

EXHIBIT 8

Final Environmental Impact Report

Vallco Special Area Specific Plan

SCH# 2018022021

Prepared by



CUPERTINO

In Consultation with



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SECTION 1.0 INTRODUCTION

This document, together with the Draft Environmental Impact Report (EIR) and EIR Amendment (EIR Amendment), constitutes the Final EIR for the Vallco Special Area Specific Plan.

1.1 PURPOSE OF THE FINAL EIR

In conformance with the California Environmental Quality Act (CEQA) and CEQA Guidelines, this Final EIR provides objective information regarding the environmental consequences of the proposed project. The Final EIR also examines mitigation measures and alternatives to the proposed project intended to reduce or eliminate significant environmental impacts. The Final EIR is intended to be used by the City and responsible agencies in making decisions regarding the project.

Pursuant to CEQA Guidelines Section 15090(a), prior to approving a project, the lead agency shall certify that:

- (1) The final EIR has been completed in compliance with CEQA;
- (2) The final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and
- (3) The final EIR reflects the lead agency's independent judgment and analysis.

1.2 CONTENTS OF THE FINAL EIR

CEQA Guidelines Section 15132 specify that the Final EIR shall consist of:

- a) The Draft EIR or a revision of the Draft;
- b) Comments and recommendations received on the Draft EIR either verbatim or in summary;
- c) A list of persons, organizations, and public agencies commenting on the Draft EIR;
- d) The Lead Agency's responses to significant environmental points raised in the review and consultation process; and
- e) Any other information added by the Lead Agency.

1.3 PUBLIC REVIEW

In accordance with CEQA and the CEQA Guidelines [PRC §21092.5(a) and Guidelines §15088(b)] the City shall provide a written response to a public agency on comments made by that public agency at least 10 days prior to certifying the EIR. The Final EIR and all documents referenced in the Final EIR are available for public review at Cupertino Community Hall located at 10350 Torre Avenue on weekdays during normal business hours. The Final EIR is also available for review on the City's website: www.cupertino.org/vallco.

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- Impact HAZ-1:** The revised project would not create a significant hazard to the public or the environment through routine transport, use, disposal, or foreseeable upset of hazardous materials; or emit hazardous emissions or hazardous materials within one-quarter mile of an existing or proposed school. (Less than Significant Impact with Mitigation Incorporated)
- Impact HAZ-2:** The revised project is located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; however, the revised project would not create a significant hazard to the public or the environment as a result. (Less than Significant Impact)
- Impact HAZ-3:** The revised project is not located within an airport land use plan or within two miles of a public airport or public use airport. (No Impact)
- Impact HAZ-4:** The revised project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (Less than Significant Impact)
- Impact HAZ-5:** The revised project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. (No Impact)
- Impact HAZ-6:** The revised project would not have a cumulatively considerable contribution to a significant cumulative hazardous materials impact. (Less than Significant Impact with Mitigation Incorporated)
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The revised project is subject to the same existing hazardous and hazardous materials conditions as described in the Draft EIR and proposes the same land uses and ground disturbance activities (i.e., excavation across most of the site at a maximum depth of 20 to 30 feet below ground) as described for the previous project and project alternatives (except for the Occupied/Re-Tenanted Mall Alternative) in the Draft EIR and EIR Amendment. Like the previous project and project alternatives (except for the Occupied/Re-Tenanted Mall Alternative), the revised project would implement mitigation measures MM HAZ-1.1 through HAZ-1.4 to reduce the impact to a less than significant level. (Less than Significant Impact with Mitigation Incorporated)

Mitigation Measures for Impact HAZ-1:

- MM HAZ-1.1:** A Site Management Plan (SMP) and Health and Safety Plan (HSP) shall be prepared and implemented for demolition and redevelopment activities under the revised project. The purpose of the SMP and HSP is to establish appropriate management practices for handling impacted soil, soil vapor, and groundwater or other materials that may potentially be encountered during construction activities, especially in areas of former hazardous materials storage and use, and the profiling of soil planned for off-site disposal and/or reuse on-site. The SMP shall document former and suspect UST locations, hazardous materials transfer lines, oil-water separators, neutralization chambers, and hydraulic lifts, etc. The SMP shall also identify the protocols for accepting imported fill materials, if needed. The SMP and HSP shall be submitted to SCCDEH for approval and the approved SMP and HSP shall be submitted to the City Building Division prior to commencement of construction (including demolition) activities.

MM HAZ-1.2: The site contains equipment and facilities associated with past activities that are known to or may contain residual hazardous materials. The following measures shall be implemented under the revised project during building demolition and shall be indicated on demolition plans:

- Sears and JC Penney Automotive Centers:
 - Sears: Remnant piping that appears to have formerly distributed grease, oil and transmission fluid from storage locations to the service bays located along interior building walls, ceilings and within the basement shall be properly removed and disposed, and stains and residual oil shall be cleaned from the interior building surfaces. This work shall be coordinated with the SCCFD.
 - Sears: The below ground oil-water separator (connected to floor drains within the building) and an acid neutralization chamber (connected to drains within a former battery storage room) shall be cleaned and removed. This work shall be coordinated with the SCCFD and SCCDEH. Soil quality below each of the structures shall be evaluated via sampling and laboratory analyses.
 - Sears: The potential presence of a waste oil UST shall be further investigation by removing the access cover and, if uncertainty remains, the subsequent performance of a geophysical survey. If a UST is identified, it shall be removed in coordination with the SCCFD and SCCDEH, and underlying soil quality shall be evaluated. If no UST is identified, soil quality at the location of the waste oil UST, as depicted on the 1969 building plan, shall be evaluated via the collection of soil samples from borings for laboratory analyses.
 - Sears and JC Penney: Each of the below-ground lift casings and any associated hydraulic fluid piping and reservoirs from hydraulic lifts shall be removed and properly disposed. An Environmental Professional shall be retained to observe the removal activities and, if evidence of leakage is identified, soil sampling and laboratory analyses shall be conducted.
 - JC Penney: The project proponent shall obtain a permit from SCCDEH to properly remove and dispose of the 750 gallon oil-water separator during redevelopment activities. Collection and analysis of confirmation soil samples would be required under oversight of SCCDEH.
- Existing staining and spilled oil on-site, including at the Sears Automotive Center and Cupertino Ice Center, shall be properly cleaned. When these facilities are demolished, an Environmental Professional shall be present to observe underlying soil for evidence of potential impacts and, if observed, collect soil samples for laboratory analyses.
- If the lead-based paint on-site is flaking, peeling, or blistering, it shall be removed prior to demolition. Applicable OSHA regulations shall be followed; these include requirements for worker training and air

monitoring and dust control. Any debris containing lead shall be disposed appropriately.

- An asbestos survey shall be completed of the buildings prior to their demolition in accordance with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines. NESHAP guidelines require the removal of potentially friable ACMs prior to building demolition or renovation that may disturb the ACM.
- Once existing buildings and improvements are removed, soil sampling shall be completed to evaluate if agricultural chemicals and lead are present. The agricultural pesticide sampling shall focus on former orchard and row crop areas, as well as in the vicinity of outbuilding (barns and sheds) that were formerly located on the southeast portion of the site. Testing for lead contamination shall be completed at the former structure locations. The sampling, which shall follow commonly accepted environmental protocols, shall be performed prior to soil excavation activities in order to appropriately profile the soil for off-haul to a disposal facility. The analytical data shall be compared to either residential screening levels and/or the specific acceptance criteria of the accepting facility. If this soil is planned to be reused on-site, it shall be compared to residential screening levels and/or natural background levels of metals.

MM HAZ-1.3: Prior to issuance of demolition and/or grading permits, groundwater monitoring wells shall be properly destroyed in accordance with the SCVWD Ordinance 90-1.

MM HAZ-1.4: As part of the facility closure process for occupants that use and/or store hazardous materials, the SCCFD and SCCDEH typically require that a closure plan be submitted by the occupant that describes required closure activities, such as removal of remaining hazardous materials, cleaning of hazardous material handling equipment, decontamination of building surfaces, and waste disposal practices, among others. Facility closures shall be coordinated with the Fire Department and SCCDEH to ensure that required closure activities are completed prior to issuance of demolition and/or grading permits.

Mitigation Measures for Impact HAZ-6:

MM HAZ-6.1: Implement MM HAZ-1.1 through -1.4.

2.3.10 Hydrology and Water Quality

- Impact HYD-1:** The revised project would not violate water quality standards or waste discharge requirements, or otherwise substantially degrade water quality. (Less than Significant Impact)
- Impact HYD-2:** The revised project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. (Less than Significant Impact)
- Impact HYD-3:** The revised project would not substantially alter the existing drainage pattern of the site or area which would result in substantial erosion, siltation, or flooding; violate water quality standards or waste discharge requirements; or degrade water quality. (Less than Significant Impact)
- Impact HYD-4:** The revised project would not place housing within a 100-year flood hazard area; impede or redirect flood flows; expose people or structures to significant risk involving flooding; or be inundated by seiche, tsunami, or mudflow. (Less than Significant Impact)
- Impact HYD-5:** The revised project would not have a cumulatively considerable contribution to a significant cumulative hydrology and water quality impact. (Less than Significant Cumulative Impact)
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The revised project is subject to the same existing hydrology and water quality site conditions (e.g., groundwater depth, flooding, and inundation) described in the Draft EIR and EIR Amendment. In addition, the revised project proposes the same below ground excavation and same amount of new open space and landscaped areas as described for the previous project and project alternatives (except for the Occupied/Re-Tenanted Mall Alternative) in the Draft EIR and EIR Amendment. The revised project would comply with the same regulations and implement the same standard permit conditions as described for the previous project and project alternatives (except for the Occupied/Re-Tenanted Mall Alternative) and, therefore, result in the same less than significant impact as described for the previous project and project alternatives in the Draft EIR and EIR Amendment.

Standard Permit Conditions:⁵

During Construction

- The revised project shall comply with the NPDES General Construction Activity Storm Water Permit administered by the Regional Water Quality Control Board. Prior to construction grading the applicant shall file a Notice of Intent (NOI) and receive a Waste Discharger Identification (WDID) number to comply with the General Permit and prepare a Storm Water Pollution Prevention Plan that includes storm water quality best management practices (BMPs). The Storm Water Management Plan shall detail how runoff and associated water quality impacts resulting from the revised project will be controlled and/or managed.

⁵ Standard permit conditions are measures required by laws and regulations or required to comply with laws and regulations. Standard permit conditions are not mitigation measures. Mitigation measures are measures that will minimize, avoid, or eliminate a significant environmental impact.