

Draft Environmental Impact Report

**Valley Fair Shopping
Center Expansion Project
H06-027/GP06-T-04**

SCH No. 2006052162

Volume I of II: EIR Text and Technical
Appendices



December 2006

December 22, 2006

Ladies and Gentlemen:

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT FOR WESTFIELD VALLEY FAIR SHOPPING CENTER EXPANSION GENERAL PLAN TEXT AMENDMENT AND SITE DEVELOPMENT PERMIT (FILE NO. GP06-T-04/H06-027; SCH NO. 2006052162).

The Planning Commission of the City of San Jose will hold a Public Hearing to consider the Draft Environmental Impact Report (DEIR) prepared for the project described below. A copy of the DEIR is attached for your review.

Your comments regarding the significant environmental effects of this project and the adequacy of the DEIR are welcome. Written comments, submitted to the Department of Planning, Building and Code Enforcement by 5:00 p.m., Monday, February 5, 2007 will be included in the EIR and be considered by the Planning Commission at this public hearing. *If you make comments through a state or regional clearinghouse, please send a copy of your comments to the contact person listed below to insure prompt consideration.* If we receive no comments (nor a request for an extension of time) from you by the specified date, we will assume you have none to make.

Project Description and Location: General Plan Text Amendment to increase the allowed building height on the site from 50 to 65 feet and a Site Development Permit (File No. GP06-T-04/H06-027) to allow an approximately 650,000 gross square foot expansion of the existing Westfield Valley Fair Shopping Center to accommodate up to two new anchor stores and additional retail space. The project also includes the demolition and reconstruction of two existing parking structures and the relocation of three outbuildings. Three existing commercial buildings would be demolished and relocated as part of the project, including two bank buildings located along the southern boundary of the site and the grocery/drug store building located near the southwestern corner of the site. The bank buildings are currently located within the City of San José and would be relocated to the southwestern portion of the site in the City of Santa Clara. The grocery/drug store building would be relocated to the north of the existing building, and would remain within the City of Santa Clara. The project also includes access and circulation improvements, including the relocation of a southern driveway along Stevens Creek Boulevard so that it would align with South Baywood Avenue. This realignment would require the relocation of the traffic signal on Stevens Creek Boulevard. Other access and roadway improvements are also proposed along the western boundary of the site along Winchester Boulevard and could include the relocation of the existing traffic signal at Dorcich Street. Council District: 6.

Tentative Hearing Date: March 14, 2007

Contact Person: Janis Moore
Department of Planning, Building & Code Enforcement
200 East Santa Clara Street
San José, CA 95113-1905

Sincerely,


Akoni Daniels, Principal Planner

Attachment

TABLE OF CONTENTS

PREFACE	iv
SUMMARY	vi
1.0. INTRODUCTION, BACKGROUND, AND PROJECT OBJECTIVES	
1.1 INTRODUCTION.....	1
1.2 PROJECT LOCATION.....	1
1.3 BACKGROUND.....	1
1.4 PROJECT OBJECTIVES	5
1.5 USES OF THE EIR.....	5
2.0 DESCRIPTION OF THE PROJECT	
2.1 PROJECT DESCRIPTION.....	7
3.0 CONSISTENCY WITH ADOPTED PLANS	
3.1 SAN JOSÉ GENERAL PLAN.....	15
3.2 CITY OF SANTA CLARA GENERAL PLAN.....	18
3.3 SANTA CLARA COUNTY CONGESTION MANAGEMENT PROGRAM	20
3.4 SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM.....	21
3.5 BAY AREA 2005 OZONE STRATEGY	21
4.0 ENVIRONMENTAL SETTING, IMPACTS & MITIGATION	
4.1 LAND USE	23
4.2 TRANSPORTATION AND TRAFFIC	30
4.3 NOISE	48
4.4 AIR QUALITY	54
4.5 CULTURAL RESOURCES.....	64
4.6 BIOLOGICAL RESOURCES.....	67
4.7 GEOLOGY.....	75
4.8 HYDROLOGY AND WATER QUALITY	78
4.9 HAZARDS AND HAZARDOUS MATERIALS	85
4.10 VISUAL AND AESTHETICS.....	92
4.11 UTILITIES & SERVICE SYSTEMS	94
4.12 ENERGY.....	100
5.0 AVAILABILITY OF PUBLIC SERVICES	106
6.0 ALTERNATIVES	109
6.1 INTRODUCTION.....	109
6.2 NO PROJECT ALTERNATIVE	110
6.3 LOCATION ALTERNATIVES.....	111
6.4 REDUCED SCALE ALTERNATIVES	114

6.5	ENVIRONMENTALLY SUPERIOR ALTERNATIVE	118
7.0	CUMULATIVE IMPACTS	
7.1	INTRODUCTION.....	119
7.2	LIST OF CUMULATIVE PROJECTS.....	119
7.3	ANALYSIS OF CUMULATIVE IMPACTS.....	120
8.0	GROWTH-INDUCING IMPACTS	129
9.0	SIGNIFICANT UNAVOIDABLE IMPACTS	130
10.0	SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES	131
11.0	REFERENCES	132
12.0	EIR AUTHOR AND CONSULTANTS	134

Figures

Figure 1:	Regional Map	2
Figure 2:	Vicinity Map.....	3
Figure 3:	Aerial Photograph.....	4
Figure 4:	Site Plan.....	8
Figure 5:	Elevations	9
Figure 6:	Landscape Plan.....	12
Figure 7:	Santana Row and Baywood Avenue Entry Enlargements.....	13
Figure 8:	Study Intersections.....	31
Figure 9:	Trip Distribution.....	40
Figure 10:	Tree Survey Map	70

Tables

Table 2.1-1:	Summary of Proposed Shopping Center Structure Expansion.....	7
Table 2.1-2:	Buildings to be Demolished and Relocated.....	10
Table 4.2-1:	Level of Service Definitions for Signalized Intersections.....	33
Table 4.2-2:	Level of Service Definitions for Freeways	34
Table 4.2-3:	Existing and Background Intersection Level of Service	35
Table 4.2-4:	Existing Peak-Hour Levels of Service on Freeways.....	37
Table 4.2-5:	Trip Generation Estimates.....	39
Table 4.2-6:	Background + Project Intersection Level of Service.....	41
Table 4.4-1:	Major Criteria Pollutants	55
Table 4.4-2:	Summary of Air Quality Monitoring Data in San José	57
Table 4.4-3:	Comparison of Daily Emissions of Regional Pollutants	59
Table 4.4-4:	Emergency Generator Testing Emissions.....	59

Tables (Continued)

Table 4.4-5:	Predicted 8-Hour Carbon Monoxide Concentrations	60
Table 4.6-1:	Tree Survey of Ordinance Size Trees	68
Table 4.6-2:	Tree Replacement Requirements	72
Table 4.8-1:	Pervious and Impervious Surface Coverage	82
Table 4.9-1:	Regulation of Hazardous Materials	86
Table 4.12-1:	Estimated Average Annual Energy Usage	104
Table 7.0-1:	List of Cumulative Projects	120
Table 7.0-2:	Cumulative Intersection Levels of Service	123

Photographs

Photo 1:	25
Photos 2 and 3:	26
Photos 4 and 5:	27

Appendices

Appendix A:	Notice of Preparation and Responses
Appendix B:	Transportation Impact Analysis
Appendix C:	Air Quality Report
Appendix D:	Tree Survey
Appendix E:	Phase I Environmental Site Assessment
Appendix F:	Water Supply Assessment

EIR Volume I:	EIR Text and Technical Appendices
EIR Volume II:	Traffic Count Data
	Phase I Environmental Site Assessment Appendices

PREFACE

This document has been prepared by the City of San José as the Lead Agency in conformance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The purpose of this Environmental Impact Report (EIR) is to inform decision makers and the general public of the environmental effects of a proposed project.

This document provides a project-level environmental review appropriate for the Valley Fair Expansion Project. The Notice of Preparation (NOP) indicates that the EIR will focus on the following subject areas: land use, drainage and water quality, transportation and traffic, air quality, noise, biological resources and cumulative impacts. The EIR will also discuss hazardous materials, geology and soils, visual resources, cultural resources, utilities, public services, and energy. The Notice of Preparation was circulated for public comment for a 30-day period, from June 16 to July 17, 2006. The NOP and responses to the NOP received by the City are also presented in Appendix A of this EIR.

In accordance with CEQA, an EIR provides objective information regarding the environmental consequences of the proposed project, both to the decision makers who will be considering and reviewing the proposed project, and to the general public.

The following guidelines are included in CEQA to clarify the role of an EIR:

§15121(a). Informational Document. An EIR is an informational document, which will inform public agency decision makers, and the public of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR, along with other information which may be presented to the agency.

§15145. Speculation. If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.

§15146. Degree of Specificity. The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.

(a) An EIR on a construction project will necessarily be more detailed in the specific effects of a project than will an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.

(b) An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction project that might follow.

§15151. Standards for Adequacy of an EIR. An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently considers environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good-faith effort at full disclosure.

Copies of all documents referred to in this EIR, including the appendices to the technical reports, are available for review at the City of San José, Department of Planning, Building, and Code Enforcement, located at 200 East Santa Clara Street, 3rd Floor, San José, California during normal business hours.

SUMMARY

Summary Description of the Proposed Project

The proposed project is a City of San José Site Development Permit (File No. H06-027) to allow an approximately 650,000 square foot expansion of the existing Westfield Valley Fair Shopping Center. No change in the zoning of the site is required. The proposed project also includes a General Plan text amendment (GP06-T-04) to increase building heights on the site from 50 to 65 feet. The proposed shopping center expansion includes enlarging the actual shopping center structure and demolishing and relocating three outbuildings. The project also includes the demolition and reconstruction of two existing parking structures and modifications to existing vehicle circulation, driveways, and landscaping on the site.

The 70-acre project site is located both within the City of San José (52 acres) and the City of Santa Clara (18 acres). As part of the project, development would occur within both jurisdictions. While the City of San José would be the CEQA lead agency for the project, the City of Santa Clara would be a responsible agency and would use the EIR for approval of necessary development permits within its jurisdiction.

Summary of Impacts and Mitigation Measures

The table which follows summarizes the *significant* environmental impacts identified and discussed within the text of the EIR, and identifies the program mitigation and avoidance measures proposed to reduce those impacts. Those impacts for which no feasible mitigation could be identified are characterized as Significant and Unavoidable. Alternatives to the proposed project are also summarized at the end of the table.

SIGNIFICANT ENVIRONMENTAL IMPACTS	MITIGATION AND AVOIDANCE MEASURES
Land Use Impacts	
Demolition of the existing buildings on site and construction of the project would involve earthmoving, grading, delivery of construction materials, and the construction itself with the use of power equipment, concrete trucks, and other sources of noise, dust, and traffic as described in the EIR. Therefore overall construction impacts in terms of land use compatibility could be significant.	Implementation of the following mitigation measures will reduce impacts to adjacent land uses during construction to a less than significant level:
[Significant Impact]	MM 4.1-1: 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 include the following measures to minimize the impacts of construction upon adjacent land uses:
	<ul style="list-style-type: none">• Measures to control dust, noise, and water pollution resulting from construction activities (See <i>Section 4.4, Air Quality</i> of this EIR).• Measures to keep all streets and public ways clean of debris, dirt, dust and other undesirable outcomes of construction (See <i>Section 4.4, Air Quality</i> of this EIR).

Land Use Impacts (Continued)

- Measures to control noise by limiting hours of operation of construction activities, avoiding more sensitive early morning and evening hours, and scheduled equipment maintenance (see *Section 4.3, Noise* of this EIR).

[Less than Significant Impact with Mitigation Measures Included in the Project]

Transportation and Traffic Impacts

Saturday Traffic: The intersection of Stevens Creek Boulevard and Winchester Boulevard is projected to operate at an LOS E or worse during the Saturday peak hour with the addition of project traffic.

[Significant Impact]

The addition of a left-turn lane from southbound Winchester Boulevard to eastbound Stevens Creek Boulevard would prevent conditions at the intersection from degrading to an unacceptable LOS E. This improvement can be achieved by either acquiring right-of-way or by narrowing the existing sidewalk on the northwestern leg of the intersection. The feasibility of these improvements will be determined by the cities of San José and Santa Clara during the permitting/project approval process. If either of the improvements is determined to be feasible and is implemented, the impact would be less than significant. If it is determined that neither improvement is feasible, the impact would be significant and unavoidable.

[Less than Significant Impact if Mitigation is Determined to be Feasible and made a Condition of Project Approval] [Significant Unavoidable Impact if Mitigation is Determined to be Infeasible]

Freeway Segments: Project traffic would constitute one percent or more of freeway capacity in the mixed-flow lanes on four directional freeway segments of I-280 and I-880 that operate at LOS F during the PM peak hour.

[Significant Impact]

Mitigation of freeway segment impacts would require widening freeways, which would require the acquisition of right-of-way and the relocation of businesses and housing. In addition, freeways are under the jurisdiction of Caltrans, and such improvements are beyond the jurisdiction and control of the City of San José. For these reasons, it is infeasible for one project alone to implement the necessary mitigation.

[Significant Unavoidable Impact]

**SIGNIFICANT ENVIRONMENTAL
IMPACTS**

**MITIGATION AND AVOIDANCE
MEASURES**

Air Quality Impacts

Long-term Regional Impacts: The proposed shopping center expansion alone would generate regional pollutants in excess of BAAQMD significance thresholds during weekday, Saturday, and annual conditions.

[Significant Impact]

The following measures, which are included as part of the project, would partially reduce long-term air quality impacts, but not to a less than significant level because it would be difficult to achieve significant emission reductions since most emissions would be produced by customer automobile trips.

MM 4.4-1: New bus stops shall be constructed at convenient locations with pedestrian access to the project sites. Pullouts will be designed so that normal traffic flow on arterial roadways would not be impeded when buses are pulled over to serve riders. New and existing bus stops shall include nearby shelter, benches, and the posting of transit information.

MM 4.4-2: Bicycle amenities shall be provided and/or improved for the project. As appropriate, this shall include secure bicycle parking for office and retail employees, bicycle racks for retail customers and bike lane connections throughout the project site.

MM 4.4-3: Outdoor electrical outlets shall be provided so as to encourage the use of electrical landscape maintenance equipment.

MM 4.4-4: Pedestrian crossings shall be enhanced at strategic locations with countdown signals and pedestrian pathways shall be lined with shade trees.

MM 4.4-5: Idling of trucks at loading docks shall be limited to three minutes and signage shall be used to indicate such a prohibition.

[Significant Unavoidable Impact]

Short-term Construction Impacts: Construction activities would generate air pollutant emissions from the following construction activities: demolition, grading, construction worker travel to and from project sites, delivery and hauling of construction supplies and debris to and from the project site, and fuel combustion by on-site construction equipment.

[Significant Impact]

The following measures, which are included as part of the project and will reduce short-term air quality impacts to a less than significant level, will be included in the specifications and/or construction drawings for the project.

MM 4.4-6: All active construction areas shall be sprinkled with water at least twice daily and more often when conditions warrant, excluding any areas that are inaccessible to watering vehicles due to excessive slope or other safety conditions.

Air Quality Impacts (Continued)

MM 4.4-7: All trucks hauling soil, sand, and other loose materials shall be covered. Alternatively, all trucks shall be required to maintain at least two feet of freeboard, consistent with the requirements of §23114 of the California Vehicle Code.

MM 4.4-8: All unpaved access roads, parking areas, and staging areas at construction sites shall be watered three times daily. Alternatively, non-toxic soil stabilizers shall be applied in sufficient quantity and frequency to maintain a stabilized surface.

MM 4.4-9: All paved access roads, parking areas, and staging areas at construction sites shall be swept daily.

MM 4.4-10: Streets shall be swept daily if visible soil material is carried onto adjacent public streets.

MM 4.4-11: Inactive construction areas shall be watered on a daily basis, or hydroseeded or non-toxic soil stabilizers shall be applied, as appropriate.

MM 4.4-12: Exposed stockpiles (dirt, sand, etc.) shall be enclosed, covered, water twice daily, or non-toxic soil binders shall be applied.

MM 4.4-13: Traffic speeds on unpaved roads shall be limited to 15 miles per hour.

MM 4.4-14: Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways.

MM 4.4-15: Inactive disturbed surface areas shall be revegetated within twenty-one (21) days after active operations have ceased.

MM 4.4-16: Trucks and equipment leaving construction sites shall have accumulated dirt removed from wheels, as needed.

MM 4.4-17: Grading activities shall be suspended when winds exceed 25 miles per hour (mph) and visible dust clouds cannot be prevented from extending beyond active construction areas.

Air Quality Impacts, Continued

MM 4.4-18: All construction equipment shall be properly maintained, consistent with manufacturers' recommendations.

MM 4.4-19: The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors).

MM 4.4-20: Diesel equipment standing idle for more than two minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were on-site.

[Less than Significant Impact with Mitigation Measures Included in the Project]

Cultural Resources Impacts

Redevelopment of portions of the Westfield Valley Fair property is not expected to result in impacts to archaeological resources since no such resources are known or expected to be present.

Archaeological monitoring of construction activities in areas of the property proposed for construction is, therefore, not necessary. It should be noted however, that there is always a possibility that unknown resources could be discovered during project construction or grading activities. Disturbance to such resources would be a significant impact.

[Significant Impact]

The following measures are included in the project to reduce or avoid significant impacts to cultural resources should they be discovered during construction:

MM 4.5-1: In the event any significant cultural materials are encountered, all construction within a radius of 50 feet of the find shall be halted, the Director of Planning, Building and Code Enforcement shall be notified, and a qualified archaeologist shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation, and analysis of any significant cultural materials. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:

In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject

Cultural Resources Impacts, Continued

to his/her authority, he/she shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the landowner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

- A final report shall be submitted to the Director of Planning, Building and Code Enforcement. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusion, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the Director of Planning, Building and Code Enforcement.

**[Less than Significant Impact with Mitigation
Measures Included in the Project]**

Biological Resources Impacts

Mature Trees: Approximately 601 trees would be removed as part of the project, 46 of which are ordinance size. None of the trees to be removed are native species or City of San José Heritage trees.

[Significant Impact]

The following measures are included in the project to reduce tree removal impacts to a less than significant level:

MM 4.6-1: Final site design and Site Development Permit approval, as well as any public improvements, shall incorporate preservation of existing trees to the maximum extent practicable, to the satisfaction of the City's Director of Planning, Building, and Code Enforcement (PBCE).

MM 4.6-2: In locations where preservation of existing trees is not feasible due to site constraints, trees to be removed by the project shall be replaced at the ratios shown in Table 4.6-2 of the EIR.

MM 4.6-3: 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

Biological Resources Impacts, Continued

Enforcement, at the permitting 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 San José Beautiful or 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.

MM 4.6-4: 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 Principal 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

Biological Resources Impacts, Continued

- 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)

[Less than Significant Impact with Mitigation Measures Included in the Project]

Nesting Raptors: The trees on the site 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 activities.

[Significant Impact]

The following measures are included in the project to avoid significant impacts to nesting raptors during the construction phase:

MM 4.6-5: 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 4.6-6: 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 4.6-7: A report summarizing the 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 Principal Planner.

[Less than Significant Impact with Mitigation Measures Included in the Project]

Hydrology and Water Quality Impacts

Demolition of existing buildings and construction of structures would temporarily affect the water quality of runoff from the site. Additional pollutants which can be generated during construction of the project would include oil, grease, and heavy metals released during operation of motorized construction equipment, as well as solvents, paints, and adhesives used in construction.

[Significant Impact]

The following measures are included in the project and will reduce construction-related water quality impacts to a less than significant level:

MM 4.8-1: Prior to construction of any phase of the project, the cities of San José and Santa Clara shall require that the applicant submit a Stormwater Pollution Prevention Plan (SWPPP) and submit a Notice of Intent to the RWQCB to control the discharge of stormwater pollutants including sediments associated with construction activities. Along with these documents, the applicants may also be required to prepare an Erosion Control Plan. The Erosion Control Plan may include Best Management Practices (BMPs) as specified in the California Stormwater Best Management Practice Handbook for reducing impacts on the City's storm drainage system from construction activities. Final design and the Maintenance and Monitoring Plan of the BMPs shall be approved by the Directors of Planning, Building, and Code Enforcement and Public Works. The SWPPP shall include control measures during the construction period for:

- Soil stabilization practices
- Sediment control practices
- Sediment tracking control practices
- Wind erosion control practices
- Non-stormwater management, waste management & disposal control practices

MM 4.8-2: The following specific measures will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:

- Restrict grading to the dry season or meet City requirements for grading during the rainy season;
- Use best management practices to retain sediment on the project site;
- Install burlap bags filled with drain rock around storm drains to route sediment and other debris away from the drains;
- Provide temporary cover of disturbed surfaces to help control erosion during construction;
- Provide permanent cover to stabilize the disturbed surfaces after construction has been completed; and

Hydrology and Water Quality Impacts, Continued

- Comply with the City of San José and the City of Santa Clara's NPDES permit requirements, the cities' ordinances and policies related to stormwater management, the State Water Resources Control Board "General Permit for Discharges of Stormwater Associated with Construction Activity," and other applicable local, state, and federal requirements.

MM 4.8-3: Prior to issuance of a grading permit, the applicant shall be required to submit copies of the Notice of Intent and Erosion Control Plan (if required) to the City Project Engineer, Department of Public Works. The applicant shall also be required to maintain a copy of the most current SWPPP on-site and provide a copy to any City representative or inspector on demand.

MM 4.8-4: The proposed project shall comply with the City's Grading Ordinance and City Council Policy #6-29, "Post-Construction Urban Runoff Management, including erosion- and dust-control during site preparation, and with the City's Zoning Ordinance requirement for keeping adjacent streets free of dirt and mud during construction. The project will also comply with all applicable City of Santa Clara requirements.

MM 4.8-5: Maintenance techniques listed in Landscape Maintenance Techniques for Pest Reduction (prepared by the Santa Clara Valley Urban Runoff Pollution Prevention Program) shall be utilized. This will minimize the amount of pesticides that will be contained in stormwater runoff.

[Less than Significant with Mitigation Included in the Project]

Hazardous Materials Impacts

Demolition of the existing grocery/drug store which may contain lead-based paint could create lead-based dust and/or asbestos-containing at concentrations which would expose workers and nearby receptors to potential health risks.

[Significant Impact]

Implementation of the following mitigation measures will reduce or avoid impacts to adjacent land uses during demolition:

MM 4.9-1: 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

Hazardous Materials (Continued)

presence of asbestos-containing materials and/or lead-based paint.

MM 4.9-2: 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 4.9-3: 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 4.9-4: 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 4.9-5: 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.

[Less than Significant Impact with Mitigation Measures Included in the Project]

Cumulative Traffic Impacts

City of San José Intersections – Saturday:

All of the study intersections are projected to operate at an acceptable LOS D or better during the Saturday peak hour under cumulative conditions, with the exception of the intersection of Stevens Creek Boulevard and Winchester Boulevard. This intersection is projected to operate at an unacceptable LOS E under cumulative conditions, using weekday significance criteria. Though no cumulative data is available for the other projects included in this cumulative analysis, it can be assumed that the proposed project would account

Potential mitigation for the intersection of Stevens Creek Boulevard and Winchester Boulevard, which is also a CMP intersection, would consist of the addition of a second left-turn lane on the southbound Winchester Boulevard approach to the intersection. The widening of Winchester Boulevard and the installation of the left-turn lane would improve intersection operations to LOS D.

The feasibility of these improvements (widening the intersection or narrowing the sidewalk) will be determined by the cities of San José and Santa

**SIGNIFICANT ENVIRONMENTAL
IMPACTS**

**MITIGATION AND AVOIDANCE
MEASURES**

Cumulative Traffic Impacts (Continued)

for a majority of the cumulative traffic added to the intersection during the Saturday peak hour because the project generates most of its traffic at that time.

[Significant Cumulative Impact]

CMP Intersection: Measured against the CMP level of service standards for cumulative conditions, all of the CMP intersections, with the exception of the intersection of Stevens Creek Boulevard and San Tomas Expressway, would operate at an acceptable LOS E or better during weekday peak hours. The intersection of Stevens Creek Boulevard and San Tomas Expressway is projected to operate at an unacceptable LOS F during the PM peak hour under cumulative conditions.

[Significant Cumulative Impact]

Freeway Segments: Six directional freeway segments of I-280/I-880 would be impacted under cumulative conditions: The project would account for at least 60% percent of the added cumulative volume on each of the freeway segments. These contributions are considered cumulatively considerable.

[Significant Cumulative Impact]

Clara during the permitting process. If either of the improvements is determined to be feasible and is implemented, the impact would be less than significant. If it is determined by the cities that neither improvement is feasible, impacts at the intersection would be significant and unavoidable.

[Less than Significant Impact if Mitigation is determined to be Feasible and made a Condition of Project Approval] [Significant Unavoidable Cumulative Impact if Mitigation is determined to be Infeasible]

Future improvements for San Tomas Expressway include widening of San Tomas Expressway from six to eight lanes. The widening of San Tomas Expressway would improve the operations of the intersection of San Tomas Expressway and Stevens Creek Boulevard to better than background conditions. If the project is required to make a fair share contribution towards the identified improvements, impacts would be reduced to a less than significant level. If the mitigation is determined to be infeasible and is not made a condition of project approval, the cumulative impact would be significant and unavoidable.

[Less than Significant Cumulative Impact if Mitigation is determined to be Feasible and made a Condition of Project Approval] [Significant Unavoidable Cumulative Impact if Mitigation is determined to be Infeasible]

The mitigation necessary to reduce significant impacts upon the freeway segments is the widening of the freeways. Due to the substantial cost, this measure is not considered feasible for just a few development projects to implement. These impacts are therefore considered significant and unavoidable.

[Significant Unavoidable Cumulative Impact]

**SIGNIFICANT ENVIRONMENTAL
IMPACTS**

**MITIGATION AND AVOIDANCE
MEASURES**

Cumulative Air Quality Impacts

The proposed project was found to individually have a significant impact on regional air quality due to project specific vehicle emissions and thus, would also have a significant cumulative impact on regional air quality.

[Significant Cumulative Impact]

The project would result in significant regional air quality impacts due to vehicle emissions generated by project traffic and, therefore, would contribute towards a significant cumulative regional long-term air quality impact.

[Significant Unavoidable Long-Term Regional Cumulative Air Quality Impact]

SUMMARY OF ALTERNATIVES

CEQA requires that an EIR identify alternatives to the project as proposed. The CEQA Guidelines [Section 15126.6(a)] specify that an EIR identify alternatives which “would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.” The proposed project would result in significant unmitigated impacts to traffic, air quality, cumulative traffic, and cumulative regional air quality. Section 6 of this EIR analyzes several alternatives to the proposed project. A brief summary of these alternatives and their impacts is provided below.

1.0 NO PROJECT ALTERNATIVE

The purpose of including a discussion of a “No Project” Alternative is to allow the project decision makers to compare the impacts of not approving the project with the impacts of approving the project as it is proposed. The CEQA Guidelines stipulate that an EIR specifically include a No Project Alternative, which should address both “the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project is not approved, based on current plans and consistent with available infrastructure and community services.”

The site is currently developed with an approximately two million square foot shopping center, surface and structured parking, commercial outbuildings, and landscaping. Under the No Project Alternative, no additional retail space or parking structures would be constructed on the site, and all outbuildings would remain in their existing locations. The No Project Alternative would not result in the significant impacts described in this EIR. Air and water quality construction related impacts, construction related air, noise, and water quality impacts, impacts associated with the loss of trees, and impacts to one intersection and to identified freeway segments would not occur.

The No Project Alternative would not meet the project objective of constructing a high quality addition to the existing shopping center structure to include two new anchor stores, associated small shop retail, and a larger, updated grocery/drug store on the Valley Fair site. If the shopping center is not expanded, there would be no increase in sales tax revenues or employment, nor would existing vehicle trips within the Cities of San José and Santa Clara and project vicinity be reduced. The No Project Alternative would not result in additional environmental impacts when compared to the proposed project. For this reason, it is determined to be environmentally superior to the project.

2.0 LOCATION ALTERNATIVES

With the proposed expansion, the Valley Fair Shopping Center would include a total of approximately 2.65 million square feet of retail commercial area. The construction of a 2.65 million square foot shopping center can reasonably be expected to result in more/greater significant adverse environmental impacts than the construction of the proposed 650,000 square foot shopping center expansion alone

(larger project site size, greater trip generation, more construction related impacts, for example). For the purposes of this EIR, the Location Alternative site would only need to accommodate the construction of 650,000 square feet of retail uses because CEQA requires only the identification of alternative sites that could reduce the impacts of the proposed project.

In order to identify an alternative site for 650,000 square feet of “stand-alone” commercial retail uses that might reasonably be considered to “feasibly accomplish most of the basic purposes” of the project and mitigate some or all of the significant impacts of the project, it was assumed that such a site would ideally have the following characteristics:

1. Be approximately 20-25 acres in size (the existing shopping center has about 29,500 square feet of retail space per acre, therefore, 650,000 square feet of retail space would require approximately 20-25 acres for construction);
2. Designated for commercial uses in the San José General Plan and Zoning Ordinance;
3. Located in the northern/central portion of San José;
4. Served by available infrastructure; and
5. Immediately available for development or redevelopment.

CEQA encourages consideration of an alternative site when significant effects of the project might be avoided or substantially lessened. Only locations that would avoid or substantially lessen any of the significant effects of the project and meet most of the project objectives need be considered for inclusion in the EIR. Impacts associated with construction related air quality impacts could be reduced if the site were vacant. Redevelopment of any site where buildings and/or pavement would be removed would result in demolition activities that would introduce more particulates into the air when compared to development of a vacant site. Site grading would be required regardless of whether the site is currently developed or vacant.

A review of vacant and underutilized (which could include sites with buildings that could be demolished) sites approximately 20 to 25 acres in size, in the general vicinity of the project site was completed to identify potentially suitable alternative locations for the project. Potential alternative sites were evaluated in terms of whether they would: 1) reduce or avoid some or all of the significant environmental impacts of the proposed project; 2) be of sufficient size to meet most of the basic project objectives; and 3) be immediately available to be acquired or controlled by the applicant.

While a comprehensive property inventory of the entire city was not completed for this EIR, lands designated for commercial uses are located in the northern/central portion of San José. Many of these sites however, are smaller than 20-25 acres in size and are already developed with commercial or industrial uses. For the purposes of this analysis, two alternative sites were identified which meet most of the characteristics of the alternative location site, although one is not located in north/central San Jose. The first is the FMC site located north of I-880 on the west side of Coleman Avenue, to the west of San José Mineta International Airport. This site is located approximately 2.1 miles northeast of the Valley Fair site. The 92.5 acre FMC site is currently zoned for a total of approximately three million square feet of some combination of office, research and development, and commercial uses, and approximately 75 acres of which is owned by the airport. The airport has stated that it would like to see airport related uses located on the site including hotels and retail space.

The other location alternative considered was the existing Westfield Oakridge Shopping Center located on the north side of Blossom Hill Road, south of State Route 85, between Santa Teresa Boulevard and Winfield Boulevard in south San José. This site is located over eight miles to the southeast of the Valley Fair site. The Oakridge Shopping Center currently has approximately 1.24 million square feet of retail uses including one outbuilding.

2.1 FMC Site Location Alternative

For the purposes of this discussion, the comparison of the FMC alternative and the proposed project assumes that the proposed 650,000 square feet of commercial retail uses would be constructed on approximately 20-25 acres of the 92.5-acre FMC site. Although the northwest corner of the FMC site is located in the City of Santa Clara, this analysis assumes that only the portion of the site located in San José would be considered for the location alternative. It is also assumed that the commercial uses would not be constructed on the seven acre portion of the FMC site that has been designated as burrowing owl nesting and foraging habitat.

The majority of the FMC site is currently paved and has been developed with industrial structures; some of which have been removed, although a few buildings continue to be used by FMC or its affiliates. Some portions of the site are used for airport related uses such as car rental and parking. It is assumed that the some of the remaining structures could require removal in order to construct 650,000 square feet of new stand-alone commercial uses, as proposed by the location alternative. Removal of 20-25 acres of pavement and some structures would result in construction-related air quality impacts not unlike those of the proposed project, which would also require the removal of parking and retail structures and pavement over an approximately 20-acre area of the Valley Fair site. However, depending upon where on the FMC site the commercial uses are constructed, sensitive receptors may be located further away than they are at the Valley Fair site.

There is a greater potential for asbestos and lead-based paint to be within the buildings on the FMC site because they were built between 1951 and 1961. In addition, small amounts of hazardous materials may still be present in the soils on the FMC site. These conditions could be hazardous to construction workers on the FMC site. Mitigation measures for these potential impacts were included in the FMC project and would carry over as part of the construction of the proposed commercial uses. Construction of the project on the FMC site would result in similar water quality impacts during construction, especially since similar standard BMPs during construction would be implemented. Overall, construction related air and water quality impacts would be comparable at both the FMC and Valley Fair sites. Utilizing 20-25 acres of the FMC site for the proposed project could result in the loss of trees, including ordinance size trees. This loss could be significant, depending upon the number of trees to be removed.

It is unknown if the construction of 650,000 square feet of commercial uses alone on the FMC site would result in impacts to City of San José or CMP intersections, although the level of service (LOS) impacts at intersections in the vicinity of the FMC site could be comparable to the LOS impacts anticipated for the proposed project, although the intersections impacted would most likely be different. Traffic impacts would most likely occur at some signalized intersections on Coleman Avenue, The Alameda, Hedding Street, and Taylor Street. The construction of the proposed project on the FMC site could result in similar traffic impacts to freeway segments because the traffic generated would also use the freeways to access the FMC site. In addition, pass-by trip reductions and the internalization of trips would probably not be as high at the FMC site because the development would be a stand-alone 650,000 square foot retail center rather than a regional shopping destination in proximity to other retail opportunities.

The FMC site was used for industrial and manufacturing purposes by FMC and therefore, soils and groundwater on the site have been contaminated with hazardous materials. Impacted soils on the site have been remediated and groundwater monitoring will continue on the site in the near future. The proposed commercial uses would not be significantly affected by the past use of hazardous materials on the site because contaminated soils have been removed/remediated.

The FMC Site Location Alternative would meet some of the project's objectives of constructing commercial uses which increase sales tax revenues and employment. It would not expand an existing shopping center with two new anchors and associated small shop retail and would not update and enlarge an existing grocery/drug store in the highly commercial Valley Fair project area or internalize vehicle

trips in the vicinity. This Location Alternative would likely result in environmental impacts similar to the proposed project, and would not be considered to be environmentally superior to the proposed project. Because Westfield does not control or own any portion of the FMC site, this alternative is not feasible.

2.2 Oakridge Shopping Center Site Alternative Location

The Oakridge Shopping Center (also owned by Westfield) has been extensively remodeled and expanded, beginning in 1992. Based on the results of the EIR and traffic reports prepared for the original expansion in 1992 and subsequent addendums prepared for revisions to the PD Permit (1999, 2001, and 2003), significant impacts were identified at three intersections: 1) Santa Teresa Boulevard/Blossom Hill Road; 2) Thornwood Drive/Blossom Hill Road, and 3) Blossom Hill Road/Almaden Expressway. Although mitigation was included in the project to reduce these impacts to a less than significant impact, it would be expected that adding an additional 650,000 square feet onto the existing approximately 1.24 million square foot Oakridge Shopping Center would result in new/increased impacts at these previously identified intersections and potentially at other intersections in the vicinity of the Oakridge site. Impacts to freeway segments could also occur with this location alternative.

The previous expansion of the Oakridge Shopping Center also resulted in impacts associated with the loss of trees, hazardous materials impacts associated with the potential presence of asbestos containing materials in structures to be demolished, and significant unavoidable regional air quality impacts. It would be expected that the addition of 650,000 square feet of retail space on the Oakridge site would result in increases in the severity of previously identified impacts or new impacts not previously identified. For these reasons, impacts associated with the expansion of the Oakridge Shopping Center would not be less than those from the Valley Fair project; they would, however, occur in a different area of the city.

The Oakridge Shopping Center Location Alternative would meet some of the project's objectives of constructing commercial uses which increase sales tax revenues and employment. It would not meet the project's basic objectives of expanding the Valley Fair Shopping Center site in north/central San Jose to include two new anchor stores, associated small shop retail, or improve/expand an existing grocery/drug store. While the Oakridge Location Alternative is considered to be potentially feasible, it would likely result in environmental impacts similar to the proposed project, and would not be considered to be environmentally superior to the proposed project.

3.0 REDUCED SCALE ALTERNATIVES

The purpose of including an alternatives discussion in an EIR is to explore variations on the proposed project that might reasonably be assumed to reduce environmental impacts, while still meeting most or all of the project objectives. For the purposes of this discussion, it is acknowledged that the shopping center cannot be expanded without the removal/reconstruction of at least one parking structure. This is because the shopping center is surrounded on three sides by parking structures and construction of the addition on the northern side of the structure would not have sufficient setback from Forest Avenue.

For the purposes of this EIR, three reduced scale alternatives were considered as part of this alternatives analysis. In order to reduce impacts to the intersection of Stevens Creek Boulevard and Winchester Boulevard and freeway segments to a less than significant level, the proposed shopping center expansion would need to be less than 275,000 square feet of retail commercial uses. Therefore, the reduced scale alternatives examined in this section are for projects less than 275,000 square feet. The reduced scale alternatives to the project as presently proposed would be lower density commercial developments, representing a less intense use of the site.

3.1 Reduced Scale Alternative – Two Anchors

This Reduced Scale Alternative includes the expansion of the mall structure to include 275,000 square feet of additional retail space. The alternative described below would be the construction of the two proposed anchor stores (a total of 210,000 square feet) plus an additional 54,500 square feet of small retail stores (approximately 10,500 net square feet of retail space would be used for the relocation of the two bank buildings and the grocery/drug store).

This alternative would result in a reduction in project traffic generated by the currently proposed project. In fact, significant impacts at the intersection of Stevens Creek Boulevard and Winchester Boulevard and on the freeway segments would not occur. This reduction in traffic would also reduce vehicle generated air emissions; however, long-term air quality impacts would likely continue to be significant.¹ Impacts to water quality during construction could also be reduced due to the reduced construction area of impact. Overall, construction related noise and air quality impacts would be less than the proposed project. In addition, depending on where construction would occur, sensitive receptors could be located further away from construction activities. Because this alternative would include the demolition of the existing bank and grocery/drug store buildings which are located in the southern and southwestern portions of the project site, it would still have the potential to result in the release of asbestos-containing materials presumed to be within the existing grocery/drug store.

Impacts associated with the loss of trees could also be reduced if only one parking structure were relocated. Therefore, as described, this Reduced Scale Alternative would be incrementally environmentally superior to the project as proposed since impacts to one intersection and freeway segments would not occur, and most of the other impacts would be proportionately reduced.

Reducing the size of the shopping center expansion would not meet the stated objectives of the proposed project of constructing two new anchor stores and the number of various smaller retail stores within the center. While two anchors would be constructed, the number and variety of smaller retail stores within the center would not be sufficient to draw foot traffic within the center between the proposed anchor stores, as described in this EIR in Section 1.4, *Project Objectives*. Sales tax revenues and employment would not be increased to the extent that they would with the proposed project. The amount of additional retail opportunities and trip internalization in the highly commercial project area would also be reduced. The grocery/drug store would be updated, consistent with the project objectives. Therefore, this alternative would not meet the project objectives to the same extent as the proposed project, as previously described.

3.2 Reduced Scale – One 120,000 Square Foot Anchor Store

This Reduced Scale Alternative includes the expansion of the mall structure to also include 275,000 square feet of additional retail space; however, this alternative would be the construction of the larger proposed anchor store (approximately 120,000 square feet) plus an additional 144,500 square feet of small retail stores (approximately 10,500 net square feet of retail space would be used for the relocation of the two bank buildings and the grocery/drug store).

This alternative would result in a reduction in project traffic generated by the currently proposed project. In fact, significant impacts at the intersection of Stevens Creek Boulevard and Winchester Boulevard and on the freeway segments would not occur. This reduction in traffic would also reduce vehicle generated air emissions; however, long-term air quality impacts would likely continue to be significant. Impacts to water quality during construction could also be reduced due to the reduced construction area of impact. Overall, construction related noise and air quality impacts would be less than the proposed project. In addition, depending on where construction would occur, sensitive receptors could be located further away

¹ BAAQMD has determined that regional shopping center projects of more than 44,000 square feet have the potential to result in significant air quality impacts.

from construction activities. Because this alternative would include the demolition of the existing bank and grocery/drug store buildings which are located in the southern and southwestern portions of the project site, it would still have the potential to result in the release of asbestos-containing materials presumed to be within the existing grocery/drug store.

Impacts associated with the loss of trees could also be reduced if only one parking structure were relocated. Therefore, as described, this Reduced Scale Alternative would be incrementally environmentally superior to the project as proposed since impacts to one intersection and freeway segments would not occur, and most of the other impacts would be proportionately reduced.

Reducing the size of the shopping center expansion would not meet the stated objectives of the proposed project of constructing two new anchor stores and a number of various smaller retail stores within the center. The Valley Fair Shopping Center would still have fewer anchors than other Westfield Shopping Centers of its size, as described in this EIR in Section 1.4, *Project Objectives*. The anchor stores are important to the success of the shopping center because they “draw” retail traffic to the shopping center. Sales tax revenues and employment would not be increased to the extent that they would with the proposed project. The amount of additional retail opportunities and trip internalization in the highly commercial project area would also be reduced. The grocery/drug store would be updated, consistent with the project objectives. Therefore, this alternative would not meet the project objectives to the same extent as the proposed project, as previously described.

3.3 Reduced Scale – Remainder to be Constructed at Oakridge Shopping Center

This reduced scale alternative includes the expansion of the mall structure to also include 275,000 square feet of additional retail space (one anchor plus the remainder in square footage for small retail stores) with the remaining square footage including the other anchor (approximately 375,000 square feet total) being constructed as an expansion of the Westfield Oakridge Shopping Center.

This alternative would result in a reduction in project traffic generated by the currently proposed project. In fact, significant impacts at the intersection of Stevens Creek Boulevard and Winchester Boulevard and on the freeway segments would not occur. This reduction in traffic would also reduce vehicle generated air emissions in the central portion of San Jose; however, long-term air quality impacts would likely continue to be significant. Impacts to water quality during construction could also be reduced due to the reduced construction area of impact at the Valley Fair site. Overall, construction related noise and air quality impacts at the Valley Fair site would be less than the proposed project. In addition, depending on where construction would occur, sensitive receptors could be located further away from construction activities. Because this alternative would include the demolition of the existing bank and grocery/drug store buildings which are located in the southern and southwestern portions of the project site, it would still have the potential to result in the release of asbestos-containing materials presumed to be within the existing grocery/drug store. Impacts associated with the loss of trees could also be reduced on the Valley Fair site if only one parking structure were relocated.

As previously described, the last expansion of the Oakridge Shopping Center resulted in significant impacts at three intersections and although mitigation was included in the project to reduce these impacts to a less than significant impact, it would be expected that adding an additional 375,000 square feet onto the existing approximately 1.24 million square foot Oakridge Shopping Center would also result in impacts at these intersections and at other intersections in the vicinity of the shopping center. Because the threshold for traffic impacts at the Valley Fair site was the construction of more than 275,000 square feet of retail uses, it can be assumed that the construction of 375,000 square feet of retail uses at the Oakridge site would result in impacts similar as the proposed project; they would, however, occur in the southern part of the City. Impacts to freeway segments in the vicinity of Oakridge, including State Routes 87 and 85, could also occur with this reduced scale alternative.

Constructing an additional 375,000 square feet of retail space on the Oakridge site would also result in the loss of trees, hazardous materials impacts associated with the presence of asbestos containing materials, and significant unavoidable regional air quality impacts. For these reasons, the impacts from constructing the additional square footage on the Oakridge site would be expected to be proportionately less simply because less of the site would be disturbed during construction. Traffic impacts could be similar in intensity; however, they would occur in a different area of the city. Regional air quality impacts would also occur in the southern portion of the city. This alternative location would not be environmentally superior to the proposed project.

Reducing the size of the Valley Fair shopping center expansion would not meet the stated objectives of the proposed project of constructing two new anchor stores at Valley Fair and a number of various smaller retail stores within the center. The Valley Fair Shopping Center would still have fewer anchors than other Westfield Shopping Centers of its size. The anchor stores are important to the success of the shopping center because they “draw” retail traffic to the shopping center. The amount of additional retail opportunities and trip internalization in the highly commercial project area would also be reduced. The grocery/drug store would be updated, consistent with the project objectives. Therefore, this alternative would not meet the project objectives to the same extent as the proposed project, as previously described.

Constructing the remaining retail uses on the Oakridge site would meet some of the project’s objectives of constructing commercial uses which increase sales tax revenues and employment. Although it is controlled by Westfield, constructing an expansion at the Oakridge site would not meet the project’s basic objectives of expanding the Valley Fair Shopping Center site to include two new anchor stores, associated small shop retail, or improve/expand an existing grocery/drug store. This Reduced Scale Alternative would likely result in environmental impacts similar to the proposed project and would result in impacts occurring at two different locations, and would not be considered to be environmentally superior to the proposed project.

4.0 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The CEQA Guidelines specify that an EIR must identify the environmentally superior alternative among those alternatives discussed. If the environmentally superior alternative is the “No Project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. [§15126.6(3)(2)]

While the No Project Alternative would result in less impact than the proposed project, the environmentally superior alternatives among the remaining alternatives identified are the Reduced Scale Alternatives (Two Anchors and One 120,000 Square Foot Anchor Store). These alternatives would reduce some of the identified significant impacts of the Valley Fair Shopping Center Expansion, especially traffic, loss of trees, and construction related noise, and air and water quality impacts. However, for the reasons discussed above, these alternatives would not meet the overall project objectives to the same extent as the proposed project.

KNOWN VIEWS OF LOCAL GROUPS AND AREAS OF CONTROVERSY

The primary issues raised by residents of San José and Santa Clara have been traffic-related concerns.

SECTION 1.0 INTRODUCTION, BACKGROUND, AND PROJECT OBJECTIVES

1.1 INTRODUCTION

This project-specific Environmental Impact Report (EIR) has been prepared in accordance with the requirements of the California Environmental Quality Act (CEQA). The purpose of the EIR is to inform the public and various governmental agencies of the environmental effects of the proposed Westfield Valley Fair Shopping Center Expansion Project.

The approximately 70-acre project site is located both within the City of San José (52 acres) and the City of Santa Clara (18 acres). As part of the project, development would occur within both jurisdictions. While the City of San José would be the CEQA lead agency for the project, the City of Santa Clara would be a responsible agency and would use this EIR for approval of necessary development permits within its jurisdiction.

1.2 PROJECT LOCATION

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

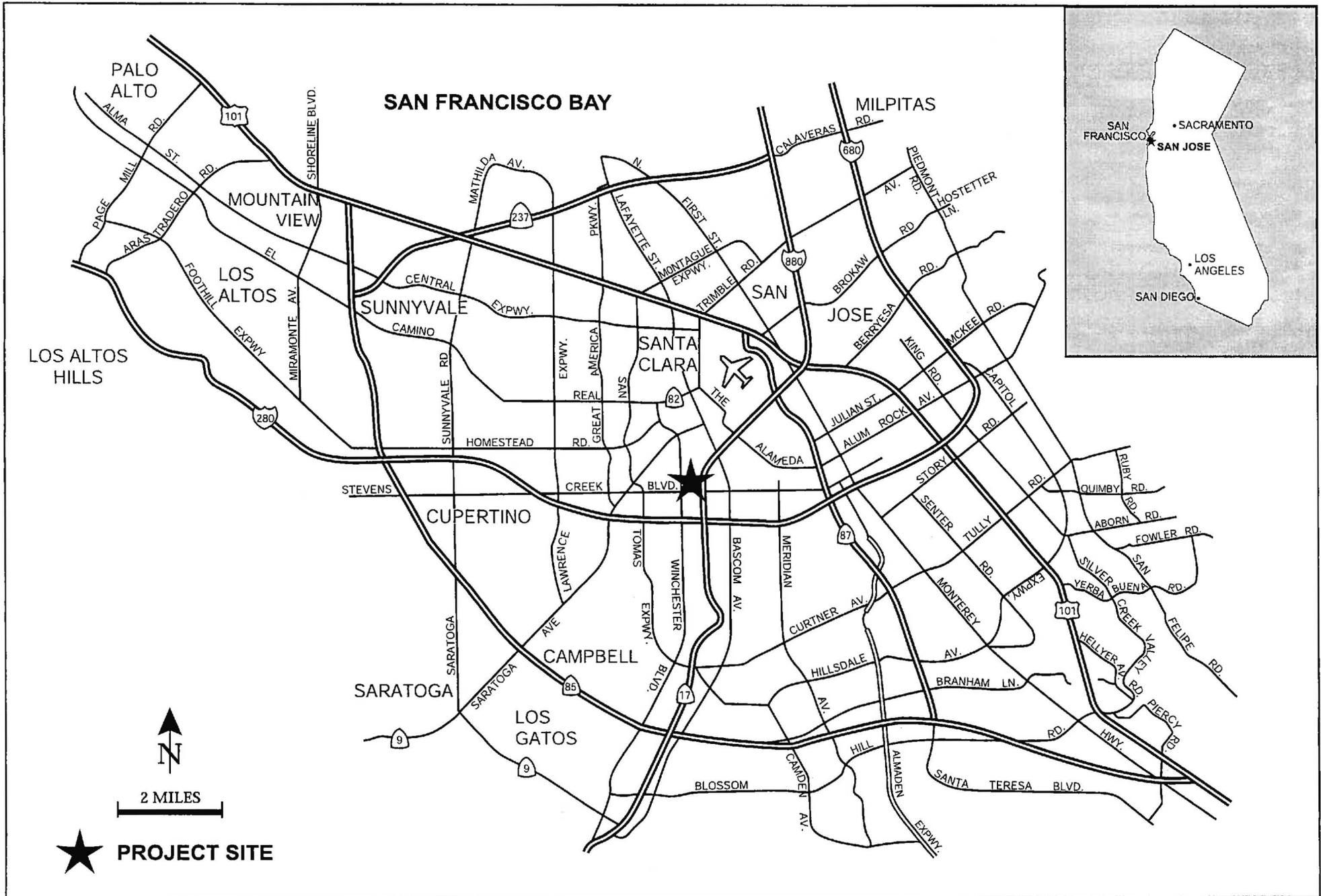
1.3 BACKGROUND

Valley Fair Shopping Center was originally constructed in 1956 and represented the first regional shopping center in San José. The following year, Stevens Creek Plaza opened just west of the Valley Fair Shopping Center and in the mid-1980s, the two shopping centers were combined into a single, enclosed shopping center. Additional retail space and a parking structure were added to the shopping center site at that time.

The shopping center was remodeled again in 1999 after it was acquired by an affiliate of Westfield America, Inc., to add approximately 500,000 square feet of retail space, including a new retail anchor (department) store and other retail shops, and the construction of three additional parking structures. Access to the project site was modified along the Forest Avenue frontage of the shopping center, including the removal of one traffic signal and the relocation of another.

The total square footage of the existing shopping center structure is approximately 1.9 million square feet. The total square footage for the outbuildings on the site is approximately 112,000 square feet.¹ Therefore, retail/commercial uses on the site total approximately two million square feet.

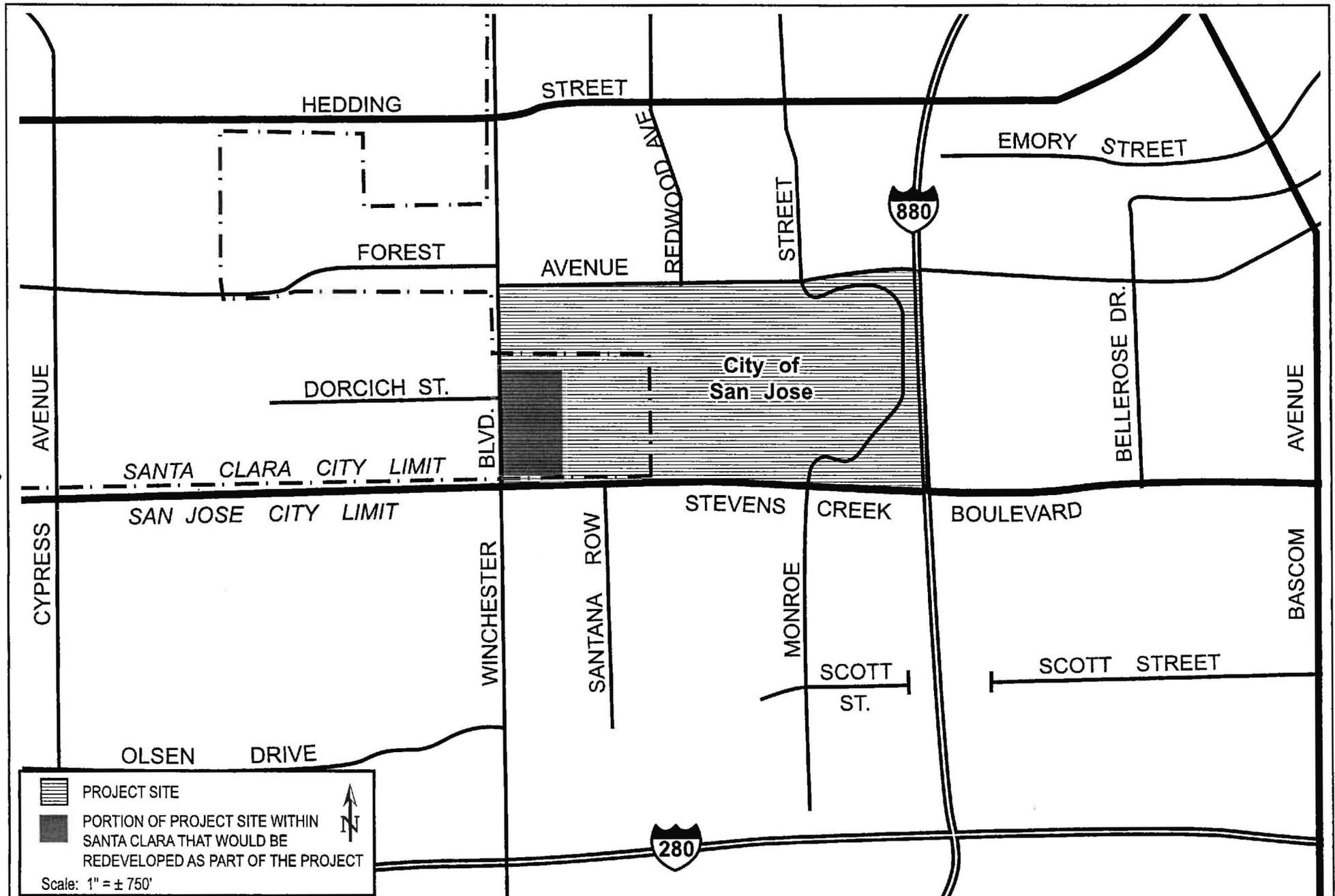
¹ An "outbuilding" is an independent commercial structure that is not physically attached to the shopping center. On the Westfield Valley Fair site, this includes three banks, a grocery/drug store, and a tire center.



2

REGIONAL MAP

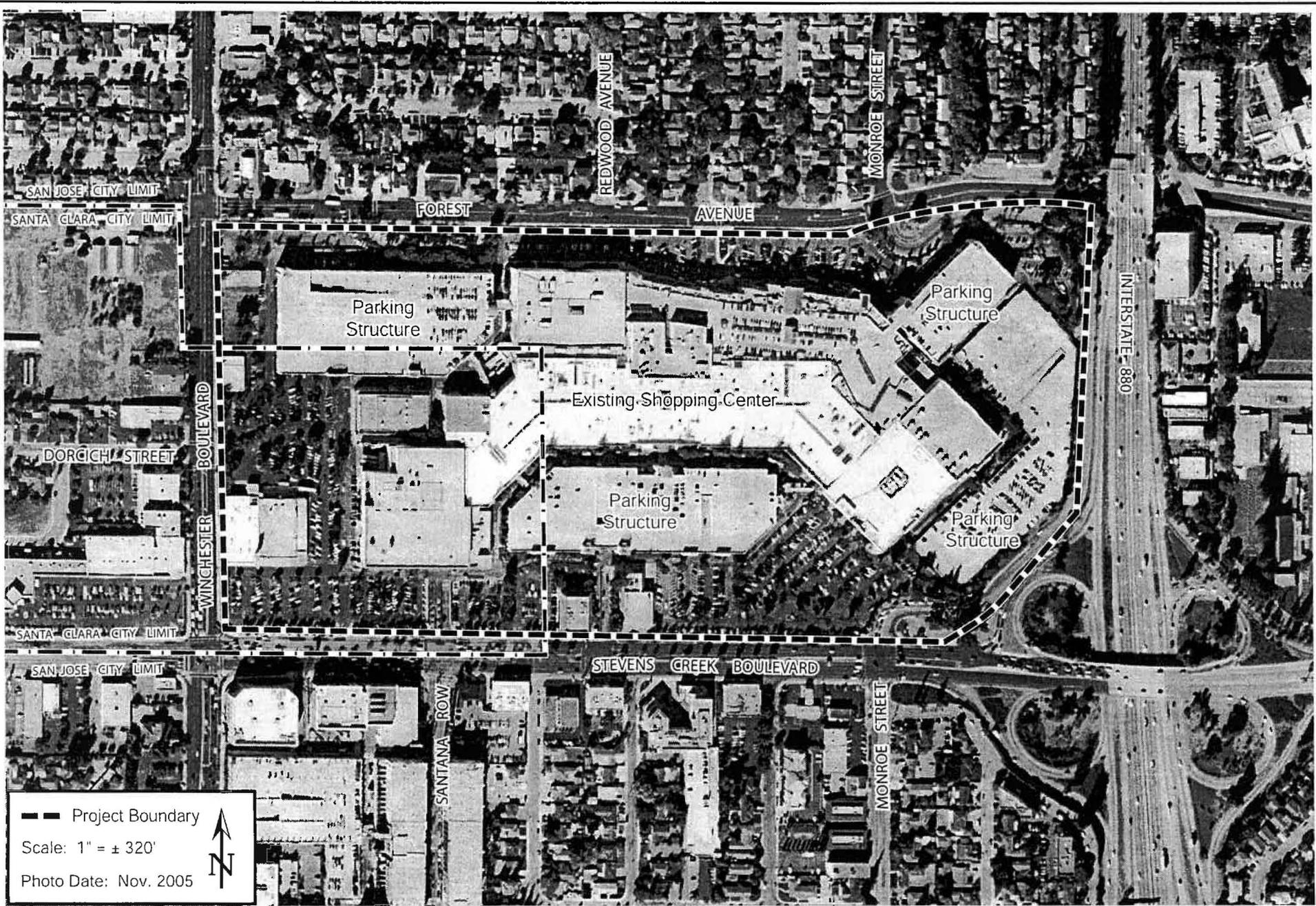
FIGURE 1



VICINITY MAP

FIGURE 2

4



- - - Project Boundary
 Scale: 1" = ± 320'
 Photo Date: Nov. 2005



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 3

1.4 PROJECT OBJECTIVES

The objective of the proposed shopping center expansion project is to construct a high quality addition to the existing Valley Fair shopping center structure in a manner that is compatible and complimentary with surrounding residential and commercial land uses. The basic objectives are to: 1) construct two new anchor stores with a minimum size (combined) of approximately 210,000 square feet to be located in such a way as to maximize and encourage pass-by foot traffic; 2) add a variety of smaller retail stores within the center; and 3) replace an older existing grocery/drug store with a larger, updated facility on the Valley Fair site. Increasing sales tax revenues and employment for the cities of San José and Santa Clara, while providing additional retail opportunities in the highly commercial project area and the region, are also project objectives.

The existing approximately two million square foot Valley Fair shopping center only has two anchor stores (also known as “draw” or “magnet” stores); Macys and Nordstrom. Anchor stores “draw” retail traffic to the shopping center partially due to the comprehensive (in terms of distribution and volume) advertising and marketing done by these larger department stores. In physical configuration, anchor stores are typically located within the shopping center in such a way as to maximize the amount of foot traffic from one anchor store to another, thus generating pass-by traffic and revenues for the smaller tenants located along the “retail corridor” within the center.

Compared to other Westfield Shopping Centers, the Valley Fair Shopping Center has fewer anchor stores than other centers of its size in California; on average, a two million square foot Westfield Shopping Center has four or more anchor stores. The 210,000 square foot anchor expansion includes one 90,000 and one 120,000 square foot store, which are typical sizes for anchor tenants given the area needed for foyers, walkways, escalators, and elevators.

The anchor stores also benefit from the number, quality, and variety of smaller retail stores within the center. Therefore, another project objective is to increase the number of small stores to provide shopping destinations as shoppers travel from one anchor store to another. Another objective of the project is to relocate two bank buildings to allow the expansion of the shopping center structure and to replace an older existing grocery/drug store with a larger, updated facility, to better serve the nearby residential neighborhoods in both Santa Clara and San José that are without a grocery store in the general vicinity.

1.5 USES OF THE EIR

The information contained in this EIR will be used by the City of San José (the CEQA Lead Agency) and the City of Santa Clara as they consider whether or not to approve the proposed Westfield Valley Fair Shopping Center Expansion Project. A City of San José General Plan Amendment to allow buildings up to 65 feet in height would only apply to that portion of the site within the City of San José. Buildings proposed for the Santa Clara portion of the site would not exceed 50 feet in height.

If the project is approved, the EIR will be used by the Cities of San José and Santa Clara in conjunction with various approvals and permits, including the following:

<u>Permits</u>	<u>City of San José</u>	<u>City of Santa Clara</u>
Site Development Permit (H06-027)	X	
General Plan Amendment	X	
Stormwater Pollution Prevention Permits	X	X
Architectural Review		X
Building Permits	X	X
Grading Permits	X	X
Tree Removal Permits	X	X

It is not presently anticipated that any permits would be required from Caltrans, VTA, the County of Santa Clara, or the Santa Clara Valley Water District (SCVWD) for any off-site improvements. A Permit to Operate will be required from the Bay Area Air Quality Management District (BAAQMD) for the proposed emergency diesel generators.

SECTION 2.0 PROJECT DESCRIPTION

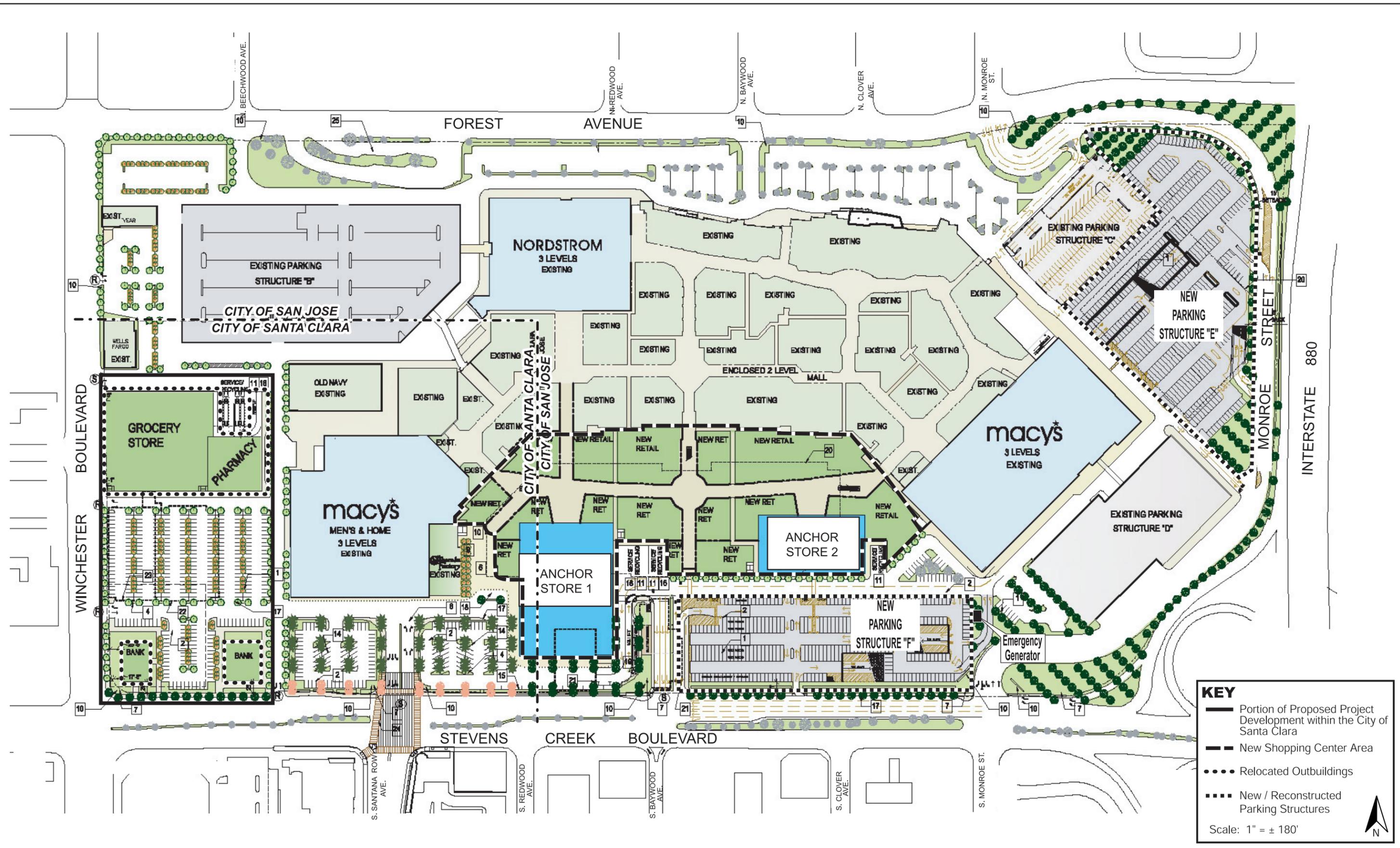
2.1 PROJECT DESCRIPTION

The proposed project is a City of San José Site Development Permit (File No. H06-027) to allow an approximately 650,000 square foot expansion of the existing Westfield Valley Fair Shopping Center. No change in the zoning of the site is required. The proposed project also includes a General Plan text amendment to increase building heights on the site from 50 to 65 feet. The proposed shopping center expansion includes enlarging the actual shopping center structure and demolishing and relocating three outbuildings. The project also includes the demolition and reconstruction of two existing parking structures and modifications to existing vehicle circulation, driveways, and landscaping on the site. Each component of the proposed project is described below.

2.1.1 Expansion of the Shopping Center Structure

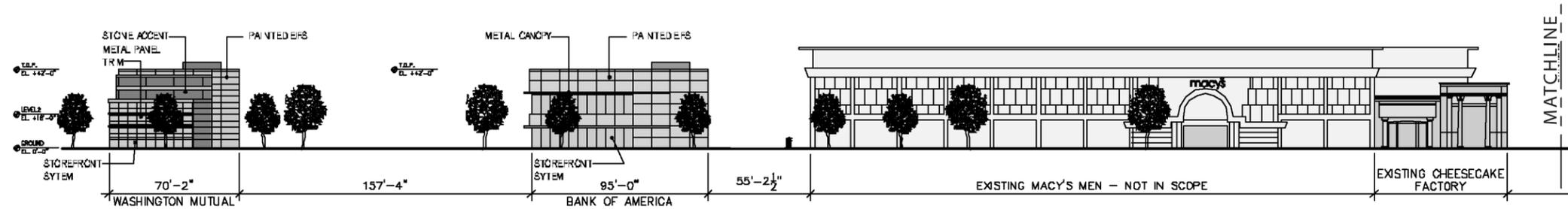
The existing shopping center structure would be expanded as shown in Table 2.1-1, below. As shown on Figure 4, the expansion of the shopping center structure would occur on the southern side of the site and include the construction of two new anchor stores to be located on the southern side of the shopping center structure. Anchor Store #1 would include approximately 120,000 square feet and be constructed in two levels, while Anchor Store #2 would be constructed in three, approximately 30,000 square foot levels, for a total of 90,000 square feet. New small shop retail uses would also be added to the structure in two levels on the southern side of the shopping center structure, as shown in Table 2.1-1. The project proposes a General Plan Text Amendment to allow the new shopping center addition and parking structures to be up to 65 feet in height (50 feet is currently allowed). Roof-top parking would be provided on top of the new shopping center addition, similar to how it is provided on the northern side of the existing structure. Elevations of the proposed project are shown on Figure 5.

Use	Square Footage
Anchor Store #1 (Two levels)	120,000
Anchor Store #2 (Three levels)	90,000
Other Retail Uses (1 st Floor)	213,180
Other Retail Uses (2 nd Floor)	215,300
Total	638,480

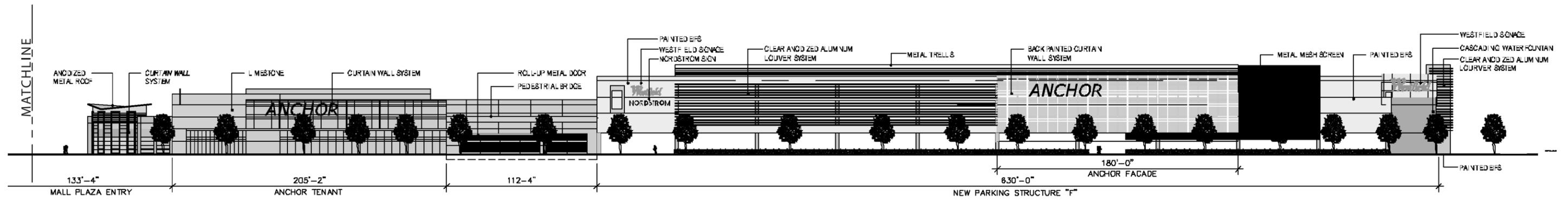


CONCEPTUAL SITE PLAN

FIGURE 4



WINCHESTER BOULEVARD TO MONROE STREET EXTERIOR ELEVATIONS



WINCHESTER BOULEVARD TO MONROE STREET EXTERIOR ELEVATIONS (CONTINUED)

2.1.2 Demolition/Reconstruction of Outbuildings

Three existing commercial outbuildings on the project site would be demolished and relocated as part of the project. These buildings include two bank buildings located near the southern boundary of the site, adjacent to Stevens Creek Boulevard, and a grocery/drug store building located near the southwestern corner of the site, near the intersection of Stevens Creek and Winchester Boulevards. The two bank buildings are currently located within the City of San José and would be relocated closer to Winchester Boulevard, in the City of Santa Clara (southwestern portion of the site). The grocery/drug store building would be relocated to the north of its existing location, remaining within the City of Santa Clara. All structures to be constructed within the City of Santa Clara would be no more than 50 feet tall. The square footages of buildings to be demolished and relocated are shown in Table 2.1-2, below.

	Existing Sq. Ft.	Proposed Sq. Ft.	Net Sq. Ft.
Bank of America	17,500	12,000	-5,500
Washington Mutual	17,000	10,000	-7,000
Safeway/Longs	47,000	70,000	+23,000
Total	81,500	92,000	+10,500

2.1.3 Parking Structures

The proposed project includes the demolition and reconstruction of two of the existing parking structures on-site. One structure would be reconstructed and expanded in generally its existing location in the northeastern portion of the site (new Parking Structure "E"), while the other structure would be relocated south of its existing location (old Parking Structure "A" becomes new Parking Structure "F"), as shown on Figure 4. These two new five-level parking structures would include roof-top parking and would provide approximately 2,570 additional parking spaces when compared to the existing parking on the site (approximately 7,100 spaces) for a total of approximately 9,670 parking spaces, which exceeds the City of San José's parking requirements.² New Parking Structure "F" would provide access to the roof top parking proposed for the shopping center structure expansion, as previously described. Roof-top parking is currently provided on the northern portion of the existing shopping center structure, with access provided by Existing Parking Structure "C" near the northeast corner of the site.

The proposed project also includes restriping at-grade parking lots after project construction and restriping Existing Parking Structure "B" in the northwest corner of the site to create approximately 100 new compact parking spaces.

² Based on the City of San José's parking requirement of one space per 225 square feet of gross leasable retail building area. As described in detail in Section 4.2 of this EIR, gross leasable area (GLA) is approximately 85% of the gross buildable area (GBA) of the shopping center. GLA does not generate traffic trips or require parking spaces; therefore, parking requirements are determined based on GLA, or approximately 552,500 sq. ft.

2.1.4 On-site Circulation, Landscaping, Grading, and Drainage

The project includes access and circulation improvements, including the relocation of a southern driveway along Stevens Creek Boulevard so that it aligns with South Baywood Avenue, as shown on Figures 6 and 7. This realignment would require the relocation of the traffic signal on Stevens Creek Boulevard and the widening of the drive aisle to include two inbound and two outbound lanes. To prevent an increase in traffic volumes and a disruption of residences along Baywood Avenue, the southbound leg of the intersection from Valley Fair, would be restricted to right and left turns only. In addition, a dedicated right-turn lane on westbound Stevens Creek Boulevard would be installed to allow direct access to the new parking structure proposed for the southern portion of the site (Parking Structure "F").

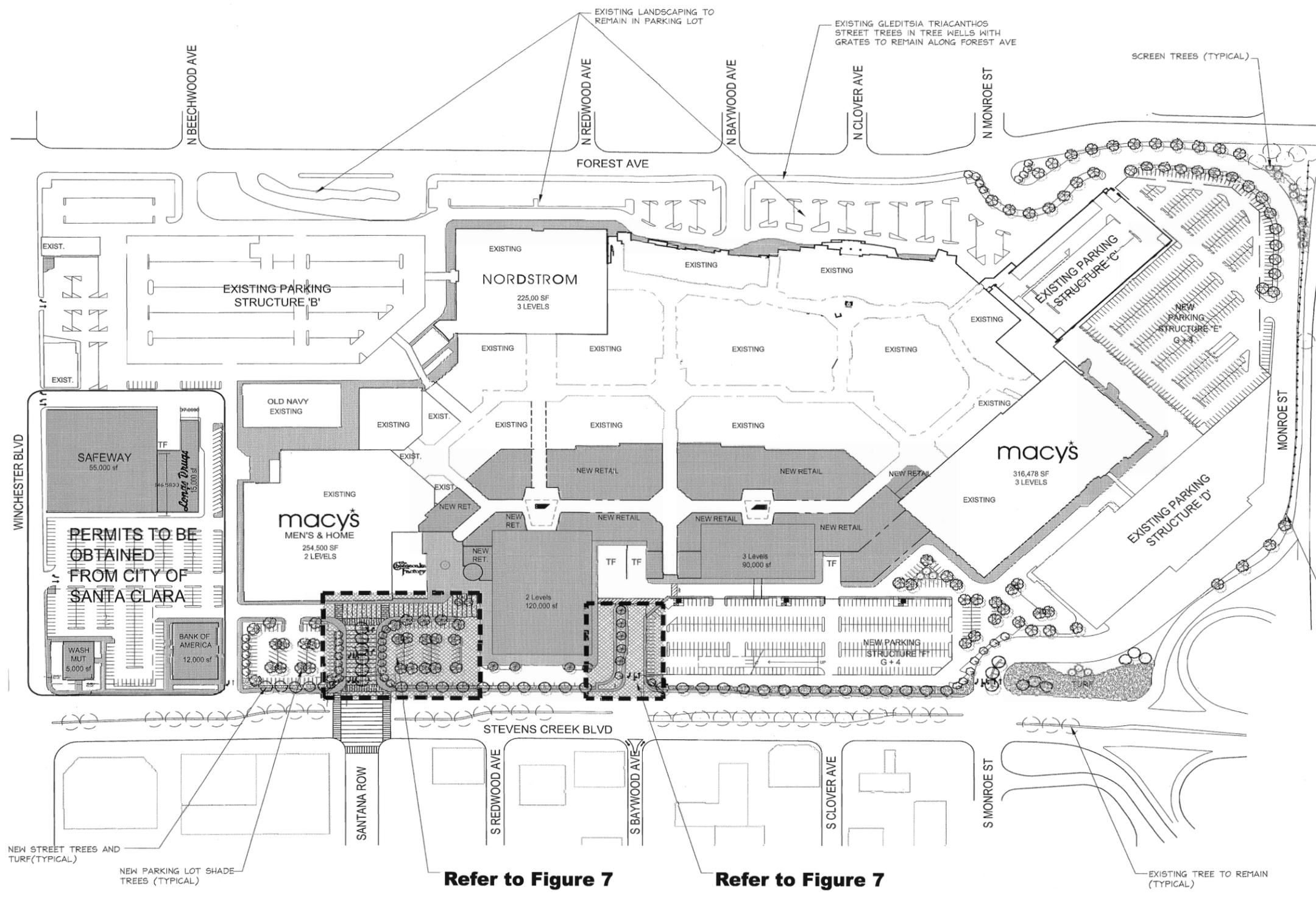
The proposed project also includes the addition of a direct right-turn lane from the I-880 southbound off-ramp to northbound Monroe Street. To accommodate the additional right-turn lane, one eastbound left-turn lane from Stevens Creek Boulevard to northbound Monroe Street would be removed. This modification would not change the level of service at the intersection, as described in Section 4.2, *Transportation and Traffic*.

The project also includes pedestrian enhancements at the main driveway from the Valley Fair site to the Santana Row commercial/residential development to the south (South Santana Row Avenue). A new sidewalk would be added to the eastern side of the intersection and the sidewalks would be widened at the northeast and northwest corners of the intersection to facilitate pedestrian movement across Stevens Creek Boulevard. Other enhancements include landscaping to match the existing Santana Row landscaping and decorative paving. Access and other roadway improvements are also proposed along the western boundary of the site on Winchester Boulevard and with the approval of the City of Santa Clara, would include the relocation of the existing traffic signal at Dorcich Street.

Landscaping to be installed in the portions of the site disturbed by construction would include City arborist approved tree species. As described in Section 4.6, *Biological Resources*, trees to be removed would be replaced at an appropriate ratio and trees to remain would be protected during construction, consistent with the City of San José's Tree Ordinance.

The proposed project site is generally flat and has been developed with shopping center and parking uses since the 1950s. Substantial grading prior to construction would not be required to achieve positive drainage, and the proposed project would not require extensive excavation for underground facilities. Existing finished floor elevations are between 120 and 124 feet and proposed finished floor elevations are proposed to be between 123 and 124 feet mean sea level for the proposed addition to the shopping center structure.

The proposed project includes construction and implementation of a Stormwater Control Plan for the treatment of stormwater on-site prior to outfall to the City's storm drainage system. Mechanisms to be employed could include the use of vegetated bioswales in landscaped areas and/or stormceptors in accordance with the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) and National Pollution Discharge Elimination System (NPDES) permit process. It is anticipated that an approximately 6,000 square foot bioswale would be installed adjacent to Parking Structure "F" along the Stevens Creek Boulevard frontage. Media filter devices, including below ground vaults and/or manholes containing filter cartridges would also be used on-site, the exact locations and sizes of which would be determined based on final site grading. The proposed project would conform to City of San José Council Policy 6-29, *Post-Construction Urban Runoff Management*.



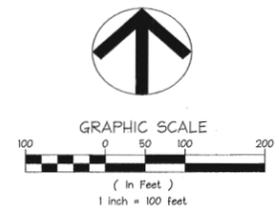
PROPOSED PLANT PALETTE

SYMBOL	BOTANICAL NAME	COMMON NAME
TREES		
	ACER PALMATUM	JAPANESE MAPLE
	FRAXINUS ANGUSTIFOLIA	RAYHOD ASH
	GLEDITSIA TRIACANTHOS 'SUNBURST'	HONEY LOCUST
	LAGERSTROEMIA HYBRIDS	CRAPE MYRTLE
	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA
	OLEA EUROPAEA	OLIVE
	PLATANUS ACERIFOLIA	LONDON PLANE TREE
	SEQUOIA SEMPERVIRENS	COAST REDWOOD
SHRUBS		
	AGAPANTHUS 'PETER PAN'	AGAPANTHUS
	BUXUS JAPONICA 'GREEN BEAUTY'	JAPANESE BOXWOOD
	DIETES VEGETA	FORTNIGHT LILY
	ESCALLONIA SP.	ESCALLONIA
	HEPEROCALLIS SP.	DAYLILY
	LAVANDULA SP.	LAVENDER
	HYRTUS COMMUNIS	MYRTLE
	PHORMIUM SP.	NEW ZEALAND FLAX
	ROSE SP.	ROSE
	RHAPHIOLEPIS SP.	INDIAN HAWTHORN
	PITTOSPORUM SP.	NCN
	VIBURNUM SP.	VIBURNUM
VINES		
	CLYTOSTOMA CALLISTEGIOIDES	LAVENDER TRUMPET VINE
	GELSEMIUM SEMPERVIRENS	CAROLINA JESSAMINE
GROUNDCOVERS		
	LANTANA MONTIVEDENSIS	TRAILING LANTANA
	ROSMARINUS OFFICINALIS 'PROSTRATUS'	DINARE' ROSEMARY'
	SCAEVOLA 'MAUVE CLUSTERS'	FAN FLOWER
	TRACHELOSPERMUM ASIATICUM	STAR JASMINE
	TURF	
	TALL FESCUE BLEND	FESCUE SP.
	EXISTING TREE TO REMAIN	
*BARK MULCH: ALL PLANTER AREAS TO RECEIVE A 2" THICK LAYER OF FIR BARK MULCH.		
IRRIGATION NOTE		
ALL TURF AND SHRUB AREAS TO BE IRRIGATED USING A FULLY AUTOMATIC IRRIGATION SYSTEM UTILIZING LOW PRESSURE IRRIGATION HEADS. ALL IRRIGATION SHALL CONFORM TO THE CITY OF SAN JOSE LANDSCAPE GUIDELINES.		
CLIMBING SCREEN VINES PLANTED ON EXISTING CHAIN LINK FENCE		

PERMITS TO BE OBTAINED FROM CITY OF SANTA CLARA

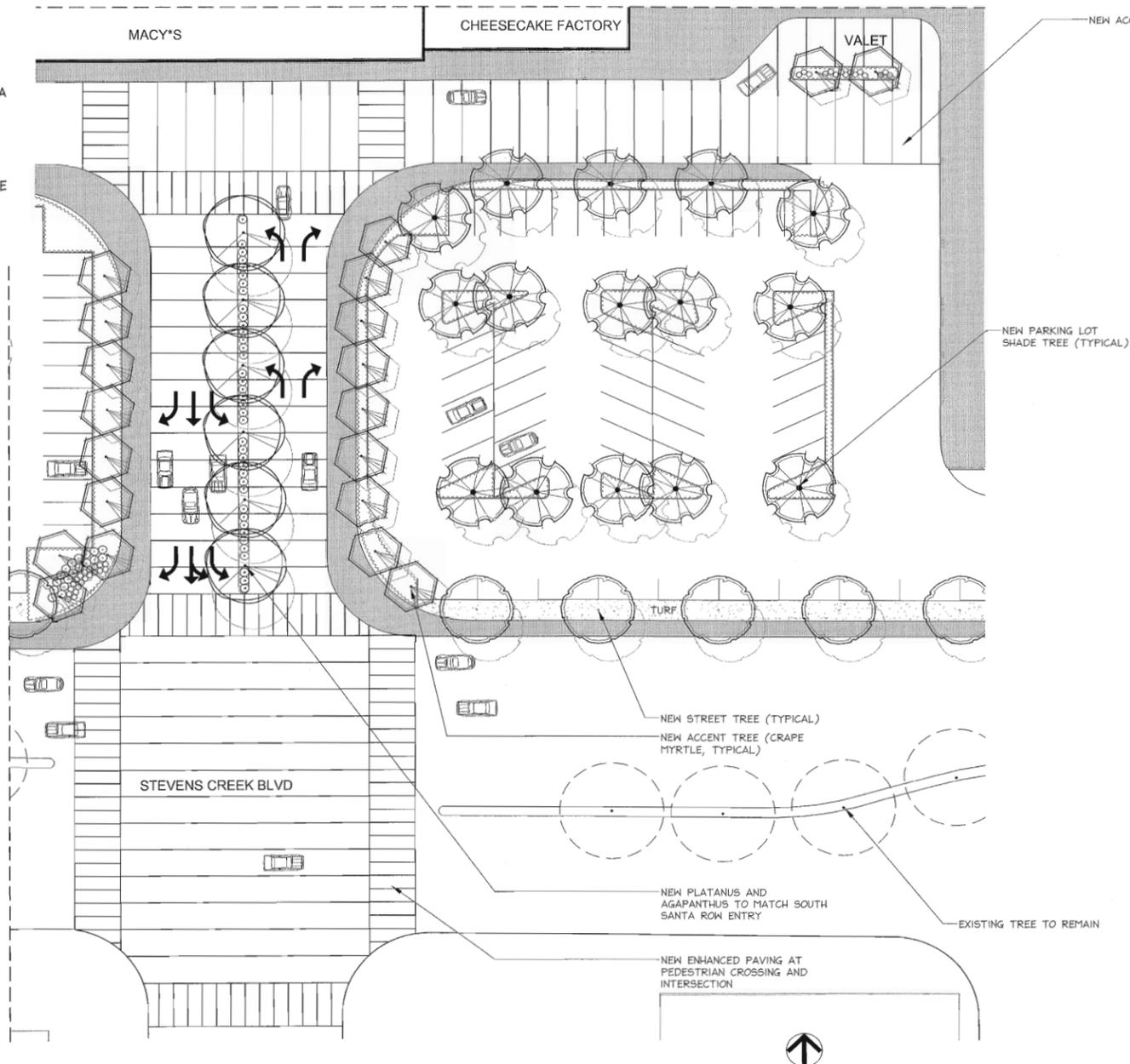
Refer to Figure 7

Refer to Figure 7

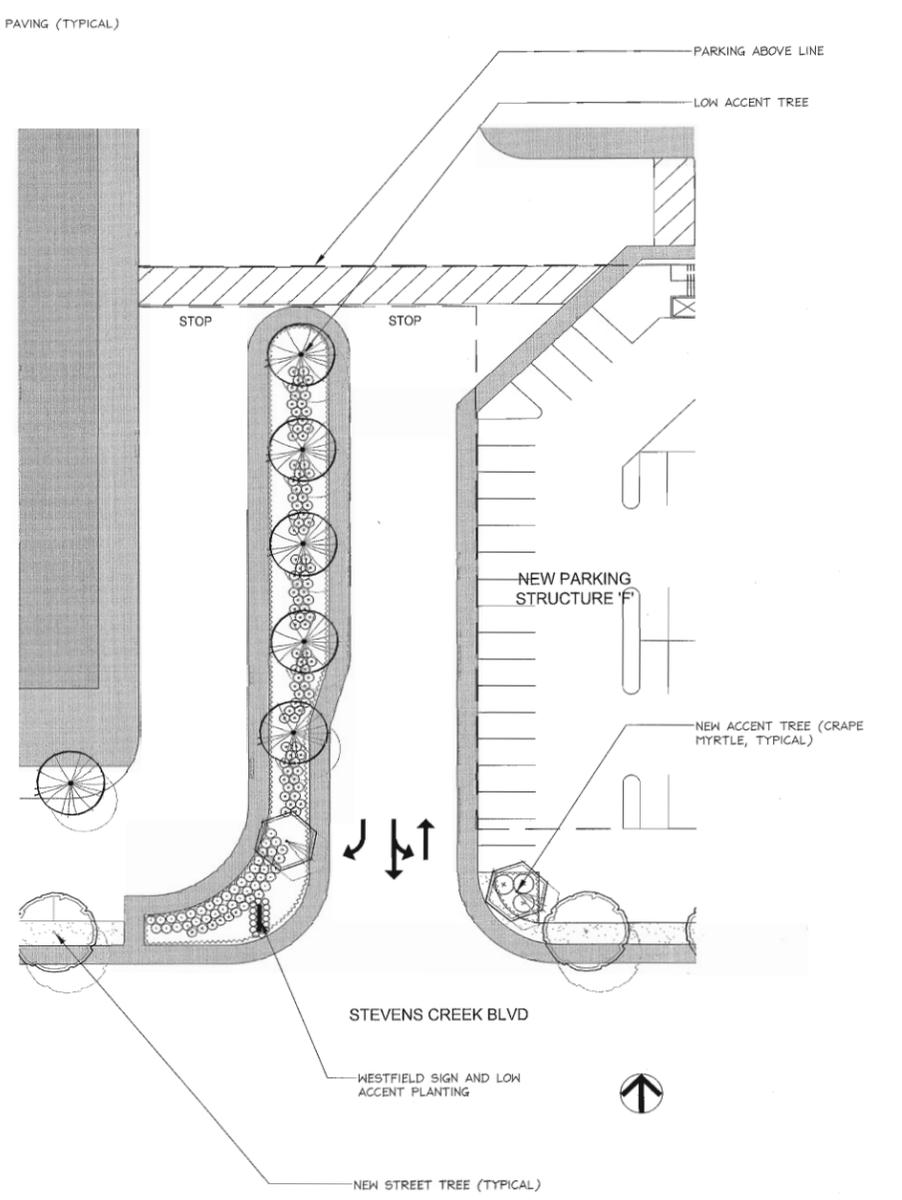


PROPOSED PLANT PALETTE

BOTANICAL NAME	COMMON NAME
TREES	
ACER PALMATUM	JAPANESE MAPLE
FRAXINUS ANGUSTIFOLIA	RAYWOOD ASH
GLEDITSIA TRIACANTHOS 'SUNBURST'	HONEY LOCUST
LAGERSTROEMIA HYBRIDS	GRAPE MYRTLE
MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA
OLEA EUROPAEA	OLIVE
PLATANUS ACERIFOLIA	LONDON PLANE TREE
SEQUOIA SEMPERVIRENS	COAST REDWOOD



SANTANA ROW



BAYWOOD AVENUE

SANTANA ROW & BAYWOOD AVENUE ENTRY ENLARGEMENTS

FIGURE 7

2.1.5 Emergency Back-Up Generators

The proposed project also includes the installation of two 300-kilowatt standby emergency power generators. The generators would be located on the east side of the proposed new Parking Structure "F". The generators would be operated for a maximum of 50 hours per year for non-emergency testing and maintenance purposes. During testing periods, each generator would be operated for less than one hour. The generators would meet U.S. EPA and California Air Resources Board (CARB) Tier 3 Mobile Off-Highway emission standards and would require permits from the Bay Area Air Quality Management District (BAAQMD).

2.1.6 City of San José General Plan Text Amendment

The proposed project includes a City of San José General Plan text amendment GP06-T-04 to add a new "Specific Site and Geographic Area Exception" as an amendment to the San José 2020 General Plan text so that *Community Development: Urban Design Policy Number 10* reads as follows:

10. The maximum building heights set forth are intended to address urban design considerations only. Other factors, such as compatibility with nearby land uses, may result in more restrictive height limitations. Building height, including all elements of a building whether occupied space or building features, should not exceed 50 feet, with the following exceptions:

- SPECIFIC SITES AND GEOGRAPHIC AREA EXCEPTIONS:
 - At a site bounded by Forest Avenue to the north, Monroe Street to the east, City of San José city limit line to the west, and Stevens Creek Boulevard to the south (generally known as Valley Fair Shopping Center), the maximum allowable building height is 65 feet above ground level.

2.1.7 Project Construction Phasing

Project construction is expected to be phased as shown below, and is estimated to be completed by 2010.

- Phase I: Construction of new grocery/drug store and bank buildings in the City of Santa Clara (August 2007 - January 2008)
- Phase II: Construction of new Parking Structure "E" (January 2008 - October 2008)
- Phase III: Construction of shopping center structure expansion and new Parking Structure "F" (January 2009 - October 2010)

SECTION 3.0 CONSISTENCY WITH ADOPTED PLANS

This section complies with CEQA Guidelines Section 15125(d), which requires an EIR to discuss any inconsistencies between the proposed project and applicable general plans and regional plans.

3.1 SAN JOSÉ 2020 GENERAL PLAN

The *San José 2020 General Plan* (the "General Plan") is the document that contains the City's official policies regarding the future character and quality of development in San José. The General Plan includes major strategies, along with numerous policies that are designed to achieve the goals that are embodied in the major strategies. The following text and Table 3.1-1 describes those major General Plan strategies and goals and policies that are applicable to the proposed shopping center expansion, as well as any inconsistencies between them.

3.1.1 Land Use/Transportation Diagram

The Land Use/Transportation Diagram is essentially a map that depicts all of the existing and future land uses throughout San José, plus the primary transportation network that supports such land uses. The land uses that are shown on the Diagram are the product of comprehensive land use planning, with a goal of promoting efficient and compatible uses of land.

Consistency: The project site is designated *Regional Commercial* on the Land Use/Transportation Diagram of the San José 2020 General Plan. Areas designated as *Regional Commercial* are, for the most part, existing regional shopping centers. The proposed expansion of the existing shopping center would be consistent with the *Regional Commercial* designation. The increase in height proposed on the site would be consistent with surrounding building heights to the south of the site as part of the Santana Row development, where buildings up to 120 feet in height are allowed and have been constructed.

3.1.2 Major Strategies

3.1.2.1 *Economic Development Strategy*

The City of San José Economic Development Major Strategy strives to make San José a more "balanced community" by encouraging more commercial development to balance the existing residential development. San José currently has a surplus of housing in relation to employment opportunities, which is referred to as a jobs/housing imbalance. This imbalance makes it difficult to provide adequate urban services because residential development does not generate sufficient revenue to cover service demands. Economic development is, therefore, a basic priority for San José.

Consistency: The proposed project would increase the amount of commercial development in the City of San Jose by approximately 605,000 square feet (approximately 45,000 square feet of the new commercial development included in the proposed project would be within the City of Santa Clara). This increase would provide the city with additional tax revenues and employment. Therefore, the proposed project is consistent with the Economic Development Major Strategy of the General Plan.

3.1.2.2 *Sustainable City Strategy*

The Sustainable City Major Strategy is a statement of the City's commitment to becoming an environmentally and economically sustainable city. Programs promoted under this strategy include recycling, waste disposal, water conservation, transportation demand management, and energy efficiency. The Sustainable City Strategy is intended to support these efforts by ensuring that development is designed and built in a manner consistent with the efficient use of resources and environmental protection.

Consistency: Development of the site would be designed to conform to adopted San José 2020 General Plan policies, as described in this section. Compliance with those policies will ensure that the project will be designed to reduce traffic congestion and corresponding air pollution, and environmental degradation. The proposed commercial project will also put in place programs to reduce waste and recycle excess materials. Although the proposed project would generate additional traffic in the project area, providing additional new retail opportunities in areas with existing retail uses allows for the internalization of trips in a smaller geographical area, thereby potentially reducing overall trip lengths. For these reasons, the proposed commercial project would be consistent with the Sustainable City Strategy, as described in the San José 2020 General Plan.

3.1.3 General Plan Policies³

The City of San José General Plan contains hundreds of policies regarding land use development, provision of services and facilities, and the protection of environmental resources. The following discussion focuses on those policies that are most relevant to the pending decisions regarding whether to approve the requested Site Development Permit.

3.1.3.1 *Balanced Community Policies*

Policy #1: The City should foster development patterns which will achieve a whole and complete community in San José, particularly with respect to improving the balance between jobs and economic development on one hand, and housing resources and a resident work force on the other. A perfect balance between jobs and housing may not be achievable but the City should attempt to improve this balance to the greatest extent feasible.

Consistency: The proposed expansion of the Westfield Valley Fair Shopping Center would provide additional commercial uses, jobs, and tax revenues for the City, consistent with this policy.

3.1.3.2 *Commercial Land Use Policies*

Policy #2: New commercial uses should be located in existing or new shopping centers or in established strip commercial areas.

Consistency: The proposed additional commercial retail space would be located on an existing shopping center site. Therefore, the project is consistent with this policy.

³As amended through July 2006.

3.1.3.3 *Economic Development Policies*

Policy #1: The City should reduce the present imbalance between housing and employment by seeking to obtain and maintain an improved balance between jobs and workers residing in San José. A perfect balance between the number of jobs and employed residents may not be achievable but the City should strive to achieve a minimum ratio of 0.80 jobs/employed resident to attain greater fiscal stability.

Consistency: The proposed project includes an increase in retail space at the Westfield Valley Fair Shopping Center which would generate additional jobs within the City. Thus, the project is consistent with this policy.

3.1.3.4 *Urban Design Policies*

Policy #1: The City should continue to apply strong architectural and site design controls on all types of development for the protection and development of neighborhood character and for the proper transition between areas with different types of land uses.

Consistency: The proposed project would comply with the City's Commercial Design Guidelines, as applicable. Therefore, the project would be consistent with this policy.

Policy #10: The maximum building heights set forth are intended to address urban design considerations only. Other factors, such as compatibility with nearby land uses, may result in more restrictive height limitations. Building height, including all elements of a building whether occupied space or building features, should not exceed 50 feet, with certain exceptions as described in Urban Design Policy #10.

Consistency: The proposed project includes building heights up to 65 feet, inconsistent with Urban Design Policy #10. With approval of a General Plan text amendment to allow the building heights on the project site to reach 65 feet, a "Specific Site and Geographic Area Exemption" would be added to this policy as described in Section 2.1.6 of this EIR. With the proposed General Plan text amendment, the project would be consistent with Urban Design Policy #10.

3.1.3.9 *Level of Service Policies*

Policy #2: Capital and facility needs generated by new development should be financed by new development. The existing community should not be burdened by increased taxes or by lowered service levels to accommodate the needs created by new growth. The City Council may provide a system whereby funds for capital and facility needs may be advanced and later repaid by the affected property owners.

Consistency: Infrastructure (e.g., utility lines, roadway improvements, etc.) needed to accommodate the proposed shopping center expansion would be financed by the project. Therefore, the project would be consistent with this policy.

Policy #5: The minimum overall performance of City streets during peak travel periods should be level of service "D".

Consistency: The proposed project would result in significant traffic impacts at one City of San José/CMP intersection during the Saturday peak hour (Stevens Creek Boulevard/Winchester Boulevard). The City of San José and the Santa Clara County Congestion Management Program do not assess impacts on the Saturday peak hour because Saturday conditions are not typical and can often be inconsistent when compared to weekday peak hour commute traffic conditions. Furthermore, Saturday traffic is peak hour of the use that generates the traffic rather than the peak hour of adjacent street traffic. Because Saturdays are not peak travel periods, the proposed project is not inconsistent with this policy.

Policy #6: The minimum performance standard for sanitary sewer lines should be level of service "D", defined as restricted sewage flow during peak flow conditions. Development which will have the potential to reduce the downstream level of service to worse than "D", or development which would be served by downstream lines already operating at a level of service worse than "D", should be required to provide mitigation measures to improve the level of service to "D" or better.

Consistency: New sanitary sewer lines will be constructed and existing lines will be upgraded, as necessary, to maintain LOS D or better. Therefore, the project is consistent with this policy.

Policy #7: The City should monitor and regulate growth so that the cumulative sewage treatment demand of all development can be accommodated by San José's share of the treatment capacity of the San José/Santa Clara Water Pollution Control Plant (WPCP).

Consistency: The demand for wastewater treatment due to development associated with the proposed project will not exceed the capacity of the WPCP. Please see Section 4.11, *Utilities*, for details. Therefore, the project is consistent with this policy.

3.1.3.5 *Water Resources Policies*

Policy #12: For all new discretionary development permits for projects incorporating large paved areas or other hard surfaces (e.g., building roofs), or major expansion of a building or use, the City should require specific construction and post-construction measures to control the quantity and improve the water quality of urban runoff.

Consistency: The proposed project will minimize the potential for the degradation of water quality by the inclusion of both construction and post-construction features in its design. These features are described in Section 4.8, *Hydrology and Water Quality*. Therefore, the proposed project is consistent with this policy.

3.2 CITY OF SANTA CLARA GENERAL PLAN

As shown on Figure 4, the southwestern 18-acre portion of the project site is within the jurisdiction of the City of Santa Clara. The portion of the site located within Santa Clara is designated *Community and Regional Shopping* in the City of Santa Clara's General Plan 2000-2010. This designation includes master planned larger shopping centers offering a variety and depth of goods and services not available in convenience or thoroughfare commercial shopping areas. Building height is limited to 50 feet with no maximum building coverage requirement; subject to required parking, landscaping, and setbacks.

Consistency: The proposed project includes the construction of two new commercial buildings and the reconstruction of another within the jurisdiction of the City of Santa Clara which designates the site for *Community and Regional Shopping*. The buildings to be constructed in Santa Clara would be no more than 50 feet tall. Therefore, the project is consistent with the Santa Clara General Plan designation for the site.

3.2.1 General Plan Policies⁴

The City of Santa Clara General Plan contains hundreds of policies regarding land use development, provision of services and facilities, and the protection of environmental resources. The following discussion focuses on those policies that are most relevant to the pending decisions regarding whether to approve the requested City of San José Site Development Permit and the City of Santa Clara Architectural Review approval.

3.2.1.1 *Land Use Element*

Commercial Policy #8: Enhance the attractiveness and business growth of commercial uses along El Camino Real and Stevens Creek Boulevard while ensuring compatibility with adjacent and onsite residential uses.

Consistency: The proposed project includes the redevelopment of a portion of the site located in Santa Clara to include the addition of two bank buildings on Stevens Creek and the reconstruction of the existing grocery/drugstore on the site. The redevelopment of this portion of the site would enhance the attractiveness and business growth of commercial uses along Stevens Creek Boulevard. Residential uses are not located adjacent to or on the portion of the site located in Santa Clara. The project is consistent with this policy.

Employment Policy #18: Minimize traffic by concentrating higher density employment near major transit services.

Consistency: While the development proposed for the portion of the site within Santa Clara would not be considered higher density employment, a bus transit center is located in the northwestern portion of the site in proximity to the proposed development. Therefore, the project is consistent with this policy.

Design Policy #25: Ensure a distinctive character and a high quality standard of development for structures and outdoor uses in all zoning districts.

Consistency: The proposed project has been designed taking into account the design requirements of both the City of San José and Santa Clara, as applicable. Therefore, the project is consistent with this policy.

Transportation Policy #9: Encourage the use of bicycles and walking as alternatives to driving.

Consistency: The proposed project includes improvements at the Santana Row/Stevens Creek Boulevard intersection to enhance and improve pedestrian travel between the two shopping centers. These improvements would facilitate increased pedestrian travel and the reduction in the use of

⁴As amended through July 2002.

automobiles within the project vicinity. For this reason, the project is consistent with this transportation policy.

Water Resources Policy #17: Maximize water retention and reduce the quantity of water runoff.

Consistency: The portion of the site within Santa Clara is almost completely paved with the exception of small landscape areas within the parking areas. Some of these landscape areas would be removed as a result of the project. Therefore, the proposed project would result in a small increase in impervious surfaces in this area. Because the quantity of stormwater runoff generated would not increase significantly as compared to the existing condition, the project is not inconsistent with this policy.

Water Resources Policy #18: Encourage programs to improve the quality of stormwater runoff.

Consistency: The proposed project would be required to comply with the SCVURPPP and NPDES permit process as previously described in Section 2.1.4. The project is therefore consistent with this policy.

Air Quality Policy #19: Protect the air quality of the City of Santa Clara and its sphere of influence. Promote land use and transportation policies which maintain air quality.

Consistency: The expansion of the Valley Fair shopping center would result in significant air quality impacts on a regional basis. Although the portion of the project within the City of Santa Clara is primarily the replacement of existing uses on the site and would most likely not make a significant contribution towards the impact, the project itself would affect air quality in Santa Clara. Mitigation measures, as described in Section 4.4.4.1 of this EIR are included in the project and would reduce impacts, although not to a less than significant level. These measures include the construction of bus stops, improvements to bicycle and pedestrian facilities, the installation of outdoor electrical outlets for landscape equipment use, and the limiting of truck idling at loading docks. Because the project would result in increases in regional pollutant that are in excess of BAAQMD thresholds, it would not be technically consistent with this policy.

Noise Policy #20: Protect to the extent possible existing developed areas of the City of Santa Clara from unacceptable noise levels.

Consistency: The proposed project would not result in significant long- or short-term noise in the project vicinity, as described in Section 4.3.3 of this EIR. Therefore, the project is consistent with this policy.

Noise Policy #24: Reduce noise from fixed sources, construction, and special events.

Consistency: As described in Section 4.3, *Noise* of this EIR, the project would not result in significant impacts associated with operational noise or construction. Standard mitigation and avoidance measures are included in the project to further reduce noise impacts. Therefore, the project is consistent with this policy.

3.3 SANTA CLARA COUNTY CONGESTION MANAGEMENT PROGRAM

The Santa Clara Valley Transportation Authority (VTA) oversees the *Santa Clara County Congestion Management Program* (CMP). The relevant state legislation requires that all urbanized

counties in California prepare a CMP in order to obtain each county's share of the increased gas tax revenues. The CMP legislation requires that each CMP contain the following five mandatory elements: 1) a system definition and traffic level of service standard element; 2) a transit service and standards element; 3) a trip reduction and transportation demand management element; 4) a land use impact analysis program element; and 5) a capital improvement element. The Santa Clara County CMP includes the five mandated elements and three additional elements, including: a county-wide transportation model and data base element, an annual monitoring and conformance element, and a deficiency plan element.

Consistency: As described in Section 4.2, *Transportation and Traffic*, the proposed project would not significantly impact a CMP regional intersection during either the AM or PM weekday peak hours. The project would allow additional commercial development in an area of primarily commercial uses in urban San José/Santa Clara, near major highways and expressways. The proposed project would increase commercial densities along major roadways that are served by public transportation. For these reasons, the proposed project would not be inconsistent with the provisions of the Santa Clara County CMP.

3.4 SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), previously called the Santa Clara Valley Nonpoint Source Program, was developed in accordance with the requirements of the 1986 San Francisco Bay Basin Water Quality Control Plan, for the purpose of reducing water pollution associated with urban stormwater runoff. This program was also designed to fulfill the requirements of Section 304(1) of the Federal Clean Water Act, which mandated that the EPA develop National Pollution Discharge Elimination System (NPDES) Permit application requirements for various stormwater discharges, including those from municipal storm drain systems and construction sites.

Additional water quality control measures were approved in October 2001, when the Regional Water Quality Control Board (RWQCB) adopted an amendment to the NPDES permit for Santa Clara County. This amendment requires all new and redevelopment projects that result in the addition or replacement of impervious surfaces totaling 10,000 square feet or more, to be designed with Best Management Practices (BMPs) that reduce stormwater pollution to the maximum extent practicable through source control measures and stormwater treatment measures.

Consistency: The development that would occur as part of the proposed project has been designed to comply with the SCVURPPP and NPDES permit process. For a detailed discussion of this issue, please see Section 4.8, *Hydrology and Water Quality*.

3.5 BAY AREA 2000 CLEAN AIR PLAN AND BAY AREA 2005 OZONE STRATEGY

The Bay Area 2000 Clean Air Plan (CAP) was adopted by the Bay Area Air Quality Management District (BAAQMD) Board of Directors at a public hearing on December 20, 2000 and was then submitted to the California Air Resources Board (CARB). The 2000 CAP includes strategies and policies for the region to achieve and maintain compliance with federal and state standards. The CAP also includes a control strategy review to ensure that the plan continues to include "all feasible

measures" to reduce ozone, an update of the BAAQMD's emission inventory, estimates of emission reductions achieved by the plan, and an assessment of air quality trends.

The BAAQMD, in cooperation with the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG), prepared the Bay Area 2005 Ozone Strategy which serves as a roadmap for how the San Francisco Bay Area will achieve compliance with the State one-hour air quality standard for ozone as expeditiously as practicable and how the region will reduce transport of ozone and ozone precursors to neighboring air basins. The Bay Area 2005 Ozone Strategy updates Vehicle Miles Traveled (VMT) and other assumptions in the 2000 CAP related to the reduction of ozone in the atmosphere and serves as the current CAP for the Bay Area. The consistency of the proposed project with this regional plan is primarily a question of the consistency with the population/employment assumptions utilized in developing the Ozone Strategy which were based on ABAG Projections 2003.

Consistency: The proposed expansion of Valley Fair Shopping Center would not result in an increase in housing within the region or a significant increase in jobs not foreseen in the current San José General Plan and CAP. Therefore, the proposed project is not inconsistent with the CAP. Further, as described in Section 4. 2., *Transportation and Traffic*, the project is the construction of additional commercial uses in proximity to transit, a transit station (Valley Fair Transit Station located near the northwestern corner of the site on Forest Avenue), and an area designated on the City of San José's General Plan for Transit-oriented development (along Winchester Boulevard, south of Stevens Creek Boulevard). For these reasons, the proposed project would be consistent with the Bay Area CAP and 2005 Ozone Strategy.

SECTION 4.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

Introductory note regarding mitigation and avoidance measures: *The project evaluated in this EIR includes a site-specific Site Development Permit. The analyses of impacts are, therefore, on a project level and the mitigation and avoidance measures identified in each impact category include project level measures. Project-level mitigation and avoidance measures fall into one of two categories: 1) specific measures that are included in the project as proposed; or 2) specific measures that could reasonably be expected to reduce adverse impacts, but are not included in the project as proposed. The latter category is important because it provides information to decision-makers regarding potential mitigation measures that could avoid or reduce environmental impacts and could be required as conditions of project approval.*

4.1 LAND USE

4.1.1 Existing Conditions

4.1.1.2 *Existing Land Uses*

The proposed project site is located within both the cities of Santa Clara and San José, between Stevens Creek Boulevard on the south and Forest Avenue on the north, and between Monroe Street on the east and Winchester Boulevard on the west. Approximately 18 acres of the southwestern portion of the site is located in the City of Santa Clara, as shown on Figure 2.

The project site is currently developed with an approximately two million square foot shopping center including retail, three detached bank buildings, a grocery/drug store building, and an auto repair facility (tire replacement), four parking structures, surface parking, driveways, and landscaping, as shown on Figure 3 and in Photos 1-5.

The portion of the site within the City of San José (approximately 53 acres) is designated as *Regional Commercial* on the Land Use/Transportation Diagram of the San José 2020 General Plan, and is zoned *CG : Commercial General*. The southwestern portion of the site that is within the City of Santa Clara is designated as *Community and Regional Commercial* in the General Plan and is zoned *Community Commercial*. The proposed commercial uses would be permitted under these existing designations. While the City of San José would be the CEQA lead agency for the entire 70-acre project site, the City of Santa Clara would use the EIR for approval of necessary development permits within its jurisdiction.

4.1.1.3 *Surrounding Land Uses*

The site is surrounded primarily by commercial land uses, as shown on Figure 3. Land uses to the south across Stevens Creek Boulevard include the Santana Row commercial/residential development, and other commercial and office uses, including banks and automotive repair. Land uses to the west, across Winchester Boulevard include commercial retail uses and the former Bay Area Research Extension Center (BAREC) site currently proposed for residential and park development. Land uses to the north across Forest Avenue include commercial and office uses, including medical services

and supplies. Single-family residential uses are located to the northeast of the site, across Forest Avenue. Monroe Street and Interstate 880 (I-880) forms the eastern boundary of the site.

4.1.1.4 *Site Constraints*

The project site is within a highly urban, primarily commercial area of the Cities of San José and Santa Clara. The project includes the expansion of the existing shopping center, demolition/reconstruction of two parking structures and three detached commercial buildings, associated traffic and circulation improvements, and new landscaping. The project site is surrounded by existing commercial and residential development and infrastructure. Physical conditions on or adjacent to the site that may constrain development include traffic congestion and noise from increased development in the project area.

Traffic congestion and noise are discussed in Section 4.2, *Transportation and Traffic*, and Section 4.3, *Noise*, respectively.

4.1.2 Land Use Impacts

4.1.2.1 *Thresholds of Significance*

For the purposes of this project, a land use impact is considered significant if the project would:

- convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping & Monitoring Program of the California Resources Agency, to non-agricultural use; or
- conflict with existing zoning for agricultural use, or a Williamson Act contract; or
- 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
- physically divide an established community; or
- place incompatible land uses adjacent to existing uses; or
- 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; or
- conflict with any applicable habitat conservation plan (HCP) or natural community conservation plan (NCCP).

4.1.2.2 *Land Use Conflicts*

Land use conflicts can arise from two basic causes: 1) a new development or land use may cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere; or 2) conditions on or near the project site may have impacts on the persons or development introduced onto the site by the new project. 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. Depending on the nature of the impact and its severity, land use compatibility conflicts can range from minor irritation and annoyance to potentially significant effects on human health and safety. The discussion below distinguishes between potential impacts from the proposed project upon persons and the physical environment, and potential impacts from the project's surroundings upon the project itself.



Photo 1 - Existing parking structure on the south side of the site to be relocated to make way for an addition to the shopping center structure. The two bank buildings to the right and left would also be relocated on the site.



Photo 2 - Existing grocery/drug store located in southwestern portion of the site. This building would be relocated to the area shown in Photo 3, to the north of the existing building. The two bank buildings would be relocated generally within this parking area, along Stevens Creek Boulevard.



Photo 3 - Area to the north of the existing grocery/drug store building where the building would be relocated.

PHOTOS 2 AND 3



Photo 4 - Existing parking area in the northeast corner of the site to be used for the construction of new parking structure "E". The two-story parking structure seen in the background would be removed to make way for the new parking structure. The existing parking structure to the right would remain.

27



Photo 5 - Photo of the southeastern portion of the site. This area would be used primarily for the relocation of parking structure "F", which can be seen on the left side of the photo.

PHOTOS 4 AND 5

4.1.2.3 *Impacts from the Project*

The proposed project is the expansion of an existing shopping center in an area of primarily commercial development. A potential increase in traffic to and from the site may affect nearby commercial and residential uses, as discussed in *Section 4.2, Transportation and Traffic*, of this EIR.

Although the project includes a General Plan Amendment to allow building heights to increase by 15 feet from 50 feet to 65 feet, it would nevertheless be similar in nature to adjacent commercial uses (in terms of hours of operation, use patterns, activity levels, and building heights). Given the location of the residential uses northeast of the project site across Forest Avenue (approximately 175 to 200 feet from the Valley Fair property line), the proposed height increase of 15 feet would not result in significant shade and shadow impacts to nearby public open space areas. **[Less than Significant Impact]**

4.1.2.3 *Impacts to the Project*

The proposed project is the expansion of an existing shopping center in an area of primarily commercial development. Neither visitors to the site nor the project itself would be impacted by surrounding land uses, which are also primarily commercial in nature. The small number of residential uses north of the site would not result in land use conflicts to the proposed project. **[Less than Significant Impact]**

4.1.2.4 *Agricultural Resources*

The proposed project is located within an urban, developed area. According to the Santa Clara County Important Farmlands 2004 map, the site is designated as Urban and Built-up Land, which is defined as land used for residential, industrial, and commercial purposes, golf courses, landfills, airports, sewage treatment and water control structures. The site is not the subject of a Williamson Act contract. A parcel of land designated as Prime Farmland and Farmland of State-wide Importance is located to the northwest in the City of Santa Clara, near the intersection of Forest Avenue and Winchester Boulevard (the BAREC site). This parcel is no longer in agricultural production and is currently the subject of a development proposal for residential and park uses. The proposed project would not adversely affect this agricultural parcel. **[No Impact]**

4.1.2.5 *Short-Term Construction and Demolition Impacts*

Demolition of the existing buildings on site and construction of the project would involve earthmoving, grading, delivery of construction materials, and the construction itself with the use of power equipment, concrete trucks, and other sources of noise, dust, and traffic as described in Sections 4.4, *Air Quality*, 4.3, *Noise*, and 4.8, *Hydrology and Water Quality*. These land use compatibility impacts, while temporary, could include a decrease in stormwater quality from grading and demolition, increased noise and dust from construction equipment, disruption of local traffic circulation, and hazards to pedestrians. Although not located immediately adjacent to the site, sensitive receptors (single-family residences) are located approximately 175 to 200 feet north of the site, across Forest Avenue; therefore overall construction impacts in terms of land use compatibility could be significant. **[Significant Impact]**

4.1.3 Mitigation and Avoidance Measures

Implementation of the following mitigation measures will reduce impacts to adjacent land uses during construction to a less than significant level:

MM 4.1-1 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 include the following measures to minimize the impacts of construction upon adjacent land uses:

- Measures to control dust, noise, and water pollution resulting from construction activities (See *Section 4.4, Air Quality* of this EIR).
- Measures to keep all streets and public ways clean of debris, dirt, dust and other undesirable outcomes of construction (See *Section 4.4, Air Quality* of this EIR).
- Measures to control noise by limiting hours of operation of construction activities, avoiding more sensitive early morning and evening hours, and scheduled equipment maintenance (see *Section 4.3, Noise* of this EIR).

4.1.4 Conclusion

Implementation of the mitigation measures listed above, which are included as part of the project, would reduce or avoid short-term construction-related impacts to a less than significant level. **[Less than Significant Land Use Impact with Mitigation Measures Included in the Project]**

4.2 TRANSPORTATION AND TRAFFIC

This section is primarily based upon a September 2006 Transportation Impact Analysis prepared by *Hexagon Transportation Consultants, Inc.* for the proposed project. The report is included in Appendix B of this EIR.

4.2.1 Existing Setting

4.2.1.1 *Existing Roadway Network*

The project area is served by a system of roadways that includes freeways, as well as local roadways such as arterials, collectors, and local streets. A brief description of each of the primary roadways is presented below; the roadways are also shown on Figure 8.

Regional Access

I-880 is a six-lane freeway to the east of the project site. It extends northeast to Oakland and south to I-280 in San José, at which point it makes a transition into SR 17 to Santa Cruz. Access to the site is provided via its interchange with Stevens Creek Boulevard.

I-280 is a six-lane freeway to the south of the project site. It extends northwest to San Francisco and east to King Road in San José, at which point it makes a transition into I-680 to Concord and Walnut Creek. Access to the site is provided via its interchange with Winchester Boulevard.

Local Access

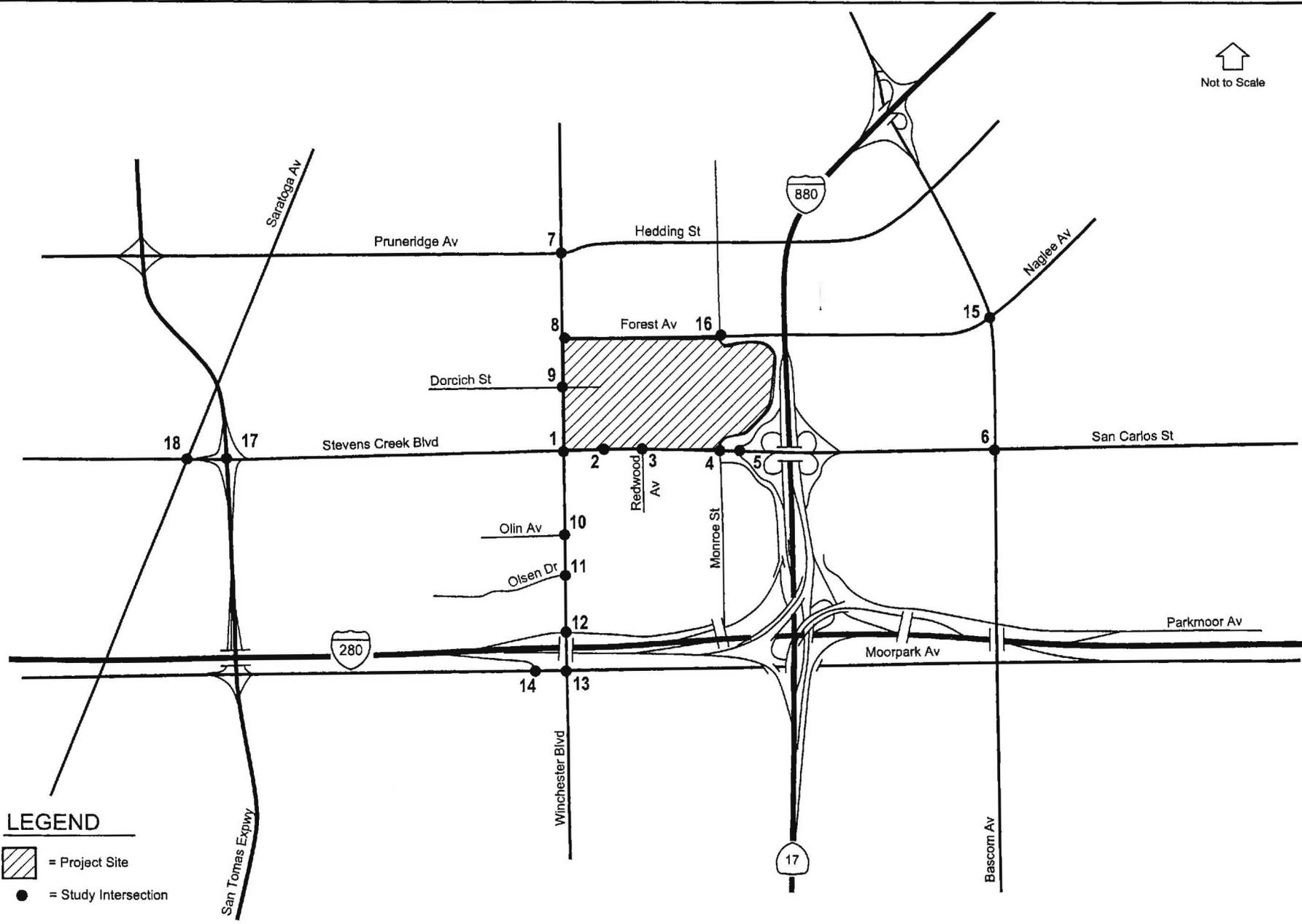
Stevens Creek Boulevard is a divided six-lane east/west roadway to the south of the project site. It extends from Cupertino eastward to I-880, at which point it becomes San Carlos Street to downtown San José. Access to the site is provided via full access signalized intersections at Santana Row and Redwood Avenue, as well as an unsignalized driveway near Baywood Avenue.

Winchester Boulevard is a six-lane north/south roadway to the west of the project site. It extends from Los Gatos to Market Street in Santa Clara. North of Market Street, the roadway becomes Lincoln Street. Winchester Boulevard provides access to the site via Dorcich Street and two unsignalized driveways to the north and south of Dorcich Street.

Forest Avenue is a four-lane east/west roadway to the north of the project site. The four-lane portion of the street extends from Winchester Boulevard to Bascom Avenue. Forest Avenue provides access to the site via two signalized intersections at Monroe Street and Redwood Avenue and an unsignalized driveway near Sylvan Avenue.

Monroe Street is generally a two-lane north-south roadway that forms the eastern boundary of the site. The roadway extends north from Stevens Creek Boulevard in San José to San Tomas Expressway in Santa Clara. Monroe Street provides direct access to several of the shopping center's parking garages.

↑
Not to Scale



STUDY INTERSECTIONS

FIGURE 8

4.2.1.3 Existing 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 presently no rail service within the western portion of San José.

The Valley Fair Transit Center is located at Valley Fair Shopping Center along Forest Avenue, with direct access to the project site (refer to Figure 3). The transit center is served by three bus lines (lines 23, 36, and 60), two of which provide direct service to the project site. The 23 line provides service between downtown San José and the San Antonio Shopping Center in Los Altos, via Stevens Creek Boulevard, with 15-30 minute headways during commute hours. The 60 line provides service between the Winchester Transit Center and Great America via Winchester Boulevard, with 15-30 minute headways during commute hours. The 36 line provides service between Valley Fair and Vallco transit and Penitencia Creek Transit Centers with 30 minute headways during commute hours.

4.2.1.4 Existing Bicycle and Pedestrian Facilities

There are no county-designated bike lanes on roadways in the vicinity of the project site; however, some roadways that do not provide designated bike lanes are identified bike routes. The City of San José's General Plan designates Stevens Creek Boulevard, Forest Avenue, and Monroe Street as Future Bicycle Facilities.

Pedestrian facilities in the project area consist primarily of sidewalks along the streets. Sidewalks are found along virtually all previously described local roadways in the project area and along the local residential streets near the site. The City of San José's General Plan designates Stevens Creek Boulevard as a Pedestrian Corridor.

4.2.1.5 Existing Traffic Operations

Methodology and Standards

The City of San José and the Congestion Management Agency (part of VTA) have developed procedures for quantifying and evaluating traffic conditions on local streets and freeways, as explained below.

City of San José Intersections: Local street performance is measured using the "level of service" (LOS) concept, whereby traffic demand on weekdays and weekends is evaluated in the context of capacity. Since intersections are a key factor in determining the capacity of local streets, the adopted procedures focus on AM and PM peak-hour weekday operations at intersections. The methodology, which is based on the Transportation Research Board's *2000 Highway Capacity Manual*, computes a level of service taking into account factors such as the demand for each traffic movement (i.e., left turns, straight, right turns), the number of lanes, and (where applicable) signal timing. Based on these factors, the methodology computes the average delay per vehicle at the intersection using software known as TRAFFIX, to which a corresponding level of service is assigned. As summarized in Table 4.2-1, level of service can range from "LOS A", representing free-flow conditions, to "LOS F", representing jammed/over-saturated conditions. For more details on the technical aspects of this methodology, please see Appendix E.

Although the Saturday midday peak hour is the period of peak traffic generation for the project itself, the traffic analysis evaluates impacts during the periods of worst congestion. The periods of worst traffic congestion typically occur during the weekday when ambient traffic levels and the project traffic combine to produce the highest traffic volumes.

T A B L E 4.2-1		
LEVEL OF SERVICE DEFINITIONS FOR SIGNALIZED INTERSECTIONS		
Level of Service	Description of Operations	Average Control Delay* (seconds/vehicle)
A	Insignificant Delays: No approach phase is fully utilized and no vehicle waits longer than one red indication.	. 10
B	Minimal Delays: An occasional approach phase is fully utilized. Drivers begin to feel restricted.	> 10 to 20
C	Acceptable Delays: Major approach phase may become fully utilized. Most drivers feel somewhat restricted.	> 20 to 35
D	Tolerable Delays: Drivers may wait through no more than one red indication. Queues may develop but dissipate rapidly, without excessive delays.	> 35 to 55
E	Significant Delays: Volumes approaching capacity. Vehicles may wait through several signal cycles and long vehicle queues from upstream.	> 55 to 80
F	Excessive Delays: Represents conditions at capacity, with extremely long delays. Queues may block upstream intersections.	> 80

* Average Control Delay includes the time for initial deceleration delay, queue move-up time, stopped delay, and final acceleration.
Source: Transportation Research Board, 2000 Highway Capacity Manual.

“Protected” Intersections: The City Council recently adopted a Transportation Impact Policy which established the basis for “Protected” intersections. The City found that to continue to expand some local intersections in order to increase their vehicular capacity for weekday peak-hour traffic would, under certain circumstances, result in a deterioration of environmental conditions near those intersections, and an erosion of the City’s ability to both encourage infill development in designated Special Strategy Areas, and to support a variety of multi-modal transportation systems. This adopted Council Policy 5-3 states that it establishes a threshold for environmental impact at these intersections and addresses the specific methods that can be selected for implementing the General Plan Level of Service (LOS) Policy for Traffic.

The City of San José identified certain local intersections for which no further physical improvements are planned. These specific intersections, because of the presence of substantial transit improvements, adjacent private development, or a combination of both circumstances, cannot be modified to accommodate additional traffic and operate at LOS D or better, in conformance with all relevant General Plan policies.

Council Policy 5-3 provides a process for allowing exceptions to the City’s policy of maintaining LOS D at local intersections. Pursuant to that policy, a list of Protected Intersections was adopted by

the City Council. The intersection of Stevens Creek Boulevard and Winchester Boulevard is designated as “Protected” in the Final EIR (FEIR) entitled *Modifications to the City of San José’s Transportation Impact Policy* that was certified in 2005. The “Protected” intersection policy is not applicable to Saturday project peak hours and mitigation measures for impacts during such time are not required.

CMP Intersections: A number of local roadways and intersections are designated as “Congestion Management Program (CMP) facilities” because they function as key elements in the Santa Clara County highway network. The CMP intersections analyzed for the purposes of this EIR are shown in Table 4.2-3. The minimum acceptable LOS for CMP-designated intersections is LOS E.

Freeway Segments: Freeways are evaluated using the CMP methodology, which is based on the density of traffic flow during peak hours. Density is expressed in terms of the number of passenger vehicles per mile per lane. Analogous to the evaluation of intersections, levels of service are assigned to a freeway segment based on the density, as summarized in Table 4.2-2. The minimum acceptable LOS for freeways is LOS E.

TABLE 4.2-2 LEVEL OF SERVICE DEFINITIONS FOR FREEWAYS	
Level of Service	Density (vehicles/mile/lane)
A	. 11
B	11.1 to 18.0
C	18.1 to 26.0
D	26.1 to 46.0
E	46.1 to 58.0
F	> 58.0

Source: VTA, CMP Transportation Impact Analysis Guidelines, 2003.

Existing Peak-Hour Operations at Intersections

Based upon City of San José and CMP selection criteria, the traffic analysis prepared for this EIR evaluated the AM and PM peak-hour operations at 18 intersections in the project area that may be significantly impacted by the proposed project due to either substandard operations under background conditions, or the magnitude of project-generated trips expected at the intersection. These intersections, which are located in San José and Santa Clara, are listed in Table 4.2-3, as well as shown on Figure 8. An asterisk (*) indicates that the intersection is designated as part of the CMP network.

Table 4.2-3 shows the existing AM and PM peak-hour levels of service at each of the study intersections, respectively. The levels of service were calculated using the above-described methodology and are based on traffic counts taken in 2004, 2005, and 2006. Count dates for each intersection are listed in Appendix E. As shown in Table 4.2-3, only the Stevens Creek Boulevard/San Tomas Expressway intersection currently operates below the City’s goal of LOS D under existing conditions. This intersection is also a CMP intersection.

**TABLE 4.2-3
EXISTING AND BACKGROUND INTERSECTION LEVEL OF SERVICE**

Signalized Intersection	Existing			Background	
	Peak Hour	Ave. Delay	LOS	Ave. Delay	LOS
Stevens Creek Blvd./Winchester Blvd.*	AM	35	C	35	D
	PM	42	D	43	D
	SAT	48	D	48	D
Stevens Creek Blvd./Santana Row	AM	10	A	16	B
	PM	22	C	25	C
	SAT	26	C	26	C
Stevens Creek Blvd./Redwood Ave.	AM	8	A	7	A
	PM	19	B	19	B
	SAT	20	C	20	C
Stevens Creek Blvd./Monroe St.	AM	19	B	26	C
	PM	27	C	36	D
	SAT	29	C	29	C
Stevens Creek Blvd./I-880 SB off-ramp*	AM	23	C	24	C
	PM	20	C	26	C
	SAT	25	C	25	C
San Carlos St./Bascom Ave.	AM	37	D	38	D
	PM	44	D	45	D
	SAT	45	D	45	D
Winchester Blvd./Hedding St.	AM	31	C	31	C
	PM	38	D	39	D
	SAT	35	D	35	D
Winchester Blvd./Forest Ave.	AM	18	B	18	B
	PM	20	C	21	C
	SAT	21	C	21	C
Winchester Blvd./Dorcich St.	AM	10	A	10	A
	PM	19	B	19	B
	SAT	25	C	25	C
Winchester Blvd./Olin Ave.	AM	11	B	13	B
	PM	13	B	16	B
	SAT	15	B	15	B
Winchester Blvd./Olsen Ave.	AM	10	B	17	B
	PM	13	B	17	B
	SAT	20	C	19	B
Winchester Blvd./I-280 WB on-ramp*	AM	20	B	20	C
	PM	28	C	33	C
	SAT	20	C	20	C
Winchester Blvd./Moorpark Ave.	AM	37	D	37	D
	PM	43	D	45	D
	SAT	41	D	41	D
I-280 EB off-ramp/Moorpark Ave.*	AM	11	B	11	B
	PM	24	C	24	C
	SAT	21	C	21	C
Naglee Ave./Bascom Ave.	AM	32	C	33	C
	PM	39	D	40	D
	SAT	37	D	37	D

**TABLE 4.2-3
EXISTING AND BACKGROUND INTERSECTION LEVEL OF SERVICE**

Signalized Intersection	Existing			Background	
	Peak Hour	Ave. Delay	LOS	Ave. Delay	LOS
Forest Ave./Monroe St.	AM	18	B	18	B
	PM	19	B	19	B
	SAT	18	B	18	B
Stevens Creek Blvd./San Tomas Expwy.*	AM	55	E	57	E
	PM	110	F	117	F
	SAT	54	D	54	D
Stevens Creek Blvd./Saratoga Ave.*	AM	30	C	31	C
	PM	36	D	36	D
	SAT	38	D	38	D

*Denotes CMP Intersection.
Bold type indicates Significant Impact.

Existing Peak-Hour Freeway Operations

Based upon City of San José and CMP selection criteria, the traffic analysis prepared for this EIR evaluated the AM and PM peak-hour operations on 18 freeway segments that may be significantly impacted by the proposed project due to either substandard operations under existing conditions, or the magnitude of project-generated trips expected on the freeway segment. Table 4.2-4 shows the existing AM and PM peak-hour levels of service on each of these freeway segments, which were calculated using the above-described methodology. The data in Table 4.2-4 indicate that the mixed flow lanes on 11 of the 18 directional freeway segments analyzed currently operate at an unacceptable LOS F during at least one of the peak hours. The results also show that the High Occupancy Vehicle (HOV) lane on one of the eight directional freeway segments (with HOV lanes) analyzed currently operate at an unacceptable LOS F during at least one of the peak hours. All other freeway segments analyzed operate at LOS E or better during the AM and PM peak hours.

**TABLE 4.2-4
EXISTING PEAK-HOUR LEVELS OF SERVICE ON FREEWAYS**

Northbound and Southbound Freeway Segments	AM Peak-Hour				PM Peak-Hour			
	Northbound		Southbound		Northbound		Southbound	
	Mixed Flow	HOV	Mixed Flow	HOV	Mixed Flow	HOV	Mixed Flow	HOV
SR 17: Hamilton to I-280	E	n/a	C	n/a	D	n/a	D	n/a
I-880: I-280 to Stevens Creek	F	n/a	C	n/a	C	n/a	D	n/a
I-880: Stevens Creek to Bascom	F	n/a	D	n/a	D	n/a	E	n/a
I-880: Bascom to The Alameda	F	n/a	D	n/a	D	n/a	F	n/a
Eastbound and Westbound Freeway Segments	AM Peak-Hour				PM Peak Hour			
	Eastbound		Westbound		Eastbound		Westbound	
	Mixed Flow	HOV	Mixed Flow	HOV	Mixed Flow	HOV	Mixed Flow	HOV
I-280: Lawrence to Saratoga	E	B	D	D	F	C	D	A
I-280: Saratoga to Winchester	E	B	F	D	E	D	E	B
I-280: Winchester to I-880	C	A	F	E	D	C	D	A
I-280: I-880 to Meridian	D	C	F	F	F	D	D	A
I-280: Meridian to Bird	D	n/a	F	n/a	F	n/a	F	n/a
<p>Bold Type indicates LOS "F", or unacceptable conditions. n/a = Freeway segment has no HOV lanes. Source: Hexagon Transportation Consultants, 2006.</p>								

4.2.2 Background Conditions

The following discussion describes the background traffic conditions in the project area. Traffic volumes for background conditions include traffic volumes from existing traffic, plus approved but not yet constructed projects. These existing AM and PM peak hour traffic volumes are determined based upon the City of San José's Approved Trips Inventory (ATI). The City does not keep a database of ATI information for the Saturday peak hour.

Background conditions also include planned intersection or roadway improvements. For the purposes of this analysis, background conditions include improvements to surrounding roadways that are included in other development projects in the area. In this case, second northbound left-turn lanes will be added at the intersections of Winchester Boulevard and Olin Avenue and Winchester Boulevard and Olsen Drive, to the south of the project site.

As shown in Table 4.2-3, only the CMP intersection of Stevens Creek Boulevard and San Tomas Expressway is projected to operate at an unacceptable LOS E and F during the AM and PM peak hours, respectively, under background conditions.

The analysis of freeway segment LOS is not required for background conditions, in accordance with CMP requirements.

4.2.3 Transportation and Traffic Impacts

4.2.3.1 *Thresholds of Significance*

For the purposes of this EIR, a transportation and traffic impact is considered significant if the project would:

- cause the level of service at a local intersection to degrade from an acceptable LOS D or better under background conditions to an unacceptable LOS E or worse under project conditions; or
- cause the critical-movement delay at a local intersection with an unacceptable LOS E or LOS F under background conditions to degrade through an increase of four or more seconds and a demand-to-capacity ratio (V/C) increase of .01 (1%) or more; or
- cause the LOS of CMP regional intersections in Santa Clara County to drop below LOS E or cause critical movement delay at such an intersection that is already operating at LOS F to increase by four or more seconds; or
- cause a freeway segment to operate at LOS F, or contribute traffic in excess of one percent (1%) of segment capacity to a freeway segment already operating at LOS F; or
- impede the development or function of planned pedestrian or bicycle facilities; or
- conflict with adopted plans or policies supporting alternative transportation; or
- create an operational safety hazard.

The following discussion evaluates the direct impacts of the proposed expansion of Westfield Valley Fair on traffic and transportation systems, consistent with the policies and practices of the City of San José and the Santa Clara County Congestion Management Agency. It should be noted that neither the City nor the County has identified thresholds of significance for Saturday or weekend peak hours.

4.2.3.2 *Methodology for Determining Impacts*

The magnitude of traffic produced by a new development and the locations where that traffic would appear are estimated using a three-step process: 1) trip generation; 2) trip distribution; and 3) trip assignment. It should be noted that it is assumed in this analysis that the transportation network under project conditions would be the same as described under background conditions. In determining project trip generation, the magnitude of traffic entering and exiting the site is estimated for the weekday and Saturday peak hours. As part of the project trip distribution, an estimate is made of the directions to and from which the project trips would travel. In the project trip assignment, the project trips are assigned to specific streets and intersections.

Trip Generation

The magnitude of traffic generated by the proposed project was estimated by applying to the size of the proposed development, the applicable trip generation rates (for shopping centers) published in the Institute of Transportation Engineers (ITE) Manual entitled *Trip Generation*, seventh edition, 2003. The ITE trip generation rates reflect the internalization of trips that customarily occurs with shopping centers that contain outparcels such as banks and restaurants, similar to the proposed project.

Trip generation for retail uses is typically adjusted to account for pass-by trips, which are defined as trips that would already be on the adjacent roadways (and are therefore already counted in the background traffic) but would turn into the site while passing by. Justification for applying a pass-by trip reduction is founded on the observation that such retail traffic is not actually generated by the retail development, but is already part of the ambient traffic levels. Pass-by trips are therefore excluded from the traffic projections. A typical pass-by trip reduction of 25 percent was applied to the proposed retail project, as shown in Table 4.2-4.

It should be noted that trip generation is based on the total square footage of the commercial development that is actually used for retail sales. While the proposed shopping center expansion includes 650,000 square feet of “gross buildable area”, this includes storage areas, hallways, walkways, and other areas that are not actually “leasable”. These areas would not generate traffic trips or require parking spaces. The total gross leasable area (GLA) of the proposed shopping center expansion is approximately 85% of the gross buildable area (GBA), or approximately 552,500 square feet. Trip generation is based upon the GLA of the proposed project.

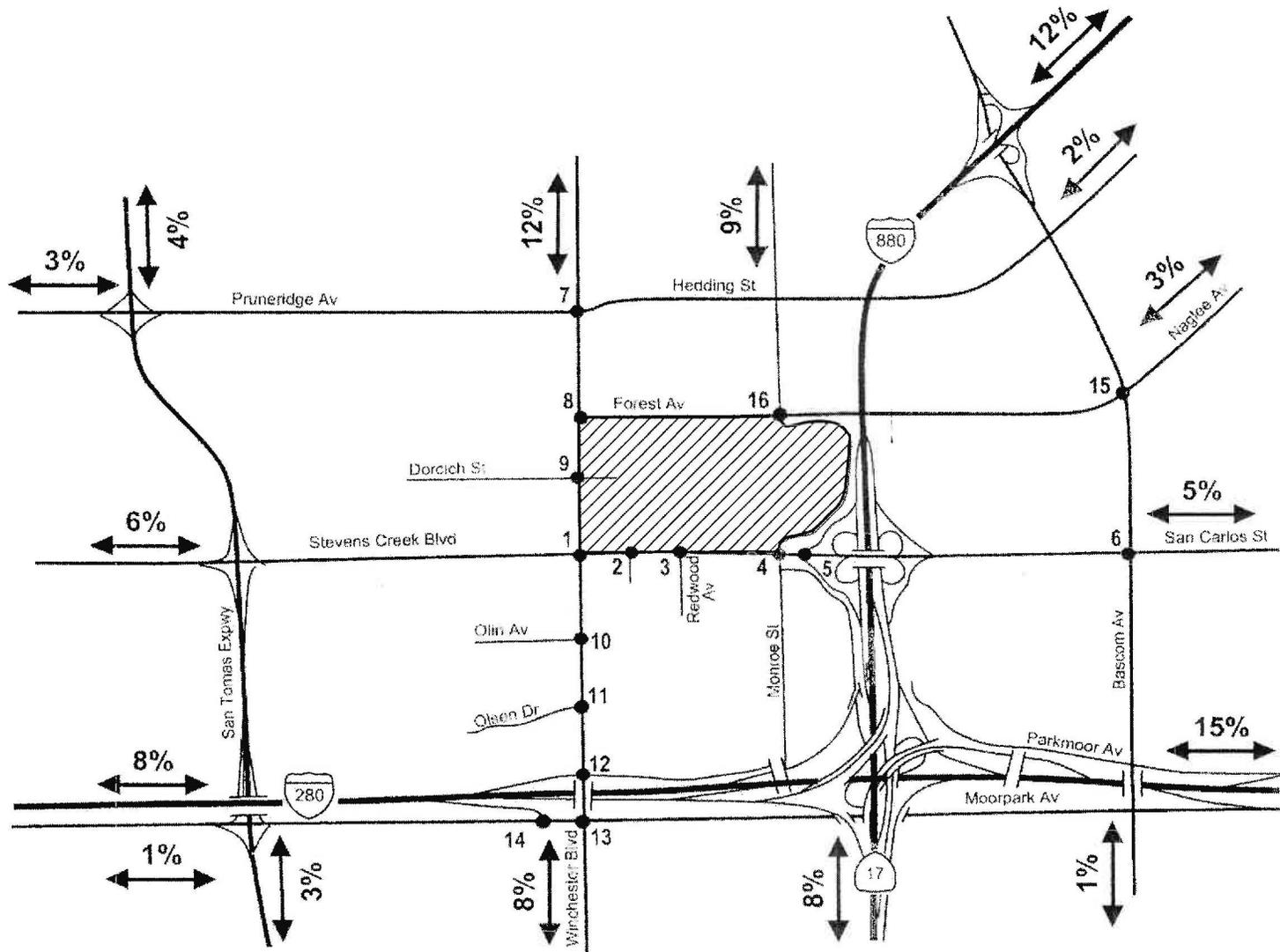
It is estimated that the proposed project would generate an additional 20,631 weekday daily trips with 1,451 trips during the PM peak hour and 1,972 trips during the Saturday peak hour. Using the specified inbound/outbound splits, the project would generate approximately 266 inbound and 170 outbound trips during the AM peak hour and 696 inbound and 755 outbound trips during the PM peak hour. The project trip generation estimates are shown in Table 4.2-5, below.

TABLE 4.2-5 TRIP GENERATION ESTIMATES (WEEKDAY)								
Total Weekday Trips		AM Peak Hour Trips						
Daily Trip Rate	Daily Trips	Peak Hour Rate	% Splits		Trips			
			In	Out	In	Out	Total	
37.33	20,631	0.79	61%	39%	266	170	437	
		PM Peak Hour Trips						
		Peak Hour Rate	% Splits		Pass-By Reduction	Trips		
			In	Out		In	Out	Total
		3.50	48%	52%	25%	696	755	1,451

Note: ITE Shopping Center (820) rates were used for proposed retail/commercial use.
Source: ITE Trip Generation, 7th Edition

Trip Distribution

The trip distribution pattern for the proposed retail/commercial uses was estimated based on existing travel patterns on the surrounding roadway system and the locations of complementary land uses. The trip distribution patterns are show graphically on Figure 9.



LEGEND

-  Project Site
-  Study Intersection

PROJECT TRIP DISTRIBUTION

FIGURE 9

**TABLE 4.2-6
INTERSECTION LEVEL OF SERVICE SUMMARY**

Signalized Intersection	Existing			Background		Background + Project			
	Peak Hour	Ave. Delay	LOS	Ave. Delay	LOS	Ave. Delay	LOS	Inc. in Crit. Delay	Inc. in Crit. V/C
Stevens Creek Blvd./Winchester Blvd.*	AM	35	C	35	D	36	D	1.3	0.025
	PM	42	D	43	D	46	D	7.0	0.128
	SAT	48	D	48	D	62	E	30.3	0.174
Stevens Creek Blvd./Santana Row	AM	10	A	16	B	17	B	0.3	0.012
	PM	22	C	25	C	27	C	2.1	0.073
	SAT	26	C	26	C	27	C	3.7	0.117
Stevens Creek Blvd./Redwood Ave.	AM	8	A	7	A	9	A	2.4	0.028
	PM	19	B	19	B	24	C	9.0	0.124
	SAT	20	C	20	C	27	C	6.7	0.105
Stevens Creek Blvd./Monroe St.	AM	19	B	26	C	26	C	1.1	0.032
	PM	27	C	36	D	44	D	9.3	0.111
	SAT	29	C	29	C	41	D	13.9	0.221
Stevens Creek Blvd./I-880 SB off-ramp*	AM	23	C	24	C	24	C	0.5	0.025
	PM	20	C	26	C	28	C	1.6	0.064
	SAT	25	C	25	C	27	C	2.1	0.094
San Carlos St./Bascom Ave.	AM	37	D	38	D	38	D	0.2	0.004
	PM	44	D	45	D	45	D	0.3	0.013
	SAT	45	D	45	D	45	D	0.4	0.018
Winchester Blvd./Hedding St.	AM	31	C	31	C	31	C	0.7	0.023
	PM	38	D	39	D	40	D	2.5	0.073
	SAT	35	D	35	D	36	D	0.4	0.055
Winchester Blvd./Forest Ave.	AM	18	B	18	B	19	B	1.7	0.025
	PM	20	C	21	C	23	C	3.7	0.108
	SAT	21	C	21	C	24	C	5.6	0.150
Winchester Blvd./Dorcich St.	AM	10	A	10	A	10	B	0.4	0.012
	PM	19	B	19	B	21	C	2.9	0.091
	SAT	25	C	25	C	26	C	5.4	0.139
Winchester Blvd./Olin Ave.	AM	11	B	13	B	13	B	-0.1	0.007
	PM	13	B	16	B	16	B	9.6	0.096
	SAT	15	B	15	B	14	B	-0.7	0.027
Winchester Blvd./Olsen Ave.	AM	10	B	17	B	17	B	-0.2	0.007
	PM	13	B	17	B	17	B	-0.5	0.018
	SAT	20	C	19	B	18	B	-0.7	0.026
Winchester Blvd./I-280 WB on-ramp*	AM	20	B	20	C	20	C	0.4	0.010
	PM	28	C	33	C	34	C	1.4	0.041
	SAT	20	C	20	C	22	C	2.0	0.055
Winchester Blvd./Moorpark Ave.	AM	37	D	37	D	38	D	0.4	0.015
	PM	43	D	45	D	47	D	2.8	0.040
	SAT	41	D	41	D	41	D	1.1	0.060
I-280 EB off-ramp/Moorpark Ave.*	AM	11	B	11	B	11	B	0.1	0.008
	PM	24	C	24	C	25	C	0.3	0.019
	SAT	21	C	21	C	21	C	0.3	0.028

**TABLE 4.2-6
INTERSECTION LEVEL OF SERVICE SUMMARY**

Signalized Intersection	Existing			Background		Background + Project			
	Peak Hour	Ave. Delay	LOS	Ave. Delay	LOS	Ave. Delay	LOS	Inc. in Crit. Delay	Inc. in Crit. V/C
Naglee Ave./Bascom Ave.	AM	32	C	33	C	33	C	0.4	0.004
	PM	39	D	40	D	40	D	0.7	0.010
	SAT	37	D	37	D	37	D	-0.1	0.019
Forest Ave./Monroe St.	AM	18	B	18	B	18	B	0.4	0.012
	PM	19	B	19	B	19	B	0.9	0.040
	SAT	18	B	18	B	21	C	4.7	0.148
Stevens Creek Blvd./San Tomas Expwy.*	AM	55	E	57	E	57	E	0.2	0.002
	PM	110	F	117	F	121	F	6.4	0.009
	SAT	54	D	54	D	53	D	-0.2	0.013
Stevens Creek Blvd./Saratoga Ave.*	AM	30	C	31	C	31	C	0.0	0.003
	PM	36	D	36	D	36	D	0.3	0.009
	SAT	38	D	38	D	38	D	0.1	0.011

*Denotes CMP Intersection.
Bold type indicates Significant Impact.

Trip Assignment

The peak-hour trips generated by the proposed project were assigned to the roadway system in accordance with the corresponding trip distribution patterns discussed above.

Project Traffic Volumes

Project trips, as represented in the project trip assignment, were added to future background traffic volumes to obtain background plus project traffic volumes. Background traffic volumes plus project trips are typically referred to simply as *project traffic volumes*; this is contrasted with the term *project trips*, which is used to describe the traffic that is produced specifically by the project.

4.2.3.3 *Impacts to City of San José Intersections*

As shown in Table 4.2-3, one study intersection is projected to operate at an unacceptable LOS E or worse during the weekday when measured against the City of San José's level of service standards:

- Stevens Creek Boulevard and San Tomas Expressway (AM and PM Peak Hours)

With the addition of project traffic, the critical delay at the intersection of Stevens Creek Boulevard and San Tomas Expressway would increase by six seconds; however, the demand to capacity ratio would not increase by one percent or more. Therefore, the proposed project would not result in a significant impact at this intersection according to City of San Jose criteria. The remaining study intersections are projected to operate at an acceptable D or better during the weekday peak hours.
[Less than Significant Impact]

4.2.3.4 *Saturday Traffic Analysis (City of San José Intersections)*

A check of Saturday midday peak-hour conditions was completed to assess the project's impact on Saturday traffic conditions and thereby cause impacts not identified in the weekday PM peak-hour analysis. The Saturday traffic analysis consisted of an evaluation of intersection LOS for the study intersections during the midday (1:00 to 3:00 p.m.) peak-hour which is when ambient traffic levels and the project traffic combine to produce the highest traffic volumes. Existing Saturday peak-hour volumes were obtained from traffic counts conducted in April 2006.

The proposed project trip generation for Saturday was estimated based on Valley Fair trip generation rates for Saturday. The project is expected to generate approximately 1,972 new trips (excluding pass-by) during the Saturday midday peak hour, with 1,025 trips inbound and 947 trips outbound. This compares with 1,451 trips generated during the weekday PM peak hour. The Saturday intersection level of service results are shown in Table 4.2-3.

The results show that the intersection of Stevens Creek Boulevard and Winchester Boulevard is projected to operate at an LOS E or worse during the Saturday peak hour. There are no established significance criteria to identify what constitutes an impact during the Saturday peak hour. With the addition of the project traffic, the intersection would operate at LOS E during the Saturday peak hour.

As previously described, this intersection is a City of San José "Protected" intersection. The City's protected intersection policy is not applicable to Saturday project peak hours and mitigation consistent with Council Policy 5-3, would not be required.

The addition of a left-turn lane from southbound Winchester Boulevard to eastbound Stevens Creek Boulevard would prevent conditions at the intersection from degrading to an unacceptable LOS E. This impact and mitigation measure were identified as part of the previous *Town and Country Village (Santana Row) EIR* (January 1998); however, it was determined that the improvement could not be accommodated within the existing curb-to-curb width of Winchester Boulevard and additional right-of-way would be needed from the property on the west side of the street (within the City of Santa Clara)

As part of the analysis for the proposed Valley Fair expansion project, it has also been determined that the improvement could also be constructed if a narrower sidewalk (five feet as opposed to seven feet) were allowed along the eastern frontage of the property located at the northwest corner of the intersection (also located within the City of Santa Clara). It should be noted that a five-foot sidewalk would be consistent with the requirements of the Americans with Disabilities Act (ADA). The feasibility of these improvements (widening the intersection or narrowing the sidewalk) will be determined by the cities of San José and Santa Clara during the permitting/project approval process. If either of the improvements is determined to be feasible and is implemented, the impact would be less than significant. If it is determined by the cities that neither improvement is feasible, the impact at the intersection would be significant and unavoidable. **[Less than Significant Impact if Mitigation is determined to be Feasible and made a Condition of Project Approval]**
[Significant Unavoidable Impact if Mitigation is determined to be Infeasible]

4.2.3.5 *Impacts to CMP Intersections*

As shown in Table 4.2-3, when measured against the CMP level of service standards, only the intersection of Stevens Creek Boulevard and San Tomas Expressway is projected to operate at an unacceptable LOS F during the PM peak hour during both the background and project conditions.

With addition of project traffic, the critical delay would increase by six seconds; however, the demand to capacity ratio would not increase by one percent or more. Therefore, the proposed project would not result in a significant impact at this intersection according to CMP criteria. All other intersections are projected to operate at an acceptable LOS E or better during the weekday peak hours. **[Less than Significant Impact]**

4.2.3.6 *Impacts to Freeway Segments*

The impact of the proposed project on peak-hour freeway operations is summarized in Table 8 of Appendix B for each of the 18 study segments. Detailed results are contained in Appendix B. The results of this analysis show that the mixed-flow lanes on 11 of the 18 directional freeway segments analyzed would operate at an unacceptable LOS F during at least one of the peak hours under project conditions. Project traffic would constitute one percent or more of freeway capacity in the mixed-flow lanes on four directional freeway segments that operate at LOS F during the PM peak hour:

- I-280 eastbound from I-880 to Meridian Avenue
- I-280 eastbound from Meridian Avenue to Bird Avenue
- I-280 westbound from Bird Avenue to Meridian Avenue
- I-880 southbound from The Alameda to Bascom Avenue

Therefore, based on the CMP criteria for significant impacts on freeways, the project would have a significant impact on these directional freeway segments under project conditions. **[Significant Impact]**

4.2.3.7 *Impacts on Transit Facilities*

The existing on-site bus transfer center along Forest Avenue would be maintained with the proposed project. Assuming up to three percent transit mode share, which is probably the highest that can be expected, it is estimated that 43 additional transit trips would be generated by the proposed project during the weekday PM peak hour and 59 additional trips during the Saturday peak hour. Given that there is a major transit station located adjacent to the shopping center with several bus routes, these additional transit riders could easily be accommodated by the existing transit service. **[Less than Significant Impact]**

4.2.3.8 *Impacts on Pedestrian and Bicycle Facilities*

As previously described, there are a relatively high number of pedestrians crossing Stevens Creek Boulevard at Valley Fair/Santana Row. Despite the relatively high amount of pedestrian traffic, only one side of the intersection has a crosswalk and the sidewalk areas at the corners of the intersection are limited. The plans for the proposed project show extensive improvements to this intersection, as shown on Figure 7, including an additional eastern sidewalk across Stevens Creek Boulevard and widened sidewalks at the northeast and northwest corners of the intersection. The signal at the intersection would also be converted to eight-phase operation to allow safe pedestrian travel. **[Less than Significant Impact]**

The project will not affect any existing or planned bicycle facilities. Any increase in bicycle travel in the project area can be accommodated on the existing facilities. **[No Impact]**

4.2.3.9 *Parking*

There are approximately 7,100 existing parking spaces on the shopping center site. The proposed 552,500 square foot (GLA, as previously described in Section 2.1.3) shopping center expansion would require approximately 2,456 new parking spaces based upon the City of San Jose's Zoning Ordinance which requires one space per every 225 square feet of GLA. The proposed project includes the demolition and reconstruction of two parking structures that would provide an additional approximately 2,570 additional parking spaces, for a total of approximately 9,670 parking spaces. Therefore, the project would provide approximately 114 more spaces than required by the zoning ordinance. **[Less than Significant Impact]**

4.2.3.10 *Site Access and On-site Circulation Impacts*

Some of the existing driveways serving the site would be reconstructed and relocated; however, no additional access locations are proposed. The increase in parking provided as a part of the project would dictate which access points experience an increase in traffic. The existing parking structure on the south side would be increased in size and relocated to the east while the structure on the east side of the shopping center would also be increased in size in its general existing location. The signalized entrance on Stevens Creek Boulevard between Redwood and Baywood Avenues would be relocated to align with Baywood Avenue and direct traffic from the shopping center to Baywood Avenue would not be allowed as previously described. This would allow additional storage capacity at this intersection along Stevens Creek Boulevard. In addition, the project would add a dedicated right-turn lane into the new parking structure from westbound Stevens Creek Boulevard. This right-turn lane would provide additional storage for vehicles bound for the new structure and prevent blockage of through traffic on Stevens Creek Boulevard. The addition of this right-turn lane on westbound Stevens Creek Boulevard would require the dedication of approximately 16 feet of right-of-way along the project's frontage to accommodate the lane.

The project is also proposing to concentrate most of the parking off of Stevens Creek Boulevard at the intersection of Baywood Avenue. In addition to requiring traffic signal modification and realignment, the capacity of the existing driveway is insufficient to accommodate the concentration of parking at the proposed parking structure on Stevens Creek Boulevard. The drive aisle would be widened to accommodate two inbound lanes and two outbound lanes. Furthermore, the existing drive aisle opposite Santana Row can be narrowed, if approved by the City of Santa Clara, in which this access point is located, since this driveway provides direct access to limited surface parking.

The proposed project also includes relocating the existing intersection signal at Dorcich Street and Winchester Boulevard further to the north to allow for the relocation of the grocery/drug store to the north of the existing building. The new signalized entrance to the project site would be a T-intersection providing a more direct route to the existing parking structure located in the northwest portion of the site (Parking Structure "B"). The Dorcich Street/Winchester Boulevard intersection is located in Santa Clara and their approval will be necessary prior to the implementation of the signal relocation. Level of service calculations indicate that the new intersection would operate at LOS B or better during all studied peak periods.

It is expected that the majority of additional traffic generated by the proposed expansion would utilize Monroe Street and the new/expanded parking structure on the east side of the shopping center. With the construction of this structure, the three existing drive aisles that provide access to Monroe Street will be condensed to one to serve the new structure, thereby improving traffic flow and reducing vehicle conflicts that occur with vehicles circulating in and out of the parking areas.

Improvements also include the addition of a direct right-turn lane from the I-880 southbound off-ramp at Stevens Creek Boulevard to northbound Monroe Street. To accommodate the additional right-turn lane, one eastbound left-turn lane from Stevens Creek Boulevard to northbound Monroe Street will be removed. Level of service calculations indicate the changes to the intersection will not result in changes to the intersection LOS. **[Less than Significant Impact]**

4.2.4 Mitigation and Avoidance Measures for Transportation and Traffic Impacts

4.2.4.1 *Mitigation for Significant Impact at the Stevens Creek Boulevard/Winchester Boulevard Intersection*

As previously described, the feasibility of widening the intersection or narrowing the sidewalk will be determined by the cities of San José and Santa Clara during the permitting process. If either of the improvements (widening the intersection or narrowing the sidewalk) is determined by the City's of San José and Santa Clara to be feasible and is made a condition of project approval, the impact would be less than significant. If it is determined by the cities that neither improvement is feasible, impacts at the intersection would be significant and unavoidable and a Statement of Overriding Considerations will be required. **[Less than Significant Impact if Mitigation is Determined to be Feasible and made a Condition of Project Approval] [Significant Unavoidable Impact if Mitigation is Determined to be Infeasible]**

4.2.4.2 *Mitigation for Significant Impacts to Freeway Segments*

The traffic impact analysis found that the proposed project would result in significant traffic impacts on four segments of I-280 and I-880 during the PM peak hour.

Freeways are regional facilities whose capacity and operation are substantially greater than the demands of a single jurisdiction. Mitigation of freeway segment impacts would require widening of the freeways for the purpose of adding new through lanes on the freeway segments identified above, which would constitute a major capital improvement to state facilities. It should be noted that widening relatively short segments of freeways can sometimes cause impacts downstream by creating traffic bottlenecks.

The construction of additional through lanes on these four impacted segments of I-280 and I-880 would require additional right-of-way. The additional right-of-way would, in turn, result in the relocation of residences and businesses that are immediately adjacent to locations along these freeways. Relocating these residences and businesses, along with the associated costs, make it infeasible for one project alone to implement the necessary mitigation. Additionally, such improvements are beyond the jurisdiction and control of the City of San José as the freeways are under the jurisdiction of Caltrans.

The above paragraphs notwithstanding, it should be noted that Caltrans and the City of San José have been participating in cooperative discussions to plan improvements to the I-280/I-880 interchange. Implementation of these improvements will not reduce impacts to freeway segments to a less than significant level and none of the improvements described in this section were assumed to be in place for the purposes of analyzing intersection impacts of the proposed shopping center expansion project.

These future improvements would occur independent of the Valley Fair Expansion Project, and include providing separate ramps for traffic traveling from I-280 northbound to I-880 northbound and for traffic accessing Stevens Creek Boulevard. These improvements, while not mitigation for the

above-described impacts because they do not include additional through lanes on the freeway segments discussed above, will nonetheless serve to decrease peak-hour congestion and improve peak-hour travel times on I-280 and I-880. The separation of freeway-to-freeway traffic from traffic bound for Stevens Creek Boulevard will improve the operations of these freeway facilities. In addition, the loop ramp to westbound Stevens Creek Boulevard will be replaced with a diagonal ramp and signal, which will have greater capacity.

Improvements to the southbound side of the I-280/I-880 interchange are currently being studied by the City and Caltrans. A Caltrans Project Study Report (PSR) is currently being prepared for this specific improvement. No specific design for the southbound I-280/I-880 interchange improvements has been selected, no funding has been secured, and no schedule for the improvements has been determined. It is anticipated that the proposed project would contribute a fair share contribution towards the identified improvements on the southbound side of the interchange to be negotiated during the funding process for the improvements. **[Significant Unavoidable Impact]**

4.2.5 Conclusion regarding Transportation and Traffic Impacts

The Valley Fair Shopping Center Expansion Project would not result in significant traffic impacts at any City of San José or CMP intersections during the weekday AM or PM peak hour. No mitigation measures are required or proposed. **[Less than Significant Impact]**

The proposed project would have a significant impact at the intersection of Stevens Creek Boulevard and Winchester Boulevard during the Saturday peak hour. Mitigation is available for this impact; however its feasibility will be determined by the cities of San José and Santa Clara during the permitting process. **[Less than Significant Impact if Mitigation is Determined to be Feasible and made a Condition of Project Approval]** **[Significant Unavoidable Impact if Mitigation is Determined to be Infeasible]**

The proposed project will result in significant traffic impacts on four directional segments of the I-280 and I-880. There are no feasible mitigation measures available to the project to reduce these impacts to a less than significant level. **[Significant Unavoidable Impact]**

The proposed project would not significantly affect pedestrian, bicycle, or transit facilities. **[Less than Significant Impact]**

4.3 NOISE

This section is based upon information contained in the *Santa Clara Gardens Development Project Draft EIR* (City of Santa Clara, March 9, 2006 and July 21, 2006) and the City of San José's General Plan. The *Santa Clara Gardens Development Project Draft EIR* can be accessed via the City of Santa Clara's website at www.ci.santa-clara.ca.us, or at the City of Santa Clara's Planning Department located at 1500 Warburton Ave. Santa Clara, CA 95050 or the City of San José's Department of Planning, Building or Code Enforcement at 200 E. Santa Clara Street, 3rd Floor, San José, CA 95113.

4.3.1 Introduction and Regulatory Framework

Noise is measured in "decibels" (dB) which is a numerical expression of sound levels on a logarithmic scale. A noise level that is ten dB higher than another noise level has ten times as much sound energy and is perceived as being twice as loud. Sounds less than 5 dB are just barely audible, and then only in the absence of other sounds. Intense sounds of 140 dB are so loud that they are painful and can cause damage with only a brief exposure. These extremes are not commonplace in our normal working and living environments. An "A-weighted decibel" (dBA) filters out some of the low and high pitches which are not as audible to the human ear. Thus, noise impact analyses commonly use the dBA.

Since excessive noise levels can adversely affect human activities (such as conversation and sleeping) and human health, Federal, State, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. The noise guidelines are almost always expressed using one of several noise averaging methods such as Leq, Ldn, or CNEL.⁵ Using one of these descriptors is a way for a location's overall noise exposure to be measured, realizing of course that there are specific moments when noise levels are higher (e.g., when an aircraft is taking off from Mineta-San Jose Airport or a leafblower is operating) and specific moments when noise levels are lower (e.g., during lulls in traffic flows on streets or in the middle of the night). For this report the Ldn will be used as it is consistent with the guidelines of the City of San José and the State of California.

The City of San Jose's General Plan contains goals and policies which pertain to desired noise levels for various land uses located within the City. These goals and policies are expressed in terms of the Ldn. The General Plan cites long-term and short-term exterior Ldn goals for residential uses of 55 dBA and 60 dBA, respectively. For new commercial and new residential land uses, where the Ldn at a given location is above 60 dBA, an acoustical analysis is required to determine the amount of attenuation necessary to achieve an interior Ldn of 45 dBA or less. Outdoor uses on sites where the Ldn is above 60 dBA should be limited to acoustically protected areas.

The San José General Plan also distinguishes between noise from transportation sources and noise from non-transportation (i.e., stationary) sources. The short-term exterior noise goal is 60 dBA Ldn

⁵Leq stands for the Noise Equivalent Level and is a measurement of the average energy level intensity of noise over a given period of time such as the noisiest hour. Ldn stands for Day-Night Level and is a 24-hour average of noise levels, with 10-dB penalties applied to noise occurring between 10 PM and 7 AM. CNEL stands for Community Noise Equivalent Level; it is similar to the Ldn except that there is an additional 5-dB penalty applied to noise which occurs between 7 PM and 10 PM. As a general rule of thumb where traffic noise predominates, the CNEL and Ldn are typically within 2 dBA of the peak-hour Leq.

for transportation sources. For stationary sources, the exterior noise goal is 55 dBA Ldn at the property line between sensitive land uses (e.g., residences, schools, libraries, hospitals, etc.) and non-sensitive land uses (e.g., industrial, commercial, etc.).

The above noise goals notwithstanding, the San José General Plan specifically recognizes that these goals may not be achieved within the timeframe of the General Plan at certain areas of the City which are affected by noise from aircraft, railroads, and roadway traffic. These areas are: 1) the Downtown Core Area, 2) the area around Mineta San José International Airport, and 3) areas adjacent to major roadways. Although the proposed project area is not located in the Downtown Core Area or the Mineta San José Airport noise impact zone (defined by the 65 dBA CNEL contour), it is subjected to noise from a number of major roadways (e.g., I-880, Stevens Creek Boulevard, and Winchester Boulevard).

In addition to the policies of the San José General Plan, development addressed by this EIR will be subject to the following:

- *San José Municipal Code §20.100.450*: Limits construction hours within 500 feet of residences to 7 AM - 7 PM weekdays, with no construction on weekends or holidays.
- *San José Commercial Design Guidelines*: Specifies setbacks from non-residential uses in order to minimize land use conflicts, including excessive noise.

4.3.2 Existing Noise Sources and Levels

To characterize the ambient noise levels in the project area, noise information was taken from the City of Santa Clara's *Santa Clara Gardens Development Project Draft EIR* (the BAREC property, March 9, 2006, recirculated July 21, 2006). The BAREC site is located adjacent to the northwest corner of the Valley Fair Site, across Winchester Boulevard. Noise in the project area is dominated by street and freeway traffic, and aircraft overflights, although there are no airports located within two miles of the project site and the site is located outside of both the existing and future (2007) 60 dB noise contours for Mineta-San Jose Airport.

Noise levels within the project area were simulated by the City of Santa Clara at several different locations along Winchester Boulevard, Stevens Creek Boulevard, and Forest Avenue, approximately 50 feet from the centerline of the roadway. The estimates were completed using the Federal Highway Administration's Highway Traffic Noise Prediction Model (FHWA RD 77 108) which used average daily traffic volumes, PM peak-hour intersection turning movements, and vehicle distribution patterns obtained by the City of Santa Clara during preparation of the traffic analysis for the Santa Clara Gardens Development Project EIR. Noise levels were approximately 69 Ldn and 68 Ldn along Winchester Boulevard, south and north of Stevens Creek Boulevard, respectively. Noise levels along Stevens Creek Boulevard, west and east of Winchester Boulevard were approximately 70 Ldn at both locations. Noise levels along Forest Avenue, east of Winchester Boulevard were approximately 66 Ldn.⁶

⁶ Table 4-6, page 4-38 of the Santa Clara Gardens Development Project Draft EIR (BAREC), City of Santa Clara, March 2006.

4.3.3 Noise Impacts

4.3.3.1 *Thresholds of Significance*

For the purposes of this project, a noise impact is considered significant if the project would result in:

- 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; or
- exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels; or
- a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or
- a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

While CEQA does not specifically define what amount of noise level increase is considered significant, generally in high noise environments a project is considered by the City of San José to have a significant impact if the project would: 1) substantially and permanently increase existing noise levels by more than three (3) dBA Ldn (three decibels is the minimum increase generally perceptible by the human ear) at existing noise sensitive land uses where noise levels already exceed 60 DNL; or 2) cause ambient noise levels to exceed the guidelines established in the General Plan. Construction-related hourly average noise levels exceeding 60 dBA and at least five (5) dBA above the ambient noise levels at sensitive receptors is considered to be a significant impact if it will occur for more than 12 months.

4.3.3.2 *Short-Term Construction Noise Impacts*

Overview

This section describes the noise impacts that would occur during the construction phase of the shopping center expansion. The significance of construction-related noise is determined by taking into account: 1) the nature and magnitude of the noise; 2) the duration of the noise; and 3) the distance between construction sites and sensitive receptors (e.g., residences, nursing homes, etc.). Construction activities generate considerable amounts of noise, especially during the demolition phase and the construction of project infrastructure when heavy equipment is used. Typical hourly average construction-generated noise levels (Leq) are about 75 dBA to 80 dBA measured at a distance of 100 feet from the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.) Pile-driving would generate maximum noise levels of approximately 105 dBA at 50 feet. All construction-generated noise levels drop off at a rate of about 6 dBA per doubling of distance between the source and receptor. Shielding by buildings or terrain often result in much lower construction noise levels at distant receptors. Concrete crushing is not proposed as part of the project due to the lack of space on-site for such an operation.

Short-Term Construction Noise Impacts

Land uses along Forest Avenue are primarily commercial with the exception of the portion of the street between Monroe Street and Interstate 880, where an existing single-family residential neighborhood is located. There are approximately four single-family houses located along this frontage, approximately 175 to 200 feet to the north of the proposed location of Parking Structure "E". Existing noise levels along Forest Avenue were determined to be approximately 66 Ldn; however, they may be louder near Interstate 880. Given that noise levels are reduced by 6 dB for

every doubling of distance, typical construction noise is expected to be between 69 and 74 dBA, and pile-driving would generate noise levels of approximately 93 dBA, which exceeds 60 dBA (hourly Leq) and the ambient noise level by five (5) dBA or more at these sensitive receptors. However, construction of the parking structure is anticipated to take less than 12 months. For this reason, construction related impacts to the residences located on the north side of Forest Avenue would be less than significant. The remainder of the proposed construction would occur on the south side of the shopping center. Given the distance of this construction from the existing residences and the fact that the existing mall structure would provide noise attenuation, temporary noise impacts to sensitive receptors north of the site from construction on the south side of the project site would be less than significant.

Construction would also occur on the south side of the shopping center which would generate temporary noise impacts to existing residences located on the Santana Row property, south of the project site. Given construction in this area would take less than 12 months, these construction-related noise impacts would be less than significant. It should also be noted that the existing noise levels along Stevens Creek Boulevard are currently 70 dBA and the existing residential uses at Santana Row are located approximately 330 feet from the edge of the Valley Fair project site, further reducing the potential for construction generated noise to adversely affect these land uses. **[Less than Significant Impact]**

4.3.3.3 Long-Term Noise Impacts

Overview

This section of the EIR describes noise impacts that would occur over the long-term with the proposed project. Such impacts can include: 1) the effect of existing noise levels on proposed land uses; 2) the effects of noise generated by new land uses on other existing/future land uses; and 3) the effect of noise from increased traffic on existing/future land uses along various roadways.

Long-Term Noise Impacts

Exposure to Elevated Noise Levels: As previously described, ambient noise levels within the project area already exceed 60 Ldn. The proposed project would be compatible with the noise environment of the project area, which is dominated by street and freeway traffic, and aircraft overflights. The project does not propose outdoor uses. For these reasons, long-term noise impacts to visitors to the future shopping center expansion would be less than significant. **[Less than Significant Impact]**

Commercial/Residential Interface: As part of the project, additional commercial uses would be constructed on the property which could generate additional operational noise associated with commercial uses (e.g., heating & air conditioning equipment, parking lot activities, loading docks, etc.). As previously described, the nearest residential uses are located approximately 175 to 200 feet to the north of the site across Forest Avenue, where existing noise levels along Forest Avenue are already approximately 66 dBA. Therefore, given that most of the equipment would be located on top of the shopping center structure expansion on the south side of the site, and noise associated with parking would occur primarily within the parking structure which would provide some attenuation of noise associated with parking (door slams, starting of engines, etc.), it is expected that operational noise as a result of the proposed project would exceed 55 dBA at the residential property lines, in excess of the levels allowed by the City of San José's Zoning Ordinance. However, when compared to existing conditions, long-term operational noise impacts to existing residential uses from the proposed parking garage would be less than significant. **[Less than Significant Impact]**

Noise from Additional Traffic: As mentioned previously, a significant noise impact would occur if existing noise levels increase permanently by more than three (3) dBA Ldn at existing noise sensitive land uses where noise levels already exceed 60 DNL. In order for noise levels to increase by three dBA or more, traffic trips would need to double on the adjacent roadways. According to the TIA prepared for the proposed project, the proposed project would not double existing traffic volumes on the adjacent roadways, including Monroe Street. For this reason, the proposed project would not result in significant long-term noise impacts within the project area related to traffic noise levels. **[Less than Significant Impact]**

Noise from Generators: As previously described in Section 2.1.5, the project includes the installation of two 300 kilowatt standby emergency generators to be located on the east side of the new Parking Structure "F". A typical emergency generator with standard weather enclosure and muffler would generate about 85 dBA at 50 feet. Noise control features are readily available that could reduce this by up to 15 dBA. Additional custom noise reduction features could also be added if necessary to conform to zoning code performance standards. The nearest sensitive receptors (residential units) are located over 500 feet south of the proposed location for the generators, across Stevens Creek Boulevard, and the generators would be tested for less than one hour per day. For these reasons, the proposed generators would not result in significant noise impacts. **[Less than Significant Impact]**

4.3.4 Mitigation and Avoidance Measures for Noise Impacts

The proposed project would not result in significant long- or short-term noise impacts. Although no mitigation measures are required, the following section describes standard mitigation and avoidance measures that would be included in the project to reduce or avoid temporary construction-related noise impacts.

4.3.4.1 *Mitigation and Avoidance Measures for Short-Term Construction Noise*

The following standard measures are included in the project and will further reduce or avoid less than significant construction noise impacts:

- MM 4.3-1** As required by San José Municipal Code §20.100.450, construction hours within 500 feet of residences shall be limited to the hours of 7 a.m. - 7 p.m. weekdays, with no construction on weekends or holidays.
- MM 4.3-2** All construction equipment powered by internal combustion engines shall be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- MM 4.3-3** For construction sites with nearby residences, stationary noise-generating equipment shall be located as far as possible from the homes.
- MM 4.3-4** Where pile drivers are needed, the use of multiple-pile drivers shall be considered in order 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.
- MM 4.3-6** Where feasible, 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. Pre-drilling reduces the number of blows required to seat the pile.

- MM 4.3-7** The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a noise control contact (name and phone number) 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 available for review by interested members of the public.

4.3.5 Conclusions Regarding Noise Impacts

The proposed project would not result in significant temporary construction-related noise impacts at the nearest residential uses to the north of the site. Avoidance measures are included in the project that will further reduce or avoid the effects of construction noise. **[Less than Significant Impact]**

The existing noise environment is compatible within the existing and proposed indoor commercial uses on the site. **[Less than Significant Impact]**

Operational noise associated with commercial uses (e.g., heating & air conditioning equipment, parking lot activities, loading docks, etc.) could exceed 55 dBA Ldn at the property lines. However, sensitive receptors are not located directly adjacent to the commercial buildings where operational noise would be detectable (they are located across Forest Avenue from the site). Therefore, long-term noise impacts to these uses would be less than significant. **[Less than Significant Impact]**

The proposed project would not result in significant long-term noise impacts within the project area due to an increase in traffic generated. **[Less than Significant Impact]**

4.4 AIR QUALITY

This section is based upon an air quality report prepared for the project by *Illingworth & Rodkin, Inc.* in July 2006. The report is included as Appendix C of this EIR.

4.4.1 Introduction and Regulatory Framework

Air pollution typically refers to air that contains chemicals in concentrations that are high enough to cause adverse effects to humans, other animals, vegetation, or materials. Air pollutants include those from natural sources (e.g., forest fires, volcanic eruptions, windstorms, etc.) and human sources (e.g., factories, transportation, power plants, etc.). In the Santa Clara Valley, vehicular emissions are the predominant source of air pollutants.

In recognition of the adverse effects of degraded air quality, Congress and the California Legislature enacted the Federal and California Clean Air Acts, respectively. As a result of these laws, the U.S. Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) have established ambient air quality standards for what are commonly referred to as “criteria pollutants”, because they set the criteria for attainment of good air quality. Criteria pollutants include carbon monoxide, ozone, nitrogen dioxide, sulfur dioxide, and particulate matter.⁷ In general, the California standards are more stringent than the federal standards. Table 4.4-1 lists these pollutants, their sources and effects, and the related standards.

The Bay Area Air Quality Management District (BAAQMD) oversees air quality in the San Francisco Bay Area. BAAQMD periodically prepares and updates plans to achieve the goal of healthy air. Typically, a plan will analyze emissions inventories (estimates of current and future emissions from industry, motor vehicles, and other sources) and combine that information with air monitoring data (used to assess progress in improving air quality) and computer modeling simulations to test future strategies to reduce emissions in order to achieve air quality standards. Air quality plans usually include measures to reduce air pollutant emissions from industrial facilities, commercial processes, motor vehicles, and other sources. Bay Area plans are prepared with the cooperation of the Metropolitan Transportation Commission (MTC), and the Association of Bay Area Governments (ABAG). Ozone Attainment Demonstrations are prepared for the national ozone standard and Clean Air Plans are prepared for the California ozone standard.

⁷In addition, state standards have been promulgated for lead, sulfates, hydrogen sulfide and visibility reducing particles. The state also recognizes vinyl chloride as a toxic air contaminant. Discussion of these criteria pollutants, however, will be limited as the project is not expected to emit these pollutants. Vinyl chloride and hydrogen sulfide emissions are generally generated from mining, milling, refining, smelting, landfills, sewer plants, cement manufacturing, or the manufacturing or decomposition of organic matter. As the proposed project does not contain any of these uses, they need not be addressed further in this EIR. As to lead, sulfate and visibility reducing particles, the state standards are not exceeded anywhere in the Bay Area; therefore, these pollutants are not relevant to air quality planning and regulation and need not be further addressed in this EIR.

**TABLE 4.4-1
MAJOR CRITERIA AIR POLLUTANTS AND STANDARDS**

	- Pollutant -					
	Ozone	Carbon Monoxide	Nitrogen Dioxide	Sulfur Dioxide	PM ₁₀	PM _{2.5}
Health Effects	Eye irritation, respiratory function impairment	Aggravation of cardio-vascular disease, fatigue, headache, confusion, dizziness, can be fatal	Increased risk of acute and chronic respiratory disease	Aggravation of lung disease, increased risk of acute and chronic respiratory disease	Aggravation of chronic disease and heart/lung disease symptoms	Aggravation of chronic disease and heart/lung disease symptoms
Major Sources	Combustion sources, evaporation of solvents and fuels	Combustion of fuel, combustion of wood in stoves and fireplaces	Motor vehicle exhaust, industrial processes, fossil-fueled power plants	Diesel exhaust, oil-powered power plants, industrial processes	Combustion, cars, field burning, factories, unpaved roads, construction	Combustion, cars, field burning, factories, unpaved roads, construction
Federal Standard	1-hr: n/a 8-hr: 0.08 ppm	1-hr: 35 ppm 8-hr: 9 ppm	1-hr: n/a AA: 0.05 ppm	1-hr: n/a 24-hr: 0.14 ppm AA: 0.03 ppm	24-hr: 150 µg/m ³ AA: n/a	24-hr: 35 µg/m ³ AA: 15 µg/m ³
State Standard	1-hr: 0.09 ppm 8-hr: 0.07 ppm	1-hr: 20 ppm 8-hr: 9 ppm	1-hr: 0.25 ppm AA: n/a	1-hr: 0.25 ppm 24-hr: 0.04 ppm AA: n/a	24-hr: 50 µg/m ³ AA: 20 µg/m ³	24-hr: n/a AA: 12 µg/m ³
Bay Area Attainment Status	N	A	A	A	federal - A state - N	federal - A state - N

Attainment Status: A = attainment N = nonattainment
 PM₁₀ = particulate matter, 10 microns in size PM_{2.5} = particulate matter, 2.5 microns in size
 ppm = parts per million µg/m³ = micrograms per cubic meter
 AA = annual average 1-hr = 1-hour average 8-hr = 8-hour average
 24-hr = 24-hour average n/a = not applicable

Source: U.S. EPA, Bay Area Air Quality Management District, 2005.

The Bay Area 2000 Clean Air Plan (CAP) was adopted by the BAAQMD Board of Directors at a public hearing on December 20, 2000 and was then submitted to CARB. The 2000 CAP is the third triennial update of the District's original 1991 CAP. The 2000 CAP includes strategies and policies for the region to achieve and maintain compliance with the standards listed in Table 4.4-1. The CAP also includes a control strategy review to ensure that the plan continues to include "all feasible measures" to reduce ozone, an update of the BAAQMD's emission inventory, estimates of emission reductions achieved by the plan, and an assessment of air quality trends.

The BAAQMD, in cooperation with MTC and ABAG, also recently completed preparation of the Bay Area 2005 Ozone Strategy. The Ozone Strategy is a roadmap showing how the San Francisco Bay Area will achieve compliance with the State one-hour air quality standard for ozone as

expeditiously as practicable and how the region will reduce transport of ozone and ozone precursors to neighboring air basins.

Ozone conditions in the Bay Area have improved significantly over the years. Ozone levels – as measured by peak concentrations and the number of days over the State one-hour ozone standard – have declined substantially as a result of aggressive programs by the BAAQMD, MTC and other regional, State and federal partners. This represents great progress in improving public health conditions for Bay Area residents. The 2005 Ozone Strategy provides useful background information on topics including the Bay Area's emission inventory, historical ozone trends and the implementation status of past control measures.

The 2005 Ozone Strategy explains how the Bay Area plans to achieve these goals with regard to ozone, and also discusses related air quality issues of interest including the public involvement process, climate change, fine particulate matter, the BAAQMD's Community Air Risk Evaluation (CARE) program, local benefits of ozone control measures, the environmental review process, national ozone standards and photochemical modeling. The 2005 Ozone Strategy is a comprehensive document that describes the Bay Area's strategy for compliance with State one-hour ozone standard planning requirements, and is a significant component of the region's commitment to achieving clean air to protect the public's health and the environment.

BAAQMD also operates its Toxic Air Contaminant Control Program, which implements and enforces all Maximum Achievable Control Technology (MACT) standards and Airborne Toxic Control Measures (ATCMs) pertaining to the emission of such substances from stationary sources. This program also monitors the concentrations of toxic air contaminants at various locations in the Bay Area.

In connection with the implementation of the CAP, various policies in the City of San José's General Plan have been adopted to assist the City in avoiding or mitigating air quality impacts resulting from development projects that require approval of discretionary permits. In addition to the policies of the City's General Plan, the City has approved a grading ordinance, which mandates that all earth moving activities shall include requirements to control fugitive dust, including regular watering of the ground surface, cleaning nearby streets, damp sweeping, and planting any areas left vacant for extensive periods of time. Construction of the proposed project will be subject to this ordinance.

4.4.2 Existing Air Quality

Under amendments to the federal Clean Air Act, the EPA has classified air basins, or portions thereof, as either "attainment" or "nonattainment" for each criteria air pollutant, based on whether or not the national standards have been achieved. In 1988, the State Legislature passed the California Clean Air Act, which is patterned after the federal Clean Air Act to the extent that it also requires areas to be designated as "attainment" or "nonattainment," but, with respect to State standards, rather than national standards.

The Cities of San José and Santa Clara lie within the urbanized portion of Santa Clara County, a subregion within the nine-county San Francisco Bay Area Air Basin. As shown in Table 4.4-2, the Bay Area is designated as an "attainment area", meaning the area meets the relevant standards, for carbon monoxide, nitrogen dioxide, and sulfur dioxide. The region is classified as a "nonattainment area" for both the federal and state ozone standards, although a request for reclassification to "attainment" of the federal standard is currently being considered by the U.S. EPA. The area does not meet the state standards for particulate matter; however, it does meet federal standards.

As noted above, BAAQMD monitors air quality at various locations throughout the Bay Area, including three monitoring stations in San José. Table 4.4-2 summarizes recent data for these stations in terms of the number of days the applicable air quality standard was exceeded at any San José station. Ozone levels measured in San José exceeded the state ozone standard from zero to four times in 2001-2005. Neither the former federal 1-hour nor the current 8-hour standard has been exceeded in the last five years. Measured exceedances of the state PM₁₀ standards have occurred between zero and four measurement days each year in San José. PM₁₀ and PM_{2.5} are measured every sixth day and exceedances of the federal PM_{2.5} standard were not measured in San José.⁸

The air pollution potential of a given location depends upon the emission density in the surrounding area, as well as the atmospheric potential. Primary pollutant emission densities are highest in areas with high population density, heavy vehicle use, or industrialization. Yet, because the City of San Francisco has a low atmospheric pollution potential, it does not produce the highest ambient carbon monoxide (CO) levels. The Bay Area's highest CO concentrations are found in San José, where both the atmospheric pollution potential and the emissions are high.

Pollutant	Standard	Number of Days Exceeding the Standard				
		2001	2002	2003	2004	2005
Ozone	Federal 1-Hour	0	0	0	0	NA
Ozone	Federal 8-Hour	0	0	0	0	0
Ozone	State 1-hour	2	0	4	0	1
PM ₁₀	Federal 24-Hour	0	0	0	0	0
PM ₁₀	State 24-Hour	4	2	2	3	4
PM _{2.5}	Federal 24-Hour	NA	NA	0	0	0
CO, NO ₂ , Lead, SO ₂	All Other	0	0	0	0	0

CO = carbon monoxide NO₂ = nitrogen dioxide PM = particulate matter
 NA = data not available
Source: Bay Area Air Quality Management District, 2005.

For secondary pollutants, like ozone, which develop over periods of several hours and which are derived from two or more primary pollutants, the evaluation of the pollution potential of a location is more complex. The emission-related ozone potential at a given location depends upon precursor emissions that are upwind of (rather than adjacent to) that location on an episode day. The most direct way of evaluating the potential for exceeding the ozone standard is to review ambient monitoring data for recent years. Violations of the ozone standards are most likely to occur in an arc around the west, south and eastern sides of the Santa Clara Valley.

⁸ California's 24-hour PM₁₀ standard is more stringent than the current federal 24-hr PM_{2.5} standard; therefore, BAAQMD uses the California PM₁₀ thresholds. California has currently adopted a PM_{2.5} annual threshold that is more stringent than the federal annual standard; however, BAAQMD has yet to establish any PM_{2.5} thresholds to address this standard.

Despite the substantial growth of the San Francisco Bay Area in recent decades, overall air quality has been improving and the area is considered to be one of the cleanest metropolitan areas in the country with respect to air quality. The improvement is primarily due to the implementation of measures that have reduced emissions from both stationary sources (e.g., factories, power plants, refineries, etc.) and mobile sources (e.g., automobiles, buses, trucks, aircraft, etc.). Complementing source-control measures are a variety of strategies, policies, and programs that are designed to improve air quality. These include programs to buy back older automobiles and gasoline-powered lawnmowers, incentives for replacing older wood-burning stoves and fireplaces, incentives/subsidies for transit riders/carpoolers, incentives for purchasing low-emission products, Spare-the-Air campaigns, and local land uses policies that result in a reduction in the number/length of vehicle trips. The latter category includes locating jobs near housing, constructing mixed-use developments, and zoning land along rail corridors for higher densities.

4.4.3 Air Quality Impacts

4.4.3.1 *Thresholds of Significance*

For the purposes of this EIR, an air quality impact is considered significant if the project would:

- violate an ambient air quality standard or contribute substantially to an existing or project air quality violation; or
- result in substantial emissions or deterioration of ambient air quality; or
- create objectionable odors; or
- expose sensitive receptors or expose the general public to substantial levels of toxic air contaminants; or
- alter air movement, moisture, or temperature, or result in any change in climate either locally or regionally.

4.4.3.2 *Long-Term Regional Air Quality Impacts*

Mobile Sources

To evaluate the effects of the proposed project on regional air quality, emissions of ozone precursor pollutants⁹ and PM₁₀ were predicted. The URBEMIS (Urban Emissions) 2002 Model, obtained from the CARB, was used to predict air pollutant emissions associated with project-related automobile use. This model combines assumptions for automobile activity (e.g., number of trips, vehicle mix, vehicle miles traveled, etc.) with vehicle emission factors. Vehicle trips generated by the proposed expansion were used as input to the model. The results of this analysis are shown in Table 4.4-3, and described in detail in Appendix C. The proposed shopping center expansion alone would generate regional pollutants in excess of BAAQMD significance thresholds during the daily weekday, Saturday, and annual conditions. **[Significant Impact]**

⁹Ozone is formed in the atmosphere by a chemical reaction between reactive organic gas (ROG) and nitrogen oxides (NO_x) under sunlight.

T A B L E 4.4-3 COMPARISON OF DAILY EMISSIONS OF REGIONAL POLLUTANTS					
Pollutant	Daily Weekday Condition	Daily Saturday Condition	Annual Emissions [@]	Daily BAAQMD Thresholds	Annual BAAQMD Thresholds
ROG	104 lbs.	132 lbs.	20.4 tons	80 lbs.	15 tons
NO _x	100 lbs.	130 lbs.	19.8 tons	80 lbs.	15 tons
CO	956 lbs.	1,256 lbs.	190 tons	550 lbs.*	100 tons
PM ₁₀	103 lbs.	135 lbs.	20.5 tons	80 lbs.	15 tons

ROG = reactive organic gas, a precursor to ozone.
 NO_x = nitrogen oxides, a precursor to ozone.
 CO = carbon monoxide
 PM₁₀ = respirable particulate matter, 10 microns in size
 * For stationary sources only.
[@] Annual emissions assume that each week consists of five weekdays and two weekend day emissions.
 Source: Illingworth & Rodkin, Inc., 2006

Stationary Sources

The proposed project includes the installation of two 300-kilowatt standby emergency generators to be located on the east side of the new Parking Structure "F". Daily and annual emissions associated with the operation of these emergency generators are shown in Table 4.4-4, below.

T A B L E 4.4-4 EMERGENCY GENERATOR TESTING EMISSIONS		
Pollutant	Daily Testing	Annual Testing
ROGs	0.3 lbs.	0.01 tons
NO _x	6.2 lbs.	0.15 tons
CO	5.6 lbs.	0.14 tons
PM ₁₀ or PM _{2.5}	0.3 lbs	0.01 tons

Notes: Daily testing was calculated for the two systems for up to an hour. Annual testing was calculated for the two systems for up to fifty hours.

As previously described in Section 2.1.5, the proposed generators would require permits from BAAQMD, since they would be equipped with engines larger than 50 horsepower. The permit would require that the applicant demonstrate that the generators meet BAAQMD Best Available Technology for NO_x, CO, and particulate matter. In addition, an assessment that shows less than significant health risks from diesel particulate matter exposure would be required to support the permit. Sources of air pollutant emissions complying with all applicable BAAQMD regulations generally would not be considered to have a significant air quality impact. **[Less than Significant Impact]**

4.4.3.3 Long-Term Impacts on Local Air Quality

CO emissions from traffic generated by the project would be the pollutant of greatest concern at the local level. Congested intersections with a large volume of traffic have the greatest potential to cause high localized concentrations of CO. Therefore, to assess this impact, four intersections that were studied for traffic impacts were also evaluated for roadside CO concentrations during both the weekday and Saturday peak hours. These are the intersections that are anticipated to experience the combination of highest traffic volumes and worst congestion. CO concentrations were predicted for these intersections through air dispersion modeling using the Caline4 Model. [Note: For details regarding this model, including assumptions utilized as model input, please see Appendix C]

The results of this analysis are presented in Table 4.4-5. The data indicate that concentrations of CO generated by the proposed shopping center expansion would not exceed California's 8-hour standard at any location.¹⁰ It should be noted that the results reflect the fact that much of the CO emitted on roadways today comes from a small percentage of the older on-road vehicles that will eventually be replaced with newer cleaner models. Therefore, CO levels will decrease over time even though traffic will increase. It is estimated that future emissions rates will be 10% to 50% of current rates due to the increased use of fuel-injected engines and long-lasting catalytic converters that result in very low CO levels. Therefore, the proposed shopping center expansion would not result in a significant impact on local air quality over the long-term. [Less than Significant Impact]

TABLE 4.4-5 PREDICTED 8-HOUR CARBON MONOXIDE CONCENTRATIONS [Expressed in Parts-per-Million]			
Intersection	Existing	Existing + Background + Project Conditions	BAAQMD Thresholds
Stevens Creek Blvd./Winchester Blvd.	6.6	6.9	9.0
Stevens Creek Blvd./Santana Row	6.9	6.9	9.0
Stevens Creek Blvd./Monroe Street	7.9	8.1	9.0
Winchester Blvd./Forest Avenue	6.1	6.0	9.0
<p>Note: Project conditions (year 2010 – approximate date of project completion) concentrations are projected to be less than or similar to existing concentrations since vehicle emissions will continue to decrease over time. This is due to the fact that: 1) the percentage of older more-polluting vehicles will continue to decrease over time; and 2) more stringent emissions standards are being applied to newer cars as such standards are phased in.</p>			
<p>Source: Illingworth & Rodkin, Inc., 2006.</p>			

4.4.3.4 Consistency with Clean Air Planning Efforts

A key element in air quality planning is to make reasonably accurate projections of future human activities, particularly vehicle activities that are related to air pollutant emissions. The BAAQMD uses population projections made by the ABAG and vehicle use trends made by the MTC to

formulate future air pollutant emission inventories. These projections are based on estimates from cities and counties. In order to provide the best plan to reduce air pollution in the Bay Area, accurate projections from local governments are necessary. When General Plans are not consistent with these projections, they cumulatively reduce the effectiveness of air quality planning in the region. The ozone strategy that addresses both the federal and State ozone standards was prepared using the most recent projections. The proposed project is the construction of additional commercial uses on a site so designated in the cities of San José and Santa Clara's General Plans and would therefore be consistent with the Clean Air Plan because its associated development is included in these existing General Plans. The project would not construct residential uses. In addition, the project includes commercial development that would serve both the project and existing residential development, thereby shortening home-to-shopping vehicle trips. **[No Impact]**

4.4.3.5 *Construction (Short-Term) Air Quality Impacts*

Construction activities would generate air pollutant emissions from the following construction activities: demolition, grading, construction worker travel to and from project sites, delivery and hauling of construction supplies and debris to and from the project site, and fuel combustion by on-site construction equipment. These construction activities would temporarily create emissions of dusts, fumes, equipment exhaust, and other air contaminants. PM₁₀ is the pollutant of greatest concern associated with construction. If uncontrolled, PM₁₀ levels downwind of actively disturbed areas could possibly exceed State standards. **[Significant Impact]**

4.4.4 Mitigation and Avoidance Measures for Air Quality Impacts

4.4.4.1 *Mitigation for Long-Term Air Quality Impacts*

The following measures, which are included as part of the project, would partially reduce long-term air quality impacts, but *not* to a less than significant level because it would be difficult to achieve significant emission reductions since most emissions would be produced by customer automobile trips.

- MM 4.4-1** New bus stops shall be constructed at convenient locations with pedestrian access to the project sites. Pullouts will be designed so that normal traffic flow on arterial roadways would not be impeded when buses are pulled over to serve riders. New and existing bus stops shall include nearby shelter, benches, and the posting of transit information.
- MM 4.4-2** Bicycle amenities shall be provided and/or improved for the project. As appropriate, this shall include secure bicycle parking for office and retail employees, bicycle racks for retail customers and bike lane connections throughout the project site.
- MM 4.4-3** Outdoor electrical outlets shall be provided so as to encourage the use of electrical landscape maintenance equipment.
- MM 4.4-4** Pedestrian crossings shall be enhanced at strategic locations with countdown signals and pedestrian pathways shall be lined with shade trees.

¹⁰Predicted 1-hour CO concentrations were not modeled since the 1-hour CO standard is considered to be less stringent than the 8-hour CO standard.

MM 4.4-5 Idling of trucks at loading docks shall be limited to three minutes and signage shall be used to indicate such a prohibition.

4.4.4.2 *Mitigation for Short-Term Construction Air Quality Impacts*

The following measures, which are included as part of the project and will reduce short-term air quality impacts to a less than significant level, will be included in the specifications and/or construction drawings for the project.

MM 4.4-6 All active construction areas shall be sprinkled with water at least twice daily and more often when conditions warrant, excluding any areas that are inaccessible to watering vehicles due to excessive slope or other safety conditions.

MM 4.4-7 All trucks hauling soil, sand, and other loose materials shall be covered. Alternatively, all trucks shall be required to maintain at least two feet of freeboard, consistent with the requirements of §23114 of the California Vehicle Code.

MM 4.4-8 All unpaved access roads, parking areas, and staging areas at construction sites shall be watered three times daily. Alternatively, non-toxic soil stabilizers shall be applied in sufficient quantity and frequency to maintain a stabilized surface.

MM 4.4-9 All paved access roads, parking areas, and staging areas at construction sites shall be swept daily.

MM 4.4-10 Streets shall be swept daily if visible soil material is carried onto adjacent public streets.

MM 4.4-11 Inactive construction areas shall be watered on a daily basis, or hydroseeded or non-toxic soil stabilizers shall be applied, as appropriate.

MM 4.4-12 Exposed stockpiles (dirt, sand, etc.) shall be enclosed, covered, water twice daily, or non-toxic soil binders shall be applied.

MM 4.4-13 Traffic speeds on unpaved roads shall be limited to 15 miles per hour.

MM 4.4-14 Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways.

MM 4.4-15 Inactive disturbed surface areas shall be revegetated within twenty-one (21) days after active operations have ceased.

MM 4.4-16 Trucks and equipment leaving construction sites shall have accumulated dirt removed from wheels, as needed.

MM 4.4-17 Grading activities shall be suspended when winds exceed 25 miles per hour (mph) and visible dust clouds cannot be prevented from extending beyond active construction areas.

MM 4.4-18 All construction equipment shall be properly maintained, consistent with manufacturers' recommendations.

MM 4.4-19 The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors).

MM 4.4-20 Diesel equipment standing idle for more than two minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were on-site.

4.4.5 Conclusions Regarding Air Quality Impacts

The proposed project would result in increases in regional pollutants (e.g., ROG, NO_x, and PM₁₀) that are in excess of BAAQMD thresholds. Measures to reduce this impact are available but the impact cannot be reduced to a less than significant level. **[Significant Unavoidable Impact]**

The proposed project would not result in significant localized air quality impacts since there would be no exceedances of the California 8-hour CO standard. **[Less than Significant Impact]**

The proposed project would not conflict with ongoing Clean Air planning efforts to improve air quality. **[No Impact]**

The proposed project would result in significant short-term (i.e., construction-related) air quality impacts. These impacts will be avoided/mitigated by implementing the above-described mitigation measures, all of which are included in the project. **[Less than Significant Impact with Mitigation Included in the Project]**

4.5 CULTURAL RESOURCES

The following discussion is based upon environmental documents prepared for prior expansions of the Westfield Valley Fair Shopping Center, including the *Draft Environmental Impact Report for the Stevens Creek Plaza and Valley Fair Shopping Center Renovation and Expansion* and the *Final Environmental Impact Report for the Valley Fair Mall Expansion* prepared by the City of San José in February 1981 and May 1998, respectively. This EIR is available for review at the City of San José's Department of Planning, Building, and Code Enforcement (200 E. Santa Clara Street, San José) during normal business hours.

4.5.1 Introduction and Regulatory Framework

The CEQA Guidelines provide detailed direction on the requirements for avoiding or mitigating significant impacts to historical and archaeological resources. Guidelines §15064.5(b)(4) states that a lead agency shall identify mitigation measures and ensure that the adopted measures are fully enforceable through permit conditions, agreements, or other measures. In addition, Guidelines §15126.4(b)(3) states that public agencies should, whenever feasible, seek to avoid damaging effects on any historical resources of an archaeological nature. Preservation in place is the preferred manner of avoiding impacts to archaeological sites, although data recovery through excavation is acceptable if preservation is not feasible. If data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historic resource, needs to be prepared and approved by the City prior to any excavation being undertaken.

4.5.2 Existing Cultural Resources

The project site is not located in an area of archaeological sensitivity as designated on the City of San José's Archaeological Sensitivity Maps (2020 General Plan). The entire site is developed with structures and previous renovations of the shopping center have not encountered subsurface archaeological resources.

The main shopping center structure was constructed after 1978 and the grocery/drug store building was constructed in approximately 1958. The architect of the 1958 building is unknown and the structure has been significantly modified, both internally and externally over the years to accommodate various tenants.

The nearest historic structure is the Winchester Mystery House, located approximately one-half mile south of the project site. Built by Sarah Winchester, widow of rifle manufacturer William Winchester, this unique structure includes many outstanding elements of Victorian architecture and fine craftsmanship. Construction began in 1884 and continued without interruption until Mrs. Winchester's death in 1922. The continual building and remodeling created a 160-room house covering an area of six acres. The structure is California State Historic Landmark Number 868. The proposed project would not affect this structure.

There are no unique paleontological sites or unique geologic features on, or in proximity to, the Westfield Valley Fair property.

4.5.3 Cultural Resources Impacts

4.5.3.1 *Thresholds of Significance*

For this project, a cultural resources impact is considered significant if the project will:

- cause a substantial adverse change in the significance of a historic resource as defined in CEQA Guidelines §15064.5; or
- cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines §15064.5; or
- directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- disturb any human remains, including those interred outside of formal cemeteries.

4.5.3.2 *Cultural Resources Impacts*

Redevelopment of portions of the Westfield Valley Fair property is not expected to result in impacts to archaeological resources since no such resources are known or expected to be present. Archaeological monitoring of construction activities in areas of the property proposed for construction is, therefore, not necessary. It should be noted however, that there is always a possibility that unknown resources could be discovered during project construction or grading activities. Disturbance to such resources would be a significant impact. **[Significant Impact]**

There are no historic buildings or structures located on the Westfield Valley Fair property. Therefore, the project would not result in any impacts to historic architectural resources. **[No Impact]**

There are no known unique paleontological sites or unique geologic features on or near this property. Therefore, the project would not result in any impacts to such known resources. **[No Impact]**

4.5.4 Mitigation and Avoidance Measures for Impacts to Cultural Resources

The following measures are included in the project to reduce or avoid significant impacts to cultural resources should they be discovered during construction:

MM 4.5-1 In the event any significant cultural materials are encountered, all construction within a radius of 50 feet of the find shall be halted, the Director of Planning, Building and Code Enforcement shall be notified, and a qualified archaeologist shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation, and analysis of any significant cultural materials. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:

- In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his/her authority, he/she shall notify the Native American

Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the landowner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

- A final report shall be submitted to the Director of Planning, Building and Code Enforcement. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusion, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the Director of Planning, Building and Code Enforcement.

4.5.5 Conclusions regarding Cultural Resources Impacts

Implementation of the mitigation and avoidance measures described above would reduce impacts to unknown prehistoric subsurface resources, should any such resources be discovered during construction, to a less than significant level. **(Less than Significant Impact with Mitigation Measures Included in the Project)**

There are no buildings or structures of historical or architectural significance located on the project site that is the subject of this EIR. Development, therefore, would not impact such resources. **[No Impact]**

4.6 BIOLOGICAL RESOURCES

The analysis contained in this section is based on a site reconnaissance completed by *David J. Powers & Associates* and a tree survey completed by *Bartlett Tree Experts* in April 2006. The tree survey is contained in Appendix D.

4.6.1 Introduction

As it relates to land use decisions, "biological resources" generally include plant and animal species and the habitats that support such species. Due to the importance of California's native ecological systems from a biological, heritage, and economic standpoint, impacts on such resources - especially those that are rare or those with high ecological values - are considered an adverse environmental impact under CEQA.

In urban areas, planted and native trees that comprise the "urban forest" also provide a range of values. From a biological perspective, urban trees provide habitat for urban-adapted wildlife.

The avoidance and mitigation of significant impacts to biological resources under CEQA is consistent with - and complementary to - various federal, state, and local laws/regulations that are designed to protect such resources. These regulations often mandate that project sponsors obtain permits prior to the commencement of development activities, with measures to avoid and/or mitigate impacts required as permit conditions. Various policies in the City of San José and City of Santa Clara's General Plan have been adopted for the purpose of avoiding or mitigating biological resource impacts resulting from planned development within their jurisdictions.

4.6.2 Existing Biological Resources

The project site is located within developed areas of the cities of San José and Santa Clara. The site is currently developed with commercial uses and the majority of the site is paved, with landscaping located around buildings, in parking islands, and around the perimeter of the project site. Habitats in highly developed areas are extremely low in species diversity. Species that use this habitat are predominantly urban adapted birds, such as rock pigeons, mourning doves, house sparrows, finches, and starlings. Special status plant and wildlife species are not located on the highly urbanized project site, although raptor (birds of prey) could use the trees on the site for nesting and foraging habitat. Raptors are protected by the federal Migratory Bird Treaty Act (16 U.S.C. Section 703, Supp. I., 1989). No special status animal or plant species are located on the project site.

4.6.2.1 *City of San José Tree Ordinance*

The City of San José Tree Removal Controls (Municipal Code 13.32) define an ordinance size tree as "any woody perennial plant characterized by having a main stem or trunk which measures 56 inches or more in circumference at a height of 24 inches above natural grade slope."¹¹ The City of San José maintains the urban natural landscape partly by promoting the health, safety, and welfare of the City by controlling the removal of ordinance trees on private property. The removal of mature trees detracts from the scenic beauty of the City; causes erosion of topsoil; creates flood hazards; increases the cost of construction and maintenance of draining systems through the increased flow and diversion of surface waters; and eliminates one of the prime oxygen producers and prime air

¹¹ A tree circumference of 56 inches results in a diameter of 18 inches.

purification systems in this area. A tree removal permit is required from the City for the removal of ordinance-size trees.

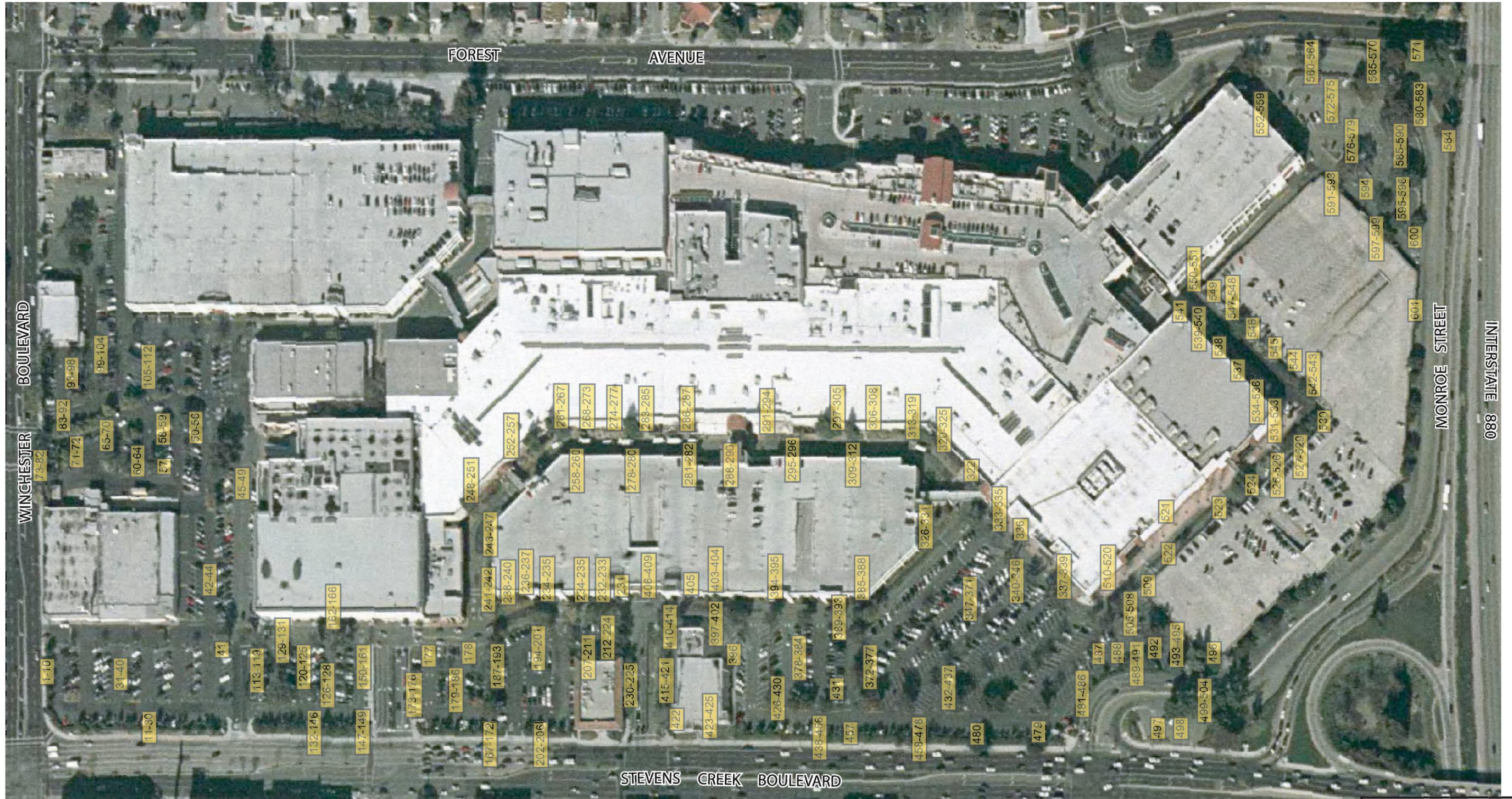
The tree survey identified 601 landscape trees on the portion of the project site to be impacted during construction. These trees are shown on Figure 10. The measurements for the survey were taken at 24 inches above ground level, consistent with the City of San José’s tree ordinance measurement standard. Forty-six trees measured 18 inches or greater in diameter, and can be considered ordinance size trees. These trees are listed in Table 4.6-1.¹² Approximately 184 trees on the site are between 12 and 17 inches in diameter, while approximately 371 trees are less than 12 inches in diameter. Approximately nine of the non-ordinance size trees on-site are either dead or have been determined to be a hazard. Tree health ranged between 0 and 5 for health and vigor, with 5 being excellent and 0 being dead. None of the trees surveyed are City of San José Heritage Trees.

Tree No.	Species	Diameter At 24 Inches Above Ground	Condition
52	Red Ironbark Eucalyptus	18	3
53	Red Ironbark Eucalyptus	20	3
56	Red Ironbark Eucalyptus	21	3
60	Red Ironbark Eucalyptus	21	4
61	Red Ironbark Eucalyptus	20	4
62	Red Ironbark Eucalyptus	18	4
101	Red Ironbark Eucalyptus	18	4
102	Red Ironbark Eucalyptus	19	4
113	Red Ironbark Eucalyptus	18	3
114	Red Ironbark Eucalyptus	18	3
231	Golden Rain	20	3
252	Golden Rain	24	3
258	Golden Rain	20	4
260	Golden Rain	20	4
300	Canary Island Pine	18	4
324	Golden Rain	18	3
344	Red Ironbark Eucalyptus	18	4
345	Red Ironbark Eucalyptus	18	4
346	Red Ironbark Eucalyptus	18	4
405	Golden Rain	24	4
410	Eucalyptus	24	3
411	Eucalyptus	18	3
412	Eucalyptus	18	3
413	Eucalyptus	18	3
414	Eucalyptus	18	3
480	Holly Oak	18	4
499	Canary Island Pine	30	4
500	Canary Island Pine	22	4
501	Canary Island Pine	26	4

¹² See Appendix D for a complete table of all trees to be removed on-site.

**TABLE 4.6-1
TREE SURVEY OF ORDINANCE SIZE TREES**

Tree No.	Species	Diameter At 24 Inches Above Ground	Condition
502	Canary Island Pine	18	4
503	Canary Island Pine	25	4
504	Canary Island Pine	28	4
505	Canary Island Pine	24	4
523	Olive	35	3
566	Eucalyptus	28	4
567	Eucalyptus	28	4
568	Eucalyptus	28	4
569	Eucalyptus	24	4
580	Eucalyptus	28	4
581	Eucalyptus	28	4
582	Eucalyptus	20	4
583	Eucalyptus	22	4
585	Eucalyptus	28	4
588	Eucalyptus	28	4
589	Eucalyptus	28	4
599	Olive	20	4



1-10 Trees to be Removed 

TREE SURVEY

FIGURE 10

4.6.3 Biological Resources Impacts

4.6.3.1 *Thresholds of Significance*

For the purposes of this project, a biological resources impact is considered significant if the project would:

- 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 CDFG or USFWS; or
- have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the CDFG or USFWS; or
- 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; or
- interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- conflict with any local ordinances protecting biological resources, such as a tree preservation policy or ordinance.

4.6.3.2 *Biological Resources Impacts*

Tree Removal

As shown in Table 4.6-1, approximately 601 trees would be removed as part of the project, 46 of which are ordinance size. None of the trees to be removed are native species or City of San José Heritage trees. It should be noted that the eucalyptus trees to be removed (approximately 142, of which 29 are ordinance size) are not considered by the project arborist to be desirable or appropriate landscape species due to the amount of leaf and acorn litter they generate, their susceptibility to parasitoids (insects/beetles that can kill the trees), and their invasive tendencies including the suppression of other plants both chemically and by the sheer quantity of duff or leaf litter they generate. It should also be noted that the smaller trees on the site were planted approximately six years ago when the shopping center was last expanded. **[Significant Impact]**

Nesting Raptors

The trees on the site provide potential nesting habitat for tree-nesting raptors (birds of prey 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 activities. **[Significant Impact]**

4.6.4 Mitigation and Avoidance Measures for Impacts to Biological Resources

Tree Removal

The following measures are included in the project to reduce tree removal impacts to a less than significant level:

MM 4.6-1 Final site design and Site Development Permit approval, as well as any public improvements, shall incorporate preservation of existing trees to the maximum extent practicable, to the satisfaction of the City’s Director of Planning, Building, and Code Enforcement (PBCE).

MM 4.6-2 In locations where preservation of existing trees is not feasible due to site constraints, trees to be removed by the project shall be replaced at the ratios shown in Table 4.6-2, below.

T A B L E 4.6-2 TREE REPLACEMENT REQUIREMENTS				
Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of each Replacement Tree
	Native	Non-Native	Orchard	
18 inches or greater	5:1	4:1	4:1	24-inch box
12 - 17 inches	3:1	2:1	none	24-inch box
less than 12 inches	1:1	1:1	none	15-gallon container

x:x = tree replacement to tree removal ratio

Note: Trees greater than 18 inches in diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

MM 4.6-3 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.¹³
- A donation of \$300 per mitigation tree to *San José Beautiful* or *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.

¹³ Contact Todd Capurso, PRNS Landscape Maintenance Manager at todd.capurso@sanjoseca.gov for specific park locations in need of trees.

MM 4.6-4 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 Principal 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)

Nesting Raptor Mitigation

The following measures are included in the project to avoid significant impacts to nesting raptors during the construction phase:

MM 4.6-5 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 4.6-6 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 4.6-7 A report summarizing the 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 Principal Planner.

4.6.5 Conclusions regarding Impacts to Biological Resources

The proposed project will result in a loss of 601 non-native trees, 46 of which have diameters in excess of 18 inches. Trees will be preserved where feasible and measures to protect such trees during construction are included in the project. Trees to be removed will be replaced at the ratios shown in Table 4.6-2 on the project site. If sufficient area for such plantings is not available on-site, planting shall be done at an alternative location, and/or an in-lieu fee shall be paid for off-site tree planting in the community, to the satisfaction of the Director of Planning, Building, and Code Enforcement. **[Less than Significant Impact with Mitigation]**

Construction activities on the project site could directly or indirectly harm nesting raptors. Mitigation measures are included in the project that will avoid this potential impact. **[Less than Significant Impact with Mitigation]**

4.7 GEOLOGY

The analysis contained in this section is primarily based on the EIR previously prepared for the *Valley Fair Mall Expansion Project* by the City of San José in May 1998 and on other available information sources for geological information, including the Cooper-Clark Geotechnical Investigation of San José, 1974. The previous EIR is available for review at the City of San José's Department of Planning, Building, and Code Enforcement (200 E. Santa Clara Street, San José) during normal business hours.

4.7.1 Existing Geologic Conditions

4.7.1.1 *Regional Geology*

The Cities of San José and Santa Clara are located in the Santa Clara Valley, a broad alluvial-covered plain lying between the Santa Cruz Mountains to the west and the Diablo Range to the east. The Valley and the entire San Francisco Bay region are within an area known as the Coast Range Geomorphic Province, an area where the geology is dominated by the deformation of the earth's surface due to the movement of the Pacific and North American tectonic plates. The San Andreas Fault system lies along the intersection of these two plates.

San José and Santa Clara are part of the seismically-active coastal area of California. The area is classified as Seismic Zone 4, the most seismically-active in the United States. Resulting from earthquakes occurring along the San Andreas Fault system, which includes the Hayward Fault and Calaveras Fault zones, the region is subject to strong ground shaking. The most recent large earthquake to affect the area was the 1989 Loma Prieta Earthquake, which measured 6.9 on the Richter scale. The Working Group on California Earthquake Probabilities has estimated that there is a 62% probability of a large (i.e., Richter Magnitude 6.7) earthquake in the San Francisco Bay region in the next 30 years.

4.7.1.2 *Geologic Conditions on the Project Site*

The topography of the developed project site is essentially flat, with an elevation of approximately 125 feet above sea level. No creeks, natural drainages, or other notable natural or geologic features are located on the site. The site is underlain by Quaternary alluvial deposits, consisting of medium grained alluvium fluvial deposits and coarse grained alluvium/young alluvial fan deposits, underlain by bedrock at depths of 1,000 feet or more. The project site is not susceptible to landslides. The project site is mapped in an area with a low to moderate potential for expansiveness.¹⁴

¹⁴ Expansive soils are those that shrink and swell as a result of moisture changes. This can lead to heaving and the cracking of slabs-on-grade, pavement, and structures built on shallow foundations.

4.7.1.3 *Seismic Conditions on the Project Site*

The project site is not located within a State of California Earthquake Fault Zone, and no mapped active or potentially active fault traces are known to traverse the site. Therefore, ground rupture during a seismic event is not expected. The Hayward and Calaveras faults are located approximately eight and 11 miles to the northeast of the site, respectively. Soils on the site have a moderately high potential for seismically induced liquefaction.¹⁵

4.7.2 Geologic Impacts

4.7.2.1 *Thresholds of Significance*

For the purposes of this project, a geologic impact is considered significant if the project would:

- expose people or structures to substantial adverse effects including the risk of loss, injury or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic related ground failure (including liquefaction), landslides, or expansive soil; or
- expose people or property to major geologic or soils hazards that cannot be mitigated through the use of standard engineering design and seismic safety techniques; or
- result in substantial soil erosion or the loss of top soils.

4.7.2.2 *Seismic Impacts*

The proposed 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 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 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. **[Less than Significant Impact]**

4.7.2.3 *Geologic Impacts from Development*

As described previously in Section 4.7.1.2, there are no geologic conditions (e.g., landslides, steep slopes, active faults, etc.) on, or immediately adjacent to, the project site that would constitute a substantial hazard or constraint. 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. Specific requirements will be developed by an engineering geologist, and will be reviewed and approved by the City, prior to the issuance of any grading or building permits. Development of the project site would, therefore, not result in a significant geologic or soils impact. **[Less than Significant Impact]**

¹⁵ Liquefaction is the phenomenon which occurs when saturated and loose granular soils (e.g. sand and silt) are transformed from a solid state into a "jelly-like" state during a strong earthquake. When liquefaction occurs, the soils lose their strength and structures the soils are supporting may be severely damaged or collapse. A good example of the dangers of liquefaction occurred during the October 17, 1989 Loma Prieta earthquake when many homes built on such soils in San Francisco's Marina District either collapsed or were severely damaged.

4.7.3 Mitigation and Avoidance Measures for Geologic Impacts

The following standard measure is included in the project:

MM 4.7-1 A detailed, design-level geotechnical investigation for the project shall be completed by the applicant and shall be reviewed and approved by the City Geologist prior to Public Works clearance. The geotechnical investigation shall identify and describe the specific engineering practices to be used to reduce or avoid potential geologic hazards on the site. The applicant shall implement the specific engineering practices that are recommended in the geotechnical report prepared for the site during detailed project design and construction.

4.7.4 Conclusions regarding Geologic Impacts

Development on the site would be subjected to strong ground shaking during a large earthquake on one of the region's active faults. This impact is not unique to the site, but applies to the entire region. Potential seismic impacts would be reduced to a less than significant level by the use of standard engineering techniques for Seismic Zone 4, as mandated by the Uniform Building Code. **[Less than Significant Impact]**

The soils that are present on the project site do not pose significant or unusual constraints to the proposed development. Those properties of the various soils that could affect future development (e.g., expansiveness) will be mitigated through the use of standard engineering design practices. **[Less than Significant Impact]**

4.8 HYDROLOGY AND WATER QUALITY

4.8.1 Introduction and Regulatory Framework

This section of the EIR addresses the impact(s) of the proposed project with regard to the issues of drainage, flooding, water quality, and groundwater. As explained in the following paragraphs, these issues are the subject of various regulatory programs that are designed to avoid adverse impacts.

Flooding

The 100-year flood, sometimes referred to as the one-percent flood, has a one percent statistical probability of occurring in any year, or an average return period of 100 years. The occurrence of a 100-year flood does not change the probability of a 100-year flood occurring in succeeding years. The 100-year flood is the standard design level of protection set by the Federal Emergency Management Agency, which is responsible for administration of the National Flood Insurance Program.

Water Quality

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the U.S. Environmental Protection Agency (EPA) and the State Water Resources Control Board have been developed to fulfill the requirements of this legislation. EPA's regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by water quality control boards, which for the San José area is the San Francisco Bay Regional Water Quality Control Board (RWQCB).¹⁶

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) was developed in accordance with the requirements of the revised 1995 version of the San Francisco Bay Basin Water Quality Control Plan, for the purpose of reducing water pollution associated with urban stormwater runoff. The SCVURPPP was also designed to fulfill the requirements of Section 304(1) of the Federal Clean Water Act, which mandated that the Environmental Protection Agency develop the NPDES requirements for stormwater discharges, including those from municipal storm drain systems and construction sites. The SCVURPPP, of which the Cities of San José and Santa Clara are participants, was developed in accordance with the requirements of the RWQCB's *San Francisco Bay Basin Water Quality Control Plan*, as well as the requirements of EPA's NPDES permit program.

Additional water quality control measures were approved in October 2001 (revised in 2005), when the RWQCB adopted an amendment to the NPDES permit for Santa Clara County. This amendment, which is commonly referred to as "C3" (referring to the applicable section of the permit amendment), requires all new and redevelopment projects that result in the addition or replacement of impervious surfaces totaling 10,000 square feet or more, to be designed with Best Management Practices (BMPs) that reduce stormwater pollution through source control measures and stormwater treatment

¹⁶Historically, efforts to prevent water pollution have focused on "point" sources, meaning the source of the discharge was from a single location (e.g., a sewage treatment plant, power plant, factory, etc.). Recent efforts are focusing on pollution caused by "non-point" sources, meaning the discharge comes from multiple locations. The best example of this latter category is urban stormwater runoff, the source of which is a myriad of impervious surfaces (e.g., highways, rooftops, parking lots, etc.) that are found in a typical city or town.

measures. In turn, City of San José Policy Number 6-29 mandates compliance with the C3 regulations for projects that are located within its boundaries and specifies sizing for BMPs using hydraulic thresholds.

In practical terms, the C3 requirements seek to reduce water pollution by both reducing the *volume* of stormwater runoff and the *amount* of pollutants that are contained within the runoff. The methods used to achieve these objectives vary from site to site, but can include measures such as a reduction in impervious surfaces, onsite detention facilities, biofiltration swales, settlement/debris basins, etc.

Hydromodification Management Plan: Pursuant to the C3 requirements, the Santa Clara Valley Urban Runoff Pollution Prevention Program prepared a Hydromodification Management Plan (HMP) for the purpose of determining how its member agencies plan to manage increases in the magnitude, volume, and duration of stormwater runoff from project sites, so as to protect streams from increased potential for erosion or other adverse impacts.¹⁷ The control theory behind the HMP, which was approved by the RWQCB in 2005, is that downstream watercourses will not undergo any increased erosion potential if the “flow-duration” curve of stormwater runoff from a site is identical to the curve under existing runoff conditions. The HMP has determined that this standard is met if post-project stormwater discharge rates and durations match pre-project discharge rates and durations from 10% of the pre-project 2-year peak flow up to the pre-project 10-year peak flow.¹⁸

To implement the HMP, a Post-Construction HMP Policy (Policy #8-14) was adopted by the San José City Council on October 18, 2005. The HMP Policy applies to development projects located on sites equal to or exceeding 50 acres in size, and located in sub-watersheds that are less than 90% built out and contain less than 65% existing impervious surface area. Such projects are required to implement post-construction flow-control measures to reduce the volume, velocity, and duration of stormwater runoff, so that post-project runoff does not exceed pre-project conditions. The proposed project site is greater than 50 acres in size; however, it is not located in a watershed that is less than 90% developed and the site is more than 65% developed with existing impervious surfaces. For this reason, the project is not subject to the requirements of the HMP policy.

4.8.2 Existing Hydrology and Water Quality Conditions

Flooding and Drainage

The project site is currently covered primarily with buildings and pavement, although some landscaped areas are located within the surface parking lots and around the perimeter of the site. The project site does not contain any natural waterways or drainages. 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 located approximately 2.5 miles to the east of the site. The project site is not located within the 100-year floodplain as mapped by the Federal Emergency Management Agency (FEMA).¹⁹ Depth to groundwater on the site ranges from 20 feet in the northwest to 50 feet in the southeast portion of the site.

There are no dams or levee systems in the project area. The project area is not subject to inundation from a seiche, tsunami, or mudflow.

¹⁷City Council Policy 6-29 mandates compliance with HMP requirements for projects located within the City of San José.

¹⁸Source: “Hydromodification Management Plan”, Santa Clara Valley Urban Runoff Pollution Prevention Program, April 2005.

¹⁹Flood Insurance Rate Maps, Community Panel Numbers 060349 0024D (August 2, 1982) and 060350 005C (July 16, 1980).

Water Quality

Urban runoff has been identified as a significant source of water pollution in the San Francisco Bay Area. Runoff from developed areas flows untreated to local creeks, rivers, and the Bay, carrying pollutants that are detrimental to the beneficial uses of these water bodies. Examples of pollutants commonly generated in the San Francisco Bay Area include: sediment from construction sites; products of internal combustion engine operation such as hydrocarbons from automobiles; heavy metals, such as copper from automobile brake pad wear and zinc from tire wear; dioxin as a product of combustion; mercury resulting from atmospheric deposition; and naturally-occurring minerals from local geology. Building roofs also generate hydrocarbons from atmospheric deposition, and heavy metals from roofing materials. In addition, pesticides, nutrients (from fertilizers and other landscape maintenance products), detergents, and trash are all common stormwater pollutants that can be expected from development.

The water quality of the creeks which flow out of the project area to the San Francisco Bay, including Los Gatos and Saratoga Creeks, depends upon the volume of water at a given time of the year. Water quality is also dependent upon the concentration of contaminants, which flow into the creeks as a component of urban runoff via storm drains. In sufficient concentrations, these contaminants have been found to adversely affect the aquatic habitat of these streams and San Francisco Bay, into which the streams flow.

Section 303(d) of the federal Clean Water Act requires that states develop a list of water bodies that do not meet water quality standards, establish priority rankings for waters on the list, and develop action plans, called Total Maximum Daily Loads (TMDLs), to improve water quality. Los Gatos Creek, Saratoga Creek, and San Francisco Bay are listed by the RWQCB and the EPA as impaired. Los Gatos and Saratoga Creeks are impaired due to diazinon that is contained within urban runoff. San Francisco Bay is impaired due to chlordane, DDT, diazinon, dieldrin, mercury, and PCBs, all of which are constituents of urban runoff.²⁰ Although the creeks appear on the list of impaired water bodies, no TMDL has been developed or implemented to date.

In addition to the pollution issue, the increased peak flows and volumes of stormwater associated with existing urbanization have led to adverse impacts such as bank erosion, channel widening, flooding, channel modification and loss of the natural floodplain. This occurs because development typically increases the amount of impervious surface area within a watershed by converting natural ground cover to impervious surfaces such as paved highways, streets, rooftops, and parking lots, thereby diminishing the stormwater retention, detention and purification characteristics provided by the vegetated soils.

²⁰Source: <http://www.swrcb.ca.gov/rwqcb2/303dlist.htm>

4.8.3 Hydrology and Water Quality Impacts

4.8.3.1 *Thresholds of Significance*

For the purposes of this project, a hydrologic impact is considered significant if the project would:

- violate any water quality standards or waste discharge requirements; or
- 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); or
- 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; or
- 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; or
- 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; or
- otherwise substantially degrade water quality; or
- 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; or
- place structures within a 100-year flood hazard area, such that flood flows would be impeded or redirected; or
- 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; or
- be subject to inundation by seiche, tsunami, or mudflow.

4.8.3.2 *Flooding Impacts*

Based on FEMA Flood Insurance Rate Maps, the project site is not located within a 100-year floodplain. The proposed shopping center expansion would not place housing within a 100-year flood hazard zone, or expose people to significant risks involving flooding. **[Less than Significant Impact]**

4.8.3.3 *Long-Term Water Quality Impacts*

The proposed project would increase the amount of impervious surfaces on the project site, when compared to the existing condition. The total area of the Valley Fair project site is approximately 3,064,000 square feet (approximately 70.3 acres at 43,560 square feet per acre) while the area to be disturbed as a result of construction is approximately 1,362,935; or approximately 44.5% of the total project site. Although the proposed project is considered to be a significant redevelopment project (as described in Council Policy 6-29), the project would not result in an increase or replacement of more than 50% of the impervious surface area of a previously existing development. Therefore, only the net new impervious surface area was included in the application of the sizing design standards as shown in Table 4.8-1. The proposed project would result in an additional approximately 13,500 square feet of impervious surfaces on the site, which is an increase of about one percent over the current impervious surfaces. This condition would not be significantly different from the existing site condition.

**TABLE 4.8-1
PERVIOUS AND IMPERVIOUS SURFACES ON-SITE**

Site Surface	Existing SF	% of Site	Project SF	% of Site	Difference	% of Site
<i>Impervious</i> (Building Footprints, Parking, Driveways, Sidewalks, etc.)	1,240,933	91%	1,227,433	90%	+13,500	
<i>Pervious</i> (Landscaping)	122,000	9%	135,500	10%	-13,500	
Total*	1,362,933	100%	1,362,933	100%	-	+1%

*The total area is the area to be disturbed during construction.

It is anticipated that an approximately 6,000 square foot bioswale would be installed adjacent to Parking Structure "F" along the Stevens Creek Boulevard frontage. Media filter devices, including below ground vaults and/or manholes containing filter cartridges would also be used on-site, the exact locations and sizes of which would be determined based on final site grading. Other Best Management Practices and Treatment Control Measures shall be implemented and maintained to the maximum extent practicable according to the requirements of City of San José Policy 6-29. Pollutants of concern would include petroleum hydrocarbons and pesticides. With implementation of these standard measures, the project would not result in significant impacts associated with long-term water quality. **[Less than Significant Impact]**

4.8.3.4 Short-Term Water Quality Impacts during Construction

Demolition of existing buildings and pavement and construction activities would temporarily affect the water quality of runoff from the site. Construction of the new structures would disturb the site soils, thereby increasing the potential for sediment runoff into project area storm drains. Eroded soil containing nutrients can trigger algal blooms when carried into surface water bodies; reducing water clarity, depleting oxygen, and creating odors. Additional pollutants which can be generated during construction of the project would include oil, grease, and heavy metals released during operation of motorized construction equipment, as well as solvents, paints, and adhesives used in construction. This would be a significant impact. **[Significant Impact]**

4.8.4 Mitigation and Avoidance Measures for Hydrology and Water Quality Impacts

4.8.4.1 Construction Phase Mitigation Measures

The following measures are included in the project and will reduce construction-related water quality impacts to a less than significant level:

- MM 4.8-1** Prior to construction of any phase of the project, the cities of San José and Santa Clara shall require that the applicant submit a Stormwater Pollution Prevention Plan (SWPPP) and submit a Notice of Intent to the RWQCB to control the discharge of stormwater pollutants including sediments associated with construction activities. Along with these documents, the applicants may also be required to prepare an Erosion Control Plan. The Erosion Control Plan may include Best Management Practices (BMPs) as specified in the California Stormwater Best Management Practice Handbook for reducing impacts on the City's storm drainage system from

construction activities. Final design of the site's BMPs and the Maintenance and Monitoring Plan of the BMPs shall be approved by the Directors of Planning, Building, and Code Enforcement and Public Works. The SWPPP shall include control measures during the construction period for:

- Soil stabilization practices
- Sediment control practices
- Sediment tracking control practices
- Wind erosion control practices
- Non-stormwater management, waste management & disposal control practices

MM 4.8-2 The following specific measures will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:

- Restrict grading to the dry season or meet City requirements for grading during the rainy season;
- Use best management practices to retain sediment on the project site;
- Install burlap bags filled with drain rock around storm drains to route sediment and other debris away from the drains;
- Provide temporary cover of disturbed surfaces to help control erosion during construction;
- Provide permanent cover to stabilize the disturbed surfaces after construction has been completed; and
- Comply with the cities of San José and Santa Clara's NPDES permit requirements, the City ordinances and policies related to stormwater management, the State Water Resources Control Board "General Permit for Discharges of Stormwater Associated with Construction Activity," and other applicable local, state, and federal requirements.

MM 4.8-3 Prior to issuance of a grading permit, the applicant shall be required to submit copies of the Notice of Intent and Erosion Control Plan (if required) to the City Project Engineer, Department of Public Works. The applicant shall also be required to maintain a copy of the most current SWPPP on-site and provide a copy to any City representative or inspector on demand.

MM 4.8-4 The proposed project shall comply with the City of San José's Grading Ordinance and City Council Policy #6-29, "Post-Construction Urban Runoff Management, including erosion- and dust-control during site preparation, and with the City's Zoning Ordinance requirement for keeping adjacent streets free of dirt and mud during construction. The project will also comply with all applicable requirements of the City of Santa Clara.

MM 4.8-5 Maintenance techniques listed in *Landscape Maintenance Techniques for Pest Reduction* (prepared by the Santa Clara Valley Urban Runoff Pollution Prevention Program) shall be utilized. This will minimize the amount of pesticides that will be contained in stormwater runoff.

4.8.5 Conclusions regarding Hydrology and Water Quality Impacts

The site is not located within the 100-year floodplain. The proposed project would not significantly change drainage patterns or runoff volumes on the project site or within the project vicinity. **[Less than Significant Impact]**

Construction activities have the potential to degrade the water quality of local streams. Implementation of the measures described above will mitigate this short-term water quality impact to a less than significant level. **[Less than Significant with Mitigation Included in the Project]**

The proposed project would not significantly increase the amount of impervious surfaces on the project site, as shown in Table 4.8-1. Standard measures in accordance with City of San José Council Policy 6-29 are included in the project. Therefore, long-term water quality impacts would not be significant. **[Less than Significant Impact]**

4.9

HAZARDS AND HAZARDOUS MATERIALS

The analysis contained in this section is based on a site-specific Phase I Environmental Site Assessment prepared for the site by *IVI Environmental, Inc.* in April 1999. This assessment is included in Appendix E of this EIR. Database information obtained from a Phase I Environmental Site Assessment prepared for the *Santa Clara Gardens Development Project EIR* (City of Santa Clara, March and July 2006) was also used. The *Santa Clara Gardens Development Project EIR* can be reviewed at the City of Santa Clara's website at www.ci.santa-clara.ca.us.

4.9.1

Introduction and Regulatory Framework

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 forth remediation requirements at sites where contamination has occurred. Table 4.9-1 summarizes many of these regulations; for more details on the regulations and the legislation on which they are based, please see Appendix E.

4.9.2

Existing Conditions

The project site and the surrounding area were evaluated for the purpose of determining whether any hazardous materials are present or likely to be present. The evaluations that were undertaken included the following:

- a review of federal, state, and local agency databases and files to identify nearby sites that have reported the generation, use, storage, and/or release of hazardous materials;²¹
- a review of any previous environmental investigations for the subject property;
- a review of the historical uses of the subject property and surrounding area; and
- an inspection of the subject property.

²¹The regulation of hazardous materials involves all levels of government, including the U.S. Environmental Protection Agency (EPA), the California Department of Toxic Substances Control, the Regional Water Quality Control Board, the Santa Clara Valley Water District, and the San José Fire Department. These agencies maintain databases and files for the purpose of tracking the manufacture, transport, use, storage, and disposal of these substances. For details, please see Appendix E.

**TABLE 4.9-1
REGULATION OF HAZARDOUS MATERIALS**

Agency	Responsibilities
U.S. Environmental Protection Agency (EPA)	Oversees Superfund sites; evaluates remediation technologies; develops standards for hazmat disposal & cleanup of contamination; implements Clean Air & Clean Water Acts.
U.S. Department of Transportation	Regulates and oversees the transportation of hazmat.
U.S. Occupational Safety & Health Administration (OSHA)	Implements federal regulations and develops programs & procedures regarding the handling of hazmat for the protection of workers.
CA Department of Toxic Substances Control	Authorized by EPA to implement & enforce various federal hazmat laws & regulations; implements state hazmat regulations; oversees remediation of contamination at various sites.
CA Occupational Safety & Health (Cal-OSHA)	Implements state regulations and develops programs & procedures regarding the handling of hazmat for the protection of workers.
CA Air Resources Board/Bay Area Air Quality Management District	Regulates emissions of toxic air contaminants & requires information regarding the risk of such emissions to be available to the public.
CA Water Resources Control Board/Regional Water Quality Control Board	Regulates the discharge of hazmat to surface and ground waters; oversees remediation of contamination at various sites.
Santa Clara County Department of Environmental Health	Oversees & enforces state/local regulations pertaining to hazardous waste generators and risk management programs, including the California Accidental Release Program.
Santa Clara Valley Water District	Responsible for groundwater protection; oversees remediation of contamination at various sites.
City of San José Fire Department	Implements City's Toxic Gas and Hazmat Storage Ordinances; requires businesses that use or store hazmat to prepare a management plan; regulates installation & removal of above- and below-ground storage tanks; reviews plans for compliance with the Uniform Fire and the Flammable & Combustible Liquids Codes.
hazmat = hazardous materials	

4.9.2.1 Database Research

Two retail establishments on the shopping center site were listed on federal and state databases pertaining to those facilities that generate hazardous waste (RCRIS Generators and the Hazardous Waste Information System or HAZNET). These establishments were Kits Camera and Expressly Portrait which are no longer located on the site. No violations or compliance infractions were identified with respect to these retail uses and therefore, it is not suspected that they have had an adverse environmental impact on the site.

The project site is listed on the Emergency Response Notification System (ERNS) due to the spilling of approximately five gallons of paint primer in 1990. The spill was cleaned up immediately and this minor release has reportedly been closed.

Seven leaking underground storage tanks (LUSTs) are located on properties adjacent to the shopping center site. These cases have been closed either because they do not exhibit levels of contamination requiring remediation, have been remediated to the satisfaction of the SCVWD, or are not suspected to represent a significant threat to human health or the environment. As such, these sites are not suspected to have had a negative environmental impact on the project site.

At the time of the Phase I preparation, there were two sites listed with active or unmitigated LUSTs. These sites are a Chevron Station located approximately 500 feet to the south, and a Texaco Station located approximately 0.2 miles to the southeast of the site.

A Phase I Environmental Site Assessment was prepared for the *Santa Clara Gardens Development Project EIR* in July 2002. According to this assessment, a leaking underground storage tank located approximately 0.25 miles to the north of the project site at the Dunn-Edwards Paint Store on Winchester Boulevard was reported to the regulatory agencies. The status of this LUST is not known; however, due to its location, it would not affect the project site.

In addition, soils on the Santa Clara Gardens project site were tested for hazardous materials due to its use in the past as an agricultural research facility. Two chemicals were detected at concentrations above federal or state screening concentrations: arsenic and dieldrin. These soils would be removed from the Santa Clara Gardens site as a condition of project approval, in accordance with all applicable federal, state, and local laws and regulations. Whether or not they are ultimately removed, these contaminated soils would not affect the proposed Valley Fair project site due to their location.

4.9.2.2 *Site Reconnaissance*

The project site was reviewed for the presence of indications of hazardous materials use or contamination as part of the preparation of the Phase I. The only chemicals currently stored on the site are those customarily used for routine building maintenance and landscaping. A 55-gallon drum of diesel fuel is stored in accordance with all applicable local and state regulations, on the southern side of the site for operation of an emergency generator. At the time of the site reconnaissance, there was no evidence of storm drains, staining, or leaking in the vicinity of the diesel fuel drum.

No underground storage tanks are located on the project site and the only above ground storage tank (AST) is associated with an emergency generator. The generator did not exhibit any evidence of leaking or staining and is enclosed in a concrete berm. Visual indicators of past ASTs, such as tank cradles, secondary containment structures, pedestals, etc., were not observed on the site.

During the site reconnaissance, no evidence of significant soil staining, stained pavements, or stressed vegetation was observed. No wells, pits, or suspicious storage drums were evident. Six utility-owned, pad mounted electrical transformers were observed on site, but these transformers appeared to be in good condition, free of leakage, staining, and PCBs.

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

The main shopping center structure was constructed after 1978, the year the use of friable (brittle) Asbestos-Containing Materials (ACMs) was federally banned; therefore, the use of friable ACMs in construction materials is not suspected. During the site reconnaissance, no friable ACMs were identified; however, non-friable asbestos could be in floor tiles and/or the roofing system.

Since the existing shopping center structure was constructed after the Consumer Product Safety Commission's 1978 ban on the sale of lead-based paint to consumers, it is unlikely that lead-based paint in locations and quantities suspected to represent an environmental concern exists on the project site. In any event, painted surfaces observed were in good condition and void of significant peeling and flaking.

The existing grocery and drug store building located in the southwestern portion of the site was constructed in approximately 1958 and could therefore contain asbestos and/or lead-based paint. Demolition of this structure could expose construction workers or other nearby receptors in the vicinity to harmful levels of asbestos and/or lead. It should be noted that there are no schools located within one quarter mile of the project site.

4.9.3 Hazards and Hazardous Materials Impacts

4.9.3.1 *Thresholds of Significance*

For the purposes of this EIR, a hazardous materials impact is considered significant if the project would:

- create a significant hazard to the public or the environment as a result of the routine transport, use or disposal of hazardous materials; or
- 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; or
- emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school; or
- construct a school on a property that is subject to hazards from hazardous materials contamination, emissions or accidental release; or
- create a significant hazard to the public or the environment from existing hazardous materials contamination by exposing future occupants or users of the site to contamination in excess of soil and ground water cleanup goals developed for the site; or
- (for a project located within an airport land use plan) result in a safety hazard for people residing or working in the project area; or
- (for a project within the vicinity of a private airstrip) result in a safety hazard for people residing or working in the project area; or
- impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation route; or
- 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.

4.9.3.2 *Hazards and Hazardous Materials Impacts*

Two retail establishments on the shopping center property were listed on federal and state databases pertaining to those facilities that generate hazardous waste. No violations or compliance infractions were identified with respect to these retail uses and therefore, it is not suspected that they have had an adverse environmental impact on the site. **[No Impact]**

Seven leaking underground storage tanks (LUSTs) are located on properties adjacent to the shopping center site. As previously described, these sites are not suspected to have had an adverse environmental impact on the project site. **[No Impact]**

At the time of the Phase I prepared for the proposed project, there were two sites listed with active or unmitigated LUSTs. These sites are a Chevron Station located approximately 500 feet to the south, and a Texaco Station located approximately 0.2 miles to the southeast of the site. These sites are located at a lower topographic elevation than the project site and groundwater in the area flows to the northeast, away from the project site. Therefore, it is not expected that these incidents have had or will have a significant impact upon the project site. The status of the LUST noted in the Phase I prepared for the Santa Clara Gardens project is not known; however, the assessment determined that since the hydraulic gradient of the shallow groundwater is to the east, the leak poses little or no threat of contamination to the Santa Clara Gardens or Valley Fair sites. **[Less than Significant Impact]**

Asbestos Containing Materials and Lead-Based Paint

Existing Grocery/Drugstore Building

The existing grocery/drug store on site was constructed at a time when asbestos and lead-based paint were used in construction. Demolition of this structure which may contain asbestos and/or lead-based paint could create hazardous dust at concentrations which would expose workers and nearby receptors to potential health risks. Materials containing more than one percent asbestos must be abated prior to demolition activities; materials containing between 0.1 and one percent asbestos may be treated as normal construction debris so long as worker notification and health and safety measures are followed. State regulations require that air monitoring be performed during the renovation or demolition activities at sites containing lead-based paint. If lead-based paint is determined to be present and is peeling, flaking, or blistered, it would need to be removed prior to demolition. If such paint becomes separated from the building components during demolition activities, it must be managed and disposed of as a separate waste stream. If the lead-based paint is still bonded to the building materials, its removal is not required prior to demolition. **[Significant Impact]**

Existing Shopping Center Structure

Since the existing shopping center structure was constructed after the Consumer Product Safety Commission's 1978 ban on the use of friable ACMs and sale of lead-based paint to consumers, it is unlikely that ACMs or lead-based paint in locations and quantities suspected to represent an environmental concern exists within the existing shopping center structure or the other two outbuildings to be demolished. Non-friable materials within the existing shopping center appear to be in good condition and the potential for fiber release is low, therefore, no further action is recommended at this time, other than managing the material in good condition. **[Less than Significant Impact]**

Interference with Emergency Evacuation/Response Plans

The development associated with the proposed Valley Fair Expansion Project would not impair implementation of, or physically interfere with, any emergency response/evacuation plans. This statement is based on the fact that the project would not close or modify any roadways that would be used for such purposes. While additional traffic would be generated as a result of the project, which could slow traffic in the area, emergency vehicles would not be impaired in excess of current conditions. **[Less than Significant Impact]**

Other Issues

The proposed project is not located in an area within an airport land use plan or in the vicinity of a private airstrip. The site is also not within an area susceptible to wildland fires.

4.9.4 Mitigation and Avoidance Measures for Hazards and Hazardous Material Impacts

Implementation of the following mitigation measures will avoid or reduce impacts to adjacent land uses during demolition to a less than significant level:

MM 4.9-1 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 4.9-2 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 4.9-3 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 4.9-4 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 4.9-5 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.

4.9.5 Conclusions regarding Hazards and Hazardous Materials Impacts

No violations or compliance infractions were identified with respect to hazardous materials generators and therefore, it is not expected that they have had an adverse environmental impact on the site. **[Less than Significant Impact]**

Seven leaking underground storage tanks (LUSTs) are located on properties adjacent to the shopping center site. As previously described, these sites are not suspected to have had an adverse environmental impact on the project site. **[Less than Significant Impact]**

A total of three sites within the project area are listed as having active or unmitigated LUSTs. These sites are located at a lower topographic elevation than the project site and groundwater in the area flows to the east, away from the project site. Therefore, it is not expected that these incidents have had or will have a significant impact upon the project site. **[Less than Significant Impact]**

Asbestos and lead-based paint may be present in the existing grocery/drug store that would be demolished as part of the project. The release of these hazardous materials into the environment could adversely affect visitors and construction workers on the site during demolition. Mitigation measures are included in the project that would reduce these impacts to a less than significant level. **[Less than Significant Impact with Mitigation Measures Included in the Project]**

It is unlikely that ACMs or lead-based paint in locations and quantities suspected to represent an environmental concern exist within the existing shopping center structure or the other two outbuildings to be demolished. **[Less than Significant Impact]**

4.10 VISUAL AND AESTHETICS

4.10.1 Existing Conditions

The 70-acre project site is located within an area of primarily commercial and office development of central/western San José and southeastern Santa Clara. The site and surrounding area are flat, and as a result, the site is only visible from the surrounding area. The project area is characterized by numerous commercial uses along major streets. The majority of the surrounding buildings are one or two stories in height. The commercial and office uses located to the north of the site along Forest Avenue are primarily converted single-family homes.

The site is partially obscured from the surrounding roadways by mature landscaping including large trees. The existing shopping center structure and parking structures are approximately 50 feet in height and occupy much of the site. Five one-story outbuildings are located along the southern and western boundaries of the site along Stevens Creek and Winchester Boulevards. As viewed from the surrounding uses, there are no features of the site that would be considered an important visual/aesthetic resource. The site is not located within a scenic corridor.

4.10.2 Visual/Aesthetic Impacts

4.10.2.1 *Thresholds of Significance*

For the purposes of this EIR, a visual/aesthetic impact is considered significant if the project would:

- have a substantial adverse effect on a scenic vista; or
 - substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; or
 - substantially degrade the existing visual character or quality of the site and its surroundings;
- or
- create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

4.10.2.2 *Visual/Aesthetic Impacts*

Change in Visual Character

Development under the proposed project would change the visual conditions of the project site. As mentioned above, the site is already developed with one large shopping center structure, surrounded by parking structures and lots, driveways, outbuildings, and landscaping. Adding approximately 650,000 gross square feet of retail space on a site with two million square feet of existing commercial uses, and reconstructing taller and larger parking structures would increase the overall density of development on the site.

A City of San José General Plan Amendment is required for the portion of the project site located in San José to allow buildings up to 65 feet in height on the site, as previously described. Building heights to the north, east, and west are less than 50 feet, although buildings up to 120 feet in height are allowed and have been constructed on the Santana Row property south of the project site. While the height of the structures would be comparable to existing heights within the surrounding area, the intensification of uses would change the visual character of the southern and eastern portions of the site (i.e., surface parking would be replaced with buildings).

Given the developed nature of the site and surrounding area, and the fact that the site is not within a scenic corridor, the development of additional commercial uses on site would not result in significant visual or aesthetic impacts. An additional 15 feet in building height would not be perceptible, especially since the site is set back from any other buildings by four public streets and Interstate 880.

The overall design of the project components would be architecturally similar to the existing shopping center. Landscaping, as shown on Figures 6 and 7, would be installed to replace existing trees within parking areas, around structures, and along the perimeter of the site to provide screening. Mature trees would be removed for project construction, including trees along the perimeter of the site, and a temporary visual impact would result until new landscaping trees reach maturity. Refer to *Section 4.6, Biological Resources* for additional details regarding mitigation for impacts to ordinance-size trees. All construction on the site would be subject to conformance with landscaping, design setbacks, and height and lighting requirements consistent with the City of San José's Commercial Design Guidelines and Santa Clara's Commercial Shopping Center Guidelines. **[Less Than Significant Impact]**

Light and Glare Impacts

The proposed project would provide exterior lighting on pole-mounted fixtures, similar to those that currently exist on the site. Low-pressure sodium lighting would be required for most types of lighting fixtures in most locations on the site and the fixtures would be directed downward to avoid spillover onto adjacent areas, in accordance with the City of San José Outdoor Lighting Policy. The proposed project would have outdoor security lighting at night along walkways and entrance areas and in parking structures, as it does at the present time. The exterior surfaces of the proposed project would not be a significant new source of glare during the daytime hours, and would not visually impact any of the adjacent uses. **[Less Than Significant Impact]**

4.10.3 Mitigation and Avoidance Measures for Visual Impacts

The proposed project would not result in significant visual impacts. Therefore, no mitigation measures are required or proposed for visual and aesthetic impacts.

4.10.4 Conclusions regarding Visual and Aesthetic Impacts

Development of the proposed project in conformance with San José's *Commercial Design Guidelines* and other regulations would result in a less than significant impact to visual and aesthetic resources. **[Less than Significant Impact]**

4.11 UTILITIES AND SERVICE SYSTEMS

4.11.1 Existing Conditions

The proposed project is within the Cities of San José and Santa Clara's Urban Service Area (USA).

4.11.1.1 *Existing Water Services*

Water service to the site is provided by the San José Water Company (SJWC) for the portion of the site within San José, and by the City of Santa Clara Water and Sewer Utilities (CSC) for the portion of the site located in the City of Santa Clara.

Part of San José's drinking water is supplied by way of a local water supply system in which runoff is collected in reservoirs and later recharged in streams and ponds to augment the natural recharge of the groundwater basin. Ten reservoirs, with a total storage capacity of more than 170,000 acre-feet, store runoff from watersheds in the county. Local sources are not sufficient to meet water supply needs even in normal rainfall years; therefore, the Santa Clara Valley Water District (SCVWD) and water retailers typically import about one-half of the County's water needs. This imported water is obtained from three sources: the State Water Project via the South Bay Aqueduct, the San Francisco Water Department's Hetch Hetchy Aqueduct, and the San Felipe Division of the Federal Central Valley Project. Additional imported water has been required within Santa Clara County during droughts. The SCVWD owns and operates an extensive distribution system and three water treatment plants to recharge and treat both local and imported water.

The City of San José's water conservation program serves to assist water providers in meeting future water needs while minimizing flows to the sanitary sewer and sewage treatment systems. Elements of the City's active water conservation program include partnering with the SCVWD to provide: high efficiency toilet installations, clothes washer rebates, landscaping equipment rebates and audits, and financial incentives for commercial/industrial conservation.

Within the City of Santa Clara, drinking water is provided through an extensive underground aquifer accessed by City wells, and surface water supplies from the SCVWD and the San Francisco Hetch-Hetchy system. Approximately 30 percent of the City's water is from imported sources (e.g., Sacramento-San Joaquin Delta and Tuolumne River watershed in the Sierra Nevada), and approximately 70 percent is from the underlying groundwater aquifer; however, some of the groundwater is recharged from imported water.²²

The existing shopping center on the site totals approximately two million square feet and uses approximately 150,200 gallons of water per day, based on a usage rate of 0.0751 gallons per day per square foot.²³ Of this amount, approximately 47,000 square feet of commercial uses are within the City of Santa Clara, which uses approximately 3,530 gallons of water per day.

²² City of Santa Clara, *Santa Clara Gardens Development Project DEIR*, March 9, 2006, recirculated July 21, 2006.

²³ Water usage rates provided by San José Water Company, June 19, 2006.

Currently, the site is served by the following water lines:

- 12-inch line in Forest Avenue
- 12- and 16-inch lines in Monroe Street (south of Forest Avenue and north of Stevens Creek Boulevard, respectively)
- 16-inch line in Stevens Creek Boulevard
- 6- and 12-inch lines in Winchester Boulevard (east and west side, respectively)

Recycled Water

The City of San José administers the South Bay Water Recycling program (SBWR) which has developed a reclaimed water system to use treated wastewater from the San José/Santa Clara Water Pollution Control Plant. The SWBR program is a long-term program for the cities of San José, Milpitas, and Santa Clara that benefits the Bay and brings a sustainable and drought proof supply of water to the region. The system delivers recycled water to golf courses, parks, schools, industrial developments and agricultural lands. The system delivers between 13 and 18 millions gallons of recycled water per day to over 450 customers, using more than 100 miles of pipeline. Recycled water is currently not available to the project site.

4.11.1.2 Storm Drainage Systems

The Santa Clara Valley's creeks and waterways convey storm runoff from the Santa Cruz Mountains and the Diablo Range into San Francisco Bay. The urbanized areas of the County discharge storm runoff into local storm drains, which then empty into local creeks and waterways. Overall, the existing storm drainage systems convey storm runoff adequately; however, minor flooding can occur when catch basins or storm lines become clogged with debris or in localized areas where the storm drain system does not have adequate capacity, or when high water levels in creeks prevent adequate storm drainage. Storm runoff is greater and more intense where there are impervious surfaces such as buildings and pavement, as compared to vegetated or undeveloped surfaces with permeable soil surfaces.

The City of San José owns and maintains municipal storm drainage facilities throughout the City. Storm drain lines are inspected and maintained by the Department of Transportation and are installed, rehabilitated or replaced by the Department of Public Works. The City of Santa Clara also owns and maintains its municipal storm drainage system.

The project site is primarily served by storm drain lines in Forest Avenue (lines ranging from 10- to 27-inches), Monroe Street (27-inch line), Stevens Creek Boulevard (lines ranging from 12- to 18-inches) and Winchester Boulevard ((lines ranging from 15- to 27-inches).

4.11.1.3 Sanitary Sewer/Wastewater Treatment

Wastewater treatment service in the project area is provided by the Cities of San José and Santa Clara through the San José/Santa Clara Water Pollution Control Plant (WPCP). The WPCP is located in Alviso and is one of the largest advanced wastewater treatment facilities in California serving over 1,500,000 people in San José, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Saratoga, and Monte Sereno. The WPCP provides primary, secondary, and tertiary treatment of wastewater.

The existing design capacity of the WPCP is 167 million gallons per day (mgd) of average dry weather influent flow. In 2000, the WPCP was treating an average of 135 mgd. In 2002 and 2004, the plant was treating an average of 118.1 mgd and 114 mgd, respectively. San José's portion of the 114 mgd was approximately 72 mgd. The decline in discharge from 142 mgd to 114 mgd can be

attributed to, at least in part, a decline in manufacturing uses in Santa Clara County, a general decline in industrial activity, and continuing implementation of water conservation measures through new construction. Another part of the reduction in activity is due to the economic conditions that resulted in high vacancy rates in the industrial areas of Santa Clara County.

The WPCP is also under a flow trigger of 120 mgd of average dry weather effluent flow (ADWEF) to the Bay. The flow trigger was implemented by the State Water Resources Board and Regional Water Quality Control Board due to concerns over the effect of freshwater discharges from the WPCP to the San Francisco Bay. The ADWEF is defined as the average of the lowest average flow rate for any three consecutive months between May and October. The ADWEF in 2005 was 100 mgd.

The sanitary sewer lines are owned and maintained by the City of San José. Sewer lines are inspected and maintained by the Department of Transportation, and are rehabilitated or replaced by the Department of Public Works. The City of San José has adopted a level of service policy to ensure that the sanitary sewer collection system is adequate to accommodate new development. The levels of service range from “A” to “F”, with LOS A defined as unrestricted flow and LOS F defined as being inadequate to convey existing sewer flow. To meet the City’s guidelines, new developments must meet LOS D or better. LOS D is defined as restricted sewage flow during peak flow conditions. The existing sanitary sewer network serving the project site includes an 8-inch line in Stevens Creek Boulevard and 8- and 15-inch lines in Winchester Boulevard.

4.11.1.4 *Solid Waste*

San José is one of only a few Bay Area cities to offer a free market system for garbage and recycling. San José businesses can choose from any of the City’s authorized franchised waste haulers to collect garbage and recyclables. Businesses can choose one hauler for garbage, another for recycling or one hauler for both. Commercial solid waste collection in the City of San José is provided by a number of non-exclusive service providers and the waste may be disposed of at any of the four privately-owned landfills in San José. According to the Source Reduction and Recycling Element of the General Plan prepared for the City of San José and the Countywide Integrated Waste Management Plan, there is sufficient landfill capacity for Santa Clara County’s projected needs for at least 30 more years.

Solid waste collection in the City of Santa Clara is provided by Mission Trail Waste System through a contract with the City. The City has an agreement with the operators of Newby Island Landfill to provide disposal capacity for the City of Santa Clara through 2019. Recycling services are provided through Stevens Creek Disposal and Recycling.

The proposed project would include the demolition of structures and removal of pavement which would generate significant amounts of construction debris and waste. The proposed project would be required to comply with the City of San José’s Construction and Demolition Deposit (CDDD) Program which requires applicants to pay a deposit on expected demolition waste during the permitting process. The deposit is refunded if the applicant proves that at least 50% of the demolition materials were diverted from landfills (recycled).

4.11.1.5 *Electricity, Natural Gas, and Telephone Services*

Electricity and natural gas are provided to the site by PG&E. Electricity is provided to the site via a system of overhead and underground lines, while natural gas is provided to the site via a system of underground pipelines.

4.11.2 Utilities and Services Impacts

4.11.2.1 *Thresholds of Significance*

For the purposes of this EIR, a utility and service impact is considered significant if the project would:

- exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board;
- require or result in the construction of new/expanded water or wastewater treatment facilities, the construction of which could cause significant environmental effects;
- require or result in the construction of new stormwater or wastewater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;
- not have sufficient water supplies available to serve the project from existing entitlements and resources, and would require new or expanded entitlements;
- result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;
- be served by a landfill without sufficient permitted capacity to accommodate the project's solid waste disposal needs; or
- be inconsistent with federal, state or local statutes and regulations related to solid waste.

4.11.2.2 *Water Supply Impacts*

Water to the project site is provided by SJWC and CSC, supplied through a combination of underground wells and imported water supplies, as previously described. The proposed shopping center expansion (approximately 650,000 square feet) would require a total of 48,815 gallons of additional water per day. Water currently used for landscaping (estimated to be between 2,000 and 15,000 gallons per day) would be comparable pre- and post-project, because the amount of landscape area on the site is not expected to change significantly.

A water supply assessment was completed for the project by SJWC according to the requirements of Senate Bill 610, for the portion of the site located within San José (approximately 610,000 square feet), and is included in this DEIR as Appendix F.²⁴ According to SJWC, the proposed shopping center expansion would not significantly increase the demand upon water supply and supporting public facilities in the region. In addition, the water usage of the proposed development was included in the growth projections of SJWC's 2005 Urban Water Management Plan. A hydraulic analysis of SJWC's existing distribution system was completed with and without the proposed project and the model results showed that the shopping center expansion would have a minimal impact on the existing distribution system. Therefore, SJWC should be able to adequately supply the San José portion of the proposed development without any additional source of supply or system operation changes.

²⁴ By enacting SB 610, the State Legislature required that the availability of water must be assessed before various large-scale projects (such as regional commercial projects of 500,000 square feet or more) can be approved. A water supply assessment must be completed by the water supplier(s) and such assessment(s) are to be included in the appropriate CEQA document. CSC was not asked to prepare a water supply assessment because the amount of development proposed for the portion of the site in Santa Clara is below the threshold for preparing an assessment.

The portion of the project located within Santa Clara currently has approximately 47,000 square feet of commercial development. With the proposed project, approximately 92,000 square feet would be located within Santa Clara, for a net increase of 45,000 square feet. Using generation rates from SJWC, this increase would require an additional 3,380 gallons of water per day to be provided by the CSC. It is anticipated that CSC has the ability to supply this additional water demand based on information provided by CSC for the Santa Clara Gardens Development Project DEIR.²⁵ **[Less than Significant Impact]**

4.11.2.3 Storm Drainage Impacts

The site is currently a mix of paved areas, buildings and landscaped surfaces, and a similar mix is anticipated for the proposed project. The project proposes a one percent increase in the amount of impervious surface on the site from the existing development, as described previously in Section 4.8.3.3. Development of the proposed shopping center addition and parking structures, the relocation of the outbuildings, and the redesign of the parking lots, driveways, and landscaping would also require new storm drain connections. Development associated with the proposed commercial use would slightly increase stormwater runoff on the site compared to existing conditions and would be required to conform to San José City Council Policy 6-29 to reduce the quantity of stormwater runoff from the site to the maximum extent practicable. Stormwater runoff from the site would not exceed the capacity of drainage facilities.²⁶ **[Less than Significant Impact]**

4.11.2.4 Sanitary Sewer/Wastewater Treatment Impacts

The proposed shopping center expansion would result in an increase in wastewater flow due to the shopping center expansion. This increased wastewater generation is estimated to be approximately 41,500 gallons per day (or 0.04 million gallons per day).²⁷ Based on the information described above in Section 4.11.1.3, this is not a significant increase and there is sufficient capacity at the WPCP to accommodate this discharge. The wastewater generated from the proposed expansion would not exceed the capacity of the existing sanitary sewer lines and can be accommodated at the San José/Santa Clara Water Pollution Control Plant, as previously described. The proposed project would comply with City of San José Council Policy 8-7 (Sanitary Sewer Level of Service) which ensures that the collection system is adequate to accommodate new development. **[Less than Significant Impact]**

4.11.2.5 Solid Waste Impacts

As mentioned above, the existing shopping center is approximately two million square feet in size, and the proposed addition would be approximately 650,000 square feet in size. According to generation rates supplied by the City of San Jose, the existing shopping center generates as much as 50,000 pounds per day of solid waste, and the proposed addition would be expected to produce an additional 16,250 lbs per day of solid waste.²⁸ Given the available capacity at landfills in the area, and the fact that the increase in the amount of waste generated by the proposed shopping center expansion would represent only a small fraction of the total generated city-wide, the project would not result in significant solid waste impacts. It should be noted that the Westfield Valley Fair

²⁵ City of Santa Clara, Santa Clara Gardens Development Project DEIR, March 9, 2006 (page 4-91), recirculated July 21, 2006.

²⁶ Personal communication, Mirabel Aguilar, City of San José Department of Public Works, email dated September 22, 2006.

²⁷ Assuming a wastewater generation rate of 85% of water usage.

²⁸ Based on 2.5lbs/100 square feet/week for shopping center uses. California Integrated Waster Management Board, *Estimated Solid Waste Generation Rates for Commercial Establishments*, January 5, 2004.

currently promotes a voluntary cardboard recycling program for its tenants and will continue to do so with the proposed project.

Construction debris, including concrete and asphalt, would be removed from the site and trucked to an appropriate recycling facility. These materials would be recycled to the extent practicable. **[Less than Significant Impact]**

4.11.2.6 *Electricity, Natural Gas, and Telephone Services Impacts*

Facilities for providing telephone, electrical and natural gas services are built and maintained by the private utilities that provide these services under their franchise agreements with the State of California. Construction of the proposed shopping center expansion would result in an increase in the demand for electric and natural gas service on the project site. Given the urban location of the site, and the fact that electric and natural gas service is currently provided to the site, the incremental increase in the amount of electricity and natural gas required for the project would not result in a significant impact. All of the utility providers monitor growth patterns and plans of the urban jurisdictions in Santa Clara County, including the Cities of San José and Santa Clara. It is not anticipated that any of the utility companies would have difficulty serving the electric and natural gas needs of the proposed project. **[Less than Significant Impact]**

4.11.3 Mitigation and Avoidance Measures for Impacts to Utilities & Service Systems

The proposed project will not result in significant impacts on utilities and service systems. Therefore, no mitigation measures are required or proposed.

4.11.4 Conclusions regarding Utilities and Service Systems Impacts

The demand for water generated by proposed expansion project is not anticipated to exceed water supplies. The existing system of water mains is adequate to serve new development. **[Less than Significant Impact]**

The volume of additional stormwater runoff to be generated by new development can be accommodated by the existing storm drainage system. **[Less than Significant Impact]**

The proposed expansion of the shopping center would not significantly impact the sanitary sewer system and would not exceed the capacity of the San José/Santa Clara Water Pollution Control Plant. **[Less than Significant Impact]**

Solid waste to be generated by the proposed project would not exceed the capacity of local landfills. **[Less than Significant Impact]**

Demand for electricity and natural gas would increase under the proposed project, but would not significantly impact PG&E's delivery systems or supplies. **[Less than Significant Impact]**

4.12 ENERGY

This section was prepared pursuant to Appendix F of the CEQA Guidelines, which requires that EIRs include a discussion of the potential energy impacts of projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy. This information in this section is based largely on data and reports produced by the California Energy Commission and the Energy Information Administration of the U.S. Department of Energy. The specific sources and citations are listed in Section 11.0, *References*.

4.12.1 Introduction

Energy consumption is analyzed in an EIR because of the environmental impacts associated with its production and usage. Such impacts include the depletion of nonrenewable resources (e.g., oil, natural gas, coal, etc.) and emissions of pollutants during both the production and consumption phases.

Energy usage is typically quantified using the British Thermal Unit (Btu).²⁹ As points of reference, the approximate amount of energy contained in a gallon of gasoline, a cubic foot of natural gas, and a kilowatt hour (kWhr) of electricity are 123,000 Btu's, 1,000 Btu's, and 3,400 Btu's, respectively.

Energy conservation is embodied in many federal, state and local statutes and policies. At the federal level, energy standards apply to numerous products (e.g., the *EnergyStar*TM program) and transportation (e.g., fuel efficiency standards). At the state level, Title 24 of the California Administrative Code sets forth energy standards for buildings, rebates/tax credits are provided for installation of renewable energy systems, and the *Flex Your Power* program promotes conservation in multiple areas. At the local level, the City's General Plan contains policies whose objectives include reduction in energy usage. Among these are Energy Policy #2, which states that decisions on land use should consider the proximity of industrial and commercial uses to major residential areas in order to reduce the energy used for commuting, and Energy Policy #4, which states that the energy-efficiency of proposed new development should be considered when land use and development review decisions are made. The City of San José's General Plan Sustainable City and Green Building Policies also contain goals regarding energy efficiency and the use of renewable energy technologies.

Sustainable City Strategy

The Sustainable City Strategy is a statement of San José's desire to become an environmentally and economically sustainable city. The strategy seeks to reduce traffic congestion, pollution, wastefulness, and environmental degradation of our living environment by conserving natural resources and preserving San José's natural living environment.

Green Building Policy

The Green Building Policy fosters long-term social, economic, and environmental sustainability in building and development while making green building the standard practice in San José and celebrating sustainability as a core value to the community. The vision for Green Building in San José is a place where the people have the knowledge and opportunities to build and occupy dwellings

²⁹The British Thermal Unit (Btu) is the amount of energy that is required to raise the temperature of one pound of water by one degree Fahrenheit.

that have a maximum impact on the wellbeing of the occupants and minimal impact on the environment. The Green Building Policy goals center on five main categories: sustainable sites, energy and atmosphere, water efficiency, materials and resources, and indoor environmental quality.

Energy Goal

The City's Energy Goal is to foster development which, by its location and design, reduces the use of non-renewable energy resources in transportation, buildings, and urban services (utilities) and expands the use of renewable energy resources.

4.12.2 Existing Setting

Total energy usage in California was 8,519 trillion Btu's in the year 2000, which equates to an average of 252 million Btu's per capita. Of California's total energy usage in 2000, the breakdown by sector was 15% residential, 14% commercial, 35% industrial, and 36% transportation. This energy was primarily supplied in the form of coal (2.9 million tons), natural gas (2.3 trillion cubic feet), petroleum (647 million barrels), nuclear electric power (35.2 trillion kWhr), and hydroelectric power (42.8 trillion kWhr).

Given the nature of the proposed project (i.e., a land use decision in San José), the remainder of this discussion will focus on the three most relevant sources of energy: electricity, natural gas and gasoline for vehicle trips associated with commercial uses.

4.12.2.1 Electricity

In 2003, California used over 276,000 gigawatt hours of electricity.³⁰ This electricity was produced from power plants fueled by natural gas (37%), coal (21%), hydro (16%), nuclear (15%), and renewables (11%). Approximately 78% of the electricity was generated within California, with the balance imported from other states, Canada, and Mexico.

Electricity usage in California for differing land uses varies substantially by the type of uses in a building, type of construction materials used in a building, and the efficiency of all electricity-consuming devices within a building. The average annual usage of electricity is roughly 13 kWhr/square foot for all commercial buildings.

Electricity supply in California involves a complex grid of power plants and transmission lines located in the Western United States, Canada, and Mexico. The issue is complicated by market forces that have become prominent since 1998, which is when a new regulatory environment commonly referred to as "deregulation" took effect in California. Supply is further complicated by the fact that the peak demand for electricity is significantly higher than the off-peak demand. For example, in August 2004, peak electric demand - due in large part to hot weather - reached a record high of 44,497 megawatts, which is almost double the lowest demand period.³²

In 2000-2001, electric demand exceeded supply on various occasions, which required utilities to institute systematic rotating outages to maintain the stability of the grid and to prevent widespread

³⁰Source: California State Energy Commission, www.energy.ca.gov.

³¹One gigawatt = one thousand megawatts = one million kilowatts = one billion watts.

³²Source: California Independent System Operator, 8/11/04.

blackouts. Since that time, additional generating capacity has come on-line and upgrades to various transmission lines continue to occur.

According to the California Energy Commission's *2003 Integrated Energy Policy Report*, the current outlook is that California will have an adequate supply of electricity through 2009.

4.12.2.2 *Natural Gas*

In 2001, California used almost 2.4 trillion cubic feet of natural gas. The natural gas was used to produce electricity (41%), in industrial uses (28%), in commercial uses (10%), and in residential uses (21%). Approximately 16% of the natural gas was produced within California, with the balance imported from other states and Canada.

Natural gas usage in California for differing land uses varies substantially by the type of uses in a building, type of construction materials used in a building, and the efficiency of all gas-consuming devices within a building. The average annual usage of natural gas is roughly 37 cubic feet/square foot for all commercial buildings.

According to the California Energy Commission's *2003 Integrated Energy Policy Report*, the current outlook is that Northern California will have an adequate supply of natural gas through 2007. However, the report notes meeting peak demand under extreme weather conditions may require gas infrastructure improvements (e.g., additional pipeline capacity) earlier than currently programmed.

4.12.2.3 *Gasoline for Motor Vehicles*

Californians presently consume roughly 49.5 million gallons of gasoline and diesel each day. This is a 53% increase over the amount that was used 20 years ago. The primary factors contributing to this increase are 1) population growth, 2) declining per-mile cost of gasoline, 3) land use patterns that have increased the distance between jobs and housing, and 4) a shift in consumer preferences to larger, less fuel efficient motor vehicles.

The average fuel economy for the fleet of light-duty vehicles (autos, pickups, vans, and SUVs) steadily increased from about 12.6 miles-per-gallon (mpg) in the mid-1970s to the current 20.7 mpg. However, no further improvements in the average fuel economy for the overall fleet are projected through the year 2020. This conclusion is based on the fact that projected increases in the number of fuel efficient cars (e.g., hybrids) will be offset by projected increases in the number of SUVs, pickups, and vans.

Although no new refineries have been constructed in California since 1969, supply has kept pace with demand through a combination of refinery upgrades/modernizations and out-of-state imports.

According to the California Energy Commission's *2003 Integrated Energy Policy Report*, the demand for gasoline and diesel for on-road vehicles is projected to increase by 36% over the next 20 years. Imports of foreign crude oil will increase as in-state and Alaskan supplies diminish. Since California refineries are already operating close to their full capacity, daily imports of refined gasoline and diesel are expected to double over the next 20 years. Unless out-of-state facilities expand, the gasoline and diesel markets will become increasingly volatile, with the likelihood of shortages and more prolonged periods of high prices.

4.12.3 Energy Impacts

4.12.3.1 *Thresholds of Significance*

For the purposes of this EIR, a project will result in a significant energy impact if the project will:

- use fuel or energy in a wasteful manner; or
- result in a substantial increase in demand upon energy resources in relation to projected supplies, or
- result in longer overall distances between jobs and housing.

4.12.3.2 *Energy Impacts*

The proposed project is the construction of additional commercial development on a site currently developed with commercial uses. Energy would be consumed during both the construction and operational phases of these uses. The construction phase would require energy for the manufacture and transportation of building materials, preparation of the various sites (e.g., grading), and the actual construction of the project. The operational phase would consume energy for multiple purposes including - but not limited to - building heating and cooling, lighting, appliances, electronics, office equipment, and commercial machinery. Operational energy would also be consumed during each vehicle trip associated with these proposed uses.

Rough estimates of operational energy usage of the additional 650,000 square feet of commercial development are provided in Table 4.12-1. It is important to note that actual energy usage could vary substantially depending upon factors such as the type of commercial uses that will occupy the buildings, actual miles driven by future residents/employees, and the degree to which energy conservation measures are incorporated into the project.

The estimated operational energy usage shown in Table 4.12-1 is a very small percentage of the total energy consumed in San José and is not considered to be substantial in view of the above-described projections regarding future supplies. In addition, the project would be required by the City of San José to meet the energy efficiency requirements of Title 24 of the California Administrative Code. Construction and demolition debris would be recycled or salvaged as described in Section 4.11.1.4.

Providing additional jobs in San José may lead to some reduction in transportation-related energy consumption. This conclusion is based on the fact that the City has a surplus of housing in relation to jobs. Increasing the supply of jobs locally would presumably reduce the magnitude of this imbalance, based on the assumption that short commute distances are generally preferable to longer commute distances. By constructing new commercial uses near an existing mix of uses, the proposed project may be expected to result in shorter than average travel distances for some employees and/or customers traveling to the site. In addition, because the project is the expansion of a regional shopping center in an area of other regional centers, including Santana Row to the south, pass-by trips would be expected that could reduce overall shopping trips in the region. The shorter travel distances may translate into decreased gasoline consumption. Further, the proposed project would not consume energy in a wasteful manner. **[Less than Significant Impact]**

T A B L E 4.12-1
ESTIMATED AVERAGE ANNUAL ENERGY USAGE

	Existing Project Usage (1.7 million sq. ft. GLA)	Proposed Project Usage Increase (552,500 sq. ft. GLA)
Electricity (million kWhr)	26	9
Natural Gas (million ft ³)	74	24
Gasoline (million gallons)	3.3	1.1

Notes:

- These data are based on the following *average* energy usage factors:
 - Electricity: 13 kWhr per ft² of commercial area per year.
 - Natural Gas: 37 ft³ per ft² of commercial area per year.
 - Gasoline: 0.048 gallons per vehicle per mile.
- According to the EIR traffic consultant, the average vehicle trip length in the Santa Clara County area is *estimated* to be approximately three miles. To determine gasoline usage, a daily trip rate of 37.3 per square foot (without a pass-by reduction) was applied to the GLA of the existing shopping center (approximately 1.7 million sq. ft.) and the proposed expansion (approximately 552,500 sq. ft.).
- These data are rough estimates. Actual energy usage could (and will) vary substantially depending upon factors such as the type of industrial and commercial uses that will occupy the buildings, actual miles driven by future residents/employees, and the degree to which energy conservation measures are incorporated into the various facilities.
- ft³ = cubic feet
- ft² = square feet
- kWhr = kilowatt hour

Sources:

Energy Information Administration (U.S. Department of Energy)
 California Energy Commission
 Hexagon Transportation Consultants
 David J. Powers & Associates

Energy savings associated with recycling construction debris are driven largely by the difference between manufacturing new material using raw materials and manufacturing new material using recycled inputs. Factors that contribute to energy savings are based on direct fossil fuel and electricity consumption associated with raw material acquisition and manufacturing; electricity offsets; fossil fuel consumption for transportation; and embedded energy. Although the project would not result in significant energy impacts, the following standard measures are included in the project to further reduce energy consumption related to demolition:

- The project shall have a waste management plan for recycling of construction and demolitions materials in place and operating at the beginning of the project. The City shall review the plan prior to the issuance of building permits. The plan shall be completed to the satisfaction of the Director of the Environmental Services Department or the Manager of the City's construction and Demolition Recycling Program.
- The project shall recycle or salvage a minimum of 50 percent (by weight) of construction, demolition, and land clearing waste, as previously described in Section 4.11.1.4 of this EIR.

- The project shall utilize local and regional building materials to reduce energy consumption associated with transporting materials over long distances.

4.12.4 Mitigation and Avoidance Measures for Energy Impacts

The proposed project will not result in significant energy impacts and would not use energy in a wasteful manner. Therefore, no mitigation measures are required or proposed.

4.12.5 Conclusions Regarding Energy Impacts

Given projections regarding future electricity and natural gas supplies, construction of the proposed shopping center addition would not result in a significant energy impact. [**Less than Significant Impact**]

SECTION 5.0 AVAILABILITY OF PUBLIC SERVICES

Introductory Note Regarding Public Services: Unlike public facilities and utilities, public services are provided to the community as a whole, usually from a central location or from a defined set of nodes. The resource base for delivery of these services, including the physical service delivery mechanisms, is financed on a community-wide basis, usually from a unified or integrated financial system. The service delivery agency can be a city, county, service or other special district. Usually, new development will create an incremental increase in the demand for these services; the amount of demand will vary widely, depending on both the nature of the development (residential vs. commercial, for instance) and the type of services, as well as on the specific characteristics of the development (such as senior housing vs. family housing).

The impact of a particular project on public facility services is generally a fiscal impact. By increasing the demand for a type of service, a project could cause an eventual increase in the cost of providing the service (more personnel hours to patrol an area, additional fire equipment needed to service a tall building, etc.). That is a fiscal impact, not an environmental one. CEQA does not require an analysis of fiscal impacts.

However, CEQA analysis is required if the increased demand is of sufficient size to trigger the need for a new or physically altered facility (such as a school or fire station), since the new or physically altered facility would have a physical impact on the environment. CEQA requires that an EIR then identify and evaluate the physical impacts on the environment that such a facility would have. To reiterate, the impact that must be analyzed in an EIR is the impact that would result from constructing a new public facility (should one be required), not the fiscal impact of a development on the capacity of a public service system.

5.1 PUBLIC SERVICES

For the purposes of this project, only fire and police services are analyzed. The proposed project is the expansion of an existing shopping center and does not propose any residential development. Therefore, the project would not impact schools, parks, or libraries within the project area.

5.1.1 Existing Setting

5.1.1.1 *Fire Service*

Fire protection to the site is provided by the San José Fire Department (SJFD) and the Santa Clara Fire Department (SCFD). The SJFD serves a total area of 203 square miles and responds to fires, hazardous materials spills, and medical emergencies (including injury accidents) in the project area. The SJFD currently has 31 fire stations located throughout the City. The SCFD provides general fire, hazardous material, and emergency services in the City of Santa Clara. The SCFD has 10 fire stations and responds to over 7,000 emergency calls annually.

The first response San José station is Station No. 10, located at 511 South Monroe Street, approximately one third of a mile to the south of the site. Station No. 10 is equipped with one fire

engine. In the 2002/2003 fiscal year, this station responded to a total of 2,138 calls, including 1,601 medical, 106 fire, and 431 other emergencies.

The nearest Santa Clara fire station is Station No. 4, located at 2323 Pruneridge Avenue, approximately one mile to the northwest of the site. This station operates one engine. Fire Station No. 1 at 777 Benton Street would be the second unit to respond to any emergency on the site.³³

The Cities of San José and Santa Clara participate in a mutual aid program that also includes the City of Milpitas. Through this program, should one of the fire departments need additional assistance, one or both of the mutual aid cities would provide assistance in whatever capacity when needed.

5.1.1.2 *Police Service*

Police protection services in the project area are provided by the City of San José and City of Santa Clara Police Departments (SJPD and SCPD). All SJPD officers are dispatched from police headquarters (located at 201 West Mission Street) at the beginning of their shifts to patrol the City within their assigned beats. There are currently 83 police beats in the City. The SJPD presently consists of approximately 1,369 sworn officers and 402 civilian personnel.

Beat building blocks (BBB) are the smallest police patrol service areas in San Jose, with 357 in the city. The project site is located in BBB 7, which in the twelve months ending February 2006 responded to 49 '911' calls, 71 disturbance calls, 34 burglary/burglary-auto calls, 51 suspicious person/incident/vehicle/circumstance calls, and 283 alarm calls.³⁴

The Santa Clara Police Department provides a complete range of law enforcement services (i.e., drug enforcement, citizen response, patrol, etc.) and employs 147 sworn officers. The police station is located at 601 El Camino Real, approximately 2.5 miles from the project site. The SCPD provides approximately 1.48 officers per 1,000 residents and it is the department's goal to respond to emergencies within three minutes.³⁵ During the past year, there were approximately 55,814 calls for service in the City and officers made 4,454 arrests.³⁶

5.1.2 Impact Analysis

5.1.2.1 *Fire Service*

The San José Fire Department has a standard level of service for fire protection services. The level of service for first alarm calls has a total reflex time of eight minutes and a response travel time of four minutes. The second engine's total response time is ten minutes with a total travel time of six minutes. These standards are set to meet most small fire and medical calls. Due to the short distance from the station on Monroe Street to the site, the response time to the project site is estimated to be less than eight minutes for 80 percent of service requests, consistent with the City of San José's Level of Service Goals listed in the San José Fire Department's Strategic Plan (2000).

It is the Santa Clara Fire Department's goal to respond to emergencies in its service area within three minutes. Due to the short distance from the station located on Pruneridge Avenue, it is expected that response times to the site would be within the three minute response goal of the SCFD.

³³ Santa Clara Gardens Development Project Draft EIR, City of Santa Clara, March 2006.

³⁴ http://public.coronasolutions.com/25/zones/7/Zone_CallTypeTotals.html

³⁵ Santa Clara Police Department Fact Sheet, 2005.

³⁶ www.scpd.org/crime/crime_stats.html

Development associated with the proposed commercial land use would comply with the newest Building and Fire Code requirements to minimize demand for fire services. It is unlikely that the proposed shopping center expansion would create a significant increase in the demand for fire protection services, and it would not require the construction of new fire facilities. **[Less than Significant Impact]**

5.2.2.2 *Police Service*

Because the project site is already served by the SJPD and the SCPD, the proposed commercial land uses would not affect the ability of these departments to provide service to the site. New facilities would not need to be constructed because any additional personnel would continue to be dispatched from police headquarters. The project design would also be reviewed by the police departments of both cities to ensure that it incorporates appropriate safety features to minimize criminal activity. **[Less than Significant Impact]**

5.2.3 Conclusion Regarding Public Services

While the proposed project could incrementally increase the need for fire services in the project area, it would not require construction of new fire facilities. **[Less than Significant Impact]**

While the proposed project could incrementally increase the need for police services in the project area, it would not require construction of new police facilities. **[Less than Significant Impact]**

SECTION 6.0 ALTERNATIVES

6.1 INTRODUCTION

The CEQA Guidelines give extensive direction on identifying and evaluating in an EIR alternatives to a proposed project [§15126.6]. The purpose of having alternatives in an EIR is to identify ways to substantially lessen or avoid the significant effects that a proposed project may have on the environment. The range of alternatives selected for analysis is governed by the “rule of reason”, which requires the EIR to discuss only those alternatives necessary to permit a reasoned choice. Although the alternatives do not have to meet every goal and objective set for the proposed project, they should “feasibly attain most of the basic objectives of the project”.

CEQA does not require that all possible alternatives be evaluated, only that “a range of feasible alternatives” be discussed so as to encourage both meaningful public participation and informed decision making. In selecting alternatives to be evaluated, consideration may be given to their potential for reducing significant unavoidable impacts, reducing significant impacts that are mitigated by the project to less than significant levels, and further reducing less than significant impacts.

The three critical factors to consider in selecting and evaluating alternatives are, therefore, (1) the project’s objectives; (2) the significant impacts from the proposed project which could be reduced or avoided by an alternative; and (3) the feasibility of the alternatives available. Each of these factors is described below.

6.1.1 Objectives of the Project

As stated in the Project Description section of this EIR (Section 1.4), the objective of the proposed shopping center expansion project is to construct a high quality addition to the existing Valley Fair shopping center structure in a manner that is compatible and complimentary with surrounding residential and commercial land uses. The basic objectives are to: 1) construct two new anchor stores with a minimum size (combined) of approximately 210,000 square feet to be located in such a way as to maximize and encourage pass-by foot traffic; 2) add a variety of smaller retail stores within the center; and 3) replace an older existing grocery/drug store with a larger, updated facility. Increasing sales tax revenues and employment for the cities of San José and Santa Clara, while providing additional retail opportunities in the highly commercial project area and the region, are also project objectives.

6.1.2 Significant Impacts of the Project

As mentioned above, the CEQA Guidelines advise that the alternatives analysis in an EIR should be limited to alternatives that would avoid or substantially lessen any of the significant effects of the project and would achieve most of the project objectives. As discussed previously in this EIR, the project would result in significant traffic impacts at one San José/CMP intersection (Stevens Creek Boulevard and Winchester Boulevard) during the Saturday peak hour and on four freeway segments, short-term construction related stormwater and air quality impacts, long-term regional air quality impacts, and impacts associated with the loss of trees. There are no mitigation measures available for this project to implement for impacts to freeway segments or impacts to regional air quality. The feasibility of available mitigation for impacts at the Stevens Creek Boulevard/Winchester Boulevard

intersection will be determined by the cities of San José and Santa Clara during the project approval/permit process; therefore, this mitigation is not included as part of the project and requires right-of-way, absent which the impact is significant and unavoidable. Mitigation and avoidance measures are included in the proposed project to avoid or reduce the other impacts to a less than significant level, as described in Section 4.0, *Environmental Setting, Impacts, and Mitigation* of this EIR.

6.1.3 Feasibility of Alternatives

CEQA, the CEQA Guidelines, and case law on the subject have found that feasibility can be based on a wide range of factors and influences. The Guidelines advise that such factors can include (but are not necessarily limited to) the suitability of an alternate site, economic viability, availability of infrastructure, consistency with a general plan or with other plans or regulatory limitations, jurisdictional boundaries, and whether the project proponent can “reasonably acquire, control or otherwise have access to the alternative site.” [§15126.6(f)(1)]

6.2 NO PROJECT ALTERNATIVE

The purpose of including a discussion of a “No Project” Alternative is to allow the project decision makers to compare the impacts of not approving the project with the impacts of approving the project as it is proposed. The CEQA Guidelines stipulate that an EIR specifically include a No Project Alternative, which should address both “the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project is not approved, based on current plans and consistent with available infrastructure and community services.”

The site is currently developed with an approximately two million square foot shopping center, surface and structured parking, commercial outbuildings, and landscaping. Under the No Project Alternative, no additional retail space or parking structures would be constructed on the site, and all outbuildings would remain in their existing locations.

The No Project Alternative would not result in the significant impacts described in this EIR. Air and water quality construction related impacts, construction related air, noise, and water quality impacts, impacts associated with the loss of trees, and impacts to one intersection and to identified freeway segments would not occur.

6.2.1 Conclusion

The No Project Alternative would not change the conditions on the project site and would not result in the expansion of Valley Fair Shopping Center. The environmental impacts described in the EIR would not occur.

The No Project Alternative would not meet the project objective of constructing a high quality addition to the existing shopping center structure to include two new anchor stores, associated small shop retail, and a larger, updated grocery/drug store on the Valley Fair site. If the shopping center is not expanded, there would be no increase in sales tax revenues or employment, nor would existing vehicle trips within the Cities of San José and Santa Clara and project vicinity be reduced. The No Project Alternative would not result in additional environmental impacts when compared to the proposed project. For this reason, it is determined to be environmentally superior to the project.

6.3

LOCATION ALTERNATIVES

With the proposed expansion, the Valley Fair Shopping Center would include a total of approximately 2.65 million square feet of retail commercial area. The construction of a 2.65 million square foot shopping center can reasonably be expected to result in more/greater significant adverse environmental impacts than the construction of the proposed 650,000 square foot shopping center expansion alone (larger project site size, greater trip generation, more construction related impacts, for example). For the purposes of this EIR, the Location Alternative site would only need to accommodate the construction of 650,000 square feet of retail uses because CEQA requires only the identification of alternative sites that could reduce the impacts of the proposed project.

In order to identify an alternative site for 650,000 square feet of “stand-alone” commercial retail uses that might reasonably be considered to “feasibly accomplish most of the basic purposes” of the project and mitigate some or all of the significant impacts of the project, it was assumed that such a site would ideally have the following characteristics:

1. Be approximately 20-25 acres in size (the existing shopping center has about 29,500 square feet of retail space per acre, therefore, 650,000 square feet of retail space would require approximately 20-25 acres for construction);
2. Designated for commercial uses in the San José General Plan and Zoning Ordinance;
3. Located in the northern/central portion of San José;
4. Served by available infrastructure; and
5. Immediately available for development or redevelopment.

CEQA encourages consideration of an alternative site when significant effects of the project might be avoided or substantially lessened. Only locations that would avoid or substantially lessen any of the significant effects of the project and meet most of the project objectives need be considered for inclusion in the EIR. Impacts associated with construction related air quality impacts could be reduced if the site were vacant. Redevelopment of any site where buildings and/or pavement would be removed would result in demolition activities that would introduce more particulates into the air when compared to development of a vacant site. Site grading would be required regardless of whether the site is currently developed or vacant.

A review of vacant and underutilized (which could include sites with buildings that could be demolished) sites approximately 20 to 25 acres in size, in the general vicinity of the project site was completed to identify potentially suitable alternative locations for the project. Potential alternative sites were evaluated in terms of whether they would: 1) reduce or avoid some or all of the significant environmental impacts of the proposed project; 2) be of sufficient size to meet most of the basic project objectives; and 3) be immediately available to be acquired or controlled by the applicant.

While a comprehensive property inventory of the entire city was not completed for this EIR, lands designated for commercial uses are located in the northern/central portion of San José. Many of these sites however, are smaller than 20-25 acres in size and are already developed with commercial or industrial uses. For the purposes of this analysis, two alternative sites were identified which meet most of the characteristics of the alternative location site, although one is not located in north/central San Jose. The first is the FMC site located north of I-880 on the west side of Coleman Avenue, to the west of San José Mineta International Airport. This site is located approximately 2.1 miles northeast of the Valley Fair site. The 92.5 acre FMC site is currently zoned for a total of approximately three million square feet of some combination of office, research and development,

and commercial uses, approximately 75 acres of which is owned by the airport. The airport has stated that it would like to see airport related uses located on the site including hotels and retail space.

The other location alternative considered was the existing Westfield Oakridge Shopping Center located on the north side of Blossom Hill Road, south of State Route 85, between Santa Teresa Boulevard and Winfield Boulevard in south San José. This site is located over eight miles to the southeast of the Valley Fair site. The Oakridge Shopping Center currently has approximately 1.24 million square feet of retail uses including one outbuilding.

6.3.1 FMC Site Location Alternative

For the purposes of this discussion, the comparison of the FMC alternative and the proposed project assumes that the proposed 650,000 square feet of commercial retail uses would be constructed on approximately 20-25 acres of the 92.5-acre FMC site. Although the northwest corner of the FMC site is located in the City of Santa Clara, this analysis assumes that only the portion of the site located in San José would be considered for the location alternative. It is also assumed that the commercial uses would not be constructed on the seven acre portion of the FMC site that has been designated as burrowing owl nesting and foraging habitat.

The majority of the FMC site is currently paved and has been developed with industrial structures; some of which have been removed, although a few buildings continue to be used by FMC or its affiliates. Some portions of the site are used for airport related uses such as car rental and parking. It is assumed that the some of the remaining structures could require removal in order to construct 650,000 square feet of new stand-alone commercial uses, as proposed by the location alternative. Removal of 20-25 acres of pavement and some structures would result in construction-related air quality impacts not unlike those of the proposed project, which would also require the removal of parking and retail structures and pavement over an approximately 20-acre area of the Valley Fair site. However, depending upon where on the FMC site the commercial uses are constructed, sensitive receptors may be located further away than they are at the Valley Fair site.

There is a greater potential for asbestos and lead-based paint to be within the buildings on the FMC site because they were built between 1951 and 1961. In addition, small amounts of hazardous materials may still be present in the soils on the FMC site. These conditions could be hazardous to construction workers on the FMC site. Mitigation measures for these potential impacts were included in the FMC project and would carry over as part of the construction of the proposed commercial uses. Construction of the project on the FMC site would result in similar water quality impacts during construction, especially since similar standard BMPs during construction would be implemented. Overall, construction related air and water quality impacts would be comparable at both the FMC and Valley Fair sites.

Utilizing 20-25 acres of the FMC site for the proposed project could result in the loss of trees, including ordinance size trees. This loss could be significant, depending upon the number of trees to be removed.

It is unknown if the construction of 650,000 square feet of commercial uses alone on the FMC site would result in impacts to City of San José or CMP intersections, although the level of service (LOS) impacts at intersections in the vicinity of the FMC site could be comparable to the LOS impacts anticipated for the proposed project, although the intersections impacted would most likely be different. Traffic impacts would most likely occur at some signalized intersections on Coleman Avenue, The Alameda, Hedding Street, and Taylor Street. The construction of the proposed project

on the FMC site could result in similar traffic impacts to freeway segments because the traffic generated would also use the freeways to access the FMC site. This is especially true because the FMC site is located near the Coleman Avenue/I-880 interchange along I-880. In addition, pass-by trip reductions and the internalization of trips would probably not be as high at the FMC site because the development would be a stand-alone 650,000 square foot retail center rather than a regional shopping destination in proximity to other retail opportunities.

The FMC site was used for industrial and manufacturing purposes by FMC and therefore, soils and groundwater on the site have been contaminated with hazardous materials. Impacted soils on the site have been remediated and groundwater monitoring will continue on the site in the near future. The proposed commercial uses would not be significantly affected by the past use of hazardous materials on the site because contaminated soils have been removed/remediated. For the reasons stated above, this alternative is not considered to be environmentally superior to the proposed project.

6.3.1.1 Conclusion

The FMC Site Location Alternative (with approximately 650,000 square feet of stand-alone commercial development on the portion of the FMC site located in San José) would meet some of the project's objectives of constructing commercial uses which increase sales tax revenues and employment. It would not expand an existing shopping center with two new anchors and associated small shop retail and would not update and enlarge an existing grocery/drug store in the highly commercial Valley Fair project area or internalize vehicle trips in the vicinity. Although sensitive receptors could be located further away from the FMC site, its development with retail uses would not avoid the significant construction related stormwater and air quality impacts of the project or the impacts to trees or freeway segments. It is unknown if construction of the project on the FMC site would result in impacts at City of San José or CMP intersections. For these reasons, the Location Alternative would likely result in environmental impacts similar to the proposed project, and would not be considered to be environmentally superior to the proposed project. Because Westfield does not control or own any portion of the FMC site, this alternative is not feasible.

6.3.2 Oakridge Shopping Center Site Alternative Location

The Oakridge Shopping Center (also owned by Westfield) has been extensively remodeled and expanded, beginning in 1992. Based on the results of the EIR and traffic reports prepared for the original expansion in 1992 and subsequent addendums prepared for revisions to the PD Permit (1999, 2001, and 2003), significant impacts were identified at three intersections: 1) Santa Teresa Boulevard/Blossom Hill Road; 2) Thornwood Drive/Blossom Hill Road, and 3) Blossom Hill Road/Almaden Expressway. Although mitigation was included in the project to reduce these impacts to a less than significant impact, it would be expected that adding an additional 650,000 square feet onto the existing approximately 1.24 million square foot Oakridge Shopping Center would result in new/increased impacts at these previously identified intersections and potentially at other intersections in the vicinity of the Oakridge site. Impacts to freeway segments could also occur with this location alternative.

The previous expansion of the Oakridge Shopping Center also resulted in impacts associated with the loss of trees, hazardous materials impacts associated with the potential presence of asbestos containing materials in structures to be demolished, and significant unavoidable regional air quality impacts. It would be expected that the addition of 650,000 square feet of retail space on the Oakridge site would result in increases in the severity of previously identified impacts or new impacts not previously identified. For these reasons, impacts associated with the expansion of the

Oakridge Shopping Center would not be less than those from the Valley Fair project; they would, however, occur in a different area of the city. This alternative location would not be environmentally superior to the proposed project.

6.3.2.1 Conclusion

The Oakridge Shopping Center Location Alternative (an approximately 650,000 square foot addition to the existing Westfield Oakridge Shopping Center) would meet some of the project's objectives of constructing commercial uses which increase sales tax revenues and employment. It would not meet the project's basic objectives of expanding the Valley Fair Shopping Center site in north/central San Jose to include two new anchor stores, associated small shop retail, or improve/expand an existing grocery/drug store. Sensitive receptors are located similar distances from the Valley Fair and Oakridge sites and the projects would have similar construction related stormwater, noise, and air quality impacts, and impacts to trees. Impact to regional air quality would also be significant and unavoidable. Traffic impacts would not be reduced with this alternative location. While the Oakridge Location Alternative is considered to be potentially feasible, it would likely result in environmental impacts similar to the proposed project, and would not be considered to be environmentally superior to the proposed project.---

6.4 REDUCED SCALE ALTERNATIVES

The purpose of including an alternatives discussion in an EIR is to explore variations on the proposed project that might reasonably be assumed to reduce environmental impacts, while still meeting most or all of the project objectives. For the purposes of this discussion, it is acknowledged that the shopping center cannot be expanded without the removal/reconstruction of at least one parking structure. This is because the shopping center is surrounded on three sides by parking structures and construction of the addition on the northern side of the structure would not have sufficient setback from Forest Avenue.

For the purposes of this EIR, three reduced scale alternatives were considered as part of this alternatives analysis. In order to reduce impacts to the intersection of Stevens Creek Boulevard and Winchester Boulevard and freeway segments to a less than significant level, the proposed shopping center expansion would need to be less than 275,000 square feet of retail commercial uses. Therefore, the reduced scale alternatives examined in this section are for projects less than 275,000 square feet. The reduced scale alternatives to the project as presently proposed would be lower density commercial developments, representing a less intense use of the site.

6.4.1 Reduced Scale Alternative – Two Anchors

This Reduced Scale Alternative includes the expansion of the mall structure to include 275,000 square feet of additional retail space. The alternative described below would be the construction of the two proposed anchor stores (a total of 210,000 square feet) plus an additional 54,500 square feet of small retail stores (approximately 10,500 net square feet of retail space would be used for the relocation of the two bank buildings and the grocery/drug store as shown in Table 2.1-2).

This alternative would result in a reduction in project traffic generated by the currently proposed project. In fact, significant impacts at the intersection of Stevens Creek Boulevard and Winchester Boulevard and on the freeway segments would not occur. This reduction in traffic would also reduce vehicle generated air emissions; however, long-term air quality impacts would likely continue to be

significant.³⁷ Impacts to water quality during construction could also be reduced due to the reduced construction area of impact. Overall, construction related noise and air quality impacts would be less than the proposed project. In addition, depending on where construction would occur, sensitive receptors could be located further away from construction activities. Specifically, if the parking structure in the northeastern portion of the site is not expanded, impacts to the residential uses across Forest Avenue would not occur. Because this alternative would include the demolition of the existing bank and grocery/drug store buildings which are located in the southern and southwestern portions of the project site, it would still have the potential to result in the release of asbestos-containing materials presumed to be within the existing grocery/drug store.

Impacts associated with the loss of trees could also be reduced if only one parking structure were relocated. Therefore, as described, this Reduced Scale Alternative would be incrementally environmentally superior to the project as proposed since impacts to one intersection and freeway segments would not occur, and most of the other impacts would be proportionately reduced.

6.4.1.1 Conclusion

Overall, this Reduced Scale Alternative would be incrementally environmentally superior to the proposed project, based on the elimination of impacts at one intersection and to freeway segments. Most impacts resulting from redeveloping the site, including construction-related air and stormwater quality and noise, and impacts associated with the loss of trees would generally be less than the proposed project because less of the site would be disturbed during construction. Mitigation measures to avoid or reduce these impacts to a less than significant level would be included in the project.

Reducing the size of the shopping center expansion would not meet the stated objectives of the proposed project of constructing two new anchor stores and the number of various smaller retail stores within the center. While two anchors would be constructed, the number and variety of smaller retail stores within the center would not be sufficient to draw foot traffic within the center between the proposed anchor stores, as described in Section 1.4, *Project Objectives*. Sales tax revenues and employment would not be increased to the extent that they would with the proposed project. The amount of additional retail opportunities and trip internalization in the highly commercial project area would also be reduced. The grocery/drug store would be updated, consistent with the project objectives. Therefore, this alternative would not meet the project objectives to the same extent as the proposed project, as previously described.

6.4.2 Reduced Scale – One 120,000 Square Foot Anchor Store

This Reduced Scale Alternative includes the expansion of the mall structure to also include 275,000 square feet of additional retail space; however, this alternative would be the construction of the larger proposed anchor store (approximately 120,000 square feet) plus an additional 144,500 square feet of small retail stores (approximately 10,500 net square feet of retail space would be used for the relocation of the two bank buildings and the grocery/drug store, as shown in Table 2.1-2).

This alternative would result in a reduction in project traffic generated by the currently proposed project. In fact, significant impacts at the intersection of Stevens Creek Boulevard and Winchester

³⁷ BAAQMD has determined that regional shopping center projects of more than 44,000 square feet have the potential to result in significant air quality impacts.

Boulevard and on the freeway segments would not occur. This reduction in traffic would also reduce vehicle generated air emissions; however, long-term air quality impacts would likely continue to be significant.³⁸ Impacts to water quality during construction could also be reduced due to the reduced construction area of impact. Overall, construction related noise and air quality impacts would be less than the proposed project. In addition, depending on where construction would occur, sensitive receptors could be located further away from construction activities. Because this alternative would include the demolition of the existing bank and grocery/drug store buildings which are located in the southern and southwestern portions of the project site, it would still have the potential to result in the release of asbestos-containing materials presumed to be within the existing grocery/drug store.

Impacts associated with the loss of trees could also be reduced if only one parking structure were relocated. Therefore, as described, this Reduced Scale Alternative would be incrementally environmentally superior to the project as proposed since impacts to one intersection and freeway segments would not occur, and most of the other impacts would be proportionately reduced.

6.4.2.1 Conclusion

Overall, this Reduced Scale Alternative would be incrementally environmentally superior to the proposed project, based on the elimination of impacts at one intersection and to freeway segments. Most impacts resulting from redeveloping the site, including construction-related air and stormwater quality and noise, and impacts associated with the loss of trees would generally be less than the proposed project because less of the site would be disturbed during construction. Mitigation measures to avoid or reduce these impacts to a less than significant level would be included in the project.

Reducing the size of the shopping center expansion would not meet the stated objectives of the proposed project of constructing two new anchor stores and a number of various smaller retail stores within the center. The Valley Fair Shopping Center would still have fewer anchors than other Westfield Shopping Centers of its size, as described in Section 1.4, *Project Objectives*. The anchor stores are important to the success of the shopping center because they “draw” retail traffic to the shopping center. Sales tax revenues and employment would not be increased to the extent that they would with the proposed project. The amount of additional retail opportunities and trip internalization in the highly commercial project area would also be reduced. The grocery/drug store would be updated, consistent with the project objectives. Therefore, this alternative would not meet the project objectives to the same extent as the proposed project, as previously described.

6.4.3 Reduced Scale – Remainder to be Constructed at Oakridge Shopping Center

This reduced scale alternative includes the expansion of the mall structure to also include 275,000 square feet of additional retail space (one anchor plus the remainder in square footage for small retail stores) with the remaining square footage including the other anchor store (approximately 375,000 square feet total) being constructed as an expansion of the Westfield Oakridge Shopping Center.

This alternative would result in a reduction in project traffic generated by the currently proposed project. In fact, significant impacts at the intersection of Stevens Creek Boulevard and Winchester Boulevard and on the freeway segments would not occur. This reduction in traffic would also reduce vehicle generated air emissions in the central portion of San Jose; however, long-term air quality

³⁸ BAAQMD has determined that regional shopping center projects of more than 44,000 square feet have the potential to result in significant air quality impacts.

impacts would likely continue to be significant.³⁹ Impacts to water quality during construction could also be reduced due to the reduced construction area of impact at the Valley Fair site. Overall, construction related noise and air quality impacts at the Valley Fair site would be less than the proposed project. In addition, depending on where construction would occur, sensitive receptors could be located further away from construction activities. Because this alternative would include the demolition of the existing bank and grocery/drug store buildings which are located in the southern and southwestern portions of the project site, it would still have the potential to result in the release of asbestos-containing materials presumed to be within the existing grocery/drug store. Impacts associated with the loss of trees could also be reduced on the Valley Fair site if only one parking structure were relocated.

As previously described, the last expansion of the Oakridge Shopping Center resulted in significant impacts at three intersections and although mitigation was included in the project to reduce these impacts to a less than significant impact, it would be expected that adding an additional 375,000 square feet onto the existing approximately 1.24 million square foot Oakridge Shopping Center would also result in impacts at these intersections and at other intersections in the vicinity of the shopping center. Because the threshold for traffic impacts at the Valley Fair site was the construction of more than 275,000 square feet of retail uses, it can be assumed that the construction of 375,000 square feet of retail uses at the Oakridge site would result in impacts similar as the proposed project; they would, however, occur in the southern part of the City. Impacts to freeway segments in the vicinity of Oakridge, including State Routes 87 and 85, could also occur with this reduced scale alternative.

Constructing an additional 375,000 square feet of retail space on the Oakridge site would also result in the loss of trees, hazardous materials impacts associated with the presence of asbestos containing materials, and significant unavoidable regional air quality impacts. For these reasons, the impacts from constructing the additional square footage on the Oakridge site would be expected to be proportionately less simply because less of the site would be disturbed during construction. Traffic impacts could be similar in intensity; however, they would occur in a different area of the city. Regional air quality impacts would also occur in the southern portion of the city. This alternative location would not be environmentally superior to the proposed project.

6.4.3.1 Conclusion

Overall, this Reduced Scale Alternative would not be incrementally environmentally superior to the proposed project. While impacts at one intersection and to freeway segments within the Valley Fair project area would not occur, additional traffic impacts could occur in the vicinity of the Oakridge site. Construction impacts, including air and stormwater quality and noise impacts, and impacts associated with the loss of trees would be less at the Valley Fair site; however, they would also occur at the Oakridge site. Although mitigation measures to avoid or reduce these impacts to a less than significant level would be included in the project and less area would be disturbed during construction at the Valley Fair site, the additional land disturbance and associated impacts would occur at the Oakridge site.

Reducing the size of the Valley Fair shopping center expansion would not meet the stated objectives of the proposed project of constructing two new anchor stores at Valley Fair and a number of various smaller retail stores within the center. The Valley Fair Shopping Center would still have fewer anchors than other Westfield Shopping Centers of its size. The anchor stores are important to the

³⁹ BAAQMD has determined that regional shopping center projects of more than 44,000 square feet have the potential to result in significant air quality impacts.

success of the shopping center because they “draw” retail traffic to the shopping center. The amount of additional retail opportunities and trip internalization in the highly commercial project area would also be reduced. The grocery/drug store would be updated, consistent with the project objectives. Therefore, this alternative would not meet the project objectives to the same extent as the proposed project, as previously described.

Constructing the remaining retail uses on the Oakridge site would meet some of the project’s objectives of constructing commercial uses which increase sales tax revenues and employment. Although it is controlled by Westfield, constructing an expansion at the Oakridge site would not meet the project’s basic objectives of expanding the Valley Fair Shopping Center site to include two new anchor stores, associated small shop retail, or improve/expand an existing grocery/drug store. Sensitive receptors are located similar distances from the Valley Fair and Oakridge sites and the projects would have similar construction related stormwater, noise, and air quality impacts, and impacts to trees. Impact to regional air quality would also be significant and unavoidable. Traffic impacts would not be reduced with this alternative location. For these reasons, this Reduced Scale Alternative would likely result in environmental impacts similar to the proposed project and would result in impacts occurring at two different locations, and would not be considered to be environmentally superior to the proposed project.

6.5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The CEQA Guidelines specify that an EIR must identify the environmentally superior alternative among those alternatives discussed. If the environmentally superior alternative is the “No Project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. [§15126.6(3)(2)]

While the No Project Alternative would result in less impact than the proposed project, the environmentally superior alternatives among the remaining alternatives identified are the Reduced Scale Alternatives (Two Anchors and One 120,000 Square Foot Anchor Store). These alternatives would reduce some of the identified significant impacts of the Valley Fair Shopping Center Expansion, especially traffic, loss of trees, and construction related noise, and air and water quality impacts. However, for the reasons discussed in Section 6.4.1.1 and 6.5.1.1, above, these alternatives would not meet the project objectives to the same extent as the proposed project.

6.5.1 Conclusion

Two of the Reduced Scale Alternatives (Two Anchors and One 120,000 Square Foot Anchor Store) are both environmentally superior to the proposed project, among the alternatives identified.

SECTION 7.0 CUMULATIVE IMPACTS

7.1 INTRODUCTION

Cumulative impacts, as defined by CEQA, refer to two or more individual effects, which when combined, are considerable or which compound or increase other environmental impacts. Cumulative impacts may result from individually minor, but collectively significant projects taking place over a period of time. The CEQA Guidelines state (§15130) that an EIR should discuss cumulative impacts “when the project's incremental effect is cumulatively considerable.” The discussion does not need to be in as great detail as is necessary for project impacts, but is to be “guided by the standards of practicality and reasonableness.” The purpose of the cumulative analysis is to allow decision-makers to better understand the potential impacts which might result from approval of past, present and reasonably foreseeable future projects, in conjunction with the proposed project addressed in this EIR.

The CEQA Guidelines advise that a discussion of cumulative impacts should reflect both their severity and the likelihood of their occurrence. To accomplish these two objectives, the analysis should include either a list of past, present, and probable future projects or a summary of projections from an adopted general plan or similar document. The effects of past projects are generally reflected in the existing conditions described in the specific sections of this EIR. For instance, the traffic from recently-approved projects is reflected in the Background Conditions described in Section 4.2, *Transportation & Traffic*.

For each subject area, the discussions below address the following aspects of cumulative impacts:

- ☐ Would the effects of the Valley Fair Shopping Center Expansion, when combined with the effects of all of the pending development, result in a cumulatively significant impact on the resources in question?
- ☐ If a cumulative impact is likely to be significant, would the contribution of the Valley Fair Shopping Center Expansion to that impact be cumulatively considerable?

7.2 LIST OF CUMULATIVE PROJECTS

The proposed actions that must occur to implement the proposed project include a Site Development Permit for the project. The project is consistent with the City of San José and City of Santa Clara General Plan and zoning designations for the site. To complete this Cumulative Impact analysis, a list of past, present, and probable future projects was prepared to analyze the effects of these projects in conjunction with the proposed project addressed in this EIR. The cumulative projects are summarized in Table 7.0-1. Although other, much larger projects are reasonably foreseeable within the City of San José (the Evergreen East Hills Vision Strategy and Coyote Valley Specific Plan), these projects are not within the geographical area of the project site and when considered together, the proposed project would not make a significant contribution towards the cumulatively considerable impacts of these projects.

**TABLE 7.0-1
LIST OF CUMULATIVE PROJECTS**

Project Name/Location	Acres	Project Description
Santana Row Residential Conversion/south of the project site, across Stevens Creek Boulevard	41	Construction of 400 residential units rather than the previously approved 190-room hotel, and 15,000 square feet of additional retail space in the southeast portion of the site.
Santa Clara Gardens Development Project (BAREC)/west side of Winchester Boulevard at Forest Avenue, north of the project site in the City of Santa Clara.	17	Construction of 110 single-family homes and 165 senior housing units, and a one-acre park.

Source: City of San José

7.3 ANALYSIS OF CUMULATIVE IMPACTS

Given the nature of the two pending projects, and their locations within the urban envelope, the issue areas for which cumulative impacts could be significant include: land use compatibility, transportation and traffic, noise, air and water quality, and the loss of trees. These cumulative impacts are described in greater detail below. The two projects included in the cumulative analysis may have significant impacts on other issues (i.e., geology and soils, cultural resources, and services and utilities), but the specific project development evaluated in this EIR would not result in cumulatively considerable significant impacts on those particular resources because they would be project and site-specific (only pertain to a particular site). These areas of impact are, therefore, not discussed further in this section.

With the exception of traffic, the thresholds of significance used throughout the analyses of cumulative impacts are the same as those listed throughout Section 4. Traffic thresholds of significance for cumulative impacts are listed below in this section.

7.3.1 Cumulative Land Use Impacts

In terms of the cumulative analysis, land use compatibility can be divided into short-term and long-term impacts. Short-term impacts occur during construction and primarily affect existing sensitive land uses, such as hospitals, schools, and residential development near the construction sites. These impacts include the noise and dust generated by grading and excavation activities and the use of heavy machinery, and the use of hazardous materials such as solvents.

Residential uses are located within the project area and surround the project sites that are included in this cumulative analysis, one of which is a residential project. Although the Valley Fair and Santana Row shopping centers currently exist, locating additional commercial uses in proximity to existing and proposed residential uses creates the potential for long-term conflicts between the two land uses. A residential population is more sensitive to what would otherwise be sources of annoyance or nuisance to a workplace population. Residences are more likely to include sensitive populations, including children, the elderly, and the chronically ill. Residents frequently object to nighttime noise from loading docks, truck traffic and heavy equipment, outdoor lighting, and traffic spillover into residential neighborhoods. These activities may be considered unacceptable to nearby residents,

even if the businesses are not located immediately adjacent to the residences. These adverse land use impacts can range from minor irritations and nuisances to potentially significant effects on human health and safety.

Complaints from residents may cause restrictions to be placed on commercial businesses that are located near the residential development and could limit the types of businesses that are acceptable at these sites. The projects included in the cumulative analysis would all be required to implement General Plan policies and conform to residential and commercial design guidelines that are intended to minimize land use conflicts.

Implementation of setbacks, buffers, appropriate site design and building orientation, and/or soundproofing are considered during the site and architectural review process (either as Site Development Permits or as Planned Development Permits) on a project-by-project basis. Similarly, future development and/or redevelopment of commercial sites would be reviewed for consistency with the Cities' adopted Design Guidelines.

Short-term construction related impacts would also occur; however, project-specific construction dust control measures during construction would be implemented at each site in accordance with the City's Grading and Zoning Ordinances and BAAQMD requirements. Construction-related noise impacts are of short duration and would also be mitigated on a project-by-project basis depending upon distances to sensitive receptors and construction methods. It is anticipated that Construction Noise Management Plans will be implemented for most projects.

Development in accordance with the Cities' General Plan, Zoning and Grading Ordinances, and adopted design guidelines would reduce the likelihood that the projects considered in this cumulative scenario would result in a significant cumulative land use compatibility impact. While the development described in Table 7.0-1 may have project-specific land use impacts, the proposed Valley Fair Shopping Center Expansion Project would not itself have project-specific land use impacts. Therefore, for the reasons described above, the proposed project would not contribute towards a significant cumulative land use compatibility impact. **[Less Than Significant Cumulative Impact]**

7.3.1.1 Conclusion

Implementation of the Valley Fair Shopping Center Expansion project, in combination with the pending and approved projects in Table 7.0-1, would not make a substantial contribution towards significant cumulative land use compatibility impacts. **[Less than Significant Cumulative Land Use Impact]**

7.3.2 Cumulative Transportation Impacts

The long-term cumulative traffic impact analysis includes traffic generated by all approved, planned, and reasonably foreseeable projects in the vicinity. Approved projects are included in the background conditions. Traffic volumes for cumulative conditions were estimated by adding traffic associated with the developments in Table 7.0-1 to the background plus project traffic volumes. The traffic volumes associated with these developments were obtained from the traffic reports prepared for these developments.

7.3.2.1 *Thresholds of Significance*

City of San José Intersections

For the purposes of this EIR, a cumulative impact at a signalized City of San José intersection would be significant if:

- The level of service at an intersection degrades from an acceptable LOS D or better under background conditions to an unacceptable LOS E or worse under cumulative conditions, and the project adds a significant percentage of trips to the intersection critical movements relative to the total cumulative volume of critical movements at the intersections; or
- The level of service at the intersection is an unacceptable LOS E or F under background conditions, and the project adds a significant percentage of trips to the intersection critical movements relative to the total cumulative volume of critical movements at the intersection.

CMP Intersections

For the purposes of this EIR, a cumulative impact at a signalized CMP intersection would be significant if:

- The level of service at an intersection degrades from an acceptable LOS E or better under background conditions to an unacceptable LOS F under cumulative conditions, and the project adds a significant percentage of trips to the intersection critical movements relative to the total cumulative volume of critical movements at the intersections; or
- The level of service at the intersection is an unacceptable F under background conditions, and the project adds a significant percentage of trips to the intersection critical movements relative to the total cumulative volume of critical movements at the intersection.

Freeway Segments

For the purposes of this EIR, a cumulative impact on freeway segments would be significant if:

- The level of service on the freeway segment is an unacceptable LOS F under cumulative conditions, and the project adds a significant percentage of trips to the freeway segment relative to the total cumulative volume on the freeway segment, or
- The level of service on the freeway segment degrades from an acceptable LOS under existing conditions to an unacceptable LOS F under cumulative conditions and the project adds a significant percentage of trips to the freeway segment relative to the total cumulative volume on the freeway segment.

7.3.2.2 *Cumulative Traffic Impacts*

City of San José Intersection (Weekday)

As shown in Table 7.0-2, all of the study intersections are projected to operate at an acceptable LOS D or better during the weekday peak hours under cumulative conditions, with the exception of the intersection of Stevens Creek Boulevard and San Tomas Expressway (AM and PM), which is also a CMP intersection. The proposed project would account for approximately 50% to 83% of the added cumulative volume at the intersection during the AM and PM peak hours, respectively. **[Significant Cumulative Impact]**

**TABLE 7.0-2
CUMULATIVE INTERSECTION LEVELS OF SERVICE**

Signalized Intersection	Peak Hour	Average Delay	LOS
Stevens Creek Blvd./Winchester Blvd.*	AM	36	D
	PM	47	D
	SAT	62	E
Stevens Creek Blvd./Santana Row	AM	18	B
	PM	27	C
	SAT	27	C
Stevens Creek Blvd./Redwood Ave.	AM	9	A
	PM	24	C
	SAT	27	C
Stevens Creek Blvd./Monroe St.	AM	27	C
	PM	45	D
	SAT	41	D
Stevens Creek Blvd./I-880 SB Off-ramp*	AM	23	C
	PM	28	C
	SAT	27	C
San Carlos St./Bascom Ave.	AM	38	D
	PM	45	D
	SAT	45	D
Winchester Blvd./Hedding St.	AM	31	C
	PM	40	D
	SAT	36	D
Winchester Blvd./Forest Ave.	AM	27	C
	PM	32	C
	SAT	24	C
Winchester Blvd./Dorcich St.	AM	11	B
	PM	20	C
	SAT	26	C
Winchester Blvd./Olin Ave.	AM	13	B
	PM	16	B
	SAT	14	B
Winchester Blvd./Olsen Dr.	AM	19	B
	PM	17	B
	SAT	18	B
Winchester Blvd./I-280 WB Off-ramp	AM	21	C
	PM	35	C
	SAT	22	C
Winchester Blvd./Moorpark Ave.	AM	38	D
	PM	48	D
	SAT	41	D
I-280 EB Off-ramp/Moorpark Ave.	AM	11	B
	PM	25	C
	SAT	21	C
Naglee Ave./Bascom Ave.	AM	33	C
	PM	40	D
	SAT	37	D

TABLE 7.0-2 CUMULATIVE INTERSECTION LEVELS OF SERVICE			
Signalized Intersection	Peak Hour	Average Delay	LOS
Forest Ave./Monroe St.	AM	18	B
	PM	19	B
	SAT	21	C
Stevens Creek Blvd./San Tomas Expwy.*	AM	66	E
	PM	142	F
	SAT	53	D
Stevens Creek Blvd./Saratoga Ave.*	AM	31	C
	PM	36	D
	SAT	38	D
*CMP Intersection Bold Denotes Impact			

— City of San José Intersections (Saturday)

As shown in Table 7.0-2, all of the study intersections are projected to operate at an acceptable LOS D or better during the Saturday peak hour under cumulative conditions, with the exception of the intersection of Stevens Creek Boulevard and Winchester Boulevard, which is also a CMP intersection. This intersection is projected to operate at an unacceptable LOS E under cumulative conditions, using weekday significance criteria. Though no cumulative data is available for the other projects included in this cumulative analysis, it can be assumed that the proposed project would account for a majority of the cumulative traffic added to the intersection during the Saturday peak hour because the project generates most of its traffic at that time. The contribution of the project to cumulative traffic volumes at the Stevens Creek Boulevard/Winchester Boulevard during the Saturday peak hour is considered significant. **[Significant Cumulative Impact]**

CMP Intersections

Measured against the CMP level of service standards for cumulative conditions, all but one of the CMP intersections would operate at an acceptable LOS E or better during weekday peak hours. The intersection of Stevens Creek Boulevard and San Tomas Expressway is projected to operate at an unacceptable LOS F during the PM peak hour under cumulative conditions. **[Significant Cumulative Impact]**

Freeway Segments

As shown in Table 10 of Appendix B, six directional freeway segments would be impacted under cumulative conditions:

- I-880 northbound from I-280 to Stevens Creek
- I-280 eastbound from Lawrence to Saratoga
- I-280 eastbound from I-880 to Meridian Avenue
- I-280 eastbound from Meridian Avenue to Bird Avenue
- I-280 westbound from Bird Avenue to Meridian Avenue
- I-880 southbound from The Alameda to Bascom Avenue

The project would account for at least 60% percent of the added cumulative volume on each of the freeway segments. These contributions are considered cumulatively considerable. **[Significant Cumulative Impact]**

7.3.2.3 *Mitigation Measures for Cumulative Traffic Impacts*

CMP Intersection

According to the *Comprehensive County Expressway Planning Study Implementation Plan*, future improvements for San Tomas Expressway include widening of San Tomas Expressway from six to eight lanes. This is a Tier 1A project that currently is not funded. The widening of San Tomas Expressway would improve the operations of the intersection of San Tomas Expressway and Stevens Creek Boulevard to better than background conditions. If the project is required to make a fair share contribution towards the identified improvements, impacts would be reduced to a less than significant level. If the mitigation is determined to be infeasible and is not made a condition of project approval, the cumulative impact would be significant and unavoidable.

[Less than Significant Cumulative Impact if Mitigation is determined to be Feasible and made a Condition of Project Approval] [Significant Unavoidable Cumulative Impact if Mitigation is determined to be Infeasible]

City of San José Intersection (Saturday)

Mitigation is available for Saturday peak hour impacts at the intersection of Stevens Creek Boulevard and Winchester Boulevard. The improvement would require that southbound Winchester Boulevard be widened by approximately two feet, which would require either acquisition of right-of-way from the property in the northwest quadrant of the intersection, or narrowing the existing seven-foot-wide sidewalk to five feet. The addition of a second southbound left-turn lane on Winchester Boulevard would improve intersection operations to LOS D. If this mitigation is determined by the cities of San José and Santa Clara to be feasible and is made a condition of project approval, the impact would be less than significant. If the mitigation is determined to be infeasible by the two jurisdictions, the impact would be significant and unavoidable. **[Less than Significant Cumulative Impact if Mitigation is determined to be Feasible and made a Condition of Project Approval] [Significant Unavoidable Cumulative Impact if Mitigation is determined to be Infeasible]**

Freeway Segments

The mitigation necessary to reduce significant impacts upon the freeway segments is the widening of the freeways. Due to the substantial cost and the fact that freeways are under the jurisdiction and control of Caltrans, this measure is not considered feasible for one development project to implement. These impacts are therefore considered significant and unavoidable. **[Significant Unavoidable Cumulative Impact]**

7.3.2.4 *Conclusion*

Traffic generated under cumulative conditions will result in significant cumulative impacts at one CMP (Saturday peak hour) intersection, one CMP intersection (weekday peak hour), and to freeway segments. The contribution of the proposed project to these significant cumulative impacts will be considerable. There are no feasible mitigation measures for impacts to freeway segments. While mitigation measures are available for impacts to intersections, they are not included in the project. If it is determined that these mitigation measures are not feasible for the project to implement, then

appropriate findings and statements of overriding considerations must be adopted as a part of the project approval process. **[Significant Cumulative Impact for Freeway Segments] [Less than Significant Cumulative Impact at Intersections if Mitigation is determined to be Feasible and made a Condition of Project Approval] [Significant Unavoidable Cumulative Impact at Intersections if Mitigation is Determined to be Infeasible]**

7.3.3 Cumulative Air Quality Impacts

According to the BAAQMD guidelines, any proposed project that would individually have a significant air quality impact would also be considered to have a significant cumulative air quality impact.

Emissions from development projects have several cumulative impacts. Increased emissions will delay attainment of the ambient air quality standards for which the region is in non-attainment (ozone, particulate matter), contribute to visibility reduction, and contribute to mobile-source toxic air contaminant concentrations.

Since ozone, particulate matter, and some constituents of Reactive Organic Gases (ROGs) that are also Toxic Air Contaminants (TOCs) have been shown to be correlated with adverse health effects, increases in cumulative emissions in the region would have potential cumulative health effects. Studies have shown that children who participated in several sports and lived in communities with high ozone levels were more likely to develop asthma than the same active children living in areas with less ozone pollution. Other studies have found a positive association between some volatile organic compounds and symptoms in asthmatic children. A large body of evidence has shown significant associations between measured levels of particulate matter outdoors and worsening of both asthma symptoms and acute and chronic bronchitis. It is not possible, however, to predict increases in severity of disease, hospital visits or deaths from respiratory diseases for a development project.

The proposed project was found to individually have a significant impact on regional air quality due to project specific vehicle emissions and thus, would also have a significant cumulative impact on regional air quality (refer to *Section 4.4, Air Quality*). **[Significant Cumulative Impact]**

Conclusion

The project would result in significant regional air quality impacts due to vehicle emissions generated by project traffic and, therefore, would contribute to a significant cumulative regional long-term air quality impact. **[Significant Unavoidable Long-Term Regional Cumulative Air Quality Impact]**

7.3.4 Cumulative Noise Impacts

Introduction

The existing noise environment of the Greater San José area is defined by typical urban activities with transportation activities being the single greatest contributor to overall noise. Transportation noise sources include vehicular noise along freeways and arterial streets, rail noise from trains and light rail, and aircraft noise. Noise from aircraft overflights associated with the Mineta San José

International Airport affects a large area, extending both to the north and to the south of the airport. The affected area extends from the airport to the south over Downtown San José and to the north over both northern San José and portions of the City of Santa Clara.

Noise levels along freeways, expressways, arterials and other streets result from a combination of traffic volumes, speed of the vehicles, and type of vehicles (i.e., percentage of heavy trucks). These variables have differing effects upon sound levels; for example, sound levels may actually be lower with higher volumes of traffic if the traffic is moving slowly in heavily congested conditions. A 26% increase in traffic volume will increase sound levels by one decibel if the speed remains constant. An increase of three decibels or greater is required to be perceived by the human ear; traffic volumes on a given roadway must double to cause a three decibel increase in noise levels, assuming speeds remain constant.

7.3.4.1 *Impacts to Nearby Uses from Cumulative Project Traffic Noise*

Traffic associated with cumulative development will increase noise along roadways within the project area. Given the high existing traffic volumes, the noise increase resulting from dispersal of these trips would not be significant along roadways where existing volumes are high (e.g., freeways, expressways, and most existing arterials). Further, according to the traffic report prepared for the proposed project, the traffic generated by the projects included in this cumulative analysis would not result in the doubling of traffic on roadways within the project area, and therefore, would not cause a three dBA increase in noise associated with such doubling. Therefore, the proposed project would not make a considerable contribution towards a significant cumulative traffic-generated noise impact. **[Less than Significant Cumulative Impact]**

7.3.4.1 *Cumulative Construction Noise*

Implementation of the projects included in this cumulative impacts analysis would result in short-term construction-related noise and disturbance impacts within the project area. However, these temporary impacts would be less than significant because standard noise mitigation measures would be included in each of the projects, as required by the cities of San José and Santa Clara. While the construction schedules for these projects are not known, it is probable that construction would not occur simultaneously for long periods of time. For these reasons, implementation of the projects included in the cumulative analysis would not make a considerable contribution towards a significant cumulative construction-related noise impact. **[Less than Significant Cumulative Impact]**

7.3.4.1 *Conclusion*

Implementation of the projects listed in Table 7.0-1 would not result in significant long- or short-term cumulative noise impacts and the proposed project would not make a considerable contribution to a significant cumulative noise impact. **[Less than Significant Cumulative Noise Impact]**

7.3.5 Cumulative Biological Impacts

7.3.5.1 *Impacts to Trees*

Development of the cumulative projects in Table 7.0-1 would result in the loss of hundreds of trees, including orchard, landscape, and native trees. The trees to be removed as part of the proposed Valley Fair Expansion Project (a total of 601 trees, including 46 ordinance-size trees) are primarily landscape trees planted in the past six years, none of which are Heritage Trees. Trees would also be

removed as part of the BAREC project; however, it is believed that no trees would be removed as part of the Santana Row project. New landscape trees would be planted on-site as mitigation to replace trees to be removed at a rate consistent with the requirements of San José and Santa Clara. For this reason, the proposed project would not make a considerable contribution to significant cumulative impacts associated with the loss of trees. **[Less than Significant Cumulative Impact]**

7.3.5.3 Conclusion

The proposed project would result in the loss of 601 landscape trees, including 46 ordinance size trees. Mitigation is included in the project to reduce this impact to a less than significant level. Therefore, the proposed project would not make a considerable contribution to a significant cumulative impact associated with the loss of trees. **[Less than Significant Cumulative Biological Resources Impact]**

7.3.6 Cumulative Construction-Related Water Quality Impacts

Approval and construction of the projects listed in Table 7.0-1 and the proposed project would result in the development/redevelopment of both vacant and already developed properties. For the reasons described in Section 4.8, such development has the potential to result in significant drainage and/or water quality impacts. However, in recent years, various federal, state, and local laws have been enacted for the purpose of minimizing the risks associated with these impacts, as well as for the purpose of improving/maintaining the quality of surface waters.

As a direct result of such legislation, development projects in San José and Santa Clara are now required to undertake steps to avoid, minimize, and/or mitigate flooding and water quality impacts. These steps can include: 1) modifying site designs to reduce impervious surfaces; 2) constructing on-site stormwater detention facilities; 3) constructing off-site improvements to stormwater and flood control facilities; 4) maintaining open areas to preclude the blockage of flood flows; 5) constructing finished floors of buildings above base flood elevations; and 6) incorporating Best Management Practices (BMPs) into the construction and post-construction phases of development. In addition, these requirements are now applied to projects that seek to redevelop areas that were previously urbanized, the result of which optimally is a reduction in impervious surfaces on such sites.

Mitigation measures would be included in the projects considered in this cumulative analysis as well as the proposed project, as described in Section 4.8 of this EIR. For these reasons, the projects considered in this cumulative scenario would not result in a significant cumulative hydrology and water quality impact and the proposed project would not contribute towards a significant cumulative impact. **[Less than Significant Cumulative Impact]**

7.3.6.1 Conclusion

In view of the applicability of ordinances, laws, and regulations that would avoid the occurrence of significant hydrological and water quality impacts, of which the project would be required to comply, it is concluded that cumulative hydrology and water quality impacts would not be significant. **[Less than Significant Cumulative Hydrology and Water Quality Impact]**

SECTION 8.0 GROWTH-INDUCING IMPACTS

8.1 INTRODUCTION

The purpose of this section of an EIR is to disclose whether or not the construction of a project is likely to foster additional growth, either directly or indirectly. This information can be an important factor in a decision to approve a project because such approval can, in turn, lead to additional projects that may have environmental consequences.

The fact that a project may result in additional growth does not imply that such growth is either detrimental or beneficial. For example, a project that furthers growth consistent with the adopted goals and policies of a city's General Plan would likely be considered as beneficial. Conversely, a project that fosters growth that would conflict with such goals and policies would likely be considered as detrimental.

Finally, projects can induce growth directly or indirectly or both. A direct growth-inducing impact occurs when the construction of one or more projects is "conditioned on"⁴⁰ the construction of another project. An indirect growth-inducing impact occurs when a project fosters such growth but there is not direct linkage to future projects.

8.2 GROWTH-INDUCING IMPACTS

The project site is located within the Cities of San José and Santa Clara and would not result in an expansion of urban services or the pressure to expand beyond these Cities' existing Sphere of Influence. The proposed project does not include residential development, and would not result in direct population growth. It would result in retail employment growth. However, the scale of the development would not constitute significant or adverse growth inducement. As described in *Section 3.0, Consistency with Adopted Plans*, the proposed project is consistent with the San José 2020 General Plan; as a result, it would not cause further growth beyond what is anticipated in the General Plan. It would not open additional undeveloped land to further growth, or provide expanded utility capacity that would be available to serve future development. Instead, it would allow the expansion of existing commercial uses in an existing urban setting. For these reasons, the project is not considered to be growth-inducing. **[Less than Significant Impact]**

⁴⁰Cities and counties frequently place conditions on a project at the time it is approved. These conditions can take the form of restrictions, project modifications, and/or prerequisites to construction. An example of a prerequisite would be where the construction of a shopping center cannot proceed until the local wastewater treatment plant has been expanded to accommodate the wastewater to be generated by that facility.

SECTION 9.0 SIGNIFICANT UNAVOIDABLE IMPACTS

This EIR has identified the following significant unavoidable environmental impacts that would occur as a result of project implementation. Should the City of San José approve the project, a statement of overriding considerations will need to be adopted for all significant unavoidable impacts.

- Traffic generated by the proposed project will result in significant and unavoidable impacts on four freeway segments of I-280 and I-880.
- Traffic generated by the proposed project will result in a significant impact at the intersection of Stevens Creek Boulevard and Winchester Boulevard during the Saturday peak hour. Mitigation is available for this impact and includes either widening the intersection or narrowing the sidewalk on the northwest side of the intersection. If this mitigation is determined by the cities of San José and Santa Clara to be feasible and is made a condition of project approval, the impact would be less than significant. If the mitigation is determined to be infeasible by the two jurisdictions, the impact would be significant and unavoidable.
- Traffic generated by the proposed project will result in significant and unavoidable long-term regional air quality impacts.
- Traffic generated by the proposed project will contribute towards a significant cumulative impact at the intersection of Stevens Creek Boulevard and San Tomas Expressway during the weekday PM peak hours. Future improvements for this intersection have been identified in the *Comprehensive County Expressway Planning Study Implementation Plan*, but are not currently funded. If the project is required to make a fair share contribution towards the identified improvements, impacts would be reduced to a less than significant level. If the mitigation is determined to be infeasible and is not made a condition of project approval, the cumulative impact would be significant and unavoidable.
- Traffic generated by the proposed project will contribute towards a significant cumulative impact at the intersection of Stevens Creek Boulevard and Winchester Boulevard during the Saturday peak hour. If improvements are made to the intersection as previously described, cumulative impacts would be less than significant. If the mitigation for the project impact is determined to be infeasible and is not made a condition of project approval, the cumulative impact would be significant and unavoidable.
- Traffic generated by the proposed project will contribute towards a significant and unavoidable cumulative impacts on six freeway segments of I-280 and I-880.
- Traffic generated by the proposed project will contribute towards a significant and unavoidable long-term regional cumulative air quality impact.

SECTION 10.0

SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

This section was prepared pursuant to CEQA Guidelines Section 15126.2(c), which requires a discussion of the significant irreversible changes that would result from the implementation of a proposed project. Significant irreversible changes include the use of nonrenewable resources, the commitment of future generations to similar use, irreversible damage resulting from environmental accidents associated with the project, and irretrievable commitments of resources.

10.1 USE OF NONRENEWABLE RESOURCES

During demolition, construction, and operation, the expansion of the Valley Fair Shopping Center will require the use and consumption of nonrenewable resources. Renewable resources, such as lumber and other wood byproducts, will also be used. Unlike renewable resources, nonrenewable resources cannot be regenerated over time. Nonrenewable resources include fossil fuels and metals.

As discussed in Section 4.12, *Energy*, energy will be consumed during both the construction and operational phases of the project. The construction phase will require the use of nonrenewable construction material, such as concrete, metals, and plastics. Nonrenewable resources and energy would also be consumed during the manufacturing and transportation of buildings materials, preparation of the site, and construction of the buildings. The operational phase will consume energy for multiple purposes including, building heating and cooling, lighting, appliances, electronics, and commercial machinery. Energy, in the form of fossil fuels, will be used to fuel vehicles traveling to and from the area.

The proposed project would not result in substantial increase in demand upon nonrenewable resources because it is the expansion of an existing shopping center in an area of commercial development, and may actually reduce trip lengths within the project area.

10.2 COMMITMENT OF FUTURE GENERATIONS TO SIMILAR USE

The proposed project would result in additional commercial uses on lands that are already developed with commercial uses. The expansion of the shopping center is not the transformation of lands from an undeveloped/open space character to a suburban/urban environment which would, from a practical perspective, be an irreversible change.

SECTION 11.0 REFERENCES

Bartlett Tree Experts, **Tree Survey**, April 2006.

Bay Area Air Quality Management District, **Toxic Air Contaminant Control Program Annual Report 2002**, June 2004.

California Department of Conservation, **Santa Clara County 2004 Important Farmlands Map**, published June 2005.

California Energy Commission, **2003 Integrated Energy Policy Report**, December 2003.

California Energy Commission, **California Utility Electricity Deliveries by County for 2000**.

California Energy Commission, **California Gross System Power for 2003**.

California Energy Commission, **Base Case Forecast of California Transportation Energy Demand**, December 2001.

Hexagon Transportation Consultants, **Transportation Impact Analysis for the Westfield Valley Fair Mall Expansion**, June 2006.

Illingworth & Rodkin, Inc., **Air Quality Report for the Valley Fair Shopping Center Expansion, San José**, June 2006.

IVI Environmental, Inc., **Updated Phase I Environmental Site Assessment**, April 1999.

San José, City of, **Environmental Impact Report, Expansion of Valley Fair/Stevens Creek Shopping Centers**, San José and Santa Clara, California, February 1981.

San José, City of, **Final Environmental Impact Report for the Valley Fair Mall Expansion**, May 1998.

San José, City of, **Final Environmental Impact Report for the Costco Wholesale Warehouse Project**, March 2006.

San José, City of, **Final Environmental Impact Report for the FMC/Coleman Avenue Planned Development Rezoning**, San José, California, September 2003.

San José, City of, **Final Environmental Impact Report for the Modifications to the City of San José's Transportation Impact Policy (PP02-07-178)**, San José, California, September 2004.

San José, City of, **Final Environmental Impact Report for the Town and Country Village Project**, San José, California, June 1998.

San José, City of, **San José 2020 General Plan**, as amended through June 2005.

San José, City of, **San José Fire Department Strategic Plan (Final Report)**, December 2000.

San José, City of, **Final EIR for Modifications to the City of San José's Transportation Impact Policy (PP-02-07-178)**, September 2004.

Santa Clara, City of, **Draft Environmental Impact Report for the Santa Clara Gardens Development Project**, March 9, 2006.

Santa Clara, City of, **Draft Environmental Impact Report for the Santa Clara Gardens Development Project**, Recirculated July 21, 2006.

Santa Clara, City of, **General Plan 1990-2005**.

Santa Clara, City of, **General Plan Revised and Updated Land Use and Housing Elements**, July 2002.

U.S. Department of Energy, Energy Information Administration, **1999 Commercial Buildings Energy Consumption Survey**.

U.S. Department of Energy, Energy Information Administration, **Annual Energy Review 2002**.

SECTION 12.0 EIR AUTHORS AND CONSULTANTS

EIR AUTHOR

City of San José, Department of Planning, Building & Code Enforcement

Joseph Horwedel, Director
Akoni Danielsen, Principal Planner
Janis Moore, Planner II
Erin Morris, Senior Planner, Project Manager

EIR CONSULTANTS

David J. Powers & Associates, Inc. [EIR Author]
Environmental Consultants & Planners
San José, California

Judy Shanley, President
Jodi Starbird, Senior Project Manager
Stephanie Francis, Graphic Artist

Hexagon Transportation Consultants [Transportation & Traffic Report]
Transportation Planning & Traffic Engineering
San José, California

Gary Black, President
Robert Del Rio, Principal Associate

Illingworth & Rodkin, Inc. [Air Quality Report]
Acoustical & Air Quality Consulting
Petaluma, California

Richard B. Rodkin, Principal
James A. Reyff, Project Manager

Bartlett Tree Experts [Tree Survey]
Los Gatos, California

John H. Steinbach III, Arborist

IVI Environmental, Inc. [Hazardous Materials]
Los Angeles, California

Raymond H. Hutchison, REA I
Eric M. Lambert, Project Manager

HMH Engineers, Inc. [Utilities and Water Quality Information]
Consulting Civil Engineers, Planners & Surveyors
San José, California

Mike Keaney, Senior Planner