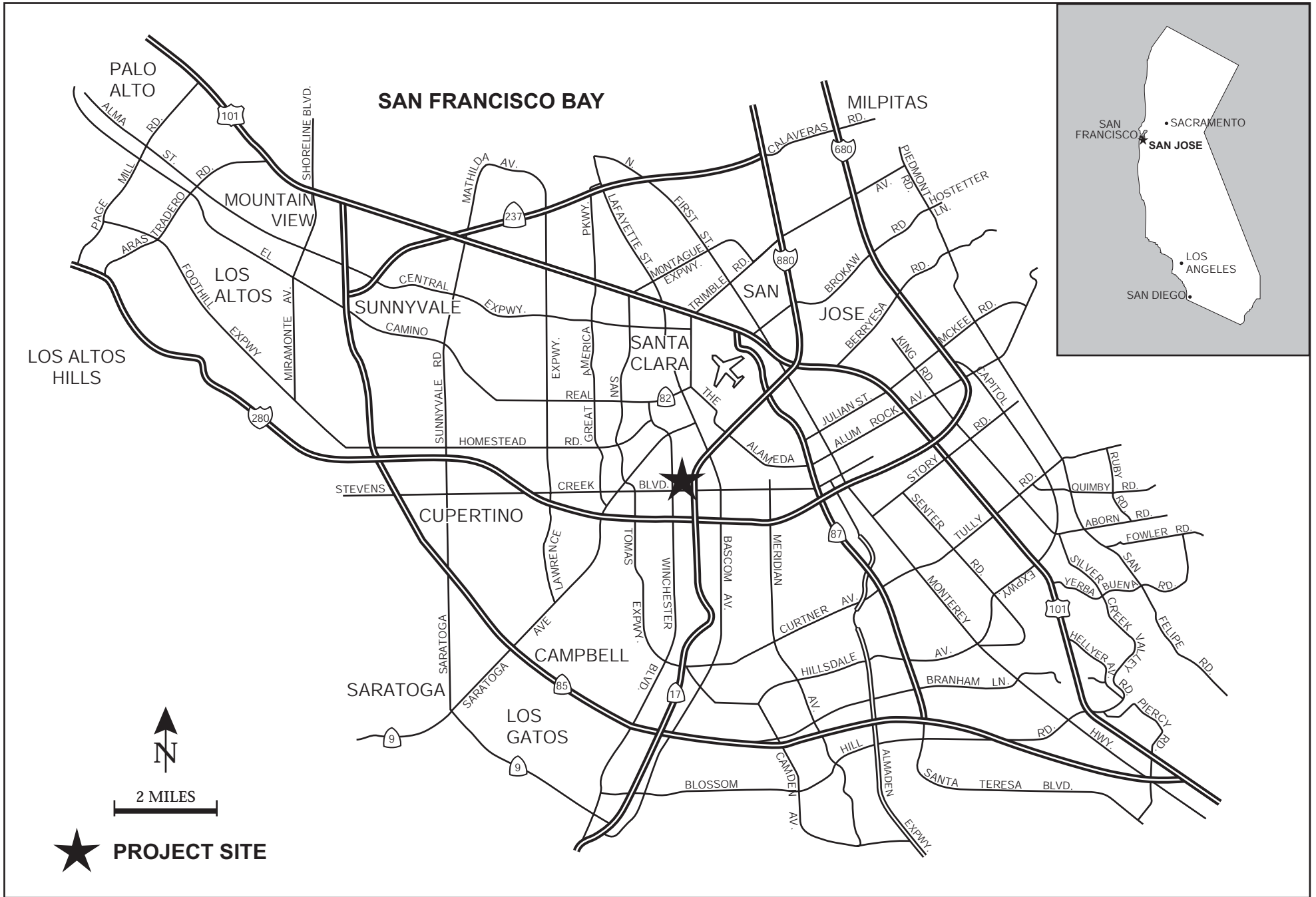
Kevin Riley, Director  
Department of Planning and Inspection  
City of Santa Clara

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Signature

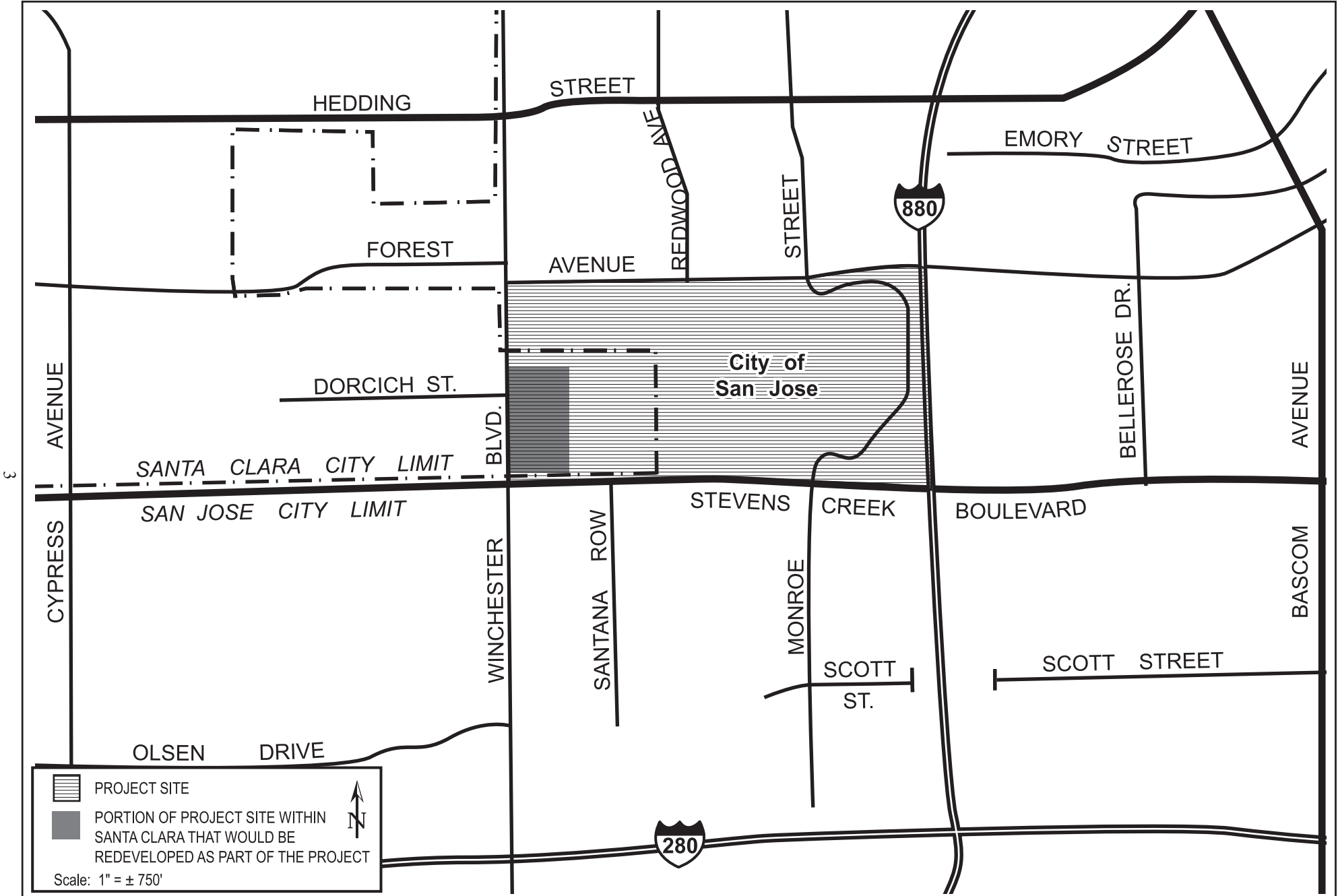
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Date



REGIONAL MAP

FIGURE 1



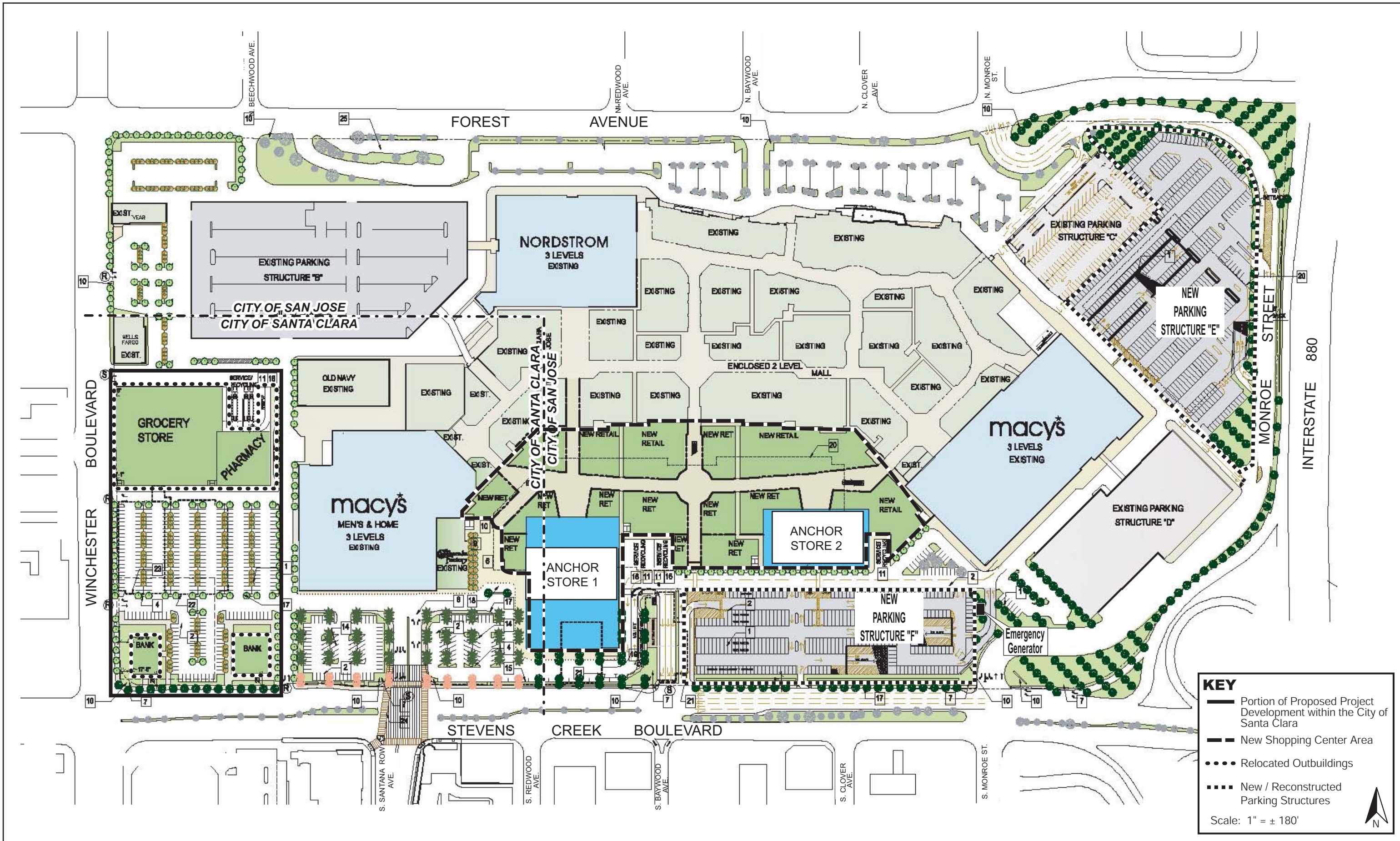
VICINITY MAP

FIGURE 2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

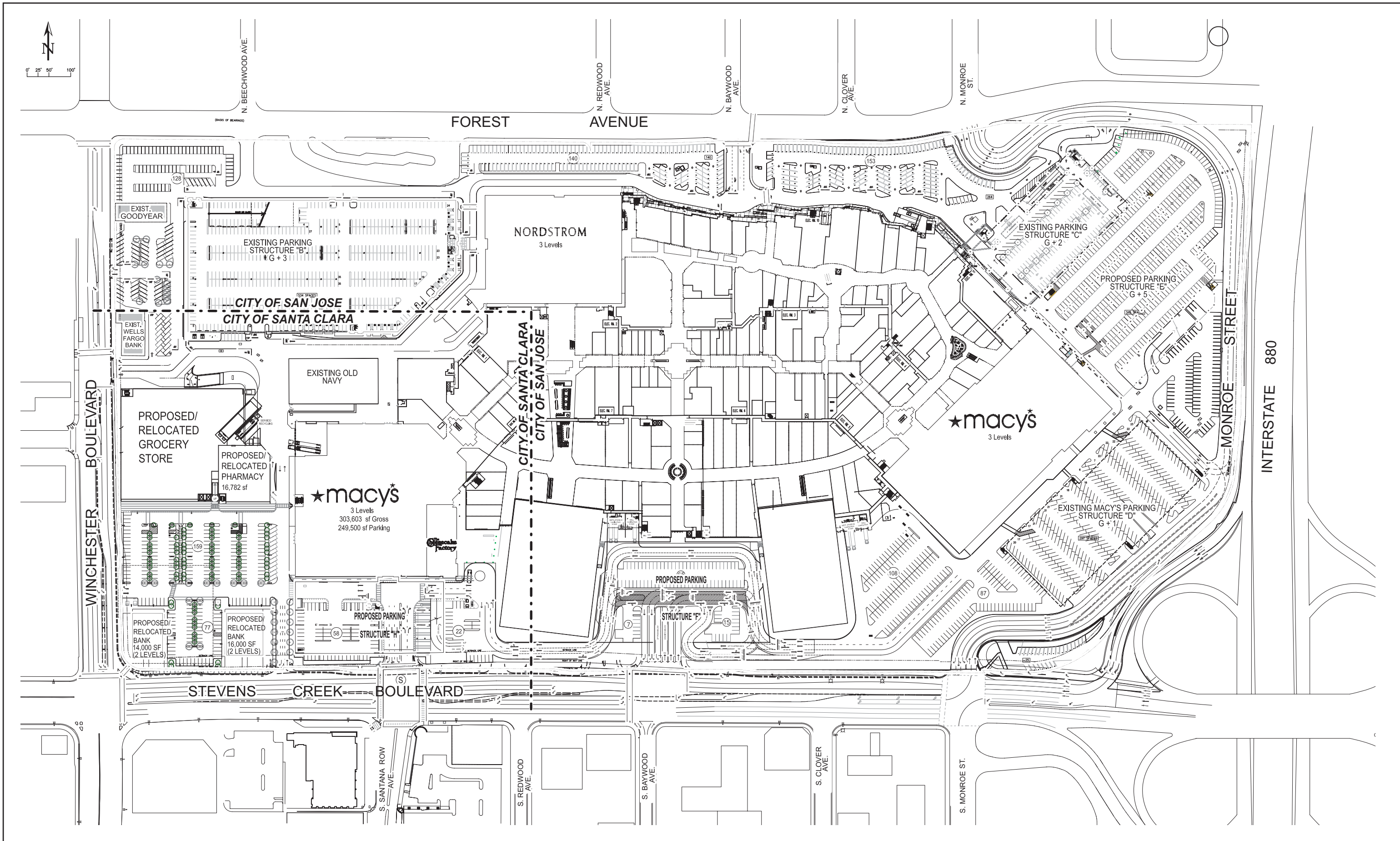
FIGURE 3



PREVIOUSLY PROPOSED CONCEPTUAL SITE PLAN

FIGURE 4





CURRENTLY PROPOSED CONCEPTUAL SITE PLAN

FIGURE 5

**ATTACHMENT A**

**CEQA CHECKLIST**

## **1.0 PROJECT INFORMATION**

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### **1.1 PROJECT TITLE**

Valley Fair Shopping Center Expansion project H06-027/GP06-T-04 (SCH No. 2006052162)

### **1.2 PROJECT LOCATION**

The approximately 70-acre project site is located within both the Cities of Santa Clara and San José, generally to the northwest of the intersection of Interstates 880 and 280 in central Santa Clara County, as shown on Figures 1 and 2. The project site is located between Stevens Creek Boulevard on the south and Forest Avenue on the north, and between Monroe Street on the east and Winchester Boulevard on the west. The area of the site located in Santa Clara is generally the southwestern portion, as shown on Figure 2. Figure 3 is an aerial photograph of the area.

### **1.3 LEAD AGENCY NAME AND ADDRESS**

City of San José  
Department of Planning, Building and Code Enforcement  
200 E. Santa Clara Street, 3<sup>rd</sup> Floor  
San José, CA 95113

City of Santa Clara  
Department of Planning and Inspection  
1500 Warburton Avenue  
Santa Clara, CA 95050

### **1.4 CONTACT PERSON AND TELEPHONE NUMBER**

Janis Moore, Project Manager  
San José Department of Planning Building and Code Enforcement, (408) 535-7815

Gloria Sciara, Project Manager  
Santa Clara Department of Planning and Inspection, (408) 615-2450

### **1.5 PROPERTY OWNER'S NAME AND ADDRESS**

Westfield Corporation  
2855 Stevens Creek Boulevard, Suite 2178  
Santa Clara, CA 95050

### **1.6 ASSESSOR'S PARCEL NUMBER**

274-43-31, -35, -37, -40, -43, -46, -48, -55, -59, -61, -62, -63, -65, -66, -68, -69, -71, -72, -73, -75, -76, -77, -78, -79, and -80.

## 1.7 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

San José General Plan Designation:	Regional Commercial
San José Zoning District:	CG: Commercial General
Santa Clara General Plan Designation:	Community and Regional Commercial
Santa Clara Zoning District:	Community Commercial

## 2.0 PROJECT DESCRIPTION

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The previously approved project is a City of San José Site Development Permit to allow the approximately 650,000 square foot expansion of the existing Valley Fair Shopping Center, including two new anchor stores and new small shop retail on the southern portion of the structure. The proposed shopping center expansion includes enlarging the actual shopping center structure and demolishing and relocating three outbuildings located in the southern portion of the site. The project also includes demolition and reconstruction of two existing parking structures and modifications to existing vehicle circulation, driveways, and landscaping on the site. The project also included a City of San José General Plan text amendment to increase building heights on the site from 50 to 65 feet. Two emergency generators would also be installed on the project site.

The currently proposed project would not increase the amount of square footage of new retail space on the site beyond that analyzed in the Valley Fair Shopping Center Expansion project EIR. The number of parking spaces provided as part of the project, the approved height of the structure, and the number of outbuildings to be demolished and relocated on the project site would not change. The site plan for the project would be revised as shown in Figure 5 for the proposed reconfiguration of the southern portion of the mall structure to include placing the two new anchor stores on either side of the new Parking Structure “F”. Parking Structure “F” would now include one below grade parking level. A new three-level Parking Structure “H” would replace existing surface parking in the southwestern portion of the site, between Stevens Creek Boulevard and the Macys Mens/Housewares store, in the City of Santa Clara. The design and construction of this parking structure would be subject to permit approval by the City of Santa Clara. Changes to the site plan would also include revisions to vehicular circulation and landscaping, primarily on the south side of the mall structure.

### 3.0 ENVIRONMENTAL CHECKLIST

The CEQA environmental checklist was used to compare the environmental impacts of the “proposed project” (the project described above and in this EIR addendum) with those identified in the previously certified Valley Fair Shopping Center Expansion Project H06-027/GP06-T-04 EIR (SCH No. 2006052162), and to identify whether the currently proposed project would likely result in new or greater significant environmental impacts. The right-hand column in the checklist lists the source(s) for the answer to each question, and where appropriate, the location of the required mitigation measures.

3.1 AESTHETICS						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact in previous IS/MND	Less Impact than in previous IS/MND	Information Source(s)
Would the project:						
1) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
5) Increase the amount of shading on private or public open space (e.g., backyards, parks, plazas, and/or school yards)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

**Discussion of Impacts:** The proposed changes to the project site plan and the construction of an additional three-level parking structure in the southwestern portion of the site would not be significantly different visually than the existing site conditions or previously approved project. The parking structures would be designed and constructed to meet the requirements of the Cities of San José and Santa Clara. No new or increased visual or aesthetic impacts will occur as a result of the proposed project.

<b>3.2 AGRICULTURAL RESOURCES</b>						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact in previous IS/MND	Less Impact than in previous IS/MND	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
3) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

**Discussion of Impacts:** There are no agricultural lands that would be affected by the proposed project, nor would any agricultural activities be impacted. No new or increased impacts to agricultural resources will occur as a result of the proposed project.

<b>3.3 AIR QUALITY</b>						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact in previous IS/MND	Less Impact than in previous IS/MND	Information Source(s)
Would the project:						
1) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
4) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
5) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,4

**Discussion of Impacts:** One component of the project that would change with the current proposal is the excavation and exportation of soils for the construction of a below grade level of the new three-level Parking Structure “F” in the southern portion of the site. This would require additional soil excavation resulting in construction-related short term air quality impacts similar to those described in the certified EIR. Mitigation measures are included in the project that would reduce these impacts to a less than significant level.

The 103,000 cubic yards of soil to be excavated from the site for the construction of a below grade parking level would require approximately 14,700 additional truck trips. This assumes approximately 14 cubic yards per truck and two truck trips per load (one in and one out). These trips would be temporary in nature and will be scheduled to avoid peak hour traffic. The trucks will be able to easily access two major freeways and a construction traffic route to minimize nuisance impacts to the residential neighborhoods in the project area will be developed in consultation with City of San José and City of Santa Clara Public Works staffs. For these reasons, the additional truck trips would not be a significantly greater or substantially new impact of the currently proposed project.

<b>3.4 BIOLOGICAL RESOURCES</b>						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact in previous IS/MND	Less Impact than in previous IS/MND	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
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 Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
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, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

**Discussion of Impacts:** No new or increased impacts to biological resources will occur as a result of the proposed project. The proposed project includes mitigation for impacts to trees and nesting raptors.



<b>3.5 CULTURAL RESOURCES</b>						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact in previous IS/MND	Less Impact than in previous IS/MND	Information Source(s)
Would the project:						
1) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
4) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

**Discussion of Impacts:** Mitigation and avoidance measures are included in the project to reduce impacts to unknown prehistoric subsurface resources, should any be discovered during construction, to a less than significant level. No new or increased impacts to cultural resources will occur as a result of the proposed project.

<b>3.6 GEOLOGY AND SOILS</b>						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact in previous IS/MND	Less Impact than in previous IS/MND	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
b) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
c) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
d) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
2) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
3) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

**Discussion of Impacts:** The project will not result in significant geologic or seismic hazards. No new or increased geologic impacts will occur as a result of the proposed project.

<b>3.7 HAZARDS AND HAZARDOUS MATERIALS</b>						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact in previous IS/MND	Less Impact than in previous IS/MND	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,4
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,4
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
7) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

**Discussion of Impacts:** The previously approved project would not result in significant hazardous materials impacts. The proposed project will not result in any new or increased risks or hazards.

### 3.8 HYDROLOGY AND WATER QUALITY

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact in previous IS/MND	Less Impact than in previous IS/MND	Information Source(s)
Would the project:						
1) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,4
5) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,4
6) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,4
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

### 3.8 HYDROLOGY AND WATER QUALITY (Continued)

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact in previous IS/MND	Less Impact than in previous IS/MND	Information Source(s)
Would the project: 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
10) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

**Discussion of Impacts:** The proposed project would not significantly change the previously approved storm drainage system on-site. The proposed project will not have any impact on water supply (groundwater recharge), flooding, or any other hydrological condition. Mitigation measures are included in the project to reduce short-term construction related water quality impacts to a less than significant level. No new or increased hydrology or water quality impacts will result from the proposed project.

<b>3.9 LAND USE</b>						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact in previous IS/MND	Less Impact than in previous IS/MND	Information Source(s)
Would the project: 1) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,4
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

**Discussion of Impacts:** The currently proposed project would not result in additional land use compatibility impacts or conflict with applicable land use plans, when compared to the previous project. As previously described, the excavation of soil for the construction of a below grade parking level would require approximately 14,700 additional truck trips. These trips would be temporary in nature and would be scheduled to avoid peak hour traffic. The trucks will be able to easily access two major freeways and a construction traffic route to minimize nuisance impacts to the residential neighborhoods in the project area will be developed in consultation with City of San José and City of Santa Clara Public Works staffs. For these reasons, the additional truck trips would not be a significantly greater or substantially new land use impact of the proposed project. The proposed project includes mitigation measures as described in the certified EIR to reduce potential construction and demolition impacts (air quality and noise) to a less than significant level.

### 3.10 MINERAL RESOURCES

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact in previous IS/MND	Less Impact than in previous IS/MND	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

**Discussion of Impacts:** The proposed project will not have any effect on any known mineral resources or resource sites.

<b>3.11 NOISE</b>						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact in previous IS/MND	Less Impact than in previous IS/MND	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,4
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,4
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

**Discussion of Impacts:** The proposed project includes the excavation and exportation of soils for the construction of a below grade level of the new three-level Parking Structure “F” in the southern portion of the site. This would require additional soil excavation resulting in construction-related short-term noise impacts similar to those described in the certified EIR. Mitigation measures are included in the project that would reduce these impacts to a less than significant level.

The 103,000 cubic yards of soil to be excavated from the site for the construction of a below grade parking level would require approximately 14,700 additional truck trips. This assumes approximately 14 cubic yards per truck and two truck trips per load (one in and one out). These trips would be temporary in nature and scheduled to avoid peak hour traffic. The trucks will be able to easily access two major freeways and a construction traffic route to minimize nuisance impacts to the residential neighborhoods in the project area will be developed in consultation with City of San José



and City of Santa Clara Public Works staffs. The proposed project includes mitigation measures for construction-related noise, including limiting the hours of construction, identifying a noise control contact, and implementing a procedure for scheduling noise generating activities. For these reasons, the additional truck trips would not be a significantly greater or substantially new noise impact of the proposed project.

### 3.12 POPULATION AND HOUSING

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact in previous IS/MND	Less Impact than in previous IS/MND	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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

**Discussion of Impacts:** The proposed project will not cause any change in population, jobs/housing balance, or any shift in the quantity or location of housing or people. No new or increased population and housing impacts will occur with the proposed project.

### 3.13 PUBLIC SERVICES

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact in previous IS/MND	Less Impact than in previous IS/MND	Information Source(s)
Would the project:						
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

**Discussion of Impacts:** The proposed project will not generate any increased demand for public services. No new or increased impacts associated with the provision of public services will result with the proposed project.

### 3.14 RECREATION

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact in previous IS/MND	Less Impact than in previous IS/MND	Information Source(s)
1) Would the project 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

**Discussion of Impacts:** The proposed project will not adversely affect the use of any recreational facilities. No new or increased impacts to parks or other recreational facilities will occur as a result of the proposed project.

### 3.15 TRANSPORTATION /TRAFFIC

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact in previous IS/MND	Less Impact than in previous IS/MND	Information Source(s)
Would the project:						
1) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,4
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
5) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
6) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
7) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

**Discussion of Impacts:** The amount of square footage analyzed in the traffic report would not change with the proposed project and therefore, new traffic beyond that identified in the EIR will not be generated. The project will however, result in additional truck trips for the exportation of soils excavated for the construction of a new three-level Parking Structure “F” in the southern portion of the site. The 103,000 cubic yards of soil to be excavated from the site for the construction of a below grade parking level would require approximately 14,700 additional truck trips. These trips would be temporary in nature and would be scheduled to avoid peak hour traffic. The trucks will be able to easily access two major freeways and a construction traffic route to minimize nuisance impacts to the residential neighborhoods in the project area will be developed in consultation with City of San José and City of Santa Clara Public Works staffs. For these reasons, the additional truck trips would not be a significantly greater or substantially new traffic impact of the proposed project.

### 3.16 UTILITIES AND SERVICE SYSTEMS

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact in previous IS/MND	Less Impact than in previous IS/MND	Information Source(s)
Would the project:						
1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
3) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,4
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
7) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

**Discussion of Impacts:** The proposed project will not change the demand for any public utility or service, will not increase the waste going to landfill, and will be consistent with all relevant statutes and regulations related to solid waste. The proposed project will not significantly change the previously approved stormwater drainage system for the site. The proposed project will not result in new or increase impacts to area services and utilities systems.

**3.17 MANDATORY FINDINGS OF SIGNIFICANCE**

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact in previous IS/MND	Less Impact than in previous IS/MND	Information Source(s)
1) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
2) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,4
4) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

**Discussion of Impacts:** The proposed project would not result in the degradation of the environment or adversely affect human beings when compared to the previously approved project. Overall, the proposed project is not significantly different than the proposed project, with the exception of the excavation for a below grade level of parking in Parking Structure “F”. As previously described in Section 3.3, *Air Quality*, 3.9, *Land Use*, 3.11, *Noise*, and 3.15, *Transportation/Traffic*, the additional construction-related truck trips would be temporary in nature and would not result in new significant impacts or impacts substantially greater than those described in the EIR. No new or additional impacts will occur as a result of the changes proposed for the project.

As described in the cumulative section of the EIR, the previously proposed project would make a cumulatively considerable contribution to cumulative long-term traffic and regional air quality impacts. The currently proposed project, which includes the same amount of square footage of retail uses, would not result in new or significantly greater cumulative impacts when compared to the approved project. The additional truck trips would only be considered a significant cumulative impact if they occurred at the same time as another construction project. The other projects included in the cumulative analysis were the Santana Row and BAREC projects. It is anticipated that the

Santana Row project, which is currently under construction, will be completed prior to the commencement of the Valley Fair construction. Construction of the BAREC project is not expected to commence in the near future. No other cumulative projects are reasonably foreseeable in the project area that could contribute towards short-term construction-related traffic impacts.



### **Checklist Information Sources:**

1. CEQA Guidelines – Environmental Thresholds and Checklist.
2. Professional judgment, expertise, and review of project plans.
3. City of San José, *Valley Fair Shopping Center Expansion Project H06—27/GP06-T-04 Environmental Impact Report*, December 2006.

## **4.0 REFERENCES**

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City of San José, *Valley Fair Shopping Center Expansion Project H06—27/GP06-T-04 Environmental Impact Report*, December 2006.

City of San José, *First Amendment to the Draft Environmental Impact Report, Valley Fair Shopping Center Expansion Project, H06-027/GP 06-T-04*, April 2007.

## **5.0 LEAD AGENCY AND CONSULTANTS**

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**Lead Agency:** City of San José  
Contact: Janis Moore, Project Manager  
Department of Planning, Building, and Code Enforcement

**Consultants:** David J. Powers & Associates  
Jodi Starbird, Principal Project Manager  
Stephanie Grotton, Graphic Artist