RESOLUTION NO. 73809

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOSÉ MAKING CERTAIN FINDINGS CONCERNING SIGNIFICANT EFFECTS, MITIGATION MEASURES, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, MAKING FINDINGS CONCERNING ALTERNATIVES, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE VALLEY FAIR SHOPPING CENTER EXPANSION PROJECT, FOR WHICH AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED

WHEREAS, prior to the adoption of this Resolution, the Planning Commission of the City of San José has certified pursuant to Title 21 of the San José Municipal Code that the Final Environmental Impact Report for the Valley Fair Shopping Center Expansion Project (the "FEIR") was prepared and completed in accordance with the requirements of the California Environmental Quality Act of 1970, together with related state and local guidelines and regulations, all as the same have been amended to date (collectively, "CEQA"); and

WHEREAS, no appeal of the certification of the FEIR by the Planning Commission was filed with the City of San José; and

WHEREAS, the Valley Fair Shopping Center Expansion Project as described in the FEIR ("Project") requires the City of San José ("City") to approve General Plan text amendment and a Site Development Permit (H06-027), which actions constitute a project subject to CEQA; and

WHEREAS, the Project analyzed and more fully described under the FEIR is located primarily within the City of San José but also is partially located within the City of Santa Clara and consists of a General Plan text amendment to increase allowed heights on the site and a Site Development Permit, which Site Development Permit would include the following elements: to allow an approximately 650,000 gross square foot expansion of the existing shopping center, together with replacement of parking structures and other related site modifications; and

WHEREAS, the City of San José is the lead agency for the Project and is the decision-making body for the proposed General Plan text amendment, and the cities of San José and Santa Clara are the decision-making bodies for the proposed site development permits and approvals related to those portions of the Project located in their respective jurisdictions; and

WHEREAS, the City Council of the City of San José intends to take approval actions related to the General Plan text amendment portion of the Project and desires to recognize the reasonable foreseeability of the fuller implementation of the Project as described in the FEIR; and

WHEREAS, CEQA requires that in connection with the approval of a project for which an environmental impact report has been prepared which identifies one or more

significant environmental effects, the decision - making body of a lead or responsible agency must make certain findings regarding those significant effects on the environment identified in the environmental impact report; and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSÉ AS FOLLOWS:

THAT THE CITY COUNCIL hereby finds that it has independently reviewed and analyzed the FEIR and other information in the record and has considered the information contained therein including the written and oral comments received at the public hearings on the FEIR and on the Project, prior to acting upon or approving the Project, and has found that the FEIR represents the independent judgment and analysis of the City of San José as Lead Agency for the Project, and designates the Director of Planning, Building and Code Enforcement at his office at 200 East Santa Clara Street, San José, California 95113-1905, as the custodian of documents and records of proceedings on which this decision is based; and

THAT THE CITY COUNCIL does hereby recognize that the approval before the City Council for consideration is an approval of a text amendment to the San José 2020 General Plan and that, while such approval action by itself will not result in significant and unavoidable environmental impacts, it is reasonably foreseeable that such approval action can facilitate implementation of the Project as it is described in the FEIR and, therefore, the City Council desires to set forth its rationale for its decision to begin to carry out the Project; and

THAT THE CITY COUNCIL does hereby make the following findings with respect to the significant effects on the environment of the Project as it is described more fully in the FEIR:

I. FINDINGS CONCERNING SIGNIFICANT ENVIRONMENTAL EFFECTS

A. 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 FEIR. Therefore, overall construction impacts in terms of land use compatibility could be significant. **[Significant Impact]**

Mitigation

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

The applicant will implement a Construction Management Plan approved by the City to minimize impacts on the surrounding sensitive land uses, particularly the residential uses, to the fullest extent possible. The Construction Management Plan will, at a minimum, include the following measures to minimize the impacts of construction upon adjacent land uses:

- 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.

- 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.

- 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.

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

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

- Inactive construction areas shall be watered on a daily basis, or hydroseeded or non-toxic soil stabilizers shall be applied, whichever is most effective under the circumstances.

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

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

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

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

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

- 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.

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

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

- 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.

- 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).

- 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.

- 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.

- For construction sites with nearby residences, stationary noise-generating equipment shall be located as far as possible from the homes.

- 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.

- 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.

- 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.

Finding

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 Impact with Mitigation Measures Included in the Project]**

B. 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]**

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

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 constructed on the Valley Fair property on the east side of the intersection, south of Stevens Creek Boulevard. The feasibility of this improvement will be determined by the cities of San José and Santa Clara during the permitting/project approval process. If the improvement 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. In order to provide a conservative analysis of the impact, the impact is determined to be **significant and unavoidable**.

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.

Finding

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 later permitting process. **[Significant Unavoidable Impact]**

The proposed project will result in significant traffic impacts on four directional segments of the Interstate-280 and Interstate-880. There are no feasible mitigation measures available to the project to reduce these impacts to a less than significant level. Such measures are within the responsibility and jurisdiction of another public agency (Caltrans). **[Significant Unavoidable Impact]**

C. AIR QUALITY

Impacts

Long-term Regional 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]**

Short-term Construction Impacts

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]**

Mitigation

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:

- 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.

- Bicycle amenities shall be provided and/or improved for the project. This shall include secure bicycle parking for office and retail employees, bicycle racks for retail customers and bike lane connections throughout the Project site.

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

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

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

Mitigation for Short-Term 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.

- 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.

- 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.

- 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.

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

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

- Inactive construction areas shall be watered on a daily basis, or hydroseeded or non-toxic soil stabilizers shall be applied, whichever is most effective under particular conditions.

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

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

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

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

- Trucks and equipment leaving construction sites shall have accumulated dirt removed from wheels, as dirt accumulates.

- 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.

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

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

- 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.

Finding

The proposed Project would result in increases in regional pollutants (e.g., ROG, NOx, 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 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 Measures Included in the Project]**

D. 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]**

Mitigation

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

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, and such recommendations shall be implemented. 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.

Finding

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]**

E. 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]**

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]**

Mitigation

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

- 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).

- 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 1.

T A B L E 1
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.

- 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 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.

- 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)

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

- 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.

- If a nesting raptor is detected, an appropriate construction buffer shall be established during the nesting season. Actual size of buffer will be

- 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.

Finding

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 to the maximum extent 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 Measures Included in the Project]**

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

F. 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]**

Mitigation

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

- 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 shall 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 at a minimum 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

- 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 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.

- 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.

- The proposed Project shall comply with the City's Grading Ordinance and City Council Policy #6-29, "Post-Construction Urban Runoff Management,

- 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.

Finding

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 Measures Included in the Project]**

G. 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 sensitive receptors to potential health risks. **[Significant Impact]**

Mitigation

Implementation of the following mitigation measures will reduce or avoid impacts to construction workers and adjacent land uses during demolition and shall be implemented:

- 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.

- 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.

- 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.

- 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.

- 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.

Finding

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 construction workers on the site and adjacent sensitive receptors in the area 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]**

II. CUMULATIVE IMPACTS

A. TRAFFIC

Impact

City of San José Intersection – Weekday

The intersection of Stevens Creek Boulevard and San Tomas Expressway would operate at an unacceptable LOS of E and F during the AM and Pm peak hours, respectively. 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.

City of San José Intersection – Saturday

The intersection of Stevens Creek Boulevard and Winchester Boulevard 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. **[Significant Cumulative Impact]**

CMP Intersection

Measured against the CMP level of service standards for cumulative conditions, the intersection of Stevens Creek Boulevard and San Tomas Expressway would operate at an unacceptable LOS F during the PM peak hour under cumulative conditions. **[Significant Cumulative Impact]**

Freeway Segments

Six directional freeway segments of Interstate-280/Interstate-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]**

Mitigation

City of San José/CMP Intersection-Weekday

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. Although this improvement is 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.

City of San José/CMP Intersection – Saturday

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 installation of the left-turn lane would improve intersection operations to LOS D.

The feasibility of this improvement will be determined by the cities of San José and Santa Clara during the permitting process. If the improvement is determined to be feasible and is implemented, the impact would be less than significant. If it is determined by the cities that the improvement is infeasible, impacts at the intersection would be significant and unavoidable.

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 the 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.

Finding

Traffic generated under cumulative conditions will result in significant cumulative impacts at one City of San José/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. If it is determined that the mitigation measures for impacts to the intersections 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. There are no feasible mitigation measures for

impacts to freeway segments. Such measures are within the responsibility and jurisdiction of another public agency (Caltrans). **[Significant Unavoidable Cumulative Impact at Intersections] [Significant Unavoidable Cumulative Impact for Freeway Segments]**

B. AIR QUALITY

Impact

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]**

Mitigation

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. No mitigations for these vehicular emissions are proposed at this time.

Finding

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]**

III. ALTERNATIVES TO THE PROPOSED PROJECT

A. "NO PROJECT" ALTERNATIVE

1. Description

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.

2. Comparison to Proposed Project

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.

3. Finding

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.

B. FMC SITE LOCATION ALTERNATIVE

1. Description

The FMC site is 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.

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.

2. Comparison to Proposed Project

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. 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.

3. Finding

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 meet the Project objective of expanding 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, for this reason, 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.

C. OAKRIDGE SHOPPING CENTER SITE ALTERNATIVE

1. Description

The existing Westfield Oakridge Shopping Center is 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.

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.

2. Comparison to Proposed Project

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.

3. Finding

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 José 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 for that reason.

D. REDUCED SCALE ALTERNATIVE- TWO ANCHORS

1. Description

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).

2. Comparison to Proposed Project

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.

[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.

Impacts associated with the loss of trees could also be reduced if only one parking structure were relocated.

3. Finding

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. 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.

E. REDUCED SCALE ALTERNATIVE- ONE 120,000 SQUARE FOOT ANCHOR STORE

1. Description

This Reduced Scale Alternative includes the expansion of the mall structure to 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).

2. Comparison to Proposed Project

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 for the reasons noted above in the previous alternative. 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 due to its reduced size. 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.

3. Finding

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 the FEIR 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.

F. REDUCED SCALE ALTERNATIVE- REMAINDER TO BE CONSTRUCTED AT OAKRIDGE SHOPPING CENTER

1. Description

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.

2. Comparison to Proposed Project

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 José; however, long-term air quality impacts would likely continue to be significant for the reasons noted above in other reduced size alternatives. 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 due to the reduced size and scale of the Project at the Valley Fair site. 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. Due to these impacts, this alternative location would not be environmentally superior to the proposed Project.

3. Finding

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.

G. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

1. Description

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) because of their ability to avoid some of the significant impacts.

2. Comparison to Proposed Project

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.

3. Finding

However, for the reasons discussed above, these alternatives would not meet the overall Project objectives to the same extent as the proposed Project. Additionally, it is critical for Valley Fair to increase the number of anchor tenants located at the site in order to remain competitive in the super regional center market. All suburban malls in the region have 4 to 5 anchor tenants, while Valley Fair currently has only 2 anchor tenants (Macy's and Nordstrom), unless you count Macy's and Macy's Mens as separate anchors, in which case Valley Fair is still deficient in the number of anchor tenants.

IV. MITIGATION MONITORING AND REPORTING PROGRAM

CEQA allows for the annual report on general plan status required pursuant to the Government Code to constitute the reporting program for adoption of a City general plan. CEQA Guidelines Section 15097(b) states, "Where the project at issue is the adoption of a general plan, specific plan, community plan or other plan-level document (zoning, ordinance, regulation, policy), the monitoring plan shall apply to policies and any other portion of the plan that is a mitigation measure or adopted alternative. The monitoring plan may consist of policies included in plan-level documents. The annual report on general plan status required pursuant to the Government Code is one example of a reporting program for adoption of a city or county general plan.

V. STATEMENT OF OVERRIDING CONSIDERATIONS

The City Council of the City of San José adopts and makes the following Statement of Overriding Considerations regarding the significant, unavoidable impacts of the Project and the anticipated benefits of the Project.

A. Significant Unavoidable Impacts

With respect to the foregoing findings and in recognition of those facts that are included in the record, the City has determined that the implementation of the Project as described in the FEIR will result in significant unmitigated impacts to transportation (project and cumulative) and air quality (project and cumulative), as disclosed in the FEIR prepared for this Project. The impacts would not be reduced to a less than significant level by feasible changes or alterations to the Project.

The specific approval that is scheduled for consideration before the City Council is a San José 2020 General Plan text amendment to increase the maximum

allowable building heights at the Project site from 50 to 65 feet. While approval of this specific General Plan text amendment will not, by itself, result in significant and unavoidable impacts, the City Council understands that it is reasonably foreseeable that its approval of this General Plan text amendment may set in motion and facilitate further implementation of the Project as described in the FEIR. The City Council further understands that the remaining approvals of the City that will be required to implement the Project will not be discretionary actions of the City Council, but discretionary actions and approvals of other City officials and bodies. Therefore, the City Council desires to consider and balance the broader range of unavoidable environmental impacts that such fuller implementation of the Project would produce in determining whether to approve the General Plan text amendment before it, rather than simply examining the environmental impacts of the General Plan text amendment alone, and the City Council hereby directs other City officers and bodies that may determine to take approval actions in connection with the Project to do so only in a manner that would not be inconsistent with this Resolution, unless additional environmental reviews are first performed in a manner that comports with CEQA.

B. Overriding Considerations

After review of the entire administrative record, including - but not limited to - the FEIR, the staff report, applicant submittals, and the oral and written testimony and evidence presented at public hearings, the City Council finds that specific economic, legal, social, technological and other anticipated benefits of the Project outweigh the unavoidable adverse environmental impacts that will be created by implementation of the Project, and therefore justify the approval of this Project. The City Council specifically adopts and makes this Statement of Overriding Considerations that this Project has eliminated or substantially lessened all significant effects on the environment where feasible (including the incorporation of feasible mitigation measures), and finds that the remaining significant, unmitigated or unavoidable impacts of the Project described above are acceptable because the benefits of the Project outweigh them. The City Council finds that each of the overriding considerations expressed as benefits and set forth below constitutes a separate and independent ground for such a finding. The Project will result in the following substantial benefits, which constitute the specific economic, legal, social, technological and other considerations that justify the approval of the Project:

C. Benefits of the Project

The implementation of the Project would result in the following substantial public benefits:

1. The project would further the San Jose 2020 General Plan Growth Management Major Strategy to encourage infill development within urbanized areas where urban facilities and services are already available and thus minimize the cost of

providing urban services in that the location of the proposed development is an infill site located within the Urban Service Area of the City of San Jose.

2. The Project furthers the City's Major Economic Development Strategy of encouraging more commercial development to balance the existing residential development in order to make San Jose a "more balanced" community by adding more than 600,000 square feet of new retail construction within the City.

3. The Project is consistent with the City's commercial land use goal to provide commercial development which best serves community needs through maximum efficiency and accessibility.

4. The Project is consistent with the City's Economic Development goals that encourage job opportunities for existing residents and provide a strong municipal tax base for the City. The Project will generate substantial sales tax revenue for the City of San Jose.

5. The Project will diminish the current leakage of sales tax revenues to neighboring communities.

6. The Project will create new job opportunities including near-term jobs in construction and will create additional long-term commercial jobs onsite. It furthers the City's efforts to preserve and intensify the use of employment lands.

7. The Project will provide improved pedestrian access between Valley Fair and Santana Row including expanded crosswalks and improved phasing at the intersection of Stevens Creek Boulevard and Santana Row, which should improve pedestrian access and safety between the two commercial centers.

8. The Project proposes to construct traffic mitigation improvements which will improve traffic congestion in the area, some of which are subject to City of Santa Clara and CalTrans approval.

9. The Project will strengthen the viability of the Westfield Valley Fair mall as a destination, regional shopping center for the area, accommodating additional retail space requirements, including two new major anchor tenants.

10. The Project will improve the appearance of a major existing commercial area, while enhancing the area as a shopping destination for tourists and visitors from neighboring communities alike.

11. It furthers the City General Policy of encouraging the upgrading and beautifying of existing shopping centers.

12. It furthers the General Plan goal of providing a pattern of commercial development which best serves community needs through maximum efficiency and accessibility.

ADOPTED this 5th day of June, 2007, by the following vote:

AYES:	CAMPOS, CHIRCO, CONSTANT, CORTESE, LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS; REED
NOES:	NONE
ABSENT:	NONE
DISQUALIFIED:	NONE
VACANT	DISTRICT 4

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk