

Addendum
to the Final Environmental Impact Report
for the Valley Fair Shopping Center Expansion Project
(SCH# 2006052162) and the Final Program Environmental Impact Report
for the Envision San José 2040 General Plan (SCH# 2009072096)

Westfield Valley Fair Parking Structure ‘E’

File No. HA06-027-02

Prepared by the



October 2013

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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 in the environmental document.

In April 2007, the City of San José certified the Final Environmental Impact Report (EIR) for the Valley Fair Shopping Center Expansion Project (SCH# 2006052162) 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 shop retail uses on a 70-acre site in the City of San José (52 acres) and the City of Santa Clara (18 acres). This project was approved but has yet to be constructed.

In September 2011, the City of San José certified the Final Program EIR for the Envision San José 2040 General Plan (SCH# 2009072096) that 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, an increase of 127 percent and 39 percent, respectively, which, if fully developed, would result in a jobs-to-employed-resident ratio (J/ER) of 1.3 to 1.

The purpose of this Addendum is to evaluate the environmental impacts of a Site Development Permit Amendment that proposes to demolish an existing three-story parking structure and portions of an existing two-story parking structure and to construct a six-story parking structure in their place.

The CEQA Guidelines §15162 state 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 state 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 (based on the proposed project, site-specific environmental review, and environmental review prepared for the 2007 Valley Fair Shopping Center Expansion EIR and the Envision San José 2040 General Plan EIR), the City of San José has concluded that the proposed project would not result in any new impacts not previously disclosed in the 2007 Valley Fair Shopping Center Expansion Project EIR and the Envision San José 2040 General Plan EIR; 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 addendum to the 2007 Valley Fair Shopping Center Expansion Project EIR and the Envision San José 2040 General Plan EIR has been prepared for the proposed project.

This addendum will not be circulated for public review, but will be attached to both the 2007 Valley Fair Shopping Center Expansion Project EIR and the Envision San José 2040 General Plan EIR, pursuant to CEQA Guidelines §15164(c). The addendum will also be provided to the City of Santa Clara and the California Department of Transportation, responsible agencies for the project.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Westfield Valley Fair Parking Structure 'E'

2.2 PROJECT LOCATION

The approximately 7.5-acre parking structure site (project area) is part of the existing 70-acre Westfield Valley Fair shopping center (project site) located in west San José. The triangular-shaped project area is located near the intersection of Monroe Street and Forest Avenue, on the south side of Forest Avenue and bounded by North Monroe Street and U.S. Interstate 880 to the east and the Westfield Valley Fair shopping center to the west and south. Westfield Valley Fair shopping center in its entirety is located along the north side of Stevens Creek Boulevard, the east side of Winchester Boulevard, the south side of Forest Avenue and the west side of North Monroe Street. Single-family residences are located along the northern side of Forest Avenue. U.S. Interstate 880 runs along the east side of North Monroe Street which is east of the project site (Westfield Valley Fair shopping center). The Santana Row mixed-use development and other commercial uses are located on the south side of Stevens Creek Boulevard across from the shopping center, and a mix of commercial development is located on the west side of Winchester Boulevard across from the shopping center. .

Regional and vicinity maps of Westfield Valley Fair and the existing parking structure project area are shown on Figure 2.0-1 and 2.0-2, respectively, and an aerial photograph shows surrounding land uses on Figure 2.0-3. The footprint of the proposed parking structure is shown on Figure 3.0-2.

2.3 PROPERTY OWNER/PROPONENT

Westfield LLC
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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

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Phone: (408) 535-8448

Project Review Project Manager
Rebecca Bustos, Planner II
Email: Rebecca.bustos@sanjoseca.gov
Phone: (408) 535-7847

2.5 ASSESSOR'S PARCEL NUMBERS

Project area parcel numbers: 274-43-035, 274-43-073, 274-43-079

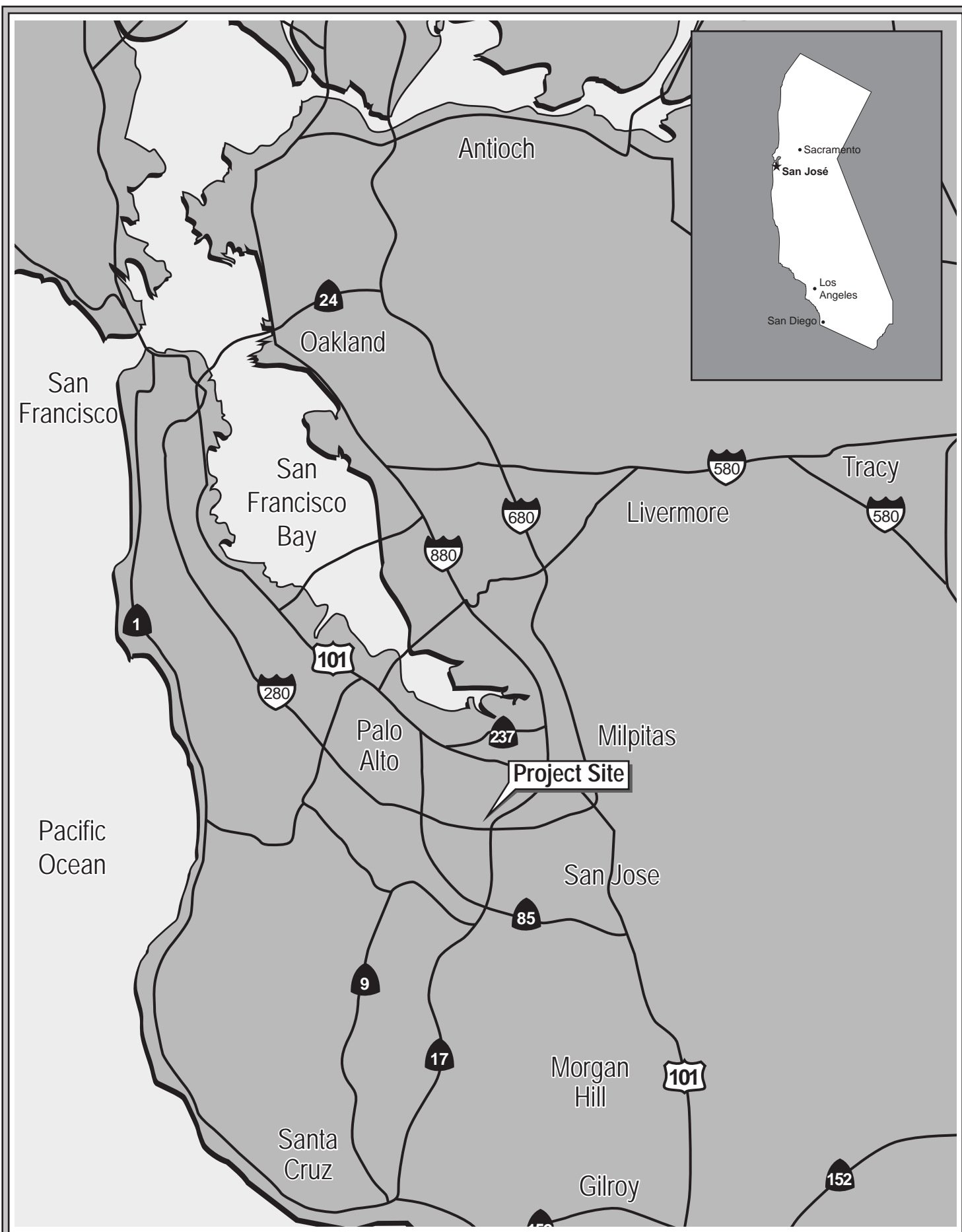
2.6 GENERAL PLAN LAND USE DESIGNATION AND ZONING DESIGNATION

General Plan Designation: *Regional Commercial*
Valley Fair/Santana Row Urban Village
West San Carlos and Southwest Expressway Mixed Use
Priority Development Area (PDA)

Zoning Designation: *CG – Commercial General*

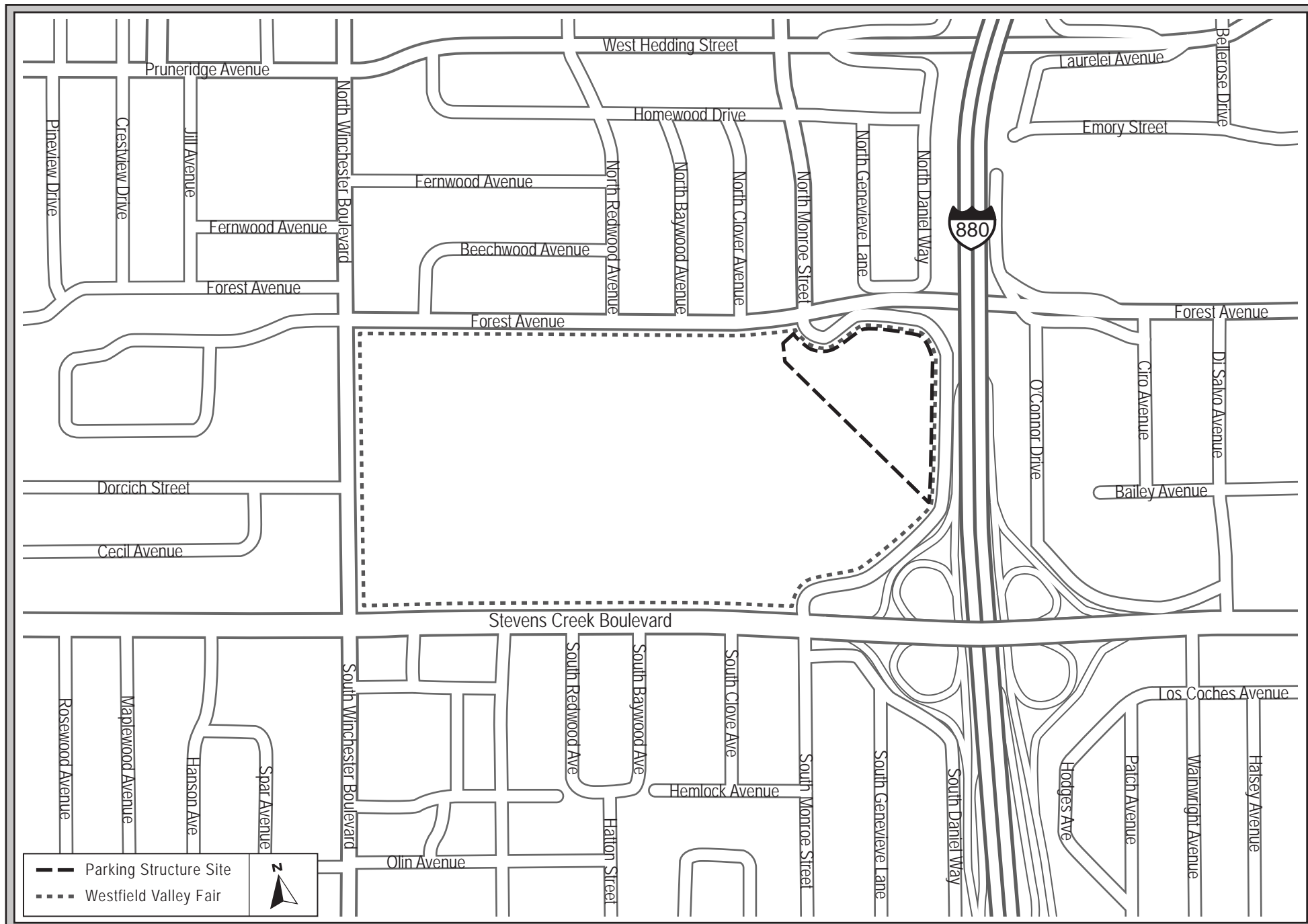
2.7 HABITAT CONSERVATION PLAN (HCP) DESIGNATION AND INFORMATION

Land Cover Designation: Urban Development
Development Zone: A4- Urban Development greater than two acres
Fee Zone: D: Urban Intensification Area
Owl Conservation Zone: A: North San Jose/Baylands Region, high value



REGIONAL MAP

FIGURE 2.0-1



VICINTY MAP

FIGURE 2.0-2



SECTION 3.0 PROJECT DESCRIPTION

3.1 OVERVIEW OF THE PROPOSED PROJECT

The subject site is the Westfield Valley Fair shopping center, which is designated by the Envision San José 2040 General Plan as *Regional Commercial* and is zoned *CG – Commercial General*. The project area is a 7.5-acre site located on the northeast corner of the subject site. The project requires the approval of a Site Development Permit Amendment because it proposes changes to a previously approved project (file number H06-027). The project proposes to demolish portions of an existing two-story parking structure (Parking Structure D) and the entirety of the adjacent three-story parking structure (Parking Structure C) in order to construct a six-story parking structure (Parking Structure E) in the same location as the demolished parking structures. Figure 2.0-3 shows the locations of the parking structures proposed for demolition.

3.2 PROJECT DESCRIPTION

3.2.1 Approved 2007 Project

The approved 2007 project (Site Development Permit H06-027) allows the construction of a five-story parking structure (Parking Structure E) which would provide 2,379 parking spaces, contributing to a total of 9,670 parking spaces at the Westfield Valley Fair Shopping Center.

To accommodate this new structure portions of Parking Structure D would be demolished and Parking Structure C was planned to be retained (see Figure 3.0-1 Approved 2007 Development). Parking Structure C is 55 feet at the height of the top deck and over 63 feet at the height of the trellis and other architectural features, making it the tallest building on the parking structure site. There are currently 1,431 parking stalls in Parking Structure C. The total parking approved for the northeast corner of Westfield Valley Fair (i.e. the project area) allowed under the approved 2007 project is 2,989 spaces.¹

In its approval of the Site Development Permit file number H06-027, the City of San José found that the 2007 Westfield Valley Fair shopping center 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 where feasible.

3.2.2 Proposed Project

The proposed project would extend and amend Site Development Permit H06-027. The proposed project would demolish more of Parking Structure D than was approved for demolition in 2007 and would also demolish the 490-stall Parking Structure C. This project proposes to construct a six-story, 3,221-stall parking structure on the footprint of the demolished structures (see Figure 3.0-2 Proposed Site Plan). Parking available at the northeast corner of Westfield Valley Fair would total 3,221 stalls, 232 more than previously approved for this portion of the site in 2007. Table 3.0-1 below shows a comparison of the quantity of parking stalls currently available at Westfield Valley Fair, the quantity approved as part of the 2007 expansion, and the quantity proposed as part of this Site Development Permit Amendment.

¹ Of the 2,989 parking stalls approved for the northeast portion of Westfield Valley Fair in 2007, 490 would be provided by the existing Parking Structure C, 120 from surface parking, and 2,379 from a new five-story structure.

Table 3.0-1 Comparison of Parking Stalls On 70-Acre Valley Fair Site			
	Existing On-Site	Approved in 2007	Currently Proposed
Quantity of Parking Stalls	7,100	9,670	9,902

The height of the top level of the new parking structure would be 60 feet, with rooftop solar panels extending up to 66 feet. The tallest point of the proposed structure would be the elevator parapet wall at approximately 72 feet above grade. Vehicle and pedestrian circulation, driveways, and landscaping on the site would be modified as well, as depicted on Figure 3.0-2 Proposed Site Plan. The proposed elevations are shown in Figure 3.0-3.

3.2.2.1 Access and Circulation

The proposed project includes driveway and site circulation improvements to accommodate the new parking structure. Immediately south of the intersection of Forest Avenue and Monroe Street, a new driveway would be constructed to create access to and from the west corner of the parking garage and Monroe Street. The existing entrance from Monroe Street on the northern site boundary would be reconstructed to provide two entry lanes and two exit lanes supporting traffic heading in both directions on Monroe Street. A traffic signal would also be constructed for this driveway. Multiple parking lot entrances/exits from Monroe Street on the eastern edge of the project site would be removed. At the southeast corner of the parking structure site, new striping on Monroe Street would create two entrances to the parking garage from Monroe Street, with one entrance supporting right-turn only traffic (refer to Figure 3.0-2 Proposed Site Plan). The project proposes a stop sign for southbound traffic at this location. A Stop Warrant Study will be completed prior to approval of building permits to confirm the intersection operation, if stop-controlled, meets City standards. If the City does not permit the stop sign, the intersection will remain in its current configuration. The Monroe Street project entrance will be coordinated to ensure it is compatible with the off-ramp improvements being constructed by Caltrans to the Interstate 880/Stevens Creek Boulevard interchange, which will include a southbound off-ramp providing direct access to Monroe Street and Westfield Valley Fair shopping center.

3.2.2.2 Grading and Drainage

The proposed project would construct six bioretention cells totaling 6,260 square feet around the proposed parking structure. The proposed parking structure would be surrounded by paved vehicular and pedestrian circulation paths. These areas would be surrounded by landscaping. Stormwater runoff from the top of the parking structure would be directed towards the paved vehicular and pedestrian paths via roof downspouts which release at grade. Runoff from these impervious areas would flow across the vehicular and pedestrian circulation paths to the landscape areas directed toward the bioretention cells (see Figure 4.9-1 Stormwater Control Plan in *Chapter 4.9 Hydrology and Water Quality* for more detail). The project site is relatively flat and minimal grading is proposed, and the project does not require any cut and fill. Trenching would be required to accommodate the new 12-inch water line, described below.

3.2.2.3 Utilities

Proposed utility improvements and changes would include relocation of electroliers (fixtures) and conduits to comply with local driveway clearance requirements. The project would reconstruct part of an existing water line running underneath the proposed parking structure and would construct a new 12-inch water line in Monroe Street between the proposed structure and Forest Avenue. The project would also connect new on-site storm water collection and drainage systems to existing

municipal storm drain pipes running beneath Monroe Street and Forest Avenue. The interior sections of the new parking structure will drain to the sanitary sewer system.

3.2.2.4 *Landscaping and Trees*

The proposed project would increase the landscaped area on the 7.5-acre parking structure site by 22,450 square feet, more than doubling the existing landscaping. There are currently 104 trees on the parking structure project area, all of which are proposed for removal. Of these trees, 29 are ordinance-size (see Table 4.4-1 in *Chapter 4 Biological Resources* for a list of the tree species and sizes). The project proposes to plant 59 new 24-inch box trees on the site (not including new street trees) and make a \$41,100 contribution to Our City Forest to fund off-site replacement planting in accordance with standard City tree replacement requirements.

3.2.2.5 *Outdoor Lighting*

Proposed exterior lighting of the parking structure would consist of dimmable white light-emitting diodes (LEDs) mounted to the structure behind the proposed perforated screens that would cover portions of the structure walls. Lighting on the rooftop parking level would be provided by pole-mounted LED luminaires compliant with the International Dark Sky Association (IDA) protocols, which require rooftop lights to minimize spill and include full-cutoffs that reduce light pollution at night.

3.2.2.6 *Programmable Sign*

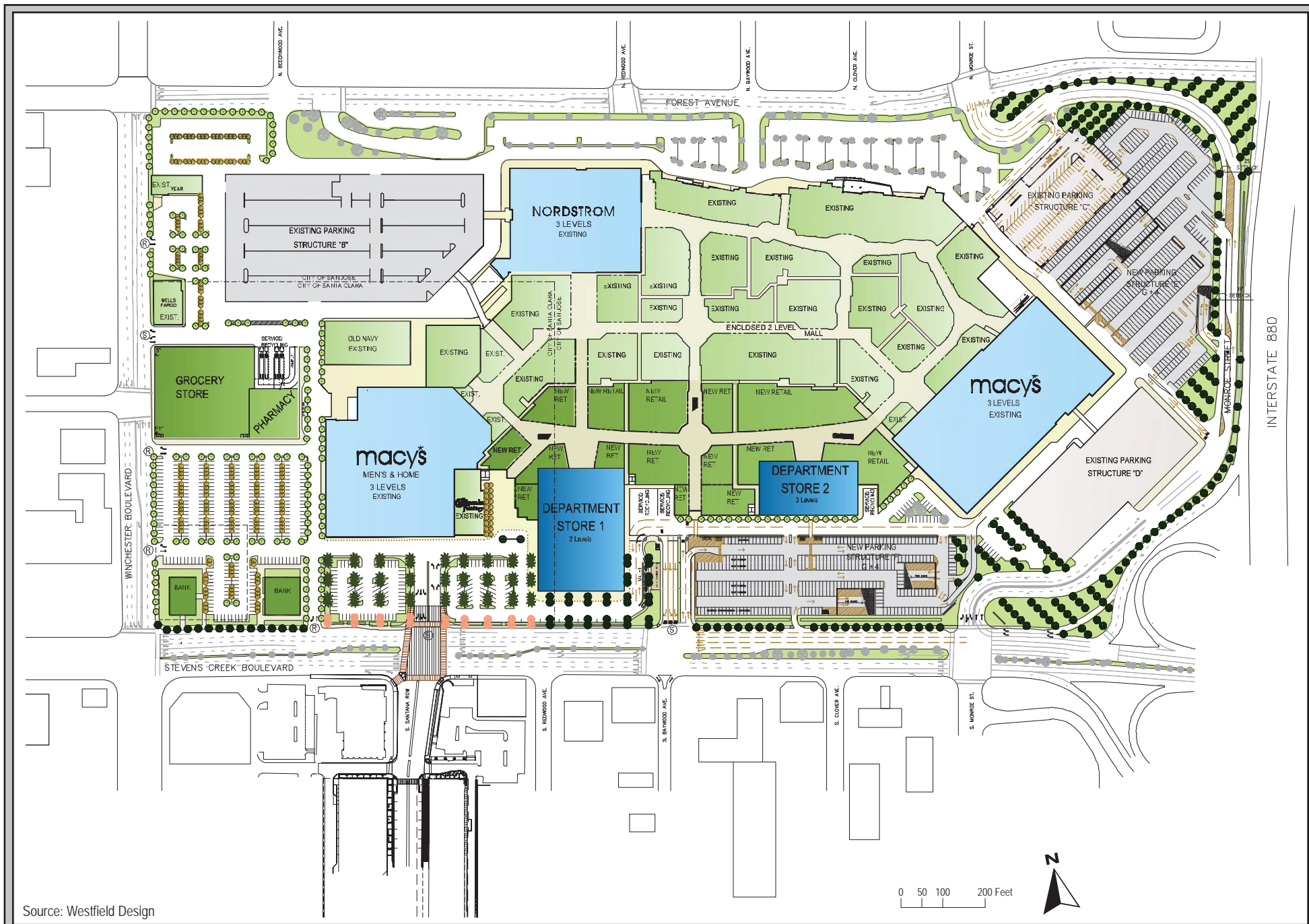
The project proposes to construct a 60-foot tall sign pylon on the site, between North Monroe Street and Stevens Creek Boulevard south of the parking structure. The pylon would support two 10.5 x 36-foot electronic programmable signs that would be oriented toward northbound and southbound traffic on U.S. Interstate 880. The pylon would include the two signs containing the Westfield Valley Fair logo beneath the LED signs. Figure 3.0-3, Proposed Elevations, shows the height and design of the proposed pylon sign.

3.2.2.7 *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 the proposed parking structure from being constructed across lot lines.

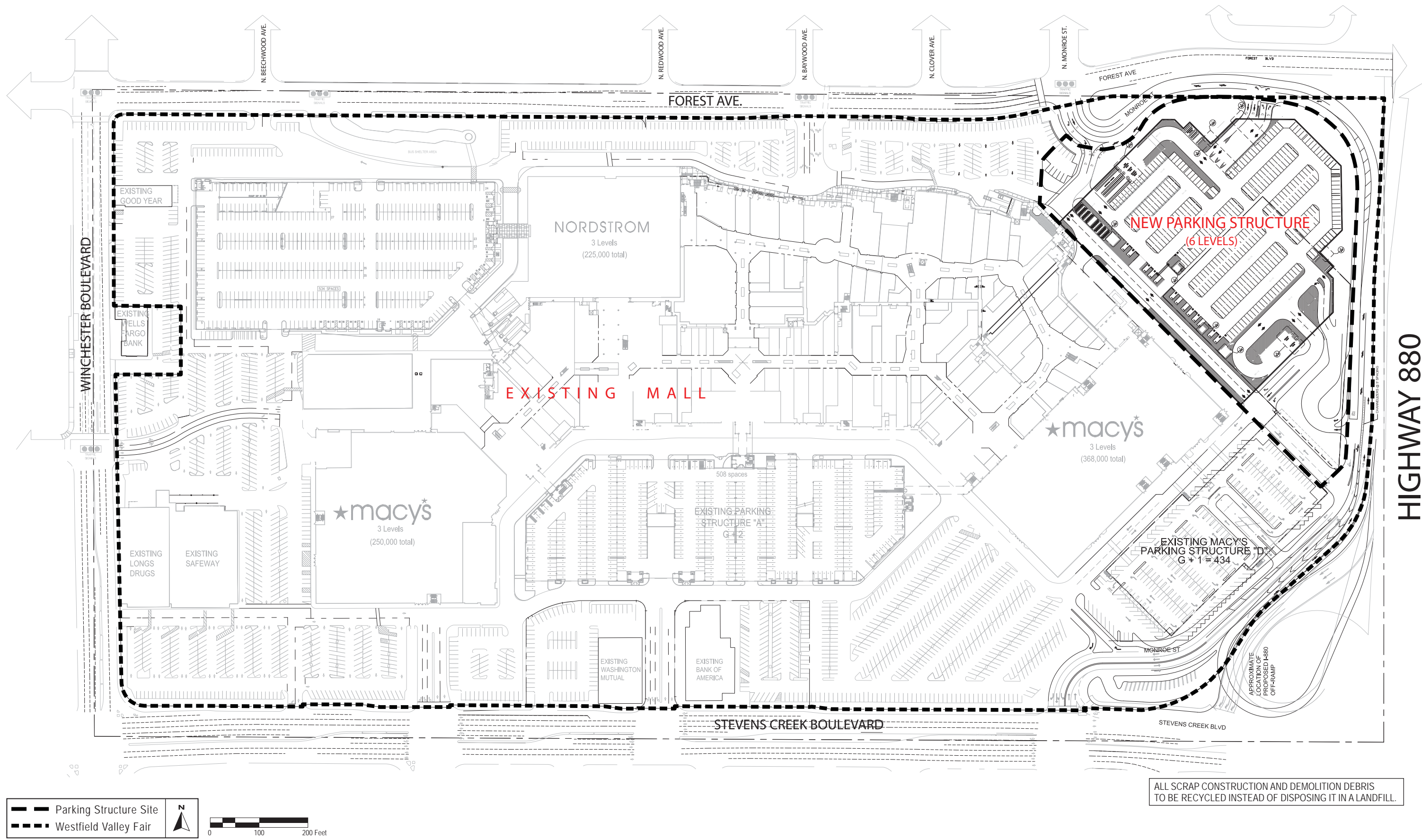
3.2.3 Required Permits and Approvals

- Site Development Permit Amendment, including signage
- Lot Line Adjustment
- Grading Permit
- Extension of Site Development Permit H06-027



APPROVED 2007 DEVELOPMENT

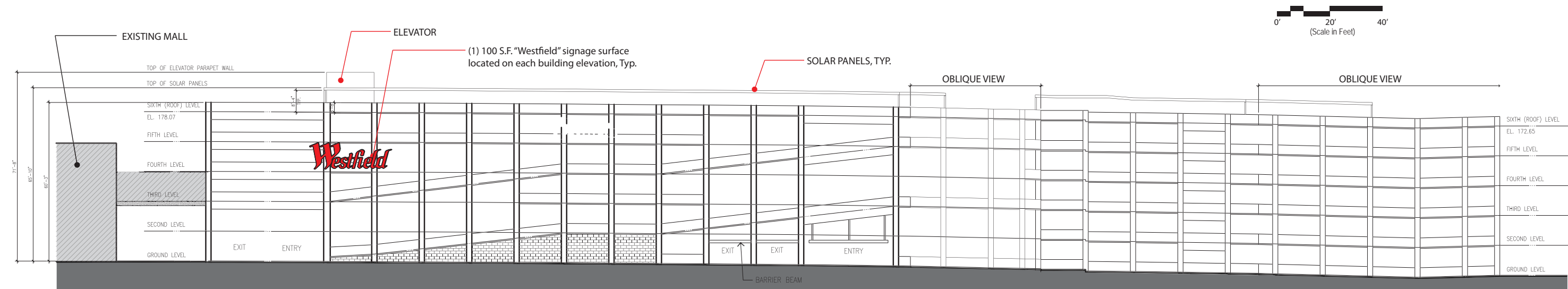
FIGURE 3.0-1



PROPOSED SITE PLAN

FIGURE 3.0-2

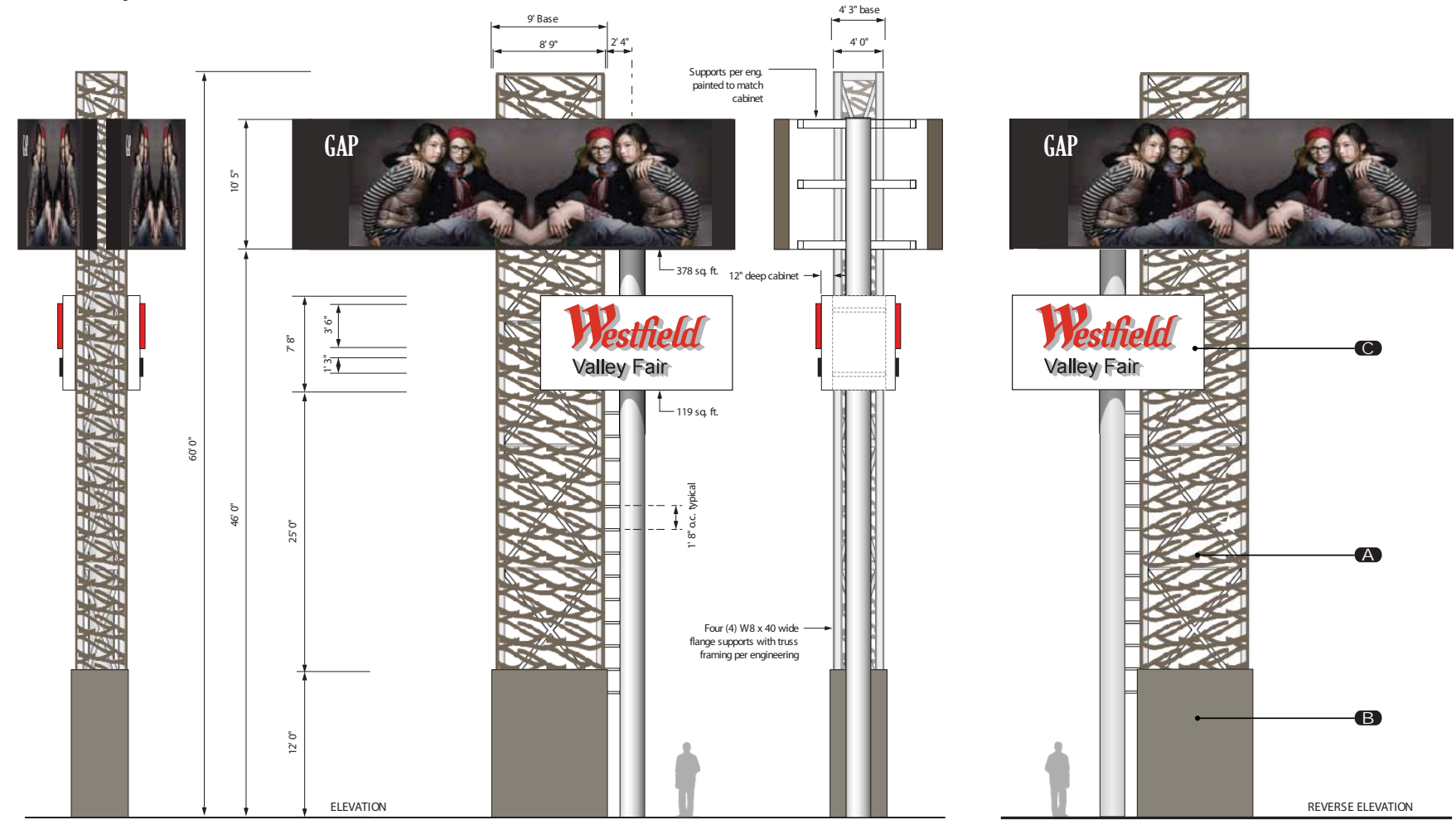
Parking Structure Elevation



SOUTHEAST ELEVATION

LED Sign Elevation

Note: LED Sign Elevation scale differs from Parking Structure Elevation scale.



SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND DISCUSSION OF IMPACTS

In accordance with CEQA Section 21093(b) and CEQA Guidelines Section 15152(a), this Addendum tiers off the previously-certified Final Environmental Impact Report (EIR) for the Valley Fair Shopping Center Expansion Project (SCH# 2006052162, hereinafter ‘2007 Valley Fair FEIR’) and the Envision San José 2040 General Plan Final Program EIR (SCH# 2009072096, hereinafter ‘General Plan FPEIR’).

The 2007 Valley Fair FEIR analyzed the environmental impacts of a 650,000 square foot expansion of an existing shopping center and the construction of additional parking structures resulting in 9,670 total parking stalls on the 70-acre Westfield Valley Fair Shopping Center site. The proposed project would increase the total allowable parking on the Westfield Valley Fair site to 9,902 stalls. The intensification of regional commercial development at this location was also evaluated in the General Plan FPEIR certified in 2011. This Addendum evaluates the project-specific environmental impacts that were not addressed in the two previously-certified EIRs. Because the proposed project results in minor technical project changes with no new significant impacts, and would not require major revisions to the previous EIRs prepared, an Addendum has been prepared for the proposed project (CEQA Guidelines Sections 15162 and 15164) rather than a supplemental or subsequent EIR.

This section, **Section 4.0 Environmental Setting, Checklist, and Discussion of Impacts**, describes any changes that have occurred in existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project or the changed conditions. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, was used to compare the environmental impacts of the “Proposed Project” with those of the “Approved Project” (i.e., development approved in the 2007 Valley Fair FEIR and in the General Plan FPEIR) 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 significant project impacts. “Mitigation Measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guideline 15370). Measures that are required by law or are City standard conditions of approval are categorized as “Standard Project Conditions.” Measures that are proposed by the applicant that will further reduce or avoid already less than significant impacts are categorized as “Standard Permit Conditions.”

Each impact is numbered using an alpha-numerical system that identifies the environmental issue. For example, **Impact HAZ – 1**, denotes 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** refers 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 7.5-acre parking structure site is located on Monroe Street in west San José (refer to Figures 2.0-2 and 2.0-3). The site contains two existing parking structures that serve the Westfield Valley Fair shopping center, which is a regional commercial shopping center that attracts people within the South San Francisco Bay Area. The site and surrounding area are flat and are developed with commercial and residential lands. As a result, the parking structure site is only visible from the immediate area, including U.S. Interstate 880 (I-880) to the east.

The visual character of Westfield Valley Fair is an urban, developed shopping center. The subject parking structures are located at the northeast corner of the 70-acre Westfield Valley Fair site. The main retail buildings are located at the center of the 70-acre property and are surrounded by surface parking, other multi-story parking structures, and outbuildings along Stevens Creek Boulevard and North Winchester Boulevard. Existing vegetation on the site consists of urban landscape vegetation and trees as well as limited landscaping along street frontages.

4.1.1.2 *Surrounding Area*

Westfield Valley Fair is bounded by Monroe Street and I-880 to the east, residential and commercial development beyond North Winchester Boulevard to the west, single-family residences across Forest Avenue to the north, and the Santana Row mixed use development and Stevens Creek Boulevard to the south.

4.1.1.3 *Scenic Vistas*

The project site is located in the West Valley Planning Area identified in the General Plan FPEIR. Like Westfield Valley Fair, this area is characterized by urban commercial and residential development. The project site is not located within a scenic viewshed or along a scenic highway identified by the San José General Plan.

Views of the Diablo Range Foothills from public viewpoints such as Monroe Street and I-880 are obstructed by trees and development located on the east side of I-880. I-880 is not a state scenic highway.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3

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:						
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 portion of Parking Structure D that was approved for demolition in 2007, the proposed project would also demolish Parking Structure C. The project proposes to construct a six-story parking structure on the footprint of the demolished structures, one story higher than was originally evaluated for this portion of Westfield Valley Fair. The project would also redesign driveway access points, on-site lighting, and landscaping.

The exterior of Parking Structure C is off-white colored with green and red trim around the base. Landscaping serves as a buffer between the structure and the surface parking lot surrounding it. The structure includes varying rooflines at the northern and western corners and a red ‘Westfield’ sign on the east corner. The top level of the structure is 55 feet above the ground, with a trellis extending above the roof to a height just over 63 feet. The parking structure is not unique or significant as a visual resource in the project area. The structure is comparable to the buildings making up Westfield Valley Fair in both mass and height, and its demolition would not substantially alter the dominant aesthetic character of the shopping center.

The 2013 project proposes a six-story parking structure with the top deck at 60 feet above grade, approximately five feet lower than the maximum building height that was approved in 2007. Solar panels would extend up to 66 feet above grade, and the top of the elevator parapet would extend to 72 feet above grade (see Figure 3.0-3). The project also includes construction of a 60-foot tall sign pole and two LED-lit electronic programmable signs. The height of the top deck of the proposed parking structure, which represents the extent of the most visually obstructive component of the structure, is approximately five feet higher than the existing parking structure. The proposed structure would not extend substantially higher than the rooflines of the adjacent mall buildings along Forest Avenue to the west. Figure 4.1-1 below shows photo simulations of the proposed parking structure and signs.



PROPOSED LED SIGN VIEW - HWY 880 NORTH



PROPOSED VIEW - FOREST AT MONROE

The overall design of the proposed Parking Structure E would incorporate elements of the surrounding mall such as varying rooflines and planting similar species of tree. The project would result in the removal of existing mature landscaping and the removal of 29 ordinance size trees and 75 non-ordinance size trees. The project includes plans to plant 59 24-inch box replacement trees consisting of Strawberry trees, Desert willows, Maidenhair trees, Morning Cloud chitalpas, Canary Island pines, Chinese pistaches, Western sycamores, and Purple Robe locusts on the project site. Street trees would also be planted within the public right-of-way along the entire project street frontage per City standards. As discussed in the Project Description, the project is increasing the amount of landscaping on the 7.5-acre portion of the shopping center site by 22,450 square feet.

This would help maintain the visual character of the existing development. Landscaping would also 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 landscaping, design setbacks, and height and lighting requirements consistent with the City of San José Commercial Design Guidelines. **(New Less Than Significant Impact)**

Scenic Vistas

The developed parcel is not a scenic resource. Limited views of the Santa Cruz Mountains are available from west of Parking Structure C on Forest Avenue; these views would not be affected by the proposed project. No views of scenic resources are available from Monroe Street east of the project site. While the visual change to the property will be noticeable to occupants of nearby businesses, residences, and to passing cars on the adjacent streets and I-880, the construction of a pole-sign typical of regional shopping centers and a taller parking structure at an infill location near existing urban buildings would not be a significant adverse environmental impact to scenic vistas. Development of the site at heights up to 65 feet was evaluated in the certified 2007 Valley Fair FEIR. Development of the proposed project that is in conformance with existing policies, regulations, and adopted plans would not result in a substantial degradation of the visual character of the area, and would not significantly affect a scenic vista. **[Same Impact as Approved Project (Less than Significant Impact)]**

Shade and Shadow

Shade and shadow impacts occur when a structure reduces access to natural sunlight. In an urban environment, virtually all land uses are subject to shading from adjacent properties to some extent. The height of the proposed six-story parking structure would be 60 feet with elevator parapets extending to 72 feet above grade. As discussed in the 2007 Valley Fair FEIR, adherence to design setbacks and height requirements would reduce visual impacts associated with development at this height on the site.

Implementation of the proposed project would shade areas adjacent to Westfield Valley Fair such as streets and sidewalks. Though Parking Structure E would be taller than the existing parking structures on-site, the height of the top deck would increase by five feet, or fewer than 10 percent. The shadow would not affect any residences or cause disturbance to plant life by substantially blocking sun, therefore the shading from the project would have a less than significant impact on surrounding land uses. **(New Less Than Significant Impact)**

Light and Glare

The approved 2007 Valley Fair project included exterior lighting on pole-mounted fixtures similar to those currently on the site. The proposed amended project would have new outdoor security lighting at night along walkways and entrance areas and within the parking structure as it does currently. Lighting on the rooftop parking level 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. Other sources of light proposed by the project include the screens on the structure walls, which would be backlit with randomly-placed dimmable LED lights, and a 60-foot tall pole with two programmable LED signs.

The certified 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 any of the adjacent uses. As stated above, there are no scenic vistas available from the project vicinity and the project site is not considered a scenic resource. The City of San José Outdoor Lighting Policy 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.² In August 2011 the City of San José issued interim standards for lighting on private developments, with which the project is consistent. The proposed nighttime lighting scheme for the parking structure utilizes energy-efficient LED luminaires and dimmable LED lights that minimize light spill onto adjacent properties and into the sky.

The proposed pole and LED signs are typical of regional commercial developments that attract customers from nearby transportation corridors, and would be oriented in part to be visible from the adjacent Interstate 880. City of San José Municipal Code Section 23.02.905 sets forth standards for programmable signs that, among other things, restrict motion in the display, require signs to utilize auto-dimming technology, and require that they not be illuminated between 10:00 PM and 6:00 AM. The nearby Interstate 880 is not a scenic highway and nighttime views would not be adversely affected by the addition of an electronic sign. Therefore the project would not have a significant visual impact on the surrounding uses. **(New Less Than Significant Impact)**

4.1.3 Conclusion

The proposed project would construct a taller parking structure than currently exists and taller than was previously approved for the site as well as a 60-foot tall pole with two programmable LED signs. The developed shopping center site 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)]**

² 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>

4.2 AGRICULTURAL AND FOREST RESOURCES

4.2.1 Setting

According to the Santa Clara County Important Farmland 2010 map, the project site is designated as *Urban and Built-Up Land*.³ *Urban and Built-up Land* is occupied by structures with a building density of at least one unit per 1.5 acres.

The project area is currently developed as parking structures that serve the Westfield Valley Fair shopping center. The site is not the subject of a Williamson Act contract. The site is located within an urban area of San José 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 4
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, 4, 5
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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 4, 5
4) Result in a loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 4, 5
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3

³ California Department of Conservation. *Santa Clara County Important Farmlands Map 2010*. Map. June 2011.

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 as farmland, nor is it 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. The 2007 Valley Fair FEIR and the General Plan FPEIR evaluated development of the site with commercial uses. **(No Impact)**

4.2.3 Conclusion

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

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 basically remained unchanged since the approval of the General Plan FPEIR. Relevant regulatory changes that have occurred since the certification of the 2007 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 the pollutant. 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 (O₃), carbon monoxide, nitrogen oxides (NO_x), and particulate matter.

Three pollutants are known at times to exceed the State and Federal standards in the project area: ozone, coarse particulate matter (PM₁₀), 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.

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 nearest sensitive receptors are single-family homes approximately 150 feet north of the project site, across Forest Avenue.

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				
Pollutant	Thresholds Used in 2007 Valley Fair FEIR		Current Thresholds	
	<i>Daily Emissions (lbs/day)</i>	<i>Annual Emissions (tons/yr)</i>	<i>Daily Emissions (lbs/day)</i>	<i>Annual Emissions (tons/yr)</i>
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 basically 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 6, 7
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, 6

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:						
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, 3, 6
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
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

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 PM₁₀) 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 parking garage would also 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 since been lowered. The proposed project would extend the approval of the Site Development Permit allowing the 650,000 square foot expansion, most of which has yet to be built. When compared to the current BAAQMD thresholds, the emissions from the expansion would remain significant and unavoidable.

The air quality impacts identified in the 2007 Valley Fair FEIR would be caused primarily by traffic generated by the approved expansion of the Westfield Valley Fair shopping center. The proposed project would increase the number of parking stalls available on the northeast corner of the shopping center by 232 more than were approved in 2007, but would not further increase the shopping center square footage beyond what was evaluated in the 2007 Valley Fair FEIR, and therefore would not increase the number of vehicles going to and from the site beyond what was evaluated in the 2007 Valley Fair FEIR. Customers travel to and from the site because of the amount of retail building square footage. The proposed parking garage is intended to support the existing and planned retail building square footage. The incremental increase in parking stalls on this portion of the site in

support of the planned 650,000 square foot shopping center expansion would contribute to the significant and unavoidable air quality impacts evaluated in the 2007 Valley Fair FEIR, but would not generate more vehicle trips beyond those disclosed 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 Parking Structure C, which was not evaluated in the 2007 Valley Fair FEIR. The proposed Parking Structure E is one story taller than the parking structure approved for this location in 2007, which would extend the length of construction and incrementally increase emissions. Implementation of the mitigation measures listed below would reduce the temporary construction impacts to a less than significant level.

Construction of the project would result in the generation of toxic air contaminants (TACs), including diesel PM, from trucks and off-road equipment exhaust emissions. Construction activity on the project site will vary over time and the emissions of TACs would also be temporary given the relatively short timeframe diesel equipment will be used. The nearest sensitive receptor is the residential development approximately 150 feet north of the project site, across Forest Avenue.

The current models and methodologies available to conduct health risk assessments do not correlate to the temporary and variable nature of construction activities. Accurate estimates of health risk due to construction activity, therefore, are difficult to quantify.

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 the implementation of the most 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, however they were revised along with the Air Quality Guidelines in 2011. The applicant will implement a Construction Management Plan approved by the City to minimize impacts on the surrounding sensitive land uses, particularly the residential uses, to the fullest extent possible. The Construction Management Plan will, at a minimum, include the following measures (the most current BAAQMD-recommended measures) to minimize the impacts of construction upon adjacent land uses:

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 NO_x 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).

While construction may take somewhat longer and would include more demolition activity than was evaluated in the 2007 Valley Fair FEIR, implementation of the BAAQMD-recommended construction dust and emissions control measures would result in a less than significant construction air quality impact to nearby receptors. **[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 Inventory prepared by *Concentric Ecologies* in December 2012. This report is provided in Appendix A, with information specific to trees on the northeast corner of the Valley Fair shopping center site where the new garage would be constructed on pages 16-19.

4.4.1 Setting

The project site is located within developed commercial and residential urban areas of the City of San José. The subject site (which is incidental to the shopping center) is currently developed with two parking structures, surface parking lots, trees, and landscaping located around buildings, in parking islands, and around the perimeter of the project site.

4.4.1.1 *City of San José Tree Ordinance*

The City of San José Tree Ordinance defines an ordinance-sized tree as any woody perennial plant characterized by having main stem or trunk which measures 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 for the removal of ordinance-sized trees.

The tree survey identified 104 trees on the portion of the parking structure site that would be impacted by the proposed project, 29 of which are ordinance-sized (including two Holly Oak trees) and 75 non-ordinance size trees.

Table 4.4-1 Summary of On-Site Trees			
Species (Common Name)	Diameter (Inches)		
	< 12	12-18	>18
Idaho Locust	8	-	-
Redwood	11	13	1
Black Locust	-	-	1
Western Redbud	2	-	2
Holly Oak	1	5	2
Raywood Ash	2	-	-
Eucalyptus	2	2	11
Red Ironbark	-	4	-
Magnolia	1	1	1
Olive	-	1	9
Glossy Privet	4	3	-
Monterey Pine	-	-	2
Evergreen Pear	3	3	-
Walnut	1	-	-
Australian Blackwood	1	-	-
Australian Willow	2	-	-
Crape Myrtle	4	-	-
Japanese Zelkova	1	-	-
TOTAL	43	32	29

4.4.1.2 *Habitat Conservation Plan*

The subject site is located within the Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan (HCP/NCCP) area and has a land cover designation of “Urban Development” in the HCP.

The Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan (Santa Clara Valley Habitat Plan) 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/NCCP 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. The 2007 Valley Fair FEIR did not identify any impacts to species covered by the HCP.

The HCP/NCCP has been approved by the local partners and wildlife agencies, and is effective as of October 14, 2013.

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 Bay Checkerspot Butterfly. Nonpoint sources such as automobiles emit nitrogen compounds into the air. Because serpentine soils tend to be nutrient poor, and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species. Non-native annual grasses grow rapidly, enabling them to 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 Permit Condition in future projects. These requirement could include a payment of fees that is calculated/correlated to the amount of new daily vehicle trips that a project is expected to generate.

4.4.1.3 *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.

4.4.2 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?	<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 Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 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
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?	<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, 5, 8

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:						
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, 9

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*

There are currently 104 trees on the portion of the site where the garage would be constructed and the project proposes to remove all of them. Of the 104 trees proposed to be removed, 29 are ordinance size. The approved 2007 project proposed to remove 78 trees from this portion of Westfield Valley Fair. This project proposes to remove an additional 26 trees beyond what was previously considered. None of these additional 26 trees are native species or City of San José Heritage Trees. In order to conform to the City of San José tree replacement ratios shown in Table 4.4-2, below, the project would be required to plant 223 trees to replace existing trees that would be removed.

Table 4.4-2 Tree Replacement Ratios							
Diameter of Tree to be Removed	Number of Existing Trees to be Removed	Native/Non-Native Status of Existing Trees to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree	Number of Required Replacement Trees
			Native	Non-Native	Orchard		
18 inches or greater	29	0/29	5:1	4:1	3:1	24-inch box	116
12-18 inches	32	0/32	3:1	2:1	none	24-inch box	64
less than 12 inches	43	0/43	1:1	1:1	none	15-gallon container	43
Totals:	101	0/104	-	-	-	-	223
x:x = tree replacement to tree removal ratio							
Note: Trees greater than 18” diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.							

The project proposes to plant 59 trees on-site excluding street trees, which is less than the 223 trees required by the City of San José Tree Ordinance. The species and sizes of the proposed 59 trees would be 24-inch box Strawberry trees, Desert willows, Maidenhair trees, Morning Cloud chitalpas, Canary Island pines, Chinese pistaches, Western sycamores, and Purple Robe locusts.

Impact BIO-1: The project would remove 104 on-site trees, including 29 ordinance-sized trees and 75 non-ordinance size trees. The project proposes to plant 59 non-street trees, less than the 223 replacement trees required by the City's ordinance. Construction of the proposed parking structure could also damage trees planned for preservation. **(Significant Impact)**

MM BIO-1.1: The following measures were identified as part of the certified 2007 Valley Fair FEIR and are proposed by the project to reduce impacts from tree removal to a less than significant level.

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building, and Code Enforcement, at the development permit stage:

- The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
- An alternative site(s) shall be identified for additional tree planting. Alternative sites may include local parks or schools, or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of Planning, Building and Code Enforcement.
- A donation of \$300 per mitigation tree to *Our City Forest* for in-lieu off-site tree planting in the community. These funds shall be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting shall be provided to the City's Planning Project Manager prior to issuance of a development permit.

Given the above options, the project proposes to plant 24-inch box replacement trees instead of 15-gallon trees for the 43 trees less than 12 inches in diameter (thereby receiving replacement credit for 86 trees), and to pay \$300 per tree to *Our City Forest* to cover the remaining tree mitigation ($223 - 86 = 137$, or \$41,100).

The following measures are included in the project to reduce construction related impacts to trees to be preserved:

- 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)

Additionally the project will incorporate the following Standard Permit Conditions:

Standard Permit Conditions

- Install street trees within public right-of-way along the entire project street frontage per City 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 DOT street tree planting permit for any proposed street tree planting.
- Contact the City Arborist at (408) 277-2756 for the designated street tree.

With implementation of these measures, the proposed project would have a less than significant impact to trees. **[Same Impact as Approved Project (Less than Significant with Mitigation Incorporated)]**

4.4.2.2 *Impacts to Special Status Species and Nesting Raptors*

The 2007 Valley Fair FEIR found Less Than Significant Impacts with Mitigation to nesting raptors. The FEIR found 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 raptor nests and/or direct mortality to individual raptors. 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 could impact tree-nesting raptors. **(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 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 would be inspected as construction occurs on the project site.

MM BIO-2.2 If a nesting 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 (if found to be present) shall be submitted to the City's Environmental Senior Planner.

With implementation of General Plan policies, existing regulations, and measures included in the project to protect special status species, the proposed project would not conflict with local policies or ordinances protecting special status species. 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 Plan

With respect to the HCP, the proposed project is anticipated to be a "pipeline project." Pipeline project refers to development projects, or portions thereof, that are in the process of receiving local jurisdiction approvals at the time the Habitat Plan is effective. Pipeline projects will not be subject to the Habitat Plan if all of the following apply:

1. The project has received at least one of the following approved development entitlements with a specified expiration date (including allowed renewals/extensions) prior to HCP adoption: site and architectural permit/approval, planned development approval, conditional use approval, or a tentative map; and
2. The project is issued a grading or building permit within one (1) year of issuance of the HCP's state and federal incidental take permits; and
3. The project review process identified no impacts to any of the HCP's covered species.

The project is an amendment to an approved Site Development Permit (file number H06-027). Grading and building permits are expected to be issued by late 2013 or early 2014. The amendment for the proposed parking structure would reconfigure the parking structure design approved for the northeast corner of the Valley Fair shopping center site and incrementally increase the total approved parking spaces by 232.

Since the expansion of the shopping center already satisfied criterion #1 of the pipeline criteria (listed above) by obtaining a Site Development Permit and because grading and building permits are expected to be issued by late 2013 or early 2014, it is anticipated the expansion of the shopping center would qualify as a pipeline project. The additional parking proposed by the project would not increase the trips generated by the approved 650,000 square foot mall expansion, therefore the currently proposed modification to Parking Structure E would not introduce a new nitrogen deposition impact (i.e. the shopping center would continue to expand by 650,000 sf). In the event the expansion of the shopping center does not qualify as a pipeline project, it will comply with all applicable HCP requirements that would entail payment of fees to offset the effects of nitrogen deposition. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.4.3 Conclusion

The proposed project, with the implementation of the above standard project conditions and previously-adopted mitigation measures, 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 one million square feet of commercial retail space and the vast majority of the remaining area is paved surface parking. The existing parking structures on the northeast portion of the shopping center site are less than 50 years old and are not considered historic buildings.

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 City of San José has 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 General Plan FPEIR, the project site is underlain by soils with a high paleontological sensitivity at depth.⁴ Based on aerial photographs, the existing Parking Structure D was constructed between 1965 and 1972. The three-story Parking Structure C was constructed between 1998 and 2005. 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.

As stated in the 2007 Valley Fair FEIR, there are no unique paleontological sites or geologic features on, or in proximity to, Westfield Valley Fair.

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:						1,2,3
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"/>	
2) Cause a substantial adverse change in the significance of an archaeological 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

⁴ City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. September 2011. Figure 3.11-1

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

The proposed project would result in the same impact as the approved 2007 Valley Fair FEIR, which is a Less than Significant Impact with Mitigation Measures Included, 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 at the building sites would result in the discovery of buried prehistoric archaeological deposits.

This project proposes minimal grading and trenching to install utilities and provide level building pads with positive drainage. The project does not propose any development that would introduce cultural resource impacts beyond that which was previously evaluated in the General Plan FPEIR and the 2007 Valley Fair FEIR.

Although it is unlikely that the proposed project will disturb archaeological resources, the possibility remains that resources could be present.

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 Valley Fair FEIR

MM CUL-1.1: In the event any significant cultural materials are encountered, all construction within a radius of 50-feet radius of the find would be halted, the Director of Planning, Building and Code Enforcement would be notified, and a professional archaeologist will examine the find and make appropriate recommendations regarding the significance of 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 Director of Planning, Building and Code Enforcement finds 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 Environmental Senior Planner.

Implementation of these measures, which are updated from the 2007 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*

Since none of the parking structures on the site are over 50 years old, they do not qualify for the National or State Registers of Historic Places. The demolition of the existing structures will have no impact on historic resources. None of the structures on properties surrounding the site are listed on the City's Historic Resources Inventory or the National or State Registers of Historic Places. **(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 essentially flat, with an elevation of approximately 130 feet above sea level. 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).⁵ The soil underlying the existing development consists of Campbell silty clay/silty clay loams, Garretson and Pleasanton gravelly loams with zero to five percent slopes, and Yolo loam/silty clay loams with zero to two percent slopes.⁶

With the exception of the poorly drained silty clays, these soils have good drainage. The potential for shrink and swell resulting from moisture change ranges 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 for the 70-acre Westfield Valley Fair site, groundwater depths in the area range 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. Santa Clara County is classified as Zone D, the most seismically-active zone. 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 and 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 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.

⁵ 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

⁶ U.S. Department of Agriculture, Soil Conservation Service. *Soils of Santa Clara County*. 1968.

The project site is not located within a Fault Rupture Hazard Zone, therefore fault rupture through the site is not anticipated.⁷

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. Liquefaction can result in significant 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 project site is located in an area considered susceptible to earthquake-induced liquefaction.⁸ As stated above, the site is underlain predominantly by Holocene alluvial fan deposits, and the depth to groundwater is anticipated to be approximately 45 to 65 feet below ground surface. The potential for some degree of liquefaction under these conditions is high for alluvial fan deposits.

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. Because the site is surrounded by flat urban land, the potential for lateral spreading is low.

⁷ City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. September 2011. Figure 3.6-1.

⁸ 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.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 10
b) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 10
c) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 10
d) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
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
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 10
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, 11
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

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 including expansion, landslides, and erosion, 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 that are embodied in the Uniform Building Code and enforced by the City of San José will ensure that future development is properly designed to take on-site soil conditions into account. **[Same Impact as Approved Project (Less Than Significant Impact)]**

The project would also implement the following standard project conditions to ensure that site soils and geologic conditions result in less than significant geologic hazard impacts:

Standard Permit 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 Geologist 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 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 Project Engineer 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 project 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 result in a less than significant impact.

As identified in the 2007 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. Potential seismic impacts would be reduced to a less than significant level by the use of standard engineering techniques mandated by the Uniform Building Code. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.6.3 Conclusion

With the implementation of the above standard project conditions, the proposed project would not result in any new or more significant geological impacts from seismic and seismic-related hazards than those addressed in the 2007 Valley Fair FEIR. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.7 GREENHOUSE GAS EMISSIONS

The following discussion evaluates greenhouse gas (GHG) emissions resulting from implementation of the 2011 Envision San José 2040 General Plan, with which the proposed project is consistent.

4.7.1 Existing Setting

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of greenhouse gases (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 (CO₂), methane (CH₄), nitrous oxide (N₂O), and fluorinated compounds. These gases allow visible and ultraviolet light from the sun to pass through the atmosphere, but they prevent heat from escaping back out into space.

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 for cooling, decrease the availability of hydroelectric power, and affect regional air quality and public health. Like most criteria and toxic air pollutants, much of the GHG production comes from motor vehicles (mobile sources). 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 can contribute to reductions in GHG emissions.

The main sources of GHG emissions from Westfield Valley Fair shopping center are electricity generation for lighting, automobile traffic, and heating, ventilation, and air conditioning (HVAC).

4.7.1.1 *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. The requirements of 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 as yet no adopted federal standards for GHG emissions.

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 global warming situation in California. The Act requires that the GHG emissions in California be reduced to 1990 levels by 2020. In June 2005, the Governor of California signed Executive Order S-3-05 which identified CalEPA as the lead coordinating State agency for establishing climate change emission reduction targets in California. Under Executive Order S-3-05, the state plans to reduce GHG emissions 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, the California Air Resources Board (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 goal. On October 1, 2013, CARB released a discussion draft of the Scoping Plan Update for public review and comment. In spring 2014, CARB expects to hold a Board Hearing to consider the Final Scoping Plan Update.

The Update defines CARB's climate change priorities for the next five years and lays the groundwork to reach the post-2020 goals set forth in Executive Orders S-3-05 and B-16-2012 (see below). The 2013 Update highlights California's progress toward meeting the "near-term" 2020 GHG emission reduction goals defined in the 2008 Scoping Plan and evaluates how to align the State's longer-term GHG reduction strategies with other State policy priorities, such as for water, waste, natural resources, agriculture, clean energy, and transportation and land use.⁹ Executive Order B-16-2012 established benchmarks for increased use of zero emission vehicles and zero emission vehicle infrastructures by 2020 and 2025.

As required under state law (Public Resources Code Section 21083.05), the California Natural Resources Agency has amended the state CEQA Guidelines to address the analysis and mitigation of greenhouse gas emissions. In these changes to the CEQA Guidelines, Lead Agencies such as the City of San José retain discretion to determine the significance of impacts from greenhouse gas emissions based upon individual circumstances. Neither CEQA nor the CEQA Guidelines provide a specific methodology for analysis of greenhouse gases and under the amendments to the CEQA Guidelines, a Lead Agency may describe, calculate, or estimate greenhouse gas 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 rely upon the GHG analysis contained in the 2011 Envision San José 2040 General Plan FPEIR.

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 greenhouse gas emissions from passenger vehicles along with other benefits.

In 2010, the California Air Resources Board (ARB) adopted greenhouse gas (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. The four major requirements of SB 375 are:

1. Metropolitan Planning Organizations (MPOs) must meet GHG emission reduction targets for automobiles and light trucks through land use and transportation strategies.

⁹ California Air Resources Board. *AB 32 Scoping Plan*. Accessed October 14, 2013. Available at: <http://www.arb.ca.gov/cc/scopingplan/scopingplan.htm>

2. MPOs must create a Sustainable Communities Strategy (SCS), to provide an integrate land use/transportation plan for meeting regional targets, consistent with the Regional Transportation Plan (RTP).
3. Regional housing elements and transportation plans must be synchronized on eight-year schedules, with Regional Housing Needs Assessment (RHNA) allocation numbers conforming to the SCS.
4. MPOs must use transportation and air emissions modeling techniques consistent with guidelines prepared by the California Transportation Commission (CTC).

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) has partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission (BCDC) to prepare the region's SCS as part of the RTP process.¹⁰ The SCS is referred to as *Plan Bay Area*.

MTC and ABAG adopted *Plan Bay Area* 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 (PDAs) identified by local jurisdictions.

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 greenhouse gas 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 (CAP) 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 CAP also includes measure 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 greenhouse gas emissions.

¹⁰ 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

City of San José

The Envision San José 2040 General Plan includes a range of policies and actions that are intended to reduce GHG emissions. It also provides for and commits the City to the implementation of an integrated Greenhouse Gas Reduction Strategy that contains overall performance criteria against which the City's future actions can be evaluated. Implementation of the Greenhouse Gas Reduction Strategy is an ongoing adaptive management process, whereby opportunities to reduce GHG emissions will be evaluated and selected based on a variety of factors, including available technology, relative cost, and policy references, among others.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 6
2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 6

As the certified 2007 Valley Fair FEIR did not address greenhouse gases, the currently proposed project will result in a new Less Than Significant Impact, as described below.

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 City of San José has 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.

4.7.2.1 *Impacts From the Project*

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. Some measures are considered mandatory for all proposed development projects, while others are considered voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the discretion of the City.

Compliance with the mandatory measures and any voluntary measures required by the City ensures an individual project's consistency with the GHG Reduction Strategy. Per CEQA Guidelines Section

15183.5, projects that are consistent with a qualified GHG Reduction Strategy are considered to have a less than significant GHG emissions impact.

Below is a listing of the mandatory and voluntary criteria provided by the City of San José.

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 site's existing land use designation for the Land Use/Transportation Diagram, *Regional Commercial*. Since the project proposes to construct a parking structure, no insulation, heating, or air conditioning are included in the building design. Therefore many of the elements of green building design are not relevant to the proposed project. A key source of GHG emissions from parking structures is electricity for lighting. The proposed parking structure would be lit with highly efficient electrode-less fluorescent lamps, which would minimize the energy required by the structure. The project also includes rooftop solar panels, which would reduce the building's demand for energy from the grid and also reduce its carbon footprint.

The project would not demolish an historic building and does not include any vehicle serving uses such as drive-through windows or service stations. The new shopping center buildings will implement applicable mandatory criteria as required by the City of San José.

Voluntary Criteria

Table 4.7-1 below provides a summary of the voluntary criteria and describes the proposed project's compliance with each criterion.

Table 4.7-1 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 MS-2.7, MS-15.3, MS-16.2	The project proposes to construct solar panels on the top deck of the parking structure. This feature would provide distributed power from renewable sources consistent with the GHG Reduction Strategy and the City's Green Vision.	<input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Not Proposed or <input type="checkbox"/> Not Applicable
Use of Recycled Water Use recycled water wherever feasible and cost-effective (including non-residential uses outside of the Urban Service Area) MS-17.2, MS-19.4	The closest recycled water line currently available is approximately one mile from the project and it is not currently cost-effective for the project alone to extend recycled water service to the site. The proposed garage does not require substantial amounts of water.	<input type="checkbox"/> Required/ Proposed <input checked="" type="checkbox"/> Not Proposed or <input type="checkbox"/> Not Applicable
TRANSPORTATION AND LAND USE		
Install and maintain trails adjacent to designated trail locations. Have new residential developers build and maintain trails when development occurs adjacent to a designated trail location. PR-8.5, TN-2.7	There are no trails in the project vicinity.	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Not Proposed or <input type="checkbox"/> Not Applicable
Car share programs Promote car share programs to minimize the need for parking spaces TR-8.5	No spaces are proposed to be reserved for car sharing in the proposed parking structure.	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Not Proposed or <input type="checkbox"/> Not Applicable

Table 4.7-1 Voluntary Greenhouse Gas Reduction Strategy Criteria		
Policies	Description of Project Measure	Project Conformance/ Applicability
Parking in Downtown and Urban Village Overlay areas Avoid the construction of surface parking except as an interim use and use structured parking to fulfill parking requirements. CD-2.11	The project is the construction of a higher density parking structure than currently exists on this portion of Westfield Valley Fair. The project would reduce surface parking in favor of structured parking in order to meet the City requirements.	<input type="checkbox"/> Surface Parking Proposed <input checked="" type="checkbox"/> Surface Parking Not Proposed or <input type="checkbox"/> Not Applicable
Limit parking above code requirements TR-8.4	Parking is provided at a ratio required by the target market users, slightly above requirements in the Municipal Code.	<input type="checkbox"/> Project is Parked at or below Code Requirements <input checked="" type="checkbox"/> Project is Parked above Code Requirements or <input type="checkbox"/> Not Applicable
Consider opportunities for reducing parking spaces (including measures such as shared parking, TDM, and parking pricing to reduce demand) TR-8.12	The proposed parking structure includes 168 bicycle parking stalls and 82 motorcycle parking stalls. The approved 2007 project also included new bus stops and improved pedestrian access.	<input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Project Does Not Propose or <input type="checkbox"/> Not Applicable

The proposed project is consistent with all of the mandatory criteria that are applicable to the project, and some of the voluntary criteria proposed by the Greenhouse Gas Reduction Strategy in the General Plan FPEIR. **(New Less Than Significant Impact)**

4.7.2.2 Impacts to the Project

The project site would not be vulnerable to sea level rise of up to 55-inches due to climate change.¹¹ **(No Impact)**

¹¹ San Francisco Bay Conservation and Development Commission. *Shoreline Areas Potentially Exposed to Sea Level Rise: South Bay*. Map. 2008. Available at: http://www.bcdc.ca.gov/planning/climate_change/index_map.shtml

4.7.3 Conclusion

The project is consistent with the City of San José Greenhouse Gas Reduction Strategy and would not generate greenhouse gas emissions that would have a significant effect on the environment. **(New Less Than Significant Impact)**

4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based upon a Phase I Environmental Site Assessment (ESA) Report prepared for portions of Westfield Valley Fair in January, 2013 by *Cornerstone Earth Group*. The Phase I Report is provided in Appendix B.

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 project sites is important because, by definition, exposure to hazardous materials above regulatory thresholds can result in adverse health effects on humans, as well as harm to plant and wildlife ecology.

Due to the fact that these substances have properties that are toxic to humans and/or the ecosystem, there are multiple regulatory programs in place that are designed to minimize the chance for unintended releases and/or exposures to occur. Other programs set remediation requirements at sites where contamination has occurred.

4.8.1.1 *Site History*

The Phase I ESA evaluated part of the Westfield Valley Fair shopping center; database records and aerial photographs included in the Phase I are relevant for determining the project site history and potential for hazards and hazardous materials.

In 1939, the site of what is now Westfield Valley Fair was developed 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. Commercial development continued through 1998.

An aerial photograph from 1972 shows Parking Structure D on the east portion of the site. Another aerial photograph from 1965 shows surface parking at that location, therefore Parking Structure D was constructed between 1965 and 1972. Two aerial photographs from 1998 and 2005 show that Parking Structure C was constructed between 1998 and 2005.

A site reconnaissance completed as part of the Phase I report revealed site features such as aboveground storage tanks, emergency generators, sumps, transformers, elevators, and chemical storage areas are all present on the site of the Valley Fair mall. While these observations were not specifically made on the parking structure site, it can be reasonably inferred that the existing parking garages and associated infrastructure includes elevators, transformers, and sumps. 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*

Dichlorodiphenyltrichloroethane (DDT) and other chlorinated pesticides as well as lead arsenate, a metallic pesticide, were 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 the 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 impact site soil and groundwater. There are no records of closure or removal activities for a storage tank.

The Phase I ESA found that based on the ages of the buildings, asbestos-containing building materials (ACBMs) and lead-based paint may be present in the structures. While this is unlikely the case for Parking Structure C, which was constructed in the late 1990s or early 2000s, it is possible that Parking Structure D (built c. 1965-1972) includes building materials containing lead-based paint and/or ACBMs.

4.8.1.3 *Off-Site Sources of Contamination*

Based on the Phase I ESA prepared for the Valley Fair shopping center, no hazardous material incidents have been reported in the site vicinity that would be likely to impact the site. No information was available for a historical dry cleaner that was located south and down-gradient of the mall on Stevens Creek Boulevard. The Phase I finds that many facilities in the vicinity such as this dry cleaner were likely hazardous materials users in the past, and potential leaks from these facilities have the possibility of affecting the Valley Fair shopping center site, depending on the location of the property, magnitude of release, and effectiveness of cleanup efforts.

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.¹²

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.

For the project site, any proposed structure of a height greater than approximately 50 feet above ground is required under FAR Part 77 to be submitted to the FAA for review. As the project proposes a parking structure up to 72 feet in height above ground, notification to the FAA is required. In turn, City General Plan policy requires FAA issuance of “no hazard” determinations prior to

¹² Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan Santa Clara County: Norman Y. Mineta San Jose International Airport*. October 27, 2010.

development approval, with any conditions set forth in an FAA no-hazard determination also incorporated into the City's project approval. Application of this General Plan policy ensures that the project would not be a hazard to aircraft operation.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 12
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, 12
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
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, 12
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 13
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
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, 3

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3

The proposed project would result in the Same Impact as the Approved Project, as described below.

The site is not on a City-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 were disclosed in the 2007 Valley Fair FEIR related to emergency evacuation, wildfires, and hazards to schools and private airstrips. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.8.2.1 On-Site Sources of Contamination

According to the Phase I ESA prepared for Westfield Valley Fair, no hazardous material incidents have been reported in the vicinity of the mall that would likely affect it. Given that the parking structure site is adjacent to the portions of Westfield Valley Fair studied for the Phase I and given that the Phase I ESA found no hazardous material incidents within the vicinity of the mall that would be likely to affect it, it can be reasonably inferred that no hazardous material incidents have occurred on the parking structure site. 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)]**

Agricultural Use

Since historical agricultural uses are associated with pesticide contamination, particularly organochlorine pesticides, it is possible that they are present in subsurface soils. The Phase I ESA found that capping the site with shopping center facilities would substantially reduce risks to human health from residual pesticides, if present in site soils. Since the proposed parking structure would act as a cap on soil potentially containing residual pesticides, the proposed garage would not create a significant hazard to the public while in operation.

Construction of the proposed project would include demolition and site grading, which could cause soil and other particulate matter to become airborne, and as noted above, it is possible that the 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. **(Significant Impact)**

Since the soil is currently capped by the existing parking structures and surface lot pavement, it is inaccessible for sampling. 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 program after the existing parking 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 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 (DTSC) or the Santa Clara County Department of Environmental Health (SCCDEH).

Residual agricultural chemicals are not normally present beneath the first two to three feet of soil at sites where 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 groundwater is warranted.

The potential for the 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 widespread history of agricultural operations on the valley floor and associated pesticide use, and therefore is not a unique condition potentially affecting the site. The need for sampling and possible need for soil management identified above to address the potential presence of residual pesticides is a) not a result of a change in the project description nor b) a change in the condition of the site compared to the project description and environmental setting presented in the 2007 Valley Fair FEIR. In other words, 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 condition in the Santa Clara Valley. The shopping center expansion, if implemented as initially approved in Site Permit H06-027 or as amended as currently proposed with a new Parking Structure E, would require sampling and possibly involve soil management as identified above, so this is not a new impact resulting from the amended project or a change in the circumstances under which the project would be built. 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 (ACBMs). While Parking Structure C was constructed in the late 1990s or early 2000s, Parking Structure D was constructed prior to 1972. The proposed project would implement the mitigation that was included in the 2007 Valley Fair FEIR to reduce to a less than significant level potential construction impacts from exposure to lead and asbestos during demolition and construction.

Impact HAZ-2: Demolition of portions of Parking Structure D 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 ACMs 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 ACMs 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 ACMs or lead-based paint. **[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 Valley Fair Dry Cleaners and Shirt Laundry, however based on its location and distance from the site the former dry cleaner likely does not pose a substantial concern to 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 potential leaks from these facilities have the possibility of affecting the Valley Fair shopping center site, depending on the location of the property, magnitude of release, and effectiveness of cleanup efforts. Implementation of Mitigation Measures 1.1 and 1.2, above, would ensure that soils beneath the parking structure site are evaluated for contamination prior to construction.

Based on the Phase I ESA reports referenced in the 2007 Valley Fair FEIR, there are no underground storage tanks on the Valley Fair mall site and the only above ground storage tank is associated with an emergency generator. No evidence of leaking or staining was observed. Transformers observed on the site appeared to be in good condition, free of leakage, staining, and polychlorinated biphenyls (PCBs). These findings are substantiated by the updated 2013 Phase I ESA prepared for the site. Therefore the project site would not be subject to a substantial hazard from the use of hazardous materials in the project vicinity. **[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 includes buildings up to 72 feet above ground (approximately 202 feet AMSL). Federal regulations require the proposed parking structure to be submitted to the FAA for airspace safety review. FAA issuance of Determination(s) of No Hazard, and incorporation of any conditions of the FAA determinations into the project, would result in a less than significant impact to airspace safety. **(New Less Than Significant Impact)**

4.8.3 Conclusion

With the implementation of the mitigation measures, the proposed project would not result in any more significant hazardous material impacts than were previously identified in the 2007 Valley Fair FEIR or the General Plan FPEIR. **[Same Impact as Approved Project (Less than Significant with Mitigation Incorporated)]**

FAA issuance of Determination(s) of No Hazard, and incorporation of any conditions of the FAA determinations 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 from the certified General Plan FPEIR, therefore they are not described in detail here. The primary changes are the City's update of its *Post-Construction Urban Runoff Management* (Policy 6-29) and the City's adoption of the *Post-Construction Hydromodification Management* (Policy 8-14), which are described below.

4.9.1.1 *Flooding*

Based on the updated Federal Emergency Management Agency's Flood Insurance Rate Maps, the project site is located within *Zone "D."*¹³ 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.

The project is located within the Lenihan Dam¹⁴ failure inundation area as mapped by the Association of Bay Area Governments (ABAG).¹⁵ Lenihan Dam is located on Los Gatos Creek, approximately nine miles from the City of San José, and has a total capacity of 19,044 acre-feet with a surface area of 412 acres. To reduce hazards, the reservoir has not been operated at full capacity; as of January 1, 2013, storage was 12,155 acre-feet (63.8% of capacity, or 204% of the dam's seasonal average to date).¹⁶ 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.

The Lenihan Dam is under the jurisdiction of the California Department of Water Resources, Division of Safety of Dams (DSOD). DSOD inspects each dam on an annual basis to ensure the dam is safe, performing as intended, and not developing problems. All of the upstream dams are classified as high hazard dams, because their failure would result in a significant loss of life and property. As part of its comprehensive dam safety program, the SCVWD routinely monitors and studies the condition of the Lenihan Dam.

The 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.¹⁷

¹³ Federal Emergency Management Agency (FEMA). *Flood Insurance Rate Map, Community Panel Number 06085C0229H*. May 18, 2009.

¹⁴ 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>

¹⁵ City of San José. *Envision San José 2040 General Plan FPEIR*. September 2011. Figure 3.7-5

¹⁶ Santa Clara Valley Water District. *Rainfall and Reservoir Status Report*. January 2013.

¹⁷ 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

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-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 concentration, 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 of the site. With the exception of the landscaped surface parking medians, the parking structure site is mostly (approximately 93 percent) impervious, paved areas. Depth to groundwater on the site ranges from 45 feet to 65 feet bgs and likely flows northward.

4.9.1.3 *Regulatory Requirements*

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)¹⁸ and Treatment Control Measures (TCMs)¹⁹ to the maximum extent practicable. 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 hydromodification²⁰ is likely to cause increased erosion, silt pollution generation, or other impacts to local rivers, streams, and creeks.

¹⁸ Post-Construction Best Management Practices (BMPs) are methods, activities, maintenance procedures, or other management practices designed to reduce the amount of stormwater pollutant loading from a site. Examples of Post-Construction BMPs include proper materials storage and housekeeping activities, public and employee education programs, and storm inlet maintenance and stenciling.

¹⁹ Post-Construction Treatment Control Measures are site design measures, landscape characteristics or permanent stormwater pollution prevention devices installed and maintained as part of a new development or redevelopment project to reduce stormwater pollution loading from the site; is installed as part of a new development or redevelopment project; and is maintained in place after construction has been completed. Examples of runoff treatment control measures include filtration and infiltration devices (e.g., vegetative swales/biofilters, insert filters, and oil/water separators) or detention/retention measures (e.g., detention/retention ponds). Post-Construction TCMs are a category of BMPs.

²⁰ Hydromodification occurs when the total area of impervious surfaces increases resulting in the decrease of rainfall infiltration, which causes more water to run off the surface as overland flow at a faster rate. Storms that previously did not produce runoff from a property under previous conditions can produce erosive flows in creeks. The increase

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 beneficial uses of local rivers, streams, and creeks. The Policy establishes specified performance criteria for Post-Construction Hydromodification control measures (HCMs) and identifies projects which 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 the tidally influenced area, or projects that drain to non-earthen stream channels that are hardened on three sides and extend continuously upstream from the tidally influenced area.

The Santa Clara Permittees' Hydromodification Applicability Map defines which areas of the City of San José are subject to Policy 8-14. 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.²¹ Therefore the project is exempt from completing a hydromodification analysis.

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?	<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

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.

²¹ 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

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:						
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
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"/>	1,12
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
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
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, 14
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, 14
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, 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

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 within 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 Lexington Dam failed. However, the potential for this to occur is remote and 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 storm drain system north of the project site begins with a 10-inch line²² 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. Due to the size of the available mains it is anticipated that capacity will be available for the proposed project development. The project would connect the on-site storm drainage system to the 27-inch storm drain line in Monroe Street. The proposed project is not subject to the City's Post-Construction Hydromodification Management Policy (Policy 8-14) because it is located in a catchment or subwatershed that is greater than or equal to 65 percent impervious.

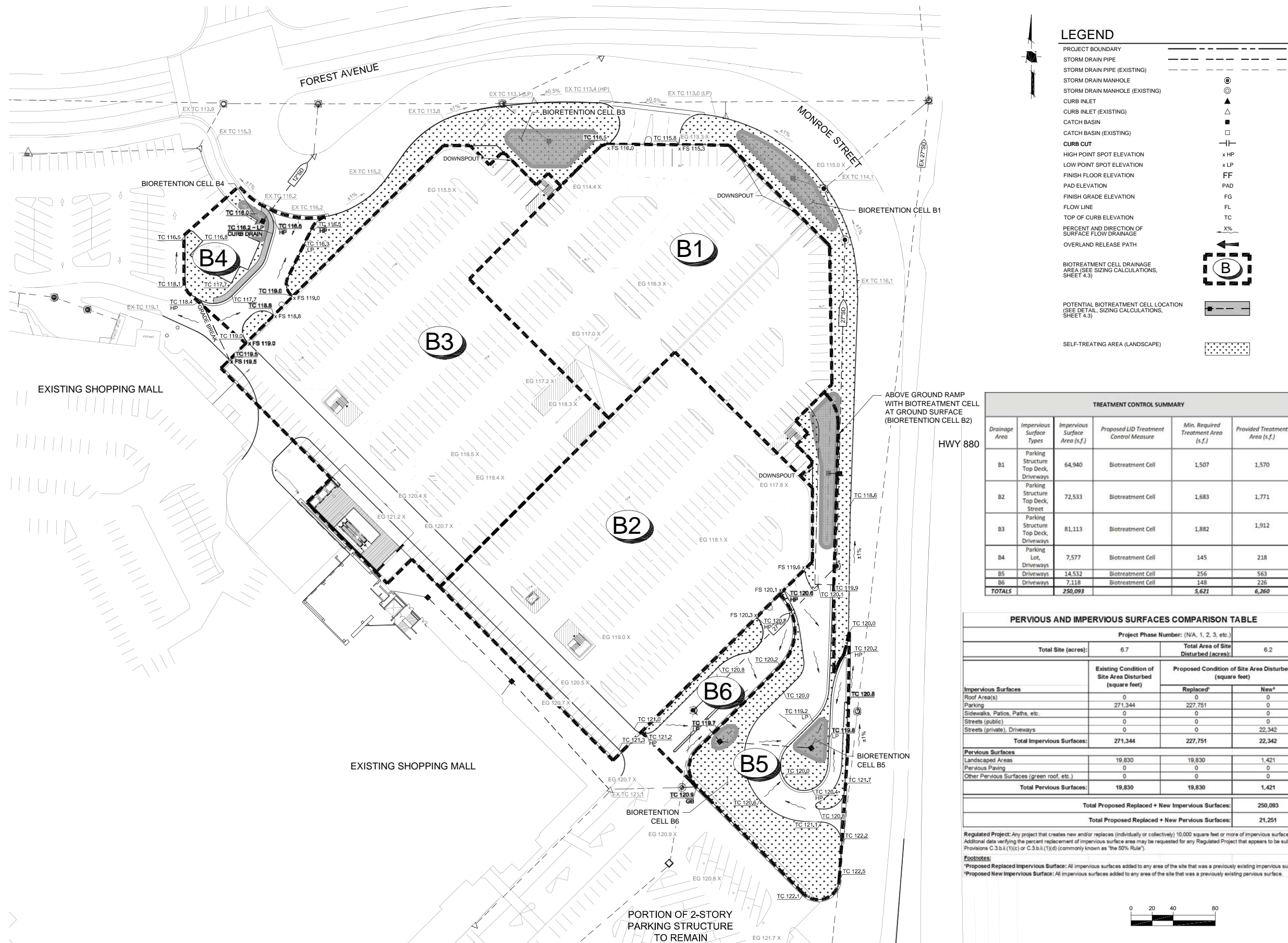
The project is subject to the City's Post-Construction Urban Runoff Management policy (Policy 6-29) which requires that new projects replacing or adding 10,000 square feet or more of impervious surfaces to a site not increase the total amount of runoff entering the storm drainage system. To accommodate 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, commonly referred to as Provision C.3 and governed in San Jose by City Policies 6-29 and 8-14. As shown in Table 4.9-1 below, the overall area of impervious surfaces would decrease by approximately one percent.

Table 4.9-1 Pervious and Impervious Surfaces On Parking Structure Site						
Site Surface	Existing Condition of Site Area Disturbed (sf)	%	Proposed Condition of Site Area Disturbed (sf)	%	Difference (sf)	%
Impervious						
Roof Area(s)	0	0	0	0	0	0
Parking	271,344	93	227,751	84	-43,593	-9
Sidewalks & Paths	0	0	0	0	0	0
Streets (public)	0	0	0	0	0	0
Streets (private), Driveways	0	0	22,342	8	+22,342	+8
<i>Subtotal</i>	<i>271,344</i>	<i>93</i>	<i>250,093</i>	<i>92</i>	<i>-21,251</i>	<i>-1</i>

²² All storm drain measurements in this chapter refer to the diameter of the pipe, unless otherwise noted.

Table 4.9-1 Pervious and Impervious Surfaces On Parking Structure Site						
Site Surface	Existing Condition of Site Area Disturbed (sf)	%	Proposed Condition of Site Area Disturbed (sf)	%	Difference (sf)	%
Pervious						
Landscaping	19,830	7	21,251	8	+1,421	+1
Pervious Paving	0	0	0	0	0	0
<i>Subtotal</i>	<i>19,830</i>	<i>7</i>	<i>21,251</i>	<i>8</i>	<i>+1,421</i>	<i>+1</i>
TOTAL	291,174	100	271,344	100	-19,830	

To address the municipal permit requirements, the project proposes to construct 6,260 square feet (sf) of biotreatment cells, 629 sf more than required based on the area of the proposed impervious surfaces. Figure 4.9-1, below, shows the location along the perimeter of the site for the proposed bioretention cells. Stormwater from the parking structures would be collected and conveyed to these bioretention cells. 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. Since the cells are numerically-sized to meet the City's requirements and to reduce the overall volume of runoff while also improving the water quality through bioretention and infiltration, the proposed project would comply with Policy 6-29. **[Same Impact as Approved Project (Less Than Significant Impact)]**



STORMWATER CONTROL PLAN

FIGURE 4.9-1

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 the San Francisco Bay.

The proposed project would not result in any new or more significant construction-related water quality impacts than were 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. **(Significant Impact)**

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

Implementation of the project would result in the disturbance of approximately 6.2 acres of the 7.5 gross acre section of the 70-acre Westfield Valley Fair site. 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.

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 shown in Table 4.9-1 above. The parking structure site is 7.5 acres (of the larger 70-acre shopping center site), although a site size of 6.2 acres was used for the purposes of stormwater calculations because there would be no disturbance to the remaining portions of the site.

The proposed project would result in a one percent decrease in impervious surfaces by increasing the landscaped areas and reducing the footprint of parking on the site. The approved 2007 Valley Fair

FEIR found that for the entire 70-acre site, impervious surfaces would decrease by one percent, the same proportion as the currently proposed project.

By providing more parking spaces on this portion of Westfield Valley Fair, the proposed project would incrementally increase traffic and human activity on and around the project site, generating more pollutants and increasing dust, litter, and other contaminants that would be washed into the storm drain system. The project, therefore, could increase water contaminants that could be carried downstream in stormwater runoff from paved surfaces on the site.

As described in 4.9.2.2 *Drainage and Hydrology*, above, the 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 has Best Management Practices (BMPs) in place to ensure compliance with Municipal Regional Permit 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 standard project conditions and compliance with City policy, would not result in any new or more significant water quality impacts than those addressed 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. The 7.5-acre parking structure site is currently occupied by two parking structures, surface parking lots, and associated landscaped areas. Existing vegetation on the parking structure site consists of landscape vegetation and 104 non-native trees.

4.10.1.2 *Surrounding Land Uses*

The Westfield Valley Fair shopping center is bounded by Monroe Street and I-880 to the east, residential and commercial development beyond North Winchester Boulevard to the west, single-family residences across Forest Avenue to the north, and the Santana Row mixed use development and Stevens Creek Boulevard to the south. 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

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 Envision San José 2040 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.

Twelve major strategies are embodied within the Envision San José 2040 General Plan. Collectively, these strategies build on the vision to directly inform the land use / transportation diagram and the goals, policies and implementation actions formulated to guide the physical development of San José and the evolving delivery of City services over the life of the General Plan.

Urban Villages

The site is also located in the Valley Fair/Santana Row Urban Village. 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. The Urban Villages strategy fosters:

- Mixing residential and employment activities
- Establishing minimum densities to support transit use, bicycling, and walking
- High-quality urban design
- Revitalizing underutilized properties with access to existing infrastructure

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 permit amendment.

Municipal Code Title 20 – Zoning Ordinance

The project site has a zoning designation of *CG–Commercial General*. 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.

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?	<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, 3, 5
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, 9

The proposed project would not result in a new or more significant impact than the approved 2007 Valley Fair FEIR, which found a Less Than Significant Impact With Mitigation due to construction dust, construction noise, and construction water quality impacts.

In addition to demolishing the more of Parking Structure D than was approved for demolition in 2007, the proposed project would also demolish Parking Structure C, which was retained in the

current entitlement now being amended. The project proposes to construct a six-story, 3,239 car parking structure on the footprint of the demolished structures, which is one story higher than was originally evaluated for the site. The project would also redesign driveway access points, on-site lighting, and landscaping.

4.10.2.1 *Conformance with Land Use Plans*

Envision San José 2040 General Plan

The project site is in the City of San José where it is currently designated for *Regional Commercial* in the Envision San Jose 2040 General Plan. With a maximum building height of 72 feet at the height of the elevator parapet, the proposed project is consistent with the *Regional Commercial* designation. By constructing multi-story parking structures on the 70-acre Westfield Valley Fair site in support of the 650,000 square foot expansion approved in 2007, the project supports the General Plan goal to intensify regional commercial uses to promote more commercial activity.

Santa Clara Valley Habitat Plan

As described in *Chapter 4.4 Biological Resources*, the proposed project would not conflict with the HCP/NCCP. **[Same Impact as Approved Project (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 persons 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 parking structure would be set back from the residential development across Forest Avenue by surface parking, trees, and landscaping. Access to the proposed parking structure would be designed to be compatible with the new southbound off-ramp from I-880 to Monroe Street that is being undertaken by Caltrans as part of the improvements being implemented to the I-880/Stevens Creek Boulevard interchange.

4.10.3 Conclusion

The proposed project, with the implementation of standard project conditions, 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 (SMARA), 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 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 has classified any other areas in San José as containing mineral deposits of statewide significance or the significance of which requires further evaluation. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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"/>	3

The 2007 Valley Fair FEIR did not discuss mineral resource impacts from the proposed mall expansion. The proposed project would result in the same impact as the approved project, No Impact, as described below.

The project is outside the Communications Hill area, therefore there would be no impact from the loss of availability of a known mineral resource.

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

4.12.1 Setting

The ambient noise conditions and regulatory requirements regarding noise have not changed substantially since the certification of the 2011 Envision San José 2040 General Plan FPEIR.

4.12.1.1 *Noise Conditions*

The 7.5-acre parking structure site is located on Monroe Street, west of Interstate 880 and bounded by Forest Avenue to the north and is part of the 70-acre Westfield Valley Fair. The project site is currently developed with two parking structures, surface parking lots, and associated landscaping. The noise affecting the project site primarily comes from automobile traffic on Interstate 880 and Forest Avenue. 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 2007 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).²³

In the noise assessment prepared for the General Plan FPEIR, it was determined that the noise levels in the project area range from 68 to 70 dBA DNL and close to 75 dBA DNL next to Stevens Creek Boulevard.

The nearest sensitive receptors are the single-family residences approximately 150 feet north of the site across Forest Avenue.

4.12.1.2 *Noise Standards*

Based on the City of San José General Plan, Table 4.12-1 shows the noise levels considered consistent with specific land uses. For office and commercial uses, outdoor noise levels of up to 70 decibels are considered satisfactory and up to 75 decibels are permitted for new development if the indoor noise level does not exceed 45 decibels and outdoor uses are limited to acoustically protected areas.

Table 4.12-1 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						

²³ 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.

Table 4.12-1 General Plan Land Use Compatibility Guidelines (GP Table EC-1)						
Land Use Category	Exterior DNL Value in Decibels					
	55	60	65	70	75	80
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: <input type="checkbox"/> Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.						
<input type="checkbox"/> 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.						
<input type="checkbox"/> 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.						

4.12.2 Environmental Checklist and Discussion of Impacts

NOISE						
	New Potentially Significant Impact	New Than Significant With Mitigation Incorporated	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 5
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
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3

or working in the project area to excessive noise levels?						
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

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, traffic trips would need to double on adjacent roadways. Since the Transportation Impact Analysis prepared for the 2007 Valley Fair FEIR found that the traffic volumes would not double, the 2007 project had a less than significant impact due to an increase in traffic.

The proposed project would construct 232 more parking stalls than approved for this portion of Westfield Valley Fair in 2007. This would incrementally increase (compared to what was assumed in the 2007 Valley Fair EIR) traffic utilizing Monroe Street and Forest Avenue to access the proposed Parking Structure E. Increased traffic to the northeast corner of Westfield Valley Fair (as documented in the 2007 Valley Fair EIR) would not double the volume of traffic on Forest Avenue or Monroe Street, therefore it would not cause significant traffic-generated noise impacts. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Operational Noise Impacts

The 2007 Valley Fair FEIR found that operational noise from automobiles 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 FEIR also found that compared to the existing noise setting at the residences (approximately 66 dBA), the project’s operational noise impacts would be less than significant because it would not exceed the thresholds included in General Plan policy EC-1.2.

Parking garage noise sources such as doors opening and closing, engines starting, car alarms, and the use of horns infrequently occur with the existing parking structures and upon construction of the proposed garage would not be expected to cause a substantial increase in ambient hourly average noise levels at the nearest residential properties primarily because this type of intermittent noise already occurs in and around the structures on the project site. Noise associated with vehicular movement and parking would occur primarily within the parking structure which would provide some attenuation. The operational noise from the proposed garage would not be substantially different from existing site operations and would not result in new or substantially increased impacts

than previously-identified in the 2007 Valley Fair FEIR. **[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, as well as regulation of the arrival and operation of heavy equipment and the delivery of construction materials 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 would be less than significant. The currently proposed project includes more demolition and a larger parking structure than previously-proposed, however these changes would not extend the length of construction beyond one year.

[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 subsequently updated as part of the 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 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 cause 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 development of a parking structure which will support the previously-approved expansion of Westfield Valley Fair shopping center. The project does not propose any sensitive receptors or uses which might be vulnerable to noise impacts. **[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 further reduce 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 and assumptions have not changed substantially since the certification of the 2011 Envision San José 2040 General Plan FPEIR. 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)?	<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
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

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 General Plan FPEIR. 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 General Plan FPEIR found significant and unavoidable population and housing impacts from this employment growth.

The demolition of existing parking structures and the construction of a six-story parking structure in their place would support the expansion of Westfield Valley Fair and the ensuing growth of retail jobs provided by the shopping center. The incremental increase in employment and indirect effect on population growth from the expansion of the mall was accounted for in the General Plan FPEIR.

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 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 are discussed in detail in the General Plan FPEIR. There has been no change in the availability of services since the certification of the FPEIR. 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.

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	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 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
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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 Police Department to ensure that it incorporates appropriate safety features to minimize criminal activity.

As discussed in the certified General Plan FPEIR, the build out of the development analyzed in 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 SJFD and SJPD, it is not anticipated the development of the proposed project would result in impacts to police and fire services; nor would this project require the construction of additional fire or police facilities. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.14.2.2 *Schools, Parks and Libraries*

The project proposes to construct a parking structure in support of the planned Westfield Valley Fair expansion and would not generate students, park users, or library users. Therefore the proposed project would not impact school, park, or library facilities in San José. **(No Impact)**

4.14.3 Conclusion

The proposed project would not result in any new or more significant impacts to public services or facilities than those addressed in the certified General Plan FPEIR. **[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 since the certification of the General Plan FPEIR. 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?	<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

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 project proposes to demolish existing parking structures and to construct a new six-story parking structure on the same location in support of the planned Westfield Valley Fair expansion. The project would not generate a residential population that would increase demands on park and recreation facilities. 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.

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 General Plan FPEIR. **[Same Impact as Approved Project (No Impact)]**

4.16 TRANSPORTATION

4.16.1 Setting

The transportation system in the project area, including regional and local roadways, bicycle and pedestrian facilities, and existing transit services (i.e., bus and light rail services) has not changed substantially since the certification of the General Plan FPEIR.

4.16.1.1 *Site Access*

The project site is mainly 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 this freeway 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.

The parking structure site is currently developed and offers three driveways for vehicular access. Pedestrian access is available from sidewalks located on Stevens Creek Boulevard, Forest Avenue, and Monroe Street.

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, with direct access to the Mall site. The Transit Center is served by three bus lines (lines 23, 60, and 323), two of which provide direct service to the site.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3
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?	<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
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
5) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3

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

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 have been evaluated in the 2007 Valley Fair FEIR. The proposed replacement parking garage does not increase the commercial square footage of the approved 2007 project, therefore the proposed project would not increase the use of transit to and from Westfield Valley Fair beyond that which was already evaluated, nor would it decrease the performance or safety of transit facilities serving the site. The replacement garage would not remove, alter or conflict with existing pedestrian and bicycle facilities serving the site. **[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 Westfield Valley Fair shopping center. 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.

The currently-proposed parking structure would support the 650,000 square foot Westfield Valley Fair expansion and therefore would contribute to previously-disclosed significant and unavoidable traffic impacts. The proposed project would increase the amount of parking available at the northeast corner of Westfield Valley Fair by 232 stalls (for a total of 9,902 on the 70 acre site), which would incrementally alter the distribution of trips assumed for the 2007 traffic analysis. The project would not, however, increase the overall volume of traffic generated by the Westfield Valley Fair expansion. **[Same Impact as Approved Project (Significant Unavoidable Impact)]**

4.16.2.3 *Parking Impacts*

There are currently 1,431 parking stalls at the northeast corner of Westfield Valley Fair. The certified 2007 Valley Fair FEIR included 2,570 additional parking spaces, 114 more than required by the City's zoning ordinance. With full build out of the 2007 project entitlement, the number of parking spaces provided on the parking structure site would have totaled 2,989 stalls.

This Site Development Permit Amendment entails constructing a six-story parking structure that would support 3,221 parking stalls including 30 electric vehicle charging stations. The proposed project would also include 168 bicycle parking stalls and 82 motorcycle parking stalls. The project includes demolition of Parking Structure C and portions of Parking Structure D and would result in 232 more parking stalls on this portion of Westfield Valley Fair than approved for the 2007 expansion project. The 2007 Valley Fair FEIR concluded that the number of parking stalls provided in the 2007 project design, 9,670, would meet the City zoning requirements. Implementation of the proposed project would increase the total parking for Westfield Valley Fair to 9,902 stalls and would continue to comply with the City of San José parking requirements, therefore the proposed project would not result in any new parking impacts. **(Same Impact as Approved Project (Less Than Significant Impact))**

4.16.2.4 *Vehicular Site Access and Circulation Impacts*

The proposed project would reconstruct existing driveways along Monroe Street, however the total number of vehicle entrances and exits from this portion of the site would not increase. The project would construct a new entrance from Monroe Street just south of Forest Avenue. The existing driveway on Monroe Street along the northern boundary of the site would be converted to accommodate two exit lanes and two entry lanes, and would require a traffic signal to be installed. Multiple access points to and from Parking Structure D from Monroe Street along the eastern site boundary would no longer be available, and a single entrance from Monroe Street would be constructed at the southeast corner of the site to accommodate traffic heading both directions on Monroe Street. The project proposes a stop sign for southbound traffic at this location. A Stop Warrant Study will be completed prior to approval of building permits to confirm the intersection operation, if stop-controlled, meets City standards. If the City does not permit the stop sign, the intersection will remain in its current configuration. Figure 3.0-2 shows the proposed design for site entry and exit.

The City of San José would require the proposed project design to be compatible with improvements to the I-880/Stevens Creek Boulevard interchange that are currently underway. These improvements include a new southbound off-ramp with a dedicated exit to Monroe Street. The project would be designed according to City requirements therefore it 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 by 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 City of San José, therefore it would not affect evacuation routes or result in inadequate emergency access to the site.

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

The water, sanitary sewer, storm drainage, solid waste, natural gas, and electricity services and facilities have not changed substantially since the certification of the General Plan FPEIR.

4.17.1.1 *Water Service*

The San José Municipal Water System is a subsidiary agency of the City of San José that provides water service to a large portion of the city. Two other providers serve the City as well, San José Water Company and Great Oaks Water Company. The project site is located within the jurisdictional boundary limits of San José Water Company. There are existing 12-inch diameter²⁴ water pipes in Forest Avenue and Monroe Street. Water use associated with the existing Parking Structures C and D is limited to irrigation of landscaped areas and trees.

4.17.1.2 *Sanitary Sewer/Wastewater Treatment*

Wastewater from the City of San José 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 as well as a smaller 8-10 inch sanitary sewer pipe, both of which run along Forest Avenue north of the site. Structures C and D do not currently generate any wastewater, though Westfield Valley Fair as a whole does.

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. The project site is currently 93.4 percent impervious.

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.

²⁴ 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	Less Than Significant With Mitigation Incorporated	New Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Same Impact as “Approved Project”	Less Impact than “Approved Project”
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 storm water 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) 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
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

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 Parking Structure E would have minimal water demand associated with landscape irrigation. Increased water demand associated with the Westfield Valley Fair expansion was previously-evaluated in the Valley Fair FEIR and would not be affected by the proposed amendment to the approved project. The project would connect to existing six-inch water lines on the project site, which connect to the 12-inch line in Forest Avenue. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.2.2 *Sanitary Sewer/Wastewater Treatment Impacts*

Parking Structure E would not include any restrooms that might lead to wastewater generation or the need for expanded wastewater treatment facilities. The proposed parking structure would be plumbed to connect to existing sanitary sewer lines so that stormwater runoff from parking areas is conveyed to the sanitary sewer system for treatment at the WPCP. Sources of water runoff from within the structure would be pressure washing for maintenance or from discharge of the fire protection sprinkler system. The roof level would be the only level subject to direct stormwater runoff from rain. Since most of the structure would be covered and would not receive much stormwater, this connection would not result in a substantial increase in sewage flow from the project site that would require expanded sanitary sewer services or a new connection. Increased sewage generation associated with the water demand from the approved 2007 project was evaluated in the Valley Fair FEIR and the capacity of the WPCP would not be affected by the proposed project, including the proposed replacement garage, which does not involve substantial use of water. **[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*, implementation of the proposed project would result in an approximately one percent decrease in impervious surfaces on the parking structure site. The decrease in impervious surfaces would result in a net decrease in stormwater runoff entering the storm drain system. The proposed project includes numerically-sized on-site stormwater treatment facilities to filter and reduce the rate of runoff. Since the existing storm drainage pipes adequately serve the project site, the construction of Parking Structure E 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 increased solid waste generation from the Westfield Valley Fair expansion was evaluated in the certified 2007 Valley Fair FEIR. The proposed Parking Structure E would support the expansion but would not include any uses that might generate additional solid waste not previously evaluated in the 2007 Valley Fair FEIR. Therefore implementation of the proposed project would not result in any new or more significant impacts to solid waste collection and disposal than were previously identified in the 2007 Valley Fair FEIR. **[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. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

	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)
1) Does the project have the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare or threatened species; 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, 5 p.1-93
2) Does the project have possible environmental effects that are individually limited but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, p.1-93
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, p.1-93

The certified 2007 Valley Fair FEIR analyzed the development of 650,000 additional square feet of retail space and 2,570 additional parking spaces for the 70-acre site of the Valley Fair mall.

The project proposes to demolish Parking Structure C and portions of Parking Structure D in the northeast corner of the mall site to construct a six-story, 3,221 parking stall structure in their place. This development would result in 232 more parking stalls in the northeast corner of Westfield Valley Fair than anticipated in the 2007 Valley Fair FEIR. The project also includes a 60-foot sign pole and programmable LED sign. Since the proposed project results in minor technical project changes with no new significant impacts and would not require major revisions to the previous EIRs prepared, an Addendum has been prepared for the proposed project [CEQA Guidelines Sections 15162 and 15164] rather than a supplemental or subsequent EIR.

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

The parking structure site contains 104 trees, all of which are proposed to be removed. The project proposes to replace as many trees as possible on-site and to use standard measures to prevent impacts to trees to be preserved. Any additional tree mitigation required would be determined by the City of San José and would likely include off-site mitigation, the payment of in-lieu fees, or a combination

of the two. The project proposes pre-construction surveys as well as potential mitigation for nesting raptors in the event they would be found during pre-construction surveys, as described in *Chapter 4.4 Biological Resources*.

The proposed project would disturb more than one acre of soil, therefore it would implement a Stormwater Pollution Prevention Plan to comply with the Construction General Permit. Additionally, the project would be required to comply with the City's Post-Construction Urban Runoff Management policy and the Municipal Regional Permit. The project proposes to exceed the C.3 requirements for operational stormwater treatment, which would reduce the project's water quality impacts to a less than significant level.

Potential impacts to subsurface paleontological and archaeological resources would be avoided with implementation of the standard project conditions described in *Chapter 4.5 Cultural Resources*.

[Same Impact as Approved Project (Less Than Significant With Mitigation Incorporated)]

4.18.1.2 *Does the project have possible environmental effects that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

The 2007 Valley Fair FEIR concluded that the 650,000 square foot mall expansion would contribute to Significant and Unavoidable air quality and transportation impacts. These impacts would be caused by increased vehicle trips to and from the site and the air emissions associated with those vehicles. The proposed parking garage would accommodate automobile trips generated by the approved commercial space expansion of Westfield Valley Fair but would not increase the number of trips to and from Westfield Valley Fair beyond what has been forecast from the expansion itself, i.e. trips are generated by the commercial space and not the parking that supports it. Therefore, the proposed project would not result in any new or more significant cumulative environmental impacts.

[Same Impact as Approved Project (Significant and Unavoidable Impact)]

4.18.1.3 *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

Implementation of standard dust and noise controls would reduce construction-related air quality and noise impacts to a less than significant level. As identified in the 2007 Valley Fair FEIR, existing structures on the Mall site may contain lead-based paint or asbestos-containing building materials. Pre-construction surveys and appropriate disposal, as detailed in *Chapter 4.8 Hazards and Hazardous Materials*, would avoid potential human health impacts from demolition of Parking Structure D. The project site is located in a Liquefaction Hazard Zone and would be vulnerable to substantial ground-shaking during a seismic event. Adherence to the Uniform Building Code standards for Seismic Zone 4 would reduce seismic hazards to a less than significant level. Surface soils may be contaminated with residual pesticides from the site's history of agricultural use. Pre-construction soil characterization and mitigation measures would be implemented as needed to reduce health risks to construction workers.

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

--. *Final Program Environmental Impact Report for Envision San Jose 2040 General Plan*. September 2011.
4. California Department of Conservation. Santa Clara County Important Farmland 2010. Map. June 2011.
5. City of San José. *Municipal Code*.
6. Bay Area Air Quality Management District (BAAQMD). *CEQA Air Quality Guidelines*. Updated May 2011.
7. BAAQMD. *Bay Area 2010 Clean Air Plan*. Adopted September 15, 2010.
8. Concentric Ecologies. *Preliminary Tree Report*. December 2012.
9. Santa Clara Valley Habitat Agency. *Final Santa Clara Valley Habitat Plan*. August 2012.
10. Santa Clara County. *Geologic Hazard Zones*. Maps. October 26, 2012.
11. U.S. Department of Agriculture, Soil Conservation Service. *Soils of Santa Clara County*. 1968.
12. Cornerstone Earth Group. *Phase I Environmental Site Assessment, Westfield Valley Fair Expansion, Stevens Creek Boulevard, Santa Clara and San José, California*. January 21, 2013.
13. Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan, Santa Clara County: Norman Y. Mineta San José International Airport*. October 27, 2010.
14. FEMA. *Flood Insurance Rate Map, Community Panel Number 06085C0229H*. May 18, 2009.

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 July 2, 2013. Available at: <http://www.arb.ca.gov/cc/scopingplan/scopingplan.htm>
- California Department of Conservation. *Santa Clara County Important Farmlands Map 2010*. Map. June 2011.
- 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*.
- . *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. September 2011.
- . *Municipal Code*.
- . *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.
- Concentric Ecologies. *Preliminary Tree Report*. December 2012.
- Cornerstone Earth Group. *Phase I Environmental Site Assessment, Westfield Valley Fair Expansion, Stevens Creek Boulevard, Santa Clara and San José, California*. January 21, 2013.

Federal Emergency Management Agency (FEMA). *Flood Insurance Rate Map, Community Panel Number 06085C0229H*. May 18, 2009.

San Francisco Bay Conservation and Development Commission. *Shoreline Areas Potentially Exposed to Sea Level Rise: South Bay*. Map. 2008. Available at: http://www.bcdc.ca.gov/planning/climate_change/index_map.shtml

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 Water District. *Rainfall and Reservoir Status Report*. January 2013.

U.S. Department of Agriculture, Soil Conservation Service. *Soils of Santa Clara County*. 1968.

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

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